



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 19 FEBRUARY 2018
1.00pm**

City of Launceston

COUNCIL MINUTES

Monday 19 February 2018

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

Date: 19 February 2018

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, consisting of a large, stylized 'M' followed by several vertical strokes and a final upward curve.

Michael Stretton
General Manager

City of Launceston

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Monday 19 February 2018

Present: **Alderman** **A M van Zetten (Mayor)**
 R I Soward (Deputy 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)
 Mrs L Foster (Director Corporate Services)
 Mr D E Sinfield (Director Major Projects)
 Mr J A Davis (Manager Corporate Strategy)
 Ms T Grayson (Administration Officer)

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Alderman A M van Zetten, opened the Meeting at 1.00pm.

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 5 February 2018 be confirmed as a true and correct record.

DECISION: 19 February 2018

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, 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

No Petitions were identified as part of these Minutes

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.)

7.1.1 Public Questions on Notice - Mr Basil Fitch - 5 February 2018**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Leanne Hurst (Director Development Services)

QUESTIONS and RESPONSES:

The following questions were submitted in writing by Mr Basil Fitch on 5 February 2018 refer to Agenda Item 8.6 - Amendment 43 - Text Amendment to the Invermay/Inveresk Flood Inundation Area Code to Allow for a Museum in the Riveredge Industrial Precinct from the Council Meeting of 22 January 2018 and have been answered by Mrs Leanne Hurst (Director Development Services).

Questions (typed as received):

1. *Has Item 8.6 been advertised in local paper and under Land Use Planning Act 1993 and if so, when and if not why not?*

Response:

Under the *Land Use Planning and Approvals Act 1993* (the Act), the intention to seek an amendment to a planning scheme is not advertised prior to a formal decision of the relevant Planning Authority (Council) to initiate such an amendment.

2. *Whose authority to Produce and Proceed Item 8.6?*

Response:

The request to amend the Launceston Interim Planning Scheme 2015 (the Scheme) was made by the City of Launceston, under the authority of the General Manager.

3. *According to report 8.6 this item has been placed on agenda on behalf of LCC. Why? Why not owner of land?*

Response:

The rationale for the request is outlined in the Agenda Report.

7.1.1 Public Questions on Notice - Mr Basil Fitch - 5 February 2018 ...(Cont'd)

4. *Why is Director of Development Services asking for Dispensation of Public Exhibition of Decision of Planning Commissioner and or Authority?*

Response:

The recommendation requests that delegation be given to the Director of Development Services to prepare the requisite paperwork to give effect to the decision of the Planning Authority.

As outlined in the Agenda Report, the City of Launceston has sought from the Tasmanian Planning Commission that it exercise its powers under section 37(1) of the Act to dispense with the requirement to advertise the amendment, for the reason that it was seeking to address an unintended anomaly in the Scheme. Whether that request is granted or otherwise is at the discretion of the Tasmanian Planning Commission.

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 - Soil Testing at the Velodrome and Willis Street Carpark

1. Who authorises the soil tests at the Velodrome and Willis Street?

Mr M Stretton (General Manager) responded that the University is engaging in preparatory works for the Velodrome and Willis Street.

7.2.2 Mr Basil Fitch - Show Society

- 1. Why does Council give Festivale \$40,000 and the Show Society \$10,000?**

The Mayor, Alderman A M van Zetten, responded that the Show Society gets the amount of funding that Council and the Aldermen believe is appropriate, based on criteria fulfilment.

- 2. Why did Council not allow the Show Society to put motorhomes on the site as it was expected to receive an income of \$70,000 a year?**

The Mayor, Alderman A M van Zetten, responded that this question would be Taken on Notice.

The Mayor, Alderman A M van Zetten, outlined that 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 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works

FILE NO: DA0672/2017

AUTHOR: John Ayers (Consultant 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* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0672/2017 Visitor Accommodation – hotel, Food Services – café/restaurant, Business and Professional Services - office; construction of a building to accommodate a hotel with subservient uses, a café/restaurant and office tenancy; associated works including demolition, provision of landscaping, fences, access and parking; associated works in the adjoining road reservations including removal of four kerbside parking spaces for the provision of vehicle crossings in Tamar Street and Cimitiere Street at Part 69-71 Cimitiere Street, Launceston (CT 206941/1, CT 206940/5, CT 67483/4, CT 46022/1, CT 46020/1 and Balance of Conveyance No. 4/3523) and adjoining land in the road reservations of Tamar Street and Cimitiere Street, in accordance with the endorsed plans and subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

The development and use must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Planning Authority except where modified by the other conditions of this permit.

