



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 6 DECEMBER 2018
1.00pm**

City of Launceston

COUNCIL MINUTES

Thursday 6 December 2018

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

Date: 6 December 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, appearing to be 'Michael Stretton', written over a faint circular stamp or watermark.

Michael Stretton
General Manager

City of Launceston

COUNCIL MINUTES

Thursday 6 December 2018

Present: **Alderman** **A M van Zetten (Mayor)**
D C Gibson (Deputy Mayor)
J Finlay
A E Dawkins
N D Daking
D H McKenzie
K P Stojansek
R I Soward
A G Harris
T G Walker

In Attendance: **Mr M Stretton (General Manager)**
Mr S G Eberhardt (Director Infrastructure Services)
Mr R Jamieson (Manager City Development)
Mr B Maclsaac (Director Facilities Management)
Ms T Puklowski (Director Creative Arts and Cultural Services)
Ms L Foster (Director Corporate Services)
Mr P Gimpl (Chief Financial Officer)
Mrs A Rooney (Committee Clerk)

Apologies: **Alderman** **J G Cox**

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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 Alderman J G Cox.

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.)

Alderman D C Gibson declared an interest in Agenda Item 8.2 - 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings

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 22 November 2018 be confirmed as a true and correct record.

DECISION: 6 December 2018**MOTION**

Moved Alderman R I Soward, 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, Deputy Mayor Alderman D C Gibson, Alderman J Finlay, Alderman A E Dawkins, Alderman N D Daking, Alderman D H McKenzie, Alderman K P Stojansek, Alderman R I Soward, Alderman P S Spencer, Alderman A G Harris and Alderman T G Walker

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.)

6.1 Mr Brian Watson - Returned Services League of Australia - Northern Midlands Sub Branch - Centenary of Armistice Commemoration Dinner

Mr Watson thanked the City of Launceston for its financial support and presented both the Council and Council Officer Cherie Holmes with a commemorative plaque in appreciation.

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 - 22 November 2018**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following questions were submitted in writing to Council on 22 November 2018 by Mr Basil Fitch and have been answered by listed Council Officers.

Questions (typed as received):

1. Did the contractors of the Mall and Civic Square receive an incentive bonus to complete work earlier than date on contract?

Response:

(Shane Eberhardt - Director Infrastructure Services)

With regard to the specific detail of the contractual agreement for the Brisbane Street Mall project, it can be confirmed that this agreement does contain both incentive and penalty clauses with respect to the completion date of the works. The contractual agreement for Civic Square included a penalty clause. These are a standard provision of the Australian Standards form of contract used for this project.

The specific detail of this (or any) contractual agreement between the Council and another party is considered commercial-in-confidence information.

Question:

2. Will Council hold a post mortem on the manner the 2018 election was held and associated matters pertaining to same. I ask for invitation to Workshop or Public Forum to give evidence?

Response:

(Louise Foster - Director Corporate Services)

The 2018 Local Government elections were conducted by the Tasmanian Electoral Commission and the decision to hold a Public Forum or Workshop regarding the manner in which they were conducted lies with that organisation.

7.1.1 Public Questions on Notice - Mr Basil Fitch - 22 November 2018 ...(Cont'd)

Question:

3. Notice of Motion by Mayor to review parking in CBD a public meeting be held to get all peoples views either present or submission in writing?

Response:

(Bruce MacIsaac - Director Facilities Management)

Council has resolved to receive an evidence based report responding to the proposal that Council provide the first 60-90 minutes parking in our multi deck carparks at no charge. This report is to be received within three months and if Council decides to pursue the proposal, appropriate engagement and communications will be undertaken at that time.

Question:

4. How much money does the Council owe in loan debts. How much is in reserve a/c and has the \$10.5m loan from Treasurer Gutwein been activated from investment?

