



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 13 JUNE 2019
1.00pm**

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

Date: 13 June 2019

Time: 1.00pm

Certificate of Qualified Advice

Background

To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
 - (a) the general manager certifies, in writing -
 - (i) that such advice was obtained; and
 - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the minutes item.



Michael Stretton
General Manager

City of Launceston

COUNCIL MINUTES

Thursday 13 June 2019

Present: **Councillor** **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
 J G Cox
 A G Harris
 T G Walker

In Attendance: **Mr M Stretton (General Manager)**
 Mr L Handley (Acting Director Infrastructure Services)
 Mrs L M Hurst (Director Development Services)
 Mr S G Eberhardt (Acting Director Facilities Management)
 Ms L Foster (Director Corporate Services)
 Mrs L Purchase (Acting Manager Corporate Strategy)
 Mrs A Rooney (Committee Clerk)

Apologies: **Councillor** **P S Spencer**

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm and noted an apology from Councillor P S Spencer.

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

No Declarations of Interest were identified as part of these Minutes

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 30 May 2019 be confirmed as a true and correct record.

DECISION: 13 June 2019

MOTION

Moved Councillor D C Gibson, seconded Councillor J Finlay.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor J G Cox, Councillor A G Harris and Councillor 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 Councillors.)

6.1 Ms Elizabeth Skirving (Chief Executive Officer) - Rural Business Tasmania

Ms Skirving provided information to Council regarding Rural Business Tasmania, an organisation specialising in business and financial management support to rural and regional small business including agribusiness, farmers, fishers and foresters. Ms Skirving outlined a number of support and advocacy services that the organisation provides to the rural community.

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 Paul Bullock - Council Meeting - 30 May 2019

FILE NO: SF6381

AUTHOR: Anthea Rooney (Committee Clerk)

GENERAL MANAGER: Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 30 May 2019 by Mr Paul Bullock, has been answered by Mr Matthew Skirving (Acting Director Infrastructure Services).

Questions:

1. Why has the w-beam barrier on Talbot Road (Wentworth Street going south) not been fixed three and a half years after being reported?

Response:

On the 5 October 2015, Mr Bullock contacted the Council regarding two road side barriers on Talbot and Lawrence Vale Roads that he considered to be unsafe. Council Officers considered both requests, and have undertaken corrective action in one instance. The Talbot Road barrier has not been replaced on the basis of the relatively low risk this installation poses to road users. Given the approach angle, location and extent of the hazard posed by this barrier, Council Officers have determined that this work is not a priority at this time.

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 Ron Baines - First Basin Wildlife Issue

- 1. [With reference to wallaby excrement on the First Basin lawn] would Council like the names of a couple of professional hunters who may be able to deter wallabies from the area?**

The Mayor, Councillor A M van Zetten, declined Mr Baines' offer and advised that Council Officers would take Mr Baines' comments on board.

7.2.2 Mr Ron Baines - Waste Recycling

1. **What has this Council done to prevent good recyclable material at the truck face at the tip from being wasted?**

Mr Shane Eberhardt (Acting Director Facilities Management) responded by saying that Council, through the Northern Waste Management Group, continues to work with the commercial sector to improve their recycling. Investment is occurring in sorting waste being processed through the transfer station, the introduction of FOGO and sorting of demolition waste. Council, the community and industry as a whole need to work together to develop a sustainable solution to waste management and minimization.

7.2.3 Mr Lionel Morrell (Tasmanian Ratepayers Association Inc.) - University of Tasmania Car Parking

- 1. Is it true that negotiations and discussions have commenced with the owner of Glebe Farm to compulsorily acquire a section of the farm for car parking for the University of Tasmania Inveresk campus?**

Mr Michael Stretton (General Manager), responded by saying that was not true.

7.2.4 Mr Martin Cole - Hotel Development

1. **The 12m height limit gives the Council arbitrary rights to defer this proposal. Does the Council intend to consider putting one of the highest buildings on the block nearest the river rather than maintaining a staggered height from the block?**

The Mayor, Councillor A M van Zetten, responded that the Councillors have the right to defer a decision if it is deemed appropriate. Mr Michael Stretton (General Manager) and the Mayor, Councillor A M van Zetten, confirmed that the current Planning Scheme allows for a discretion to go above that height.

2. **Has the hotel been designed with water conservation and re-use to save water?**

The Mayor, Councillor A M van Zetten, responded that this question would be dealt with during debate of Agenda Item 8.1 - 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage.

