



LAUNCESTON CITY COUNCIL

SPECIAL COUNCIL MEETING MINUTES

**COUNCIL MEETING
MONDAY 15 DECEMBER 2014**

LAUNCESTON CITY COUNCIL

SPECIAL COUNCIL MEETING MINUTES

Monday 15 December 2014

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

Date: 15 December 2014

Time: 12.00 pm

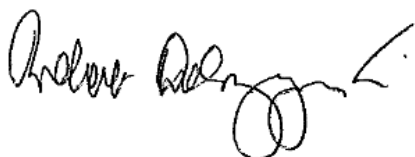
Section 65 Certificate of Qualified Advice

Background

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

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the minute items for this meeting.



Robert Dobrzynski
General Manager

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Present: **Alderman** **A M van Zetten (Mayor)**
 R I Soward (Deputy Mayor)
 R L McKendrick
 D H McKenzie
 J G Cox
 D C Gibson
 J Finlay
 D W Alexander
 A E Dawkins
 S R F Wood
 E K Williams

In Attendance: **Mr R S Dobrzynski (General Manager)**
 Ms S Gallery (Corporate Governance Officer)
 Mr D Gray (Committee Clerk/Admin Officer)

Apologies: **Alderman** **R J Sands**

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1pm and noted an apology from Alderman Sands.

2 DECLARATION OF PECUNIARY INTERESTS

Nil

3 PLANNING AUTHORITY

3.1 8 My Street, Launceston - Residential - single dwelling; demolish existing dwelling and construction of a new dwelling

FILE NO: SFDA0483/2014

AUTHOR: Andrew Newton (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2012, a permit be granted for Residential - single dwelling; demolish existing dwelling and construction of a new dwelling, at 8 My Street, Launceston, in accordance with the endorsed plans and subject to the following conditions.

3.1 8 My Street, Launceston - Residential - single dwelling; demolish existing dwelling and construction of a new dwelling...(Cont'd)

1. ENDORSED PLANS & DOCUMENTS

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

- a. Existing Site Plan and Demolition, prepared by Artas Architects, A1100/P4, My Street John McKenna, Revision P4, dated 07.10.14.
- b. Proposed Lower-Ground Floor Plan, prepared by Artas Architects, A1200/P8, My Street John McKenna, Revision P8, dated 07.10.14.
- c. Proposed Ground Floor Plan, prepared by Artas Architects, A1201/P9, My Street John McKenna, Revision P9, dated 07.10.14.
- d. Proposed First Floor Plan, prepared by Artas Architects, A1202/P9, My Street John McKenna, Revision P9, dated 07.10.14.
- e. Proposed North Elevation, prepared by Artas Architects, A2100/P6, My Street John McKenna, Revision P6, dated 07.10.14.
- f. Proposed East Elevation, prepared by Artas Architects, A2101/P5, My Street John McKenna, Revision P5, dated 07.10.14.
- g. Proposed West Elevation, prepared by Artas Architects, A2102/P3, My Street John McKenna, Revision P3, dated 07.10.14.
- h. Proposed South Elevation, prepared by Artas Architects, A2103/P5, My Street John McKenna, Revision P5, dated 07.10.14.
- i. Proposed Street Elevation, prepared by Artas Architects, A2104/P3, My Street John McKenna, Revision P3, dated 07.10.14.
- j. Overlooking Diagram, prepared by Artas Architects, A2200/P1, My Street John McKenna, Revision P1, dated 08.10.14.
- k. Shadow Diagrams Page 1, prepared by Artas Architects, A6001/P3, My Street John McKenna, Revision P3, dated 30.09.14.
- l. Shadow Diagrams Page 2, prepared by Artas Architects, A6002/P, My Street John McKenna, Revision n/a, dated n/a, advertised 22.10.14.
- m. PD4 Building Envelope Page 1, prepared by Artas Architects, A6003/P1, My Street John McKenna, Revision P1, dated 30.09.14.
- n. PD4 Building Envelope Page 2, prepared by Artas Architects, A6004/P1, My Street John McKenna, Revision P1, dated 30.09.14.

