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NOT FOR PUBLICATION ON THE RECORD

MORAL RIGHTS STATEMENT

For the question I am submitting to Council here, I assert my moral rights as an author under Australian copyright law. Consequently, should Council decide to correct my spelling, correct assumed grammatic errors, or either edit, paraphrase, otherwise alter my question without consulting me, it will cease to be in my voice and my question and therefore it must not be attributed to me under any circumstance because it will no longer be my question if altered.

FOR PUBLICATION

QUESTION 1

CONTEXT NOTE

City of Launceston ratepayers have Millions of dollars invested in the Birchalls building located on the Brisbane Street Mall and the site is not delivering any kind of dividend. In fact, for the time it was purchased on behalf of ratepayers, ratepayers have been losing revenue in the form of unpaid rates and Council expending funds on legal expenses and the development of plans in the area for property Council never had any realistic prospect of owning.

Questions have been put to Council on notice and without notice and the level of obfuscation on show must set some kind record in regard to administrative opacity and non-accountability.

Given the extended time that ratepayers have been forced to tolerate this untenable situation losses mount and grow exponentially to the point that along with the financial loses the opportunity loses grow and compound with no resolution in sight. Ratepayers should not be expected to carry these loses without some form of compensation.

THE QUESTION 1

Given the backgrounding set out in the context to this question, will Councillors now commit to providing a full account of all the money expended on this Birchalls site and related project costs and have that reporting audited by an independent forensic accountant by **Monday September 30?**

QUESTION 2

CONTEXT NOTE

Given the Councils' commitment to facilitate the development of a housing estate at St Lenard's bounded by the North Esk to its south and almost to its west that is being marketed as the area that will provide housing sites for the city for decades it is time to engage with the city's citizens in a meaningful way.

Albeit without lodging a tender for their consultancy, [Mesh Planning](#) are the Council officer's preferred consultants but in Council's deliberations there was no evidence of there being a community consultation process to determine community aspirations and expectations relative to the 'placemaking'. This is concerning as is the lack of public exposure for the consultant's brief.

These two elements would/should be key references that ensure council, and by extension the city's ratepayers and citizens are receiving value for a significant expenditure. Given the housing crisis communities in Tasmania and elsewhere the expenditure of public monies on planning for housing developments without this class of community engagement is unsustainable.

THE QUESTION

Will Council publish the publish the brief being provided to [Mesh Planning](#) prior to Council's next meeting and ensure that within it there is provision for expenditure to conduct an independent arm's length consultation process that enables any citizen who wishes is enabled to do so?

QUESTION 3

CONTEXT NOTE

Given that currently something in the city there is an ever-growing number of people unable to afford to access housing either as renters or buyers there is clearly a need to find innovative ways forward to circumvent the obstacles to gaining adequate access to housing.

Many of the obstacles are to do with planning regulations that can be modified and have been elsewhere. What is required here is not the work the charities albeit that there are people in the wider community who poses expertise that brought to bear might well offer ways forward if they were proactively engaged in putting their skills, knowledge and expertise to work.

THE QUESTION

Will Council **NOW** take immediate steps to ensure the appointment of a qualified Convenor with the expertise and skill sets to:

1. Initiate a citizen's reference group to investigate the regulatory obstacles home makers are experiencing; and
2. Facilitate the publication of information to aspiring homemakers thus enabling them to advance their cause using whatever resources they have available; and
3. Accordingly, proactively seek funding to advance research – *academic and citizen researchers* – in the area of innovative housing opportunities; and
4. Put in place proof of concept projects that provide useful references for home seekers and developers?

Ray Norman



RAY NORMAN *Local Governance Advocate*
Helping you to help yourself

From: "Robin Mark Smith" [REDACTED]
Sent: Wed, 14 Aug 2024 23:58:27 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: QoN - PMDs (e-scooter) Trial Evaluation

Dear Sir/Madam,

Please find below a Question on Notice for the next council General Meeting 22nd August: While short-term hire dockless PMD (e-scooter) company Neuron Mobility exited the Launceston market, Beam Mobility remains operational and privately owned devices are growing in popularity.

The City of Launceston e-scooter trial evaluation (appearing on council general meeting agenda 23rd February 2023) made a number of recommendations, one of which was:

8.3 Signage Changes

The existing signage that prohibits use of bicycles, skateboards, and non-motorised scooters on the footpaths of Charles Street, St John Street, George Street and Brisbane Street between 9am and 5pm, should be amended to also prohibit the use of PMDs.

1. What is the rationale behind the period being 9am to 5pm?
2. What is the principal legislation that PMDs will be regulated in the above mentioned areas, and for the use of that legislation, is there a requirement to use prescribed symbols and words?
3. As a road authority, can council declare (via notice published in the Gazette) that PMDs can be used on a particular bike lane?

Thank you,
Yours faithfully,
Robin Smith

From: [REDACTED]
Sent: Wed, 14 Aug 2024 23:42:37 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: QoN - Princes Square - Anti-social behaviour - Facilities and Highways By-Law Number 1 of 2021
Attachments: By-Law Submission p1.jpg, By-Law Submission p2.jpg

Dear Sir/Madam,
Please find below a Question on Notice for the next council General Meeting 22nd August:
Last night I attended the Tasmania Police Information Session for retail, service and hospitality businesses at the Launceston Central Lounge and asked what Tasmania Police planned to do about tackling anti-social behaviour in the Princes Square.

I was disappointed to hear the response from a senior Tasmania Police officer together with confirmation by a sitting Launceston City Council councillor that Tasmania Police did not possess powers to stop the consumption of liquor at this location. A failing was cited in the by-law (Launceston City Council Facilities and Highways By-Law Number 1 of 2021 (expires 23 June 2031)) and resultant inapplicability of Police Offences Act 1935 - SECT 25 Division IV - Consumption of liquor Consumption of liquor in streets, &c.).

A public notice inviting comment on the draft Facilities and Highways By-Law appeared in the Examiner Newspaper 3 February 2021.

While Tasmania Police did not appear to make a submission, (nor anyone else), I wrote 26 February 2021 the following submission in response (copy attached):

I have noticed some of the proposed Facilities and Highways By-Law, as I observed with the drafting of the 2010 Mall By-Law (and commented upon) with respect to anti-social behaviour in the Brisbane Street Mall, some clauses are again removed with the intention being that police under the Police Offences Act take these roles from the council.

Now with the amalgamation of 4 by-laws I note a not only a diminished role for council but less focus on a particular place leading to generalities of behaviour to be regulated.

Upon first reading the document I was impressed, but closer inspection raised ...

.. I notice that with such heavy amalgamation of past by-laws, there is now a lack of specificity.

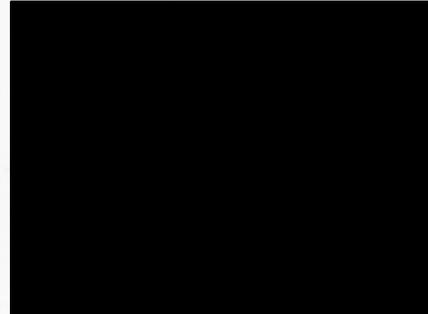
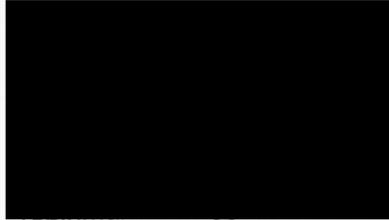
It is clear that council indeed understood my concern that as with the 2010 Malls By-Law, I was lamenting the successive removing of enforcement mechanisms from council because they wrote in General Meeting Agenda item 19.1 (p.186) that:

In response to the more broad concerns raised about the Council's role in moderating behaviour in the Mall and other facilities, it is noted that the by-law is deliberately tailored to the specialised needs of the Council in a way that minimises

the impacts on individuals' otherwise lawful activities. The by-law is complementary to those powers that are otherwise available to the Council and other bodies under legislation including the Local Government Act 1993 (Tas) and the Police Offences Act 1925 (Tas).

I note the purpose of the Local Government Act 1993 is for making of by-laws enforceable by council officers and police. So then, has this divesting of powers (out of the by-law) lost both the ability of authorised Launceston Council Officers themselves to enforce the control of liquor consumption under a by-law and inadvertently Tasmania Police?

Thank you,
Yours faithfully,
Robin Smith



Launceston City Council
LAUNCESTON TAS 7250

26th February 2021

Dear Sir (Madam,

Submission on Proposed Facilities and Highways By-Law

Although we have a 20 year presence in the Brisbane St. Mall and perhaps well placed to provide helpful comments in respect of purely practical matters, we have no legal background.

This submission is largely confined, therefore, to general observations and questions.

I have noticed some aspects of the proposed Facilities and Highways By-Law, as I observed with the drafting of the 2010 Mall By-Law (and commented upon) with respect to anti-social behaviour in the Brisbane St. Mall, some clauses are again removed with the intention being that police under the Police Offences Act take these roles from council.

Now with the amalgamation of 4 by-laws I note a not only a diminished role for council, but less focus on a particular place leading to generalities of behaviour to be regulated.

Upon first reading the document I was impressed, but closer inspection raised the following questions which I would hope that council could explain to me please.

Throughout the document penalty units are in units of no less than 5, 10 or 20 but Schedule 1 lists a table mostly of 1 penalty unit, occasionally 2 and one 4. Why is there a discrepancy in the rate as given in the body document versus the table please?

Indeed Ground Invasion is in one place 20 penalty units and only 4 in the table schedule.

With 1 penalty unit standing today at \$172, I would have expected to see the units given in a quantum to more accurately reflect where there is a significant cost to be borne by council.

Should being infected with the illness COVID-19 not be sited in the "Interpretation" as a "Polluting Substance"?

'Damage' appears as a matter in Interpretation but I could not find where it is subsequently mentioned. Therefore, in Part 2 – USE OF FACILITIES, should "Damage" not be a subject as it is with say "10 Nuisance A person must not create or cause Damage in a Facility"?

While "Mall" is defined in the Interpretation distinctly from "Facility" being a Public Reserve, Aquatic Centre, or York Park Stadium, I could not find where 'Mall' is mentioned under Part 2 – USE OF FACILITIES excepting for a single mention in 4(3) this by-law relates only that defined as "Facility".

Should therefore, "Mall" not appear in quite a number of the circumstances more akin to where the term "Facility" is cited?

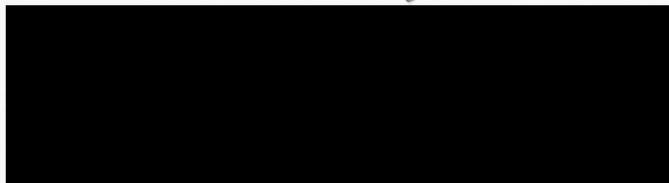
Can you assure us that this by-law will stand up and protect the enjoyment for all in the Mall in the face of the sustained preaching of a twisted version of Christianity as that befell us from Mr. Corneloup?

I notice that with such heavy amalgamation of past by-laws, there is now a lack of specificity.

The section 24 Applications (1)(b) talks of Schedule 4 but this document has not been published.

A 'Bookings and usage guidelines for the Brisbane St, Quadrant Mall and Civic Square' have been missing from the council's website for some time and should be available.

Yours faithfully,



TITLE: DA0245/2024 - 22 Stone Street, West Launceston - Residential - Construction of an Additional Dwelling and an Additional Crossover

FILE NO: DA0245/2024

AUTHOR: Rachael Huby (Town Planner)

GENERAL MANAGER: Chelsea van Riet (Community and Place Network)

ATTACHMENT ONE:

PLANNING APPLICATION INFORMATION:

Applicant:	6ty° Pty Ltd
Property:	22 Stone Street, West Launceston
Zoning:	General Residential
Receipt Date:	12/06/2024
Validity Date:	28/06/2024
Further Information Request:	04/07/2024
Further Information Received:	10/07/2024
Deemed Approval:	23/08/2024
Representations:	7

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

8.0 General Residential Zone

The purpose of the General Residential Zone is:

- 8.0.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.0.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.0.3 To provide for non-residential use that:
 - (a) primarily serves the local community; and
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.0.4 To provide for Visitor Accommodation that is compatible with residential character.

Consistent

The proposed development would provide an alternate residential option upon a site close to the city centre which can be fully serviced.

8.4.1 Residential density for multiple dwellings

That the density of multiple dwellings:

- (a) makes efficient use of land for housing; and
- (b) optimises the use of infrastructure and community services.

Consistent

The proposed development would provide an alternate residential option upon a site

recently made available for such development. The subject site can be fully serviced and has close proximity to the city centre and other community services.

A1 Multiple dwellings must have a site area per dwelling of not less than 325m².

Complies

The site area is 882.7m². The minimum density of the site equates to 441.35m² per dwelling.

It therefore is considered that the proposal meets the acceptable solutions.

8.4.2 Setbacks and building envelope for all dwellings

The siting and scale of dwellings:

- (a) provides reasonably consistent separation between dwellings and their frontage within a street;
- (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
- (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
- (d) provides reasonable access to sunlight for existing solar energy installations.

Consistent

The proposal is an infill development by nature and utilises a portion of land not previously assigned residential use. Separation is consistent with the existing pattern of development in the neighbouring area. The immediate area building scale and bulk has evolved with renovation of older character homes to facilitate modern living. The orientation of the existing dwelling is established and there is no conflict that may emerge for any existing solar installations.

A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:

- (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;
- (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;
- (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.

Relies on Performance Criteria

The primary frontage is considered to be the frontage with the shortest dimension and for this site is the frontage to the Stone Street Road reserve. The proposed setback of the dwelling to the primary frontage varies between 2.078m to 2.5m. While it is below the acceptable solution of 4.5m the proposed dwelling has a similar setback to the existing dwelling on the site. The front setback of the existing dwelling varies from approximately 500mm to 2m, the dwelling is not parallel with the front boundary and therefore the primary setback is considered to meet (a).

The proposed southern setback to Frederick Street, which is considered a frontage that is not the primary frontage, is less than the acceptable solution of 3m required at (b), and ranges from 2.117m nearer to Stone Street down to 2m at the western end, adjoining the garage.

The frontage setback to Frederick Street must be assessed against the performance

criteria.
P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.
<p>Complies</p> <p>The proposed multiple dwelling development is consistent with the built form of other properties in the area. The subject site, along with the surrounding neighbourhood, is constrained by steep topography, which limits the available area for new construction.</p> <p>Given that the property has two street frontages, Stone and Frederick Streets, it is typical for buildings on corner lots to be positioned closer to the longer boundary rather than the primary frontage. Notably, the dwelling on the opposite corner has a setback of less than 3 meters, and several other properties in the area exhibit similar setbacks from their secondary frontages.</p> <p>It therefore is considered that the proposal satisfies the performance criteria</p>
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.
<p>Complies</p> <p>The proposed garage of the additional dwelling is not situated on the primary frontage (Stone Street). It is located to the western (other) frontage with a minimum setback of 2.992m to the side/access setback.</p> <p>It therefore is considered that the proposal meets the acceptable solutions.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).
<p>Relies on Performance Criteria</p> <p>The proposed dwelling site is minimal in area and rises to the west and north. Building heights of each elevation therefore vary. In addition, the site has two frontages to a Council maintained road and one to an access strip. Unit 2 is situated outside the building envelope as demonstrated in the drawings number 12/15 and 13/15 as provided by the applicant. The deck and a portion of the dwelling across the entire length of the building protrudes.</p> <p>The status of the proposed setbacks is shown below:</p>

Elevation	Max height	Required setback	Proposed setback	Complies?
Eastern - primary frontage	6.94m	4.5m but a minimum of 500mm given the setback of the existing dwelling	2.078m	Yes
Southern - other frontage	6.94m (east) 5.93m (west)	3m	2m	No
Western - other frontage	5.75m	3m	2.99m	No

This does not meet the acceptable solutions and therefore must address the performance criteria.

P3 The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;
 - (iii) overshadowing of an adjoining vacant property; and
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
 - (i) an adjoining property; or
 - (ii) another dwelling on the same site.

Complies

The proposed multiple dwelling development is not likely to cause an impact on neighbouring properties due to it utilising a vacant lower section of the subject site recently available for such improvement. The subject site also has two frontages to Stone and Frederick Streets, which presents a buffer from other properties in the neighbouring area.

In response to the criteria

Similarly, (a) *not cause an unreasonable loss of amenity to adjoining properties, having regard to: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; & (ii) overshadowing the private open space of a dwelling on an adjoining property;*

The applicant has prepared shadowing diagrams that demonstrate that overshadowing from the existing dwelling would be absorbed within the subject site. The additional dwelling to the south of the subject site would not cast shadow onto an adjoining property due to being adjacent to the street.

(iii) overshadowing of an adjoining vacant property;

This is not applicable.

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when

viewed from an adjoining property;

It is acknowledged that the scale of the additional dwelling when viewed from the Frederick Steet elevation is amplified by the topography of the immediate area, and that there is an inherent prominence being situated on the corner of the subject site. The perception of the scale of the additional dwelling (Unit 2) is also skewed by the use of a select few materials on that face of the building.

The dwelling construction and design response has been required to conform with the slope which results in the dwelling being across 2 levels.

The design of the Unit 2 has endeavoured to emulate the roof pitch of the existing dwelling and the cladding chosen is a weatherboard appearance consistent with the existing dwelling and other neighbouring properties. Importantly, the submitted revised design has addressed some of the concerns that were initially raised. It is contested that the multiple dwelling development is compatible with the amenity and character of the area.

(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

The development is consistent with the built form on adjoining properties in terms of separation of built form and maintains the property building line along the primary frontage Stone Street. The immediate neighbourhood area is constrained by the steep topography. It could be argued that the placement of an additional dwelling may be constrained by the availability of a suitable building area and dedicated access within the site. Development could potentially also occur at the rear of the site. It is noted that there is minimal multiple dwelling development that exists in the neighbouring area and that this housing typology is somewhat unique, however is permitted within the zone.

(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: (i) an adjoining property; or (ii) another dwelling on the same site.

There is no solar installation on either the adjoining property or within the subject site.

It therefore is considered that the proposal satisfies the performance criteria

8.4.3 Site coverage and private open space for all dwellings

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight.

Consistent

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and
- (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).

Complies

The combined roofed area for both the existing dwelling and the proposed additional dwelling is 305.15m². The site area is 882.7m². The site coverage equates to 34.5%.

A1 (a) is therefore met.

The multiple dwelling proposal has nominated private open space (POS) areas for both sites that are 24m² (Unit 1) and 28.4m² (Unit 2). Both dwellings also have private deck areas in addition to this nominated space. The total private open space for each dwelling is 406.17m and 126.23m (excluding the decks and verandah spaces) as demonstrated by the applicant's consultant in the report that was submitted to support the application.

It therefore is considered that the proposal meets the acceptable solutions.

A2 A dwelling must have private open space that:

- (a) is in one location and is not less than:

<ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); <p>(b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>
<p>Complies</p> <p>The multiple dwelling proposal has nominated private open space (POS) areas for both sites that are 24m² (Unit 1) and 28.4m² (Unit 2). Both dwellings also have private deck areas in addition to this nominated space.</p> <p>The measurements for both nominated spaces are 4m x 6m and 4.8m x 4.16m respectively. The POS for both dwellings is situated behind each dwelling and is not within the frontage.</p> <p>It is understood that the POS servicing Unit 2 is proposed as a level concrete surface with a gradient that complies and is not steeper than 1 in 10. An amended plan condition is proposed that requires that the surface and gradient of the POS servicing Unit 2 is clearly identified and notated on site and elevation plans thereby demonstrating compliance. It therefore is considered that, with the application of the above condition, the proposal satisfies the acceptable solutions.</p>

8.4.4 Sunlight to private open space of multiple dwellings

<p>That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.</p>
<p>Consistent</p> <p>A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) the multiple dwelling is contained within a line projecting (see Figure 8.4): <ul style="list-style-type: none"> (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.
<p>Complies</p> <p>The proposal consists of an existing dwelling on the subject which is to the north of the proposed additional dwelling. The applicant's building designer has provided shadow diagrams that demonstrate that the nominated private open space (POS) will not be encumbered by any overshadowing from the existing dwelling and will not receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June at page 14 of 15 in the drawings set. A1 (b) is therefore met.</p> <p>The proposed development does not include outbuildings and therefore (c) is not applicable.</p>

8.4.5 Width of openings for garages and carports for all dwellings

To reduce the potential for garage or carport openings to dominate the primary frontage.

Consistent

A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).

Complies

The proposed garage for Unit 2 is not situated on the primary frontage (Stone Street). The connected garage opening situated on Frederick Street is measured at 5m and does not exceed 6m in width.

It therefore is considered that the proposal meets the acceptable solutions.

8.4.6 Privacy for all dwellings

To provide a reasonable opportunity for privacy for dwellings.

Consistent

The site topography underpins the opportunity for privacy and is enhanced by the inclusion of privacy screening. There is an existing buffer offered by the established vegetation present on the site adjacent to the existing dwelling (unit 1).

A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.

Complies

The proposed deck of the additional dwelling (Unit 2) that has a finished floor level greater than 1m and includes a permanently fixed screen to a height of not less than 1.7m. A condition is applied to ensure compliance with this design element.

It therefore is considered that the proposal meets the acceptable solutions.

A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):

- (a) the window or glazed door:
 - (i) is to have a setback of not less than 3m from a side boundary;
 - (ii) is to have a setback of not less than 4m from a rear boundary;
 - (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.
- (b) the window or glazed door:
 - (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a

<p>window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>
<p>Complies The floor level of the additional dwelling where the windows are situated on the north-western elevation are not greater than 1m above natural ground level and therefore the clause does not apply. It therefore is considered that the proposal meets the acceptable solutions.</p>

8.4.7 Frontage fences for all dwellings

<p>A1 No Acceptable Solution</p>
<p>Complies The existing fencing that is present along the front boundary is exempt from planning assessment as it is not greater than 1.8m in height as has a provide a uniform transparency of at least 30% (excluding any posts or uprights). It is understood that this will remain in place. A condition is applied that ensures compliance with the exemption.</p>

8.4.8 Waste storage for multiple dwellings

<p>To provide for the storage of waste and recycling bins for multiple dwellings.</p>
<p>Consistent A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>
<p>Relies on Performance Criteria There is sufficient space for the storage of bins nominated adjacent to the new dwelling (Unit 2). However the nominated space as demonstrated on the landscaping plan drawing 5//12 is located at the front of the dwelling. Existing waste storage arrangements remain in place for the existing dwelling (Unit 1). This does not meet the acceptable solutions and therefore must address the performance criteria.</p>
<p>P1 A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required for the site; (b) screened from the frontage and any dwellings; and (c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.</p>
<p>Complies The nominated area for the waste storage for the additional dwelling (Unit 2) is sufficient for the proposed use. In response to the criteria: (a) <i>capable of storing the number of bins required for the site;</i> The storage is area meets the required minimum sqm area and can accommodate 2</p>

wheelie bins.

(b) screened from the frontage and any dwellings; and

The frontage will be screened from the road and adjoining properties by the existing front paling fence that is intended to remain in place.

(c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.

Not Applicable.

C2.0 Parking and Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

Consistent

C2.5.1 Car parking numbers

That an appropriate level of car parking spaces are provided to meet the needs of the use

Consistent

A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:

- (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;
- (b) the site is contained within a parking precinct plan and subject to Clause C2.7;
- (c) the site is subject to Clause C2.5.5; or
- (d) it relates to an intensification of an existing use or development or a change of use where:

- (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or

- (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.

Relies on Performance Criteria

The proposed use at the site is classified as Residential. According to Table C2.1 Parking Space Requirements the development requires two (2) parking spaces for each dwelling and one (1) visitor parking space. A total of five (5) spaces for the development proposal.

There are two (2) existing parking spaces for the existing dwelling - unit 1 at the end of the existing driveway off Frederick Street.

There is a double garage connected to unit 2 which will accommodate two (2) car parking spaces.

The proposed visitor parking is situated on the driveway apron and is only 3.769m in length. The minimum dimensions for a parking space per Table C2.3 for a parking space with a 90 degree angle of car spaces to manoeuvring space requires that the length is a minimum of 5.4m. The proposed space also protrudes outside of the title area.

This does not meet the acceptable solutions and therefore must address the performance criteria.

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

- the nature and intensity of the use and car parking required;
- the size of the dwelling and the number of bedrooms; and
- the pattern of parking in the surrounding area.

Complies

The propose multiple dwelling development is a small-scale and the number of car parking spaces provided for the dwellings will be adequate for the use.

In response to the criteria:

(a) the nature and intensity of the use and car parking required;

The proposed multiple dwelling development is small in scale, consisting of two dwellings—one existing and one new construction. The existing dwelling has functioned without designated visitor parking, and the development continues this approach.

(b) the size of the dwelling and the number of bedrooms; and

The proposed additional dwelling is a modest size with only 2 bedrooms. It is understood that the existing dwelling has 3 bedrooms.

(c) the pattern of parking in the surrounding area.

The surrounding area is characterised by steep topography, with most dwellings having just one dedicated parking space within a single-car garage. As a result, additional vehicles are frequently parked on the public roads. Notably, Frederick and Stone Streets are public roads, allowing vehicles to park within the road reserve, provided they adhere to any parking restrictions.

It therefore is considered that the proposal satisfies the performance criteria

C2.6.1 Construction of parking areas

That parking areas are constructed to an appropriate standard.

Consistent

A1 All parking, access ways, manoeuvring and circulation spaces must:

- be constructed with a durable all weather pavement;
- be drained to the public stormwater system, or contain stormwater on the site; and
- excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.

Complies

All parking spaces, access ways, manoeuvring and circulation spaces will:

- be formed and paved with an impervious all weather seal; and
- drain to a reticulated stormwater system

It therefore is considered that the proposal meets the acceptable solutions.

C2.6.2 Design and layout of parking areas

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Consistent

A1.1 Parking, access ways, manoeuvring and circulation spaces must either:

(a) comply with the following:

- (i) have a gradient in accordance with *Australian Standard AS 2890 - Parking facilities, Parts 1-6*;
- (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;
- (iii) have an access width not less than the requirements in Table C2.2;
- (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;
- (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;
- (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and
- (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or

(b) comply with *Australian Standard AS 2890-Parking facilities, Parts 1-6*.

Complies

All parking spaces, access ways, manoeuvring and circulation spaces meet Australian Standards.

It therefore is considered that the proposal meets the acceptable solutions.

C2.6.3 Number of accesses for vehicles

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

Consistent

A1 The number of accesses provided for each frontage must:

- (a) be no more than 1; or
- (b) no more than the existing number of accesses, whichever is the greater.

Relies on Performance Criteria

The existing property is serviced by an existing single access from Frederick Street, an additional crossover is proposed for the additional dwelling.
This does not meet the acceptable solutions and therefore must address the performance criteria.

P1 The number of accesses for each frontage must be minimised, having regard to:

- (a) any loss of on-street parking; and
- (b) pedestrian safety and amenity;
- (c) traffic safety;
- (d) residential amenity on adjoining land; and
- (e) the impact on the streetscape.

Complies

The proposed development configuration requires that an additional access is created.

The additional access is formally on the frontage of Frederick Street however there is a dedicated private driveway that exists. The new access will stem from this driveway.
In response to the criteria:

(a) any loss of on-street parking; and
There is sufficient on-street parking in the immediate vicinity and the proposed development will unlikely impact upon the availability.

(b) pedestrian safety and amenity;
Frederick Street and Stone Streets are quite steep and there is not a footpath on the side of the street that the development is situated.

(c) traffic safety;
The area is a standard residential location and this area exhibits comparable safety to those of surrounding streets.

(d) residential amenity on adjoining land; and
The property is situated immediately adjacent to street frontages and there is an existing dwelling on the subject site.

(e) the impact on the streetscape.
There is a dedicated private driveway that exists and therefore the proposed additional crossover will have minimal impact upon the streetscape as it will be setback from the street itself.

C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:
C3.1.1 To protect the safety and efficiency of the road and railway networks; and
C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.

Consistent

A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.

Complies

Consent to lodge was provided by the council's Infrastructure and Assets team on 28 June 2024.

A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:
(a) the amounts in Table C3.1; or
(b) allowed by a licence issued under Part IVA of the *Roads and Jetties Act 1935* in respect to a limited access road.

Complies

It is estimated that the additional vehicle movements for the proposed use will not exceed the amount specified at Table C3.1.



PROPOSED MULTIPLE DWELLINGS
22 STONE STREET,
WEST LAUNCESTON, 7250.



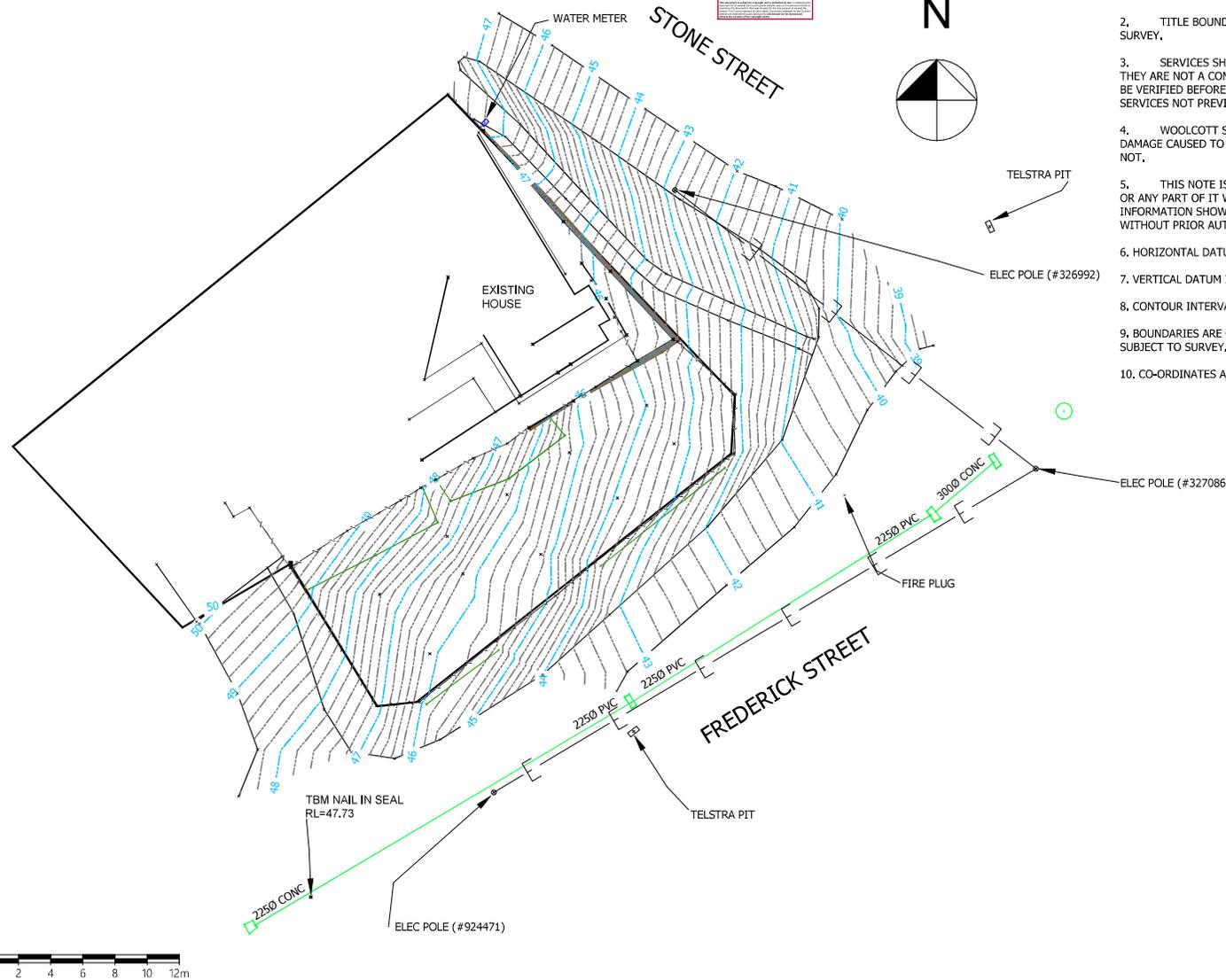
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STNS20 -1	COVER PAGE
STNS20 -2	SITE SURVEY PLAN
STNS20 -3	SITE PLAN
STNS20 -4	STRATA PLAN
STNS20 -5	LANDSCAPE PLAN
STNS20 -6	PARKING AND TURNING PLAN
STNS20 -7	UPPER FLOOR PLAN
STNS20 -8	LOWER FLOOR PLAN
STNS20 -9	EXTERNAL SERVICES
STNS20 -10	ELEVATIONS NW/SE
STNS20 -11	ELEVATIONS NE/SW
STNS20 -12	BUILDING ENVELOPE DIAGRAMS
STNS20 -13	BUILDING ENVELOPE DIAGRAMS
STNS20 -14	SHADOW DIAGRAMS
STNS20 -15	PERSPECTIVES

ATTACHMENTS

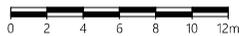
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	LAUNCESTON	GENERAL RESIDENTIAL
UNIT 1 (EX. DWELLING) 138.15	LAND TITLE REFERENCE TBC	ENERGY STAR RATING TBC
UNIT 2 (PROPOSED DWELLING) 135.64	PROPERTY ID TBC	CLIMATE ZONE 7
UNIT 2 ALFRESCO 11.04	LOT SIZE (M²) TBC	ALPINE AREA N/A
	BAL RATING N/A	CORROSION ENV* N/A
	DESIGN WIND CLASS TBC	SITE HAZARDS LOW/MEDIUM LANDSLIP HAZARD AREA
	SOIL CLASSIFICATION TBC	
PLANNING OVERLAY AIRPORT OBSTACLE LIMITATION AREA		

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	R2	26/10/2023	FOR DA	CHECKED	M.L.	SCALE (@A3)	NTS			
	R3	13/05/2024	DESIGN REVISION							



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JONATHON HARMY

SITE ADDRESS:
22 STONE STREET,
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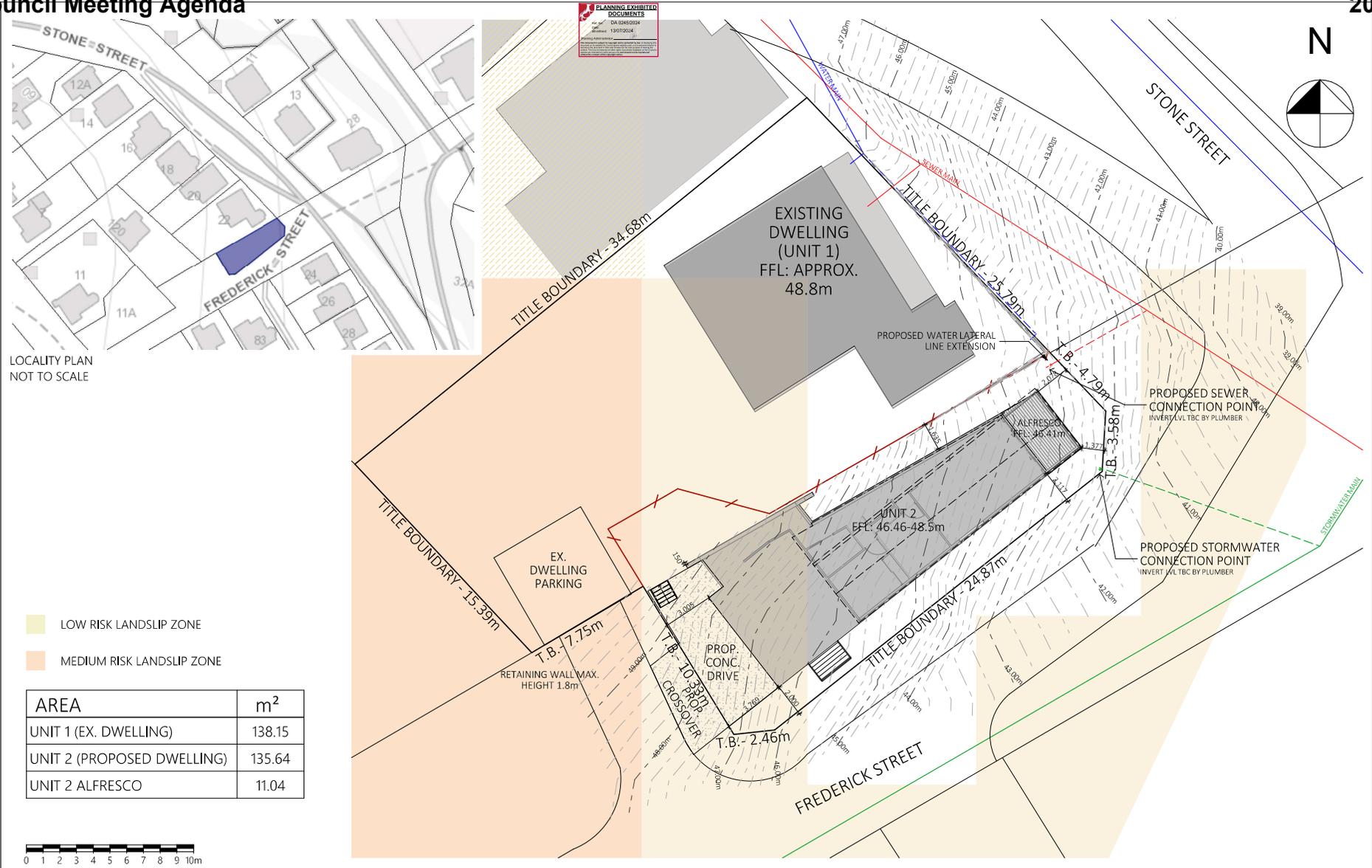
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PLAN

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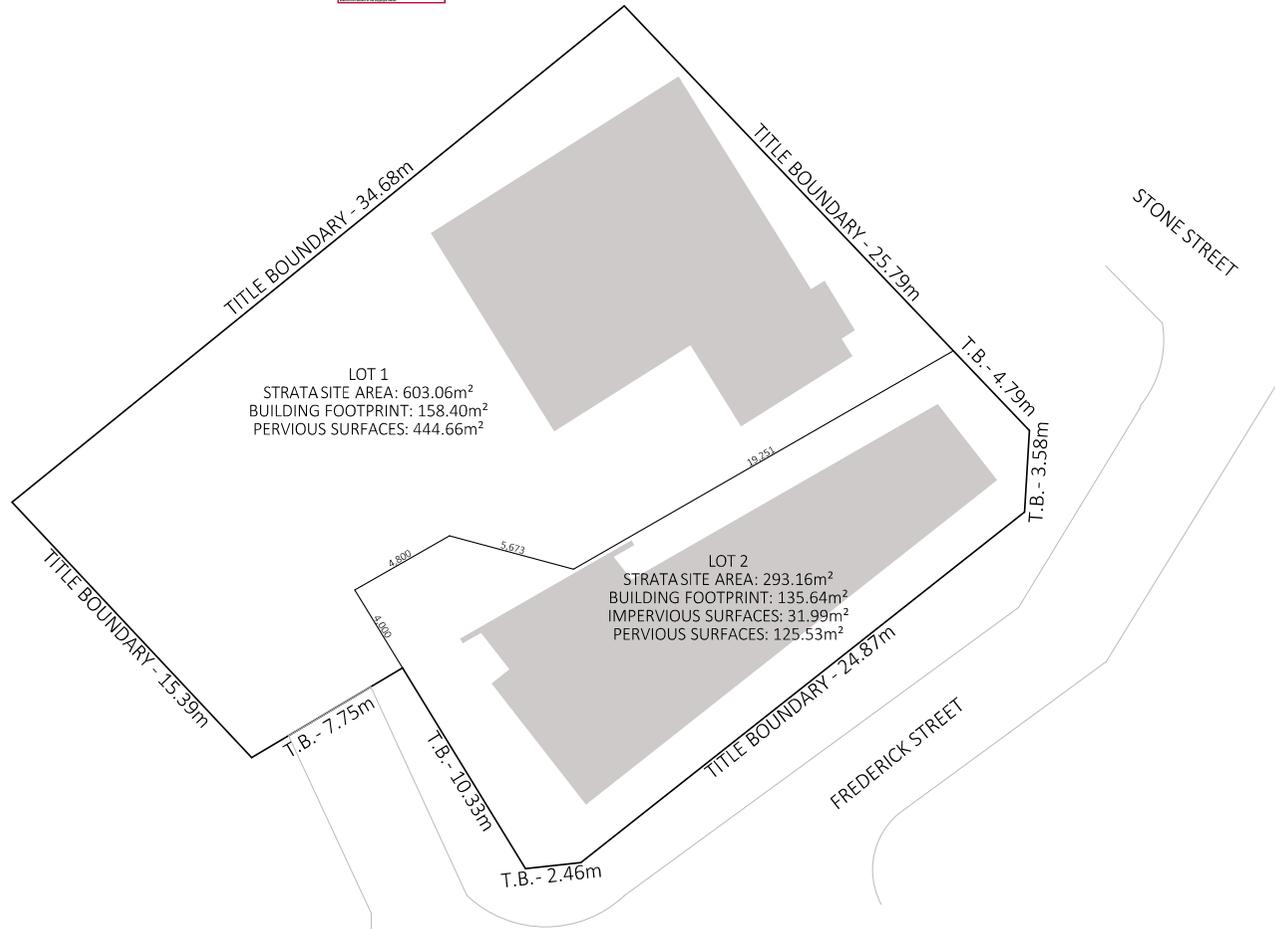
LOCALITY PLAN
NOT TO SCALE

- LOW RISK LANDSLIP ZONE
- MEDIUM RISK LANDSLIP ZONE

AREA	m ²
UNIT 1 (EX. DWELLING)	138.15
UNIT 2 (PROPOSED DWELLING)	135.64
UNIT 2 ALFRESCO	11.04



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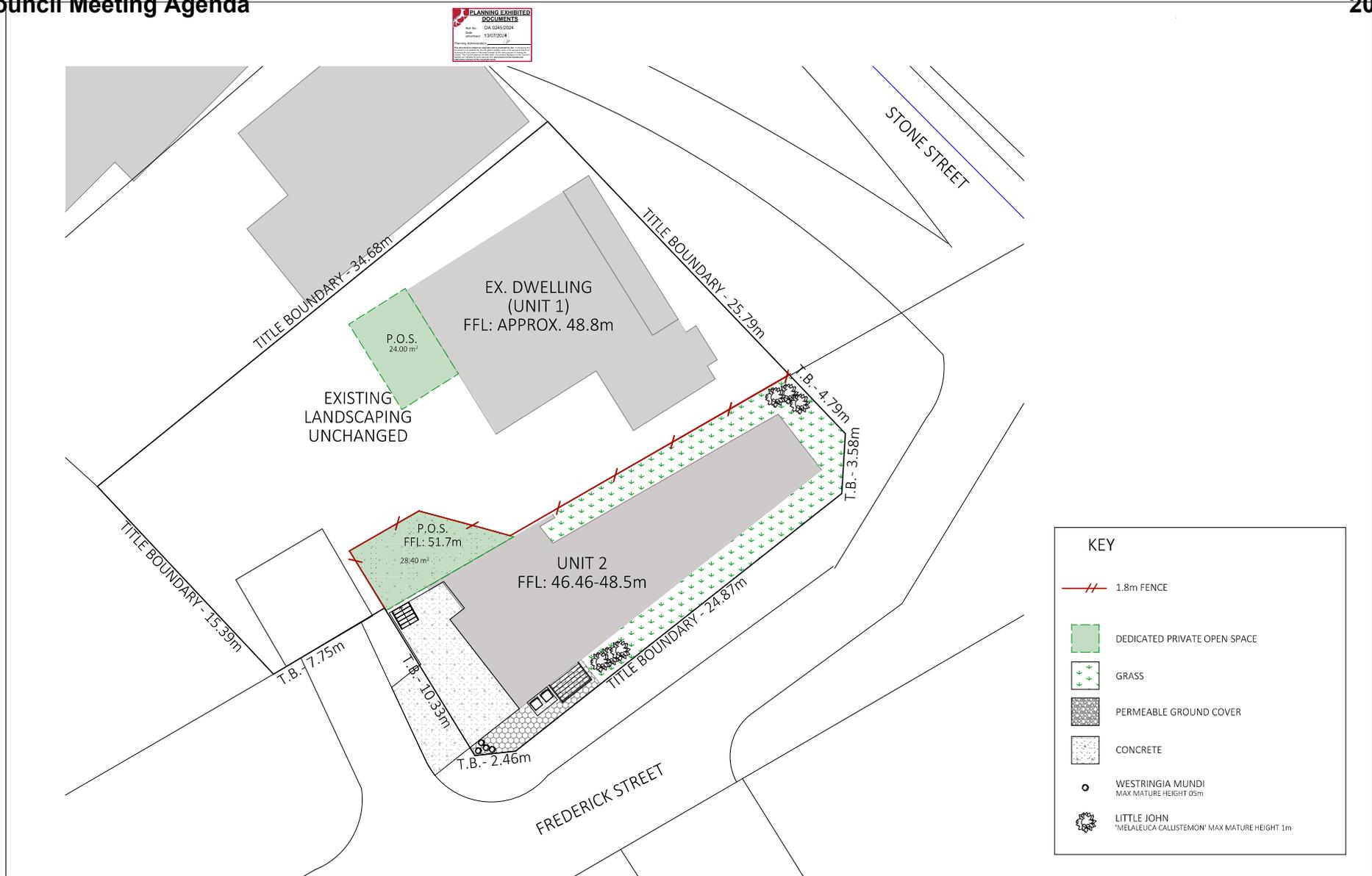
DRAWING
STRATA PLAN