3. **Can the Council guarantee that this hotel will not adversely contribute to effluent floating onto Kings Park or Royal Park?**

The Mayor, Councillor A M van Zetten, responded that this question would be dealt with during debate of Agenda Item 8.1 - 23 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage.

7.2.5 Mr Kelvin Jowett - Bennell Way Walkway, Launceston

1. When is the walkway in Bennell Way to be restored?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 27 June 2019.

7.2.6 Mr Kelvin Jowett - Launceston Flood Levies

1. Have the design engineers signed off on the completed flood levies in Launceston?

Mr Shane Eberhardt (Acting Director Facilities Management) responded by saying that the flood levies are considered a dam and are therefore regulated by the Department of Primary Industry. Accordingly, a permit was issued to construct the levies and all conditions of that permit have been satisfied and the levies are fit for purpose and appropriate.

The Mayor, Councillor A M van Zetten, announced 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

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage

FILE NO: DA0127/2019

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*.

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 DA0127/2019 - Gorge Hotel - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Sports and Recreation and Vehicle Parking - Construction of a hotel and mixed use development including signage at 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston 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. Planning Application Report, prepared by GHD, dated March 2019;
 - b. Environmental Noise and Air Emission Assessment, Report No. 5221_AC_R_R1, prepared by Tarkarri Engineering, dated February 2018;
 - c. Transport Impact Assessment, prepared by GHD, dated March 2019;
 - d. Flood Levels & Risk Management Report, prepared by 6ty°, dated 19/11/2018;
 - e. Preliminary Site Investigation, prepared by Environmental Services and Design, Project No. 6164, dated October 2018;
 - f. Stage 1 - Site Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP010 - B, dated March 2019;
-

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

- g. Stage 1 - Demolition Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP011 - B, dated March 2019;
 - h. Stage 1 - Existing Site Contours, prepared by CBG Architects & Interior Designers, Drawing No. TP012 - B, dated March 2019;
 - i. Stage 1 - Basement Floor Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP099 - B, dated March 2019;
 - j. Stage 1 - Ground Floor Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP0100 - B, dated March 2019;
 - k. Stage 1 - Mezzanine Floor Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP101 - B, dated March 2019;
 - l. Stage 1 - First Floor Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP102 - B, dated March 2019;
 - m. Stage 1 - Second Floor (Typ. Levels 2 & 3), prepared by CBG Architects & Interior Designers, Drawing No. TP103 - B, dated March 2019;
 - n. Stage 1 - Fourth Floor (Typ. Levels 4-8), prepared by CBG Architects & Interior Designers, Drawing No. TP104 - B, dated March 2019;
 - o. Stage 1 - Ninth Floor Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP105 - B, dated March 2019;
 - p. Stage 1 - Roof Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP106 - B, dated March 2019;
 - q. Stage 1 - Elevations, prepared by CBG Architects & Interior Designers, Drawing No. TP200 - B, dated March 2019;
 - r. Stage 1 - Elevations, prepared by CBG Architects & Interior Designers, Drawing No. TP201 - B, dated March 2019;
 - s. Stage 1 - Sections, prepared by CBG Architects & Interior Designers, Drawing No. TP250 - B, dated March 2019;
 - t. Stage 1 - Sections, prepared by CBG Architects & Interior Designers, Drawing No. TP251 - B, dated March 2019;
 - u. Stage 2 - Site Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP300 - B, dated March 2019;
 - v. Stage 2 - Demolition Plan, prepared by CBG Architects & Interior Designers, Drawing No. TP301 - B, dated March 2019;
 - w. Stage 2 - Conference Corner Addition, prepared by CBG Architects & Interior Designers, Drawing No. TP500 - B, dated March 2019;
 - x. Stage 2 - Parking Platform Addition, prepared by CBG Architects & Interior Designers, Drawing No. TP501 - B, dated March 2019;
 - y. Stage 2 - Elevations, prepared by CBG Architects & Interior Designers, Drawing No. TP600 - B, dated March 2019;
 - z. Stage 2 - Elevations, prepared by CBG Architects & Interior Designers, Drawing No. TP601 - B, dated March 2019;
 - aa. Shadow Diagrams - June 21, prepared by CBG Architects & Interior Designers, Drawing No. TP900 - B, dated March 2019;
-

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

- bb. Shadow Diagrams - September 21, prepared by CBG Architects & Interior Designers, Drawing No. TP901 - B, dated March 2019;
- cc. Shadow Diagrams - December 21, prepared by CBG Architects & Interior Designers, Drawing No. TP902 - B, dated March 2019;
- dd. External Circulation Plans, prepared by CBG Architects & Interior Designers, Drawing No. TP950 - B, dated March 2019;
- ee. Proposed Stage 1 Consolidation Plan, prepared by 6ty^o; and
- ff. Proposed Stage 2 Consolidation Plan, prepared by 6ty^o.