Response:

Louise Foster - Director Corporate Services)

As at 30 September 2018, the Council owed \$9.769m - \$9m of this amount is interest free and the \$0.769m amount will be paid in full by 30 June 2019, leaving only the \$9m interest free loan remaining. These figures and a more detailed explanation were presented in the 22 November 2018 Council Agenda - Agenda Item 19.4 - Financial Report to Council - 30 September 2018. Under the Northern Economic Stimulus Package (NESP) the State Government approved interest free loans up to \$19.5m. Currently Council has only borrowed (interest free) \$9m for the CH Smith car park. The Council has not borrowed the remaining \$10.5m still available under NESP, however, the Council may choose to borrow \$4.2m (interest free) for the St John Street Redevelopment project. The Council has the required cash in reserve to repay the interest free NESP loans when they fall due.

7.1.1 Public Questions on Notice - Mr Basil Fitch - 22 November 2018 ...(Cont'd)

Question:

5. Have all Aldermen received a copy of *Local Gov Act 1993*, Code of Conduct and any other regulations, planning, etc?

Response:

(Louise Foster - Director Corporate Services)

Following the election and the Declarations of Office by current Aldermen, the City of Launceston conducted a two-day induction session for Aldermen at which relevant internal policies and procedures and legislation was provided.

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 - Fire Levy Collection

- 1. Is Council going to refund the fire levy to not-for-profit organisations for the 2017/2018 financial year in view of the recent Supreme Court ruling?**

The Mayor, Alderman A M van Zetten, responded by saying that the question was answered at the last Meeting and the response appears in the current Agenda.

7.2.2 Mr Basil Fitch - Local Government Elections

1. Will Council consider all aspects as to the manner in which the recent local government elections were conducted in light of Alderman Soward's valid complaints raised in the press?

The Mayor, Alderman A M van Zetten, responded by saying that if Aldermen felt the need to raise the issue as a concern, it was a decision to be made by individual Aldermen.

7.2.3 Mr Basil Fitch - University of Tasmania Relocation Cost Increase

1. Why has the cost of the University of Tasmania relocation project risen by \$200million?

The Mayor, Alderman A M van Zetten, replied by saying that is a matter to be taken up with the University of Tasmania.

7.2.4 Mr Jim Dickenson - Building Heights in the Launceston CBD

- 1. With respect to the report provided by Paul Davies regarding the height of street façade buildings, will the decision be deferred?**

The Mayor, Alderman A M van Zetten, responded by saying that the decision would be deferred.

Mr Michael Stretton (General Manager) also added that the item listed in today's Agenda - Agenda Item 15.1 - Launceston Building Heights and Massing Study Consultation - has been withdrawn to allow further discussions with to occur.

7.2.5 Mr Jim Dickenson - Invermay Traffic Masterplan

- 1. Why, when referring to traffic lights at the intersection of Goderich and Gleadow Streets, did the answer to an enquiry to Council Officers reference the University of Tasmania when clearly the lights at that intersection not dependent on the University of Tasmania?**

Mr Shane Eberhardt (Director Infrastructure Services) responded by saying that the response received from Council Officers would be reviewed. The Invermay Traffic Masterplan is a response to a number of developments within the area, for example, Riverbend Park, the University of Tasmania and the Silo Hotel, however, the traffic signals referred to are not directly impacted by the University of Tasmania alone.

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 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground

FILE NO: DA0540/2018

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:

Council - 22 November 2018 - Agenda Item 8.1 - 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground

The Development Application was considered by the Council at its Meeting on 22 November 2018, and it was decided to defer determination of the application to a later date. Accordingly, the applicant agreed to an extension of time until Thursday 6 December 2018 to allow a decision to be made at the following Council meeting.

The owner has provided a response to the concerns raised in the representations and by the Alderman, which is included as Attachment 7. In this response, the owner has committed that all users of the site will be notified of the access arrangements as well as bushfire conditions. Additionally, signage will be placed at the access/egress to remind users of the left/in, left/out arrangements.

Whilst it is acknowledged that the Council has reservations in respect to the traffic arrangements proposed as part of the development, the responsible Road Authority for the East Tamar Highway (Department of State Growth) has consented to the arrangement, thus satisfying the provisions of the Interim Planning Scheme. Accordingly, should Council make a decision which is contrary to the Road Authority advice, it would not accord with the Planning Scheme.