- a. Plans prepared by Cumulus Studio Pty Ltd, New Construction of Hotel Verge, Project No. T16283, Rev. 1, Dated 14 December 2017 (Print Date), including the following drawings:
 - i. Cover Page, Drawing DA101.
 - ii. Location Plan, Drawing DA102.
 - iii. Site Demolition Plan, Drawing DA103.
 - iv. Site Plan, Drawing DA104.
 - v. Shadow Study, Drawing DA105.
-

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

- vi. Ground Floor Plan, Drawing DA201.
- vii. First Floor Plan, Drawing DA202.
- viii. Second Floor Plan, Drawing DA203.
- ix. Third Floor Plan, Drawing DA204.
- x. Fourth Floor Plan, Drawing DA205.
- xi. Fifth Floor Plan, Drawing DA206.
- xii. Roof Plan, Drawing DA207.
- xiii. Height Study, Drawing DA301.
- xiv. North East Elevations, Drawing DA302.
- xv. North West Elevations, Drawing DA303.
- xvi. South East Elevations, Drawing DA304.
- xvii. South West Elevations, Drawing DA305.
- xviii. Street Elevations, Drawing DA306.
- xix. Section AA, Drawing DA401.
- xx. Room Type (Type 1), Drawing DA501.
- xxi. Room Type (Type 2), Drawing DA502.
- xii. Room Type (Type 3), Drawing DA503.
- xiii. Room Type (Type 4), Drawing DA504.
- b. Landscape Plan, Prepared by Lindsay Campbell Landscape Services, The Verge Hotel, Dated December 2017.
- c. Hydraulic Services – Preliminary Site Services Concept for TasWater, Prepared by Johnstone McGee & Gandy Pty Ltd, Hotel Verge, 69 Cimitiere Street, Project No. J172238CL, Drawing SKH01, Rev. P1.
- d. Verge Hotel Sewer Flow Calculations.
- e. Verge Hotel PSD Water Calculations.
- f. CPD Planning Application, Prepared by Commercial Project Delivery, Hotel Verge – Part of 69-71 Cimitiere Street, Launceston, Rev. 2, Dated 4 January 2018.
- g. Site Investigation, Prepared by Environmental Service & Design, 69-71 Cimitiere Street and 44-50 Tamar Street, Launceston, Dated 15 December 2017.
- h. Traffic Impact Assessment, Prepared by Milan Prodanovic, Proposed Hotel Verge Development, 69-71 Cimitiere Street, Launceston, Dated December 2017.

2. TASWATER

The development must be undertaken in accordance with the conditions included on the TasWater Submission to Planning Authority Notice TWDA 2017/02011-LCC which forms part of this permit.

3. LEGAL TITLE

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

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

4. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and no works on Sunday or Public Holidays.

5. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. The construction of a new driveway from Tamar Street including any alterations to the existing bluestone kerbing to incorporate the new crossover.
 - ii. The Tamar Street driveway entrance is to provide a square entrance from Tamar Street to provide for right turn entry from Tamar Street and must include a height restriction signage and a flexible striker bar within the property boundary.
 - iii. A stormwater plan showing the collection of stormwater from all landscaped and paved areas and its conveyance to an approved point of discharge. (See TasWater conditions).
- b. is prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. is prepared by a suitably qualified and experienced engineer or engineering consultancy.
- d. is accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

6. WORKS WITHIN ROAD RESERVES

All works within the road reserves and those portions the council car park are to be undertaken in accordance with Council standards. Prior to commencing any works the applicant must prepare a detailed Traffic Management Plan specifying the following:

- The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions of the works
 - The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles
 - Any temporary works required to maintain the serviceability of the road or footpath
 - Any remedial works required to repair damage to the road reserve or car park resulting from the occupation
-

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

The Traffic Management Plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the Traffic Management Plan must be maintained on the site. Where the works are undertaken in the Central Activities Area, on arterial roads or within shopping centre precinct the Traffic Management Plan is to be submitted to the Infrastructure Services Directorate for approval two weeks prior to the scheduled commencement of the works. No works shall commence until the Traffic Management Plan has been approved.

7. CONSTRUCTION OF WORKS

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

- a. Stormwater
Provision of a drainage system to drain all driveways, footpaths and land draining onto the road reserve
 - b. Roads
 - i Construction of new access crossovers and driveways.
 - ii All necessary alterations to line marking, signage and other traffic control devices.
- All construction works must be undertaken in accordance with the relevant Australian standards and the LGAT-IPWEA Standard Drawings where applicable.

These documents specify:

- a. Construction requirements,
- b. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c. Construction Audit inspections,
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

8. CONSTRUCTION DOCUMENTATION

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

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

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

9. COMPLETION OF WORKS

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

10. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed prior to the use commencing; and
- c. Maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

11. NON REFLECTIVE EXTERIOR FINISH

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

12. PARKING AREAS

Areas set aside for vehicle parking and access on site as shown on the endorsed plans shall be designed to comply with the following:

- a. AS2890.1, Off-street car parking.
- b. AS 2890.3 – Bicycle parking facilities.
- c. AS2890.6 – Off-street parking for people with disabilities.
- d. Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

13. DELIVERY HOURS

Deliveries to and from the site by commercial vehicles (including trade waste collection) must only occur between 6.00am and 10.00pm.

14. DEDICATED LOADING/UNLOADING BAY

The loading bays shown on the endorsed plan must be kept unobstructed at all times.

15. DEMOLITION

The Developer must:

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

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

16. COMMERCIAL USE

The construction phase and 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.