2. SEALING PLANS OF SUBDIVISION

The building construction of Stage 1 must not occur until the sealing on Stage 1 has occurred. The building construction of Stage 2 must not occur until the sealing of Stage 2 has occurred. Furthermore, no Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
- b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services.
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

3. CAR PARKING

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

4. LOADING AND UNLOADING

Loading and unloading of delivery goods and merchandise and the like must be carried out within the boundaries of the subject land.

5. 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.

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6. LEGAL TITLE

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

7. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must comply with the Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.

8. DELIVERY HOURS

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

9. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

No works on Sunday or Public Holidays

10. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/00391-LCC, 8 April 2019 and attached to the permit.

11. DEMOLITION

- a. All demolition works must ensure the protection of property and services which are to either remain on or adjacent to the site from interference or damage.
- b. Burning of waste materials must not be undertaken on site.
- c. All rubbish/debris must be removed from the site for disposal at a licensed refuse disposal site.

12. SITE LANDSCAPING PLAN

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.

13. PLANT & EQUIPMENT SCREENING

Any plant and equipment proposed for the facades or roofs of the buildings must be screened in a manner to ensure they are not recognisable or visible from ground level public view point.

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

14. SIGNAGE

Prior to the commencement of use, illuminated signage detailed in the plans is subject to Council approving a Signage Illumination Management Plan prepared to the satisfaction of Council that allows for the dimmable Signage lighting to be dimmed as appropriate after sunset and increased in intensity as appropriated after sunrise and during daylight hours as directed by Council from time to time.

15. STAGED SUBDIVISION

The subdivision must proceed in the order of stages as shown on the endorsed plans.

16. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

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

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

17. REFUSE & RECYCLING COLLECTION ARRANGEMENT

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

18. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

- a. A traffic island in the basement, as recommended in the Transport Impact Assessment, to protect cyclists accessing the staff bicycle parking facilities.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

19. 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

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

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.

20. VEHICULAR CROSSINGS

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

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

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

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

21. CONSTRUCTION OF RETAINING WALLS

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

22. OCCUPATION OF ROAD RESERVE

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

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

- a. The nature, dates and duration of the occupation and/or works.
 - b. The contractor's name and registration number;
 - c. The traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
-

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- d. Any alternative pedestrian routes to be provided where the existing footpaths on Margaret Street or Paterson Street are unavailable for use due to the delivery of materials; and
- e. Any temporary works required to maintain the serviceability of the road or footpath.

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

- a. The nature, dates and duration of the occupation and/or works;
- b. The traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, any alternative pedestrian routes to be provided where the existing footpaths on Margaret Street or Paterson Street are unavailable for use due to the delivery of materials.
- c. Any temporary works required to maintain the serviceability of the road or footpath, and
- d. All remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

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

23. AMENITY

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.

24. NOISE

The applicant must comply with the Environmental Noise and Air Emission Assessment prepared by Tarkarri Engineering Pty Ltd dated 06/03/2109. Prior to the commencement of the use, a report must be prepared by a suitably qualified person certifying that the recommendations of the approved report have been complied with.

25. DEMOLITION

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia '*Demolition Work Code of Practice*' or any subsequent versions of the document;
 - b. 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;
 - c. not undertake any burning of waste materials on site;
 - d. remove all rubbish from the site for disposal at a licensed refuse disposal site; and
-

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

- e. dispose of any asbestos found during demolition in accordance with the Safe Work Australia 'How to Safely Remove Asbestos' Code of Practice or any subsequent versions of the document.

26. DUST SUPPRESSION

Prior to the commencement of the works, the developer must submit to council details of measures to be undertaken to control dust emission from the site. The irrigation system(s)/dust suppressant must be installed in accordance with the approved details prior to commencement of the use approved in this permit and must be maintained at all times to the satisfaction of the Council.

27. CONTAMINATED LAND

The applicant must:

- a. Comply with the Environmental Site Assessment Report prepared by Environmental Service & Design dated 30/10/2018 and complete all works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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.

- b. Prior to the commencement of works for Stage 2, a revised contamination report is to be provided and signed off by the Manager of City Development.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0127/2019. 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.*
-

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(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.

E. 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.

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

F. 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.

G. Occupancy Permit Required

Occupancy permit required for new or altered habitable buildings:- Pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.

H. Signage

Significant variations from the plans will require further approval.