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

Advice from the Council's Senior Corporate Legal Counsel, is that in general terms, when it becomes clear that a Council decision does not follow the planning scheme, and that decision was also taken contrary to planning advice, then the appeal decision is usually followed by a costs order against Council. The order of magnitude is usually in the tens of thousands of dollars if the permit goes to a full appeal. Without at least a contrary opinion from a traffic management expert, the prospects of success under appeal are very, very low.

RECOMMENDATION:

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 DA540/2018 - Visitor Accommodation - Change of use to caravan park/camp ground at 2147 East Tamar Highway, Mount Direction subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- (a) Camping Site No. 1 Layout Map, Prepared by GPM, Dated 17/10/2018; and
- (b) Camping Site No. 2 Layout Map, Prepared by GPM, Dated 17/10/2018; and
- (c) Traffic Assessment, Proposed Caravan park 2147 East Tamar Highway, Mount Direction, prepared by Terry Eaton, Dated April 2017.

2. PRIORITY HABITAT

No clearing of any priority habitat is to occur on the subject site. If clearing does occur a new application may be required.

3. DEPARTMENT OF STATE GROWTH

On receipt of an approved Planning Permit, the Developer must provide a written request to the Department of State Growth's Property Assets Section (Property.Assets@stategrowth.tas.gov.au <mailto:Property.Assets@stategrowth.tas.gov.au>) to facilitate amendment of the current Limited Access licence details and conditions for the subject property title.

4. NUMBER OF OCCUPANTS

The use is restricted to 30 caravans and motorhomes.

5. ACCESS

Access and egress to and from the site must maintain left in and left out only, as required by the Traffic Assessment endorsed as part of this approval.

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

6. LEGAL TITLE

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

7. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01582-LCC dated 01/10/2018, and attached to the permit.

8. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am - 6.00pm

Saturday - 9.00am - 6.00pm

Sundays and Public Holidays - 10.00am - 6.00pm

9. 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.

10. NO BURNING OF WASTE

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

11. 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.

12. DIRECTIONAL SIGNAGE

Prior to the commencement of use, directional signage clearly communicating the access arrangements, including the left in left out requirement, must be provided to Council and approved by the Manager of City Development. Approved direction signs must be installed prior to use commencing.

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0540/2018. 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 withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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 affected, restricted or prohibited by any such covenant.

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the 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>

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

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.

If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit.

The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage.

Also, a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.

Mr R Jamieson (Manager City Development) and Mr I More (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

**Mr Craig McKenzie spoke for the item
Mr James Carroll spoke against the item
Mr John McLaine spoke against the item**

DECISION: 6 December 2018**MOTION**

Moved Alderman T G Walker, seconded Alderman A G Harris.

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 DA540/2018 - Visitor Accommodation - Change of use to caravan park/camp ground at 2147 East Tamar Highway, Mount Direction subject to the following conditions:

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

1. ENDORSED PLANS & DOCUMENTS

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

- (a) Camping Site No. 1 Layout Map, Prepared by GPM, Dated 17/10/2018; and
- (b) Camping Site No. 2 Layout Map, Prepared by GPM, Dated 17/10/2018; and
- (c) Traffic Assessment, Proposed Caravan park 2147 East Tamar Highway, Mount Direction, prepared by Terry Eaton, Dated April 2017.

2. PRIORITY HABITAT

No clearing of any priority habitat is to occur on the subject site. If clearing does occur a new application may be required.

3. DEPARTMENT OF STATE GROWTH

On receipt of an approved Planning Permit, the Developer must provide a written request to the Department of State Growth's Property Assets Section (Property.Assets@stategrowth.tas.gov.au
mailto:Property.Assets@stategrowth.tas.gov.au) to facilitate amendment of the current Limited Access licence details and conditions for the subject property title.

4. NUMBER OF OCCUPANTS

The use is restricted to 30 caravans and motorhomes.

5. ACCESS

Access and egress to and from the site must maintain left in and left out only, as required by the Traffic Assessment endorsed as part of this approval.

6. LEGAL TITLE

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

7. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01582-LCC dated 01/10/2018, and attached to the permit.

8. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am - 6.00pm

Saturday - 9.00am - 6.00pm

Sundays and Public Holidays - 10.00am - 6.00pm

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

9. 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.

10. NO BURNING OF WASTE

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

11. 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.