17. EXTERIOR AND SECURITY LIGHTING

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

18. CONTAMINATED LAND

The applicant must comply with the Environmental Site Assessment Report prepared by Environmental Service & Design (Rodney Cooper) dated 15 December 2017. Excavation near the old underground petroleum storage system (UPSS) site must be undertaken in accordance with the required protection measures in relation to dermal contact of soil specified in the Environmental Site Assessment.

Any new information which comes to light during demolition or construction works, which has the potential to alter previous conclusions about site contamination, must be notified to Council and (Environmental Protection Authority if relevant) immediately upon discovery.

19. 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.

20. SIGN MAINTENANCE

The sign must be constructed and maintained in good condition to the satisfaction of the Council.

21. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

22. NO SIGN ILLUMINATION

The sign must not be floodlit or internally illuminated.

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

Notes**A. Food Premises**

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102

B. General

This permit was issued based on the proposal documents submitted for DA0672/2017. You should contact Council's Planning Department with any other use or developments, as they may require separate approval. 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 other approvals required 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. Appeal Provisions

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

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

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

D. Building Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building 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.

E. 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. A copy of this planning permit should be given to your Building Surveyor.

8.1 69-71 Cimitiere Street, Launceston - Construction of Verge Hotel Complex and Associated Works ...(Cont'd)

F. 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.

G. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager City Development) and Mr J Ayers (Consultant Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr Sam Tucker spoke for the Item

DECISION: 19 February 2018

MOTION

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

CARRIED 12:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, 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 19 February 2018

8.2 254 Charles Street, Launceston - Food Services - Restaurant; Change of Use; Signage

FILE NO: DA0558/2017

AUTHOR: Brian White (Graduate 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* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0558/2017 - Food Services - restaurant; change of use; signage at 254 Charles Street, Launceston subject to the following conditions:

1. 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

Plans 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. Elevations showing the proposed vertical exhaust fan which demonstrates that the structure is compatible with the historic cultural heritage significance of local heritage places and their settings in regard to roof form and materials.

2. MAINTENANCE AND REPAIR OF A HERITAGE BUILDING

Any maintenance and repair associated with the removal of the existing signage must choose materials and finishes that match or are similar to the materials and finishes that are being replaced.

3. EXHAUST FAN AND VENTILIATION SYSTEM

The exhaust fan and ventilation system must be installed and maintained to an acceptable level to prevent noise and odour emissions affecting occupiers of adjoining sensitive uses.

8.2 254 Charles Street, Launceston - Food Services - Restaurant; Change of Use; Signage ...(Cont'd)

4. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

5. COMMERCIAL VEHICLES

Commercial vehicles must only operate between:

6:00am and 10:00pm Monday to Friday;

7:00am to 5:00pm Saturday and Sunday.

6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and no works on Sunday or Public Holidays.

7. EXTERNAL FINISHES

All external materials, finishes and colours must be in accordance with the endorsed Schedule of Materials/Colours.

8. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2017/01733-LCC) (attached).

9. BUSINESS HOURS

The operation of the use, except for office and administration must be confined to:

- a. 6:00am and 10:00pm Monday to Sunday.

The exhaust fan and ventilation system must not be operated outside of those hours.

10. NO SIGN ILLUMINATION

The signs must not be floodlit or otherwise internally illuminated.

11. REMOVAL OF EXISTING SIGNS

Prior to the erection or display of the signs approved by this permit, all other signs on the subject land must be removed.

12. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

8.2 254 Charles Street, Launceston - Food Services - Restaurant; Change of Use; Signage ...(Cont'd)

13. ENDORSED PLANS AND DOCUMENTS

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

- a. Planning Submission, Prepared by Metier Planning and Development.
- b. Site Plan, Prepared by Cumulus Studio, Drawing No. T17351-da02, Dated 23/10/2017.
- c. Existing Ground Floor Plan, Prepared by Cumulus Studio, Drawing No. T17351-da03, Dated 23/10/2017.
- d. Demolition Plan, Prepared by Cumulus Studio, Drawing No. T17351-da04, Dated 23/10/2017.
- e. Proposed Ground Floor Plan, Prepared by Cumulus Studio, Drawing No. T17351-da05, Dated 23/10/2017.
- f. East Elevation_ Existing + Proposed, Prepared by Cumulus Studio, Drawing No. T17351-da05, Dated 23/10/2017, (Amended Plans Required).
- g. North Elevation_ Existing + Proposed, Prepared by Cumulus Studio, Drawing No. T17351-da07, Dated 23/10/2017, (Amended Plans Required).
- h. Noise and Odour Impact Assessment, Prepared by Tarkarri Engineering, Dated 21/12/2017.
- i. Addendum to Noise and Odour Impact Assessment, Prepared by Tarkarri Engineering, Dated 2/1/2018.

14. LEGAL TITLE

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

15. 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.

16. 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.

8.2 254 Charles Street, Launceston - Food Services - Restaurant; Change of Use; Signage ...(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.

17. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and 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.

Notes**A. Building Permit Required**

Prior to the commencement of any construction the applicant is required to attain a Building 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.

B. 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.

C. 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.

D. General

This permit was issued based on the proposal documents submitted for DA0558/2017. 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.