I. Demolition

Planning approval is granted for demolition of the existing building/s so indicated on the endorsed plan. However, Building Approval for the demolition is required before demolition can proceed.

J. 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.

K. Cooling Towers

A cooling tower or warm water system is required to obtain registration with Council in accordance with the Public Health Act 1997 and comply with the Guidelines for the Control of Legionella in Regulated Systems or any subsequent versions of the document.

Mrs L Hurst (Director Development Services), 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.

8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)

Mr Neil Grose (on behalf of the Launceston Chamber of Commerce) spoke for the Recommendation

Mr Jim Collier spoke against the Recommendation

Mrs Linda Collier spoke against the Recommendation

Ms Joanne Saunders spoke against the Recommendation

Mr Martin Cole spoke against the Recommendation

Ms Kirsteen Mills spoke against the Recommendation

Mr Ken Partridge spoke against the Recommendation

Ms Rocelyn Ives spoke against the Recommendation

Ms Lu McGinniss (on behalf of Hands Off Our Gorge) spoke against the Recommendation

Ms Julieanne Richards spoke against the Recommendation

Ms Ruth Haw spoke against the Recommendation

Ms Estelle Ross spoke against the Recommendation

Ms Bonnie Redburn spoke against the Recommendation

Mr Lionel Morrell (on behalf of the Heritage Protection Society of Tasmania Inc.) spoke against the Recommendation

Ms Susie Cai spoke against the Recommendation

Mr Wei Yuan Cai (translated by Ms Susie Cai) spoke against the Recommendation

Ms Lillian Cai spoke against the Recommendation

Mr Darren Singline spoke against the Recommendation

Mr Alex Brownlie (on behalf of GHD Architects) spoke for the Recommendation

Ms Chloe Lyne (on behalf of GHD Architects) spoke for the Recommendation

Mr Dean Cocker (on behalf of The JAC Group) spoke for the Recommendation

Mr Josef Chromy (on behalf of The JAC Group) spoke for the Recommendation

Mr Peter Dixon (on behalf of The JAC Group) spoke for the Recommendation

Ms Jazz Frost spoke against the Recommendation

Ms Brianna Causon-Szalna spoke against the Recommendation

- 8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)
-

DECISION: 13 June 2019

MOTION 1

Moved Councillor J Finlay, seconded Councillor D H McKenzie.

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

CARRIED 10:1

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

AGAINST VOTE: Councillor T G Walker

DECISION: 13 June 2019

MOTION 2

Moved Councillor R I Soward, seconded Councillor K P Stojansek.

That Councillor J Finlay be granted an additional three minutes speaking time.

CARRIED 11:0

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

- 8.1 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street, and 16 Margaret Street, Launceston - Construction of a Hotel and Mixed Use Development Including Signage ...(Cont'd)
-

DECISION: 13 June 2019

MOTION 3

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

That Councillor R I Soward be granted an additional three minutes speaking time.

CARRIED 11:0

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

DECISION: 13 June 2019

MOTION 4

Moved Councillor R I Soward, seconded Councillor A E Dawkins.

That Councillor T G Walker be granted an additional three minutes speaking time.

CARRIED 11:0

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

The Mayor, Councillor A M van Zetten, handed the Chair to the Deputy Mayor, Councillor D C Gibson at 2.52pm.

The Mayor, Councillor A M van Zetten, resumed the Chair at 2.57pm.

Council adjourned for a break at 3.00pm

Council resumed following a break at 3.15pm

8.2 25 Vaux Street, West Launceston - Residential - Subdivide One Lot Into Two Lots

FILE NO: DA0168/2019

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:

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 DA0168/2019 Residential - Subdivide one lot into two lots at 25 Vaux Street, West Launceston 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. Proposed Subdivision: 25 Vaux Street West Launceston, Prepared by Survey & Alignment Services, Reference No. 2019024, Dated 25/03/2019, Sheet 1 of 3
- b. Proposed Subdivision: 25 Vaux Street West Launceston, Prepared by Survey & Alignment Services, Reference No. 2019024, Dated 25/03/2019, Sheet 2 of 3

2. FINAL PLAN OF SURVEY

The Final Plan will not be sealed until all conditions have been complied with.

3. LEGAL TITLE

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

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2019/00516-LCC and attached to the permit.

8.2 25 Vaux Street, West Launceston - Residential - Subdivide One Lot Into Two Lots ...(Cont'd)

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. PROTECTION OF EXISTING TREES

Existing trees on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

7. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
- b. Such covenants or similar controls are expressly authorised by the consent in writing of the Council.
- c. Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

8. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer (at the time of sealing the Final Plan) procured at the subdivider's expense.

