



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 20 NOVEMBER 2017
1.00pm**

City of Launceston

COUNCIL MINUTES

Monday 20 November 2017

The Ordinary Meeting of the City of Launceston Council was held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 20 November 2017

Time: 1.00pm

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 Minutes Items for this Meeting.

A handwritten signature in black ink, appearing to be 'Michael Stretton', written over a circular stamp or seal.

Michael Stretton
General Manager

City of Launceston

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Present:	Alderman	A M van Zetten (Mayor)
		R L McKendrick
		R J Sands
		D H McKenzie
		J G Cox
		D C Gibson
		J Finlay
		D W Alexander
		S R F Wood
		E K Williams
		K P Stojansek

In Attendance:

- Mr M Stretton (General Manager)**
- Mr S G Eberhardt (Director Infrastructure Services)**
- Mrs L M Hurst (Director Development Services)**
- Mr B MacIsaac (Director Facilities Management)**
- Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery)**
- Mr P Gimpl (Acting Director Corporate Services)**
- Mr D E Sinfield (Director Major Projects)**
- Mr J A Davis (Manager Corporate Strategy)**
- Mrs A Rooney (Committee Clerk)**

Apologies: Alderman R I Soward (Deputy Mayor)

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Alderman A M van Zetten, opened the Meeting at 1.00pm and noted an apology from Deputy Mayor, Alderman R I Soward.

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - Section 48

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

No Declarations of Interest were identified as part of these Minutes

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 30 October 2017 be confirmed as a true and correct record.

DECISION: 20 November 2017

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

4 DEPUTATIONS

No Deputations were identified as part of these Minutes

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

5.1 Petition - Eat Street

FILE NO: SF0097

AUTHOR: John Davis (Manager Corporate Strategy)

GENERAL MANAGER: Michael Stretton (General Manager)

DECISION STATEMENT:

To consider a petition submitted by Mr Cameron Gallagher to retain the Food Vans on High Street, East Launceston.

RECOMMENDATION:

That Council:

1. Receive the petition from Mr Cameron Gallagher to retain the Food Vans on High Street East Launceston, and
 2. Note its decision of 30 October 2017 that included the recommendation that Council "Investigate a long term solution to support the operation of mobile food vans in the Launceston municipality that maximises public safety whilst maintaining community usage".
-

Mr M Stretton (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

6 COMMUNITY REPORTS

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

No Community Reports were registered with Council as part of these Minutes

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

No Public Questions on Notice were identified as part of these Minutes

7.2 Public Questions without Notice

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

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

7.2.1 Mr Basil Fitch - UTAS Land Transfer

- 1. Have the two land titles for the University of Tasmania at Inveresk and Willis Street sites been finalised?**

The Mayor, Alderman A M van Zetten, indicated that final documents have not yet been prepared or signed.

7.2.2 Mr Basil Fitch - York Park Precinct Sponsorship

- 1. How much is received in sponsorship for the York Park precinct?**

The Mayor, Alderman A M van Zetten, noted that this question would be Taken on Notice and included in the Council Agenda of 4 December 2017.

7.2.3 Mr Basil Fitch - Kings Meadows Traffic Issues

1. Will Council consider traffic issues at Kings Meadows?

The Mayor, Alderman A M van Zetten, indicated that this question would be Taken on Notice and included in the Council Agenda of 4 December 2017.

7.2.4 Mr Ron Baines - Tamar Street Vehicular Study

- 1. Will a similar study to traffic issues at Lindsay and Goderich Streets be undertaken for the intersection of Lindsay Street and Invermay Road opposite the Tamar Street roundabout?**

Mr S Eberhardt (Director Infrastructure Services) responded that money has been allocated in the 2017-2018 budget for the installation of traffic lights and no further investigation is planned.

7.2.5 Mr J Dickinson - Council Administration Issues Regarding Civic Square Toilet Facilities

1. How can the Council sign off on the toilet facilities if there is not a Tasmanian Heritage Council report available?

Mrs L Hurst (Director Development Services) noted that this question would be Taken on Notice and included in the Council Agenda of 4 December 2017.