8.2 254 Charles Street, Launceston - Food Services - Restaurant; Change of Use; Signage ...(Cont'd)

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.

E. 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.

F. 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>>

G. 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.

COUNCIL MINUTES

Monday 19 February 2018

8.2 254 Charles Street, Launceston - Food Services - Restaurant; Change of Use; Signage ...(Cont'd)

H. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

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

Ms Claire Gregg spoke for the Item

DECISION: 19 February 2018

MOTION

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

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

CARRIED 12:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, 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, announced that Council no longer sits as a Planning Authority.

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO: SF2375**

Monday 5 February 2018

- Attended Farewell Reception for Professor Mike Calford at the Academy Gallery, School of Creative Arts, Inveresk Campus

Wednesday 7 February 2018

- Welcomed Baton Bearers for Queen's Baton Relay for the Gold Coast Commonwealth Games in the Civic Square
- Attended Launceston Church Grammar School's Commissioning of Mr Richard Ford, LCGS new Headmaster at St John's Church

Friday 9 February 2018

- Attended the New Horizon Club's Fundraiser at Boags Brewery

Sunday 11 February 2018

- Officiated at the Launceston International Tennis Singles Finals and luncheon at the Launceston Regional Tennis Centre
- Assisted with trophy presentations at the Henley Regatta at Royal Park

Tuesday 13 February 2018

- Attended the Launceston Alive 2018 Easter Vision Launch Breakfast for Christian Leaders at St John's Parish Centre
- Officiated at the launch of the Refugee Employment Pathways trial at the Northern Integrated Care Services

Friday 16 February 2018

- Attended the official opening of the Queen Victoria Museum and Art Gallery's new exhibition, Our Chinese Treasures: the Wong Collection at QVMAG
- Attended Dinner to mark the opening of the Exhibition Our Chinese Treasures at MeWah Restaurant

-
- **The Mayor also presented an award from the Festivale Committee in recognition of the support provided by Council.**
-

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.)

No Aldermen's Reports were identified as part of these Minutes

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 Alderman D C Gibson - Heritage Interpretation Strategy

1. How much money and time is Council spending on consultants for heritage interpretation?

The Mayor, Alderman A M van Zetten, responded that this question would be Taken on Notice.

2. How is Council's heritage interpretation fitting into the current wayfinding strategy?

The Mayor, Alderman A M van Zetten, responded that this question would be Taken on Notice.

11.2.2 Alderman D C Gibson - Plastic Free Launceston

1. **What is Council doing to assist with the reduction of plastics in Launceston?**

The Mayor, Alderman A M van Zetten, responded that this question would be Taken on Notice.

2. **Has Council considered conducting a Workshop on a Plastic Free Launceston?**

The Mayor, Alderman A M van Zetten, responded that this question would be Taken on Notice.

12 COMMITTEE REPORTS

No Committee Reports were identified as part of these Minutes

13 COUNCIL WORKSHOPS

Council Workshops conducted on 12 February 2018 were:

- UTAS Update
- Towards a Cultural Strategy for Launceston
- Rural Living Zone Densities Project Briefing
- Tamar River Open Space Zones Project Briefing
- Industrial Zones Project Briefing
- 2018 Workshop Planning
- North Bank Naming Briefing

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

No Items were identified as part 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

No Items were identified as part of these Minutes

19 MAJOR PROJECTS DIRECTORATE ITEMS

No Items were identified as part of these Minutes

20 CORPORATE SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

21 GENERAL MANAGER'S DIRECTORATE ITEMS**21.1 2 Invermay Road - Transfer of Land to University of Tasmania****FILE NO:** 113640/SF2385/3364**AUTHOR:** Robert Holmes (Senior Property Advisor)**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To confirm details of the transfer of land to the University of Tasmania at Inveresk. Such decision must be made by an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 17 December 2012 - Agenda Item 5.1 - University of Tasmania Student Accommodation as the Inveresk Precinct