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.

8.2 25 Vaux Street, West Launceston - Residential - Subdivide One Lot Into Two Lots ...(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.

11. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

12. 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.

13. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

14. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
 - b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services.
 - c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.
-

8.2 25 Vaux Street, West Launceston - Residential - Subdivide One Lot Into Two Lots ...(Cont'd)

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

15. FINAL PLAN ENDORSEMENT

Where it is not possible for portions of either lot to be drained by gravity the final plan of subdivision must be endorsed with a note in accordance with section 83 (5) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* that:

- a. Council cannot provide means of stormwater drainage from all of the land.
- b. The areas that cannot be served by a gravity stormwater must be indicated on the plan.
- c. Council will not permit a development within the areas so indicated on the plan that results in the concentration of stormwater.

A notification under this condition must be treated as if it created an easement for the benefit of the Council and may be destroyed wholly or in part by an instrument in the nature of a release of the block by the Council.

16. 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 DA0168/2019. 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.

8.2 25 Vaux Street, West Launceston - Residential - Subdivide One Lot Into Two Lots ...(Cont'd)

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.

E. Demolition

Planning approval is granted for demolition of the existing building/s so indicated on the endorsed plan. However, Building Approval for the demolition is required before demolition can proceed.

Mrs L Hurst (Director Development Services), 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.

Councillor T G Walker re-attended the Meeting at 3.17pm

**Mr Stuart Solman spoke against the Recommendation
Mr Will Gordon spoke for the Recommendation**

8.2 25 Vaux Street, West Launceston - Residential - Subdivide One Lot Into Two Lots ...(Cont'd)

DECISION: 13 June 2019

MOTION

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

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

CARRIED 10:1

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

AGAINST VOTE: Councillor T G Walker

The Mayor, Councillor 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

Friday 31 May 2019

- Visited the Tasmanian Aboriginal Centre as part of Reconciliation Week

Saturday 1 June 2019

- Attended Pepper's Silo Hotel's first birthday lunch

Sunday 2 June 2019

- Attended the Design Centre's Contemporary High Tea

Tuesday 4 June 2019

- Attended the Tasplan Business Excellence awards launch
-

- **The Mayor, Councillor A M van Zetten, visited Melbourne with Vox Harmony, the City of Launceston choir and noted that the group was well received in Melbourne.**
-

10 COUNCILLOR'S REPORTS

(This item provides an opportunity for Councillors 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 Councillor D C Gibson

- **Attended a *Visioning Day for Relbia* hosted by the City of Launceston, the third in a series of local Workshops**
- **Acknowledged the Helpmann Award Nomination for the *MonaFoma Festival***

10.2 Councillor D H McKenzie

- **Commented on the great work of the Red Cross Blood Bank and encouraged blood donations from within the community**

10.3 Councillor J Finlay

- **The Launceston Safer Communities Partnership met last week and responded to a call from Metro and State Growth with regard to the second phase of consultation on proposed bus service changes; Metro and State Growth are to be commended for listening and acting on the submission**
- **Attended *ArtStart* at QVMAG Royal Park - the primary school art exhibition was this year curated by five young people from local primary schools and is a great initiative worth supporting**

10.4 Councillor T G Walker

- **Attended the Launceston Competitions on 30 May 2019 and compered the contemporary music evening for both senior and junior categories and commended the organisers and volunteers for this great achievement**
- **Visited the Tasmanian Aboriginal Centre in Charles Street and attended a palawi kani presentation**
- **Highlighted the flag raising ceremony to be held on Monday, 8 July 2019 during the week of 7 - 14 July as part of NAIDOC celebrations**

DECISION: 13 June 2019

MOTION

Moved Councillor R I Soward, seconded Councillor J Finlay.

That Council move to discuss Agenda Item 14.1 - Notice of Motion - Councillor A E Dawkins - Greyhound Off Leash Area.

CARRIED 11:0

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

Council moved to Agenda Item 14.1 - Notice of Motion - Notice of Motion - Councillor A E Dawkins - Greyhound Off Leash Area.

14.1 Notice of Motion - Councillor A E Dawkins - Greyhound Off Leash Area**FILE NO:** SF5547**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion regarding a greyhound off leash area.