2. If it has been signed off there is a limited time scale to respond and when will I be advised of the decision?

Mr Michael Stretton (General Manager) stated that the 14 day response period begins when receipt of the Council decision is received, so the response period does not commence until advice has been received.

3. Can I have a copy of the Tasmanian Heritage Council's report on this project?

The Mayor, Alderman A M van Zetten, indicated a report would be provided by Mrs L Hurst (Director Development Services).

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 car Spaces; General Retail and Hire - Retail Tenancy

FILE NO: DA0155/2017

AUTHOR: Duncan Payton (Town 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*.

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993*, a permit be granted for DA0155/2017, Residential - multiple dwellings; demolition of the existing cottages; construction and use of 30 multiple dwellings and 30 car spaces; General Retail and Hire - retail tenancy, at 4-6 Boland Street and 13 Tamar Street, Launceston subject to the following conditions:

1. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/00568-LCC).

2. ENDORSED PLANS & DOCUMENTS

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

- a. Cover, prepared by S. Group, drawing no. A01, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
 - b. Ground Floor / Site, prepared by S. Group, drawing no. A02, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
 - c. First Floor, prepared by S. Group, drawing no. A03, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
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8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)

- d. Elevations 01, prepared by S. Group, drawing no. A04, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- e. Elevations 02, prepared by S. Group, drawing no. A05, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- f. Elevation 03, prepared by S. Group, drawing no. A06, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED
- g. 13 Tamar Street Proposed, prepared by S. Group, drawing no. A07, project no. J002464 4-6 Boland St / 13 Tamar Street, revision D, dated 29/6/17
- h. 13 Tamar Street existing, prepared by S. Group, drawing no. A08, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
- i. 13 Tamar Street Roof plan, prepared by S. Group, drawing no. A09, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17
- j. Roof Plan, prepared by S. Group, drawing no. A10, project no. J002464 4-6 Boland Street / 13 Tamar Street, revision D, dated 29/6/17 AMENDED PLAN REQUIRED

3. AMENDED PLANS REQUIRED

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

- a. Redesigned 4th floor and 5th floor (rooftop) to provide a minimum setback of six (6) metres from the Boland Street frontage.
- b. The area within the setback, being the roof top of the 3rd floor, may be used as private open space.
- c. Alterations to the façade to remove vertical louvre features

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. CAR PARKING

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

6. LEGAL TITLE

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

- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**
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7. 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.

8. DRIVEWAY CONSTRUCTION

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

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

Parking areas and access lanes must be kept available for these purposes at all times.

9. REFUSE & RECYCLING COLLECTION ARRANGEMENT

Prior to the commencement of works, the applicant must provide written evidence of an agreement between the owner and a relevant contractor for the collection of refuse and recycling from the site. The relevant contractor may be the Council appointed contractor for refuse and recycling collection or other contractor engaged in the collection of refuse and/or recycling.

Collection will not be permitted to occur directly from Boland Street and bins must be located within the property boundary in the areas set aside for collection.

10. 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.

11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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

12. 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.

13. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

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

All redundant crossovers and driveways must be removed prior to the occupation of the development.

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

- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**

14. 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.

15. OCCUPATION OF ROAD RESERVE (COMPLEX)

Any works in the road reserve, or requiring the occupation of the road reserve, must be undertaken by, or under the supervision of a tradesman/contractor who is registered with Council as a "Registered Contractor".

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the Director Infrastructure Services is required. Application for the occupation of Boland Street must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to);

- The nature, dates and duration of the occupation and/or works,
- The contractors name and registration number,
- The traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- Any alternative pedestrian routes to be provided where the existing footpath in Boland Street is unavailable for use due to the delivery of materials such as the precast concrete panels
- Any temporary works required to maintain the serviceability of `the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- The nature, dates and duration of the occupation and/or works;
- The traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, Any alternative pedestrian routes to be provided where the existing footpath in Boland Street is unavailable for use due to the delivery of materials such as the precast concrete panels
- Any temporary works required to maintain the serviceability of the road or footpath,
- All remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

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

- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**
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16. 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.