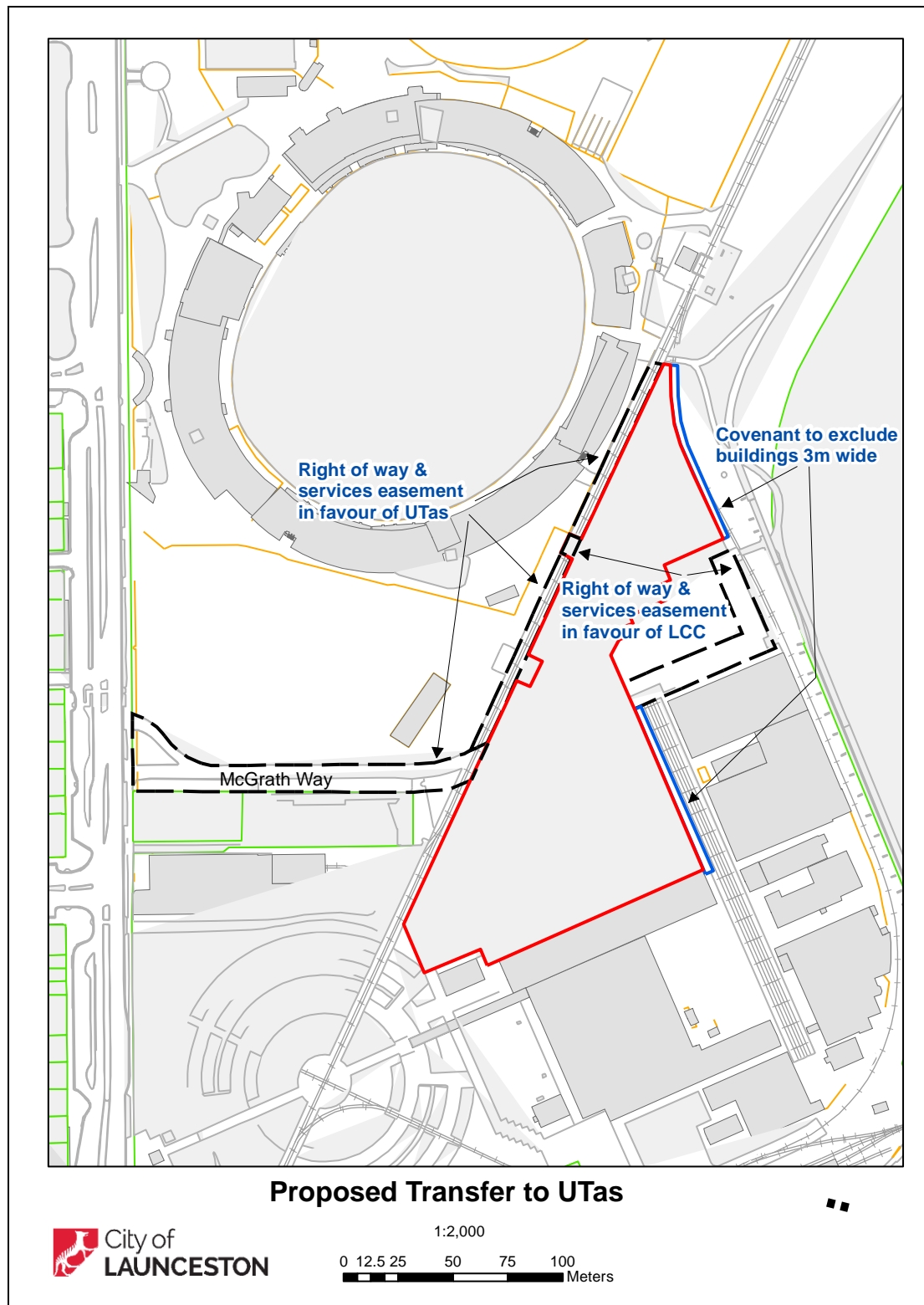
Council - 15 April 2013 - Agenda Item 19.1 - 2 Invermay Road - Transfer of Land to University of Tasmania

RECOMMENDATION(S):

That, Council:

1. in accordance with the requirements of Section 177 (2) of the *Local Government Act 1993*, notes the valuation advice presented in closed session of this Council meeting; and
 2. authorises the transfer to the University of Tasmania for nominal consideration the areas of land outlined in red on the plan below together with the creation of the various rights of way, services easements and building exclusion covenants; and
 3. authorises the General Manager to enter into any Part 5 agreement required to facilitate approval of the subdivision and to protect Council's interests contained in the Memorandum of Understanding entered into with the University of Tasmania, and
 4. notes the proposal to name the section of the right of way that runs off Invermay Road beside the "old bike track lot". The proposed name is McGrath Way. The formal allocation of such name will be referred back to a future meeting of Council.
-

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)



21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)

Mr M Stretton (General Manager) and Mr R Holmes (Senior Property Advisor) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr Basil Fitch spoke against the Item