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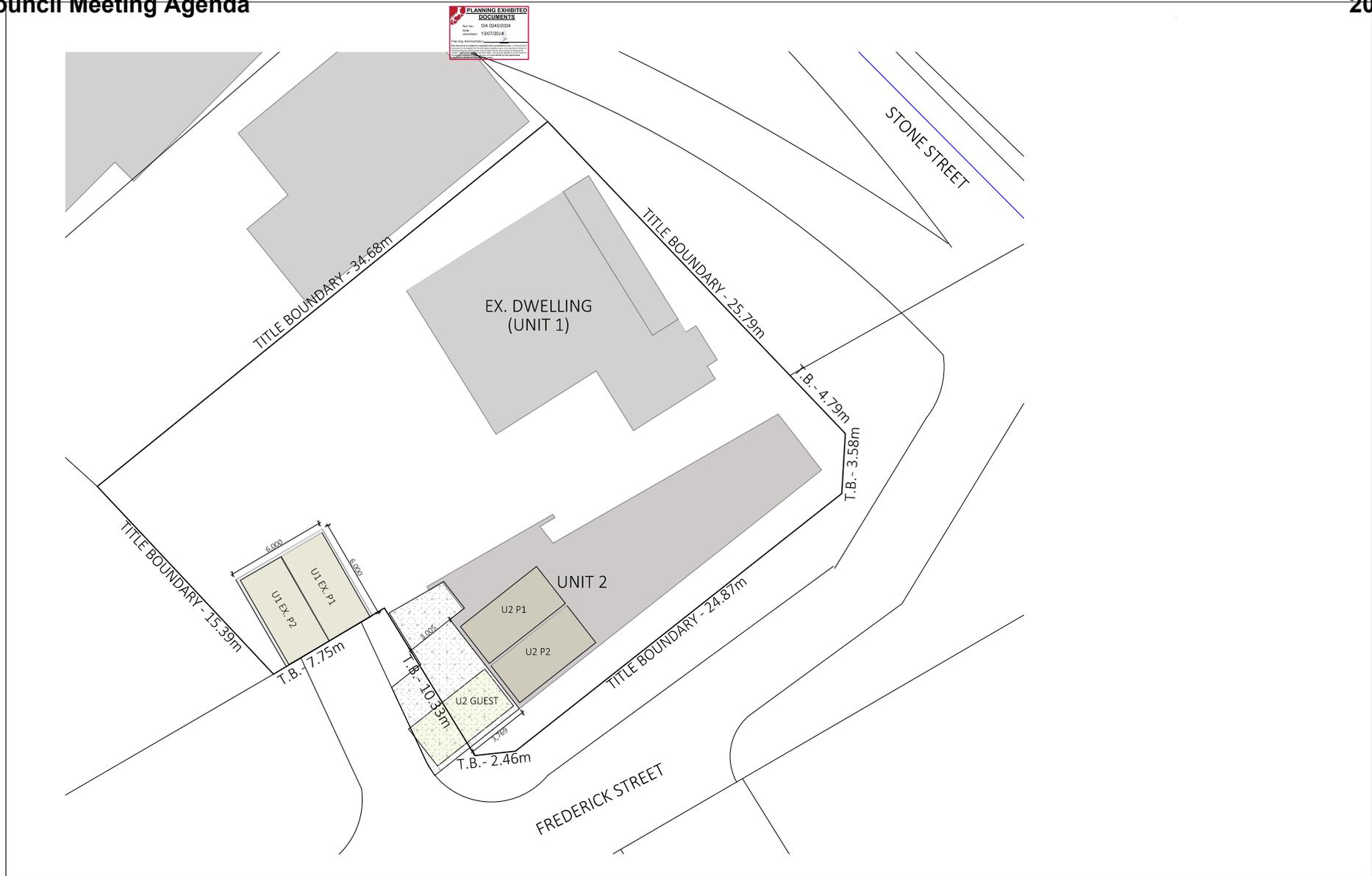
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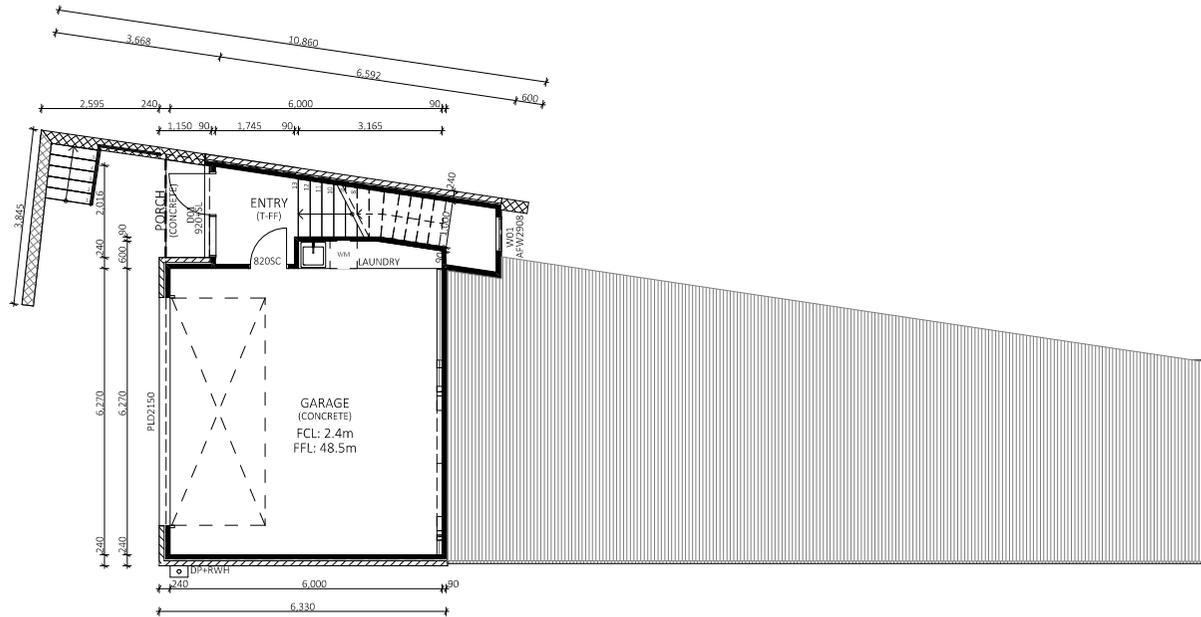
REV.	DATE	DESCRIPTION	DESIGNER	M.L.	JOB NUMBER	STNS22
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			SIGNATURE:	DATE:		R2	26/10/2023	FOR DA			CHECKED	M.L.	SCALE (@A3)	1:200
						R3	13/05/2024	DESIGN REVISION						



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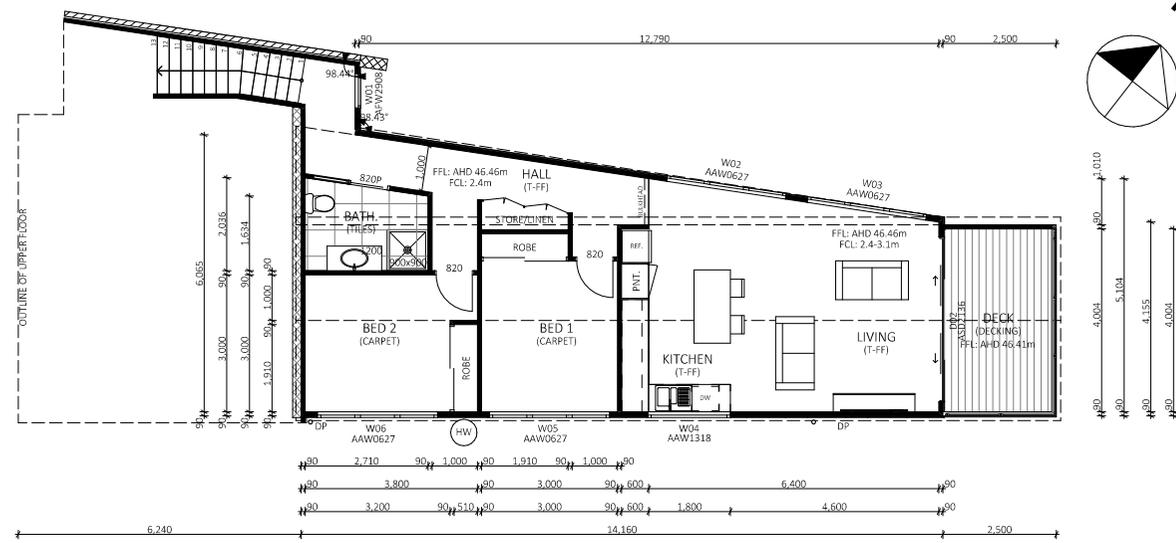
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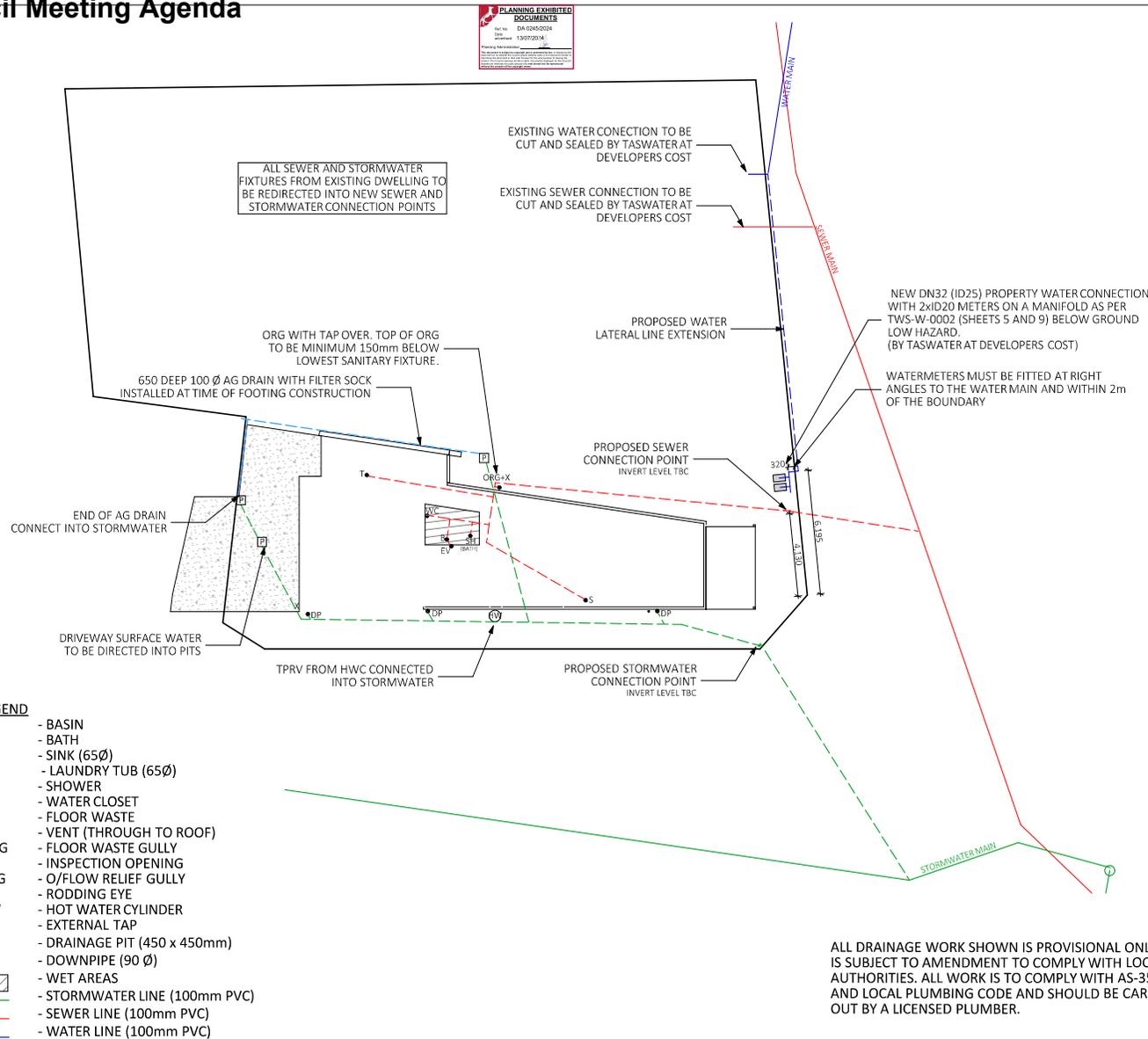
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INSTALL INSPECTION OPENINGS AT MAJOR BENDS FOR STORMWATER AND ALL LOW POINTS OF DOWNPIPES.

PROVIDE SURFACE DRAIN TO BACK OF BULK EXCAVATION TO DRAIN LEVELLED PAD PRIOR TO COMMENCING FOOTING EXCAVATION.

SERVICES

THE HEATED WATER SYSTEM MUST BE DESIGNED AND INSTALLED WITH PART B2 OF THE NCC VOLUME THREE- PLUMBING CODE OF AUSTRALIA.

THERMAL INSULATION FOR HEATED WATER PIPING MUST:
 A) BE PROTECTED AGAINST THE EFFECTS OF WEATHER AND SUNLIGHT; AND
 B) BE ABLE TO WITHSTAND THE TEMPERATURES WITHIN THE PIPING ; AND
 C) USE THERMAL INSULATION IN ACCORDANCE WITH AS/NZS 4859.1

HEATED WATER PIPING THAT IS NOT WITHIN A CONDITIONED SPACE MUST BE THERMALLY INSULATED AS FOLLOWS:

1. INTERNAL PIPING

a) ALL FLOW AND RETURN INTERNAL PIPING THAT IS-
 i) WITHIN AN UNVENTILATED WALL SPACE
 ii) WITHIN AN INTERNAL FLOOR BETWEEN STOREYS: OR
 iii) BETWEEN CEILING INSULATION AND A CEILING
 MUST HAVE A MINIMUM R-VALUE OF 0.2

2. PIPING LOCATED WITHIN A VENTILATED WALL SPACE, AN ENCLOSED BUILDING SUBFLOOR OR A ROOF SPACE

a) ALL FLOW AND RETURN PIPING
 b) COLD WATER SUPPLY PIPING AND RELIEF VALVE PIPING WITHIN 500mm OF THE CONNECTION TO CENTRAL WATER HEATING SYSTEM,
 MUST HAVE A MINIMUM R-VALUE OF 0.45

3. PIPING LOCATED OUTSIDE THE BUILDING OR IN AN UNENCLOSED BUILDING SUB FLOOR OR ROOF SPACE

a) ALL FLOW AND RETURN PIPING
 b) COLD WATER SUPPLY PIPING AND RELIEF VALVE PIPING WITHIN 500mm OF THE CONNECTION TO CENTRAL WATER HEATING SYSTEM
 MUST HAVE A MINIMUM R-VALUE OF 0.6

PIPING WITHIN AN INSULATED TIMBER FRAMED WALL, SUCH AS THAT PASSING THROUGH A WALL STUD, IS CONSIDERED TO COMPLY WITH THE ABOVE INSULATION REQUIREMENTS.

ALL WORKS ARE TO BE IN ACCORDANCE WITH THE WATER SUPPLY CODE OF AUSTRALIA MELBOURNE RETAIL WATER AGENCIES INTERGRATED CODE (WSA 03-2011-3.1 VERSION 3.1 MRWA VERSION 2.0) AND THE SEWERAGE CODE OF AUSTRALIA MELBOURNE RETAIL WATER AGENCIES INTERGRATED CODE (WSA 02-2014-3.1 MRWA VERSION 2.0) AND TASWATER'S SUPPLEMENTS TO THESE CODES.



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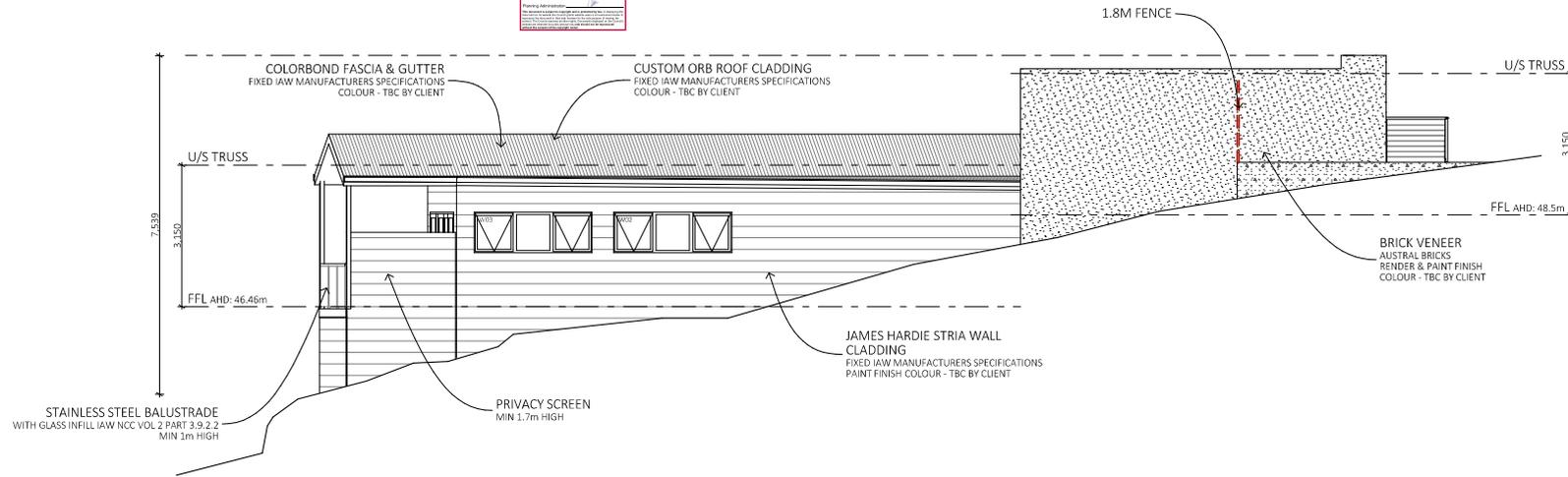
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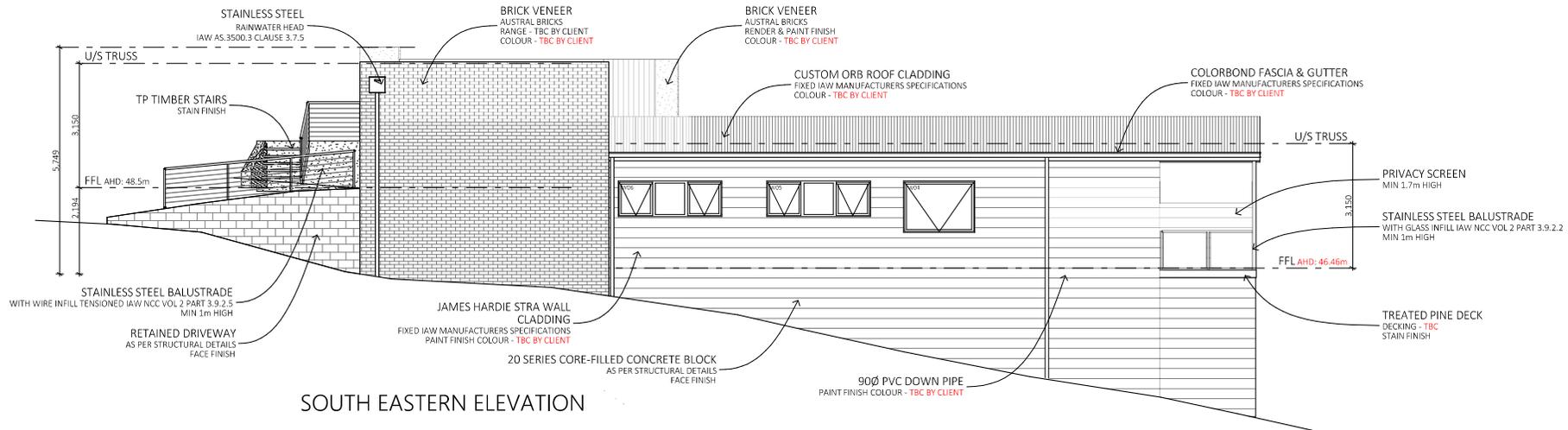
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NORTH WESTERN ELEVATION



SOUTH EASTERN ELEVATION



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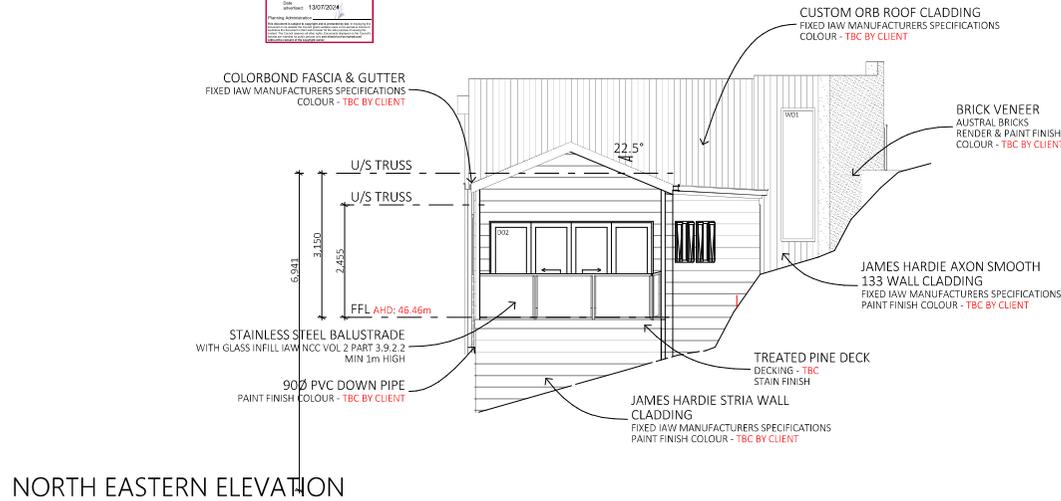
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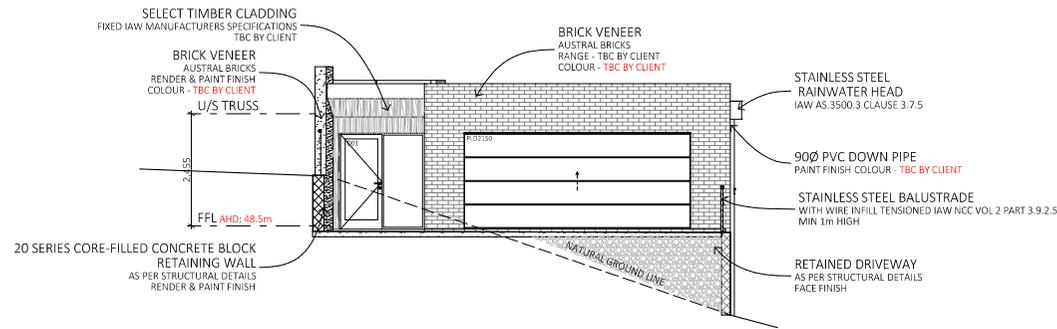
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NORTH EASTERN ELEVATION



SOUTH WESTERN ELEVATION



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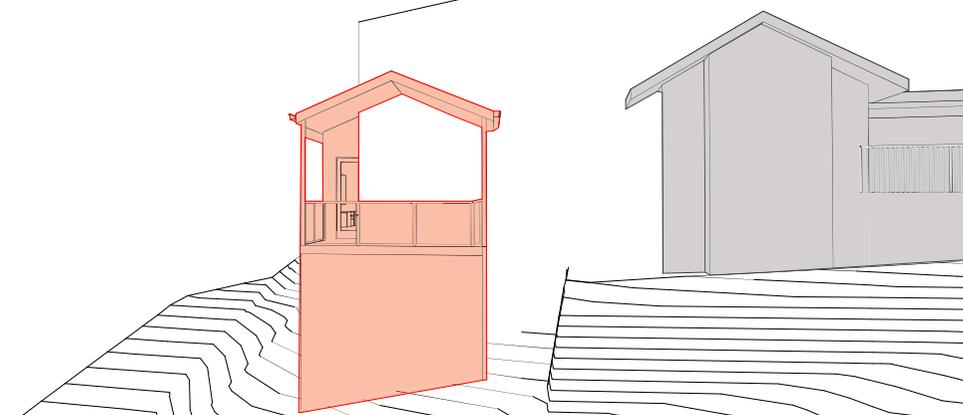
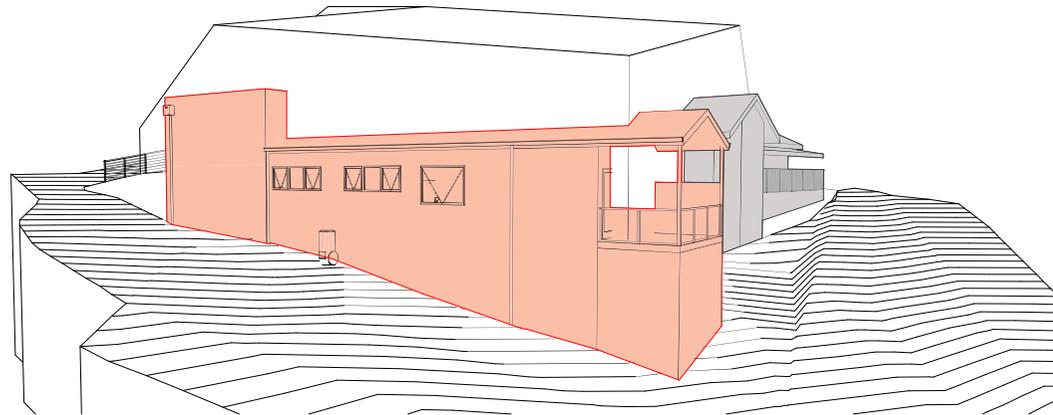
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- EXISTING DWELLING (UNIT 1) OUTSIDE TASMANIAN PLANNING SCHEME BUILDING ENVELOPE (CLAUSE 8.4.2 - FIGURE 8.2)
- PROPOSED DWELLING (UNIT 2) OUTSIDE TASMANIAN PLANNING SCHEME BUILDING ENVELOPE (CLAUSE 8.4.2 - FIGURE 8.2)



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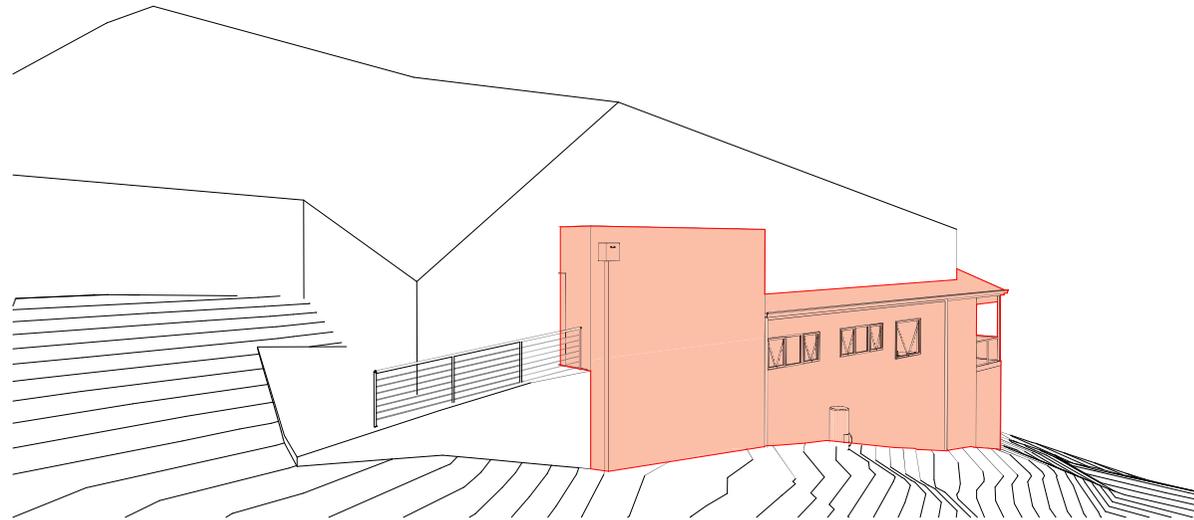
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PROPOSED DWELLING (UNIT 2) OUTSIDE TASMANIAN PLANNING
SCHEME BUILDING ENVELOPE (CLAUSE 8.4.2 - FIGURE 8.2)



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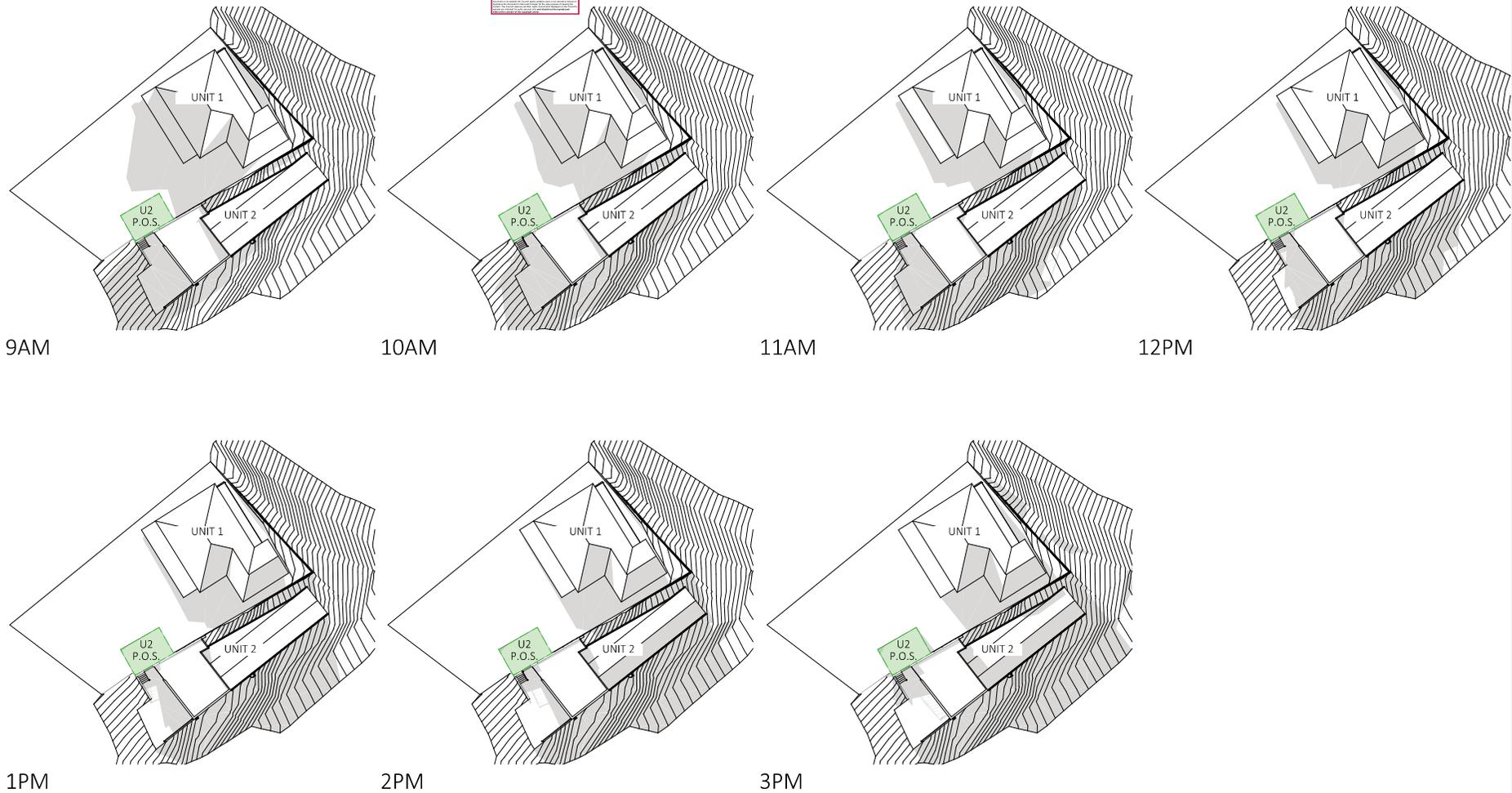
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SHADOW DIAGRAMS SHOWN ON THE 21ST JUNE.



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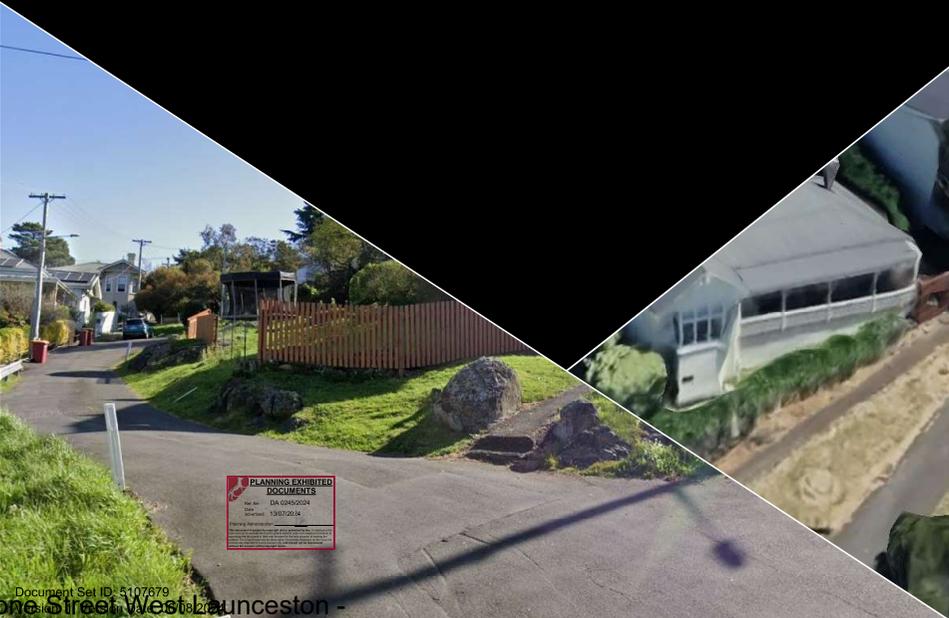
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Planning Report

Multiple Dwellings (2)

22 Stone Street, West
Launceston



Document Set ID: 5107679

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Client:		Client Contact:			
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1	7 June 2024	Draft	G. Walker	Client	
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Current revision:	1				

Stone Street Multiple Dwellings Planning Report
June 2024



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1. Introduction

6ty° Pty Ltd has been engaged to prepare an application¹ for the construction of a second dwelling on land located at 22 Stone Street, West Launceston (**'the site'**).

This application represents an iteration of Development Application DA0505/2023 for the subdivision of the site into two lots and the construction of a single dwelling on the vacant lot which was ultimately refused by Council on the following grounds:

1. *The proposed subdivision of Lot 2 fails to meet the Performance Criteria P1 (a), (b), (c), (e), and (f) of Clause 8.6.1, as the lot does not have sufficient useable area and dimensions suitable for development of a dwelling and the provision of private open space, given the existing topography. Proposed Lot 2 is also inconsistent with the pattern of development existing on established properties in the surrounding area.*
2. *The proposed dwelling does not meet the Performance Criteria P1 (a) (iv) and (b) of Clause 8.4.2 as the proposal does not have a frontage setback compatible with the streetscape.*
3. *The proposed dwelling does not meet the Performance Criteria P3 (a) (iv) of Clause 8.4.2, as the dwelling will cause a visual impact in respect to its apparent scale, bulk and proportion, when viewed from an adjoining property.*
4. *The proposed dwelling does not meet the Performance Criteria of P1, P2 and P3 of Clause 8.4.3 as the dwelling is not compatible with the amenity and character of the area and does not provide for sufficient area for outdoor recreation, planting of gardens and landscaping and private open space².*

The purpose of this planning report is to provide an assessment of the applicable provisions that formed the above grounds of refusal which are relevant to the application. In this regard, the application no longer includes the subdivision of land and therefore Refusal Ground 1 which is tied to clause 8.6.1 of the *Tasmanian Planning Scheme* incorporating the *Launceston Local Provisions Schedule ('the Scheme')* is not applicable.

The planning report should be read in conjunction with the following plans prepared by **Design to Live** with **Job No. STN22** listed in Table 1. Where there are discrepancies between the information included within this planning report and the drawings listed in Table 1, the information contained in the drawings listed in Table 1 prevail.

Table 1 - plans and supporting reports that form part of the application.

Drawing Title	Drawing No.	Revision	Date	Issue	Issued For
Cover Page	STN22-1	R3	13/05/24	-	Design Revision
Site Survey Plan	STN22-2	R3	13/05/24	-	Design Revision
Site Plan	STN22-3	R3	13/05/24	-	Design Revision
Strata Plan	STN22-4	R3	13/05/24	-	Design Revision
Landscape Plan	STN22-5	R3	13/05/24	-	Design Revision
Parking and Turning Plan	STN22-6	R3	13/05/24	-	Design Revision
Upper Floor Plan	STN22-7	R3	13/05/24	-	Design Revision
Lower Floor Plan	STN22-8	R3	13/05/24	-	Design Revision
External Services	STN22-9	R3	13/05/24	-	Design Revision
Elevations NW/SE	STN22-10	R3	13/05/24	-	Design Revision

¹ means an application for a permit made under this planning scheme. Table 3.1, Scheme.

² minutes of Ordinary Council Meeting 25 January 2024.



Drawing Title	Drawing No.	Revision	Date	Issue	Issued For
Elevations NE/SW	STN22-11	R3	13/05/24	-	Design Revision
Perspectives	STN22-12	R3	13/05/24	-	Design Revision

1.1 Planning Overview

The site³ comprises a single lot. Specific planning details associated with the site are set out in Table 2 below.

Table 2 - Site specific planning details.

Address:	22 Stone Street, West Launceston	
Property Identification Number:	9280619	
Certificate of Title:	Volume	Folio
	180076	1
Area:	882.7m ²	
Planning Instrument:	Tasmanian Planning Scheme - Launceston	
Applicable Zone:	General Residential	
Applicable Overlay(s):	Airport Obstacle Limitation Area	
	Landslip Hazard	
Applicable Code(s):	Parking and Sustainable Transport	
	Road and Railway	
	Landslip Hazard	
	Safeguarding of Airports	
Applicable General Overlay(s):	Nil	
General Provisions:	Nil	
Proposed Use:	Residential	
Proposed Development:	Construction of a second dwelling	
Application Status:	Permitted	

1.2 Site and Surrounding Area

1.2.1 Site Characteristics

The site is illustrated in Figure 1. It contains a single dwelling that is located toward its Stone Street frontage.

³ means the lot or lots on which a use or development is located or proposed to be located. Table 3.1, Scheme.



Figure 1 - aerial image illustrating the location and spatial extent of the site.



Source: image and base data retrieved from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

1.2.2 Surrounding Area

The site is located on the corner of Stone Street to the north-east and Frederick Street to the south-east. The site is located within an established urban area of Launceston within the suburb of West Launceston. The site adjoins a single lot to the north-west and south-west which each contain a single dwelling.



3. Scheme Controls

3.1 Zone

The zoning of the site and surrounding land is illustrated in Figure 3.

Figure 3 - zone map illustrating the land zone of the site and surrounding area.



Source: image and base data retrieved from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

3.2 Scheme Overlays

The extent to which the Scheme overlay maps apply to the site is illustrated in the figures under respective overlay headings.



3.2.1 Landslip



Source: image and base data retrieved from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

3.2.2 Obstacle Limitation Surface



Source: image and base data retrieved from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).



4. Statutory Planning Assessment

The following section provides a detailed assessment of the proposed development against applicable standards of the *Tasmanian Planning Scheme* incorporating the *Launceston Local Provisions Schedule*.

4.1 Categorisation of Use

For the purposes of clause 6.2.6, the proposed use and development is categorised into the Residential Use Class which Table 6.2 of the Scheme defines as:

Residential

use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings.

The proposed second dwelling meets the 'multiple dwelling' sub-use class which the Scheme defines as:

Multiple Dwellings

Means 2 or more dwellings on a site⁴.

Where the Scheme defines a 'dwelling' as:

Dwelling

means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling⁵.

4.2 General Provisions

There are no General Provisions that area applicable to the application.

4.3 General Residential Zone

4.3.1 Table 8.2

Use of land for a contractors yard is listed as a **permitted** use within Table 8.2 of the Scheme.

4.3.2 Development Provisions

8.4 Development Standards for Dwellings			
Standard		Assessment	Compliance
8.4.2 Setbacks and building envelope for all dwellings			
A1	Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into	The site is a corner lot and has two frontages. Council has provided an opinion as to which frontage constitutes the primary frontage for the purposes of assessing	

⁴ Table 3.1, Scheme.

⁵ Table 3.1, Scheme.



8.4 Development Standards for Dwellings		
Standard	Assessment	Compliance
<p>the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p>clause 8.4.2 A1. The opinion from Council is such that the Stone Street frontage is the primary frontage and the Frederick Street frontage is the secondary or 'other' frontage.</p> <p>The existing dwelling has a minimum setback from Stone Street of approximately 0.44m which is less than 4.5m. The proposed second dwelling will have a setback from Stone Street of approximately 2.12m which is not less than the primary frontage setback of the existing dwelling.</p> <p>The proposed second dwelling will have a maximum setback from the Frederick Street frontage of 2.17m at its northern end (Stone Street end) which will taper to 2m at its southern end. The proposed second dwelling will be setback approximately 1.37m from the truncated frontage boundary that links Stone Street to Frederick Street. The proposed second dwelling satisfies the minimum 3m setback from the Frederick Street spur frontage which corresponds with the attached garage.</p> <p>The site is not vacant.</p> <p>The site does not contain a non-residential use.</p>	<p>Complies with Acceptable Solution</p> <p>Relies on Performance Criteria</p> <p>Not Applicable</p> <p>Not Applicable</p>
<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p>	<p>The application relies on subclause A2(c) for compliance with the Standard.</p>	<p>Not Applicable</p>



8.4 Development Standards for Dwellings		
Standard	Assessment	Compliance
<p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>The application relies on subclause A2(c) for compliance with the Standard.</p> <p>The proposed double garage will have a maximum and minimum setback from the Frederick Street spur frontage of 3.79m and 3m, respectively. Existing ground level from the eastern corner of the Frederick Street spur frontage falls away from the boundary a vertical distance of 3,5m for a horizontal distance of 10m which results in a gradient of 35% or ~1:2.8 which is steeper than 1:5. Accordingly, the frontage setback of the garage is to be no less than 1m. In this instance, the proposed double garage will have a minimum setback of 3m from the spur frontage of Frederick Street and 2m from the southern end of the Frederick Street frontage (proper).</p>	<p>Not Applicable</p> <p>Complies with Acceptable Solution</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4,5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear</p>	<p>The proposed second dwelling breaches the building envelope described in Figure 8.2 with respect to the Frederick Street frontage setback. In this instance, the proposed second dwelling does not satisfy the Acceptable Solution pathway provided by clause 8.4.2 A1 and is therefore assessed as not complying with the frontage setback described and required by this clause.</p> <p>The proposed second dwelling satisfies the building envelope with respect to the north-western and south-western side and/or rear boundaries (whichever they are classified as).</p>	<p>Relies on Performance Criteria</p> <p>Not Applicable</p>



8.4 Development Standards for Dwellings			
Standard	Assessment	Compliance	
<p>boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>The proposed second dwelling will be setback greater than 1.5m from a side and rear boundary of the site.</p>	<p>Not Applicable</p>	
8.4.3 Site coverage and private open space for all dwellings			
A1	<p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>The Scheme defines the term 'site coverage' as <i>the proportion of a site, excluding any access strip, covered by roofed buildings</i>⁶.</p> <p>The combined roofed area of each building will be approximately 305.15m² and the site has a total area of 882.7m² which equates to a site coverage of 34.5%.</p> <p>The Scheme defines the term 'private open space' as <i>means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling, excluding areas proposed or approved for vehicle access or vehicle parking</i>⁷.</p> <p>Each proposed dwelling will have a minimum area of private open space greater than 60m² which is depicted in Figure 4.</p>	<p>Complies with Acceptable Solution</p> <p>Choose an item.</p>
A2	<p>A dwelling must have private open space that:</p>	<p>The area of private open space relied ('POS') upon for assessment against clause 8.4.3</p>	

⁶ Table 3.1, Scheme.

⁷ Table 3.1, Scheme.



8.4 Development Standards for Dwellings		
Standard	Assessment	Compliance
	A2 for each dwelling is illustrated in Figure 5.	
(a) is in one location and is not less than:		
(i) 24m ² ; or	Each area of POS will be a minimum of 24m ² .	Complies with Acceptable Solution Not Applicable
(ii) 12m ² , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);		
(b) has a minimum horizontal dimension of not less than:		
(i) 4m; or	Each area of POS will have two minimum horizontal dimensions of not less than 4m.	Complies with Acceptable Solution Not Applicable
(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);		
(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees of true north; and	Each area of POS will not be located between each dwelling and their respective frontages.	Not Applicable
(d) has a gradient not steeper than 1 in 10.	Each area of POS will have a gradient of not steeper than 1:10.	Complies with Acceptable Solution



Figure 4 - excerpt of the Site Plan illustrating the area of each dwelling used to calculate the area of private open space required by clause 8.4.3 A1(b) of the Scheme. Each area excludes the deck or verandah associated with each dwelling.