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. SITE REMEDIATION AND VALIDATION

Prior to the commencement of any construction and/or use, a Remediation and Validation report that includes a statement that the land is suitable for the intended use, completed or reviewed by a certified Site Contamination Practitioner, must be submitted to the satisfaction of the Manager Environmental Services.

19. EXTERIOR AND SECURITY LIGHTING PLANNING

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting".

20. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

21. 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;
 - (d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania *'How to Safely Remove Asbestos' Code of Practice 2012* or any subsequent versions of the document
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- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)**
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Notes

A. Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2016. Section 225. A copy of this planning permit should be given to your Building Surveyor.

B. Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2016. 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.

C. General

This permit was issued based on the proposal documents submitted for DA0155/2017. 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.*

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

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 enquires as to whether the proposed development is effected, 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.

- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)
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E. Appeal Provisions

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

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

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

F. Permit Commencement

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

G. Acoustic Treatment

It is recommended that the proposed apartments are fitted with double glazing on windows and glass doors and adequate insulation is installed to minimise the potential for intrusive noise.

Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager Planning) and Mr D Payton (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr J Buist spoke for the item

- 8.1 4-6 Boland Street, 13 Tamar Street, and 13A Tamar Street, Launceston - Residential - Multiple Dwellings; Demolition of Existing Cottages; Construction and Use of 30 Multiple Dwellings and 30 Car Spaces; General Retail and Hire - Retail Tenancy ...(Cont'd)
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DECISION: 20 November 2017

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

COUNCIL MINUTES

Monday 20 November 2017

8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective)

FILE NO: DA0490/2017

AUTHOR: Iain More (Town 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:

DA0461/2009 - The previous approval was for the construction of a building including extensions to the rear of the dwelling and a carport, varying the side setback. This was approved under the superseded 1996 Planning Scheme. This development has been constructed to the relevant standard and does not form part of this application.

As part of this application a 600mm retaining wall to support the driveway was proposed. A 600mm retaining wall did not, and currently does not, require planning approval. However, as the actual constructed driveway retaining wall exceeded 600mm, it triggered the need for a planning permit, which is the subject of this application.

RECOMMENDATION:

That, in accordance with section 51 and section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0490/2017 - Residential - Single Dwelling; construction of retaining wall on boundary (retrospective) at 27 Benvenue Road, St Leonards subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- (a) Site Plan (Indicative Only) & Retaining Wall/Driveway Section Type, prepared by Brierley Consulting Engineers, Project No. 1703L, Drawing No. S02, Rev B, dated 18.09.17;
 - (b) Site Plan, indicating stormwater runoff; and
 - (c) Retaining wall side view
-

8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)

2. LEGAL TITLE

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

3. CONSTRUCTION OF RETAINING WALLS

All retaining walls above 0.5m high, located within 1.5m of the property boundaries, are to be designed, and where required, 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.

Notes

A. General

This permit was issued based on the proposal documents submitted for (DA0490/2017). 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 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.*

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)

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

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

D. Permit Commencement

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

E. Building and Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building Permit and Plumbing Permit pursuant to the Building Act 2016. 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.

Mrs L Hurst (Director Development Services) and Mr R Jamieson (Manager Planning) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr D Wrigley spoke against the item

Mr L Kettle spoke for the item

8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)

DECISION: 20 November 2017

MOTION 1

Moved Alderman D H McKenzie, seconded Alderman S R F Wood.

That the Motion, as per the Recommendation to Council, be adopted.

LOST 4:7

FOR VOTE: Mayor Alderman A M van Zetten, Alderman D H McKenzie, Alderman J Finlay and Alderman E K Williams

AGAINST VOTE: Alderman R L McKendrick, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman D W Alexander, Alderman S R F Wood and Alderman K P Stojansek

DECISION: 20 November 2017

MOTION 2

Moved Alderman D C Gibson, seconded Alderman D W Alexander.

That the item lay on the table to allow Council Officers an opportunity to prepare the words for a refusal motion.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

The item was laid on the table at 1.49pm

The item was taken off the table at 2.42pm

8.2 27 Benvenue Road, St Leonards - Residential - Single Dwelling; Construction of Retaining Wall on Boundary (Retrospective) ...(Cont'd)

DECISION: 20 November 2017

MOTION 3

Moved Alderman R L McKendrick, seconded Alderman R J Sands.