DECISION: 19 February 2018

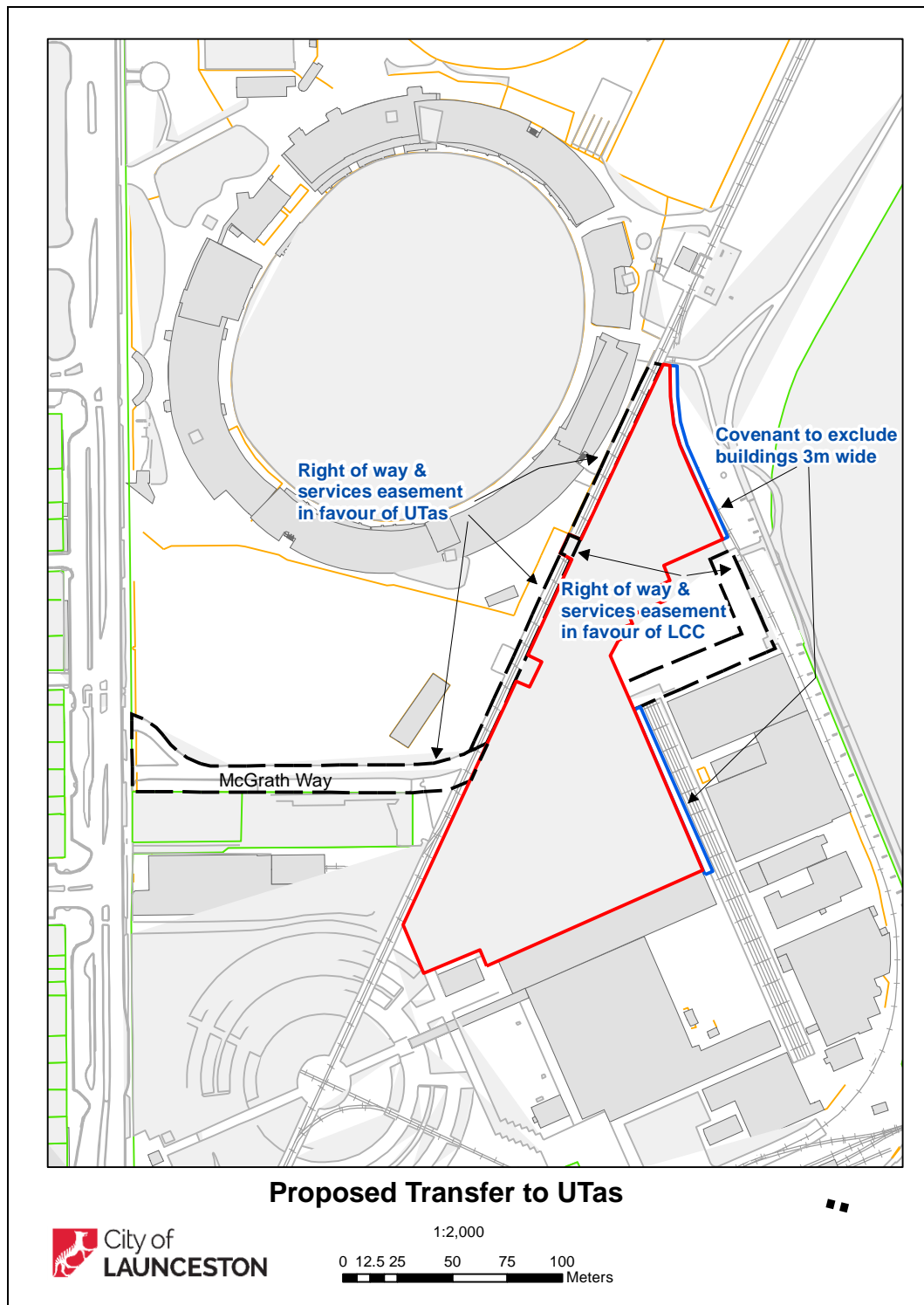
MOTION 1

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

That Council:

1. consistent with the Memorandum of Understanding dated November 2013, in accordance with the requirements of section 177 (2) of the *Local Government Act 1993*, notes the valuation advice presented in closed session of this Council meeting; and
 2. authorises the transfer to the University of Tasmania for nominal consideration the areas of land outlined in red on the plan below together with the creation of the various rights of way, services easements and building exclusion covenants; and
 3. authorises the General Manager to enter into any Part 5 agreement required to facilitate approval of the subdivision and to protect Council's interests contained in the Memorandum of Understanding entered into with the University of Tasmania.
-

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)



**NO VOTE WAS TAKEN AS THE MOTION WAS AMENDED
WITH THE PERMISSION OF THE MOVER AND SECONDER**

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)

DECISION: 19 February 2018

MOTION 2

Moved Alderman J Finlay, seconded Alderman D C Gibson.

That the Council move into Closed Session to consider questions of a commercial in confidence nature regarding this item.

CARRIED 11:1

FOR VOTE: Deputy Mayor Alderman R I Soward, 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
AGAINST VOTE: Mayor Alderman A M van Zetten

Council moved into Closed Session at 1.38pm.

Council returned to Open Session at 2.01pm.

DECISION: 19 February 2018

MOTION 3

Moved Alderman J Finlay, seconded Alderman D W Alexander.

That the Item lay on the table, to allow officers to provide advice on a further clause to be added to the agreement and included in the motion.

CARRIED 12:0

FOR VOTE: Deputy Mayor Alderman R I Soward, 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 lay on the Table at 2.15pm.

Council adjourned for a break at 2.24pm.

Council resumed following the break at 2.29pm.

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)

Alderman J Finlay, Alderman E K Williams and Alderman K P Stojansek were not in attendance at the resumption of the Meeting at 2.31pm.