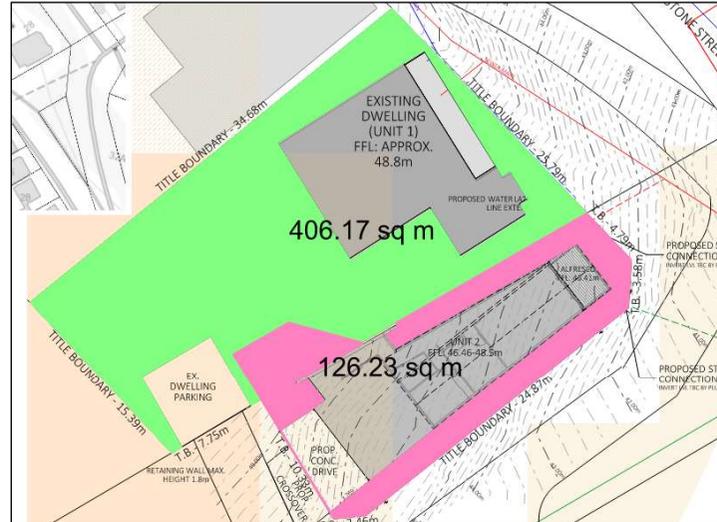
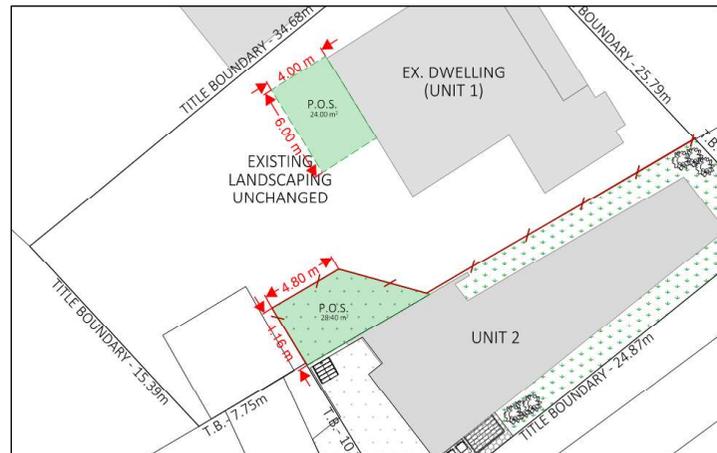


Figure 5 - excerpt of the Site Plan illustrating the area of each dwelling used to calculate the area of private open space required by clause 8.4.3 A2 of the Scheme.





5. Performance Criteria Assessment

The Scheme defines the term 'standard' as⁸:

Standard

means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.

The objectives therefore constitute the standard with the individual acceptable solutions or performance criteria constituting the test to meet each relevant objective of the standard.

5.1 Clause 8.4.2 - Performance Criteria P1

8.4.2 Setbacks and building envelope for all dwellings	
Objective	
The siting and scale of dwellings:	
(a) provides reasonably consistent separation between dwellings and their frontage within a street;	
(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;	
(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and	
(d) provides reasonable access to sunlight for existing solar energy installations.	
Performance Criteria P1	Assessment
A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.	<p>The applicable objective of clause 8.4.2 P1 is (a) which requires the siting of dwellings to provide reasonably consistent separation between dwellings and their frontage within a street.</p> <p>The Scheme defines the term 'streetscape' as follows:</p> <p>Streetscape</p> <p><i>means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, unless for a local heritage precinct or local historic landscape</i></p>

⁸ Table 3.1, Scheme.



	<p><i>precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape may be determined by the relevant precinct provisions⁹.</i></p> <p>The extent of the streetscape for the purposes of assessing clause 8.4.2 P1 is shown in Figure 6. Figure 6 demonstrates that the siting of the proposed second dwelling will be compatible with the setback of existing dwellings from the Frederick Street frontage which varies between a minimum setback of 0m (77 Frederick Street) and a maximum setback of 2.5m (85 Frederick Street). To this extent, the proposed second dwelling will have a minimum setback from Frederick Street of 2m which is within the range of frontage setbacks of existing buildings within the streetscape. Accordingly, the siting of the proposed second dwelling from the Frederick Street frontage will be entirely consistent with separation between existing dwellings and their frontage within Frederick Street, satisfying objective (a) and, therefore, the standard.</p> <p>The bulk and scale of the proposed second dwelling will also be compatible with the streetscape, Stone Street and buildings within West Launceston more broadly. In this regard, streets within West Launceston typically follow a north to south alignment which is generally parallel with the contours of the West Launceston hillside. Example streets include Stone Street, Reserve Street, Hill Street and Wynn Street which are located west of, and above, Stone Street. This results in buildings located on the higher side of streets being more prominent in size, scale and bulk where they often present as two-storey buildings when compared to buildings located on the lower side of the same street which often present as single storey building, due to the change in topography between the two sides of the street. The proposed second dwelling will be located on the upper side of Stone Street and Frederick Street and its scale and bulk will be entirely compatible with the scale and bulk of the existing dwelling located on the site when viewed from Stone Street and Frederick Street (refer to Figure 7), as well as other dwellings located on the upper side of each street and other streets along the West Launceston hillside. The proposed second dwelling will be compatible with the streetscape in this regard.</p>
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⁹ Table 3.1, Scheme.



Figure 6 - diagram of the streetscape illustrating the indicative setback of existing buildings from their Frederick Street frontages within the context of the location of the proposed dwelling on the site.



Source: image and base data retrieved from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

Figure 7 – street view image showing the prominent size, scale and bulk of the existing building from the corner of Stone Street and Frederick Street.





5.2 Clause 8.4.2 - Performance Criteria P3

8.4.2 Setbacks and building envelope for all dwellings	
Objective	
The siting and scale of dwellings:	
<ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations. 	
Performance Criteria P3	Assessment
The siting and scale of a dwelling must:	The proposed second dwelling breaches the building envelope prescribed by Figure 8.2 with respect to the Frederick Street frontage. The proposed second dwelling will be contained within the building envelope prescribed by Figure 8.2 with respect to the Stone Street frontage and the north-west and south-west side and/or rear boundaries.
(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:	The relevant adjoining ¹⁰ property Frederick Street.
(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;	The adjoining property does not contain a dwelling.
(ii) overshadowing the private open space of a dwelling on an adjoining property;	The adjoining property does not contain a dwelling
(iii) overshadowing of an adjoining vacant property; and	The proposed second dwelling will result in some overshadowing of the adjoining property however it will not impact the amenity of Frederick Street which has a utility function.
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;	The visual impacts caused by the apparent scale, bulk and proportions of the proposed second dwelling will be entirely consistent the scale bulk and proportions of the existing building when viewed from Frederick Street and Stone Street for the reasons detailed in the response against clause 8.4.2 P1.
	It is noted that the building envelope prescribed by Figure 8.2 allows a building to be constructed to the applicable frontage setback to a sheer vertical height of 8.5m and does not require buildings to have a graduated setback from the frontage

¹⁰ means next to, or having a common boundary with. Table 3.1, Scheme.



	boundary the same way as it does for a side or rear boundary. The building envelope therefore encourages high buildings within proximity of frontages allowing for a larger scale, bulk and size in this regard.
(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and	The location of the proposed second dwelling in terms of provision of separation between dwellings on adjoining properties and from the frontage will be entirely consistent with the separation of existing buildings on established properties in the area as detailed in Figure 8.
(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: (i) an adjoining property; or (ii) another dwelling on the same site.	The adjoining property does not contain a solar energy installation or a dwelling.

Figure 8 – building footprint diagram illustrating indicative footprints of buildings relative to lot boundaries and road on established properties within the area.



Source: image and base data retrieved from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).



6. Conclusion

The application is seeking planning approval for construction of a second dwelling on land located at 22 Stone Street, West Launceston. The ensuing assessment has demonstrated that the proposed second dwelling satisfies the provisions that Council elected to refuse the previous, similar application including:

- **Clause 8.4.2 P1 - setback from Frederick Street;**
- **Clause 8.4.2 P3 - building envelope with respect to Frederick Street.**

It is therefore contented that a discretionary application is able to be approved by Council pursuant to section 51 and 57 of the Land Use Planning and Approvals Act 1993 and clause 6.8.1 of the Scheme.



Submission to Planning Authority Notice

Council Planning Permit No.	DA0245/2024	Council notice date	20/06/2024
TasWater details			
TasWater Reference No.	TWDA 2024/00724-LCC	Date of response	26/06/2024
TasWater Contact	Shaun Verdouw	Phone No.	0467 901 425
Response issued to			
Council name	CITY OF LAUNCESTON		
Contact details	Planning.Admin@launceston.tas.gov.au		
Development details			
Address	22 STONE STREET, WEST LAUNCESTON	Property ID (PID)	9280619
Description of development	Multiple Dwellings x 2 (1 new + 1 ex)		
Schedule of drawings/documents			
	Prepared by	Drawing/document No.	Revision No.
		Date of Issue	
Design to Live	STNS22 sheets 1-12	R3	13/05/2024
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater’s satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer’s cost. 3. Prior to commencing construction of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPER CHARGES</p> <ol style="list-style-type: none"> 4. Prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing), the applicant or landowner as the case may be, must pay a developer charge totalling \$1,054.20 to TasWater for water infrastructure for 0.6 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater. 5. Prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing), the applicant or landowner as the case may be, must pay a developer charge totalling \$1,317.75 to TasWater for sewerage infrastructure for 0.75 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 6. The applicant or landowner as the case may be, must pay a development assessment fee of \$234.64 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date 			



<p>paid to TasWater.</p> <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			
<p>Advice</p>			
<p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>			
<p>Developer Charges</p> <p>For information on Developer Charges please visit the following webpage - https://www.taswater.com.au/building-and-development/developer-charges</p>			
<p>Service Locations</p> <p>Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.</p> <p>(a) A permit is required to work within TasWater’s easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.</p> <p>(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit https://www.taswater.com.au/building-and-development/service-locations for a list of companies.</p> <p>(c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.</p>			
<p>Advice to the Drainage Authority</p> <p>The combined system is at capacity in this area. TasWater cannot accept additional flows of stormwater into this area within the combined system over those currently discharged.</p> <p>The Drainage Authority will be required to either refuse or condition the development to ensure the current service standard of the combined system is not compromised.</p>			
<p>Declaration</p>			
<p>The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.</p>			
<p>TasWater Contact Details</p>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

ATTACHMENT 1

Statutory Assessment - Response to Requirements for Local Provisions Schedule under LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria:

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The proposed amendment applies to 64 Robin Street, Newstead which is zoned General Residential under the Tasmanian Planning Scheme - Launceston. The proposed planning scheme amendment complies with the SPP requirements for an LPS.

(b) is in accordance with section 32

This section identifies the technical aspects of an LPS such as inclusion of zone maps and overlays, and what additional local provisions can be included if permitted to do so under the State Planning Provisions (SPPs), to add to or override the SPPs. Section 32(4) identifies that an LPS may only include these additional local provisions where:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The proposed amendment includes:

- Introducing a new property onto the local heritage list including a new datasheet;
- Including the property on heritage overlay mapping

As the amendment does not propose a change identified within 32(3), being a PPZ, SAP, or SSQ, no justification against 32(4) is required.

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Planning Assessment
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The site is not subject to any natural values.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The site is identified to be within the urban area as determined by the Regional Land Use Strategy. The placement of this property onto the heritage list is considered appropriate to protect and maintain the historical cultural heritage of not just the site, but the region overall. The listing will not alter the sustainable use and development of air, land, or water.
<i>(c) to encourage public involvement in resource management and planning</i>	The community will have the opportunity to comment on this proposal during the exhibition period, which will run for 28 days. The public will have the opportunity to lodge written representations to the application during the exhibition period and they will be considered by the planning authority and referred to the Tasmanian Planning Commission. If any representations are received, the Tasmanian Planning Commission may hold a public hearing to understand the concerns raised within the representations.

<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i></p>	<p>The addition of the property will ensure the heritage values of the city are upheld, and will still allow development to occur subject to the requirements of the Heritage Code. The datasheet will assist in the preservation of these heritage values.</p>
<p><i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i></p>	<p>Community, industry and other government agencies will have the opportunity to comment on the proposed planning scheme amendment during the public notification period. The application was referred to TasWater on 24/07/2024</p>
<p>Part 2 Objectives</p>	
<p><i>(a) to require sound strategic planning and co-ordinated action by State and local government</i></p>	<p>The amendment is consistent with the objectives of the Northern Tasmania Regional Land Use Strategy and the Scheme.</p>
<p><i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i></p>	<p>An application made pursuant to section 37 of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The introduction of site onto the local heritage register will enable the land to be assessed against the relevant provisions of the Scheme, and the datasheet will assist with this assessment.</p>

<p><i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i></p>	<p>The protections afforded under the Local Historic Heritage Code will ensure the social and economic impact on the historic value of the site is retained.</p>
<p><i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i></p>	<p>The proposed amendment is consistent with the local, regional and State policies as assessed by this report.</p>
<p><i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i></p>	<p>No combined planning application is included with the proposed planning scheme amendment. The proposed amendment will facilitate a future development application for land use and development of the land in accordance with the Tasmanian Planning Scheme - Launceston.</p>
<p><i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation</i></p>	<p>The amendment will not constrain a safe working and living environment.</p>
<p><i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i></p>	<p>The site is identified as having heritage value and will benefit from further provisions protecting its cultural significance.</p>
<p><i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i></p>	<p>Not Applicable.</p>
<p><i>(i) to provide a planning framework which fully considers land capability.</i></p>	<p>Land capability is not a consideration.</p>

(d) is consistent with each State policy;

Assessment of the amendment against the various policies is provided in the following table.

State Policy	Planning Assessment
State Policy on the Protection of Agricultural Land 2000	The proposal does not involve the conversion of prime agricultural land (PAL) to a non-agricultural use, and reduces pressure on urban expansion.
State Policy on Water Quality Management 1997	The proposed amendment will not result in an increase in sediment transport to surface waters, and does not increase the potential extent of sediment transport from future development.
State Coastal Policy 1996	The site is not within a coastal zone.
<p>National Environmental Protection Measures</p> <p>The National Environment Protection Measures (NEPMs) are automatically adopted as State Policies under Section 12A of the <i>State Policies and Projects Act 1993</i> and are administered by the Environment Protection Authority.</p>	<p>There are no known contamination issues associated with the land. Should any contamination issues be discovered in the future, these would be addressed under C14.0 Potentially Contaminated Land Code.</p> <p>In relation to air and water quality, the provisions of the applicable zone which relate to stormwater, the Natural Assets</p>

<p>The NEPMs relate to:</p> <ul style="list-style-type: none"> • ambient air quality • ambient marine, estuarine and fresh water quality • the protection of amenity in relation to noise (but only if differences in markets for goods and services) • general guidelines for the assessment of site contamination • environmental impacts associated with hazardous wastes • the re-use and recycling of used materials. <p>Principle 5 of the NEPMs states that planning authorities <i>'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use'</i>.</p>	<p>Code and Attenuation Code, the <i>Urban Drainage Act 2013</i> and the <i>Environmental Management and Pollution Control</i></p>
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(da) satisfies the relevant criteria in relation to the TPPs;
The Tasmanian Planning Policies have not yet been implemented.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;
The applicable regional land use strategy for Launceston is the Northern Tasmanian Regional Land Use Strategy. Comments against the relevant NTRLUS policies and actions are provided below:

<i>Specific Policies and Actions</i>	<i>Planning Assessment</i>
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<i>Policy</i>	<i>Action</i>	
Regional Settlement Networks		
Residential Design		
<p>RSN-P15 In established urban areas where an existing urban or heritage character study has been undertaken and adopted by Council, provide for development that is consistent with that study and reinforces and enhances the strengths and character of the area in which it is set.</p> <p>RSN-P16 Achieve high quality design outcomes for all new prominent buildings and public spaces in the Launceston Central Business District, regional activity centres and transit communities.</p> <p>RSN-P17 Provide accessible and high-quality public open space in all new 'Greenfield' and infill development by</p>	<p>RSN-A17 Adopt and/or apply within infill and higher residential density areas any medium density guidelines developed by the State. RSN-A18 Develop and support a master plan for the Launceston CBD (being the CAD and inner city core areas as defined by the Launceston City Council planning scheme) to confirm and position the future strategic planning of the city as the Principal Activity Centre for Northern Tasmania.</p>	<p>The amendment has identified a property that contains historic cultural heritage values. The addition of this property onto the local heritage register and addition of a new datasheet will ensure that the heritage value of this site is retained should new development or use take place within the heritage curtilages. This will ensure that the character of heritage places within Launceston are conserved.</p>

creating well designed public places		
Social Infrastructure and Community Policy		
Cultural Heritage		
CH-P01 Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history.	CH-A01 Investigate planning means to recognise and list places, precincts of heritage significance within planning schemes and spatially define them with associated map overlays.	The amendment does not encompass a site of identified archaeological significance.
CH-P02 Recognise, manage and preserve regional archaeological values	CH-A02 Planning schemes are to require an assessment of impacts on heritage-listed places, precincts and landscapes. CH-A03 Provide for the protection of identified significant cultural heritage and archaeological sites. CH-A04 Ensure that development is undertaken in accordance with an archaeological management plan where soil disturbance	

	within areas of archaeological significance is proposed.	
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(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates

The municipal strategic plan is the City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review (the CSP). The CSP details the following strategic priorities:

- *Strategic Priority 1: We connect with our Community and our Region through meaningful engagement, cooperation and representation.*
- *Strategic Priority 2: We Facilitate Prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.*
- *Strategic Priority 3: We are a Progressive Leader that is accountable to our governance obligations and responsive to our community.*
- *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.*
- *Strategic Priority 5: We Serve and Care for our community by providing equitable and efficient services that reflects needs and expectations of our community.*
- *Strategic Priority 6: We Protect our Environment by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.*
- *Strategic Priority 7: We are a City Planning for our Future by ensuring our approach to strategic landuse, development and infrastructure investment is coordinated, progressive, and sustainable.*

The proposed draft amendment aligns Strategic Priorities 1, 4, and 6 of the CSP by:

- Launceston is the most populous Local Government Area (2019 - ABS) in Tasmania, and is notable for its heritage listed buildings. The addition of this place on the local heritage register will ensure the unique heritage value of the property is retained.
- Any future use or development over the property will be subject to the relevant natural environment codes of the scheme to ensure the properties are protected against the impacts to the natural environment.
- The property will be subject to the requirements of the Local Historic Heritage Code. The code will ensure development opportunities are able to be realised whilst maintaining the historic cultural values of the property.
- The introduction of the property onto local heritage places register will allow for investment into culturally significant sites, as well as opening up properties for unfettered development.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

The adjacent municipal areas have adopted the Tasmanian Planning Scheme. However, the proposed Amendment to the LPS will not impact the adjacent municipal areas.

(h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.

The *Gas Pipelines Act 2000* is not applicable to the proposed development.

Section 32 of LUPAA sets out the Contents of an LPS

(3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include

–

- (a) a particular purpose zone, being a group of provisions consisting of –**
 - (i) a zone that is particular to an area of land; and**
 - (ii) the provisions that are to apply in relation to that zone; or**
- (b) a specific area plan, being a plan consisting of –**

- (i) a map or overlay that delineates a particular area of land; and*
 - (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or*
- (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.*

- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
 - (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

- (5) An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.*

- (6) A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.*

- (7) A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area.*

Section 32(3) is not applicable to this amendment.

Guideline No. 1

Guideline No. 1 Local Provisions Schedule: zone and code application was issued by the Tasmanian Planning Commission under Section 8A of LUPAA with the approval of the Minister for Planning and Local Government in June 2018 and sets out the application guidelines for the State Planning Provisions.

The proposed amendment references C6.0 Local Historic Heritage Code. The purpose of the code is:

To recognise and protect the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.

How the proposed changes to the local listings adheres to the application guidelines is set out below.

Guideline No. 1 Local Provisions Schedule: Zone and Code Application	
Zone/Code Application Guidelines	Planning Response
<i>LHHC 1 THR places may be listed as local heritage places in the Code list (Table C6.1).</i>	Not Applicable.
<i>LHHC 2 If the planning authority has local historic landscape precincts, local heritage precincts, or places or precincts of archaeological potential, within its municipal area, the LPS must include an overlay map showing these places or precincts for the application of the code</i>	An update to the statutory overlay map will include the new listing.
<i>LHHC 3 Each LPS may contain an overlay map showing local heritage places for the application of the Local Historic Heritage Code</i>	An update to the statutory overlay map will include the new listing.
<i>LHHC 4 Each LPS may contain an overlay map showing significant trees, for the application of the Local Historic Heritage Code.</i>	Not Applicable.
<i>LHHC 5 If including a statement of significance in Table C6.1, C6.2 or C6.3 the information included in the right hand column (titled 'Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage</i>	Table C6.1 is the only relevant table. The new listing will include a datasheet outlining the extent of its historical and cultural value.

<p><i>Values') must address the significance of each place and its historic heritage values, as set out in the definition for local historic heritage significance in the code. The statement of local historic heritage significance must incorporate the historic heritage values of the place. The information may be set out in the table or appear in a separate datasheet. All external documents must be listed in the LPS's Applied, Adopted or Incorporated Documents table</i></p>	
--	--

TASMANIAN PLANNING SCHEME - LAUNCESTON LOCAL PROVISIONS SCHEDULE

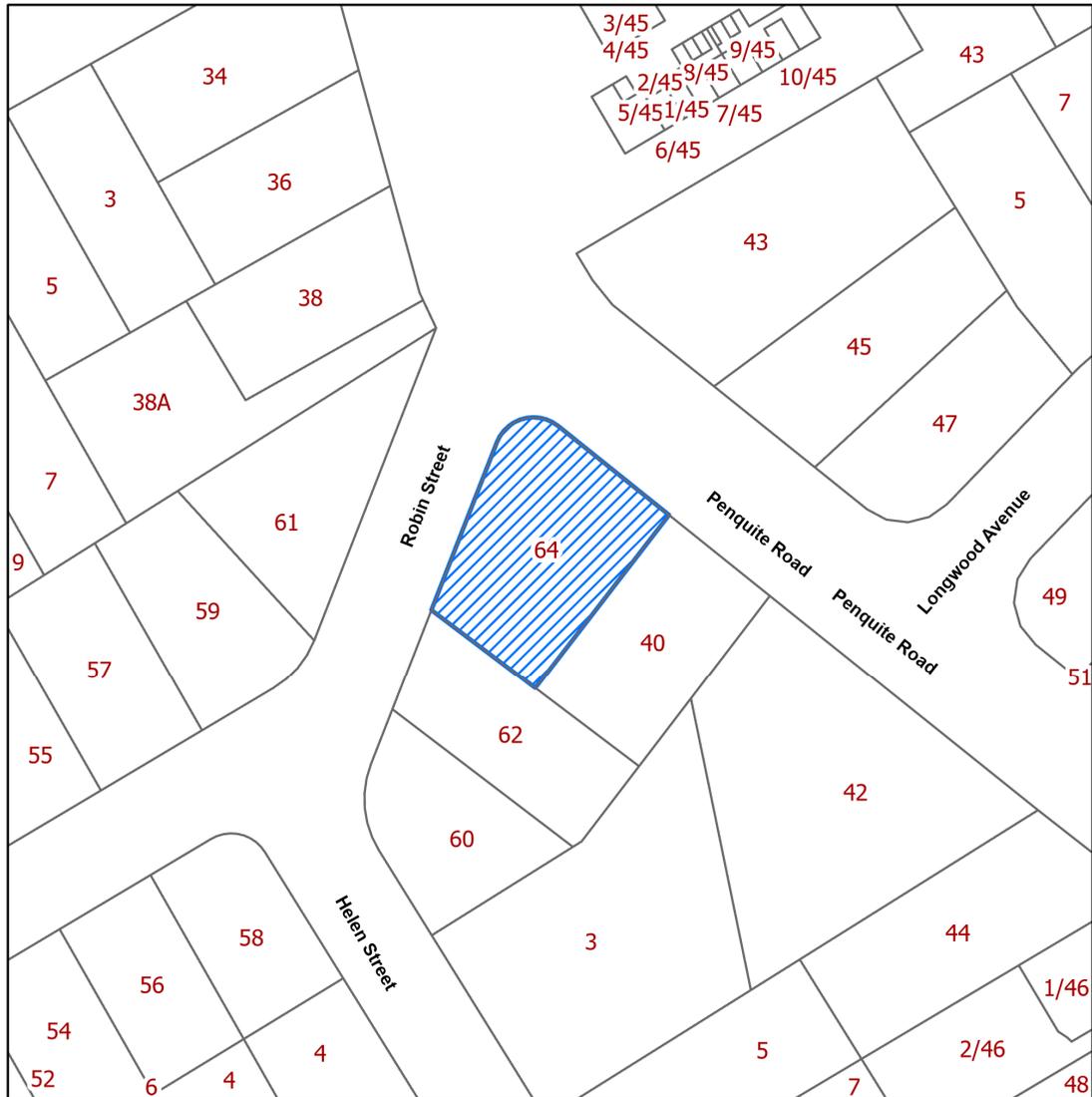
Amendment PSA-LLP0024

Apply Heritage Overlay to the following property as shown:

Address: 64 Robin Street, Newstead

Title: 55051/1

Amend the Tasmanian Local Provisions Schedule maps as below



1:1,000

 New Heritage Listing

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Sam Johnson
Chief Executive Officer

Date

Table C6.1 Local Historic Heritage Places Datasheet – LAU-C6.1.XXX

Town/Locality:

Newstead

Address:

64 Robin Street

Folio of the Register:

55051/1

Description:

Building as shown in Figures 1 - Two storey meeting hall, Post-War International, 1952 and 1964



Figure 1

Specific Extent:

The entire site including gardens, with the facades visible directly from the street and setbacks from the street being of high importance

Figures of specific extent:

Not applicable

Statement of local historic heritage significance and historic heritage values:

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history - Highly significant as one of a few buildings built post war for community groups, specifically the Masonic Lodge, in Launceston. The building is distinctive and adds to the collective value of the streetscape as well as having individual significance. The foundation stone of the Heather Lodge's new temple was laid in 1952 (refer Figure 2). It was the first time the ancient Masonic ceremony had been performed in Launceston for over 50 years. (<i>Examiner</i> , 2 Jun 1952, p.5) Further additions occurred in 1964. The architect involved being Roy Smith, Willing and Newman and builders H J Martin and G J Luck.
(ii) creative or technical achievements - The place maintains significance in its ability to convey key characteristics of the Post-War International architectural style, with prismatic form and asymmetry to windows and entryway. It maintains smooth brick exterior walls with areas of contrasting textures including concrete and glass.
(iii) a class of building or place - A good representative example of a large Post-War International style community building form complete with fence. Exclusions from significance include: Addition to the side; metal sheet fencing.
(iv) aesthetic characteristics - The place is aesthetically significant achieving precision, sharpness, and transparency in design. Typical of the Post-War International type, the structure is well established and large in scale with a vertical monumentality. It is considered to contribute aesthetically and historically to the surrounding streetscape.

(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons - A social assessment has not been undertaken for the property. However, the site is likely significant to past and present members of the Freemasons / Masonic order of Tasmania and their families. The place is further considered to add to the collective ambiance of Launceston, closely linked with the region's sense of place.
(ii) the life or works of a person, or group of persons, of importance to the locality or region - The place is known to have been designed by prominent architects Roy Smith, Willing & Newman; and built by H. J. Martin & G. J. Luck between 1952 and 1964. The site is further associated with the Freemasons / Masonic order of Tasmania.

Figures for statements of local heritage significance and heritage values:



Figure 2 – Foundation Stone



Planning Report

*Proposed Draft Amendment to the
Launceston Local Provisions
Schedule*

64 Robin Street, Newstead



Lodge Heather

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Robin Street Draft Amendment
July 2024

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1. Introduction

6ty° Pty Ltd has been engaged by Selora Pty Ltd to prepare an application for a draft amendment to the Launceston Local Provisions Schedule ('LPS') pursuant to section 37(1) of the *Land Use Planning and Approvals Act 1993* ('LUPA Act').

The proposed draft amendment seeks to:

- add 64 Robin Street, Newstead comprised in folio of the Register Volume 55051 Folio 1 as a local heritage place within Table C6.1 Local Heritage Places of the Launceston LPS.

The purpose of the draft amendment is:

1. to fast-track the Planning Scheme Amendment PSA-LLP0012 which seeks to add 38 new properties onto the local heritage list including 64 Robin Street, Newstead;
2. to provide greater flexibility for future use of 64 Robin Street which is afforded by clause 7.4 of the *Tasmanian Planning Scheme*; and
3. facilitate the conservation and future maintenance of the existing building which is identified as having local historic heritage significance.

This Planning Report has been prepared to frame the proposed draft amendment within the context of the relevant requirements and objectives of the LUPA Act and other relevant strategic planning documents including:

- Northern Tasmanian Regional Land Use Strategy;
- State Policies;
- City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review; and
- Tasmanian Planning Scheme incorporating the Launceston Local Provisions Schedule.

1.1 Application Overview

The site¹ comprises a single lot that is addressed as 64 Robin Street, Newstead and comprised in folio of the Register Volume 55051 Folio 1 ('the site'). An overview of the site and the draft amendment is provided in Table 1 and the site is illustrated in Figure 1.

Table 1 -overview of the site and draft amendment.

Address:	64 Robin Street, Newstead	
Property Identification Number:	6609319	
Certificate of Title:	Volume	Folio
	55051	1
Owner:	Selora Pty Ltd	
Area:	842.5m ²	
Planning Authority	City of Launceston	
Legislative Instrument	<i>Land Use Planning and Approvals Act 1993</i>	
Planning Instrument:	<i>Tasmanian Planning Scheme - Launceston</i>	
Applicable Zone:	General Residential	
Applicable Overlay(s):	Airport Obstacle Limitation Area	

¹ means the lot or lots on which a use or development is located or proposed to be located. Table 3.1, Scheme.

Applicable General Overlay(s):	Nil
Proposed Overlay:	Local Heritage Place

Figure 1 - aerial image illustrating the location and spatial extent of the site.



Source: base image and data from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

1.2 Proposed Draft Amendment

The proposed draft amendment seeks to include the site as a local heritage place within Table C6.1 Local Heritage Places of the Launceston LPS. This will necessitate the inclusion of the site as a local heritage place on the Tasmanian Planning Scheme Code Overlay maps which is indicatively shown in Figure 2.

The proposed draft amendment would also require a new Local Historic Code Datasheet to be included within Appendix A of the LPS which details the Local Historic Heritage Significance of the site.

Figure 2 - indicative example of the Tasmanian Planning Scheme Code Overlay map that would apply to the site subject to the acceptance of the proposed draft amendment.



Source: base image and data from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

1.2.1 Rationale for the Amendment

Council has identified the need to update and introduce new properties onto the local heritage list of their LPS.

To this effect, PSA-LLP0012 is the first tranche of planning scheme amendments which seek to include new properties onto the local heritage list as well as incorporating new site specific heritage data sheets into the LPS.

PSA-LLP0012 was initiated by Council at their meeting held 11 July 2024 which included the site.

The site has been purchased by the current owners who intend to retain the existing building which has had a non-residential function since it was constructed in 1952. In this regard, the building known as Lodge Heath, was the former (up to around 2022) East Launceston branch of the Masonic Lodge.

The current owners have future ambition to convert the building to support another non-residential use which would not be possible without the site being listed as a local heritage place within the LPS. To this effect, clause 7.4 of the Scheme allows for an application to be made for use of a place listed as a local heritage place subject to the Local Historic Heritage Code of the Scheme that would otherwise be prohibited in the underlying zone or by any other relevant Scheme provision, where the proposed (prohibited) use is able to be considered as a discretionary use.

The proposed draft amendment will therefore facilitate this link. It will also seek to protect the fabric of the existing building which is considered to have local historic significance.

It is anticipated that the proposed draft amendment will run predominately in parallel with PSA-LLP0012. Given the landowners support for the local heritage listing of the site, it is also expected that the proposed draft amendment will avoid the potential mire associated with the public exhibition and submission process for PSA-LLP0012, which includes multiple properties.

1.3 Statutory Overview

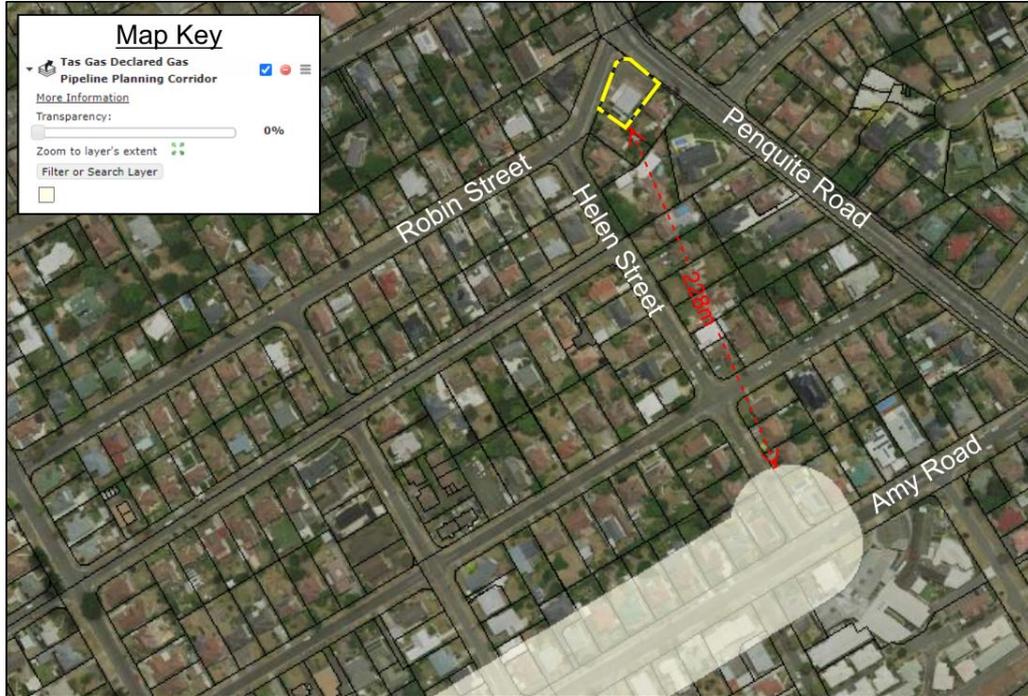
Section 38(1) of the LUPA Act requires that the Planning Authority must satisfy themselves that a draft amendment to an LPS will meet the LPS criteria set out in section 34 of the LUPA Act. Table 2 provides an overview of the LPS criteria that is pertinent to the proposed draft amendment and a response as to how the proposed draft amendment satisfies each criteria.

Table 2 - overview of LPS criteria set out in section 34(2) of the LUPA Act.

Section 34(2) LPS Criteria		
<i>The LPS criteria to be met by a relevant planning instrument are that the instrument –</i>		
Subclause	Requirement	Response
(a)	<i>contains all the provisions that the SPPs specify must be contained in an LPS.</i>	The proposed draft amendment seeks to amend the LPS by way of including the site as a local heritage place within Table C6.1 Local Heritage Places of the Launceston LPS. All provisions that the State Planning Provisions ('SPPs') specify must be contained within an LPS will continue to apply to the site including all provisions of the underlying General Residential zone and all provisions of the Local Historic Heritage Code.
(b)	<i>is in accordance with section 32.</i>	<p>The proposed draft amendment will satisfy the matters specified within section 32 of the LUPA Act. In this regard proposed draft amendment will be accommodated by the necessary adjustments to the LPS and code overlay maps which will identify and detail the applicable local heritage place status of the site as well as including the relevant information as to the Local Historic Heritage Significance of the site.</p> <p>Listing of the site as a local heritage place has been considered within the context of Guideline No.1 Local Provisions Schedule (LPS): zone and code application June 2018 which are prepared in accordance with section 8A of the LUPA Act. ('Section 8A Guidelines'). Assessment of the Section 8A Guidelines are provided in Section 3.1 of this report.</p> <p>The proposed draft amendment will not include any overriding provisions of the SPPs nor does it involve a particular purpose zone, specific area plan or site-specific qualification.</p>

Section 34(2) LPS Criteria		
<i>The LPS criteria to be met by a relevant planning instrument are that the instrument –</i>		
Subclause	Requirement	Response
(c)	<i>further the objectives set out in Schedule 1.</i>	Assessment of the proposed draft amendment against the objectives set out in Schedule of the LUPA Act is provided in Section 3.2 of this report.
(d)	<i>is consistent with each State policy.</i>	Assessment of the proposed draft amendment against each State policy is provided Section 3.3 of this report.
(da)	<i>satisfies the relevant criteria in relation to the TPPs.</i>	The Tasmanian Planning Policies ('TPPs') are currently in draft form and are not in effect. Accordingly, there are no TPPs in which to assess the proposed draft amendment against.
(e)	<i>as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates.</i>	Assessment of the proposed draft amendment against the Northern Tasmania Regional Land Use Strategy is provided in Section 3.4 of this report.
(f)	<i>Has regard to the strategic plan, prepared under section 66 of the <u>Local Government Act 1993</u>, that applies in relation to the land to which the relevant planning instrument relates.</i>	Assessment of the proposed draft amendment against the relevant parts of the City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review is provided in Section 3.5 of this report.
(g)	<i>as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.</i>	In this instance, the site does not adjoin and is not located adjacent to, land that is governed by another LPS within a different municipal area. Accordingly, the proposed draft amendment aligns with the requirements of section 34(2)(g) of the LUPA Act insofar as it will not conflict with an LPS of an adjacent municipal area.
(h)	<i>has regard to the safety requirements set out in the standards prescribed under the <u>Gas Safety Act 2019</u>.</i>	The site is located approximately 228m to the north-west of the nearest applicable declared gas pipeline planning corridor which terminated within the vicinity of the junction of Helen Street and Amy Road (refer to Figure 3). The proposed draft amendment therefore will not affect, or could be affected by, the requirements set out in the standards prescribed under the <i>Gas Safety Act 2019</i> .

Figure 3 - aerial image illustrating the location of the declared gas pipeline planning corridor relative to the location of the site.



Source: base image and data from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

2. Site Analysis

2.1 Location

The site is located at 64 Robin Street, Newstead the extent of which is depicted in Figure 1 and Figures 4 and 5. The site is a corner lot with frontage to Robin Street along its north-western boundary and Penquite Road along its north-eastern boundary. The site adjoins a single lot to the south-east and a single lot to the south-west which each contain single dwellings.

Figure 4 - photograph showing the configuration of development located on the site looking east from Robin Street.



Figure 5 - photograph showing the configuration of development located on the site looking south-west from Penquite Road.



2.2 Title Information

The site is comprised within the title detailed in Table 3 below.

Table 3 - title details of the site.

Address	Ownership	Title Reference
64 Robin Street, Newstead	Selora Pty Ltd	5505/1

A copy of the title documents is provided in **Appendix A**. Landowner's consent in accordance with Form No. 1 provided by the Tasmanian Planning Commission is provided in **Appendix B**.

2.3 Surrounding Area

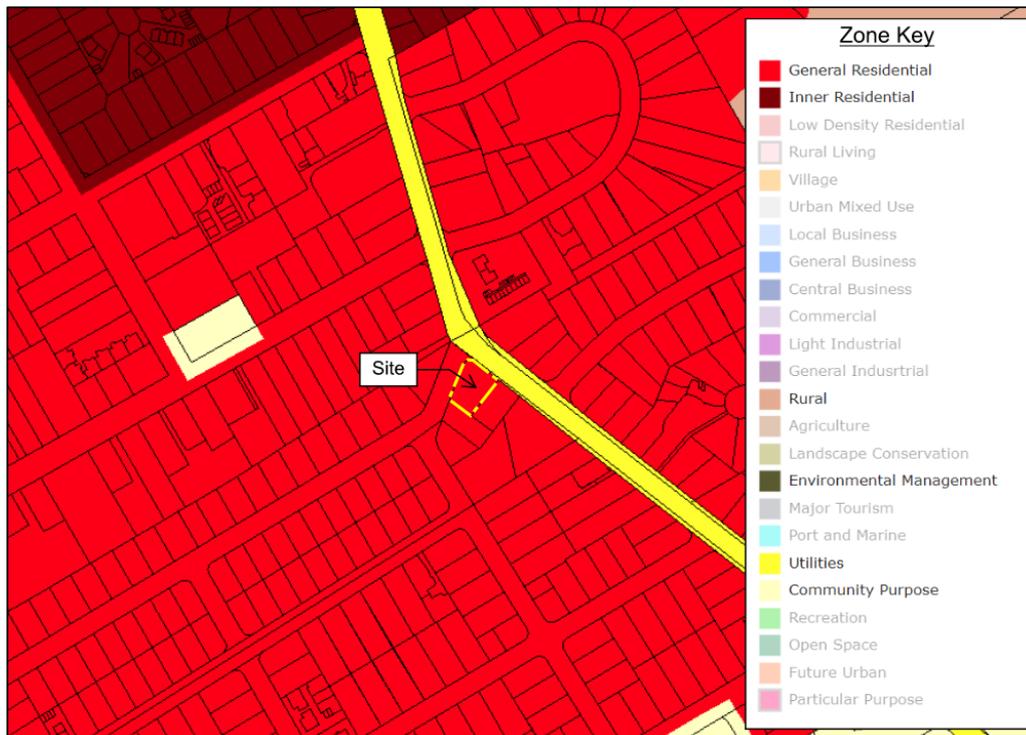
The site is located within an established urban area of Newstead which is a predominately residential suburb of Launceston.

2.4 Zoning and Overlays

2.4.1 General Residential Zone

The site is assigned to the General Residential Zone under the *Tasmanian Planning Scheme* incorporating the *Launceston Local Provisions Schedule* ('the Scheme'). The zoning of the site and land surrounding the site is illustrated in Figure 6.

Figure 6 - map identifying the zone of the site and land surrounding the site.



Source: base image and data from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

2.4.2 Overlays

The site is subject to the Airport Obstacle Limitation Area code overlay map of the Scheme which applies to the majority of the urban area of Launceston. The obstacle limitation height is set at 316m Australian Height Datum (AHD) where the existing ground level of the site is approximately 20m AHD.

The site is not subject to any other Scheme code overlay maps.

2.5 Built Form

The site contains an existing multiple level building known as Lodge Heather which was the former East Launceston branch of Masonic Lodge. The building has a large geometric massing and is positioned within the southern corner of the site. Land within the front setback of the building to Robin Street and Penquite Road comprises gravel hardstand which is used for vehicle access and parking and pedestrian access.

2.6 Topography

The site is observed as being level with no noticeable fall.

2.7 Infrastructure

2.7.1 Road

The site is a corner lot with frontage to Robin Street and Penquite Road. An existing vehicle crossing is located adjacent to the truncation of each frontage which connects to Robin Street. A second vehicle crossing is located at the eastern end of the Penquite Road frontage.

2.7.2 Hydraulic Services

The site is located within an established urban area and has established connections to reticulated water, sewer and stormwater infrastructure.

2.8 Natural Values

The site is a fully developed urban lot. It is devoid of all natural values.

2.9 European Heritage

The site is not listed on the Tasmanian Heritage Register. The site is not currently listed as a local heritage place on the Launceston LPS.

2.10 Aboriginal Heritage

The site is a fully developed urban lot located on land that has been significantly modified. It is not expected that the site will contain any Aboriginal relics. Notwithstanding this, obligations under the *Aboriginal Heritage Act 1975* will continue to apply to the site irrespective of the status of the proposed draft amendment.

2.11 Environmental Hazards and Constraints

2.11.1 Landslip Hazard

The site is not shown as being subject to a landslip hazard on the Tasmanian Planning Scheme Code Overlay maps.

2.11.2 Bushfire Hazard

The site is not shown as being subject to a bushfire hazard on the Tasmanian Planning Scheme Code Overlay maps.

2.11.3 Site Contamination

The site is not known to have been used for a potentially contaminating activity.

2.11.4 Flood Hazard

The site is not shown as being subject to a flood hazard on the Tasmanian Planning Scheme Code Overlay maps.

2.11.5 Biodiversity Values

The site is not shown as being subject to a priority vegetation area, waterway and coastal protection area or a future coastal refugia area on the Tasmanian Planning Scheme Code Overlay maps.

3. Statutory Assessment

The following sections provide a detailed assessment of the proposed draft amendment against the LPS criteria listed in, or otherwise implied by, 34(2) of the LUPA Act.

3.1 Section 8A Guidelines

The Section 8A Guidelines were issued by the Tasmanian Planning Commission under section 8A of the LUPA Act. They provide guidance with respect to how and where SPP zones and codes should be applied to land.

3.1.1 Local Historic Heritage Code Application Guideline Overview

The following is an overview of the Local Historic Heritage Code application guidelines.

“The Local Historic Heritage Code aims to recognise and protect the local historic heritage significance of local heritage places, heritage precincts, historic landscape precincts and places or precincts of archaeological potential, as well as significant trees, by regulating development that may impact on their values, features and characteristics.

The Local Historic Heritage Code applies to development only, not use. Internal buildings and works are exempt from requiring a planning permit under clause 4.3.2 of the SPPs.

The Local Historic Heritage Code does not apply to a registered place entered on the Tasmanian Heritage Register (THR). Some sites may have dual listings for mutually exclusive parts of the same lot or lots, therefore, the code does not apply to that part of the site listed on the THR, unless for the lopping, pruning, removal or destruction of a significant tree as defined in the code².

3.1.2 Application Guideline LHHC 5

The Section 8A Guidelines contain one application guideline that is relevant to the proposed draft amendment which is detailed in Table 4 below.

C6.0 Local Historic Heritage Code	
The purpose of the Local Historic Heritage Code is:	
C6.1.1 To recognise and protect:	
<ul style="list-style-type: none"> (a) the local historic significance of local places, precincts, landscape and area of archaeological potential; and (b) significant trees. 	
C6.1.2	(c) This code does not apply to Aboriginal heritage values.
Code Application Guideline	Response
<p>LHHC</p> <p><i>If including a statement of significance in Table C6.1, C6.2 or C6.3 the information included in the right hand column (titled ‘Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values’) must address the significance of each place and its</i></p>	<p>As part of planning scheme amendment PSA-LLP0012, Council has produced a datasheet for the site which provides a statement of local historic heritage significance and historic heritage values. The datasheet is included in Appendix C of this Planning Report.</p> <p>To support this application, Praxis Environment was engaged to undertake a detailed assessment</p>

² Page 32, Section 8A Guidelines.