That, in accordance with section 51 and section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, DA0490/2017 for Residential - single dwelling - construction of a retaining wall at 27 Benvenue Road, St Leonards (retrospective) be refused on the following grounds:

The design and location for the retaining wall proposed has the potential to have an unacceptable impact on the physical integrity of structures on the adjoining property contrary to Clause 10.4.12 of the Launceston Interim Planning Scheme 2015.

CARRIED 7:4

FOR VOTE: Alderman R L McKendrick, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman D W Alexander, Alderman S R F Wood and Alderman K P Stojansek

AGAINST VOTE: Mayor Alderman A M van Zetten, Alderman D H McKenzie, Alderman J Finlay and Alderman E K Williams

8.3 Amendment 38 - Rezone Part of 42-50 McKellar Road, Newstead from Community Purpose Zone to General Residential Zone and Approve DA0198/2017 for the Residential Subdivision at 42-50 McKellar Road, Newstead into 14 lots

FILE NO: SF6616/DA0198/2017

AUTHOR: Duncan Payton (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an amendment to the Launceston Interim Planning Scheme 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council - 21 August 2017 - Agenda Item 8.5 - Council resolved to initiate Amendment 38 to the Launceston Interim Planning Scheme 2015 to:

- Rezone part of the land at 42-50 McKellar Road, Newstead from the Community Purpose Zone to the General Residential Zone; and

In accordance with section 43A of the *Land Use Planning and Approvals Act 1993*, to:

- Approve development application DA0198/2017 for the residential subdivision of the subject site at 42-50 McKellar Road, Newstead, into 14 lots plus road and consolidation of balance with 65 Amy Road, Newstead.

RECOMMENDATION:

That Council:

1. In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 38; and
 2. Provides advice to the Tasmanian Planning Commission that Amendment 38 be approved as certified and exhibited.
-

Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager Planning) and Mr D Payton (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

- 8.3 Amendment 38 - Rezone Part of 42-50 Mckellar Road, Newstead From Community Purpose Zone to General Residential Zone and Approve DA0198/2017 for the Residential Subdivision at 42-50 Mckellar Road, Newstead Into 14 Lots ...(Cont'd)
-

DECISION: 20 November 2017

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

COUNCIL MINUTES

Monday 20 November 2017

8.4 Amendment 39 - Site Specific Text Amendment to Include Residential (if for Multiple Dwellings) as a Discretionary Use in the Commercial Zone if at 45 Canning Street, Launceston (CT58444/1 (Flat 1))

FILE NO: SF6624

AUTHOR: Brian White (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To provide a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an amendment to the Launceston Interim Planning Scheme 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council - 7 August 2017 - Agenda Item 8.1 - Council resolved to initiate Amendment 39 to the Launceston Interim Planning Scheme 2015 to:

1. Insert the Residential use class, with the qualification 'if for multiple dwellings at 45 Canning Street, Launceston (CT58444/2 (Flat 1))' as a discretionary use in the Commercial Zone (Table 23.2) of the Launceston Interim Planning Scheme 2015.

RECOMMENDATION:

That Council:

1. In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that one representation was received during the public exhibition period for Amendment 39;
 2. Provides advice to the Tasmanian Planning Commission that the one representation received was in support of amendment 39 and as such does not consider that the amendment needs to be changed as a result of the representation;
 3. Provides advice to the Tasmanian Planning Commission that Amendment 39 was initially initiated in error under section 33(3) of the *Land Use Planning and Approvals Act 1993* but this is to be corrected and now initiated under section 34(1) of the *Land Use Planning and Approvals Act 1993*;
 4. Request that the Tasmanian Planning Commission extend the 35 days stipulated in section 39(2) of the *Land Use Planning and Approvals Act 1993* for receipt of this section 39 report; and
-