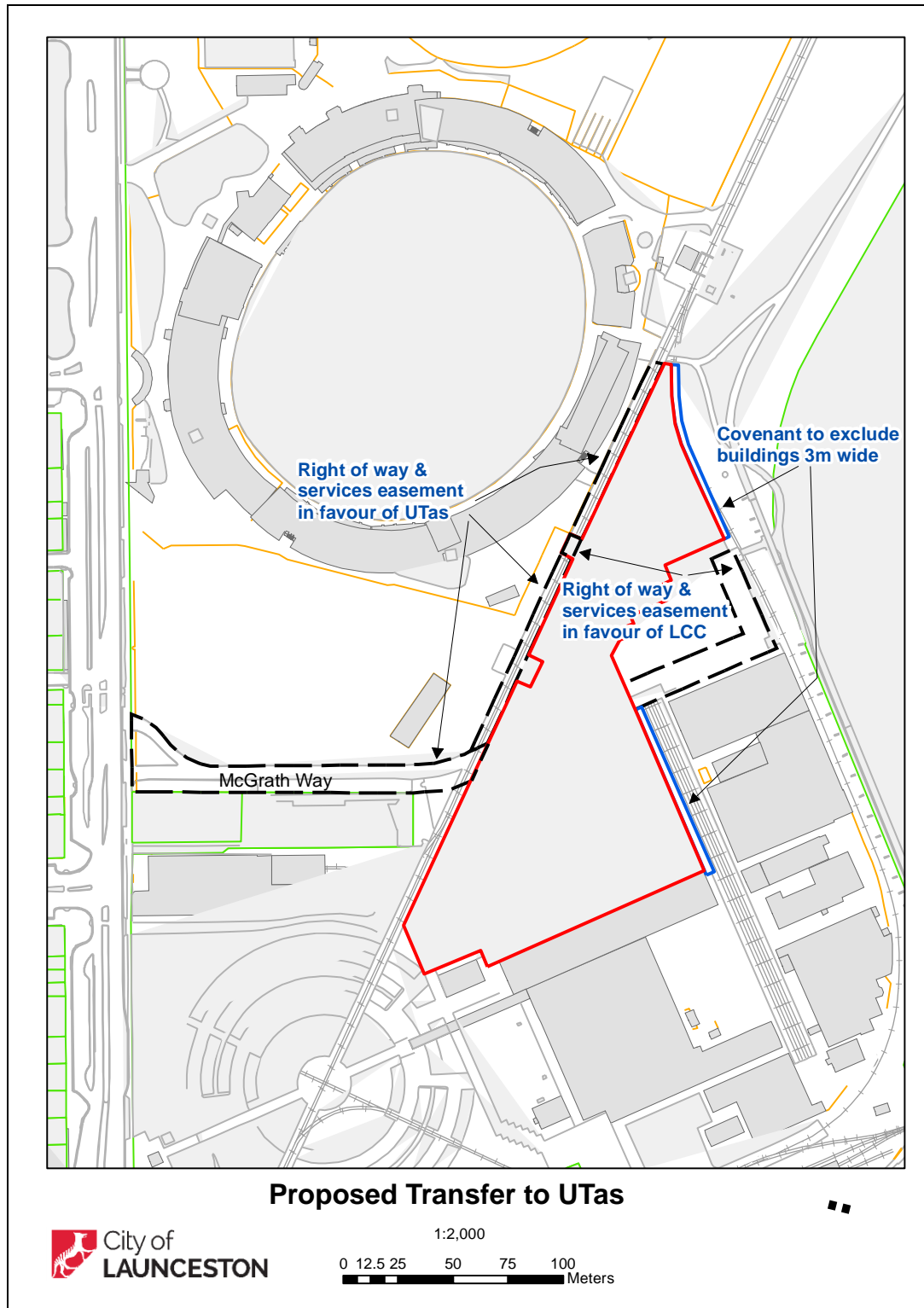
DECISION: 19 February 2018**MOTION 4**

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

That, Council:

1. consistent with the Memorandum of Understanding dated November 2013, in accordance with the requirements of section 177 (2) of the *Local Government Act 1993*, notes the valuation advice presented in closed session of this Council meeting; and
 2. authorises the transfer to the University of Tasmania for nominal consideration the areas of land outlined in red on the plan below together with the creation of the various rights of way, services easements and building exclusion covenants; and
 3. enters into an agreement with the University of Tasmania that, if at any time, it is intended by the University of Tasmania to sell, lease or licence the land transferred from the City of Launceston or any part of it so that the land or any part of it is not intended to be used at all times for educational purposes, then the Launceston City Council shall be entitled to claim from the University of Tasmania equivalent compensation to the assessed value of the land by licensed valuation at the time the initial transfer of title was completed plus annual Consumer Price Index increases; and
 4. authorises the General Manager to enter into any Part 5 agreement required to facilitate approval of the subdivision and to protect Council's interests contained in the Memorandum of Understanding entered into with the University of Tasmania.
-

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)



NO VOTE WAS TAKEN AS AN ALTERNATE MOTION WAS PUT

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)

DECISION: 19 February 2018

MOTION 5

Moved Alderman J Finlay, seconded Alderman K P Stojansek.

That the item lay on the table to allow further discussion on this item to take place in a future Council Workshop.