12. DIRECTIONAL SIGNAGE

Prior to the commencement of use, detail of:

(i) directional signage clearly communicating the access arrangements, including the left in/left out requirement; and

(ii) compelling infrastructure

must be provided to Council and approved by the Manager City Development.

Approved direction signs and infrastructure must be installed prior to use commencing.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0540/2018. 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 withdrawn or determined; or*

c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*

d. *Any other required approvals under this or any other Act are granted.*

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

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 affected, restricted or prohibited by any such covenant.

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the 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. 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.

If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit.

The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage.

8.1 2147 East Tamar Highway, Mount Direction - Change of Use to Caravan Park/Camp Ground ...(Cont'd)

Also, a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.

CARRIED 9:2

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman D C Gibson, Alderman A E Dawkins, Alderman N D Daking, Alderman K P Stojansek, Alderman R I Soward, Alderman P S Spencer, Alderman A G Harris and Alderman T G Walker
AGAINST VOTE: Alderman J Finlay and Alderman D H McKenzie

8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings**FILE NO:** DA0521/2018**AUTHOR:** Luke Rogers (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:

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 Residential - construction of two dwellings at 10 Cartiere Place, Newstead subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.03 of 17, Revision A, Dated 28/09/2018
 - b. Site Section A, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.04 of 17, Revision A, Dated 28/09/2018
 - c. Site Section B, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.05 of 17, Revision A, Dated 28/09/2018
 - d. Site Section C, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.06 of 17, Revision A, Dated 28/09/2018
 - e. Site Section D, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.07 of 17, Revision A, Dated 28/09/2018
 - f. Site Plan - Planning, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.08 of 17, Revision A, Dated 28/09/2018
 - g. Site Plan - Plumbing, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.09 of 17, Revision A, Dated 28/09/2018
 - h. Site Plan - Landscaping, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.10 of 17, Revision A, Dated 28/09/2018
 - i. Perspective View, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A0.11 of 17, Revision A, Dated 28/09/2018
-

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings
...(Cont'd)**

- j. Unit 1 Floor Plan, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A1.1 of 17, Revision A, Dated 28/09/2018
- k. Unit 1 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A1.2 of 17, Revision A, Dated 28/09/2018
- l. Unit 1 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A1.3 of 17, Revision A, Dated 28/09/2018
- m. Unit 2 Floor Plan, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A2.1 of 17, Revision A, Dated 28/09/2018
- n. Unit 2 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A2.2 of 17, Revision A, Dated 28/09/2018
- o. Unit 2 Elevations, Prepared by Douglas Design and Drafting, Project: Proposed Unit Development, Drawing No. 180803, Layout A2.3 of 17, Revision A, Dated 28/09/2018
- p. Engineering Letter, Prepared by Risdén Knightley of RJK Consulting Engineers, Re: 10 Cartiere Place, Newstead (Lot 43, Title 175090), Ref # 18/19 TAS 050, Dated 21 November 2018
- q. Geotechnical Summary, Site (Soli Test) Classification and Wind Load Classification, Prepared by W. C. Cromer, Prepared for Lot 43 (10 Cartiere Place) Eastman's Green Subdivision, Newstead, Dated 11 August 2018

2. LEGAL TITLE

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

3. NON REFLECTIVE EXTERIOR FINISH

All external cladding and roofing of the buildings must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Manager City Development.

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01514-LCC and attached to the permit.

5. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

6. 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 Manager City Development.
-

8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings ...(Cont'd)

7. FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (ie. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

8. MULTIPLE DWELLINGS - SERVICE FACILITIES

Prior to the commencement of the use, the following site facilities for multiple dwellings must be installed:

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. Each multiple dwelling must be provided with a minimum 6m³ exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Manager City Development.

9. DAMAGE TO COUNCIL INFRASTRUCTURE

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

10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings
...(Cont'd)**

11. 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.

12. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

The following number and addressing is to be assigned to the development consistent with the residential addressing standard: Australian Standard AS4819:

Unit No	Strata Lot No.	Street Address
1	1	1/10 Cartiere Place
2	2	2/10 Cartiere Place

The above addresses are to be adhered to when identifying the dwellings and their associated letterboxes.