8.4 Amendment 39 - Site Specific Text Amendment to Include Residential (if for Multiple Dwellings) as a Discretionary Use in the Commercial Zone if at 45 Canning Street, Launceston (CT58444/1 (Flat 1)) ...(Cont'd)

5. Provides advice to the Tasmanian Planning Commission that it is the view of the Planning Authority that Amendment 39 be approved as exhibited.
-

Mrs L Hurst (Director Development Services) and Mr R Jamieson (Manager Planning) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows

FILE NO: DA0486/2017/SF6717

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

1. To decide whether to reject or exhibit Amendment 41 to insert the Educational and occasional care use into the Discretionary use column of Table 24.2 of the Light Industrial zone and to insert a site - specific qualification to allow the use to occur on land located at 18 Connector Park Drive, Kings Meadows if for trade, employment or transport related training and licensing on CT 154489/23; and
2. To make a decision on Development Application DA0486/2017 Educational and Occasional Care - Employment training centre; for trade, employment or transport related training and licensing; partial change of use 18 Connector Park Drive, Kings Meadows.

PREVIOUS COUNCIL CONSIDERATION:

DA0379/2008 - Subdivision - subdivide land into 13 lots (including balance land) plus roads

DA0494/2008 - Construction of a building - building to contain four tenancies for use as storage yard (builders yard and flooring contractor), warehouse and light industry (vary car parking requirements); Advertising sign - ground base signs

RECOMMENDATION:

That Council:

1. Pursuant to the former section 33 (3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 41 to the Launceston Interim Planning Scheme 2015 to insert the Educational and occasional care use into the Discretionary use column of Table 24.2 of the Light Industrial zone and to insert a site - specific qualification to allow the use to occur on land located at 18 Connector Park Drive, Kings Meadows if for trade, employment or transport related training and licensing.
-

8.5 Amendment 41 - Combined Permit and Text Amendment Insert the Educational and Occasional Care Use as a Discretionary Use in Table 24.2 and Insert a Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)

2. Pursuant to the former section 35 (1)(a) of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment as shown in Attachment 1.
3. Notify Council's decision of the Permit with the draft amendment under section 43F (3) and section 43F (1)(b).
4. Pursuant to section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0489/2017 Educational and Occasional Care - Employment training centre; partial change of use 18 Connector Park Drive, Kings Meadows subject to the following conditions subject to section 43C(3) of the *Land Use Planning and Approvals Act 1993*:

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. Planning report, Prepared by Commercial Project Delivery, pages 32 to 53, Dated September 2017.

2. LEGAL TITLE

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

3. AMENITY - COMMERCIAL/INDUSTRIAL USE

The on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

4. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/01584-LCC) (attached).

5. CAR PARK REQUIREMENT

Twelve car spaces, including one accessible space, is required for the proposed use.

8.5 Amendment 41 - Combined Permit And Text Amendment Insert The Educational And Occasional Care Use As A Discretionary Use In Table 24.2 And Insert A Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)

Notes

A. Occupancy Permit Required for Changed Use

Prior to the occupation of the premises, in the case where building work is not required, the applicant is required to attain an Occupancy Permit for the changed use of the building pursuant to the Building Act 2016 section 55.

B. General

This permit was issued based on the proposal documents submitted for DA0486/2017. 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.*

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

C. 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 enquires as to whether the proposed development is effected, 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.

D. 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.

8.5 Amendment 41 - Combined Permit And Text Amendment Insert The Educational And Occasional Care Use As A Discretionary Use In Table 24.2 And Insert A Site Specific Qualification - 18 Connector Park Drive, Kings Meadows ...(Cont'd)

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>>

E. Permit Commencement.

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

Mrs L Hurst (Director Development Services) and Mr R Jamieson (Manager Planning) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017

MOTION

Moved Alderman R L McKendrick, seconded Alderman J G Cox.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

The Mayor, Alderman A M van Zetten, noted that Council no longer sits as a Planning Authority.