2. LEGAL TITLE

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

3. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

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4. HOURS OF CONSTRUCTION

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

5. NON REFLECTIVE EXTERIOR FINISH

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

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA 2014/01086-LCC (attached).

7. SITE LANDSCAPING PLAN

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

- a. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. Any stabilisation works required as a result of tree or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and
- f. Screen planting to the north and south side boundaries; and
- g. Details of proposed vegetation to the My Street frontage (between the line of the proposed dwelling and the front boundary) to the satisfaction of the planning authority.

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

- a. Installed in accordance with the endorsed plan; and
 - b. Completed within three (3) months of the use commencing; and
 - c. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.
-

3.1 8 My Street, Launceston - Residential - single dwelling; demolish existing dwelling and construction of a new dwelling...(Cont'd)

8. FENCING

The maximum building height of fences on and within 4.5m of the frontage, not approved or shown on the endorsed plans of DA0483/2014, must be:

- a. 1.2m if solid; or
- b. 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency.

9. DAMAGE TO COUNCIL INFRASTRUCTURE

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

10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742.

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

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

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

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

11. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

3.1 8 My Street, Launceston - Residential - single dwelling; demolish existing dwelling and construction of a new dwelling...(Cont'd)

12. VEHICULAR CROSSINGS

Before the commencement of the use, the vehicular crossover may need to be altered to service this development. An application for such work must be lodged on the approved form.

No work must be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

The new crossing must be constructed to Council standards by a contractor to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). The construction of the new crossover and driveway will be at the applicant's expense.

13. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites.

No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant.

The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

14. FILLING OF LAND

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

15. CONSTRUCTION OF RETAINING WALLS

All retaining walls, irrespective of height, located within 1.5 metres of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

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16. CONSTRUCTION PLAN APPROVAL

Prior to the commencement of works, detailed plans and specifications shall be submitted to the Council's Director Infrastructure Services for approval, identifying the proposed usage of My Street during the development.

17. AMENITY

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

18. DEMOLITION

The Developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary.
- b. not undertake any burning of waste materials on site.
- c. remove all rubbish from the site for disposal at a licensed refuse disposal site.

Dispose of any asbestos found during demolition in accordance with the Workplace Tasmania's 'Code of Practice for the Safe Removal of Asbestos'.

Notes

General

This permit was issued based on the proposal documents submitted for DA0483/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
 - b. *Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.*
 - c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
 - d. *Any other required approvals under this or any other Act are granted.*
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3.1 8 My Street, Launceston - Residential - single dwelling; demolish existing dwelling and construction of a new dwelling...(Cont'd)

Restrictive Covenants

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

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

Building Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Appeal Provisions

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

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

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

The Mayor announced that Council was acting as a Planning Authority.

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

**Michael Lowe spoke to this item
Michael Powel spoke to this item
Anna Diacopoulos spoke to this item
John McKenna spoke to this item
Claire Gregg spoke to this item
Heath Clayton spoke to this item.**

DECISION: 15/12/2014

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

The Mayor announced that Council was no longer acting as a Planning Authority.

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4 CLOSED COUNCIL

4.1 Report from General Manager's Contract and Performance Review Committee

RESOLUTION: (1):

Moved Alderman R Soward, seconded Alderman D McKenzie.

That Minute Item 4.1 be considered within closed session pursuant to the authority contained within regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2005*, which permits the meeting to be closed to the public for business relating to the following:

(a) as it concerns personnel matters.

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 11:0

Council moved into closed session at 1:45pm.

RESOLUTION: (2):

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That Council move out of closed session and endorse those decisions taken while in closed session.

CARRIED UNANIMOUSLY 11:0

5 MEETING CLOSURE

The Mayor closed the meeting at 2:15pm.