13. AMENITY

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

14. NO BURNING OF WASTE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0521/2018. 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 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings
...(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 withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

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 affected, restricted or prohibited by any such covenant.

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

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the 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. 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.

**8.2 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings
...(Cont'd)**

E. Strata Title Approval

The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.

Mr R Jamieson (Manager City Development) and Mr L Rogers (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Due to a Declaration of Interest in Agenda Item 8.2 - 10 Cartiere Place, Newstead - Residential - Construction of Two Dwellings, Alderman D C Gibson withdrew from the Meeting at 1.37pm

DECISION: 6 December 2018

MOTION

Moved Alderman D H McKenzie, seconded Alderman A E Dawkins.

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

CARRIED 10:0

FOR VOTE: Mayor Alderman A M van Zetten, Alderman J Finlay, Alderman A E Dawkins, Alderman N D Daking, Alderman D H McKenzie, Alderman K P Stojansek, Alderman R I Soward, Alderman P S Spencer, Alderman A G Harris and Alderman T G Walker

Alderman D C Gibson re-attended the Meeting at 1.38pm

8.3 24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association with Car Storage

FILE NO: DA0563/2018

AUTHOR: Brian White (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:

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 DA0563/2018 - Storage - Construction of a building for use as a wash bay/car detailing in association with car storage at 24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- (a) Site Plan, Prepared by Wilkin Design, Job Number DA-181133WBV2, Page 2 of 3, Dated 18/9/2018 (Plan to be amended).
- (b) Elevations, Prepared by Wilkin Design, Job Number DA-181133WBV2, Page 3 of 3, Dated 18/9/2018 (Plan to be amended).
- (c) Covering Letter, Prepared by Wilkin Design, Dated 24/10/2018 (plan to be amended).

2. AMENDED PLANS REQUIRED

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

- (a) The buildings having a frontage setback from Conway Street of at least 4.5m;
 - (b) Landscaping between the buildings and the Conway Street frontage that includes at least one species that will grow to a mature height above 5m;
 - (c) Plans showing a solid fence (including gate) on Conway Street to a height of at least 2.1m;
-

8.3 24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)

- (d) Updated covering letter describing the use and development; and
- (e) Provision of a gravity connection to the public stormwater system in McKenzie Street that is fully independent of all other lots.

3. LEGAL TITLE

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

4. USE LIMITATION

This permit allows the use for storage under the Launceston Interim Planning Scheme 2015 at 24-26 Conway Street, Mowbray (CT 175296/3). The use is limited to:

- (a) The storing, cleaning and detailing of vehicles associated with the Storage use at 10-12 McKenzie Street, Mowbray approved by DA0692/2017.

5. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

7.00am to 6.00pm Monday to Friday

8.00am to 5.00pm Saturday

No works on Sunday or Public Holidays

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01632-LCC and attached to the permit.

7. 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.

8. SUBMISSION AND APPROVAL OF PLANS FOR PUBLIC WORKS

Prior to the commencement of the development of the site, detailed plans and specifications for any public stormwater works to provide a gravity connection for the development must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

8.3 24-26 Conway Street, Mowbray and 10-12 Mckenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)

- (a) include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
- (b) be 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) be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- (d) be accompanied by an estimate of the construction cost of the public works together with a schedule of the major components and their relevant costs; and 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 & Final inspections.

9. 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:

1. The provision of gravity connection to the public stormwater system located in McKenzie Street - all construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. 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 & Hand-Over.

10. ACCESS OVER ADJACENT LAND

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- (a) Advise Council 21 days before access is required onsite so that notices pursuant to the Urban Drainage Act 2013 can be issued to the landowner, then
 - (b) Contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works and,
 - (c) Ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie. legal, valuation, etc. if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.
-

8.3 24-26 Conway Street, Mowbray and 10-12 Mckenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)

11. EASEMENTS

Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3m for Council (public) mains. A lesser width may be approved for a private stormwater service through the McKenzie Street property prior to the lodgement of a final plan of survey.

12. 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.