<p><i>historic heritage values, as set out in the definition for local historic heritage significance in the code.</i></p> <p><i>The statement of local historic heritage significance must incorporate the historic heritage values of the place.</i></p> <p><i>The information may be set out in the table or appear in a separate datasheet. All external documents must be listed in the LPS's Applied, Adopted or Incorporated Documents table.</i></p>	<p>of the heritage significance of the site (Heritage Assessment). The Heritage Assessment is contained in Appendix D of this Planning Report.</p> <p>The Heritage Assessment concluded that the site is of local historic heritage significance based on an analysis of the national HERCON criteria which are reflected in both the Tasmanian Government's <i>Assessing Historic Heritage Significance for Application with the Historic Cultural Heritage Act 1995</i> and the definition of Local Historic Significance defined in clause C6.3.1 of the <i>Tasmanian Planning Scheme</i>. The HERCON criteria are used in heritage assessments across Australia and provide a standard measure by which places are assessed within the context of their heritage significance.</p> <p>The Heritage Assessment concluded that the site is capable of being a Local Heritage Place on the basis that it has the ability to:</p> <ol style="list-style-type: none"> 1. Demonstrate a phase of historical interest to the local community as it demonstrates a good example of a mid-c20th purpose-built lodge building. 2. The place has landmark qualities as a recognisable lodge building in a prominent location. 3. The place is demonstrative of community interaction through lodge activities. 4. The place is considered to be a good example of the work of Architect Roy Smith, who was an important mid-c20th architect in Tasmania, being instrumental in the Art-Deco and Post-War modernist movement with strong connections to the formation of the National Trust of Australia – Tasmania. <p>The conclusions drawn within the Heritage Assessment align with the statement of local historic heritage significance and historic heritage values set out in Council's datasheet.</p> <p>Accordingly, the site is considered to be eligible for listing as a Local Heritage Place in Table C6.1 Local Heritage Places of the Launceston LPS.</p>
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3.2 Schedule 1 Objectives

3.2.1 Schedule 1 Objectives – Part 1

Part 1 – Objectives of the Resource Management and Planning System of Tasmania	
1. The objectives of the resource management and planning system of Tasmania are –	
Objective	Response

<i>(a) to promote the sustainable development³ of natural and physical resources and the maintenance of ecological processes and genetic diversity.</i>	The proposed draft amendment will broadly promote sustainable development of natural and physical resources insofar as it will seek to protect and conserve an established building within an urban area that is connected to full reticulated services. The site does not contain any known biodiversity, ecological or genetic diversity values and it does not contribute to any processes associated with these values locally or regionally.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water.</i>	The proposed draft amendment will provide for the fair, orderly and sustainable use and development of air, land and water. In this regard, the proposed draft amendment will provide for the protection and conservation of land contained within the site which includes the existing building that has been identified as contributing to the local historic heritage significance of the municipality. All other applicable provisions of the Scheme will continue to apply to the site which have been created under the auspices of the Schedule 1 Objectives.
<i>(c) to encourage public involvement in resource management and planning.</i>	If initiated, the proposed draft amendment will be placed on public exhibition for a formal comment period pursuant to Section 40G of the LUPA Act.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c).</i>	The proposed draft amendment will facilitate economic development in accordance with the objectives set out in sub-paragraphs (a), (b) and (c) insofar as listing the site as a Local Heritage Place in Table C6.1 Local Heritage Places of the Launceston LPS will provide greater flexibility for future use of the site which is afforded by clause 7.4 of the TPS.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The proposed draft amendment process represents the sharing of responsibility for resource management between the different spheres of Government, the community and industry within the State through engagement of the planning authority (local government), Tasmanian Planning Scheme (state government level), community (through public exhibition) and industry (future use and development enabled by the proposed draft amendment)..

3.2.2 Schedule 1 Objectives – Part 2

Part 1 – Objectives of the Resource Management and Planning System of Tasmania	
2. The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –	
Objective	Response

³ **Sustainable development** means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

<p>(a) to require sound strategic planning and co-ordinated action by State and local government.</p>	<p>The proposed draft amendment is assessed against the applicable sections of the Northern Tasmania Regional and Use Strategy (NTRLUS) in section 3.4 of this Planning Report. The proposed draft amendment has been found to be consistent with the applicable policies and actions in sections C.6.4 and G.2.4 of the NTRLUS. The proposed draft amendment therefore represents coordinated and sound strategic planning.</p>
<p>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.</p>	<p>The proposed draft amendment will not materially alter the established system of planning instruments that set the objectives, policies and controls for the use, development and protection of land. In this regard, all current zone and codes of the TPS will continue to apply to the site. The proposed draft amendment seeks to introduce additional land use, development and protection controls that are provided by the Local Historic Heritage Code due to the identified local historic heritage significance of the site.</p>
<p>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.</p>	<p>Attainment of this objective is not impacted by the proposed draft scheme amendment. In this regard, the site is within an established urban environment and the proposed draft amendment only seeks to list the site as a Local Heritage Place in Table C6.1 Local Heritage Places of the Launceston LPS. Codes and other applicable Scheme provisions that seek to manage and control environmental impacts will continue to remain relevant to the site to the degree that they apply.</p>
<p>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.</p>	<p>The proposed draft amendment is consistent with relevant State, regional and local strategy and policy directions which broadly seek to achieve sustainable development that does not compromise environmental, social, economic and resource management objectives.</p>
<p>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.</p>	<p>The proposed draft amendment is considered under section 37(1) of the LUPA Act and does not involve a combination of use and development.</p>
<p>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.</p>	<p>The proposed draft amendment will indirectly benefit the health and wellbeing of the local and broader community insofar as it will allow a building that contributes to the amenity of the local area through its identified local historic heritage significance values.</p>
<p>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.</p>	<p>The proposed draft amendment directly aligns and is consistent with this objective insofar as it seeks to conserve an established building that has known aesthetic, architectural and historic values which contribute to the fabric and amenity of the local community.</p>

<p>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.</p>	<p>The proposed draft amendment will not result in any direct impact upon public utilities or other public facilities.</p>
<p>(i) to provide a planning framework which fully considers land capability.</p>	<p>Land capability is aligned to land assigned or designated for agricultural use. The site is located within an established urban area and is not assigned to the Agriculture or Rural zones of the TPS. The proposed draft amendment will therefore not impact land capability.</p>

3.3 State Policies

3.3.1 Tasmanian State Coastal Policy 1996

The State Coastal Policy 1996 defines the term 'Coastal Zone' as, under the *State Coastal Policy Validation Act 2003*, a reference in the *State Coastal Policy 1996* to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

In this instance, the site is located 2.7km from the nearest mean high-water mark located at the end of Park Street adjacent to Royal Park. The State Coastal Policy therefore does not apply to the site or the proposed draft amendment.

3.3.2 State Policy on the Protection of Agricultural Land 2009

The *Protection of Agricultural Land Policy 2009* ('PAL Policy') seeks to conserve and protect agricultural land. The site is assigned to the General Residential zone and is located within an established urban area of Launceston. The site does not comprise agricultural land and is not adjacent to agricultural land. The PAL Policy therefore does not apply to the site or the proposed draft amendment.

3.3.3 State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* ('SPWQM Policy') applies to all surface waters, including coastal waters and ground waters. It seeks to manage and where possible, enhance the quality of surface and ground water systems through catchment management, monitoring and development control. The SPWQM Policy comprises a series of often technical objectives for the management of surface and ground water systems.

The objectives of the SPWQM are integrated into the current Resource Management and Planning System of Tasmania. In this regard, the Natural Assets Code of the Tasmanian Planning Scheme ('TPS') which applies to watercourses contains development controls that seek to minimise impacts on water quality including native riparian vegetation, watercourse condition and the natural ecological function of watercourses. The site is not subject to the Natural Assets Code or any other TPS code that relates to management of water quality. The SPWQM Policy therefore does not apply to the proposed draft amendment.

3.3.4 National Environment Protection Measures

National Environmental Protection Measures (NEPMs) are developed under the National Environment Protection Council (Tasmania) Act 1995 and outline the objectives and protections for specific environmental matters. Section 12A of the State Policies and Projects Act 1993 provides NEPMs with an equivalent status as State policies.

There are seven active NEPMs which deal with the following environmental matters:

1. Ambient air quality;
2. Air toxins;
3. Assessment of site contamination;
4. Diesel vehicle emissions;
5. Movement of controlled waste between states and territories;
6. National pollutant inventory; and
7. Used packaging material.

None of the above NEPMS are considered relevant to the proposed draft amendment.

3.4 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy ('NTRLUS') was established under section 5A of the LUPA Act.

The NTRLUS is the regional plan for Northern Tasmania which sets out the strategy and policy framework to facilitate and manage change, growth and development within the region through until 2032. The NTRLUS contains seven (7) distinct parts which are:

- **Part A:** The purpose and scope of the NTRLUS
- **Part B:** Regional Profile and Overview
- **Part C:** Regional Strategic Planning Framework
- **Part D:** Regional Planning Land Use Categories
- **Part E:** Regional Planning Policies
- **Part F:** Implementation and Monitoring Measures
- **Part G:** Local Provisions Schedule Preparation Addendum

All municipal planning schemes and policy making within the region are expected to advance and implement all active parts of the NTRLUS. In this instance, of the NTRLUS that are most pertinent to the proposed draft amendment are Parts E and G.

3.4.1 Part E: Regional Planning Policies

Part E of the NTRLUS sets out the regional planning policies that manage and direct growth at the regional level. The regional planning policies are expressed through the following themes:

- Regional Settlement Network Policy
- Regional Activity Centre Network Policy
- Regional Infrastructure Network Policy
- Regional Economic Development Policy
- Social Infrastructure and Community
- Regional Environment Policy

The most relevant planning policies within the context of the proposed draft amendment include specific policies and actions contained within the Social Infrastructure and Community Policy.

Notwithstanding this, each of the policy themes including specific policies and actions are interlinked and integrated. Accordingly, compliance or consistency with the overarching policies and actions feed into compliance with the lower order or subsequent policies.

The following policies are considered the most relevant to the proposed draft amendment.

Table 4 – Social Infrastructure and Community Policy

E.6.4 Specific Policies and Actions		
Cultural Heritage		
Policy	Actions	Response
<p>CH-P01 Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history.</p>	<p>CH-A01 Investigate planning means to recognise and list places, precincts of heritage significance within planning schemes and spatially define them with associated map overlays.</p>	<p>The proposed draft amendment seeks to recognise, retain and protect cultural heritage values within Launceston.</p> <p>To this end, Council and the land owner (through the commissioning of the Heritage Assessment) has identified the site as having the necessary attributes to warrant its inclusion as a Local Heritage Place in Table C6.1 Local Heritage Places of the Launceston LPS. The attributes are detailed in the statement of local historic heritage significance with Council’s datasheet for the site and more extensively within the Heritage Assessment.</p> <p>If initiated, the proposed draft amendment will result in the site being spatially defined within the map overlays associated with the Launceston LPS.</p> <p>The proposed draft amendment responds to and directly aligns with Policy CH-P01 and Action CH-A01 of section E.6.4 of the NTRLUS.</p>

3.4.2 Part G: Local Provisions Schedule Preparation Addendum

Part G of the NTRLUS provides guidance for policies and actions that relate to the preparation and application of an LPS.

The following policies are considered most relevant to the proposed draft amendment.

Table 5 - Local Provisions Schedule Preparation Addendum

G.2.4 Specific Policies and Actions		
Regional Settlement Networks		
Policy	Actions	Response
<p>G-RSN-P15 In established urban areas where an existing urban or heritage character study has been undertaken and adopted by Council, provide for development that is consistent with that study</p>	<p>Nil</p>	<p>Listing the site as a Local Heritage Place in Table C6.1 Local Heritage Places of the Launceston LPS has been informed by an extensive heritage study commissioned by City of Launceston in 2009.</p>

G.2.4 Specific Policies and Actions		
Regional Settlement Networks		
Policy	Actions	Response
and reinforces and enhances the strengths and character of the area in which it is set.		Furthermore, the application is accompanied by a Heritage Study which is specific to the site. If initiated, the proposed draft amendment will provide additional development controls which respond to the desired character of the building within the context of the Local Historic Heritage Code.

3.5 City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review

City of Launceston Strategic Plan seeks to provide direction to the range of operations Council undertakes in their role as the major provider of services and facilities for the municipal area. The Strategic Plan outlines Council's long-term strategic priorities, goals and focus areas to provide direction across a range of operations. The Strategic Plan is informed by the community's vision captured in the Greater Launceston Plan. A summary of the proposed draft amendment is provided within the context of strategic priorities of the plan in table 6.

City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review		
Strategic Priority 1		
Policy	Focus Areas	Response
<p>We connect with our Community and our Region through meaningful engagement, cooperation and representation.</p> <p>Our interactions with our community are authentic, timely, accurate and open. We want to build strong and productive relationships with our community and regional partners.</p>	<ol style="list-style-type: none"> 1. To develop and consistently utilise contemporary and effective community engagement processes. 2. To lead the implementation of the Greater Launceston Plan via collaborative and constructive relationships with our regional partners. 3. To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities. 	<p>The proposed draft amendment indirectly aligns with this policy insofar as the amendment process inherently involves established community engagement processes prescribed under section 40G of the LUPA Act.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>
Strategic Priority 2		
Policy	Focus Areas	Response

City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review		
<p>We Facilitate Prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.</p> <p>We use our influence and resources to deliver the foundations for ongoing economic development. We want Launceston to be the heart of a thriving regional economy.</p>	<ol style="list-style-type: none"> 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. 5. To understand and support the establishment and growth of new and creative industries and businesses in Launceston. 	<p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment indirectly aligns with this policy insofar as it will provide greater flexibility for future use of site which is afforded by clause 7.4 of the TPS allowing for diversity of investment in use and development of the site which will in turn support the growth of the local economy.</p> <p>The proposed draft amendment indirectly aligns with this policy insofar as it will provide greater flexibility for future use of site which is afforded by clause 7.4 of the TPS allowing for diversity of business and development within the municipality.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment indirectly aligns with this policy insofar as it will provide greater flexibility for future use of site which is afforded by clause 7.4 of the TPS allowing for diversity of business and development within Launceston, including new and creative industries and businesses.</p>
Strategic Priority 3		
Policy	Focus Areas	Response
<p>We are a Progressive Leader that is accountable to our governance obligations and responsive to our community.</p> <p>Our decision-making and actions are evidence-based, strategic, transparent and considered. We are ethical, fair and impartial in</p>	<ol style="list-style-type: none"> 1. To provide for the health, safety and welfare of the community. 	<p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>

City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review		
<p>complying with and enforcing the law.</p>	<ol style="list-style-type: none"> 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. 4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations. 5. To maintain a financially sustainable organisation. 	<p>The proposed draft amendment aligns with this policy insofar as it requires the planning authority to fairly and equitably discharge its statutory obligations under the LUPA Act.</p> <p>The proposed draft amendment directly aligns with this policy insofar as the application includes accurate and relevant information as to the statutory process for requesting an amendment to the Launceston LPS and the local historic heritage significance values of the site.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>
Strategic Priority 4		
Policy	Focus Areas	Response
<p>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.</p> <p>We facilitate our community's sense of place by enhancing local identity. We want people to be proud to say that Launceston is "my city".</p>	<ol style="list-style-type: none"> 1. To promote and enhance Launceston's rich heritage, culture and natural environment. 2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston. 3. To promote and attract national and international events and support the 	<p>The proposed draft amendment directly aligns with this policy. In this regard, the proposed draft amendment seeks to include the site as a Local Heritage Place in Table C6.1 Local Heritage Places of the Launceston LPS. The site has been determined to have the necessary attributes for inclusion as a Local Heritage Place and its associated listing will allow the protection and conservation of the building which is known to have local historic heritage significance within the community.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this</p>

City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review		
	<p>sector to ensure a diverse annual events calendar.</p> <p>4. To support the central business district (CBD) and commercial areas as activity places during day and night.</p> <p>5. To support sustainable population growth in the Northern Region.</p>	<p>policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>
Strategic Priority 5		
Policy	Focus Areas	Response
<p>We Serve and Care for our community by providing equitable and efficient services that reflects needs and expectations of our community.</p> <p>We are invested in our community's long-term health, well-being, safety and resilience. We want to be trusted and respected by our community</p>	<p>1. To plan for and provide services and facilities that recognise the changing demographics and needs of our community.</p> <p>2. To define and communicate our role in promoting social inclusion and equity.</p> <p>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</p> <p>4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.</p> <p>5. To promote and support active and healthy lifestyles of our community.</p> <p>6. To enhance community awareness of the impacts of uncertain weather patterns, natural and other disasters, and build community resilience.</p> <p>7. To develop and manage infrastructure and</p>	<p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>

City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review		
	resources to protect our community from natural and other hazards.	policy, but it will not impact on the attainment of this policy.
Strategic Priority 6		
Policy	Focus Areas	Response
<p>We Protect our Environment by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.</p> <p>We strive to minimise the impact of our actions on the environment, while planning for, adapting to and managing the impact of climate change. We want to protect the special character and values of our city for future generations.</p>	<ol style="list-style-type: none"> 1. To reduce our and the community's impact on the natural environment. 2. To contribute to air and river quality improvements in Launceston. 3. To manage the risks of climate-related events, particularly in the area of stormwater management and riverine flooding. 	<p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>
Strategic Priority 7		
Policy	Focus Areas	Response
<p>We are a City Planning for our Future by ensuring our approach to strategic land-use, development and infrastructure investment is coordinated, progressive, and sustainable.</p> <p>We play a leading role in balancing the enviable amenity of our municipality with the needs of future development and growth. We want to influence the delivery of the right investment for our city and region.</p>	<ol style="list-style-type: none"> 1. To ensure that our application of the land-use planning system at a local and regional level is effective and efficient. 2. To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment. 	<p>The proposed draft amendment aligns with this policy insofar as it follows the requirements of the LUPA Act which is an overarching statutory document that governs the land-use planning system at a local and regional level.</p> <p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>

City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review		
	<p>3. To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.</p>	<p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>
	<p>4. To ensure our suite of strategic planning initiatives are coordinated, and representative of our community's needs and aspirations.</p>	<p>The proposed draft amendment does not directly align with this policy, but it will not impact on the attainment of this policy.</p>

4. Conclusion

The proposed draft amendment seeks to add 64 Robin Street, Newstead comprised in folio of the Register Volume 55051 Folio 1 as a local heritage place within Table C6.1 Local Heritage Places of the Launceston LPS.

The ensuing assessment addresses each applicable assessment criteria set out by the Land Use Planning and Approvals Act 1993 that is relevant to the amendment of the Launceston Local Provisions Schedule including:

- Northern Tasmanian Regional Land Use Strategy;
- State Policies;
- City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review; and
- Tasmanian Planning Scheme incorporating the Launceston Local Provisions Schedule.

It is contended that the site comprises the attributes necessary to allow its inclusion as a Local Heritage Place within Table C6.1 Local Heritage Places of the Launceston LPS.

Support for the preparation and initiation of the proposed draft amendment is therefore requested from Council.

Appendix A Title Document

Robin Street Draft Amendment
July 2024



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 55051	FOLIO 1
EDITION 6	DATE OF ISSUE 09-Mar-2023

SEARCH DATE : 12-Jul-2024

SEARCH TIME : 03.19 PM

DESCRIPTION OF LAND

City of LAUNCESTON
Lot 1 on Plan 55051 (formerly being P11715(D))
Being the land described in Conveyance 26/5842
Derivation : Part of 100 acres Located to Richard Dry
Derived from A15733

SCHEDULE 1

M950048 TRANSFER to SELORA PTY LTD Registered 09-Mar-2023
at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
26/5842 CONVEYANCE: Benefiting Easement: Right to pass and
repass in common with all others over the strip of
land containing seven and three tenths of a perch
26/5842 CONVEYANCE Made Subject to Boundary Fences & other
Conditions

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



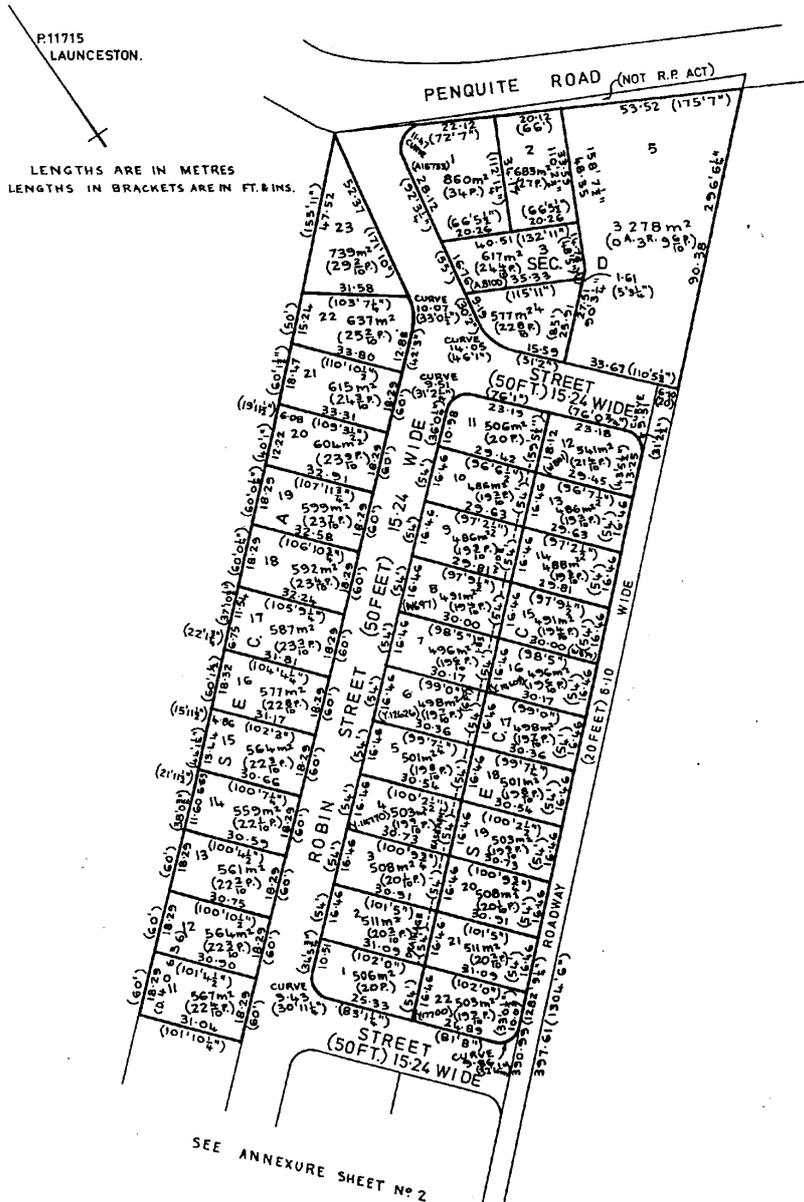
FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 1 (of 2 annexures) to plan by Surveyor	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated _____ and that certificate extends to the detail shown on this sheet.	Registered Number: P.11715
	Signed for the purposes of Identification	Surveyor: _____
Council Clerk: _____	Owner: DECEASED PERSONS ESTATE Title Reference: Z 37	(NOT TO SCALE)

SKETCH BY WAY OF ILLUSTRATION ONLY





FOLIO PLAN

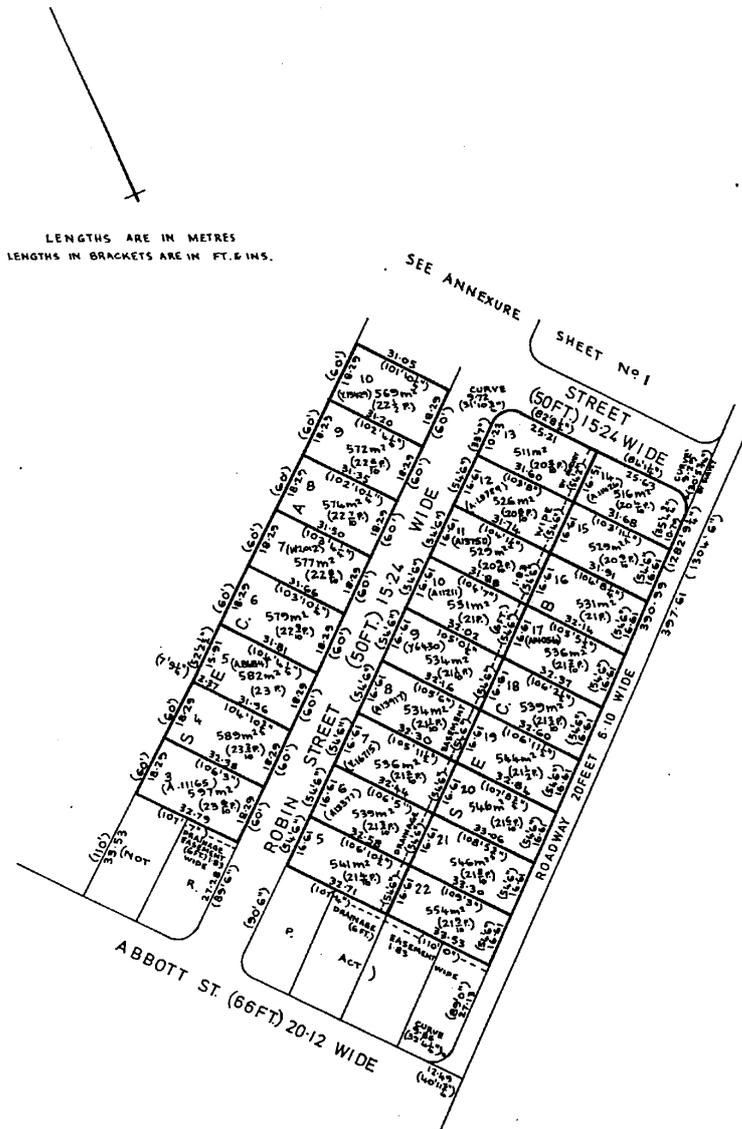
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>ANNEXURE SHEET No. 2 (of 2 annexures) to plan by Surveyor</p>	<p>This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated _____ and that certificate extends to the detail shown on this sheet.</p>	<p>Registered Number: P.11715</p>
<p>Signed for the purposes of identification Council Clerk _____</p>	<p>Surveyor _____ Owner: DECEASED PERSONS ESTATE Title Reference: Z 37</p>	<p>(NOT TO SCALE)</p>

SKETCH BY WAY OF ILLUSTRATION ONLY



Appendix B Owners Consent

Robin Street Draft Amendment
July 2024

Form No. 1

Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

George Walker obo 6ty° Pty Ltd

Email address

gwalker@6ty.com.au

Contact number:

0417 921 661

2. Site address:

Address:

64 Robin Street, Newstead

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT: 5505/1

PID: 6609319

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: Date:

Registered owner (please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: Date:

Registered owner (please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: Date:

NOTES:

a. When is owners' consent required?

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule¹; or
- combined permits and amendments².

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

b. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

c. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- the consent of each owner of each lot on the strata plan.

d. Companies

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

e. Associations

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

f. Council or the Crown

If the land is owned by a council or the Crown then form is to be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: September 2021

¹ under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 37 of the current provisions.

² under section 43A of the former provisions or section 40T of the current provisions of the Act

Appendix C Council Datasheet

Robin Street Draft Amendment
July 2024

Table C6.1 Local Historic Heritage Places Datasheet – LAU-C6.1.XXX

Town/Locality:
Newstead

Address:
64 Robin Street

Folio of the Register:
55051/1

Description:
Building as shown in Figures 1 - Two storey meeting hall, Post-War International, 1952 and 1964



Figure 1

Specific Extent:
The entire site including gardens, with the facades visible directly from the street and setbacks from the street being of high importance

Figures of specific extent:
Not applicable

Statement of local historic heritage significance and historic heritage values:

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:
(i) local history - Highly significant as one of a few buildings built post war for community groups, specifically the Masonic Lodge, in Launceston. The building is distinctive and adds to the collective value of the streetscape as well as having individual significance. The foundation stone of the Heather Lodge’s new temple was laid in 1952 (refer Figure 2). It was the first time the ancient Masonic ceremony had been performed in Launceston for over 50 years. (<i>Examiner</i> , 2 Jun 1952, p.5) Further additions occurred in 1964. The architect involved being Roy Smith, Willing and Newman and builders H J Martin and G J Luck.
(ii) creative or technical achievements - The place maintains significance in its ability to convey key characteristics of the Post-War International architectural style, with prismatic form and asymmetry to windows and entryway. It maintains smooth brick exterior walls with areas of contrasting textures including concrete and glass.
(iii) a class of building or place - A good representative example of a large Post-War International style community building form complete with fence. Exclusions from significance include: Addition to the side; metal sheet fencing.
(iv) aesthetic characteristics - The place is aesthetically significant achieving precision, sharpness, and transparency in design. Typical of the Post-War International type, the structure is well established and

large in scale with a vertical monumentality. It is considered to contribute aesthetically and historically to the surrounding streetscape.

(b) Significance of the local heritage place and its values because of its association with:
(i) a particular community or cultural group for social or spiritual reasons - A social assessment has not been undertaken for the property. However, the site is likely significant to past and present members of the Freemasons / Masonic order of Tasmania and their families. The place is further considered to add to the collective ambience of Launceston, closely linked with the region's sense of place.
(ii) the life or works of a person, or group of persons, of importance to the locality or region - The place is known to have been designed by prominent architects Roy Smith, Willing & Newman; and built by H. J. Martin & G. J. Luck between 1952 and 1964. The site is further associated with the Freemasons / Masonic order of Tasmania.

Figures for statements of local heritage significance and heritage values:



Figure 2 – Foundation Stone

Appendix D Heritage Assessment

Robin Street Draft Amendment
July 2024

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Assessment of Heritage Significance

64 Robin Street
NEWSTEAD TASMANIA

Brad Williams
Heritage Consultant

For 6ty°

July 2024

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Supplementary historical research was provided by Alan Townsend, consultant historian.

Unless otherwise stated, the north point (or approximate) of maps and plans is to the top of the page – project north is designated as the sunroom-side wall of the building.

Cadastral information depicted in this document must not be relied upon without verification by a Surveyor. Rectified aerial imagery has not been used; therefore the actual location as depicted in aerial images may differ to that of actual survey.

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1. Introduction, rationale and brief

This report has been commissioned by 6ty° in order to assess the possible historic heritage significance of the place known as 64 Robin Street, Newstead, Tasmania. The building was built as the rooms of Lodge Heather – the East Launceston branch of the Masonic Lodge, in 1952. The building has recently been sold into private ownership and lodge activities no longer take place within the building.

The place is not subject to any statutory heritage controls, however the owner proposes that Launceston City Council initiates an amendment to the Local Provisions Schedule of the Tasmanian Planning Scheme – Launceston to add the place to Table C6.1 (Local Historic Heritage Places) i.e. – the owner seeks that the place be locally heritage listed.

Accordingly, this document aims to:

- Provide a brief overview of the historical development and context of the place.
- Consider comparative assessments of relevant places to consider whether the place represents any key historic theme or association.
- Develop a statement of significance for the place
- Assess the ability of the fabric and setting of the place, as well as intangible values, to demonstrate the significance of the place.



Figure 1.1 – Aerial photograph of the area (the place outlined in red). Adapted from www.thelist.tas.gov.au

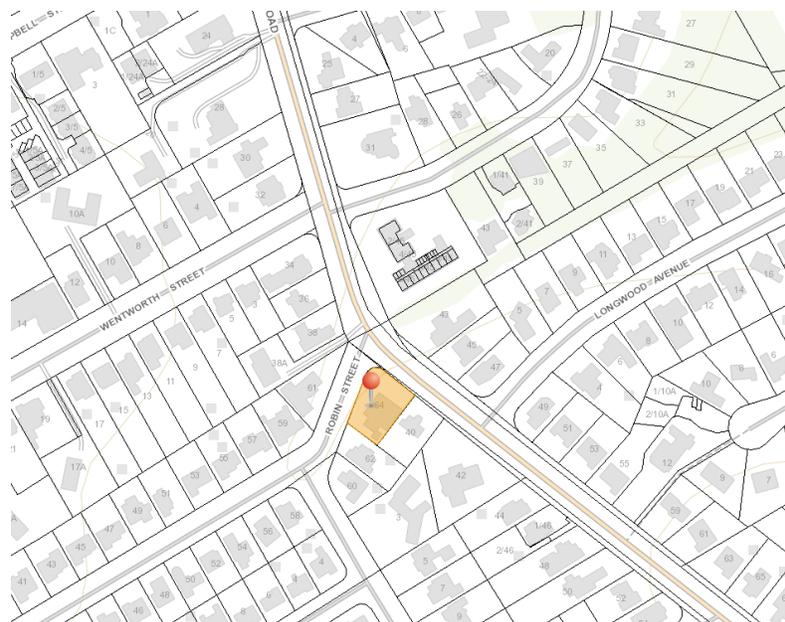


Figure 1.2 – Cadastral boundaries of the site (shaded orange) and wider area. From www.thelist.tas.gov.au

2. Brief overview of the history and historical context of the place

- As early as 1948, St Andrew Lodge who had been meeting in premises in Connaught Crescent touted a new lodge building in the vicinity of East Launceston. At that time, they also proposed a move to St Aidan's Hall in Berean Street as a temporary arrangement. Minutes of meetings also reveal that Mr. Roy Smith's offices were sometimes used for meetings.¹
- In October 1948 it was resolved to name the new lodge 'Lodge Heather' and to explore a suitable building site in East Launceston. A building and advisory committee was formed. Mr. Roy Smith assisted with exploration of possible sites.² Negotiations began with the Baptist Church for purchase of a Sunday School building, but this was not pursued.
- In 1949 the Lodge formed the 'Heather Hall Company' as a trading entity for the purchase of land and construction of a building. Brother Roy Smith tabled sketch plans for a proposed site and building on Penquite Road. In 1951 it was estimated that the cost of the new building was expected to be between £4,000 and £5,000.³
- In 1952 a tender was accepted from Brother Martin for the new temple at Penquite for £5,943.⁴
- The Examiner reported on the 2nd June 1952 that the foundation stone of Lodge Heather had been laid in a re-enactment of the ancient ceremony of dedicating a lodge building. That article stated:

Ancient Masonic Ceremony: At L'ton THE ANCIENT CEREMONY of laying the foundation stone of a Masonic Temple was re-enacted in Launceston on Saturday afternoon, before 200 Masons and their wives. It was the first time. in 70 years that the ceremony had been performed in Launceston. The new temple is for Heather Lodge and will be built on the corner of Penquite Rd. and Robbins St. Newspapers of the day and coins of the realm were deposited with the stone. A Past Grand Master of the Grand Lodge of Tasmania (Sir Claude James) gave a short address before laying the mortar. The stone was lowered by three regular stops to its proper position. After the stone was lowered Sir Claude struck the four corners and said, "With temperance, fortitude, prudence and justice let our work be founded." Officers of the lodges with their tools of office checked the stone and reported, "It is well and truly laid." Scattered Corn Sir Claude then scattered corn upon the stone as an emblem of plenty. Wine as an emblem of truth, oil as an emblem of

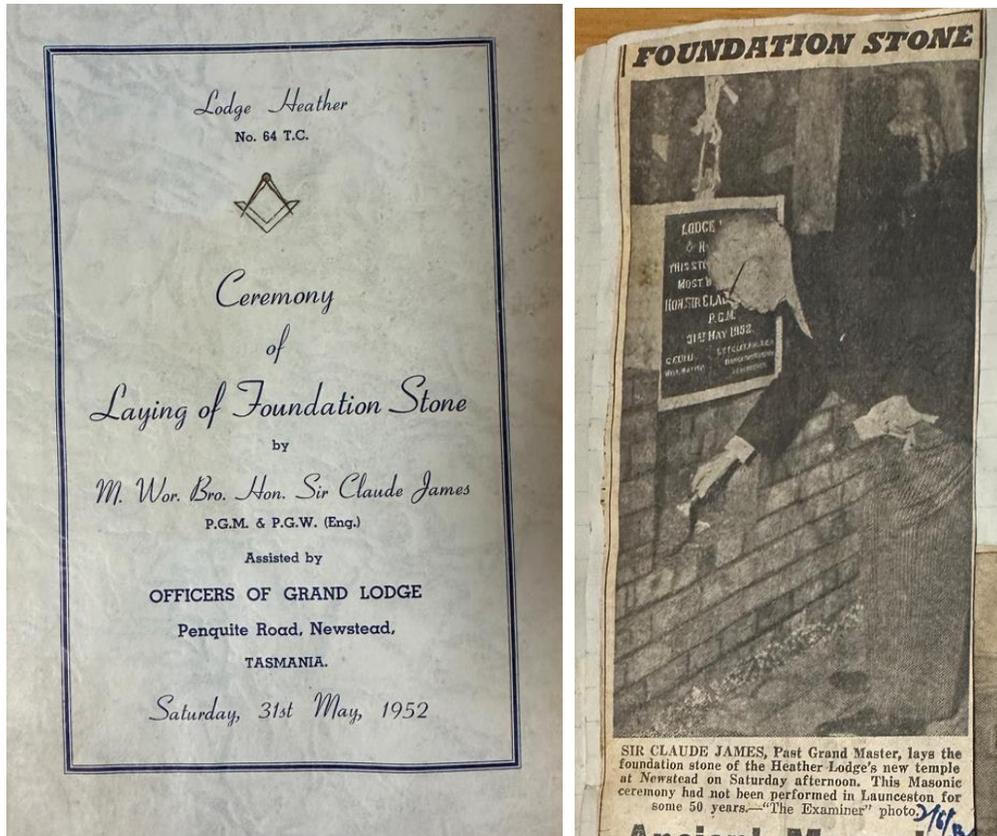
¹ Minutes of Regular Meetings, Tasmanian Archive and Heritage Office NS7540/1/1.

² Ibid.

³ Ibid.

⁴ Ibid.

charity and salt as an emblem of hospitality were poured on the stone. After the National Anthem those present adjourned to St. Aidan's Hall for refreshments, There Sir Claude James was presented with an inscribed silver entree dish and Lady James with a bouquet. The wife of the Master of Heather Lodge, Mrs. G. Dell, and the wife of the chairman of the Heather Hall Company, Mrs. H. W. Beecroft, were presented with bouquets.



Laying of the foundation stone. Tasmanian Archive and Heritage Office (minutes of Meetings, as cited above).

- The Examiner reported on the 10th December 1952 that the building known as *Heather Hall* had been dedicated by the Grand Master of the Grand Lodge of Tasmania. Note that at this stage the building was single-storey. The architects were Roy Smith, Willing and Newman and the builders were H.J. Martin and G.J. Luck.



The original single-storey lodge building. The Examiner 31/5/1952.

- My March 1953 Heather Hall was in use.
- In 1964 the second storey was added to the building also to the design of Smith, Willing and Luck.
- The building was used for lodge purposes until recently, when several Launceston suburban lodges amalgamated to be based in the central Brisbane Street lodge building.

3. Description of the building

The following is a broad description of the building:

Element	Sub-element	Description
Exterior		
General form		The exterior form of the building sympathetically demonstrates the two phases of construction – i.e. the 1952 ground floor and the 1964 upper floor extension. There is a later single-storey extension on the southern side.
Roof	Form	The roof is near-flat and concealed by a low concrete parapet.
	Cladding	Presumably iron.
Walls	Masonry	The walls are face brick laid in a stretcher bond. The bricks are subtly different between each period of construction. There is a concrete stringcourse, parapet and infill panels beneath the upper-level windows. There is a concrete pediment above the main doors.
	Foundations	Presumed concrete.
Windows/doors	Windows in general	The windows are the original timber-framed casements. All window apertures appear original. There is a feature porthole window on the Penquite Road elevation.
	Doors	The front doors appear to be original – a pair of timber panelled doors each with a porthole window.
Other site features		The block is surrounded by a low hedge behind a mesh fence, and there is an informal carpark area off Elphin Road – no notable features.
Interior		
<p>The interior of the building was not inspected, however from photographs available via realestate.com.au it appears that the interior of the building has a high degree of original integrity (noting the two main periods of construction), with the upper-floor lodge meeting room, foyer/stairway downstairs assembly hall/supper-room and ancillary areas such as kitchen/toilets etc. all appearing to have not been subject to substantial change since construction.</p> <p>Note that the Tasmanian Planning Scheme does not have any explicit provisions for interior works to a Local Heritage Place – deferring to the definition of <i>development</i> in the Land Use planning and Approvals Act 1993 which explicitly limits development (in this context) to the construction, exterior alteration or exterior decoration of a building.</p>		



Figure 3.1 – The Robin Street elevation of the building. From GoogleEarth.



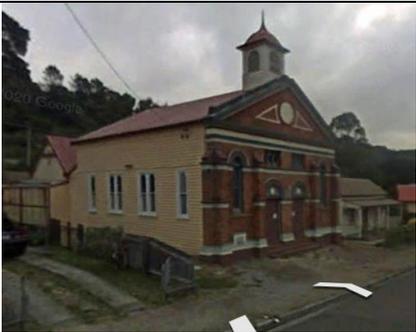
Figure 3.2 – The Penquite Road elevation of the building. From GoogleEarth.

4. Comparative assessment

4.1. Masonic Lodge buildings in Tasmania

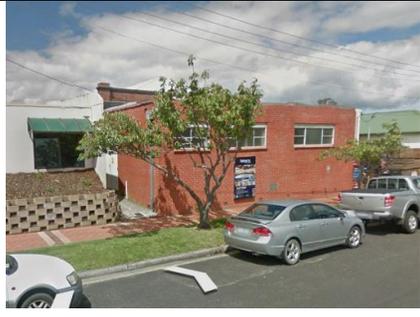
A search of the Tasmanian Heritage Register and selected local heritage schedules reveals the following ‘Masonic Halls’ or similar listed. This search has also been informed by a list of active lodges at freemasonrytasmania.org:

Address	Photo (GoogleEarth)	Brief description/notes	Comparison with 64 Robin Street
Former Masonic Hall 24 Murray Street Hobart.		Substantial mid c19th high-Victorian classically styled building.	This is an example of a much larger city-based lodge, whereas 64 Robin Street is a later example of a smaller suburban lodge.
Masonic Temple, 3 Sandy Bay Road Hobart.		A substantial mid-c20th lodge building demonstrating classical architectural approaches and displaying typical features such as an austere starkness and restrained fenestration.	This is an example of a much larger city-based lodge, whereas 64 Robin Street is a later example of a smaller suburban lodge.

<p>Masonic Temple 15 Hamilton Street Latrobe</p>		<p>Late Victorian purpose-built classical styled building with a substantial later extension.</p>	<p>Example of an earlier rural Masonic Lodge.</p>
<p>Masonic Hall Chambers 39-39A Brisbane Street Launceston</p>		<p>Substantial high-Victorian classically styled building with a later similarly styled front extension.</p>	<p>This is an example of a much larger city-based lodge, whereas 64 Robin Street is a later example of a smaller suburban lodge.</p>
<p>Masonic Hall 21 Cutten Street Queenstown</p>		<p>Federation purpose-built building with a well-articulated masonry façade and more modest construction rearward.</p>	<p>Example of an early c20th Masonic Lodge associated with a 'boom-town' rather than a later suburban lodge.</p>

<p>Masonic Hall 3348 Huon Highway Franklin</p>		<p>A modestly scaled and detailed c1920s lodge building demonstrating references to classical architecture and the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of an early-mid c20th rural Masonic Lodge of a similar scale and style to 64 Robin Street.</p>
<p>Masonic Hall Peltro Street Glenorchy</p>		<p>A restrained Inter-War Stripped Classical styled building of a light brick front bay and a red brick rear. The building bears some resemblance to the Hobart Masonic Hall but in a more restrained manner.</p>	<p>A larger example of a suburban lodge of a similar period to 64 Robin Street.</p>
<p>Masonic Hall 87 Emu Bay Road, Deloraine.</p>		<p>Late Victorian purpose-built classical styled building of modest proportions and detailing.</p>	<p>Example of an earlier rural Masonic Lodge.</p>

<p>Masonic Hall Gay Street Oatlands</p>		<p>Mid-c20th concrete block hall of modest scale and styling demonstrating the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of a mid c20th rural Masonic Lodge.</p>
<p>Masonic Hall Devonport</p>		<p>Federation purpose-built building with a well-articulated masonry façade.</p>	<p>Example of an early c20th smaller city Masonic Lodge of a similar scale to 64 Robin Street.</p>
<p>Lodge Lauriston George Town</p>		<p>Later c20th (1961) modernist building.</p>	<p>Example of a mid-c20th Masonic Lodge of a similar scale to 64 Robin Street.</p>

<p>Masonic Lodge Penguin</p>		<p>Mid-c20th concrete block hall of modest scale and styling demonstrating the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of an early-mid c20th rural Masonic Lodge of a similar scale to 64 Robin Street.</p>
<p>Masonic Hall 513 Gordon River Road, Bushy Park</p>		<p>A modestly scaled and detailed c1920s lodge building demonstrating classical architectural styling and the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of an early-mid c20th rural Masonic Lodge with similar architectural styling and of a similar scale to 64 Robin Street.</p>
<p>Masonic lodge 10 Patrick Street Ulverstone</p>		<p>A modestly scaled and detailed c1920s lodge building. Front extension obscures the main hall. No longer used as a lodge.</p>	<p>Example of an early-mid c20th rural Masonic Lodge of a similar scale to 64 Robin Street.</p>

<p>Masonic Lodge High Street Sheffield</p>		<p>Mid-c20th concrete block hall of modest scale and styling demonstrating the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of a mid c20th rural Masonic Lodge of a similar scale to 64 Robin Street.</p>
<p>Masonic Centre 3 Forcett Street Sorell</p>		<p>Mid-c20th concrete block hall of modest scale and styling demonstrating the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of a mid c20th rural Masonic Lodge of a similar scale to 64 Robin Street.</p>
<p>Masonic Lodge 42 Hogg Street, Wynyard.</p>		<p>A modestly scaled and detailed c1930s lodge building demonstrating classical architectural styling and the lack of fenestration common on purpose-built lodge buildings.</p>	<p>Example of an early-mid c20th rural Masonic Lodge of a similar scale to 64 Robin Street.</p>

<p>Masonic lodge 11 William Street Longford.</p>		<p>A modestly scaled and detailed c1930s lodge building demonstrating the lack of fenestration common on purpose-built lodge buildings. No longer used as a lodge building.</p>	<p>Example of an early-mid c20th rural Masonic Lodge of a similar scale to 64 Robin Street.</p>
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The above examples show a range of the Masonic Lodge buildings in Tasmania. Note that Oddfellows, RAOB (etc.) buildings were not examined here, but may provide a wider dataset of buildings in which lodge activities take place. Whilst Masonic Lodge buildings are not particularly uncommon in Tasmania, they represent a diversity both stylistically and temporally connected to the growth of Tasmanian populations and the fluctuations in lodge attendance over many decades.