LOST 4:8

FOR VOTE: Alderman D C Gibson, Alderman J Finlay, Alderman E K Williams and Alderman K P Stojansek

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

DECISION: 19 February 2018

MOTION 6

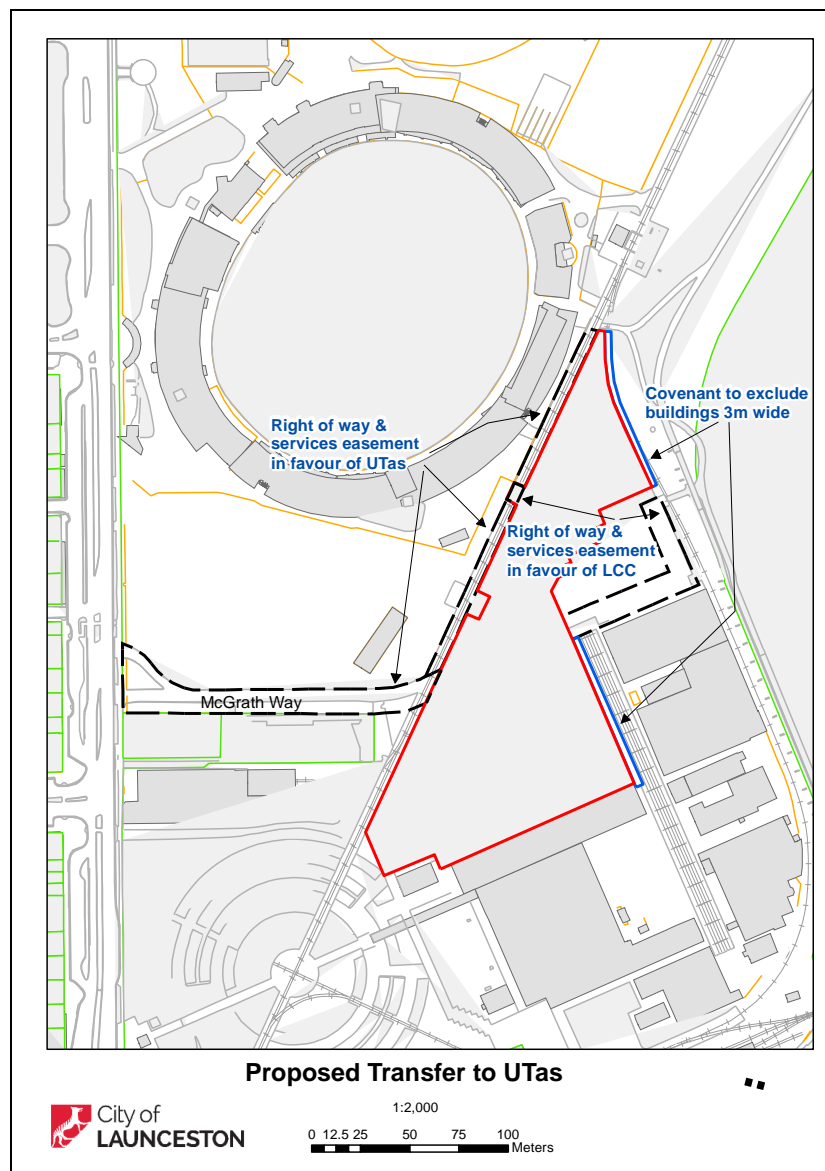
Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That Council:

1. consistent with the Memorandum of Understanding dated November 2013, in accordance with the requirements of section 177 (2) of the *Local Government Act 1993*, notes the valuation advice presented in closed session of this Council meeting; and
 2. authorises the transfer to the University of Tasmania for nominal consideration the areas of land outlined in red on the plan below together with the creation of the various rights of way, services easements and building exclusion covenants; and
 3. enters into an agreement with the University of Tasmania that, if at any time, it is intended by the University of Tasmania to sell, lease or licence the land transferred from the City of Launceston or any part of it so that the land or any part of it is not intended to be used at all times for educational purposes, then the Launceston City Council shall be entitled to claim from the University of Tasmania equivalent compensation to the assessed value of the land by licensed valuation at the time the initial transfer of title was completed plus annual Consumer Price Index increases; and
-

21.1 2 Invermay Road - Transfer of Land to University of Tasmania ...(Cont'd)

4. authorises the General Manager to enter into any Part 5 agreement required to facilitate approval of the subdivision and to protect Council's interests contained in the Memorandum of Understanding entered into with the University of Tasmania.



CARRIED 9:3

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, 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

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)

RECOMMENDATION:

That, pursuant to the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session to consider the following matters:

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 Rate Debt Summary

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.3 Rate Debt 1

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.4 Rate Debt 2

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.5 Rate Debt 3

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.6 Rate Debt 4

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.7 Rate Debt 5

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.8 Rate Debt 6

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.9 Rate Debt 7

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.10 Rate Debt 8

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.11 Rate Debt 9

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.12 Rate Debt 10

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.13 Rate Debt 11

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.14 Rate Debt 12

Regulation 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

23.15 2 Invermay Road - Transfer of Land to University of Tasmania

Regulation 15(2)(f) proposals for the council to acquire land or an interest in land or for the disposal of land.

DECISION: 19 February 2018

MOTION

Moved Alderman R L McKendrick, seconded Alderman R I Soward.

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

CARRIED 12:0

FOR VOTE: Deputy Mayor Alderman R I Soward, 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 2.41pm.

Council returned to Open Session at 2.44pm.

24 MEETING CLOSURE

The Mayor, Alderman A M van Zetten, closed the meeting at 2.44pm.