13. CAR WASH AREA

- (a) All car, vehicle, equipment washing must be carried out within the washing bay provided for this purpose.
- (b) The car wash area must:
 - (i) be bunded and graded to direct waste water to sewer;
 - (ii) have all plant and machinery associated with the car wash located, enclosed or otherwise attenuated to prevent noise emission from affecting occupiers of other premises.

14. STORMWATER

No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.

15. CONTAMINATED LAND

The applicant must comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 05/02/2018.

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

8.3 24-26 Conway Street, Mowbray and 10-12 Mckenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)

Notes

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.
- 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. All plumbing work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.
- D. General
This permit was issued based on the proposal documents submitted for DA0563/2018. 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:*
- The 14 day appeal period expires; or*
 - Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
 - Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
 - 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.

8.3 24-26 Conway Street, Mowbray and 10-12 Mckenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)

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 affected, restricted or prohibited by any such covenant.

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

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.

H. Spill Kits

Spill kits, appropriate for the types and volumes of materials handled on the land must be kept in appropriate locations and be appropriately maintained to assist with the containment of any spill of environmentally hazardous materials. If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this Permit relates, then the person responsible for the activity (or activities) must:

- (a) Immediately take all practicable action to minimise any adverse environmental effects from the incident, and*
 - (b) As soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, contact Council's Customer Service on 6323 3000.*
-

8.3 24-26 Conway Street, Mowbray and 10-12 McKenzie Street, Mowbray - Construction of a Building for Use as a Wash Bay/Car Detailing in Association With Car Storage ...(Cont'd)

(c) *Not later than 24 hours after becoming aware of the incident, provide a report to the Council's Health and Compliance Department, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. This report must be provided irrespective of whether the person responsible for the activity (or activities) has reasonable grounds for believing that the incident has already come to the notice of Council's Health and Compliance Department or any officer engaged in the administration or enforcement of the Environmental Management and Pollution Control Act 1994.*

I. Environmental Management and Pollution Control Act 1994

The applicant has a general environmental duty under the *Environmental Management and Pollution Control Act 1994* to take such steps as are practicable or reasonable to prevent or minimise environmental harm or environmental nuisance being caused, or likely to be caused, by the activity.

Mr R Jamieson (Manager City Development) and Mr B White (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

**Mr Michael James spoke against the item
Mr John Buckland spoke against the item**

DECISION: 6 December 2018

MOTION

Moved Alderman D H McKenzie, seconded Alderman P S Spencer.

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

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman D C Gibson, Alderman J Finlay, Alderman A E Dawkins, Alderman N D Daking, Alderman D H McKenzie, Alderman K P Stojansek, Alderman R I Soward, Alderman P S Spencer, Alderman A G Harris and Alderman T G Walker

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

Thursday 22 November 2018

- Attended the School of Creative Arts Graduate Exhibition

Friday 23 November 2018

- Officiated at the Work Discovery Student Program at Town Hall
- Attended the Brunch in the Bays White Ribbon event at Launceston Fire Brigade
- Attended the Marita Bardenhagen Memorial Award for Local History 2018 at LINC
- Attended the Laughs of Launnie official launch at Peppers Silo Hotel
- Attended the Launceston College Extravaganza Concert at Albert Hall

Saturday 24 November 2018

- Attended the Apex Launceston Christmas Parade at The Esplanade
- Attended the Family Colonial Picnic at St Matthias Church Windermere
- Attended the Vietnam Veterans Sub Branch of Launceston Christmas Dinner at the Launceston RSL

Sunday 25 November 2018

- Attended the Thai Food and Culture Festival at St Ailbes Hall
- Attended the 175 year Anniversary of St Matthias Church (River Cruise and Commemorative Eucharist Service) at Windermere Church

Monday 26 November 2018

- Officiated at a White Ribbon event at Kings Meadows High School

Tuesday 27 November 2018

- Attended a Channel 7 Tasmania Christmas event at the Channel 7 Tasmanian Studio
 - Attended Tour de Cure dinner event at Hotel Grand Chancellor
-

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

Wednesday 28 November 2018

- Officiated at the City of Launceston Employee Recognition event at the Town Hall
- Attended Launceston College Dance Fever: Fusion Production at Door of Hope