RECOMMENDATION:

That:

1. City of Launceston lobbies the state government to table an amendment to the Dog Control Act 2000 s 18, in a timely manner, to allow for greyhounds to be unleashed in a designated off leash area.
 2. City of Launceston lobbies LGAT to support this amendment.
 3. Council officers to identify an appropriate piece of land to develop as a greyhound off leash area, to ensure that there is not an unnecessary delay when the amendment is passed.
-

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

**Ms Rosalie Saville spoke for the Recommendation
Ms Andrea Bonner spoke for the Recommendation
Ms Sara Redman spoke for the Recommendation**

**14.1 Notice of Motion - Councillor A E Dawkins - Greyhound Off Leash Area
...(Cont'd)**

DECISION: 13 June 2019

MOTION

Moved Councillor A E Dawkins, seconded Councillor K P Stojansek.

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

CARRIED 11:0

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

Council resumed the published order of business at Agenda Item 11 - Questions by Councillors.

11 QUESTIONS BY COUNCILLORS

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 Councillor'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 Councillor T G Walker - Brisbane Street Mall Flags

1. **A couple of months ago I asked a question concerning replacement or relocation of flag poles in the Brisbane Street Mall. Could we please have an update on this issue?**

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 27 June 2019.

12 COMMITTEE REPORTS

12.1 Pedestrian and Bike Committee Meeting - 23 May 2019

FILE NO: SF0618

AUTHOR: Cathy Williams (Built Environment Officer)

DIRECTOR: Matthew Skirving (Acting Director Infrastructure Services)

DECISION STATEMENT:

To consider a report from the Pedestrian and Bike Committee Meeting held on 23 May 2019.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 23 May 2019.

Mr L Handley (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

Councillor R I Soward withdrew from the Meeting at 3.46pm

DECISION: 13 June 2019

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 10:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker

ABSENT at THE TIME of VOTING: Councillor R I Soward

13 COUNCIL WORKSHOPS

13.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Committee Clerk)

DIRECTOR: Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 6 and 13 June 2019:

Design Tasmania

A discussion with Councillors regarding Design Tasmania's 2019 initiatives and program.

Australia Day Policy Review

Councillors discussed the City of Launceston's current policy position of recognising Australia Day on 26 January.

National Redress Scheme (Tasmania)

Councillors received an introduction to the National Redress Scheme (Tasmania).

Update on Progressing the Tourism Plan

Councillors were provided with an update on the progress of the draft Tourism Plan and an opportunity to discuss the approval process.

BALT8 - Reactive Work Program

Councillors were provided with an update from staff on the outcomes and learning of the BALT8 project.

River Health Action Plan

Councillors were provided with an update on the work of the River Health Action Plan along with an overview of the community engagement process.

Organisational Alignment Project

An update on the Organisational Alignment Project was provided to Councillors

13.1 Council Workshop Report ...(Cont'd)

City Mission Launceston Community Hub Project

Councillors were provided with an overview of the City Mission's Launceston Community Hub Project.

Tourism Northern Tasmania's Annual Report Presentation

Councillors received Tourism Northern Tasmania's annual status report and engaged in discussions regarding the three year funding agreement.

Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 13 June 2019

MOTION

Moved Councillor J Finlay, seconded Councillor A G Harris.

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

CARRIED 10:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker

ABSENT at THE TIME of VOTING: Councillor R I Soward

14 NOTICES OF MOTION

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

14.1 Notice of Motion - Councillor A E Dawkins - Greyhound Off Leash Area

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 10 - Questions by Councillors on Page 32 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 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 Rates and Charges Policy (23-Plx-010)

FILE NO: SF6641/SF0521

AUTHOR: Paul Gimpl (Chief Financial Officer)

DIRECTOR: Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the revised Rates and Charges Policy (23-Plx-010) reflecting the treatment of Independent Living Units owned by a charitable organisation operating exclusive for charitable purposes as being exempt.

PREVIOUS COUNCIL CONSIDERATION:

Council - 18 June 2018 - Rates and Charges Policy (23-Plx-010)

RECOMMENDATION:

That Council pursuant to section 86B of the *Local Government Act 1993* (Tas), adopts the revised Rates and Charges Policy (23-Plx-010) as set out below:

Rates and Charges Policy

PURPOSE:

This Policy provides the rating framework that the Council has adopted for rates and charges.

The Policy is prepared in accordance with section 86B of the *Local Government Act 1993* (Tas) (LGA 1993) and provides an overview of the rating framework that Council has adopted.

The Policy reflects the fundamental premise as set out in section 86A of the LGA 1993 that:

- (a) rates are a tax and not a fee for service; and
- (b) the value of land is an indicator of the capacity to pay.

The Council through the application of this Policy primarily levies rates based on property values with a contribution through fixed and service charges. The Policy also outlines the Council's approach to the provision of remissions and the management of the rate debt.