9 ANNOUNCEMENTS BY THE MAYOR

9.1 Mayor's Announcements

FILE NO: SF2375

Monday 30 October 2017

- Attended Able Australia 50th Birthday Celebrations at Peppers Seaport

Wednesday 1 November 2017

- Attended the LGAT General Meeting at Wrest Point Casino
- Attended The Examiner's Junior Sports Awards at the Country Club Casino

Thursday 2 November 2017

- Attended Event for the new City of Launceston's General Manager at the Tasmanian College of the Arts, UTAS Inveresk
- Attended the Northern Expansion Strategic Partners and Transformation Campus Development Committee Dinner at Blue Café

Friday 3 November 2017

- Officiated at the launch of Asbestos Awareness Month in Tasmania in the Brisbane Street Mall
- Attended Gallery Pejean's 5th Anniversary Exhibition in George Street

Monday 6 November 2017

- Officiated at the Spirit of Tasmania Cycling Tour 2017 in Brisbane Street

Wednesday 8 November 2017

- Attended and fired race gun at the Spirit of Tasmania Cycling Tour 2017 at the Launceston Silverdome
- Attended Launceston College Graduation and Awards Ceremony at the Albert Hall

Thursday 9 November 2017

- Attended the launch of Community Transport Services Tasmania new Launceston Office & Expanding Services at 268 Invermay Road
 - Attended home of Joan Green OAM for an Order of Australia Function
-

9.1 Mayor's Announcements ...(Cont'd)

Saturday 11 November 2017

- Officiated at the Remembrance Day Commemorative Service at the Launceston Cenotaph
- Officiated at the Open State Titles for the Launceston BMX Club at the BMX Club at St Leonards
- Officiated at the Welcome to Finalists of the National Final of the Legacy Public Speaking Awards 2017 at the Town Hall
- Attended the St. Cecilia Grand End of Year Concert at the Albert Hall

Sunday 12 November 2017

- Attended the Annual Defence Sunday Service
- Attended the Launceston Cycling Festival around the City Park

Wednesday 15 November 2017

- Attended the Ambulance Tasmania Awards and Recognition Ceremony at the Tramshed Function Centre
- Attend the NAPLAN Awards 2017 at Brooks High School

Thursday 16 November 2017

- Attended the Multicap Grand Opening at 2 Pamela Court Summerhill
- Attended Theatre North's 2018 Subscription Season Launch at the Princess Theatre

Friday 17 November 2017

- Attended Scotch Oakburn's 100 years at Penquite Campus Celebration
- Officiated at Vinnie's Launch for the 2017 Christmas Appeal
- Officiated at Cityprom Christmas in the City in the Brisbane Street Mall

Saturday 18 November 2017

- Officiated at the Northern Motorcycle Riders Association Tasmania Inc Awareness Ride 2017

Sunday 19 November 2017

- Participated in Sally's Ride Challenge 2017 from the Royal Park
-

9.1 Mayor's Announcements ...(Cont'd)

Additionally, the Mayor:

- Presented a certificate to the City of Launceston for participation in Asbestos Awareness Month 2017 activities
 - Attended the opening of the new community transport service and noted the need and effectiveness of the service within the area
 - Whilst attending the Annual Defence Sunday Service the Mayor participated in a book launch and was presented with an ANZAC book noting the service of those in Launceston and the surrounding areas
-

10 ALDERMEN'S REPORTS

(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

10.1 Alderman D H McKenzie

- **Advised of the Launceston Airport award for Major Airport of the Year for the third year running**
- **Commented on substantial development activity within the City of Launceston and the positive impact it is having on the community**
- **Attended Theatre North's 2018 season launch which offers a diverse program**
- **Mentioned the Princess Theatre progressive dinner being held this week and encouraged attendance**

10.2 Alderman D C Gibson

- **Attended the City Mission 2017 Christmas Appeal launch and noted the increased need within the community for services such as this**
- **Noted that Carols by Candlelight, supported by the City of Launceston, will be held on 17 December 2017 in the City Park with all proceeds being donated to four local charities**

10.3 Alderman J Finlay

- **Attended the Smart City and City Deal Conference in Melbourne highlighting activities occurring in Launceston**

Alderman E K Williams withdrew from the Meeting at 1.56pm

Alderman E K Williams returned to the Meeting at 1.59pm

10.4 Alderman S R F Wood

- **Attended the ABLE Australia Community Kitchen event at the Inveresk Tavern**
- **Attended the final of the National Legacy Junior Speaking Awards held in Launceston which encourage speech writing and public speaking skills**
- **Attended Sally's Ride activities conducted by the Rotary Club of Central Launceston**

10.5 Alderman R L McKendrick

- **Attended the Launceston College Award presentations for 2017 at the Albert Hall**
 - **Mentioned the Dance Fever production being held in Launceston**
-

DECISION: 20 November 2017

MOTION

Moved Alderman D W Alexander, seconded Alderman R L McKendrick.