The rural examples examined here are generally small and modest buildings, some with notable stylistic flourishes to their facades dating from the first half of the twentieth century and representing the formalisation of lodge premises in growing Tasmanian towns (noting that often lodge activities would have been held in other public gathering spaces prior to that).

In cities, the Masonic Lodges were large, ornate and prominent buildings such as the earlier Hobart building in Murray Street and the later Sandy Bay Rod building, as well as the Launceston building, the earlier buildings appearing to desire more outward austerity and these are more fenestrated than the later examples where windows were restrained and in general the architectural detailing was much more restrained (yet still subtly present, in particular classical motifs).

64 Robin Street is a good example of a medium-scale suburban lodge building from the mid-c20th, designed by a prominent architect. It displays many of the features typical of these buildings – restrained fenestration, references to a classical style of architecture and some stark austerity.

4.2. Roy Smith – Architect

The building was designed by the firm Smith, Willing & Newman. Given Roy Smith's hand in the initial designs and site location, as well as him being a member of the lodge, it is likely that he had a leading-hand in the design. The building has a distinctive character reminiscent of Smith's work. The following biography of Smith is drawn from the *Australian Dictionary of Biography*:

Roy Sharrington Smith (1892-1971), architect, was born on 24 November 1892 at Launceston, Tasmania, third of six children of Sydney Herbert Smith, commercial traveller, and his wife Grace, née Spong. Roy was educated at The Friends' School, Hobart. Indentured in 1909 to Robert Ricards of Ricards & Heyward, architects, he attended (from 1915) evening-classes under Lucien Dechaineux at the Hobart Technical School. In 1917 he was admitted to the Tasmanian Institute of Architects. At Holy Trinity Church, Hobart, on 23 August 1922 he married with Anglican rites Isobel Vera Stuart (d.1969), a nursing sister.

After working for a number of local architects, Smith served as an assistant-architect (1925-30) with the Federal Capital Commission, Canberra. In 1930-32 he practised successively in Sydney, London and Dublin. Returning to Launceston, he was invited to form a partnership with Hubert East; Gordon Willing, Jack Newman and Denys Green later joined the firm. With his partners, Smith ran a general practice and designed numerous schools, churches, houses and commercial buildings in northern Tasmania. He and East designed Holyman House in Launceston. His houses were often in a refined vernacular style with Georgian references; his commercial buildings exhibited a restrained Art Deco.

Smith sat for many years on the council of the T.I.A. and was president of the Tasmanian chapter of the Royal Australian Institute of Architects in 1938-40. A founder (1929) of the R.A.I.A., he was a councillor for fourteen years, vice-president (1938-39, 1942-44) and president (1944-46). In 1947 he was elected a fellow of the Royal Institute of British Architects; in 1966 he was made a life fellow of the R.A.I.A.

An active parishioner of St Aidan's Anglican Church, Launceston, Smith became involved in community organizations. For more than twenty years he served on the committees of the (Glenara) Northern Tasmanian Home for Boys (president 1961-68) and the Society for the Care of Crippled Children (vice-president 1966-71): he was responsible for the design of additions and alterations to their buildings. A council-member and chairman (1954-56) of the northern branch of the Royal Society of Tasmania, he also belonged to the Rotary Club of Launceston.

*In 1960 Smith helped to found the Tasmanian branch of the National Trust of Australia. For the rest of his life he was its senior architect. His firm carried out restorations on some of Australia's finest colonial houses, among them Franklin House and Staffordshire House, at Launceston, Clarendon, at Evandale, Malahide, at Fingal, Mount Morriston, at Ross, and Fairfield, at Epping Forest. He revealed his love of the State's architectural heritage in his books, *John Lee Archer, Tasmanian Architect and Engineer* (1962), and *Early Tasmanian Bridges* (1969). Smith was a man of fastidious taste and a skilled photographer; he had gained much from his earlier association with Frank Heyward and East, both of whom appreciated a historical approach to architecture. Survived by his son, he died on 13 September 1971 at his Launceston home and was cremated; his estate was sworn for probate at \$54,478. In 1973 the National Trust established a biennial lecture in honour of Smith, Isabella Mead and Karl von Stieglitz.*

Firms in which Roy Smith was partner are known to have designed:

Holyman House, Launceston (Smith, East and Willing).
Launceston Gas Company (new) headquarters (St John Street) (Smith, East and Willing).
Park Hotel, Invermay (Smith, East and Willing).
Launceston Fire Station (East and Smith).
Beach Hotel, Burnie (Smith, East and Willing).
Launceston Bank for Savings, 52 Invermay Road, Invermay (Smith, East and Willing).
Launceston Church Grammar School library and hall (Smith, East and Willing).
Former Mercury Building, 70 St John Street (Smith, East and Willing).
Phoenix Foundry (Wellington Street, Launceston) (Smith, East and Willing).
12 Cardigan Street, East Launceston.
Woodcroft, 39 Gascoyne Street, Sandhill.
Luck's Corner, George Street, Launceston (Smith and East)
21A High Street, Launceston.
St Giles school, East Launceston (East and Smith).
Westbury Town Hall (East and Smith).
Westbury Convent (Smith, East and Willing).
Christ Church, Ringarooma (East and Smith).
St Aidan's Church, East Launceston (East and Smith).
Lindisfarne Anglican Church (Smith and Heyward).
Campbell Town Hall (East and Smith).
Launceston Cricket Ground Grandstand (demolished).
Elphin Showgrounds Pavilion (demolished).
CMS House, Launceston (92 St John Street) (East and Smith).
Essendon Aerodrome Hangar (1935 – largest in Australia at that time).
Eskleigh conversion, Perth.
National Theatre remodelling (Launceston (East and Smith).
St Marys bank.
Scottsdale bank.
Longford Town Hall remodelling.
St Joseph's convent and school, East Launceston.
Burnie Park entrance gates.
Burnie Parish Hall (Smith, East and Willing).
Tasmanian Woolgrowers Agency extensions, Cimitiere Street, Launceston (East and Smith).

5. Statement of historic heritage significance

5.1. Assessment methodology

The following assessment of historic heritage significance is based on the national HERCON standard for statements of significance, based on the amount of information currently at-hand as detailed in this document. Note that natural history and indigenous heritage values have not been assessed here, as these are beyond the scope of this assessment.

The assessment methodology for each criterion follows the methodology details in the Tasmanian Government's *Assessing Historic Heritage Significance for Application with the Historic Cultural Heritage Act 1995* (October 2011) which is considered to represent a sound approach to assessing values (and from which the expanded definitions in the table below are drawn).

Although that document cites the *Historic Cultural Heritage Act 1995* in its title (to which the place is not subject), its wider applicability as a framework for considering the significance of local heritage places is summarised on page 2 of that document:

The approach outlined in this document is intended to assist heritage practitioners, statutory bodies, local planning authorities and members of the community in understanding why places are entered in the Tasmanian Heritage Register or suggested for listing in a local planning scheme. Through the use of examples, the document suggests thresholds to assist in determining whether:

- (i) *A place is of historic heritage significance at a STATE level as being important to the whole of Tasmania, and therefore eligible for entry in the Tasmanian Heritage Register;*
or
- (ii) *A place is of historic heritage significance at a LOCAL level as being important to a region or local community and eligible for listing in a heritage schedule of a local planning scheme.*

This document follows Steps 1-3 of that document (as summarised on p.3) and in particular follows the methodology for determining whether the place meets any particular criteria (deriving from the HERCON standards) as detailed on p.5 of that document, which prescribes (beyond the basic significance test):

*a broader test providing an indicative list of factors (**inclusion factors**) that assist in determining whether the criterion is satisfied (**significance indicators**) and whether a place is considered as being of local or state historic heritage significance (**threshold indicators**); and*

*an indicative list of those factors (**exclusion factors**) which would generally disqualify a place from being considered to be of either state or local significance against that criterion.*

In order for this assessment to remain impartial and not prejudiced, the significance indicators for the place will be tested against **both the inclusion and exclusion factors** for all criteria as per the HERCON standard.

The definition of Local Historic Heritage Significance as defined in the Tasmanian Planning Scheme (C.6.3.1) derives from the HERCON system, and is defined as such:

Local Historic Heritage Significance means significance in relation to a local heritage place or a local heritage precinct or local historic landscape precinct, and its historic heritage values as identified in the relevant list, in the relevant Local Provisions Schedule, because of:

(a) its role in, representation of, or potential for contributing to the understanding of:

- (i) local history;*
- (ii) creative or technical achievements;*
- (iii) a class of building or place; or*
- (iv) aesthetic characteristics; or*

(b) its association with:

- (i) a particular community or cultural group for social or spiritual reasons; or*
- (ii) the life or works of a person, or group of persons, of importance to the locality or region, as identified in the relevant list in the relevant Local Provisions Schedule, or in a report prepared by a suitably qualified person, if not identified in the relevant list.*

The Tasmanian Government Guidelines provide a more rigorous template for assessing significance, and will be used here, however this is generally interchangeable with the definition in the Tasmanian Planning Scheme.

5.2. Assessment of historic heritage significance as per the Tasmanian Government standards

As per the methodology above, the following assessment of historic heritage significance will utilise the Tasmanian Government's assessment document (as cited above) and undertake a historical heritage assessment against the inclusion factors for each of the criteria (including those which are not included in the THR datasheet as a means of impartially considering those criteria nonetheless) and will also assess the place against the exclusion factors for each criterion.

A. The place is of importance to the course, or pattern of our cultural or natural history.

Inclusion Factors		Response
A1	Association with an event, or series of events, of historical significance.	
A2	Demonstration of important periods or phases of settlement.	
A3	Association with important cultural phases or movements.	64 Robin Street demonstrates the attendance of lodges throughout the c20th as a good example of a purpose-built mid-c20th lodge building – demonstrating the popularity of such institutions during that period. The fact that the building was extended at an early stage further demonstrates that rapid gain in popularity of lodges in the mid c-20 th .
A4	Demonstration of important historical processes or activities.	
A5	Symbolism and influence of a place for its association with an important event, period, phase or movement.	
A6	Diversity of attributes – possessing multiple historical associations and physical qualities where the collective value is greater than the sum of the individual associations/qualities.	

Exclusion factors		Response
XA1	The association of the place to the historically important event, phase, period, process or movement is either incidental (minor, secondary) or cannot be substantiated. For example, every farm house is not of historical importance in demonstrating the spread of European settlement or pastoral land use across Tasmania; while a local legend of a link between a place and an event may make an interesting story it needs to be backed up by reasonable evidence if the place is to be registered on the basis of that link.	It is considered that the representation of lodges in mid-c20th Tasmania is a sufficiently important movement.
XA2	The place has an association with, or demonstrates evidence of, an historical event, phase, period, process or movement that is of dubious historical	

	importance. For example, the historical event, etc, needs to possess an importance 'beyond the ordinary' in respect of its state or local significance.	
XA3	The significant fabric of the place has been so altered that it can no longer provide evidence of a particular association.	The place is in largely original condition therefore is able to demonstrate tangible attributes of this important historical movement.

This assessment concludes that the place has significance against Criterion A as it represents an historically important movement in mid c20th Tasmania.

B. The place possesses uncommon, rare or endangered aspects of our cultural or natural history.

Inclusion Factors		Response
B1	Rare surviving evidence of an event, phase, period, process, function, movement, custom or way of life in Tasmanian history that continues to be practised or is no longer practised.	
B2	Evidence of a rare historical activity that was considered distinctive, uncommon or unusual at the time it occurred.	
B3	Distinctiveness in demonstrating an unusual historical, architectural, archaeological, scientific, social or technical attribute(s) that is of special interest.	
B4	Demonstrates an unusual composition of historical, architectural, archaeological, scientific, social or technical attributes that are of greater importance or interest as a composition/collection.	

Exclusion Factors		Response
XB1	The place is not rare within the relevant state/local context.	As per the comparative assessment in Section 4.1, lodge buildings are not considered rare in Tasmania.
XB2	The claim of rarity or uncommonness has too many descriptive qualifiers linked to it. For example, this is	

	the only stone house . . . with a slate roof . . . and a bull-nosed verandah. . . within the former estate of . .	
XB3	The place is the only one of its type and the event/custom/function is rare but its importance is questionable. For example, the only place to overlap the corrugated iron roofing four ridges instead of two; the only place to have a toilet suite in the kitchen; the only 2-storey potting shed; the only place having vinyl floor tiles on the ceiling, etc.	
XB4	The place is under threat of destruction, but its importance is questionable.	

This assessment concludes that the place is not of any historic cultural heritage significance against Criterion B as it does not demonstrate any rare aspects of local history.

- C. The place has the potential to yield information that will contribute to an understanding of our cultural or natural history.**

Inclusion Factors		Response
C1	Potential to improve knowledge of a little recorded aspect of Tasmania's past.	
C2	Potential to fill gaps in our existing knowledge of Tasmania's past.	
C3	Potential to inform/confirm unproven historical concepts or research questions relevant to Tasmania's past.	
C4	Potential to provide information about single or multiple periods of occupation or use.	
C5	Potential to yield site specific information which would contribute to an understanding of significance against other criteria.	

Exclusion Factors		Response
XC1	There is no physical, documentary or other evidence that would allow an assessment of likely research potential.	64 Robin Street is not considered likely to have the potential to yield any significant information of importance to any local historical
XC2	The potential information is trivial, not important or not significant.	
XC3	The context of the physical remains is so disturbed that they cannot	

	yield meaningful or important information, or the significance of the remains has been compromised through being relocated to the current location from somewhere else.	theme.
XC4	The information that can be derived from the place is already reasonably known or readily available from other resources, including other heritage places.	
XC5	A place which has had its research potential fully exhausted, for example, an archaeological site that has been excavated so that there is negligible physical remains left in situ, or a building whose significant fabric has been substantially removed or replaced with new work.	

It is concluded that the place has no potential to yield information that would contribute to any important attribute of our cultural history therefore is not of any historic cultural heritage significance against Criterion C.

D. The place is important in demonstrating the principal characteristics of a class of cultural or natural places or environments.

Inclusion Factors		Response
D1	Representative of a class of place/s that demonstrate an aesthetic composition, design, architectural style, applied finish or decoration of historical importance.	As per the comparative assessment in Section 4.1, 64 Robin Street is considered to be a good example of a mid-20th suburban lodge building with strong Post-War Internationalist architectural styling. This is demonstrated in the austere form and detailing of the building with subtle classical architectural references, the restrained fenestration and large meeting spaces within.
D2	Representative of a class of places that demonstrate a construction method, engineering design, technology or use of materials, of historical importance.	
D3	Representative of a class of places that demonstrate an historical land use, function or process, of historical importance.	
D4	Representative of a class of places that demonstrates an ideology, custom or way of life of historical importance.	

Exclusion Factors		Response
XD1	The place does not have a degree of distinctiveness within that class. For example, it is not a particularly, fine,	As per the comparative assessment in Section 4.1, 64 Robin Street is considered to have a

	intact or pivotal example. A place is not eligible simply because it is representative of a class of places as nearly every historic place in the state can be defined as representative of one class or another.	degree of distinctiveness and a range of characteristics sufficient to demonstrate a place of historical importance.
XD2	The place does not include a reasonable range of characteristics that define the class, either having never possessed them or having lost them through subsequent development, activity or disturbance.	
XD3	Lack of reasonable evidence to indicate the place is linked to a specific class of place/s.	
XD4	The class itself is of dubious importance. For example, a place is claimed to be a fine example of a post-World War II road culvert or milepost. Whilst it is conceivable a culvert or milepost might be significant, this would be an exceptional circumstance and it would be unreasonable to consider culverts and milestones as such significant classes that every fine example of each warrants inclusion on the Heritage Register.	

This assessment concludes that the place represents a good example of a mid-c20th purpose-built lodge building with strong Post-War International styling which provides an adequate demonstration of a sufficiently important class of place in local history and attributes of an important architectural style.

E. The place is important in demonstrating a high degree of creative or technical achievement.

Inclusion Factors		Response
E1	Recognition of artistic or design excellence.	
E2	Represents a breakthrough or innovation in design, fabrication or construction technique.	
E3	Distinctiveness as a design solution, treatment or use of technology.	
E4	Adapts technology in a creative manner or extends the limits of available technology.	

Exclusion Factors		Response
XE1	The place is not eligible simply because it is the work of an important designer or artist. It must be a substantial achievement that is demonstrated in the place itself and has been awarded or is otherwise worthy of recognition for its excellence.	64 Robin Street is not considered to represent any high degree of creative nor technical achievement.
XE2	The place has substantially lost its design or technical integrity through subsequent changes to, or deterioration of, the significant element of the place.	
XE3	The place has had its landmark or scenic qualities substantially and irreversibly degraded.	
XE4	The place has only an indirect or loose association with creative or technical achievement.	

This assessment concludes that the place is not of any historic cultural heritage significance against Criterion E as it does not demonstrate any degree of creative or technical achievement beyond the ordinary.

F. The place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

Inclusion Factors		Response
F1	Important to the community as a key landmark (built feature, landscape or streetscape) within the physical environment of Tasmania.	The prominent location of the building on the corner of a main thoroughfare demonstrates landmark qualities.
F2	Important to the community as a landmark within the social and political history of Tasmania.	
F3	Important as a place of symbolic meaning and community identity.	As a purpose built and long-running lodge building, 64 Robin Street is considered likely to have sufficient symbolic meaning as a place of public socialisation in the local area.
F4	Important as a place of public socialisation.	
F5	Important as a place of community service (including health, education, worship, pastoral care, communications, emergency services, museums, etc.).	
F6	Important in linking the past affectionately to the present.	

Exclusion Factors		Response
XF1	The place is important to the community solely for amenity reasons. For example, most modern picnic and parkland areas, playgrounds and beaches, used for contemporary recreation.	
XF2	The place is important to the community only as they seek to retain it in preference to a proposed alternative. For example, a place is occupied by an unremarkable development.	
XF3	The community group for which the place is claimed to have strong or special meaning does not have reasonable standing. That is, it is not recognised within the wider Tasmanian community, or the group is unable to demonstrate an important cultural association with the place. For example, a residential lobby group formed in response to a proposed development or activity at the place and unlikely to have the capacity to maintain an ongoing involvement with the place; a state-wide organisation whose functions and operational history has no direct link to the place or places of a similar nature.	It is considered that those associated with lodges have sufficient standing in the community to be considered a legitimate community group.

This assessment concludes that the place has local historic cultural heritage significance against Criterion F as it demonstrates associative value to the community as a recognisable lodge building in a prominent location.

G. Special association with the life or works of a person, or group of persons, of importance in our history.

Inclusion Factors		Response
G1	A key phase(s) in the establishment or subsequent development of the place were undertaken by, or directly influenced by, the important person(s) or organisation.	The building was designed by the firm Smith, Willing and Newman. As per the comparative analysis in Section 4.2, Roy Smith is likely to have had influence in its design, and it is considered to be a good example of his work.
G2	An event or series of events of historical importance occurring at the place were undertaken by, or directly influenced by, the important person(s) or organisation.	No other lodge building is known to have been designed by Smith.

G3	One or more achievements for which the person(s) or organisation are considered important are directly linked to the place.	
G4	Social or domestic events occurred at the place that are inseparable from the achievement(s) of the important person(s) or organisation, were a major influence upon an achievement(s) or are otherwise of public interest.	

Exclusion Factors		Response
XG1	The person(s) or organisation associated with the place lacks reasonable prominence or historical importance to the relevant state or local area.	
XG2	The association of the person(s) or organisation with the place cannot be demonstrated or substantiated.	
XG3	The association of the person(s) or organisation with the place is not strong, unusual or extraordinary enough to warrant recognition in this way. For example, the person spent a brief, transitory or incidental time at the place without leaving evidence or achieving anything relevant to their importance; and the association of the person or organisation with the place is totally unconnected with their achievement and not of historical interest in interpreting the context of their life and achievement.	
XG4	The person or organisation is perceived to draw more importance from their connection with the place than vice versa. For example, a person who acquires a famous property cannot be considered important merely for being the one-time owner of the property.	

This assessment concludes that the place is of local historic heritage significance due to its ability to demonstrate an example of the work of prominent 1930's-60's Launceston-based architect Roy Smith. The building represents a type of building of which no other example of Smith's work is known.

5.3. Summary of historic heritage significance

The above assessment concludes that 64 Robin Street is of local historic heritage significance against Criteria A, D, F and G, in that the place has the ability to:

- Demonstrate a phase of historical interest to the local community as it demonstrates a good example of a mid-c20th purpose-built lodge building.
- The place has landmark qualities as a recognisable lodge building in a prominent location.
- The place is demonstrative of community interaction through lodge activities.
- The place is considered to be a good example of the work of Architect Roy Smith, who was an important mid-c20th architect in Tasmania, being instrumental in the Art-Deco and Post-War modernist movement with strong connections to the formation of the National Trust of Australia – Tasmania.



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CITY OF LAUNCESTON

MEMORANDUM

FILE NO: PSA-LLP0009 and DA0051/2023
DK

DATE: 15 August 2024

TO: Sam Johnson Chief Executive Officer

FROM: Mayor Matthew Garwood Mayor of City of Launceston

SUBJECT: Notice of Motion - Increase housing diversity in the municipality

In accordance with Clause 16 (5) of the Local Government (Meeting Procedures) Regulations 2015, please accept this Motion for placement on the Agenda of the meeting of Council to be held on 22 August 2024.

Motion

That Council explores an opportunity to increase housing diversity in the municipality by:

- Investigating the use of a CBD carpark for the development of community housing as well as retaining public car parking facilities;
- Engage a Registered Community Housing Provider (CHP), following due process, to devise plans for the identified site that result in affordable housing at a high-density in line with desirable heights for the CBD; and
- Support the CHP to apply for funding in a future round of the Federal Government's Housing Australia Future Fund to develop the site for affordable housing.

Background

Community Housing in Tasmania

Tasmania has four Tier 1 registered Community Housing Providers. Tier 1 CHPs typically have development and/or tenancy management capacity. A key issue for CHPs is securing land for development and is one of their biggest hurdles in project development. Additionally there are examples of private sector developers working with CHPs to deliver projects via this funding model.

Furthermore, as reported in the Examiner (19 July 2024), homelessness has more than doubled at 105% during the 2006 and 2021 period. Sadly, the social housing waitlist has increased by 87% over the past decade, with some 4,598 community members across Tasmania remaining on social housing waitlists.

Exploring such opportunities will further align with the State Government's key focus of the 20-year Tasmanian Housing Strategy, which is seeking to deliver some 10,000 homes by 2032 across Tasmania.

With increasing rental demand, the Tenants' Union have cited a state-wide housing rental increase of some 8% year on year, and 7.7% over the past decade.

CITY OF LAUNCESTON

MEMORANDUM

Housing Australia Future Fund

The Housing Australia Future Fund (HAFF) and the National Housing Accord are Federal Government initiatives to improve housing outcomes for Australians and collectively support the delivery of 20,000 new social and 20,000 new affordable homes across Australia over five years. Housing Australia specifically calls out the opportunities related to government-owned land: "Local governments can enable access to well-located sites through the sale, transfer or leasing of land to charitable entities eligible for funding, such as CHPs and organisations with the primary purpose of improving housing outcomes."

Housing Australia expects multiple funding rounds over the five-year program, subject to further decisions from the Federal Government. Round One of the program has closed and Housing Australia is currently assessing applications and is expected to make funding decisions in the third quarter of 2024. As such it is an opportune time to engage with the sector to explore opportunities locally in preparation for a future funding round.

Strategic alignment

This body of work aligns to our Council's commitment to addressing the supply of housing through the recently adopted Homelessness: State of Commitment and the planned housing strategy due for development this financial year.



CEO Sam Johnson



Our Ref: 24.047

Measured form and function

30 May 2024

Mayor Garwood
City of Launceston
By email: contactus@launceston.tas.gov.au

6ty Pty Ltd
ABN 27 014 609 900

Postal Address
PO Box 63
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Dear Mayor and Councillors,

Tamar Suite 103
The Charles
287 Charles Street
Launceston 7250
P (03) 6332 3300

LAUNCESTON PRIVATE HOSPITAL – REQUEST FOR FEE DISPENSATION

As you may be aware, the Launceston Health Hub is embarking on an exciting and important health project which involves a new private hospital within the emerging Wellington Street health precinct at 215 and 217-229 Wellington Street, Launceston.

57 Best Street
PO Box 1202
Devonport 7310
P (03) 6424 7161

The end goal for the hospital is the provision of a comprehensive health service within a complex that is constructed across two lots located at 215 and 217-229 Wellington Street which will include:

- 10 operating theatres;
- 104 beds;
- 2 endoscopy units;
- 1 infusion unit;
- Laboratory;
- Pharmacy; and
- 115 car park facility.

The total estimated cost of the project is approximately \$174m which is a significant investment in the community. The project has received a funding commitment from the Tasmanian Government with the hospital to be made available to treat both public and private patients. The hospital will therefore play a vital role in alleviating the existing and persistent pressure on the Tasmanian health system.

The proponents are committed to building the hospital, with construction envisioned to commence early in 2025. The project is in advanced stages of documentation in preparation for a development application to meet this timeframe.

Ideally, the development application for the hospital would be submitted as a single package. However, an issue that has been identified that will delay the delivery of a permit for the hospital is the zoning of 217-229 Wellington Street which does not allow the Hospital Services Use Class within the Commercial zone. For comparison, a Site Specific Qualification has recently been approved for 215 Wellington Street which allows the Hospital Services Use Class on the lot which is also assigned to the Commercial zone.



Our Ref: 22.174

Measured form and function

To this effect, an application to amend Council's Local Provisions Schedule (LPS) will need to be made to allow the Hospital Services Use Class on 217-229 Wellington Street which would lead to the delays in achieving the construction timeframes.

A solution to allow the first stages of the hospital to be constructed without the need to amend the LPS for 217-229 Wellington Street is to split the hospital up into the following development application stages:

1. **Stage 1:** standalone multi-storey car park on 217-229 Wellington Street which is allowable within the Commercial Zone.

The estimated value of works for this stage is \$4m.

2. **Stage 2:** first stage of the hospital building on 215 Wellington Street which is allowable within the Commercial Zone through the recently approved Site Specific Qualification.

The estimated value of works for this stage is \$61.5m.

3. **Stage 3:** combined amendment and development application encompassing both 215 and 217-229 Wellington Street and including the remaining levels of parking and hospital on top of the buildings in stages 1 and 2.

The estimate value of works for this stage is \$109.7m

A significant impost to this approach however is that individual development applications for Stages 2 and 3 will attract the current maximum fee each of **\$34,405**. Conversely, if a single development application was submitted combining all stages (which is the ultimate goal and preferred approach) only a single maximum fee would be incurred.

We are therefore requesting consideration of Council to apply a single maximum fee across the three development applications with fees for each application to be charged commensurate to their percentage of the combined value of work for the end construction. Any dispensation that Council is able to offer will significantly assist in getting this important health project out of the ground in a timely manner.

For context of the significance of the hospital project to Tasmania, a new private hospital has not been developed in Tasmania for over three decades. With a lack of investment in the sector, the health system has not been able to keep pace with the changing health services and patient needs over the same period. Backing this doctor owned hospital will allow Launceston to be competitive on an national and international stage to attract the specialists our community requires. In this regard, the model for the hospital is unique in that it allows doctors that work in the hospital to have a share in the ownership after two years which provides a significant incentive to attract and retain specialist doctors and surgeons in Launceston.

The Nexus private hospital in Hobart required three iterations of development applications which led to time and cost exacerbation which made the hospital unviable. Likewise, planning issues associated with the Hobart Private Hospital to do with an aero bridge also added time and cost exacerbation which stopped the proposed three level expansion to the hospital. Calvary here in Launceston



Our Ref: 22.174

Measured form and function

couldn't make a project stack up despite dollars and a remedied site included along with some underwriting from the start.

I (Jerome) have long advocated for Council taking a bigger role in providing key infrastructure as an enabler within its control. This includes the advocacy and development of true active transport safe options for multi-modal active transport including bikes, scooters, walking and running to our end of trip facilities. Concurrently, along with Council, we are helping create can be focused on health care and not cars.

Given our (Launceston Health Hub) the amount of fees that have been paid through our many development and building applications and rates we feel such a dispensation would be comparatively lower. Our (Launceston Health Hub) rates alone have gone up in 10 years from \$4,000 to over \$50,000.

Such a dispensation would represent a meaningful contribution to Launceston health infrastructure and services for their residents. We are aware of other councils around Tasmania have contributed to housing for health professionals, infrastructure for general practice.

I look forward consideration of this commonsense fee structure which would represent a strong and actionable step beyond an intent of support to improve health of ratepayers and the wider community. As always, we welcome collaboration with Council and appreciate the meaningful support from Richard Jameison and his team through the planning process who are looking to prioritise our application as much as practical so that the delays that we have identified do not result in the death of another private hospital in Tasmania.

Please contact me should you have any questions relating to this request.

Yours faithfully

6ty° Pty Ltd

George Walker
Director/Planning Consultant

Dr. Jerome Muir Wilson
Managing Director of the Launceston Health Hub
Change Maker in Healthcare

Line No.	Fee Name	GST Status	2024/2025 Fee
	INFRASTRUCTURE AND ASSETS		
	Albert Hall Venue Standard Hire - Daily Rates		
New	First Day of Booking	Taxable	\$3000.00
New	Every Day Thereafter	Taxable	\$2500.00
New	Non-Performance Days After the First Day	Taxable	\$1250
			The sum of above OR 12.8% of Net Box Office <i>Whichever is Greater</i>
New	Albert Hall Venue Standard Hire - Mandatory Fees		
New	Set Up	Taxable	\$690
New	Marketing Services	Taxable	\$275
New	Albert Hall Venue Standard Hire - Other Fees		
New	Ticketing Service Fees as per Princess Theatre Box Office Contract		
New	Merchandise	Taxable	11% of gross
New	Live Performance Australia Industry Service Fee (where applicable) per performance (current to June 2025)	Taxable	\$126
New	Albert Hall Venue Standard Hire - Optional Packs		
New	Marketing - EDM to tailored database	Taxable	\$175
New	Boosted socials	Taxable	Cost + 20%
New	Standard Asset Creation (Marketing)	Taxable	\$200/hr
New	Projector and Screen per day	Taxable	\$595
New	Piano TBC per production	Taxable	\$605
New	1200x1200 Riser	Taxable	\$35 each per day
New	2400x1200 Riser	Taxable	\$70 each per day
New	Show Catering/Riders organised by the Hirer	Taxable	Cost + 20%
New	Non-binding estimate of revenues/expenses under the agreement	Taxable	\$125
New	Subsequent revisions - each	Taxable	\$75
New	Albert Hall Venue Standard Hire - Additional Staffing		
New	Technical Manager	Taxable	\$67.50/hr
New	Tech Staff - during show	Taxable	\$60.50/hr
New	Tech Staff - during bump in/out or rehearsal	Taxable	\$57.15/hr
New	FOH or BO Manager	Taxable	\$57.15/hr
New	FOH or BO Staff	Taxable	\$51.80/hr
New	Albert Hall Venue - Community Concessional Hire - Daily Rates		
New	First Day of Booking	Taxable	\$1500
New	Every day thereafter	Taxable	\$1250
New	Non-performance days after the first day	Taxable	\$625
New	Albert Hall Venue - Community Concessional Hire - Optional Packs		
New	EDM to tailored database, nil for the first, fee thereafter subject to availability	Taxable	\$50
New	Boosted Socials	Taxable	Cost + 20%
New	Standard Asset Creation (Marketing)	Taxable	\$150/hr
New	Projector & Screen per day	Taxable	\$595.00

New	Piano (TBC) per production	Taxable	\$605.00
New	1200x1200 riser - each per day	Taxable	\$35.00
New	2400x1200 riser - each per day	Taxable	\$70.00
New	Show catering/riders	Taxable	Cost + 20%
New	Albert Hall Venue - Community Concessional Hire - Additional Staffing		
New	Technical Manager	Taxable	\$67.50/hr
New	Tech staff during show	Taxable	\$60.50/hr
New	Tech staff during bump in/out or rehearsal	Taxable	\$57.15/hr
New	FOH or BO Manager	Taxable	\$57.15/hr
New	FOH or BO Staff	Taxable	\$51.80/hr



13 August 2024

Shane Eberhardt
General Manager, Infrastructure & Assets
City of Launceston
18-28 St John St
LAUNCESTON TAS 7250

Dear Shane

Re: Booking Service Agreement – Albert Hall

I am writing to confirm Theatre North's support for the proposed Booking Service Agreement.

Theatre North plays a key role in Launceston's cultural fabric, not only in managing a crucial cultural asset in the Princess Theatre, but also in realising the community's creative ambitions.

We are well equipped to commence taking bookings for the Albert Hall in October.

Ahead of the eagerly anticipated and much needed redevelopment of the Princess Theatre and Earl Arts Centre in 2026/27, the proposed Booking Service Agreement provides a logical step in anticipation of Theatre North's interim management of the Hall throughout the period of disruption of our current lease.

Theatre North welcomes this Agreement and looks forward to progressing this exciting project.

Yours sincerely

Amanda Shepherd
General Manager

Theatre North Inc. trading as
Theatre North at the Princess Theatre & Earl Arts Centre ABN: 21 724 173 054
57 Brisbane Street Launceston Tasmania 7250

P: 03 6331 0052
E: admin@theatrenorth.com.au
W: theatrenorth.com.au

See you at the theatre!

Summary of Government response to public consultation on the draft Local Government Amendment (Code of Conduct) Bill 2022 and related matters

Issue	Feedback	Government Response
Sanctions	<ul style="list-style-type: none"> Sanctions and other matters relating to breaches of the Code need to be strengthened to align with community standards. Include more significant sanctions for matters of a more serious nature pertaining to breaches of governance standards, serious cultural issues, or loss of public confidence in local government. 	This will be considered as part of the Tasmanian Civil and Administrative Tribunal (TASCAT) feasibility study.
Eligibility requirements	<ul style="list-style-type: none"> Make it mandatory for all councillors to have Working With Vulnerable People registration prior to election. Disqualification to hold registration should result in removal from Council 	<p>The Registration to Work with Vulnerable People Framework is not intended or designed as an eligibility threshold or character test for councillors.</p> <p>The Government will consider and consult separately on options, including legislative options, that could better address instances of very serious councillor misconduct that may not fall within the parameters of the current Code of Conduct Framework.</p>
Standard Code of Conduct	This should not be mandated. Councils should be able to vary the Code to suit their individual needs.	General feedback from the current and previous consultation suggests the need for consistency across definitions of terms and expectations. It is therefore prudent for there to be a Standard Code of Conduct. This is especially important considering the contemplated transfer of the Code of Conduct process to TASCAT.

Issue	Feedback	Government Response
Behaviour standard policy	<p>Is there a need to legislate on this given that some councils already have similar policies in place?</p> <p>Options:</p> <ul style="list-style-type: none"> • The Standard Code of Conduct should contain comprehensive provisions regarding expected behavioural standards. • Adoption of a Behaviour standard policy should be made mandatory – The Office of Local Government (OLG) in consultation with the Local Government Association of Tasmania (LGAT) should develop a model policy. 	<p>The optional requirement for councils to adopt a behaviour standard policy has been omitted in the final Bill.</p> <p>The Government will ensure the Standard Code of Conduct is as comprehensive as possible. It will also take into consideration the findings from a sector-led workplace cultural review of local government, which is currently being undertaken by LGAT.</p>
Local dispute resolution policy	<p>Local dispute resolution process is unlikely to work well between councillors and regular complainants as they have historically refused to participate under current guidelines.</p> <p>Matters to consider in preparation of model dispute resolution policy:</p> <ul style="list-style-type: none"> • Mandatory participation in the local dispute resolution process. • Powers of dismissal at local dispute resolution level – to ensure exclusion of frivolous and vexatious complaints. • Methodology for assessing complaint • Provision for dealing with the disclosure and management of any conflict of interest arising during the dispute policy resolution process. It would be preferable that the mandatory 'local dispute resolution policy' also specify that any conflicts of interest – irrespective of whether the matter being considered arose from a potential breach of the code of conduct or the behaviour standard policy – are declared and managed. 	<p>Participation in a local dispute resolution process is now a prerequisite for lodging a code of conduct complaint, where such process is considered appropriate for resolving the complaint.</p> <p>The final Bill acknowledges that local dispute resolution may not be appropriate for all complaints.</p> <p>The amended section 28ZB allows for a complaint to be dismissed on the grounds of non-satisfactory participation in the dispute resolution process.</p> <p>OLG and LGAT will develop a model dispute resolution policy for adoption by councils. Feedback relating to the contents of the policy will be considered at this time.</p>

Issue	Feedback	Government Response
	<ul style="list-style-type: none"> • Costs and resourcing. Most councils do not have the human resources available to deal with these issues and staff should not be expected to in any event. It is likely that independent mediators will be engaged, and this will come at an additional cost to councils. • Person(s) responsible for determining complaint. • Appointment of independent mediator potentially from a pool of professionally accredited mediators (through LGAT or DPAC) as is the case with the State's education sector • LGAT to consider procurement of an informal dispute resolution provider(s) who can provide this service on a whole of sector basis 'at arm's length' (perhaps similar to how Employee Assistance Programs work). Such a provider may also be able to meet sanction requirements such as mandatory training. • A requirement for parties to be agreeable to the outcome of the dispute resolution process. • Weight to be attached to the outcome of the dispute resolution process – potential for outcome to be upheld or at the very least hold weight if the matter was then referred as a code complaint. • Power to dismiss complaints at initial assessment where the complainant has not genuinely participated in the local dispute resolution process or wants the complaint to be sent for initial assessment even though the complaint is trivial, vexatious, frivolous or contains no substance. • Consider lessons learnt from previous local dispute process. 	
Making a code of conduct complaint	As part of the information to be provided, include a requirement to specify reasons why the outcome of the local	This has been included in the final Bill.

Issue	Feedback	Government Response
	dispute resolution process is not accepted (essentially, grounds of appeal).	
Initial assessment	Consider a pool of 2 – 3 lawyers specifically assigned to conduct initial assessments. These lawyers would not sit on any investigating Panel. They would also be required to meet twice a year with the LGAT President and CEO to remain abreast of current local government matters specifically those that may be impacting the complaint process.	<p>The Government disagrees with this proposal. It will be useful for the initial assessors to sit on investigating Panels to gain knowledge and experience about that aspect of the Code of Conduct process.</p> <p>Meetings between Panel members, LGAT and potentially OLG could be useful, however, the Act cannot impose such requirements.</p>
	Consider additional grounds for dismissing a complaint: <ul style="list-style-type: none"> • a clause which allows dismissal to occur based on the outcome of the local process being considered reasonable • pattern of complaints from regular complainants. 	<p>The first additional ground is contained in section 28ZB.</p> <p>The second ground should fall under assessment of frivolous, vexatious or trivial.</p>
	Need to clarify: <ul style="list-style-type: none"> • what constitutes frivolous, vexatious and trivial • the guidelines for the public interest test • when a complainant/respondent has not satisfactorily participated in the resolution dispute process and the use of 'where appropriate' in that context 	<p>An explanatory material about constitutes frivolous, vexatious and trivial will be published as part of the review process. It should be noted that this information is already contained in the <i>Initial Assessment Guidelines for the Code of Conduct Panel</i>.</p> <p>The final Bill contains guidelines for the public interest test similar to that contained in the <i>Integrity Commission Act 2009</i>.</p>

Issue	Feedback	Government Response
		The assessment of satisfactory participation in the dispute resolution process and the appropriateness of the dispute resolution process should be left to the discretion of the initial assessor who is a lawyer.
	Panel should be reserved for matters of a more serious nature pertaining to breaches of governance standards, serious cultural issues or loss of public confidence in local government.	Agreed.
Timeframe for completing initial assessment and referral by the General Manager	<p>Fourteen days is too short for respondents to access legal advice in relation to complaints and the appropriate course of action for them to take regarding dispute resolution.</p> <p>Given that dispute resolution is the first port of call after initial assessment of statutory compliance, 28 days would be a more realistic timeframe.</p>	<p>The 14-day period provided for in the Bill is for a council to process complaints at the initial assessment stage.</p> <p>This would be after attempts at resolving the complaint under the local dispute resolution process. By the initial assessment stage, parties should have sought legal advice if required.</p>
Costs and expenses to be borne by council	<p>Where a complaint is dismissed the cost of the investigation should be borne by the complainant.</p> <p>The Code of Conduct Panel should be empowered to award administrative costs associated with the assessment, hearing and determination process at the discretion of the Panel.</p> <p>The Code of Conduct Panel should be empowered to award costs for expenses incurred for legal advice and/or representation of the councillor/s associated with the defence of a complaint, awarded at the discretion of the Panel, should the Panel find in favour of the defendant.</p>	This will be considered as part of the TASCAT feasibility study.

Issue	Feedback	Government Response
Insurance policy	Consider the inclusion of insurance protections for councillors as is afforded to directors who preside on boards of incorporated associations in a voluntarily capacity, through protections such as Directors Liability Insurance policies	This is beyond the scope of the Framework review.
Conflict of Interest	Past elected representatives and employees should not within two years of last service, act as mediator for a dispute resolution process or sit as a member of the Code of Conduct panel that is considering a complaint in relation to the Council in which they served.	<p>The final Bill removes existing restrictions on persons who have been councillors or employees of any council within the immediately preceding two years of a complaint from being on the Code of Conduct Panel. Only current councillors and current employees of a council are restricted from being members of the Code of Conduct Panel.</p> <p>The restrictions have been replaced with a provision dealing with the disclosure and management of interests by members of the Code of Conduct Panel.</p> <p>A similar disclosure of interest provision will be considered in the development of the model dispute resolution policy by OLG and LGAT.</p>
	Consistency is required between the Draft Bill and Model Code of Conduct – the Draft Bill uses 'direct, indirect or perceived', whereas the Model Code uses 'actual, potential or perceived'. The Integrity Commission also uses 'actual, potential or perceived' in its educational material.	Agreed. All occurrences of 'direct, indirect or perceived' have been changed to 'actual, potential or perceived' in the final Bill.

Issue	Feedback	Government Response
	<p>It would be preferable for the principal Act to use terms and definitions that are consistent with the Commission's usage, and with common usage.</p> <p>Investigating Panel (28OA(4)(b)) - The provision for a member of the investigating panel to determine that he or she is not precluded from acting fairly is overly reliant on that person's subjective decision. Such assessments are better made by someone who does not have the conflict, for example, by the investigating panel convened in the matter and to which the declaration is made.</p>	<p>If other members of the investigating Panel disagree with the affected Panel member's subjective decision not to resign, they should be able to resolve this internally.</p> <p>The Government has chosen not to legislate on this as parties to a complaint can apply to the Magistrates Court (Administrative Appeals Division) for a review of the Panel's determination on the ground that the Panel failed to comply with the rules of natural justice.</p>
Other matters	Consider the potential for parties to be afforded legal representation in circumstances of alleged more serious breaches and that appeal rights should be available.	This is being considered as part of the TASCAT feasibility study.

Minister for Finance
Minister for Local Government
Minister for Sport and Events

Level 5, 4 Salamanca Place, HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 03 6165 7794
Email: Minister.Street@dpac.tas.gov.au



16 JUL 2024

Mr Sam Johnson OAM
Chief Executive Officer
Launceston City Council
Sam.johnson@launceston.tas.gov.au

Dear Chief ^{Sam} Executive Officer

Local Government Code of Conduct - Consultation on draft Regulations and Order

I am writing to inform you that the Tasmanian Government has today released draft amendments to the Local Government (General) Regulations 2015 and a new draft Local Government Code of Conduct Order for public consultation.

Changes to statutory rules are required to bring into effect new legislative provisions contained in the *Local Government Amendment (Code of Conduct) Act 2023*, which was passed by Parliament in September 2023. A summary of changes to the General Regulations and Order are enclosed with this letter.

The Government is inviting submissions in response to this consultation package for five weeks, closing on the 20 August 2023. I invite your council to review the draft amendments, including a summary on the Department of Premier and Cabinet website and provide your feedback to the Office of Local Government by email to lg.consultation@dpac.tas.gov.au.

Importantly, the amendments reflect only minor changes to the Code, largely as a result of moving from the existing 'model' Code to the new order. The Government's current priority is to implement these changes and we will not be undertaking a substantive review of the Code at this time. It is our plan however that in the longer-term the impact of these changes, alongside our broader work to develop work health and safety guidance materials for the sector, will be evaluated to identify any further material changes to the Code.

I want to thank you for your support and your continued engagement and collaboration as we work collectively to ensure our system of local government is well-placed to meet the needs of Tasmania's local communities now and into the future.