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

SCOPE:

The Policy sets out the Council's rates and charges (taxation) objectives in regard to:

- (a) Statutory compliance; and
- (b) Discretionary matters.

This document is a statement of policy and intent, it does not supersede or overrule the specific rating resolutions and policies that are determined by resolution of the Council.

POLICY:

Rating Objectives

To maintain an appropriate distribution of rates and charges consistent with the principles stated in this Policy with the objectives of:

- (a) Consistent and equitable treatment of all residents and ratepayers;
- (b) Achieving an appropriate mix and distribution of taxation from
 - i. rates based on property values, fixed and service charges and revenue from other sources; and
 - ii. different sectors (including land use categories and localities) within the municipality.
- (c) Managing the impact on ratepayers of changes in
 - i. the Council's funding requirements; and
 - ii. property valuations as reflected in municipal revaluations.
- (d) Using rate settings to support the achievement of strategic objectives.

Rating Strategies and Methodologies

The strategies and methodologies that have been developed consistent with the principles and rating objectives are as follows.

The valuation methodology is based on assessed annual value.

The inclusion of a general fixed charge (that is not based on a property's value) as a component of the general rate.

The use of service charges for waste management (collection and processing) based on the capacity of the service provided.

Transitional arrangements through the capping of rate increases for residential ratepayers when municipal revaluations occur. Transitional arrangements are also considered in other circumstances where there is the potential for a significant change in rates from a change in the Council's rating structure.

Debt management policies and disincentives intended to encourage the timely payment of rates.

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

The minimisation of rate remissions to support equitable outcomes for all ratepayers and for the remissions to be strategically targeted to address unintended consequences of legislation and policy.

Exemptions based solely on the legislative provisions of section 87 of the LGA 1993.

Valuation Methodologies

The Council has determined to use assessed annual value as the basis of rates (section 89A(2) of the LGA 1993) within the municipality. Valuations are arranged by the Office of the Valuer General. Municipal valuations occur on a six yearly cycle, with indexation adjustments made between the full revaluation every two years.

Supplementary valuations occur when additions or significant alterations are made to a property. The values are determined as though the alterations existed at the date of the last municipal revaluation, with effect from the date the works are completed.

Rating Structures and Differential Rates

The Council uses the power provided by section 107 of the LGA 1993 to vary the rate based on property use and also by location for properties within a defined area of the city centre. The property usage categories are residential, commercial, industrial, primary production, public (community) service, quarrying or mining, sport or recreation and vacant land (non-use).

The location variation or differential is applied to raise an additional rate for promotional activities within the city centre.

Contribution Methodology

Assessed annual value (AAV) is a differential valuation system where the AAV varies with the use and capital value of the property. Through this differential valuation system together with differential rates based on property usage the contribution from sectors of the municipality varies with changes in property values. The use of assessed annual value is consistent with the rating principles contained in section 86A of the LGA 1993.

Fixed Charge

The Council has resolved to impose a fixed charge (section 91 of the LGA 1993) on each rateable property or tenancy, consistent with the legislation a minimum rate is not also levied. The application of a fixed charge recognises that all rateable properties should make a fixed contribution to the cost of the Council's operations and services. The application of a fixed charge reduces the rates that are raised based on property values. The Council recognises the regressive taxation effect of fixed charges and so limits the amount of the fixed charge. The total revenue raised from the fixed charge must not exceed an amount equal to 50% of the Council's general rates in each rating year.

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

Service Charges

The Council imposes a service charge (section 93(1)(d) of the LGA 1993) for waste management services. Waste management (the collection of waste and recycling materials) is a defined service for which a pay for use charge is appropriate.

Private operators provide specific services to a limited number of organisations where for operational reasons it is not practical or efficient to provide the Council managed service. These organisations are able to opt out of the Council arranged service.

The Council varies or applies different charges based on the capacity of the bins that are now available, this pricing strategy is intended to provide incentives to reduce waste, encourage recycling and reflect the cost of waste disposal.

Rating Independent Living Units (Retirement Villages)

General Rate

Residential Independent Living Units within retirement villages which are owned by a charitable organisation and operated exclusively for charitable purposes are exempt from the general rate (section 87(1)(d) of the LGA 1993).

Fire Rate

Council has resolved that residential Independent Living Units within retirement villages which are owned by charitable organisations will not receive a remission for this fire rate.

The appropriateness of discretionary remissions is subject to ongoing monitoring by Council.

Residential properties or units owned commercially or by private individuals are not eligible for the remission of the general or fire rate.

Residential Rate Cap (Transitional Arrangements)

The Council supports the fundamental principle, subject to any differential rating structures and remissions, that properties with the same value (in the same usage category) should pay the same rate.