That Council move to discuss Agenda Item 15.1 - Application for Support - 2018 Rally Championships.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

Council moved to Agenda Item 15.1 - Application for Support - 2018 Rally Championships

15.1 Application for Support - 2018 Rally Championships**FILE NO:** SF5892**AUTHOR:** Tracey Mallett (Manager Community, Tourism and Events)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider an application for financial support of the 2018 Rally Championships from the Confederation of Australian Motor Sport Ltd.

RECOMMENDATION:

That Council agrees to provide a championships incentive of \$50,000 from the 2017-2018 Budget for the 2018 Rally Tasmania, to be held in Launceston from 2-5 August 2018.

Mrs L Hurst (Director Development Services) and Ms T Mallett (Manager Community, Tourism and Events) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr M Smith spoke for the item

DECISION: 20 November 2017

MOTION

Moved Alderman S R F Wood, seconded Alderman R L McKendrick.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 8:3

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman J Finlay, Alderman D W Alexander and Alderman S R F Wood

AGAINST VOTE: Alderman D C Gibson, Alderman E K Williams and Alderman K P Stojansek

11 QUESTIONS BY ALDERMEN

11.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

No Aldermen's Questions on Notice were identified as part of these Minutes

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

11.2.1 Aldermen D H McKenzie - Airbnb's Safety Issues

- 1. Will the Council consider investigation of safety issues relating to airbnbs?**

The Mayor, Alderman A M van Zetten, noted that this question would be Taken on Notice and included in the Council Agenda of 4 December 2017.

12 COMMITTEE REPORTS**12.1 Cataract Gorge Advisory Committee Meeting - 28 September 2017****FILE NO:** SF0839**AUTHOR:** Tricia De Leon-Hillier**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Cataract Gorge Advisory Committee Meeting held on 28 September 2017.

RECOMMENDATION:

That Council receives the report from the Cataract Gorge Advisory Committee Meeting held on 28 September 2017.

Mr S Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017**MOTION**

Moved Alderman J Finlay, seconded Alderman E K Williams.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

12.2 Pedestrian and Bike Committee Meeting - 17 October 2017**FILE NO:** SF0618**AUTHOR:** Cathy Williams (Built Environment Officer)**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Pedestrian and Bike Committee Meeting held on 17 October 2017.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 17 October 2017.

Mr S Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017**MOTION**

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

12.3 Audit Panel Meeting - 9 November 2017**FILE NO:** SF3611**DIRECTOR:** Paul Gimpl (Acting Director Corporate Services)

DECISION STATEMENT:

To receive a report from the Audit Panel following the Meeting on 9 November 2017.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 9 November 2017.

Mr P Gimpl (Acting Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017**MOTION**

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

13 COUNCIL WORKSHOPS

Council Workshops conducted on 13 November 2017 were:

- Rowing Tasmania
- Food Vans on Private Land
- Northern Tasmania Development Corporation Presentation
- Launceston Transport Strategy
- Annual Planning Presentation - Needs and Priorities

14 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Application for Support - 2018 Australian Rally Championships**

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 10 - Aldermen's Reports - on Page 38 of these Minutes.

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items were identified as part of these Minutes

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS

No Items were identified as part of these Minutes

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**18.1 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation Works****FILE NO:** 13866**AUTHOR:** Robert Holmes (Senior Property Advisor)**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To consider acquiring land for flood mitigation works.