Yours sincerely

Hon Nic Street MP
Minister for Local Government

Summary of Code of Conduct framework amendments

The Tasmanian Government is consulting on changes to two statutory instruments to support the delivery of changes to the Code of Conduct Framework agreed by Parliament last year. There are amendments to the Local Government (General) Regulations 2015 and a new ministerial Code of Conduct Order. These are relatively minor but essential changes to modernise and improve the operation of the Code of Conduct Framework, as well as how councils manage disputes and behavioural issues. These changes are required to turn on the changes from the Local Government Amendment (Code of Conduct) Act 2023 (the Amendment Act).

The key changes in the General Regulations and Code of Conduct Order are summarised below.

Changes to the General Regulations

- All councils must adopt a dispute resolution policy within 12 months of the relevant section of the Amendment Act commencing.
- The Regulations are amended to include prescribed information for council's dispute resolution policies.
- The prescribed requirements are broad and are intended to establish an overall level of consistency while allowing individual councils the flexibility to develop and adopt policies that meet their individual local needs and circumstances.
- For instance, the Regulations will provide for a set of overarching principles for dispute resolution policies – that dispute resolution is:
 - suitable for resolving disputes – including the methods used and circumstances for when they are used;
 - accessible – including the appropriate form and costs for undertaking dispute resolution;
 - equitable for both complainants and participants – including the process, timeframes, confidentiality requirements and how dispute resolution is gender-responsive; and
 - transparent – including factors considered in determining an outcome and how outcomes are recorded and reported
- Dispute resolution policies will support councils to undertake dispute resolution processes to attempt to resolve any disputes internally. It is intended that this will limit minor disputes or vexatious complaints entering the Code of Conduct complaints process.

- The Regulations also establish annual reporting requirements for councils on the number of disputes where the council's dispute resolution policy has been utilised.

Replacement Ministerial Order

- The Amendment Act provides for a statewide Code of Conduct for all councillors, replacing the existing Model Code of Conduct.
- The primary change from this is that the Code will automatically apply to all councillors – rather than councils having to adopt a Model Code with the ability to make changes. This will ensure consistent assessment and investigation of complaints.
- The other significant change is the inclusion in the Code that a councillor is not to engage in 'prohibited conduct' in the councillor's relationships with the community, other councillors and council employees. 'Prohibited conduct' is defined as "discrimination, or prohibited conduct, within the meaning of the [Anti-Discrimination Act 1998](#)"; and such other conduct, or behaviour, that is prescribed as prohibited conduct." This includes:
 - Discrimination based on attributes such as age, race, religion, sexual orientation, gender, pregnancy, political belief;
 - Sexual harassment;
 - Victimisation; and
 - Inciting hatred.
- While this means that a complaint alleging prohibited conduct can be raised with the Panel, note that the Panel has referral powers that may be relevant for such complaints.
- The Code has also been amended to reflect gender neutral language.

Drafted in the Office of
Parliamentary Counsel

TASMANIA

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2024**

STATUTORY RULES 2024, No.

CONTENTS

1. Short title
2. Commencement
3. Principal Regulations
4. Regulations 30A and 30B inserted
 - 30A. Prescribed information, &c., for dispute resolution policies
 - 30B. Prescribed matters for annual reports

DRAFT
28 June 2024

Consultation Draft

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2024**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Local Government Act 1993*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Local Government

1. Short title

These regulations may be cited as the *Local Government (General) Amendment Regulations 2024*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

*Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.*

r. 3

3. Principal Regulations

In these regulations, the *Local Government (General) Regulations 2015** are referred to as the Principal Regulations.

4. Regulations 30A and 30B inserted

After regulation 30 of the Principal Regulations, the following regulations are inserted in Part 4:

30A. Prescribed information, &c., for dispute resolution policies

- (1) For the purposes of section 28JA(3)(a) of the Act, the following information is prescribed as the information that is to be contained in a dispute resolution policy:
 - (a) details of how the policy is to be used to resolve disputes, including –
 - (i) the matters covered by the policy; and
 - (ii) the methods of dispute resolution available under the policy; and
 - (iii) the circumstances in which the available methods of dispute resolution may be used; and

*S.R. 2015, No. 37

*Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.*

r. 4

- (iv) the circumstances in which the council may engage external parties to assist or participate in the dispute resolution; and
 - (v) when mediation may be considered suitable for resolving a dispute; and
 - (vi) the circumstances in which the dispute resolution process may not be appropriate;
- (b) details of how the policy is accessible to complainants, including –
- (i) the form and manner in which a complaint must be lodged; and
 - (ii) the costs associated with lodging a complaint;
- (c) details of how the policy is equitable for both complainants and respondents, including –
- (i) the process that is to be followed when resolving, or attempting to resolve, a dispute under the policy; and

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*Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.*

r. 4

- (ii) the anticipated timeframe for a dispute resolution process; and
 - (iii) the confidentiality requirements that are applicable to a dispute resolution process; and
 - (iv) the process for dealing with conflicts of interest relevant to a dispute resolution process; and
 - (v) the roles and responsibilities of the parties to a dispute; and
 - (vi) how the policy is informed by, and supports, gender-responsive practices and principles; and
 - (vii) the processes and procedures in relation to the use of advocates and support people for a party to a dispute;
- (d) details of how the processes of, and decision-making under, the policy are transparent, including the procedure for documenting the outcome of the dispute resolution process.

*Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.*

r. 4

-
- (2) Nothing in this regulation prevents a council from including information in the dispute resolution policy, other than the prescribed information, that the council considers relevant to the policy.
 - (3) A party to a dispute to which a dispute resolution policy applies must not be represented in the dispute resolution process for that dispute by an advocate, or support person, who is an Australian lawyer.

30B. Prescribed matters for annual reports

For the purposes of section 72(1)(e) of the Act, the following matters are prescribed as matters that must be contained in an annual report prepared by a council:

- (a) a statement of the number of disputes in respect of the council, subject to a dispute resolution process, that –
 - (i) were received in the financial year to which the report relates; and
 - (ii) were determined or withdrawn in the financial year to which the report relates;
- (b) a statement of the number of disputes in respect of the council

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*Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.*

r. 4

that are on foot but not yet determined or withdrawn in the financial year to which the report relates;

- (c) a statement of the total costs to the council in relation to all disputes in respect of that council, dealt with by a dispute resolution process, in the financial year to which the report relates.

Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Local Government (General) Regulations 2015* by –

- (a) prescribing information that is to be contained in a council's dispute resolution policy; and
- (b) providing that a council's annual report must contain specified matters in relation to the council's dispute resolution policy.

Drafted in the Office of
Parliamentary Counsel

TASMANIA

**LOCAL GOVERNMENT (CODE OF CONDUCT)
ORDER 2024**

STATUTORY RULES 2024, No.

CONTENTS

1. Short title
 2. Commencement
 3. Interpretation
 4. Code of conduct
 5. Legislation revoked
- Schedule 1 – Code of conduct
Schedule 2 – Legislation revoked

DRAFT
28 June 2024

Consultation Draft

**LOCAL GOVERNMENT (CODE OF CONDUCT)
ORDER 2024**

I make the following order under section 28R(1) of the *Local Government Act 1993*.

Dated 20 .

Minister for Local Government

1. Short title

This order may be cited as the *Local Government (Code of Conduct) Order 2024*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

(1) In this order –

Act means the *Local Government Act 1993*.

(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were by-laws.

4. Code of conduct

For the purposes of section 28R(1) of the Act, the code of conduct set out in Schedule 1 is the

*Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.*

c. 5

code of conduct relating to the conduct of
councillors.

5. Legislation revoked

The legislation specified in Schedule 2 is
revoked.

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

SCHEDULE 1 – CODE OF CONDUCT

PART 1 – DECISION MAKING

1. A councillor must bring an open and unprejudiced mind to all matters being decided in the course of the councillor's duties, including when making planning decisions as part of the council's role as a planning authority.
2. A councillor must make decisions free from personal bias or prejudgement in the course of the councillor's duties.
3. A councillor, in making decisions, must give genuine and impartial consideration to all relevant information known to the councillor, or of which the councillor should be reasonably aware.
4. A councillor must –
 - (a) make decisions solely on merit; and
 - (b) not take irrelevant matters or circumstances into account when making decisions.

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

**PART 2 – CONFLICTS OF INTERESTS THAT ARE
NOT PECUNIARY**

1. A councillor, in carrying out the councillor's public duty, must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that the councillor may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether the councillor has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the council must –

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

- (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to leave the room during any council discussion and remain out of the room until the matter is decided by the council.
7. This Part does not apply in relation to a pecuniary interest.

PART 3 – USE OF OFFICE

- 1. The actions of a councillor must not bring the council or the office of councillor into disrepute.
- 2. A councillor must not take advantage, nor seek to take advantage, of the councillor's office or status to influence others improperly to gain an undue, improper, unauthorised or unfair benefit, or detriment, for the councillor, another person or a body.
- 3. A councillor, in the councillor's personal dealings with the council (for example as a ratepayer, recipient of a council service or planning applicant), must not expect or request,

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Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

expressly or implicitly, preferential treatment for the councillor, another person or a body.

PART 4 – USE OF RESOURCES

1. A councillor must use council resources appropriately in the course of the councillor's public duties.
2. A councillor must not use council resources for private purposes except as provided by council policies and procedures.
3. A councillor must not allow the misuse of council resources by another person or a body.

PART 5 – USE OF INFORMATION

1. A councillor –
 - (a) must only access or use council information as needed to perform the councillor's duties and functions; and
 - (b) must not access or use council information for personal reasons or non-official purposes.
2. A councillor must only release council information –

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

- (a) in accordance with established council policies and procedures; and
- (b) in compliance with relevant legislation.

PART 6 – GIFTS AND BENEFITS

1. A councillor may accept an offer of a gift or benefit if it –
 - (a) directly relates to the carrying out of the councillor's public duties; and
 - (b) is appropriate in the circumstances; and
 - (c) is not in contravention of relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that a person or body, through the provision of gifts or benefits, is securing, or attempting to secure, influence or a favour from the councillor or the council.

**PART 7 – RELATIONSHIPS WITH COMMUNITY,
COUNCILLORS AND COUNCIL EMPLOYEES**

1. A councillor must –
 - (a) treat all persons fairly; and
 - (b) not cause a reasonable person offence or embarrassment; and

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Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

- (c) not bully or harass a person.
2. A councillor must –
- (a) listen to, and respect, the views of other councillors in council and committee meetings and all other proceedings of the council; and
 - (b) endeavour to ensure that issues, not personalities, are the focus of debate.
3. A councillor must not contact or issue instructions to a council contractor or tenderer without appropriate authorisation.
4. A councillor must not contact an employee of the council in relation to council matters unless authorised by the general manager of the council.
5. A councillor must not, in the councillor's relationships with persons, other councillors, the council, employees of the council or other bodies, engage in conduct that is prohibited conduct.

PART 8 – REPRESENTATION

1. A councillor must accurately represent the policies and decisions of the council when giving information to the community.

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

2. A councillor must not knowingly misrepresent information that the councillor has obtained in the course of the councillor's duties.
3. A councillor must not speak on behalf of the council unless specifically authorised or delegated by the mayor.
4. A councillor must clearly indicate if a view put forward by the councillor is a personal view.
5. A councillor's personal views must not be expressed publicly in such a way as to –
 - (a) undermine the decisions of the council;
or
 - (b) bring the council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. A councillor's personal conduct must not reflect, or have the potential to reflect, adversely on the reputation of the council.
8. A councillor appointed to represent the council on external bodies must strive to –
 - (a) understand the basis of the appointment;
and

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

- (b) be aware of the ethical and legal responsibilities attached to such an appointment.

Consultation Draft

*Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.*

sch. 2

SCHEDULE 2 – LEGISLATION REVOKED

Clause 5

*Local Government (Model Code of Conduct) Order 2016 (No.
23 of 2016)*

*Local Government (Model Code of Conduct) Amendment
Order 2018 (No. 88 of 2018)*

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

This order is administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the order)

This order –

- (a) for the purposes of the *Local Government Act 1993*, sets out the code of conduct relating to the conduct of councillors; and
- (b) revokes the *Local Government (Model Code of Conduct) Order 2016* and the *Local Government (Model Code of Conduct) Amendment Order 2018*.



General Meeting Agenda

Wednesday 4 September 2024

Commencing at 9:00 am

Hotel Grand Chancellor, Hobart

326 Macquarie Street,
GPO Box 1521, Hobart, Tas 7000
Phone: (03) 6146 3740
Email: admin@lgat.tas.gov.au
Home Page: <http://www.lgat.tas.gov.au>

**Procedural Matters
Rules regarding conduct of meetings**

13. Who may attend a meeting of the Association

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.
- (e) Members may send other elected members or Council officers as observers to any Meeting of the Association.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.

14. Proxies at meetings

- (a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.
- (b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.
- (c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.
- (d) Proxies count for the purposes of voting and quorum at any meeting.

15. Quorum at meetings

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. Voting at meetings

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the voting delegate	Colour placard to be raised by the voting delegate when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

- (b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
 - (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.
 - (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.
 - (iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the meeting or not.
- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

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** Denotes Attachment*



General meeting schedule

8:00 am	Registrations open
9:00 am	General Meeting commences
10:45 am	General Meeting concludes
10:45 am	Morning tea



1. Governance

Acknowledgement of country

The President will acknowledge the traditional custodians of this land Tasmania, the Palawa people, and recognise their continuing connection to the lands, skies, and water. We pay respect to the elders, past and present.

Welcome and apologies

1.1 Confirmation of minutes *

Decision sought

That the Minutes of the meeting held on 26 July 2024, as circulated, be confirmed.

Background

The Minutes of the General Meeting held on 26 July 2024, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

1.2 Business arising *

Decision sought

That Members note the information.

Background

At **Attachment to Item 1.2** is a schedule of business considered at the previous meeting and its status.

1.3 Confirmation of agenda

Decision sought

That consideration be given to the agenda items and the order of business.

Background

Delegates will be invited to confirm the agenda for the meeting and the order of business.

1.4 Follow up of motions *

Decision sought

That Members note the following report.

Background

A table detailing action taken to date in relation to motions passed at previous meetings is at **Attachment to Item 1.4.**

1.5 President report

Contact officer - Dion Lester

Decision Sought

That Members note the report on the President's activity from 3 July to 5 August 2024.

Meetings and events

- General Meeting and AGM
- ALGA Board Meeting
- GMC meeting
- Presentation to House of Representatives inquiry into local government sustainability.
- President and Vice President meeting

Media and correspondence

Open Spaces Grant

- TV
 - Win News, 8 July 2024
 - 7 Nightly News, 8 July
- Media release
 - Joint release with State Government, 8 July 2024
- Articles
 - The Mercury, 9 July 2024
 - Kingborough Chronicle, 16 July 2024

Abuse towards elected representatives

- Radio
 - ABC Hobart, 11 July 2024
 - ABC Hobart, 15 July 2024

Waste Levy

- Radio
 - ABC Hobart, 15 July 2024

Heavy Vehicle Motor Tax

- Articles
 - The Mercury, 27 July 2024

1.6 Chief Executive Officer report

Decision Sought

That Members note the report on the CEO's activity from 3 July to 5 August 2024.

Advocacy

In the period since my last report our policy and advocacy activity has focussed on supporting the three regions in the further development of the Regional Land Use Strategies, confirmation of the sectors high priority recommendations from the Future of Local Government Review, progression of the key activities from the Workplace Health and Safety Review of Elected Representatives. Notably this has included:

- A meeting with the Office of Local Government to scope the further legislative changes required (refer to the list within the July General Meeting paper).
- A meeting with the Minister's Office to discuss sectoral priorities for reform.
- A meeting with the City of Hobart and Clarence City Council to progress the development of a community campaign for the respectful treatment of councillors and staff.

Sector Services

In the relative short period since my last report activities have centred on the successful delivery of the LGAT AGM and Elected Representatives Workshop in Devonport in late July 2024. LGAT Procurement has been finalising the civil works panel. You can read more about these in the relevant updates later in this agenda.

Governance and Operations

In the current period the priority has been on commencing the developing the 2025 Annual Plan.

Media

The following summarises the traditional media the LGAT CEO or Secretariat¹ has secured during the reporting period.

Abuse towards elected representatives

- Media query
 - ABC, 9 July 2024
 - The Mercury, 9 July 2024
- Radio
 - ABC Hobart, 9 July 2024
- Articles
 - The Mercury, 10 July 2024
 - The Advocate, 17 July 2024

Open Spaces Grant

- Media query
 - The Advocate, 10 July 2024
- Articles
 - The Advocate, 13 July 2024
 - The Examiner, 23 July 2024

¹ LGAT President media is listed separately in the President's Report.

Independent Living Units

- Media query
 - The Advocate, 11 July 2024
- Articles
 - The Mercury, 13 July 2024

1.7 Annual Plan update *

Decision sought

That Members note the report against the Annual Plan.

Background

An **Attachment to Item 1.7** is a copy of the LGAT Annual Plan and progress to date.

1.8 Council round up

Decision sought

That Members note that City of Hobart will provide a round up.

Background

The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

2. Items for decision

2.1 Motion – Psychosocial Safety Insurance for Elected Members Council – Burnie City Council

Decision sought

That LGAT:

- 1. Lobby the State Government as a priority, to introduce legislation that mandates the need to have workers' compensation insurance (or equivalent) made available to councillors, to support recent legislative changes regarding psychosocial safety; and**
- 2. The State Government work with the insurance industry to introduce the insurance framework as a priority.**

Background

Changes to legislation in late 2023 now impose a positive legal duty on organisations, including councils, to protect the psychosocial safety of their employees, and those in the workplace.

Councillors are not employees however, recent legal advice obtained by the Burnie City Council, confirms they are considered 'Other Persons' in a workplace under the definitions of the Work Health and Safety Act 2012 (Tas) (WHS Act).

Councillors however are not covered by workers compensation in the same way as employees.

Individuals in a workplace have a duty to take reasonable care for their own health and safety; to take reasonable care that their acts or omissions do not adversely affect the health and safety of others; and to comply, so far as a person is reasonably able, with any reasonable instruction that is given by the PCBU (ie. a council as the entity) to allow the PCBU to comply with the WHS Act.

This now presents a situation where councillors may make a claim of alleged work-related injury due to psychosocial harm, on the same basis that an employee may. In these cases, the employee would be covered by workers' compensation, and the organisation would manage its risk through insurance provisions.

This however not the case for councillors, advice that has been confirmed recently by the Burnie City Council's insurance broker.

Furthermore, the broker advised that the provision of the Personal Accident insurance policy was applicable in these circumstances, as the definitions do not cover psychosocial harm:

- **Bodily Injury** means a bodily injury resulting solely and directly from an Accident and which occurs independently of any illness or any other cause, where the bodily injury and Accident both occur during the Period of Insurance and whilst the person is a Covered Person. Bodily Injury includes illness or disease resulting directly from medical or surgical treatment rendered necessary by any Bodily Injury. It does not mean a Sickness or any Pre-Existing Medical Condition.
- **Sickness** means any illness or disease of the Covered Person occurring during the Period of Insurance and whilst the person is a Covered Person. It does not mean any Pre-Existing Medical Condition
- **Specified Sickness** means a:
 - myocardial infarction (heart attack) or
 - ischaemic heart disease; or
 - pulmonary embolism or
 - lower respiratory disease; or
 - stroke.

Nor does the Councillors and Officers Policy on the basis of this being an employment practices claim as defined below:

Employment Practices Claim means:

- a) a claim based on any actual or alleged act, error or omission with respect to employment or prospective employment of any past, present, future or prospective employee or Councillor or Officer of the Council; and/or
- b) a proceeding, investigation or charge brought by or before the Australian Human Rights Commission or any Australian State or Territory based equivalent (or similar body in any foreign jurisdiction) in connection with any past, present, future or prospective employee or Councillor or Officer of the Council.

Councillors and Officers means Employment Practices liability would be the only possible clause if the Councillor made a legal claim against Council however, the Councillor is not an employee of Council as deemed under the policy wording;

Employee means a natural person who is, a past, present or future employee while in the regular service of the Council in the ordinary course of the Council's business and whom the Council compensates by salary, wages and/or commissions and whom the Council has right to govern, instruct and direct in the performance of such service (including for the avoidance of doubt any trainees, casual, part time, seasonal, temporary, voluntary and work experience personnel). For the purpose Cover Clause 1.4 'Council statutory liability' the definition of employee is expanded to include any deemed worker under the workers compensation laws of the Australian State or Territory, but only whilst acting within the scope of their duties in such capacity. The definition of employee shall not include independent contractors or agents.

Subsequently upon considering this matter further, the insurance broker has now informed the Burnie City Council that Tasmanian local government as a sector does not hold, nor is there a suitable insurance policy available at this time, to deal with alleged claims against psychosocial harm for councillors.

Victoria has similar health and safety legislative provisions that enable elected members to claim for psychosocial harm, however in Victoria the State Government legislate that workers compensation is available to elected members to afford them the appropriate safeguards.

It is understood that to satisfactorily address this issue in Victoria, the Local Government Association of Victoria worked closely with the State Government and WorkSafe Victoria to implement the necessary framework.

This motion seeks LGAT to lobby the State Government to mandate such insurance as a priority, on the basis that presently local government in Tasmania have no insurance to mitigate risk in this regard, which poses an unacceptable risk to councillors, councils and their communities.

LGAT Comment

There have been no previous motions specifically related to extending workers' compensation insurance (or equivalent) to councillors. However, there have been two previous motions related to the workplace health and safety of councillors. They are included below, and members received an update on progress at the July 2024 General Meeting.

It is worth noting that the South Australian *Local Government Act 1999*, section 80 requires their councils to:

..... take out a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying a member of the council, against risks associated with the performance or discharge of official functions or duties by members.

LGAT Motions

August 2021

The Tasmanian local government sector confirms its commitment to ensuring a safe workplace for elected representatives and staff and, that LGAT calls on the State Government to commission a review of the workplace health and safety of the Local Government sector for elected representatives.

Mach 2023

That Members discuss and confirm the proposed high level implementation plan for the workplace health and safety review of elected representatives and communicate the key components to their councils.

That Members request that the more detailed project implementation plan be reported to the next General Meeting, including any new resources that may be required.

That Members request that a summary of the findings and links to the in-depth documents of the review be sent to all Mayors with a request that they table this and report back to their elected members.

2.2 Motion – Working with Vulnerable People Card – Eligibility criteria for Councillor Nominees

Council – Devonport City Council

Decision Sought

That LGAT request the State Government legislate, that eligibility for nomination as Councillor requires a person to hold a Working with Vulnerable People Card.

Background

Section 270 of the *Local Government Act 1993* outlines a number of requirements for a person to be eligible to nominate as a Councillor. To improve protections for vulnerable people, a further requirement should be added requiring a “Working with Vulnerable People Card” (WWVP) be held.

A WWVP card is mandatory for most community groups for staff and their volunteers, and it is only reasonable that the same rules apply to Councillors who have many interactions with a range of community members whilst undertaking their duties, and interactions that occur in Council owned and managed facilities.

Given the increasing expectations on organisations to ensure the safety and protection of those most vulnerable within our community, the request to mandate this requirement for all Councillors is logical.

Devonport City Councillors overwhelmingly support this motion and believe it is imperative to ensuring the safety and well-being of vulnerable people, and brings the requirements of councillors in line with those of many others in the community who are required to hold this Card.

It is an inherent requirement for Council staff and volunteers who work or visit Council facilities to hold a WWVP Card. As Councillors are regularly required, as part of their role, to visit locations such as schools, sporting clubs, or attend events where the likelihood of engaging or interacting with vulnerable people is possible, it is important that the councillor hold this Card as evidence of their suitability to engage or interact with such persons.

The legislation should include provision to accommodate those who have applied and are eligible for the Card but have not received their card at the time of their nomination.

Tasmanian Government Response

The Tasmanian Government notes this motion and advises that it is not supportive of the request to legislate the requirement for Councillor nominees to hold a Working with Vulnerable People (WWVP) registration at this time.

In this response, the Tasmanian Government notes:

- The WWVP legislative framework is neither intended nor designed to be a broad character test for local councillors.
- The *Local Government Act 1993* (the Act) prevents people with criminal convictions to stand for elected office in local government. This includes people who have been convicted of a crime and been imprisoned, and people who have received a suspended sentence.
- The provisions of the Act aim to ensure that in most circumstances the community is given the primary role of judging a person's fitness for public office through the democratic process.
- Councils have within their existing authority the ability to impose additional eligibility criteria on councillor nominees, including the requirement for councillor nominees to hold a current WWVP registration. In circumstances where a councillor will be working with vulnerable people under the definition of the WWVP framework, there may be a duty of care for councils to consider this an appropriate action.

LGAT Comment

Further to the Safeguarding Children paper in this agenda, LGAT is actively working with the local government sector to create an environment that is safe for children and youth. The local government sector, with LGAT's support, is taking an integrated approach based on good practice from other states and Child Safe Australia. This approach includes WWVP, as well as policies, process and culture change. We understand some councils have developed workplace policies detailing the criteria of identifying and requiring staff and volunteers working in specific positions to hold a WWVP card. For staff and volunteers, good practice would also incorporate safeguarding children in the recruitment processes and require a signed commitment to a Child Safe Code of Conduct or similar.

The [Registration to Work with Vulnerable People Act 2013](#)² details the requirements for who is required to hold a WWVP. A WWVP registration is not intended to be evidence of suitability to a role or task, rather it is an assessment of national police history records to see if a person has charges or convictions that could indicate a risk of harm to a child.

² <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-065>

Registration is not required for people that only have incidental contact as part of their normal duties. LGAT is currently supporting members of the child and youth safe officer network to develop their understanding of the WWVP registration and management process. This includes a webinar session with the CBOS and the registrar.

2.3 Motion – Amendment of Local Government Act 1993, Schedule 5 Councillor Allowances

Council – George Town Council

Decision Sought

1. That LGAT calls on the Tasmanian Government to amend Schedule 5 of the Local Government Act 1993, mandating the requirement for councils to have a provision for reimbursement of costs associated with the care of a dependent/s incurred while a councillor is undertaking their duties; and
2. Calling on the Tasmanian Government to draft a model clause for use by councils in allowance policies for the reimbursement of costs for care, to ensure consistent approaches across the sector and to encourage greater diversity in candidates considering becoming elected representatives.

Background

The Tasmanian Industrial Commission last completed a review into councillor allowances in April 2018.

This report discusses submitting a motion to the next general meeting of the Local Government Association of Tasmania, calling on the State to review councillor allowances and amend the legislation to include mandatory provision for reimbursement of costs associated with the care of dependent/s incurred by a councillor in the course of performing their duties.

George Town Council having recently reviewed its Allowances Policy, elected members identified a need for a contemporary approach to the recognition and reimbursement of costs associated with the provision of care of a dependent of a councillor as a result of the councillor undertaking council business.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

The provision of financial support to elected members who have caring responsibilities, acknowledges the diverse needs of the community.

A cross-sector desktop audit of policies for councillor allowances reveals an inconsistent approach to addressing re-imburement of carers costs incurred while undertaking council business.

The proposed motion seeks to mandate the requirement for reimbursement of carers fees to a councillor for costs incurred while undertaking council business.

Tasmanian Government Response

The Tasmanian Government notes this motion and respectfully advises that the current legislative framework, inclusive of both the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulations 2015* (the Regulations), already provides for councillor reimbursement for care of dependents and does not need amendment for this purpose.

This motion references Schedule 5 of the Act, which mandates that councils adopt a policy that sets out the expenses that are eligible for reimbursement if incurred by councillors when carrying out their duties of office. This includes prescribed expenses and any other expenses determined appropriate by the council.

In addition to the provisions of Schedule 5 of the Act, and specifically with reference to the term 'prescribed expenses' noted in the Act, the Tasmanian Government refers to the requirements of Regulation 43 (c) of the Regulations, namely that:

A councillor is entitled to be reimbursed for reasonable expenses in accordance with the council's policy adopted under Schedule 5 of the Act, including in relation to - ...care of any person who is dependent on the councillor and who requires the care while the councillor is carrying out his or her duties or functions as a councillor.

Given that the Regulations acknowledge that councils reimburse councillors for the cost of care for dependents to enable councillors to undertake council duties, and this should be read in conjunction with the provisions of the Act, the Tasmanian Government's position is that amendment to the Act for this purpose is not necessary.

In relation to a model policy, there appears to be nothing technically precluding councils and LGAT from establishing and adopting a model clause for use by councils in allowance policies for the reimbursement of costs for care, in order to achieve greater consistency of policy application across the sector.

LGAT Comment

There have been no previous motions specifically related to provision for reimbursement of costs associated with the care of dependents. However, in February 2016 and then in July 2018 members sought a review of councillor allowances. This was followed by a motion in December 2018 endorsing "That Members agree no further work be undertaken in relation to elected member allowances."

In May 2018 the Tasmanian Industrial Commission (TIC) completed a review of councillors' allowance. As result of the review, the TIC did not recommend any significant changes to allowances. Specifically, they recommended that the wage price index continue to be applied to the current base allowances.

They also deferred consideration of issues around the methodology for calculating base councillor allowances, including the categorisation of councils as well as consideration of disadvantage factors, suggesting this be a matter for a further review to be completed within three years but not acted upon until the next review in 4 years.

At the July 2018 General Meeting Members noted the update on the review of councillor allowances by the TIC and agreed that LGAT pursue a review of the methodology for calculating base councillor allowances including council categorisation and disadvantage factors within the next 12 months.

LGAT undertook initial investigation into the methodologies used in other jurisdictions and the possible ways forward. From this work it became clear that this analysis would be complex, requiring significant additional resources; may not result in significant change and indeed, was likely to deliver both winners and losers. As a result, member resolved in December 2018 to not pursue further work.

At that time across all jurisdictions, most industrial commissions/tribunals had not recently (5 – 10 years) reviewed how categories should be determined, rather they had only considered individual council movements between categories. Because of this, few were able to provide any information about how categories were originally determined other than reference to broad factors.

Since that time, no further work has occurred.

2.4 **Motion – Substantial Commencement of Work**
Council – Circular Head

Decision sought

That LGAT engages in dialogue with the State Planning Office to seek legislative amendment to permit individual councils to define ‘substantial commencement of work’ in the context of local Planning Permit Approvals.

Background

The current definition is open to interpretation, leading to confusion and frustration. A better definition would benefit all involved - Planners, proponents, opponents, and Planning Authorities. Council acknowledges that the quest for a clear definition has been the subject of previous work by LGAT which has not been supported by the State. For this reason, Council seeks support for legislative amendment which, while it may not result in greater consistency, at least provides power for local determination, and moves away from reliance on case law that may not be easily applicable to local circumstances.

Small projects are generally more easily judged but the picture can be more complex for large scale projects, as the Tarkine National Coalition (TNC) v EPA Supreme Court case of 2023³ demonstrated.

This was held to have been ‘substantially commenced’ because:

- ore testing had taken place
- major equipment and components for the processing plant had been delivered; and
- a specific area of land had been cleared to facilitate the installation of various structures and facilities.

This conflicts with elements of the current interpretation used by planning professionals which places councils and planners in the difficult realm of opinion rather than fact. It is recognised that a planner may need access to an array of potentially commercial in confidence information if a developer should need to provide evidence of substantial commencement and therefore ‘existing use’.

If it does not already exist there should be a legislated power for planners to request that information. This would help to narrow the planning loophole whereby an opponent can seek and receive planning approval for a small development with no real probable intention of completion, simply as a negotiation or prevention tactic adjacent to a large development. The first approval should have precedence over subsequent adjacent approvals within a

³ See: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/tas/TASSC/2023/3.html>

framework that ensures a developer can be asked to show progress and their project prioritised accordingly with appropriate periods of protection in place commensurate with the scale of the development.

Currently, for example, where a new dwelling on agricultural zoned land requires a planning approval and the dwelling construction requires vegetation clearance, the vegetation clearance on modified land is exempt from planning approval. Therefore, in this example, if the proponent had only cleared land for the dwelling, and no other works had been commenced council would consider that no substantial commencement of works had taken place. This is different from the court's view in the TNC v EPA case, although it was one of several actions that the court considered.

While that decision provided insight into the types of activities that may be considered substantial commencement, it did not result in any codified principles or rules that can easily be applied to other proposals/situations. Therefore, councils cannot rely on it. The issue of 'substantial commencement' has been debated in courts across the country countless times without clear resolution. While not perfect, the approach suggested may lead to an achievable outcome which could save time and money.

Tasmanian Government Response

The State Planning Office (SPO) appreciates the opportunity to respond to this motion, which is included for discussion at the Local Government Association of Tasmania (LGAT) general meeting on Wednesday, 4 September 2024.

Background

The motion originates in a request from the Circular Head Council to push for a legislative amendment allowing individual councils to define the term 'substantial commencement of work' ('the term') in the context of local planning permit approvals.

The motion seems to be based on the premise that:

- The definition of the term by case law is variable, as shown by Tarkine National Coalition Incorporated v Director, Environment Protection Authority (2023) TASSC 3 ('Tarkine v Director'); and
- The above situation and the lack of a legislative, regulatory, or administrative definition for the term is problematic, given that:
 - It leaves the term open to interpretation, leading to confusion and frustration;
 - It puts council planners at risk since they may sometimes need to require developers to provide 'potentially in confidence commercial information' to demonstrate that the work has substantially commenced; and

- It creates a loophole in that people may abuse this situation to apply for planning permits with no real intention of actioning them to have greater control over or hinder proposals on adjacent sites.

Therefore, it is assumed that the best way to resolve those perceived issues is to undertake a legislative amendment to vest power in councils so that each council can define the term, noting that, while this approach ‘may not result in greater consistency’, it allows council planners to ‘move away from reliance on case law that may not be easily applicable to local circumstances.’ It is also assumed that this will benefit not only councils but all planning system actors.

Response

There are a few important things to note concerning the motion:

- While very few decisions of the Supreme Court of Tasmania have dealt with the issue of substantial commencement of work, the Tasmanian Civil & Administrative Tribunal (TasCAT) and its predecessor have made a number of determinations relating to the matter.
- The Tribunals’ decisions have relied on the approach that each proposal requires a case-by-case approach based on ‘fact and degree’. *Tarkine v Director* is unlikely to change this approach, given that this decision didn’t involve a day-to-day or ordinary proposal and no discernible principles can be easily applied to most—if not all other—proposals.
- The Tribunals’ decisions have considered many factors, such as early works, equipment moved to the site, foundation works, studies undertaken, etc. However, it has been commonly accepted that some physical changes to the land are needed for substantial commencement of work to have occurred, not simply the preparation of plans or financial arrangements. For example, achieving building approval would rarely constitute substantial commencement.
- While one may argue that the above approach leaves the term open to some interpretation, this is what precisely provides leeway for councils to determine each case based on its own merits, but within reason.
- One may question if the introduction of a definition of the term by each council will likely resolve ‘confusion’ and ‘frustration’ or if, on the contrary, it will have unintended consequences (e.g., Imagine if all 29 councils introduce different definitions. While this may benefit some councils, it would most likely create more confusion and frustration and lead to unfair outcomes for planning system actors operating across various municipal areas). Thus, it is not only a matter of consistency, as indicated, but clarity and fairness to all planning system actors.
- The motion is seeking to have the issue of advice by the relevant council to provide certainty, which cannot be challenged by third parties (or presumably the applicant).

Our understanding is that the council acting as the planning authority currently has sole authority in relation to determining substantial commencement subject to any consequential proceedings of TasCAT. The issue of binding advice by a planning authority without recourse to a review by TasCAT would not be consistent with the operation of the Land Use Planning and Approvals Act 1993 and would exclude any first or third-party review of such advice. It is hard to see how any such advice would not be subject to civil enforcement actions under LUPAA in any event.

- While concrete examples of why it is considered that the lack of a legislative, regulatory, or administrative definition of the term is problematic, those examples seem to be anecdotal, and there is no objective evidence to support that the perceived risk for council planners has materialised or that there is a loophole, as indicated.

From this, it can be concluded that one simply can't codify something that is inevitably different and trying to set out considerations or principles doesn't progress things much and may have unintended consequences.

Lastly, it is important to note that interpretations around the term have only been used in a few high-profile cases to try to kill a planning permit (e.g., Gunns Pulp Mill; Tarkine v Director). In practice, a council usually determines substantial commencement of work in response to a request to renew a permit or after the permit period expires, with such determinations only occasionally contested.

For the above reasons, the SPO is, in principle, unresponsive to the motion.

Notwithstanding this, we are happy to continue working with LGAT and councils to continue strengthening Tasmania's planning system

LGAT Comment

Sections [42C](#) (combined permit and amendments) and [53](#) (permits) of the *Land Use Planning and Approvals Act 1993* (LUPAA) relate to permit effect, lapsing and timing, so both rely on interpretations of a use being "substantially commenced".

The key issue currently is that whether a development has substantially commenced or not is a legal interpretation, not a council decision, and as such can only be appealed by higher courts, not the Tasmanian Civil and Administrative Appeals Tribunal (TasCAT).

If councils were given a decision-making authority, that is appealable to TasCAT like other council planning decisions, then this would substantially improve the situation.

We understand that the determination of whether an approved development has substantially commenced is also unclear in other jurisdictions, leaving it to legal proceedings to determine on a case-by-case basis. Queensland's legislation does have more definition

depending on whether the approval is for a land use change (material change of use), or for subdivision (reconfiguring a lot), or any other development⁴. It also includes lapsing provisions for development started but not completed⁵.

LGAT is currently advocating for the Tasmanian Government to better resource its state planning services (the State Planning Office) to deliver a number of reform items. This includes collaborative work between the Tasmanian and local governments on process improvement of the statutory system provided by the LUPAA. This would include addressing important definitions, like “substantially commenced”. Where a term cannot be completely resolved in legislation, we would advocate for guidance material to assist in proponent compliance and planning authority enforcement duties.

2.5 Motion - Legislative Reform to Effectively Manage the Environmental and Economic Risks Posed by Wild and Nuisance Pigs

Council - Central Coast Council

Decision Sought

That the Local Government Association of Tasmania lobby the Tasmanian State Government for legislative reform to enable state and local government to manage and control the environmental and economic risks posed by wild and nuisance pigs more effectively.

Background

The Central Coast Council are calling on LGAT members to support its advocacy for legislative reform to enable state and local government to manage and control the environmental and economic risks posed by wild and nuisance pigs more effectively.

In the Central Coast municipal area, there is considerable and ongoing evidence of large numbers of pigs roaming in bushland at Gunns Plains. The Council understands that this is not the sole population of wild pigs in Tasmania, and that there are established populations across Flinders Island and northeast of Waratah.

It is important that appropriate measures be considered to mitigate the biosecurity risks associated with a potentially growing population of pigs now nesting and breeding in Tasmania’s bushland. It is not clear how many pigs there are or the geographical extent to which they are roaming.

⁴ See the [Planning Act 2016](#), section 85.

⁵ Ibid. section 88.

Central Coast Council has been working with Biosecurity Tasmania on legislative powers and options for managing roaming pigs. The law, as it currently stands, does not support effective management of roaming pigs, with abatement measures proving difficult to enforce and limited in effect, particularly where ownership of roaming pigs is unclear.

The restrictive nature of existing powers is applicable to all Tasmanian councils, and it is probable that other municipal areas will face similar challenges in the future, if they have not already.

Legislative reform will assist local government in managing and controlling the environmental and economic risks posed by wild and nuisance pigs more effectively in consultation with Biosecurity Tasmania. Changed legislation would lead to better outcomes for the community by providing greater flexibility in responding to roaming pigs and the unique biosecurity and safety risks that they present to the community.

Wild and nuisance pigs in Central Coast

Central Coast Council has a well-documented case of recurrent issues over many years in the Gunns Plains area, with wild and nuisance pigs reported roaming on Council's roadways and neighbouring properties, causing significant damage. There have been reported incidents of people and pets being attacked by pigs within the road reservation - significant safety risks are posed by roaming pigs for road users and pedestrians. Serious risks and unending frustrations are caused to neighbouring property owners, who are unable to prevent ongoing and significant property damage caused by roaming pigs.

As Central Coast have experienced, there are limited options for councils to address the risks posed by wild and nuisance pigs. Under the *Local Government Act 1993* (the Act), Abatement Notices may be issued, requiring livestock owners to abate any nuisance by appropriately fencing their property to contain pigs and other livestock. If property owners fail to undertake the required remedial work, councils may then proceed under section 201 of the Act and undertake the required work to abate the nuisance, with the property owner to be liable for those costs, and recoverable by the council against the property if unpaid.

Current legislative powers are limited and impractical to implement. Abatement for nuisance and fencing to contain the animals only works where there is a willing property owner who will close a gate. Councils have the power to capture and keep the animals and return them to their owners. This is impractical and ineffective for repeat offenders and does little to reduce the risk of wild pig populations developing across the state.

This is not an effective, economical, or sustainable approach, and will not be sufficient to prevent the uncontrolled spread of wild pigs in Tasmania and the associated environmental and economic impacts.

Legislative reforms

A better outcome for our communities and state would be for councils to have greater powers to manage and destroy roaming pigs in certain circumstances (for example, where there is a continued pattern of non-containment of the animals by a property owner) before any further wild pig populations are established.

Legal advice regarding specific legislative amendments to help address this issue was obtained by Highland Conservation Pty Ltd and shared with the Central Coast Council:

1. *Confirm the definition of "pig" under section 8A Pest Register of the Animal Welfare Act 1993, which includes both feral and domestic livestock roaming and causing nuisance. Following review of the Pest Register list in 2023, it was confirmed that "pig" is on the register (the Latin Genus and species definition 'Sus scrofa'); however, ambiguity remains if this includes domestic livestock roaming and causing nuisance.*

If required, seek the definition be expanded to include (the Latin Genus, species and sub-species) Sus scrofa domesticus and scrofa (to cover pigs roaming at large regardless of status of domestic or feral). This would remove any ambiguity relating the status of pigs as a pest.

2. *Seek amendment of the Law of Animals Act 1962, in relation to how trespassing domestic animals such as domestic pigs must be detained, and compensation then sought from their owner(s).*

This Act should be amended to enable pest animals to be destroyed onsite - perhaps after a period of owner notification, and opportunity for containment by possible owner (after this period the ownership of the pigs is relinquished to the Crown so as to enable onsite control to occur (through permit)).

The Law of Animals Act 1962 does not provide a workable solution to many situations involving wild or nuisance pigs, because:

- a) *the pigs may be unsafe to handle and contain;*
 - b) *there may be very large numbers of pigs roaming at large in bushland; and*
 - c) *the ownership of pigs roaming at large may be unclear, especially if breeding off-farm.*
3. *Ensure requested amendments to the Law of Animals Act 1962 are consistent with other Acts, such as the Police Offences Act 1935 so as to enable lawful destruction of pigs.*

In light of the significant and increasing risks posed by wild and nuisance pigs to Tasmania's environment and affected economic sectors, the Central Coast Council calls on LGAT members to support its advocacy for legislative reform to address this serious matter at the state level.

Tasmanian Government Response

The Department of Natural Resources and Environment Tasmania (NRE Tas) makes the following comments in relation to the motion:

- Under the *Nature Conservation (Wildlife) Regulations 2021*, pigs (*Sus scrofa*) are classed as 'domestic stock'.
- To be considered truly feral, pigs must be living and breeding completely independently of humans.
- There is no current evidence that feral pigs have established on mainland Tasmania, however there are feral populations on the Bass Strait Islands.
- NRE Tas legal advice is that the *Animal Welfare Act 1993* Pest Register primarily exists to specify approved toxins that may be used to control different species in order to ensure that use of such chemicals is exempt from the cruelty provisions of the Act. As pigs are already listed in the Pest Register, NRE Tas does not consider that any changes to the *Animal Welfare Act 1993* are warranted.
- The responsibility for the management of roaming livestock primarily lies with local government, under the *Local Government Act 1993*.
- NRE Tas agrees that local government should have greater powers to manage and destroy roaming pigs (and potentially goats) in certain circumstances, and that the existing legal options for councils and landowners to manage escaped animals under the *Local Government Act 1993* and the *Law of Animals Act 1962* could be improved to allow for a more effective and practical approach to controlling unmanaged populations of farmed animals such as pigs and goats.
- NRE Tas suggests that the *Law of Animals Act 1962* could be amended to allow earlier interventions by government and adjoining landowners to prevent such roaming populations of farmed animals becoming feral, thereby reducing potential control and eradication costs. For example, given the requirement under the *Animal (Brands and Movement) Act 1984* for compulsory body tattooing of pigs over 10 weeks of age prior to leaving the property for sale or slaughter, the *Law of Animals Act 1962* could potentially be amended to include a provision that any unmarked pigs found at large on someone's property can be destroyed. After 1 January 2027, when ID of goats and sheep moving off property becomes mandatory, unidentified goats could be included in this provision.
- NRE Tas also suggests that the *Local Government Act 1993* may also be improved by creating a similar provision to enable the destruction of any unmarked pigs or goats found at large on someone's property, or found straying on, at large on any highway, or on any land owned by or under the control of the Council.

LGAT Comment

There are no previous General Meeting motions, or resolutions on feral pigs. In 2006 and 2019 resolutions were made on the eradication of feral cats.

3. Items for discussion

3.1 Safeguarding children

Contact Officer – Lynden Leppard, Safeguarding Children Program Manager

Decision sought

That Members note the update and member discussion on safeguarding children and child safe organisations.

Background

Councils have been actively pursuing changes and compliance to meet the intent and requirements of the *Child and Youth Safe Organisations Act 2023*. Councils have also been providing support to local organisations through the year and they have noted that requests for advice have increased. The Office of the Independent Regulator has been working collaboratively with LGAT, and councils more broadly, to support the shift and meeting legislative requirements.

Our local government network continues to develop as a collegial source of support and officers from councils of all sizes are contributing valuable insights. Key issues discussed include decision making involving young people, child safe procedures when concerns are raised with councils, and appropriate application of Working with Vulnerable People Cards.