Thursday 29 November 2018

- Officiated at the Launceston Historical Society School History prize presentations at Town Hall
- Attended the Launceston Catholic Schools Music Program 16th Annual Concert and Awards evening at St Patricks College

Friday 30 November 2018

- Attended an ANZ business breakfast event at Peppers Silo Hotel
- Attended the James Boag Beer Garden launch party at James Boag Brewery
- Officiated at a welcome for guests of the Monaro Nationals at Penny Royal

Saturday 1 December 2018

- Attended a Tamar Valley Christian Church morning tea at the Tailrace Centre
- Officiated at the First Nation Event at Zions Hill Church

Sunday 2 December 2018

- Attended a Thanksgiving Service at Summerhill Baptist Church
- Attended a Thanksgiving Service at House of Prayer
- Attended the Public Menorah Lighting at Launceston Synagogue

Monday 3 December 2018

- Attended the Tasmanian Chamber of Commerce and Industry Tasmanian Report Roadshow luncheon at Country Club Tasmania
- Officiated at the 2018 Tasmanian Human Rights Awards presentation at Town Hall

Tuesday 4 December 2018

- Attended Student Works Celebration of Success 2018 at Student Works

Wednesday 5 December 2018

- Attended a celebration of the Arts event at Summerdale Primary School
-
-

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 A E Dawkins

- **Acknowledged the winners, particularly Grace Williams, *Produce to the People* and Jeff McKinnan, of the 2018 Tasmanian Human Rights Awards hosted at the Town Hall on Monday, 3 December 2018 and expressed support for the introduction a Tasmanian Human Rights Act**

10.2 Alderman D C Gibson

- **Congratulated Launceston College on its production of *Dance Fever* held at the Door of Hope**
- **Attended the TasPolice Crime Stoppers initiative launching a campaign designed to eliminate drugs from within the community**
- **Attended the 2019 Theatre North season launch**

10.3 Alderman D H McKenzie

- **Attended the Tasmanian Chamber of Commerce and Industry presentation of the Tasmanian Report hosted by Saul Eslake on Monday, 3 December 2018 which highlighted the positive Tasmanian economy and local challenges being faced**

10.4 Alderman N D Daking

- **Attended the Tasmanian Chamber of Commerce and Industry presentation of the Tasmanian Report hosted by Saul Eslake on Monday, 3 December 2018**

10.5 Alderman A G Harris

- **Attended the Newstead College Association Meeting**
- **Attended the Franklin House Committee Meeting and commended volunteers on their work**
- **Attended the Pedestrian and Bike Committee Meeting on Tuesday, 4 December 2018**

10.6 Alderman J Finlay

- **Attended the Northern Tasmanian Development Corporation Meeting on Wednesday, 5 December 2018 at which the Regional Development Economic Plan was tabled**
-

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 P S Spencer - Missing Brett Whiteley Paintings

- 1. What is the Council doing in order to retrieve the reported missing paintings?**

Mr Michael Stretton (General Manager) indicated that this question would be Taken on Notice and a response would be provided in the Council Agenda of 20 December 2018.

12 COMMITTEE REPORTS

No Committee Reports were identified as part of these Minutes

13 COUNCIL WORKSHOPS

Council Workshops conducted on 29 November and 6 December 2018 were:

- Coordinator-General Update
 - City Heart - Future Works, St John Street and Public Transport Infrastructure
 - University of Tasmania Update
 - Community Engagement - Capire Consulting
 - LGAT Minutes Discussion
 - JAC Update
-

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 Launceston Building Heights and Massing Study Consultation****FILE NO:** SF6749**AUTHOR:** Damien Fitzgerald (City Development Team Leader Strategic City Planning)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To endorse the community consultation findings and recommendations of the draft Paul Davies Launceston CBD Building Height and Massing Study 2018.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 4 June 2018 - Launceston Building Heights and Massing Study

Council - 30 July 2018 - Agenda Item 15.1 - Launceston CBD Building Height and Massing Study

Workshop - 1 October 2018 - Launceston CBD Building Height and Massing Study (Paul Davies Pty Ltd) - Consultation Update

Workshop - 15 November 2018 - Launceston CBD Building Heights

RECOMMENDATION:

That Council:

1. receives the Launceston Building Heights and Massing Community Consultation report and findings.
 2. adopts the recommendations in the report prepared by Paul Davies Pty Ltd:
 1. *Preparation of 'design guidelines' to interpret and support the Planning Scheme.*
 2. *Prepare amendments and provisions for the Planning Scheme (to the study area):*
 - (i) *Retain and amend the Acceptable Solution (AS) and reduce to 9m.*
 - (ii) *Introduce a Performance Criteria (PC) for an absolute maximum height limit of 24m.*
-

15.1 Launceston Building Heights and Massing Study Consultation ...(Cont'd)

- (iii) Areas that should not be subject to controls in the study area be excised and remain in their current zonings and controls (refer to study mapping for details).*
- (iv) Develop a Special Area Plan (SAP) to address the changes proposed.*
- (v) Establish design guidelines as part of the discretionary controls.*
- (vi) Undertake separate guidelines that can provide a clear framework for new development in the city.*
- (vii) Establish exemptions for minor works where the application of the design guidelines is not appropriate.*
- (viii) Determine a Planning Scheme Amendment process for proposals that exceed the maximum height limit provision.*
- (ix) Design panels or other review processes to be considered separately, as the recommendations arising from this study are independent of that consideration.*

3. requests the General Manager to prepare relevant draft Planning Scheme provisions to implement the recommendations.
-

This Agenda Item was withdrawn by the General Manager in order to allow further discussions with representors and local associations.

15.2 Local Government Representation - Tasmanian Heritage Council**FILE NO:** SF0760**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider nominations for Local Government Representation to the Tasmanian Heritage Council.

RECOMMENDATION:

That Council endorses [name] as a nominee for the Local Government representative to the Tasmanian Heritage Council.

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

DECISION: 6 December 2018**MOTION**

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

That Council endorses Alderman James Cox as a nominee for the Local Government representative to the Tasmanian Heritage Council.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman D C Gibson, Alderman J Finlay, Alderman A E Dawkins, Alderman N D Daking, Alderman D H McKenzie, Alderman K P Stojansek, Alderman R I Soward, Alderman P S Spencer, Alderman A G Harris and Alderman T G Walker

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES 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 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Title of Elected Representatives Policy 14-PI-002****FILE NO:** SF0976**AUTHOR:** Leanne Purchase (Acting Manager Corporate Strategy)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider revision of the Title of Elected Representatives Policy - 14-PI-002.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 15 November 2018 - Title of Elected Representatives Policy - 14-PI-002

Council - 19 November 2007 - Agenda Item 17.2 - Title of Elected Representatives Policy (14-PI-002)

RECOMMENDATION:

That Council's Title of Elected Representatives Policy - 14-PI-002 is adopted as set out below:

PURPOSE:

To establish the title for elected representatives.

SCOPE:

Applies to elected representatives for the City of Launceston.

POLICY:

A person elected to the City of Launceston is to be known as a Councillor.

PRINCIPLES:

The Council's organisational values apply to all activities.

RELATED POLICIES & PROCEDURES:

N/A

RELATED LEGISLATION:

Local Government Act 1993 (Tas) - section 25(2)

REFERENCES:

N/A

19.1 Title of Elected Representatives Policy 14-PI-002 ...(Cont'd)

DEFINITIONS:

N/A

REVIEW:This policy will be reviewed after each Council election.

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

Mr Basil Fitch spoke against the item

DECISION: 6 December 2018

MOTION

Moved Alderman A E Dawkins, seconded Alderman D H McKenzie.

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

CARRIED 9:2

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman D C Gibson, Alderman J Finlay, Alderman A E Dawkins, Alderman N D Daking, Alderman D H McKenzie, Alderman K P Stojansek, Alderman R I Soward and Alderman T G Walker
AGAINST VOTE: Alderman P S Spencer and Alderman A G Harris

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items were identified as part of these Minutes

21 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

22 CLOSED COUNCIL

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

No Closed Items were identified as part of these Minutes

23 MEETING CLOSURE

The Mayor, Alderman A M van Zetten, closed the Meeting at 2.18pm.