RECOMMENDATION:

That Council:

1. under the *Land Acquisition Act 1993*, acquires for the authorised purpose of the undertaking of work, or the provision of access for the undertaking of work for the prevention, control or mitigation of a flood, an area of approximately 1900m² being part of CT 227251 Folio 1 and CT 198035 Folio 1 as indicated on the plan marked Attachment 1.
 2. determines that compensation payable for the acquisition be in accordance with the latest valuation advice or as otherwise determined by the General Manager.
-

Mr S Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017**MOTION**

Moved Alderman R J Sands, seconded Alderman R L McKendrick.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

18.2 Netball Courts - Acquisition of Leasehold Interest**FILE NO:** 49160**AUTHOR:** Robert Holmes (Senior Property Advisor)**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To consider acquiring land for flood mitigation works.

RECOMMENDATION:

That Council:

1. under the *Land Acquisition Act 1993*, acquires for the authorised purpose of the undertaking of work, or the provision of access for the undertaking of work for the prevention, control or mitigation of a flood, an area of approximately 350m² being part of the area leased to Northern Tasmanian Netball Association Incorporated as indicated on the plan marked Attachment 1.
 2. acquires the land by agreement in accordance with section 9 of the *Land Acquisition Act 1993*.
-

Mr S Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017**MOTION**

Moved Alderman J Finlay, seconded Alderman J G Cox.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

19 MAJOR PROJECTS DIRECTORATE ITEMS

No Items were identified as part of these Minutes

20 CORPORATE SERVICES DIRECTORATE ITEMS

20.1 Budget Amendments 2017/2018

FILE NO: SF3611/SF7024

DIRECTOR: Paul Gimpl (Acting Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2017/2018 Statutory Estimates.

This decision requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 9 November 2017 - Budget Amendments (for Council) and Funding Overview

RECOMMENDATION:

That Council:

1. Pursuant to section 82(4) of the *Local Government Act 1993*, approves the following amendments to the Statutory Estimates:
 - (a) Revenue
 - (i) the net decrease in revenue from external grants and contributions of \$112,063.
 - (b) Operating Expenditure
 - (i) a decrease in expenditure relating to the net transfers from operations to capital of \$34,310.
 - (c) Capital Works Expenditure
 - (i) the increase in expenditure from net transfers from operations to capital of \$34,310.
 - (ii) the net decrease in expenditure from external funds of \$112,063.
 2. Notes that amendments from point 1 result in:
 - (a) the operating surplus being amended to \$28.706m (including capital grants of \$27.345m) for 2017/2018.
 - (b) the capital budget being decreased to \$43.697m for 2017/2018.
-

Mr P Gimpl (Acting Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

20.1 Budget Amendments 2017/2018 ...(Cont'd)

DECISION: 20 November 2017**MOTION****Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**

20.2 Financial Report to Council - 30 September 2017**FILE NO:** SF3611**DIRECTOR:** Paul Gimpl (Acting Director Corporate Services)

DECISION STATEMENT:

To consider the Council's financial performance for the three months ended 30 September 2017.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 9 November 2017 - Financial Statements - Analysis and Commentary

RECOMMENDATION:

That Council adopts the financial report for the three months ended 30 September 2017 which shows an overall surplus of \$2.625m. After allowing for Financial Assistance Grant revenue received in June 2017 (\$2.104m), the underlying surplus was \$1.219m.

Mr P Gimpl (Acting Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 November 2017**MOTION**

Moved Alderman D H McKenzie, seconded Alderman J G Cox.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

21 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items were identified as part of these Minutes

22 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Minutes.

No Urgent Items were identified as part of these Minutes

23 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

23.1 Confirmation of the Minutes

The *Local Government (Meeting Procedures) Regulations 2015 - Regulation 34(6)* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

23.2 37 Birch Avenue, Newstead - Part Acquisition for Flood Mitigation Works

Closed Council consideration pursuant to the authority contained within Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
-

DECISION: 20 November 2017

MOTION

Moved Alderman R L McKendrick, seconded Alderman J G Cox.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

Council moved to Closed Session at 2.55pm

Council returned to Open Session at 2.56pm

24 MEETING CLOSURE

The Mayor, Alderman A M van Zetten, closed the Meeting at 2.56pm.