We are focused on maintaining and improving our understanding of the issues councils face and communicating the work underway across the sector and from LGAT. There is a new section in the LGAT members portal under Community, Children and Young People called [Safeguarding Children and Young People](#)⁶. We will be adding resources as they are developed.

We recently invited submissions for inclusion in a new panel for the LGAT Child and Youth Safe Organisation Reportable Conduct Scheme Investigation. The lack of minimum standards in the Act has been an ongoing concern and the list of approved providers will be a resource for councils. It will be available by late August 2024.

⁶ <https://www.lgat.tas.gov.au/member-portal/community/safeguarding-children-and-young-people>

A new project officer position to be based in Launceston was recently advertised. This is possible because of the government's funding that increases our capacity to support councils to implement the Standards. The funding also allows us to explore how the local government sector can best collaborate with the government on its [Change for Children Strategy](#)⁷ Consultation on this strategy is underway and our primary advocacy points will likely include the due recognition of the sector's essential role in implementing government policy and the need for appropriate resources to fund current and potential actions.

Budget Impact

Being undertaken with grant funding from the State Government (\$620,000), supplemented by LGAT's current resources.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Child and Youth Safe organisations

4. Items for noting

4.1 Procurement update

Contact Officer – Georgia Palmer, Director Sector Services

Decision sought

That members note the following update on procurement support for councils.

Background

LGAT Procurement aims to help councils undertake best practice procurement and deliver value for money for their communities.

LGAT Procurement is now in its second year of implementing its three-year business plan. Year one of implementation was successful, delivering on new initiatives, whilst also resulting in greater than predicted increase in the use of panels and other LGAT procurement products and services.

⁷ Available at: <https://keepingchildrensafe.tas.gov.au/change-for-children-strategy-and-action-plan/#:~:text=Change%20for%20Children%20is%20Tasmania%27s.responding%20to%20child%20sexual%20abuse>

Key projects to be delivered this year as part of the business plan include procurement training, consultancy services and the civil works panel.

LGAT Procurement Civil Works Panel

A local civil works panel or suite of panels was identified through both the review of LGAT procurement and Future of Local Government as being a significant opportunity for councils in Tasmania. Following general managers agreement to proceed, LGAT procurement has focussed on developing a minor and major civil works panel and a civil works materials panel for use by Tasmanian councils.

An update on project purpose and progress (to that point) was provided in the July 2024 General Meeting brief.

More recent activity includes:

- completion of the evaluation of supplier submissions for inclusion on the panels and
- the development of a comprehensive communication plan for project implementation

Completion of the evaluation of supplier submissions for inclusion on the panel

Council officers from around the state formed part of the evaluation panel for assessment of submissions. LGAT procurement, facilitated the evaluation process and were also involved in evaluation.

Evaluation is now complete with many civil works suppliers across the state demonstrating interest in being part of the panel. The next step is for LGAT to sign Standing Contract Agreements with the broad range of successful suppliers. This will be followed by registration of suppliers on the LGAT e-procurement system. Councils will be able to access the panels and associated documentation from 1 September 2024.

Development of a comprehensive Communication Plan for project implementation

LGAT procurement understands the need to effectively build awareness and knowledge about the civil works panel arrangements, to engage potential users. To advance this, the communication plan includes a range of proposed workshops and meetings with councils across the State. Engagement will also be facilitated with supplier representative groups.

Some examples of the communication mechanisms include:

- An online seminar about the new arrangement for relevant council officers run by LGAT procurement by the end of September 2024.
- LGAT procurement to undertake council visits by the end October 2024, targeted at senior executives in councils, to outline the arrangement, build support for change and to promote agreement to participate.
- Training in panel contract documentation (GC21 Suite) for council officers, by the end of October 2024.

- LGAT procurement participation in the Civil Contractors Federation Conference – to outline the panel arrangement and its potential for effective and efficient civil works delivery in the state.

Other methods will include regular updates in newsletters and websites and the availability of free e–procurement training for council officers that focusses on how to use the panel for effective local project completion.

LGAT procurement will also be looking to provide intensive support to four councils in the use of the panels. LGAT will be discussing this opportunity during the senior executive meetings with councils.

Use of the panel by councils is not mandatory, but given the support to date from general managers, the energy and effort committed to its development and implementation, and the inherent benefits for councils and the civil works supply chain in the state, it would make sense for it to be strongly and actively supported by council leadership.

Energy Tender

LGAT procurement is currently facilitating an energy tender for Tasmanian councils. A procurement process has been undertaken to engage an energy expert to support the tender.

The scope of the tender will include small sites, large sites and public lighting.

As with previous energy tenders, participation in the tender is voluntary. Following an Expression of Interest process 22 councils have opted to participate in the small and large site component of the tender and 24 councils in the street lighting component of the tender.

The tender is likely to occur in October 2024.

Budget Implications

The energy consultancy costs have been budgeted for as part of the project.

Current Policy

Strategic Plan

- Sector services

2022 – 23 Annual Priority

- LGAT Procurement
- Sector development

4.2 Planning update

Contact Officer – Michael Edrich, Senior Policy Advisor

Decision sought

That Members note the update on planning policy matters.

Regional Land Use Strategies

The Regional Land Use Strategies (RLUS) updates are urgently needed to facilitate local planning for a range of developments, in particular housing. However, councils have been reporting challenges and frustrations in progressing the projects. This is due to two main factors by the State Government: not having established the right frameworks, such as the TPPs and a regional planning framework; and then state agencies not sufficiently engaging in and supporting the projects. This has put undue pressure on the three Regional Planning Coordinators and the regional authorities, who are trying to progress the work.

LGAT's role is focused on the statewide issues and supporting members directly where needed. We are working with members to progress some of the critical components that the state has not yet completed, particularly key parts of the regional planning framework. We asked each regional grouping of councils to nominate General Managers from two councils, plus the regional organisation's Chief Executive Officers to create a small and efficient RLUS Working Group. The regional groups nominated representatives from Devonport City, Latrobe/Kentish, Northern Midlands, West Tamar Council, Glenorchy City and Sorell. The members act as representatives for their respective regions.

We convened the RLUS Working Group's first meeting to gather information and inform problem analysis. Following this we hosted a workshop on 1 August 2024, including State Government representatives, to scope the regional planning framework and begin working on some agreed ways forward. The focus was on achieving agreement on easy to resolve issues and triaging more challenging problems for ongoing work. At the time of writing, we were still compiling the workshop feedback. Prior to this General Meeting we will report back to the Working Group representatives to enable them to engage with their respective regions.

Farm worker accommodation – Residential Tenancy Act submission

Consumer, Building and Occupational Services (CBOS) approached us for preliminary views on the Tasmanian Government's proposed amendments to the *Residential Tenancy Act 1997* (RTA).

The RTA is not directly a local government matter. However, Latrobe Council has experienced significant problems recently with a landowner in Shearwater taking advantage of seasonal farm workers by overpopulating their rental property and creating unsafe living conditions. The case was regularly in the media⁸. Legal action, including emergency orders under the *Building Act 2016*, had to be taken to protect the health and safety of tenants, particularly vulnerable migrant workers (see [TASCAT 78](#)).

Consequently we made a [submission](#) where we raised concerns that encouraging on farm residences through RTA flexibility may encourage a landowner to ignore important legal obligations under other acts, especially the *Building Act 2016* and the *Land Use Planning and Approvals Act 1993*, as for the Shearwater case. We recommended that CBOS consider how they will manage this risk and make landowner obligations under other acts explicit in RTA guidance and model agreements.

Consultation – State Coastal Policy

The Government released the Validation (State Coastal Policy) Bill 2024 for public consultation with a very short submission timeframe, due date of 1 August 2024. This was not a wholesale review, rather amendments specifically to address recent case law that brought into question how the Policy is to be applied. More information can be found on the Department of Premier and Cabinet [website](#). Feedback so far from councils indicates no issues from their perspective with the proposed bill.

Consultation – Improving Residential Standards in Tasmania

The State Planning Office (SPO) is progressing the review of Tasmania’s residential use and development standards within the State Planning Provisions (SPPs). The Improving Residential Standards in Tasmania project aims to develop recommendations that will inform future amendments to the SPPs.

The SPO has released a [Draft Recommendations Report](#) for public consultation. Submissions are due Friday 6 September 2024.

Consultation – Medium Density Design Guidelines

The Department of State Growth has released draft [Medium Density Design Guidelines](#) for public consultation, with submissions due on 6 September 2024. This is a welcome initiative to help guide proponents to submit well designed and compliant medium density residential development proposals and encourage this form of development.

Budget Impact

Being undertaken within current resources.

⁸ See The Advocate: two articles 15 May ([1,2](#)), one article [4 June 2024](#).

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Housing
- Land use planning

4.3 LGAT Housing Position Statement *

Contact Officer – Michael Edrich, Senior Policy Advisor

Decision sought

That Members note the LGAT Housing Position Statement.

Background

As reported at the [July General Meeting](#)⁹, LGAT has prepared a Housing Position Statement that draws together a number of LGAT’s housing policy positions that can be used by us and councils for broader advocacy. The Statement is based on the sixteen housing-related resolutions that LGAT members have made, LGAT’s Short Stay Position Paper approved by the 14 March 2024 General Meeting and our various submissions, including to the Tasmanian Housing Strategy.

The Statement will be included as a **late attachment to item 4.3**.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Housing
- Land use planning
- Infrastructure

⁹ https://www.lgat.tas.gov.au/_data/assets/pdf_file/0023/1553225/14-March-2024-General-Meeting-Agenda.pdf

4.4 Emergency management and recovery update
Contact Officer – Bec Stevenson, Senior Policy Adviser

Decision sought

That Members note the update on emergency management matters.

Background

Commonwealth Government Independent Reviews

In 2023 the Australian Government commissioned two key reviews into disaster funding and governance that are complete:

- [Independent Review of Commonwealth Disaster Funding \(Colvin Report\)¹⁰](#)
- [Independent Review of National Natural Disaster Governance Arrangements \(Glasser Report\)¹¹](#).

We understand the Glasser report has been received by the Federal Government and will be discussed at upcoming senior officials and ministers' meetings, with its potential release in the last quarter of this year.

The Colvin report is also being reviewed by the Federal Government. Any responses to the report's recommendations will require Cabinet approval.

An internal review of the Disaster Recovery Funding Arrangements (DRFA) has also been underway by National Emergency Management Agency. We understand the review has been finalised and identifies a number of issues and improvements which could be made. We expect betterment will be a key theme. The DRFA review was expected to be released by the end of July 2024.

LGAT Inter-council Emergency Management Resource Sharing Protocol

A review and update of the LGAT [Inter-council Emergency Management Resource Sharing Protocol](#) has been completed following consultation with Municipal Coordinators earlier this year. The protocol provides an agreed position between councils regarding the provision of council resources (human, equipment and facilities) to assist other councils with response and recovery tasks during emergencies. We are fortunate that we have not had the scale of event to require activation of the protocol.

¹⁰ Available at: <https://nema.gov.au/about-us/governance-and-reporting/reviews/Independent-Review-Disaster-Funding>

¹¹ Available at: <https://nema.gov.au/about-us/governance-and-reporting/reviews/Independent-Review-Disaster-Governance>

A revised version of the protocol and an invitation to all councils to become a signatory of the protocol has been released.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Emergency management

4.5 Climate change

Contact Officer – Hannah Snape, Climate Change Program Manager

Decision sought

That Members note the update on climate change activities.

Background

The focus for the Tasmanian Local Government Climate Capability Program throughout June and July has been on preparing for broader council engagement. This engagement will expand the high-level design of the program from the Working Group and Steering Committee for a program that meets the needs of Tasmanian councils. Engaging with disciplines and roles across councils on what the program should deliver, and how, will be critical to the success of the program and enable fair and equitable application of the program funds.

The Working Group has been collaborating to develop a Draft Local Government Engagement Plan. This plan contains multiple engagement streams and strategies to inform the programs future activities. The plan will be reviewed and approved by the program Steering Committee at their August meeting.

In July 2024 the Program’s Working Group and Steering Committee came together for an in-person workshop in Ross to discuss the desired outcomes of the program and define what success would look like for the program. The six focus areas for the program from the workshop will be central to the engagement process with council staff that are typically less engaged in climate change planning.

At the Elected Members Workshop held on 26 July 2024 the program engaged councillors on their priorities. Mayor Leigh Gray and Mayor Mary Duniam presented their council's climate change activities, why it is important, and their challenges.

In the coming months the focus for the Program will be undertaking engagement activities with the five engagement streams and identifying activities that the Program will undertake in phase two.

Budget Impact

Being undertaken with grant funds (\$500,000) from the Tasmanian Government.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Climate change

4.6 Regional towns CCTV project

Contact Officer – Wade Berry, CCTV Project Manager

Decision sought

That Members note the update on the Regional Towns CCTV project.

Background

As noted in the 26 July 2024 General Meeting Agenda¹², LGAT is delivering a \$4 million program to increase community safety in regional towns with closed circuit security cameras (CCTV) that is funded by the Tasmanian Government

All remaining, qualifying councils (substantially regional) have now expressed an interest in being part of the project. Tasmania Police are actively supporting the project and we have met with Assistant Commissioners, District Commanders and Inspectors to discuss the key requirements of the project. Tasmania Police are assisting with project guidance at a statewide level, as well as provide local input into the identification of key CCTV sites. A Statewide MoU between participating councils and Tasmanian Police is in development with

¹² Available at:

https://www.lgat.tas.gov.au/_data/assets/pdf_file/0026/1640618/26July2024_General_Meeting_Agenda.pdf

a draft to be provided to councils in early August 2024. Participating councils will individually enter into the MoU with Tasmania Police and available to all councils.

Stage two is now underway with sites identified and scopes of work being prepared. Block one involves King Island and West Coast Councils. Block two is following in August 2024, including reviews of existing infrastructure, identification of potential CCTV locations and development of budgets for the balance of engaged councils.

The program is aiming for a consistent state-wide CCTV hardware and software. This includes the equipment installed, the quality of the installation and the delivery method. The approach emphasises existing assets, where councils have invested in suitable infrastructure our aim will be to integrate such equipment into our system.

Budget Impact

Being undertaken with external grant funds from the Tasmanian Government (\$4 million), via the Department of State Growth.

2024 Annual Priority

- Sector development

4.7 Open Spaces Grants Program Update

Contact Officer – Catherine Keal, Policy Program Manager

Decision sought

That Members note the update on the Open Spaces Grants Program.

Background

LGAT has partnered with the Tasmanian Government to deliver the \$5 million Open Spaces Grants Program, which acknowledges the important role councils play in enabling Tasmanians to live healthier lives. This funding is supporting councils to provide new or renewed capital infrastructure to support active living and the wellbeing of their communities.

The round one councils are now implementing their projects.

In round two, nine Tasmanian councils will share in \$2 million. The successful councils in round two have been notified and grant deeds prepared. The successful projects in round two will:

- increase opportunities for Tasmanians to be healthier
- support members of the community from all walks of life to access recreation facilities
- provide places for children and young people to play and exercise.

The successful projects from both rounds are available on [our website](#)¹³.

We have also provided assessment briefings for a number of unsuccessful councils.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Infrastructure
- Health and wellbeing

4.8 Events and professional development overview

Contact officer – Carly Hay, Events and Training Coordinator

Decision sought

That Members note the report on events and professional development.

Elected Member's Day

The Elected Member's Day was held on 27 July 2024 in conjunction with the LGAT AGM and General Meetings at the Paranapple Convention Centre in Devonport. Forty-five elected members attended the day. Speakers included Dr. Neryl East who spoke on social media practices for councillors, David Morris from Simmons Wolfhagen speaking on meeting procedures and Well Minds Work focusing on strategies for resilience.

As part of the event, we hosted a networking dinner the night before at the Paranapple that was attended by 53 guests. The night included a Climate Change Cocktail Hour prior to the dinner that introduced the Local Government Climate Change Capability Program and sought input from elected representative on the program's focus. The overall feedback on the Elected Member's Day, Climate Change Cocktail Hour and the dinner was very positive and constructive.

¹³ <https://www.lgat.tas.gov.au/lgat-advocacy/open-spaces-grant>

Learning and Development Framework – Learn to Lead in Local Government

We have secured funding of \$70,000 from the State Government to support the [Learn to Lead](#)¹⁴ program through:

- The development of local government ‘communities of practice’ (details below).
- Promoting the learning program to the sector.
- Engaging with councils to develop a sustainable funding and resourcing model for the learning program.

Communities of Practice

The funding secured will support the establishment of Communities of Practice for mayors and elected representatives. Launching in September 2024, the Communities of Practice aims to support members to engage with one another on matters of common ground and facilitate learning.

The key purposes are to:

- provide an arena for problem solving
- provide answers to questions
- expand perspectives on problems
- develop resources for implementing strategies
- establish knowledge-based alliances and develop capabilities.

Upcoming Events

Event	Date	Venue
Health and Wellbeing Forum	13 November	C3 Hobart
Mayors and Deputy Mayors Workshop	20 November	Peppers Silos Launceston
General Meeting	21 November	Peppers Silos Launceston

Budget Impact

Events are being undertaken within current resources. Learning and Development is being supported through a State Government grant and LGAT resources.

¹⁴ More detail at: <https://learntolead.tas.gov.au>

Current Policy

Strategic Plan

- Sector services
- Governance

2024 Annual Priority

- Local government reform
- Sector development

4.9 Policy update

Contact Officer – Ben Morris, Policy Director

Decision sought

That Members note the update on various policy matters.

Health and Wellbeing

An online event was held by the Local Government Health and Wellbeing Network, highlighting the MORE for Children research, conducted in Burnie by the Australian National University's Children's Policy Centre. The opening was provided by the Acting Commissioner for Children and Young People, Isabelle Crompton. Members heard about the key findings of the research and had opportunities to discuss how the research relates to their own work in councils.

Tourism

LGAT is a member of a working group that is supporting coordination efforts for the arrival of the new Spirit of Tasmania vessels. The working group includes Tourism Tasmania, the Department of State Growth and the Tourism Industry Council of Tasmania. The increased capacity and the design of the new ships means that more vehicles, and in particular more caravans and campervans/motorhomes will be able to visit Tasmania. By 2030 the State Government estimates that an additional 78,000 vehicles will be arriving on the spirits, including a doubling of the number of caravans and campervans/motorhomes to 19,600. The increased visitation provides opportunities, but also challenges with ensuring that Tasmania's infrastructure can support more travellers. The approach to local government is being finalised but will definitely include direct engagement with key destination councils.

The State Government has commissioned MTB Network Tasmania to develop a statewide MTB Tourism Action Plan, Framework and Trail classification. The draft plan has been developed with targeted consultation. Mountain biking has emerged as a significant

drawcard for the state, attracting people not only from the mainland, but overseas as well. The consultation is now expanding and LGAT will be meeting with MTB Network Tasmania ahead of the General Meeting.

Budget Impact

Being undertaken within current resources, including external grant funds where applicable.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Infrastructure
- Health and wellbeing
- Sector development

5. Other business and close

Attachment to item 1.1



General Meeting

Minutes

Friday 26 July 2024

Commencing at 1:00 pm

Paranaple Convention Centre, Devonport

326 Macquarie Street,
GPO Box 1521, Hobart, Tas 7000
Phone: (03) 6146 3740
Email: admin@lgat.tas.gov.au
Home Page: <http://www.lgat.tas.gov.au>

**PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS**

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.
- (e) Members may send other elected members or Council officers as observers to any Meeting of the Association.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.

14. PROXIES AT MEETINGS

- (a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.
- (b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.
- (c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.
- (d) Proxies count for the purposes of voting and quorum at any meeting.

15. QUORUM AT MEETINGS

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. VOTING AT MEETINGS

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the voting delegate	Colour placard to be raised by the voting delegate when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

- (b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
 - (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.
 - (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.
 - (iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the meeting or not.
- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

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** Denotes Attachment*



General meeting schedule

11.45 am	Lunch
12.25 pm	Opening
12.30 pm	The Hon Felix Ellis MP
1.00 pm	General meeting commences
2.30 pm	AGM commences
3.00 pm	Meeting concludes



1. Governance

Acknowledgement of country

The President acknowledged the traditional custodians of this land Tasmania, the Palawa people, and recognise their continuing connection to the lands, skies, and water. We paid respect to the elders, past and present.

Welcome and apologies

The President welcomed Members and declared the meeting open at 1:00 pm.

Apologies were received from:

Mayor Cheryl Fuller	Central Coast Council
Mayor Michelle Dracoulis	Derwent Valley Council
Mayor Cheryl Arnol	Glamorgan/Spring Bay Council
General Manager Tim Kirkwood	Southern Midlands Council
CEO Ian Nelson	Clarence City Council
General Manager Jason Browne	Latrobe/Kentish Council
Mayor Marcus Blackie	King Island Council
Mayor Brendan Blomeley	Clarence City Council
General Manager James Dryburgh	Brighton Council
General Manager Des Jennings	Northern Midlands Council
General Manager Tony McMullen	Glenorchy City Council

1.1 Confirmation of minutes *

Kingborough Council / Devonport City Council

That the Minutes of the meeting held on 14 March 2024, as circulated, be confirmed.

Carried unanimously

Background

The Minutes of the General Meeting held on 14 March 2024, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

1.2 Business arising *

Kingborough Council / Northern Midlands Council

That Members note the information.

Carried unanimously

Background

At **Attachment to Item 1.2** is a schedule of business considered at the previous meeting and its status.

1.3 Confirmation of agenda

George Town Council / West Tamar Council

That consideration be given to the agenda items and the order of business.

Carried unanimously

Background

Delegates will be invited to confirm the agenda for the meeting and the order of business.

1.4 Follow up of motions *

Launceston City Council / Dorset Council

That Members note the following report.

Carried unanimously

Background

A table detailing action taken to date in relation to motions passed at previous meetings is at Attachment to Item 1.4.

1.5 President report

Flinders Council / Waratah-Wynyard Council

That Members note the report on the President's activity from 23 February to 3 July 2024.

Carried unanimously

Meetings and events

- Mayor's workshop
- ALGA Board meetings
- ALGA National General Assembly (NGA) Sub-committee meetings
- ALGA NGA
- GMC meetings
- Welcome letters to key incoming Parliamentarians.
- Meetings with incoming Parliamentarian, including Felix Ellis, David O'Byrne, Dean Winter, Anita Dow, Shane Broad and Janie Finlay.
- President and Vice President meeting

Media and correspondence

LGAT News

- April and June editions

Infrastructure contributions

- Radio
 - ABC Hobart, 26 February 2024

CCTV project

- Article
 - The Advocate, 1 March 2024

Election priorities

- Media release, 15 March 2024

Council rates and finances

- Media enquiry
 - ABC, 4 April 2024
- Radio
 - ABC, 5 April 2024
 - Chilli FM, 26 June 2024
- TV
 - ABC, 7 June 2024

Council rates and finances

- Media enquiry
 - The Examiner, 26 June 2024
- Articles
 - The Examiner, 29 June 2024
 - The Advocate, 29 June 2024

Councillor allowances

- Radio
 - ABC, 3 July 2024

1.6 Chief Executive Officer report

Glamorgan Spring Bay Council / Central Highlands Council

That Members note the report on the CEO's activity from 23 February to 3 July 2024.

Carried unanimously

Advocacy

In the period since my last report our advocacy activity has focussed on the State election and subsequent meetings with incoming Ministers and their staff. Please refer to the separate item in this agenda on the State election.

Given the Government was in caretaker mode or just ramping up after the election, for the majority of this reporting period other advocacy and submission activities were notably quiet. However, we did submit our response to the Final Report of the Future of Local Government Review, responding to each of the 37 recommendations following workshops with Mayors and General Managers/CEOs. Our key messages to the incoming Minister were:

- The delivery of the recommendations will require substantial additional resourcing within the Office of Local Government and will impact on LGAT and council resources significantly. Timely and efficient implementation will require appropriate resourcing of our sector.
- The roadmap timeframes are overly optimistic across most deliverables. In particular, the expectation to have a new Local Government Act "in force" by quarter one in 2025. The timeframes should be revisited to be more realistic.
- The new Local Government Board and related structures needs to have an appropriate reference group or high-level governance group to support their deliberations. This group should consist of local government (past and present) and expert members.

During this period, there was significant work on developing a framework for the better management of unreasonable behaviour of elected representatives. This included participation in a workshop hosted by the Office of Local Government and Edge Legal and then subsequent engagement with General Managers/CEOs and then Mayors, on developing a priority list of legislative reforms to present to the incoming Minister.

In addition, the CEO has been supporting ALGA's preparation of a submission to the Federal Government inquiry into local government sustainability, via participating on the national working group and also drafting the LGAT submission. Please refer to the separate item in this agenda.

Sector Services

LGAT Procurement's support for the sector continues to grow, with work on the key initiatives in our business plan all progressing. The main focus during this period has been preparation for the civil works panel and development and delivery of individual council procurement training programs for a number of councils. You can read more about this work in the procurement update later in this agenda.

Events and training work has focused on reviewing our events in the year to date and developing the program for 2024 Annual Conference, which I am pleased to say is now open for registrations. Please go to our events pages to find out more:

<https://www.lgat.tas.gov.au/news-and-events/events>

Governance and operations

In the current period the priority has been on developing the 2024/2025 budget (see separate item this agenda) and supporting the embedding of two new project staff (Health and Wellbeing and Climate Change).

Media

The following summarises the traditional media the LGAT CEO or Secretariat¹ has secured during the reporting period.

Infrastructure contributions

- Opinion editorials
 - The Advocate, 24 February 2024
 - The Mercury, 26 February 2024
 - The Examiner, 1 March 2024

Councillors running for state election

- Article
 - The Mercury, 14 March 2024

Future of Local Government Review

- Articles
 - Inside Local Government, 4 March 2024
 - The Advocate, 5 April 2024
 - The Examiner, 5 April 2024

¹ LGAT President media is listed separately in the President's Report.

Mandatory disclosure

- Opinion editorials
 - The Advocate, 22 March 2024
 - The Mercury, 20 June 2024

Training for elected representatives

- Articles
 - The Advocate, 2 April 2024
 - The Examiner, 2 April 2024

Code of conduct investigation

- Media query
 - The Mercury, 1 May 2024

Abuse of elected officials

- Article
 - Australian Local Government Yearbook, 13 May 2024

Federal inquiry into local government sustainability

- Media query
 - The Advocate, 5 June 2024
- Article
 - The Advocate, 7 June 2024

Social housing

- Media query
 - The Mercury, 6 June 2024

Financial sustainability of councils

- Opinion editorial
 - The Mercury, 2 July 2024
 - The Examiner, 3 July 2024

1.7 Annual Plan update *

Break O'Day Council / West Coast Council

That Members note the report against the Annual Plan.

Carried unanimously

Background

An **Attachment to Item 1.7** is a copy of the LGAT Annual Plan and progress to date.

1.8 Council round up

Break O'Day Council / Waratah Wynyard Council

That Members note that Central Coast Council provided a round up.

Carried unanimously

Background

The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

2. Items for decision

2.1 Motion – Proposed amendment to the Pensioner Rates Remission Guidelines * Council – Burnie City

Burnie City Council / Devonport City Council

That LGAT calls upon the State Government to amend its Pensioner Rates Remission Guidelines to benefit pensioners who receive an eligible card within a financial year, post the 1st July.

Amendment

Flinders Council / George Town Council

That LGAT calls upon the State Government to amend its Pensioner Rates Remission Guidelines to benefit pensioners who receive an eligible card within a financial year, post the 1st July with the benefit being prorated from the date of issue.

Carried

The amendment became the motion

Flinders Council / George Town Council

That LGAT calls upon the State Government to amend its Pensioner Rates Remission Guidelines to benefit pensioners who receive an eligible card within a financial year, post the 1st July with the benefit being prorated from the date of issue.

The amendment became the motion which was put and carried

Background

The Department of Treasury and Finance manage the Pensioner Rate Remission Scheme, under the guidelines as at **Attachment to Item 2.1**.

This scheme enables residents to claim a pension remission from their rates in specific circumstances, and where they hold an eligible card under the Guidelines, that was issued on or before 1st July in the applicable financial year.

Eligible residents who have a card issued to them post 1st July of a financial year, subsequently do not qualify for the pension remission discount towards their rates and charges. They must wait until the new financial year to claim.

This means that residents who may have their eligible card issued on 14th July in the same year for example, is not eligible for the 30% remission from rates and 20% remission from the fire levy. This is despite the pensioner holding their card in this example for most of the financial year.

We all know that the cost of living has increased significantly over the past several years and may continue to do so for some time. Our pensioners that are granted access to this scheme (Pension Concession Cards; Health Care Cards; and Repatriation Health Cards), are often living at the lower end of the socio-economic index. As such, the present Pensioner Rates Remission Scheme does not provide equitable access to what could be a significant remission from their rates (up to \$531 in some cases).

Research undertaken across all other states, indicates that the Tasmanian Pensioner Remission Guidelines appear to be the only jurisdiction with this anomaly.

It is recommended that council's advocate for the State Government to extend the eligibility criteria to those with an eligible card issued post 1st July to enable them to benefit from the remission of rates granted under the Pensioner Rates Remission Scheme – consistent with other mainland jurisdictions.

LGAT comment

There are three previous resolutions that relate to Pensioner rates remissions:

- 2005** That LGAT be asked to lobby the State Government for an increase in the Pensioners' Rebate from \$325 to \$600, as there has been no increase in the rebate since the Field Government.
- 2008** That LGAT lobbies the State Government to make changes to the eligibility criteria for pensioners under the *Local Government (Rates and Charges Remissions) Act 1991* so that pensioner residents of retirement villages can still receive a State Government remission from their rates.
- 2009** That LGAT inform the treasurer that:
- Local Government strongly supports the Government's intention to provide remissions on pensioner water and sewerage charges at least equivalent to those applying before the State Governments water and sewerage reforms; but
 - Under no circumstances will Local Government agree to the cost shift of pensioner remissions or meeting the increased funding for concessions for water and sewerage charges from the State Government to Local Government.

3. Items for discussion

3.1 Workplace health and safety review *

Contact Officer - Dion Lester, CEO

Kingborough Council / Central Highlands Council

That Members discuss the progress on the implementation of the Workplace Health and Safety Review of Elected Representatives (WH&S Review) and additional actions.

Carried unanimously

Background

The poor conduct of a small, but concerning, number of elected representatives continues to be very disruptive for the councils experiencing this behaviour. In many instances the behaviour is at a level not experienced previously by our sector and is causing serious harm to impacted councillors and staff.

The Office of Local Government (OLG) is aware of the sectors concerns and actively involved with supporting a number of councils in managing poor behaviour. In response to the concerns we (and others in the sector) have been raising, the OLG recently hosted a workshop with a selection of General Managers. The purpose of the session was to discuss the current psychosocial workplace health and safety behaviours and risks, and the responsibilities and powers of the 'Person Conducting a Business Undertaking' (PCBU), as described in the *Work Health and Safety Act 2012*. The next stages of this work will involve the preparation of a model guidance note for the appropriate application of the PCBUs powers.

While useful, this will not resolve the conflict between a General Manager / CEOs responsibility in ensuring a safe workplace (including for councillors) and being employed by the very persons that may be creating an unsafe environment.

It is further noted that the time taken to resolve a Code of Conduct compliant and limited sanctions available mean poor behaviour can continue well beyond what is tolerable.

To try and better address the challenges LGAT has developed a suite of additional high legislative reforms for the Government to consider. These additional measures have been added to the WH&S Review Implementation Plan are at **Attachment 3.1** and include:

- Create a clear link between WHS legislation/obligations and the *Local Government Act*.

- Introduce harsher penalties within the *Local Government Act* for severe breaches of behavioural standards, including matters (such as psychosocial risks) covered under the *Work Health and Safety Act 2012*.
- Provide a mechanism and additional powers for matters to be able to be dealt with locally.
- Amend the functions of councillors to better reflect the *Corporations Act* and fiduciary duties. This should also clarify the strategic role of councillors versus the operational role of council executive/managers.
- Introduce a mechanism where in circumstances a series complaint is made by a councillor against the GM, that the GM can ask the Minister to appoint a probity auditor to oversight the investigation.
- Commencement of the scoping of the community campaign “*Debate, not hate*”.

In addition, the updated Implementation Plan, attached to this item, outlines the work that has progressed since the last meeting. In particular, we note:

- The managing unreasonable conduct by customers model policy, which includes guidance on disruptions at public meetings, has been completed and provided to all councils.
- The LGAT supported local dispute resolution policy, process and panel of mediators will be available for councils to utilise in October 2024. Councils will have 12 months (from July 2024) to introduce the mediation process.
- The LGAT mentor panel will also commence in October, with the costs to be covered by LGAT during the first-year trial.

Budget impact

Implementation of the recommendations is being undertaken with LGAT’s existing resources, noting this is consuming significant time and effort.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Local government reform
- Workplace health and safety for elected representatives

4. Items for noting

4.1 State election summary

Contact Officer - Dion Lester, CEO

Devonport City Council / Brighton Council

That Members note the report on the State election 2024.

Carried

Background

The 2024 State Election was called on 14 February 2024 and held on 23 March 2024. Anticipating an early election, LGAT began preparation work in late 2023 to identify the key priorities for the sector. A draft version of our 2024 State Election Priority Statement was presented to the President and Vice President in mid-February, and then further refined based on their feedback. The final version of our [Priority Statement](#) was published on LGAT's website on 16 February 2024.

We took the following priorities to the 2024 State Election:

- A local and State Government partnership agreement.
- A workforce development program across local government.
- Development of an infrastructure contributions framework for Tasmania.
- A fair share of Heavy Vehicle Motor Tax revenue to support local roads.
- Focus on planning, not regulation, to meet our state's housing needs with increased investment.
- Amendments to the *Local Government Act* to ensure rates concessions on Independent Living Units (ILUs) are targeted to those in genuine need.

It is difficult for 'local government issues' to cut through in an election campaign, as they are not usually the matters that are top of mind for voters. Nevertheless, the following outlines a summary of our key campaign activities and successes.

Direct communication

On 19 February 2024 we sent the Priority Statement to all key political parties and independents and provided them with a feedback form where they could identify their support for each of our six priorities. We received feedback from David O'Byrne, Kristie Johnston, Lara Alexander, Sue Hickey, Tasmanian Greens, the Liberals, Labor and the Jackie Lambie Network.

Social media

We mapped out a five-week social media campaign where we highlighted one of our priorities each week. This enabled us to talk in more depth about each priority and provided an opportunity for our audience to share a post that was relevant to their own networks (e.g. planners would be more likely to share a post specifically about planning reform investment). It also meant we were driving engagement and new audiences back to the Priority Statement document each week.

We posted about our election priorities on 10 separate occasions throughout the campaign which received 230 interactions and 8,396 impressions. Our posts were also shared 30 times.

Traditional media

In the first week of the campaign, we were contacted by The Advocate who had seen our Priority Statement via our Facebook announcement. From that discussion, they posted an article regarding our Heavy Vehicle Motor Tax priority and highlighted that there had been no increase in the share that councils received during the past 27 years. The closing remarks of that article also mentioned our other priorities.

In line with our planned social media announcement on infrastructure contributions in week two of the campaign, we sent an opinion editorial to all three major newspapers in Tasmania. This was published in The Advocate on 24 February 2024, in The Mercury on 26 February 2024 and in The Examiner on 1 March 2024.

In the final week of the campaign, we identified that while there had been significant discussion on housing, it was mainly focused on the supply of new homes. In an attempt to raise another sectoral priority, we submitted an opinion editorial to the major papers regarding mandatory disclosure for property sales to protect people buying existing homes. This was published in The Advocate on 22 March 2024, a day before the election.

LGAT also issued a media release on 15 March 2024 that welcomed the supported of four of our priorities by Labor.

What now

The advocacy landscape with a minority government presents, perhaps, different opportunities and challenges than a typical majority government. The government is reliant on the three Jacqui Lambie Network (JLN) MPs and an independent (either David O'Byrne or Kristie Johnson) for confidence and supply in the Parliament. As these government partners have limited resources and an apparent open mind on policies, we may be able to influence them towards outcomes that support local government. However, one of the likely challenges is increased advocacy efforts towards the independents from a range of stakeholders. This may mean that while we may have more likelihood of achieving positive

outcomes, this may be for a narrower scope of issues. LGAT is currently considering the issues which should be elevated and pursued in the political arena.

In addition, the team is currently updating our advocacy approach for each of our Annual Plan priorities in light of the commitments and priorities of the incoming government.

Budget impact

Being undertaken within current resources.

Current policy

Strategic Plan

- Advocate
- Sector services

2024 Annual Priority

- Local government reform
- Housing
- Land use planning
- Infrastructure
- Sector development

4.2 Inquiry into local government sustainability

Contact Officer - Dion Lester, CEO

Devonport City Council / Brighton Council

That Members note the report on the Federal Government Inquiry into local government sustainability.

Carried

Background

In March of this year, the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport confirmed that it would inquire into and report on local government sustainability.

The Terms of Reference for the inquiry, submissions and related information can be viewed at: <https://www.aph.gov.au/LocalGovernmentSustainability>

LGAT has been supporting the Australian Local Government Association in the development of their submission and we have also prepared a submission on behalf of Tasmanian local government.

Our submission noted the following key points:

- Councils already support community wellbeing and the economy in a range of important ways. There are things local councils can do better than other spheres of government, assuming they have the right capability and resources at their disposal. This requires a fairer re-distribution of Commonwealth taxation revenue.
- There is compelling evidence that the ability to develop and tailor local solutions to complex policy problems is becoming more important. This means local government will play an increasingly vital role in shaping and supporting strong and sustainable communities.
- Councils will face increasing demands on their already-strained resources in the years ahead due to complex and growing community needs. With the challenges to be most acutely felt in regional and remote communities where capability is already often stretched too thinly or is absent.

To meet these challenges Tasmanian councils need:

- Financial Assistance Grants to be restored to at least one per cent of Commonwealth taxation revenue.
- Grants to be indexed to cover inflationary costs between grant commitment and final deed.
- For the general-purpose component of the Financial Assistance Grants to be distributed to each state on a need's basis (not population) to provide the fiscal capacity for Tasmanian councils to provide their residents with a level of service equivalent to their mainland counter parts.

A full copy of our submission will be available at: <https://www.lgat.tas.gov.au/lgat-advocacy/reports-and-submissions>

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Local government reform
- Sector development

4.3 Planning update

Contact Officer – Michael Edrich, Senior Policy Advisor

Devonport City Council / Brighton Council

That Members note the update on activities in planning policy, including planning reforms.

Carried

Planning reforms update

Work continues on the Tasmanian Government's planning reform agenda, including the Tasmanian Planning Policies (TPPs), the Regional Land Use Strategies (RLUSs), and a review of the State Planning Provisions (SPPs Review).

Tasmanian planning policies

The Tasmanian Planning Commission provided its recommendation report to the Minister (*Land Use Planning and Approvals Act 1993*, [Section 12F](#)) in early June. The report contains 77 recommendations with at least 69 specific changes to the draft Tasmanian Planning Policies (TPPs). The Minister can choose to make, not make, or substantially modify the draft TPPs (Section 12G). If the Minister chooses to substantially modify the draft TPPs, the drafts must be resubmitted to the TPC for review and another public exhibition period of at least 60 days is required by the Act (Section 12D).

This will be the first time that Tasmania has had statewide planning policies to guide plan making and development regulation. The TPPs are a central missing piece in Tasmania's planning system and critically needed to inform the three regional land use strategies that councils urgently need to inform local planning. To maintain momentum, we are supportive of the Minister making the TPPs now with any changes below the 'substantially modified' threshold. Then to immediately embark on the first round of updates to implement the TPC's recommendations.

Regional land use strategies

The Regional Land Use Strategies (RLUS) updates are urgently needed to facilitate local planning for a range of development, especially housing. However, we have been receiving reports of difficulties in the projects due to some important preconditions, such as the TPPs and a regional planning framework, being set by the State Government. This has put undue pressure on the three Regional Planning Coordinators and the regional authorities, who are trying to progress the work.

LGAT has commenced working with members to progress some of the critical components that the State has not yet completed, particularly the regional planning framework. We convened a meeting of council General Managers and the regional organisation's Chief

Executive Officers to address this. We are hosting a statewide workshop on 1 August to scope the regional planning framework.

Our role is focused on the statewide issues and supporting members directly where needed.

State planning provisions review

We welcome the State Planning Office progressing work on the State Planning Provisions and its provision of regular updates to councils. The work is divided into tranches, or Action Groups. Most do not require LGAT's involvement and direct engagement with council planning professionals is preferred and is underway. Action Group three involves some key LGAT advocacy items, including infrastructure contributions, so we will devote resources to involvement at that stage.

Budget impact

Being undertaken within current resources.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Housing
- Land use planning
- Infrastructure

4.4 Housing policy update

Contact Officer – Michael Edrich, Senior Policy Advisor

Devonport City Council / Brighton Council

That Members note the update on housing policy and activities.

Carried

Local government resolutions on housing

Since 2018, LGAT has received at least 16 local government resolutions related to housing, showing the strong desire of the local government sector for proper action and solutions to the housing crisis. These resolutions are listed in LGAT's [submission](#) to the Exposure Draft Tasmanian Housing Strategy.

Short stay accommodation impacts on housing

We have been progressing the following resolution from the June 2023 General Meeting:

That LGAT convene an expert reference group from member councils to develop recommendations for the sector to consider on:

- *What further data and support is required to assist local government in responding to the housing crisis.*
- *What changes are required to manage short stay accommodation's contribution to housing availability, local amenity, economic development and equitable rating.*
- *What tools are available to encourage owners of unoccupied dwellings to make their properties available as long-term rentals.*

At the [March 2024 General Meeting](#), following work by the LGAT Housing Reference Group, members endorsed the position paper² *Managing the Impacts of Short Stay Accommodation on Housing* LGAT.

The Position Paper included the following sector policy positions, condensed below:

1. **Targeted action:** measures should target commercially-let residences on residential areas and avoid targeting true home sharing or short-stay accommodation in non-residential areas.
2. **Better transparency:** the Tasmanian Government better enforce legislated data reporting by short stay letting platforms and publish in a data dashboard.
3. **Regulate the land use:** currently proposed measures by City of Hobart to regulate the impact of short stay accommodation on housing be monitored and modelled if successful.
4. **Incentivise housing markets:** councils implement and advocate for taxation settings that incentivise helpful market behaviours and returning existing lawful commercially let residences back to residential use. This should be done in coordination with the taxation measures of other levels of government, including land tax, stamp duty, capital gains tax, and negative gearing.
5. **Councils provide local housing incentives:** councils investigate and apply a differential rating regime for commercially let residences in residential areas where short stay is impacting housing supply and security.

The Position Paper also considered unoccupied dwellings and vacant residential land, noting that Homes Tasmania is investigating the issue. Councils' ability to influence this is limited, as it cannot easily assess whether a dwelling is unoccupied or underutilised. In practice councils are limited applying differential rating to un- or under-developed residential land.

² March 2024 General Meeting Papers, available at attachment to item 2.1.

Following this meeting LGAT will close the originating resolution and incorporate it into broader housing advocacy work as discussed below.

LGAT Housing Position Statement

The combination of all 16 housing-related resolutions, the Short Stay Position Paper, and LGAT's background research to inform its submission to the Tasmanian Housing Strategy, together provide a coherent position of Tasmania's councils on housing. In light of this, we are developing a succinct Housing Position Statement that draws together the various threads of housing policy that can be used by LGAT and councils for broader advocacy. The position statement will be present to the next LGAT General Meeting.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Housing
- Land use planning
- Infrastructure

4.5 Emergency management and recovery update

Contact Officer – Bec Stevenson, Senior Policy Adviser

Devonport City Council / Brighton Council

That Members note the update on emergency management and recovery.

Carried

Background

We continue to engage with the Australian and Tasmanian Governments on emergency management and recovery issues of importance for local government. We are meeting monthly with Regional Coordinators from the State Emergency Service (SES) and Resilience and Recovery Tasmania (RRT). These regular meetings continue to support the working relationship between LGAT and staff members across both agencies. This also helps to ensure our advocacy is reflected in operations, reviews and reform.

During this quarter we have participated in several reviews and working groups relevant to emergency management and recovery on behalf of the sector, including:

- Child Safety in Evacuation Centre Training.
- Evaluation panel member of the Disaster Ready Fund Round two grant applications.
- Southern Regional Social Recovery team meeting.
- Recovery Working Group reset workshop.
- State Emergency Management Committee meeting.
- ALGA Emergency Management Policy Officers network meeting.
- Statewide Extreme Weather Protocol Advocacy working group.

Local government emergency management and recovery review

We were successful in our application for funding in round five of the Federal Government's Natural Disaster Risk Reduction Grants Program. This funding will deliver the Tasmanian Local Government Emergency Management and Recovery Review.

Consultants Wise Lord and Ferguson (WLF) have commenced council reviews with five of the 18 reviews completed at the time of writing. Each review will assess the capability and capacity of the council to deliver their emergency management and recovery responsibilities, in particular the functions prescribed in legislation and the broader emergency management framework.

The project steering committee is currently exploring funding opportunities for phase two of the project that will see reviews completed for the remaining councils. Further advice on this is expected over the next six weeks.

Tasmanian fire and emergency services reform

We continue to engage with SES on the future needs of the State Emergency Service. SES Director Mick Lowe provided an overview of the SES at the LGAT General Manager's workshop and provided an opportunity for questions and answers. The renewal of the SES Memorandum of Understandings (MoU) was discussed, along with the transfer of vehicle assets from councils to SES. Discussions have commenced with SES on the development of a template MOU to enable consistency across the sector.

The Tasmanian Government announced on 22 June 2024 the appointment of Tasmania's inaugural Fire and Emergency Services Commissioner, Mr Jeremy Smith. This is one of the first steps towards a united Tasmanian Fire and Emergency Service. No further updates have been made available on the future funding model.

Tasmanian recovery working group reset

We attended a workshop facilitated by Danielle O'Hara focussing on the Recovery Working Group (RWG), which supports the State Recovery Committee. The State Recovery Committee support state level preparations, plans and policies for recovery in support of SEMC. The aim of the workshop was to revisit the value and objectives of the RWG, identify priorities to ensure the RWG is productive and meaningful and to build strong, collaborative relationships between agencies to support post-disaster recovery. The workshop was well attended by members of the RWG and has created as shared understanding of the future operations of the RWG.

Disaster ready fund

Applications for round two of the Disaster Ready Fund closed in April 2024. LGAT was a member of the assessment panel formed by DPAC. Applications are currently under review by National Emergency Management Agency (NEMA), with successful projects expected to be announced in the second half of 2024.

Commonwealth government independent reviews

The Australian Government commissioned a number of reviews in 2023 that are due for completion by July 2024. These include the:

- [Independent Review of Commonwealth Disaster Funding.](#)
- [Independent Review of National Natural Disaster Governance Arrangements.](#)

A review of the findings and their relevance to our sector will be undertaken when they are released.

LGAT inter-council emergency management resource sharing protocol

A review and update of the LGAT [Inter-council Emergency Management Resource Sharing Protocol](#) has been completed following consultation with Municipal Coordinators earlier this year.

The protocol provides an agreed position between councils regarding the provision of council resources (human, equipment and facilities) to assist other councils with response and recovery tasks during emergencies. We are fortunate that we have not had the scale of event to require activation of the protocol.

An updated version of the protocol will be issued in July 2024 for signing by Councils wishing to participate.

Budget impact

Being undertaken within current resources, including grant funding as indicated.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Emergency management

4.6 Safeguarding children

Contact Officer – Lynden Leppard, Safeguarding Children Program Manager

Devonport City Council / Brighton Council

That Members note the update on safeguarding children and child safe organisations.

Carried

Background

Councils are actively responding to the requirements of the *Child and Youth Safe Organisations Act 2023* that commenced on 1 January 2024. As State Government has not provided funding support to councils the pace of compliance varies according to each council's resources. LGAT is actively supporting councils to comply with the implementation of the Standards under the Act. We are building a close working relationship with the Office of the Independent Regulation (OIR) to raise their awareness that most councils are progressing their compliance and ensuring council programs, services and places are safe for every child and young person.

Our support includes facilitating collaboration between councils, providing proformas developed by national bodies and other councils, and working with individual councils. The collaboration between councils includes sharing of policies and procedures and approaches to specific issues, like working with vulnerable people cards and involving young people in decision-making.

LGAT and councils are pleased to be working to improve child safety across Tasmania, including implementing the Standards. The Office of the Independent Regulation has emphasised with us and councils, that community expectation goes beyond technical compliance, and has welcomed the approach of many councils' commitment to making councils and their communities safer for all children.

The recent youth engagement workshop is an example of how councils are responding to the findings of the Commission of Inquiry into the Tasmanian Government's responses to Child Sexual Abuse in Institutional Settings (COI). We have heard from councils that improving safety for children is a long term, ongoing role for local government. The sector

also has a role to play in the just released State Government draft strategy [Change for Children](#). Consultation on the draft will include the sector's views on the ways it can best contribute to this whole-of-community ten-year plan.

We have been funded by the State Government to support councils' contribution. This work will include collaboration with interested councils, advocating for resources, and promoting the contributions the sector already makes. We will shortly be advertising for a part-time project officer role to be based in the north of the state, to complement the two officers already at LGAT.

Budget impact

Being undertaken with grant funding from the State Government, supplemented by current resources.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Child and Youth Safe organisations

4.7 Health and wellbeing

Contact Officer – Catherine Keal, Policy Program Manager

Devonport City Council / Brighton Council

That Members note the report on the LGAT health and wellbeing activities.

Carried

Health and wellbeing network

We have a funding agreement with the Public Health Service (PHS) in the Department of Health with the purpose to build a statewide community health and wellbeing network between all councils, LGAT and PHS. We continue to work with PHS to deliver the Health and Wellbeing Network.

Network events March – June 2024

1. Primary Health Tasmania, updated Community Health Check data.
2. Coffee, Chat, Contribute – An online networking session.

3. Showcase of Tasmanian Organisations, key programs supporting health and wellbeing across the state including:
- Palliative Care Tasmania - Learning Through Loss.
 - Australian Early Development Census (AEDC) data and how it can be used effectively by councils – Department for Education, Children and Young People.
 - Tasmanian Suicide Prevention Strategy - support for councils and the local community, Department of Health - Mental Health, Alcohol and Drug Directorate.
 - Take a Minute - a new mental wellbeing literacy campaign, taking a health promotion and prevention approach to mental health, Mental Health Council of Tasmania.
 - Our Watch - primary prevention of violence against women and their children.
 - Tasmanian Local Government Climate Capability Program - Hannah Snape, LGAT.

A monthly newsletter has been established to update all network members with upcoming network events and other relevant information from the Health and Wellbeing space across the state.

The resilience canopy

We are working with Resilient Co. on the delivery of the Resilience Canopy to eligible and interested communities in partnership with councils across Tasmania. The Resilience Canopy engages with communities, using a six-step process, to build a place-based strategy for resilience building. Training has recently been held in Launceston, with council staff and community attendees from City of Launceston, Huon Valley, Meander Valley, City of Hobart, and Northern Midlands. Two community groups in the Huon Valley have received activation grants to support their activities through the six-step process. Supported by funding from Resilient Co., we are continuing to provide regional co-ordination and community engagement support to participating councils and community members.

Budget impact

Being undertaken within current grant resources from the Public Health Service, the Resilience Canopy and current LGAT resources.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Health and Wellbeing

4.8 TasWater

Contact Officer – Ben Morris, Policy Director

Devonport City Council / Brighton Council

That Members note the update on TasWater matters.

Carried

Background

TasWater is very important to councils. It provides services to councils (customer) and the community (council represents community and business views), return on investment (owners), and as a partner in economic development by providing services to new and changing areas and as part of the land use planning system. Appropriately, these multiple roles mean that councils need to have a high level of scrutiny on TasWater. They are focused on the organisation's strategy to deliver infrastructure, providing a good level of service at an affordable price and ensuring it is financially sustainable.

Through recent informal discussions, members have flagged three key issues that they want to understand further. They are water security and TasWater's plans with a changing climate, financial sustainability to provide appropriate returns to owners and engagement with local government. A number of these matters were also discussed at the Owners Representative Group meeting on 27 June 2024 in Launceston.

Water security

TasWater advised that they have developed a Water Security Strategy that will be implemented through nine master plans that cover the state and that they are actively exploring infrastructure and non-infrastructure solutions. The master plans for water and sewerage identify the current and future needs and plans to address these. Their engagement with councils on these plans will start in September.

Financial sustainability

Owners at the recent meeting approved TasWater 2025-2029 Corporate Plan that forecasts key financial metrics, including debt, gearing and dividends to owners. TasWater is confident that over the five-year period all of the financial metrics will be within their financial sustainability targets. In FY2028 owner dividends are forecast to return to the FY2017 level of \$30 million. The Owners' Expert Advisory Group (see below) is likely to interrogate this forecast more closely.

Local government engagement

The previous LGAT hosted TasWater Expert Advisory Group (EAG) is being reformed following an expression of interest to senior council officers, to complement elected representative members. The members are listed below. The primary purpose of the EAG is

to undertake detailed analysis of key aspects of TasWater on behalf of local government owners, with a view to improving their oversight and ensure Board accountability.

The EAG will meet ahead of the General Meeting on 24 July 2024. This meeting will include senior TasWater personnel to discuss ways to improve local government engagement.

EAG members:

- Mayor Wayne Johnston, Chief Owners Representative, Meander Valley Council
- Cr Richard Ireland, Deputy Chief Owners Representative, West Tamar Council
- Mayor Brendan Blomeley, TasWater Board Selection Committee, Clarence City Council
- Mayor Michelle Dracoulis, TasWater Board Selection Committee, Derwent Valley Council
- Barry Omundson, General Manager, Central Coast Council
- Michael Sokulski, Chief Financial Officer, Glenorchy City Council
- David Gregory, Director Corporate and Community, West Tamar Council
- Shane Eberhardt, General Manager Infrastructure and Assets, Launceston City Council
- LGAT Secretariat – CEO and Policy Director

TasWater will be presenting a workshop session at the LGAT Annual Conference in September 2024. This will provide an opportunity for councils to better understand how it is supporting the economic development of Tasmania and to share insights about their journey with councils.

Budget impact

Being undertaken within current resources.

Current policy

Strategic Plan

- Advocate
- Governance and operations

2024 Annual Priority

- Infrastructure
- Waste and resource recovery
- Climate change
- LGAT Procurement

4.9 Climate change

Contact Officer – Hannah Snape, Policy Program Manager

Devonport City Council / Brighton Council

That Members note the update on climate change activities.

Carried

Background

The Tasmanian Local Government Climate Capability Program continues to progress.

A Working Group has been established through an expressions of interest process to all councils. This Working Group comprises nine officer-level representatives from councils across the state, including representatives from each of the three regional climate alliances (Regional Climate Change Initiative, Northern Tasmanian Alliance for Resilient Councils, and Cradle Coast Authority). The group holds predominantly climate and sustainability expertise, as well as natural resource management, waste and finance knowledge.

For the past two months the Working Group, with leadership from the LGAT Program Manager, has been developing a sector engagement plan. The purpose of this deep and targeted engagement is to better understand the current capabilities, needs and challenges of councils when it comes to addressing climate change. The sector will then be invited to participate in solution development.

This co-designed approach will enhance the Programs likelihood of success by providing early and frequent points of feedback and communication into the Program by councils. The early engagement also facilitates networking and practices collaboration. Through the Working Group alone, a number of council officers have formed connections with their peers and are sharing knowledge and experiences outside of the formal meetings.

Some engagement activities have already commenced. A Program Launch Webinar was held on Monday 27 May 2024. Presenters included Sarah Russell, Director Climate Change Office, ReCFIT presenting on the State Government perspective and Program background, and Nina Rogers presenting findings from her research on climate governance in Tasmanian councils.

In the upcoming period, the focus will be on carrying out this sectoral engagement and designing activities for implementation in phase two of the Program.

Budget impact

Being undertaken with grant funds (\$500,000) from the Tasmanian Government.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Climate change

4.10 EPA memorandum of understanding annual report *

Contact Officer – Bec Stevenson, Senior Policy Adviser

Devonport City Council / Brighton Council

That Members note the update on the EPA Memorandum of Understanding Annual Report.

Carried

Background

In 2017, LGAT and the Environmental Protection Authority Tasmania (EPA) established a Memorandum of Understanding (MoU) to establish a framework for LGAT, councils and the EPA to work together on environmental protection. In particular, to support the parties working more cooperatively in assessing and regulating environmentally relevant activities, along with responding to events that may cause environmental harm or nuisance.

A new five-year MoU was signed in 2023 that builds on the previous MoU. The refreshed MoU reflects on the strong relationship between LGAT and EPA and the ongoing, shared desire to show leadership and engage in a structured, cooperative, and productive way to support councils.

The Strategic Priorities have been informed by engagement with the local government sector and areas that EPA has identified in their work alongside councils. The priorities outlined in the MoU are:

- environmental complaints, incident preparedness and response
- illegal dumping
- environmental investigations and prosecutions
- capability building
- capacity
- national standard implementation
- collaboration on more complex development applications and regulation.

A requirement of the MoU is to produce an annual action plan to be tabled at the first LGAT General Meeting each financial year. This plan is the workplan for the EPA's Local Government Engagement Program.

The purpose of this report is to table the Annual Action Plan for 2024 is at **Attachment to item 4.11.**

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2024 Annual Priority

- Land use planning
- Waste and resource recovery
- Sector development

4.11 Waste and resource recovery

Contact Officer – Bec Stevenson, Senior Policy Advisor

Devonport City Council / Brighton Council

That Members note the report on waste and resource recovery.

Carried

Background

A number of reforms and programs are underway at a state and national level on waste and resource recovery.

Container refund scheme

The Tasmanian Government has continued contract negotiations for the Container Refund Scheme Coordinator who will run the administration and finance for the Scheme, along with a separate Network Operator(s) who operate the network of Refund Points. It is anticipated that an announcement will be made by the end of July.

Single use plastics

Tasmanian Government has committed to phasing out the sale and supply of select problematic and single-use plastics and materials in 2025. We understand that the State Government will shortly be commencing consultation on its plans for the phase-out. This

is to include the plastic items and the target dates for their removal from supply. We will engage councils on this issue, which has previously been supported through a General Meeting resolution, in particular any expectations on local government around the implementation of the ban.

Tyre stewardship

In 2023, Tyre Stewardship Australia commissioned Blue Environment and the Centre for International Economics to investigate the cost of illegally dumped and stockpiled end-of-life tyres on government and communities. The [final report](#) has now been released online and provides an estimate of the national cost and scale of dumping and illegal stockpiling associated with end-of-life tyres.

National kerbside harmonisation

The Federal Department of Climate Change, Energy, the Environment and Water have commenced engagement with the local government associations to discuss the development of a national kerbside collection roadmap. The purpose of this engagement is to ensure a fit-for-purpose roadmap. LGAT will continue to participate in these discussions and share information as the roadmap progresses.

Budget impact

Being undertaken within current resources

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Waste and resource recovery

4.12 Regional towns CCTV project

Contact Officer – Wade Berry, CCTV Project Manager

Devonport City Council / Brighton Council

That Members note the update on the Regional Towns CCTV project June 2024.

Carried

Background

We continue delivery of the \$4 million program to increase community safety in regional towns with closed circuit security cameras (CCTV), funded by the Tasmanian Government.

All applicable councils have now expressed an interest in being part of the project. We are directly engaged with these councils. The project works with each council to review existing CCTV and server infrastructure, and holding meetings with key infrastructure and IT staff, and the General Manager where applicable.

We are working with Tasmanian Police to develop a Memorandum of Understanding statewide template that will detail council and Police access and management of CCTV data and systems. This will be based on the approach used in Victoria and comes after multiple discussions with key personnel in Tasmania Police.

The four proof of concept councils of Break O'Day, Brighton, Central Highlands and Tasman are completed. The lesson learnt in these projects have been used to inform how the next tranche of works will be approached. During the trial phase the CCTV has been actively and successfully used for council and Tasmania Police requirements. We are progressing with stage two, block one, King and Flinders Island and West Coast Council, and have been also able to complete Central Coast Council after receiving a request for immediate assistance.

Stage two, block two is commencing in July 2024, it will include a CCTV Review and report on existing systems, and the future CCTV requirements with high-level design and budget. At the completion of this review the project will have sufficient information to understand current system, future opportunities, concept design and budget requirements. At this stage, the CCTV steering committee (LGAT and the Department of State Growth) would then be able to allocate funding, subject to overall budget, needs and value for investment.

We continue to aim for a consistent statewide CCTV hardware and software system, high quality installation and delivery. The design emphasises use of existing assets, where councils have invested in suitable infrastructure our aim will be to integrate such equipment into our system.

Budget impact

Being undertaken with external grant funds from the Tasmanian Government, via the Department of State Growth.

2024 Annual priority

- Sector development

4.13 Procurement update

Contact Officer – Georgia Palmer, Director Sector Services

Devonport City Council / Brighton Council

That members note the following update on procurement support for councils.

Carried

Background

LGAT Procurement aims to help councils undertake best practice procurement and deliver value for money for their communities.

LGAT Procurement is now coming to the end of its second year of implementing its three-year business plan. Year one of implementation was successful, delivering on new initiatives, whilst also resulting in greater than predicted increase in the use of panels and other LGAT Procurement products and services.

Key projects to be delivered this year as part of the business plan include the development and implementation of Civil Works Panels, procurement training, and energy procurement.

Procurement civil works panel

A local civil works panel or suite of panels was identified through both the review of LGAT Procurement and Future of Local Government as being a significant opportunity for councils in Tasmania.

Development of State based civil works arrangements was supported by General Managers. Following this effective authority to proceed, LGAT has been working diligently on panel development and implementation over the past six months. The project is now at a late stage in its development. A Minor and Major Civil Works Panel and a Civil Works Material Panel are the essential components of the new arrangement.

A working group made up of council officers provided expert advice on panel detail and is assisting to evaluate tender submissions (a process that is currently underway).

During project development, LGAT Procurement has provided written and verbal briefings to council infrastructure managers and officers and has engaged with local suppliers through the CCF and Australian Flexible Pavement Association.

The panels and associated arrangements will assist to address some of the current and emerging issues in the civil works area across the state. Some of the issues from a council and supplier perspective are outlined in the table.

Council	Supplier
Lack of response to tenders meaning time wasted, projects delayed or if submitted significantly over budget estimates.	A lack of consistency in contract documentation across 29 councils. Many different approaches seen as adding unnecessary complexity to tender processes. Many of the processes paper based rather than electronic.
A plethora of contracts within councils, that leads to a lack of clarity about what to use and when.	A requirement to submit information in tenders that is considered duplicative or unnecessary for sound procurement – this leads to non or reduced participation in tenders.
Significant resources spent on outsourcing contract documentation development for civil works projects.	Unrealistic timeframes for jobs, meaning workforce cannot be effectively mobilised to meet requirements. Leading to non or reduced participation in tenders or loaded costings.
A lack of a state-based pipeline for works across councils that would assist to draw attention to potential peaks and troughs and give insight into management of these.	A sense that all councils go out to market simultaneously around annual programs and effectively flood the market – meaning either supply is not possible, or pricing is higher than would routinely be the case if peaks were minimised.
	A sense that often there is a tendency for councils to be overly risk averse and for risk to be passed on to suppliers and costing is high.
	A lack of a state-based pipeline for works across councils that would assist to draw attention to potential peaks and troughs and give insight into management of these.

A key benefit of the panels will be the use of harmonised customer contracts for major and minor civil works across councils. These have been adapted by LGAT Procurement with legal input, to suit Tasmanian circumstances and are available free when the panel arrangements are used. The suite of civil works customer contracts are relationship-based contracts which provide for better project outcomes and more effective and efficient project costing. They do constitute a change in approach for councils in Tasmania – but training will be made available to maximise their potential.

To support the implementation of the new panel arrangements LGAT Procurement is hiring a Civil Works Project Manager, to provide support and training to councils and suppliers and to be a central point to work with councils to manage some of the issues in the civil works area across the state. This is a new focus and considered valuable in terms of supply chain issues.

The panel will be ready for use on 1 September 2024.

Use of the panel by councils is not mandatory, but given the support to date from General Managers, the energy and effort committed to its development and implementation, and the inherent benefits for councils and suppliers, it would be appropriate for council leadership to strongly and actively support their use.

Procurement training

Strong probity and procurement processes and practices are essential in all organisations responsible for funds expenditure and management, especially public organisations. Council officers well trained in probity and procurement can lead to significant benefits for their councils.

Training is one strategy that can assist in the delivery of strong defensible practice and the management of risk in a council.

LGAT Procurement has worked in partnership with an experienced trainer to develop and deliver a range of procurement related courses – specifically designed for Tasmanian councils. These include:

- **Procurement Essentials** – 1 day course
- **Contract Management** – 1 day course
- **Risk Management** – ½ day course
- **Negotiations Skills** – 1 day course

A short introductory course is also offered to councils.

- **Basic Procurement Awareness** – 1 hour course

The courses are designed to meet a need for council officer training in this area highlighted in various Auditor General reports and through the media.

They are offered through LGAT Sector Services as in-house training, on a fee for service basis.

Find further details of LGAT Procurement training offerings are available on the [LGAT website](#) or by contacting us directly.

Energy procurement

LGAT Procurement is currently facilitating a small and large sites energy tender for Tasmanian councils. As with previous energy tenders, participation in the tender is

voluntary. Following an Expression of Interest process twenty-two councils have opted to participate.

A procurement process has been undertaken to engage an energy expert to support the tender.

The tender is likely to occur in August/September 2024.

Budget implications

As part of LGAT Procurement's future operations, two additional staff will be required to support the delivery of the new initiatives. One of these positions is currently in the market.

Current policy

Strategic Plan

- Sector services

2022 – 23 Annual Priority

- LGAT Procurement
- Sector development

4.14 Events and professional development overview

Contact Officer – Carly Hay, Events and Training Coordinator

Devonport City Council / Brighton Council

That Members note the report on events and elected representative learning and development.

Carried

Background

We provide a series of events throughout the year to support the professional development of, and engagement with, our members. In the first six months of 2024 we have delivered 10 events to over 285 attendees, with an additional eight events programmed for the remainder of the calendar year. We have also hosted a series of webinars on various issues to update and engage with councils on emerging policy and legislative change, which are typically targeted at officers.

Emergency management and recovery forum

On 5 June 2024 we hosted the Emergency Management and Recovery Forum at the Tramsheds in Launceston. The event saw elected representatives and staff from 19 councils

come together to understand the critical role local government plays in emergency management and recovery.

Speakers included Tasmanian locals, Bree Hunter, Belinda Loxley and Karen Hampton who spoke on their experiences of being involved in disasters. The interstate speakers included Linda Snell from Yarra Ranges who spoke on the management involved after an unprecedented storm hit her municipality. Jenny Lloyd shared how councils and communities can work together following a disaster, drawing on her own experience when her town of Mallacoota (Victoria) was impacted by bushfires in 2020.

Feedback from the day was overwhelmingly positive with all those who provided feedback stating that the topics discussed were useful to them.

Upcoming Events

Elected member day

The Elected Member's Day is taking place on July 27 2024 following this General Meeting at the parnaple Convention Centre. Topics for the day will include positive social media practices for councillors with Dr. Neryl East, meeting procedures with David Morris and Well Minds Work speaking on strategies for resilience.

2024 annual conference

The 2024 LGAT Annual Conference will take place on September 4-5 at the Hotel Grand Chancellor, Hobart. This year's conference theme is "navigating a shifting landscape." The two-day event will provide attendees with opportunities for networking and professional development.

The agenda features speakers on a range of topics including renowned economist Saul Eslake, workforce demographer Dr. Lisa Denny and organisation You Who, who will be running a session centred around leadership. We will also be hosting a panel which will include former Premier of Tasmania, Lara Giddings. For the full lineup of speakers and to purchase tickets, please visit our [website](#).

Mayor and deputy mayor's workshop

The second Mayor and Deputy Mayor's workshop for 2024 will be held 21 November 2024 at Peppers Silos in Launceston. This workshop supports professional development and networking between these important roles within council. Planning for this session is underway.

Health and wellbeing forum

A Health and Wellbeing Forum will be hosted in Hobart in November 2024. Planning for this event is well underway with an aim to have it available to register in August 2024.

Learning and development framework

The Office of Local Government (OLG) has engaged councils on the elected representative learning and development framework. The consultation covered areas including:

- barriers to participation in the framework
- councillor capabilities - councillor skills and behaviours
- the model 'Councillor Learning and Development Policy'
- the Councillor Capability Review and Development Plan template
- the Learn to Lead website.

Local government feedback will be used to improve the framework and shape action to address barriers to participating in the framework. The full feedback report is being finalised and will shortly be available on the OLG website.

OLG has provided \$100,000 in funding to LGAT to continue the roll out of online modules (already developed) and to facilitate a community of practice. We are developing the plan for this work with OLG and look forward to engaging with councils in the near future.

Budget impact

Events are being undertaken within current resources.

Current policy

Strategic Plan

- Sector services

2024 Annual Priority

- Sector development

4.15 Policy update

Contact Officer – Ben Morris, Policy Director

Devonport City Council / Brighton Council

That Members note the update on various policy items.

Carried

Tasmanian development manual project update

We are running a project to create a Tasmanian Development Manual (TDM), replacing and expanding on the Tasmanian Municipal Standards. The manual will include a range of pre-application design guidelines and post approval construction standards. It aims to be a

convenient single reference point for proponents in informing development proposals and post-approval compliance requirements for construction. The project is funded by the Tasmanian Government and previous council contributions to the maintenance of the Tasmanian Municipal Standards.

The TDM Project Steering Committee has engaged Sugden and Gee and Irene Inc to undertake the work. The project has commenced and is in initial stages.

Infrastructure contributions advocacy update

We have been advocating for the Tasmanian Government to create a statewide framework for councils to implement consistent local government infrastructure contributions systems. This represents a major piece of policy and advocacy work of state significance – for LGAT’s advocacy and for the Tasmanian Government to implement. This policy is a multi-year endeavour, as has been the case in other states.

Our advocacy work has included research, a [Discussion Paper](#), over [10 submissions](#), several presentations and other ongoing advocacy. This ongoing campaign of advocacy has resulted in a number of small, yet significant, wins, including:

- General, in-principle support in the [Draft Tasmanian Planning Policies](#) (TPPs).
- Anticipation of support in the [State Planning Provisions Review](#) (Action Group 3), subject to a policy position in favour of infrastructure contributions being determined by the TPPs.
- Recognition and consideration of future support in the [Tasmanian Housing Strategy and Action Plan](#).
- A clear and particularly strong recommendation (18) from the [Future of Local Government Review Final Report](#), referencing LGAT’s Infrastructure Contributions Discussion Paper.
- A policy position of the Labor Party for the State Election 2024 to remove first mover disincentives.

We have incorporated infrastructure contributions into our [Annual Plan](#) for ongoing to ensure that these steps in the right direction result in the State Government initiating work on a statewide infrastructure contributions framework for local infrastructure. Local government will then be a collaborator in the development to ensure council needs are met.

Place names information session

LGAT has a statutory role on the [Place Names Advisory Panel](#) (PNAP) under the *Place Names Act 2020* (Section 6). We have observed some contested place name proposals initiated by councils and resulting frustration. Consequently, we have arranged for the PNAP Chair and Place Names Registrar to deliver an online information session for local government staff on place naming in Tasmania, the Act, and the [Tasmanian Place Naming Guidelines](#). The session

was delivered on 2 July 2024 and a recording will be made available to local government staff.

LGAT will ask for a similar, but tailored session for elected representatives to be delivered.

Open spaces grants program

The Open Spaces Grants Program is a joint initiative of the Tasmanian Government and LGAT. The purpose of the program is to support councils to provide new or renewed capital infrastructure to support active living. Successful councils in round one are currently undertaking their projects. Completion is due in June 2025.

Round two councils have recently been advised of the decisions of the panel. After some inevitable delay, due to the State election, grant deeds are due to be distributed to successful councils, with projects due for completion in December 2025.

Budget impact

Being undertaken within current resources. Tasmanian Development Manual and Open Spaces grants are funded as noted above.

Current policy

Strategic Plan

- Advocate

2024 Annual Priority

- Housing
- Land use planning
- Infrastructure
- Sector development

5. Other business and close

There being no further discussion the President declared the meeting closed at 2:52 pm.

Attachment to Item 1.2

Business Arising
General Meeting 26 July 2024

Item No		
2	Items for Decision	
2.1	Motion - Proposed amendment to the pensioner remission guidelines - Burnie City Council	Refer to item 1.4 - follow up of motions
3	Items for discussion	
3.1	Workplace health and safety review	Ongoing
4	Items for Noting	
4.1	State election summary	Complete
4.2	Inquiry into local government sustainability	Complete
4.3	Planning update	Refer to item 4.2
4.4	Housing policy update	Refer to item 4.3
4.5	Emergency management and recovery update	Refer to item 4.4
4.6	Safeguarding children	Refer to item 3.1
4.7	Health and wellbeing	Ongoing
4.8	TasWater	Ongoing
4.9	Climate change	Refer to item 4.5
4.10	EPA memorandum of understanding annual report	Complete
4.11	Waste and resource recovery	Ongoing
4.12	Regional towns CCTV project	Refer to item 4.6
4.13	Procurement update	Refer to item 4.1
4.14	Events and professional development overview	Refer to item 4.8
4.15	Policy update	Refer to item 4.9
5	Other Business	
	Nil	

Follow-up of motions report

Report to General Meeting

This report details motions where LGAT is actively pursuing an outcome

Attachment to item 1.4

Motion	Topic	Sub-topic	Meeting date	Member Update
That LGAT calls upon the State Government to amend its Pensioner Rates Remission Guidelines to benefit pensioners who receive an eligible card within a financial year, post the 1st July with the benefit being prorated from the date of issue.	Rates	Proposed amendment to the pensioner remission guidelines	26/07/2024	We have written to the Secretary of the Department of Treasury and Finance for a response to this resolution.
That Members note the work of the LGAT Housing Reference Group and endorse the proposed sector positions.	Housing	LGAT Housing reference group	14/03/2024	The sector positions agreed at the march 2024 will form part of a complete Housing Position Paper for the sector. Refer to the Paper in this Agenda.
That LGAT seek: 1. Support from Tasmanian Councils for the renegotiation of the Partnership Agreement on Communication and Consultation 2003 (Partnership Agreement), between the Tasmanian Government and Councils 2. Agreement in principle from the Tasmanian Government to renew the Partnership Agreement, subject to the negotiation of new terms; and 3. That, in pursuit of a new Partnership Agreement, LGAT establish a working group comprising council representatives to develop the key terms of a new Partnership Agreement."	Governance	State and Local Government Consultation Protocols	14/03/2024	The establishment of a partnership agreement was a key priority in LGATs election statement for the recent State Election. It has also been raised with the Office of Local Government and the Minister. The timing of this resolution is tied to the Government providing a response to the Future of Local Government, specifically recommendation #2, to establish a local government charter.
That LGAT lobby the State Government: 1. To amend legislation to include electricity generation and storage plant and equipment in capital valuation (as occurs in Victoria) and to allow energy sector developments to make appropriate payments in lieu of rates under a regulated formula subject to indexation consisting of a fixed payment per site and a variable payment based on installed capacity. 2. That applicable developments subject to the rating policy amendments will include all current electricity generation and storage developments under existing technologies, as well as future generation and storage developments under existing and new technologies. 3. Where a Council's infrastructure and service provision is impacted by energy sector developments, consider the means for appropriate compensation via similar payment arrangements to ensure ratepayers are not financially impacted.	Finance	Rate Equivalent Payments	14/03/2024	The Future of Local Government Review (FoLGR) Final Report recommended (#17) that the Tasmanian Government consider an alternative framework for councils to raise revenue from major commercial operations in their local government areas. The report noted wind farm developments and the Victorian Payment in Lieu of Rates provisions. We await the State Government's response to FoLGR. We also understand that a review of renewable energy coordination framework is also considering this matter.
That LGAT lobby the State Government to: 1. Provide an accessible online user interface for purchasers, residents and developers to all available flood mapping in populated areas in Tasmania 2. Assist Tasmanian councils to flood map low lying land, inclusive of climate change impact, so the effect flooding could have on property, including future developments, renovations and subdivisions is known statewide; and 3. Require all councils to include flood mapping in the issuance of any Form 337 and any other such forms as appropriate.	Planning	Flood Mapping	14/03/2024	We have approached the Tasmanian Government about this resolution. Some items are complete or underway in the Tasmanian Flood Mapping Project and other work. The State Emergency Service has agreed to deliver an online information session in September for members on the Project. Following this session we will determine any remaining actions to fully address this resolution.
1. LGAT lobby the Tasmanian State Government to urgently progress a costed integrated Transport Plan for Tasmania, including timeframes and responsibility for implementation. 2. LGAT advocate for future transport planning outputs that prioritise: i. Reducing greenhouse gas emissions ii. Equitable access to transport iii. Regional coverage iv. Road safety v. Improved health and liveability outcomes.	Infrastructure	Integrated Transport Study	14/03/2024	We wrote to the Minister in July 2024 advocating for this work to be undertaken. There is opportunity to connect this work to the regional land use strategy projects.
That LGAT lobby the Tasmanian Government to undertake a review of the administrative activities of the Tasmanian Parks and Wildlife Service (PWS) and Crown Land Services (CLS) with a particular focus on ensuring that the required level of resources are available to assess applications and deal with enquiries in a timely manner.	Governance	Parks and Wildlife Service and Crown Land Services Review and Resourcing	1/11/2023	We have followed up the February 2024 response from Minister for Parks and Environment by writing to the Deputy Secretary (Parks and Wildlife Service). We have sought an additional update on the work we are aware is progressing. The response to this resolution also forms part of our State Budget submission, with the Budget due to be handed down in September.

Motion	Topic	Sub-topic	Meeting date	Member Update
That LGAT undertake advocacy on behalf of Councils to have road line marking responsibilities legislated and additional funding provided by the State Government.	Governance	Road Line Marking Responsibilities	1/11/2023	We noted this issue in our submission in the Road Management Legislation Review. We also advocated to the Road Safety Advisory Council (RSAC) who committed to a CPI increase to the \$300K annual line marking allocation. We have also written to the Transport Minister advocating for increased funding and clarity around responsibilities.
That LGAT be requested to convene a reference group from member Councils to develop options and recommendations for the sector to: 1 Assess the impact of the 42-day rule on planning outcomes across local Councils in Tasmania (including both qualitative and quantitative data). 2 Identify what practices and delegations councils currently utilise to manage the 42-day rule, including the impact of those practices and delegations on representor objections. 3 Review equivalent 'deemed approval' and timeframe extension mechanisms of other jurisdictions to compare with Tasmania's arrangements. 4 Based on the findings of points 1, 2 and 3 above, identify whether the 42-day rule operates in a manner that is fair and equitable to all parties to a development application; that is both applicants and representors. 5 Recommend changes be implemented to ensure development applications are not required to be resolved under delegation because an applicant refuses to grant an extension of time for an application to be considered at a Council meeting.	Planning	Review of 42 Day Development Application Timeframe	1/11/2023	We included the action in our submission to the State Budget 2024-25 for a collaborative process between the Tasmanian Government and local government to identify further procedural problems and potential solutions. The State Budget is due to be handed down in September 2024. We have formed the "Development Assessment Reference Group", with seven members from across the state. We have convened the first meeting, scoped work, and gathered information from the Reference Group. We are currently collating and triaging that information for the next stage of work and a follow up meeting.
That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for: a. public, social or affordable housing; or b. tenants or occupants based on their source of income, or social or financial circumstances.	Planning	Motion - Restrictive Covenants on use of land and property	30/06/2023	Minister Duigan's office responded quickly after our letter and is liaising with the Department on potential options.
That LGAT seek revisions to the Property Agents and Land Transactions Act 2016 to consider: a) Requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and b) Requiring full disclosure for properties as part of the listing process."	Governance	Review of Property Agents and Land Transactions Act 2016	8/12/2022	We have been advocating on this matter in the public domain with our opinion editorial being published in The Mercury 20 June and in The Advocate on 22 March. The issue was one of our priority requests in our submission to the State Budget 2024-25, which is due to be handed down in September 2024. We have also written to the incoming Minister for Small Business and Consumer Affairs, Hon Madeleine Ogilvie.
That LGAT raise concerns with the Tasmanian Government in relation to the quality of maintenance and new construction work which is being undertaken on the network of roads which are the responsibility of the Department of State Growth, and ask the Tasmanian Government to implement an independent review of the construction and maintenance methodology being used.	Infrastructure	State Road Maintenance	16/09/2022	This matter was raised as part of our engagement with the Department of State Growth on the Road Legislation Review and in recent discussions with Infrastructure Tasmania. We have also written to the incoming Transport Minister on this matter.
That LGAT lobby the State Government to investigate a legislative mechanism to provide local government authorities with enhanced power to appropriately act on dilapidated, derelict and abandoned buildings registers and to charge levies in respect to those properties.	Building	Abandoned buildings	18/03/2022	The draft guidance note will be provided to councils ahead of the September meeting for feedback.
That LGAT coordinate arrangements for a more collaborative arrangement between Local Government and State Government and all compliance agencies with responsibilities that include dog control and wildlife management and protection.	Animals and wildlife	Dog Control and Wildlife Management	3/12/2020	We have written to the Deputy Secretary (Parks and Wildlife Service) to get a formal update on the progress and next steps on the revised Dog Management Policy.
That LGAT ask the Tasmanian Government to improve and increase its education and enforcement programs for the conservation of shorebirds and other coastal wildlife values	Environment	Shorebirds and Coastal Wildlife Values	3/12/2020	We have written to the Deputy Secretary (Parks and Wildlife Service) to get a formal update on the progress and next steps on the revised Dog Management Policy that will support action against this resolution.

LGAT Annual Plan 2024 Progress Report

September 2024

Advocate

Area	Focus	KPI – process and outcome	Progress	Update
Local government reform	Support Tasmanian local government through the next phase of reforms from the Future of Local Government Review. Our work will focus on ensuring that the State Government properly resources any changes, delivers these in a timely way and works collaboratively with the local government sector. We remain focused on reforms that create a more robust and capable system of local government.	<p>Process LGAT and local government are partners in implementing reforms that the State Government progresses from the Review.</p> <p>Outcome The reforms create a more robust and capable system of local government to support and service communities.</p>		<p>Process We understand that the Minister will provide the State Government’s response to the 37 recommendations at the LGAT Conference.</p> <p>Outcome The final report recommends a number of measures that would support this outcome.</p>
Workplace health and safety for elected representatives	Work with State Government and councils to continue the development of the framework to supports a safe workplace for all councillors. This will include the implementation of the recommendations of the Workplace Health and Safety Review of Elected Members.	<p>Process Engagement with the sector to continue the development of tools that address the needs of councils. Engagement is focused on addressed the needs of councils to shape the development of appropriate and useful frameworks and tools.</p> <p>Outcome Implementation of the priority sector endorsed recommendations to achieve a</p>		<p>Process The State Government has released for consultation Regulations that requires councils to have a dispute resolution policy, as well as an updated Model of Conduct.</p> <p>The Office of Local Government and LGAT are leading a range of initiatives that contribute to this outcome. The July General Meeting included a presentation and discussion on this item.</p>

LGAT Annual Plan 2024 – September Update

	Commenced		Commenced, but progress delayed		Completed		Not yet commenced
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Area	Focus	KPI – process and outcome	Progress	Update
		safe and respectful workplace for elected members.		Outcomes Implementation is significantly underway, as outlined in the meeting paper in this agenda.
Housing	Work to ensure councils are properly supported in their role in improving housing security. Ensure that the State Government implements the Tasmanian Housing Strategy Action Plan 2023-27 and partners with councils for effective delivery.	Process State Government has good engagement with local government and treats the sector as a partner in delivery. Outcome Actions under the Strategy are delivered to address housing security.		Process The Housing Position Statement in this agenda will provide an improved basis for advocacy on this. Homes Tasmania is engaging with LGAT and individual councils on an ongoing basis. They are working to try and build a strong and effective working relationship with our sector. Outcomes The Housing Strategy is being progressively delivered.
Land use planning	Support councils to engage with the reforms and implementation of the Tasmanian Planning System, with a particular focus on informing the Development Assessment Panels proposal and completion of the Regional Land Use Strategy work.	Process Engagement with local government by the State Government recognises the unique role that councils play in the planning system. Outcome Reforms recognise and are sensitive to local needs and the		Process The State Planning Office (SPO) has given additional attention to its engagement. The Regional Land Use Strategy work is facing challenges, largely from the role the State Government has taken. Refer to the paper in this agenda for more details.

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Commenced	Commenced, but progress delayed	Completed	Not yet commenced
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2

Area	Focus	KPI – process and outcome	Progress	Update
		different goals of councils to support their communities.		Outcome The reforms are heading in largely the right direction, however the pace and approach is variable.
Infrastructure	Continue our advocacy and delivery of projects that support local government to provide quality services to the community. In particular this will include: The review of road management legislation Fairer road funding advocacy Infrastructure contribution regime advocacy Delivering the Tasmanian Development Standards Manual	Process Engagement with local government by the State Government recognises the unique role that councils play. Outcome Fairer and more consistent approaches for funding and delivering local infrastructure		Process There has been good engagement with councils on the road management legislation and the Development Standards Manual project. We have been engaging within government on infrastructure contributions. Outcome We are optimistic, given State Government engagement, that infrastructure contributions is progressing in the right direction. Fairer road funding will be challenging with a State Budget that reportedly has significant cuts within it.
Community safety	Deliver the \$4 million Regional Towns CCTV Program, funded by the State Government. The program will provide a foundation for improved community safety and amenity.	Process Councils are directly engaged in identifying locations and solutions for their communities. Outcome CCTV and supporting infrastructure are installed in local government priority areas,		Process Refer to CCTV paper in this agenda. Councils involved to date have been highly satisfied. Outcomes Cameras and supporting infrastructure installation is complete across the four council

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3

Area	Focus	KPI – process and outcome	Progress	Update
		and councils and Tasmania Police have a single software platform.		pilot areas using a common, but separated, software platform. A draft Memorandum of Understanding with Tasmanian Police and councils is nearing a 1 st draft for consultation with councils.
Waste and resource recovery	Continue our advocacy to State and Federal Governments for the policy settings and funding to support councils and regional authorities in resource recovery and waste management across the state.	<p>Process State and Federal Government engages with local government on the opportunities and improvements.</p> <p>Outcomes Statewide investment in local government waste and resource recovery initiatives.</p>		<p>Process We have met with the waste and recovery team from the Department of Natural Resources (NRE) to build engagement with LGAT and councils more broadly. The Federal Government, in particular, is seeking to engage on a number of fronts with councils.</p> <p>Outcomes We understand that an investment strategy is currently being developed by the State Waste and Resource Recovery Board. It is currently unclear how they will engage local government on the strategy's development.</p>
Emergency management	Advocacy to the State and Federal Government for: Continued acknowledgement and support for the role of local government in emergency management Collaboration and engagement on the development of Fire and Emergency	<p>Process Strong collaboration and engagement with local government in supporting capability and capacity in emergency management and the associated reform.</p>		<p>Process We have good engagement with State Government agencies and the Federal Government is supporting an audit across 18 councils of their emergency</p>

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4

Area	Focus	KPI – process and outcome	Progress	Update
	Services reform that delivers improved capability, and its costs are fair and equitable.	Outcomes Increased State Government support to strengthen local government’s capability and capacity in emergency management and resilience.		management capability and capacity. Outcomes We are progressing discussion with the State Government on a further tranche of audits, which will support any bids for greater partnerships or direct investment.
Climate change	Deliver the Statewide Local Government Climate Change program (in partnership with the State Government), which will build the capacity of the local government sector in Tasmania to respond to the impacts of a changing climate and reduce greenhouse gas emissions.	Process Strong collaboration across local government and with the State Government on addressing climate risk and opportunities through emissions reduction. Outcomes Increased council activity addressing climate risk and reducing their emissions and costs.		Process The State Government-funded Climate Capability Program Manager is actively engaging councils engendering strong collaboration. Refer to the paper in this Agenda. Outcomes LGAT’s climate capability program has had good engagement from councils to build council capacity to respond to climate change.
Child and Youth Safe organisations	Ensuring that councils have the right information and training to support their obligations under Child and Youth Safe Organisation Act 2023 and Australian Government’s Royal Commission into Institutional Responses to Child Sexual Abuse, recommendation 6.12.	Process The Independent Regulator (when appointed) engages directly and openly with councils to understand their role within the community and their organisation challenges Outcomes Councils are equipped to keep kids safe and positioned to		Process The Office of the Independent Regulator is actively engaging with councils and will present to the October 2024 LGAT General Managers workshop. Outcomes We have been funded by the Tasmanian Government to support councils, refer to paper in this agenda.

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5

Area	Focus	KPI – process and outcome	Progress	Update
		respond to their legislative responsibilities		
Health and wellbeing	Support for local government officers working in health and wellbeing to connect and share with others in the sector, learn and develop skills.	<p>Process Development of a strengthened local government health and wellbeing network that connects council officers with State Government agencies and best practice.</p> <p>Outcomes Local government leverages the State Government’s Healthy Tasmania funds to improve community health and wellbeing outcomes.</p>		<p>Process There are strong connections between councils and key agencies being developed through the network. The network is working well, with a number of events completed and planned for 2024, refer to paper in this agenda.</p> <p>Outcomes This outcome is complete, including an investment into current project led by the Northern Tasmanian Alliance for Resilient Councils (NTARC) that is understanding councils health response to a changing climate. We are considered our future advocacy on State Government investment that would seek a more strategic approach for investment.</p>

SECTOR SERVICES

Area	Focus	KPI – process and outcome	Progress	Update
LGAT procurement	LGAT procurement to implement year 2 of the business plan supporting increased services and advice to councils.	<p>Process Strong collaboration with our members to ensure LGAT procurement activities meet council needs.</p> <p>Outcomes Year 2 actions completed to support the delivery of best practice procurement services and products that provide value for councils.</p>		<p>Process The LGAT Procurement reference group, made up of senior officers from councils, has been established to provide advice on LGAT Procurement initiatives. A separate working group of council officers was established to support the establishment of the civil works panel.</p> <p>Outcomes LGAT Procurement has developed a suite of procurement training opportunities which are available to councils on a fee for service basis. Councils have reported significant improvement in understanding and change of practice for those attending the training. Two Tasmanian civil works panels will be available on 1 September. This will support improved civil works procurement</p>

LGAT Annual Plan 2024 – September Update

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Area	Focus	KPI – process and outcome	Progress	Update
Sector development	Support the professional development and capacity of elected representatives.	<p>Process Delivery of the elected member learning and development activities.</p> <p>Outcomes Elected members have enhanced capability and capacity to fulfil their roles.</p>		<p>Process The State Government has granted LGAT \$100,000 to support this outcome, in particular to develop communities of practice for elected members. The launch will be at LGAT’s Annual Conference. LGAT has one remaining policy event this year, health and wellbeing in November, in addition to our usual range of events.</p> <p>Outcomes Following consultation, the Learning and Development Framework Governance Group has updated the councillor capabilities, and a model learning and development policy. There has been a steady increase in the number of online modules completed, with reports recently provided to councils.</p>