The Council recognises that the municipal revaluation may produce circumstances where the rates on individual properties increase or decrease significantly. In order to assist residential ratepayers to transition to the new rating levels Council has determined to cap the amount that the general rate (the value based component) can increase at 20 percent per annum following a municipal revaluation.

Debt Management

The Council recognises that some members of the community may not pay the applicable rates and charges either because:

- (a) they choose not to, or
 - (b) they are unable to due to financial difficulties.
-

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

The Council provides financial disincentives through interest and penalty charges and undertakes commercial debt collection practices to ensure that the payment of rates and charges is given appropriate priority.

The Council seeks to assist those members of the community in genuine financial difficulty through payment arrangements. It also understands that the failure to take appropriate and timely action can have a greater adverse consequence for the ratepayer than the debt collection action.

Unpaid Council rates and charges are a debt that is secured (similarly to a mortgage) against the property (section 119 of the LGA 1993). Thus, any debt must be repaid when the property is sold. The Council has the power to sell a property when debts are outstanding for more than three years (section 137 of the LGA 1993).

Postponement of Payments

Section 125 of the LGA 1993 provides the power for the Council to defer or postpone the payment of rates on the grounds of hardship. The Council has determined that it will not offer this long term debt management facility as there are other commercial facilities that should be used in these circumstances. The Council provides short term payment arrangements.

Rate Remissions

Council has the capacity under section 129 of the LGA 1993 to provide discretionary rating remissions in specific circumstances. The Council is required to exempt under section 87 of the LGA 1993 some properties from rates.

The Council has resolved to provide rating remissions under section 129 of the LGA 1993 in the following situations.

- Crown leases/licences for jetties and slipways (Policy 23-PI-008)
- Charitable organisations (Policy 23-Pxl-002)
- Small balances (Policy 23-PI-006)

Other Rates

CBD Promotional Rate

Council, based on the request of the effected businesses, applies a differential rate to properties used for commercial purposes to fund promotional activities within the central business area (details of the area are specified in the annual rates resolution).

The delivery of the promotional outcomes is provided by Cityprom Ltd under a service agreement with the Council.

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

State Government Departments and Business Enterprises

State Government properties, with some exceptions related to parks and infrastructure, are subject to rates and charges on the same basis as other properties (section 87(1)(b) of the LGA 1993).

Construction Rates

Construction rates can be levied (sections 97 and 98 of the LGA 1993) related to drainage infrastructure works. The Council uses developer contribution arrangements in preference to construction rates due to limitations contained in section 98 regarding the amount that can be charged.

Separate Rates

Separate rates can be levied (section 100 of the LGA 1993) where the Council believes the services provided are of particular benefit to the "affected land; or the owners or occupiers of that land".

There are currently no separate rates.

Fire Service Rates

The Council as required by legislation raises rates on behalf of the State Fire Commission (section 93A of the LGA 1993). The amount of the rate revenue is determined by the State Fire Commission. The Council receives an administrative fee for the provision of the service.

Payments

The Council has spread the payment dates across the year with the instalments due.

- Instalment 1 - 31 August
- Instalment 2 - 30 November
- Instalment 3 - 31 January
- Instalment 4 - 30 April

Penalty charges apply when instalments are not paid by the due date, interest applies on unpaid balances.

Rates can be paid in full, by four instalments or by more frequent payments so long as the instalments are paid by the due date, penalty and interest will not be incurred.

Payment Methods

The Council provides a range of payment facilities that include the use of modern technologies and in person.

Discounts

The Council does not provide payment discounts (section 130 of the LGA 1993) due to the additional cost imposed on those who are unable to take advantage of such a facility (the

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

estimated cost of discount significantly exceeds the additional interest earnings that would result from the take up of the discount.)

Application of Payments

Payments are applied to outstanding debts in accordance with the sequence prescribed in the legislation (section 131 of the LGA 1993).

Objection

Objections to rates notices can only be made based on the grounds specified in section 123 of the LGA 1993. The grounds broadly relate to factual or calculation errors.

Objections to valuation can be made under section 28 of the *Valuation of Land Act 2001* (VLA 2001) only on the grounds specified and within 60 days of the date of notice issue. Application can be made for the correction of errors of fact at any time.

Disclaimer

This Policy is a general statement of Council intent it is not a statement of legislative compliance. The Policy provisions do not provide a legal basis for a challenge or objection to any rating matters. The Policy is updated from time to time, consistent with the legislation (section 86B(4) of the LGA 1993).

PRINCIPLES:

The Council's rating policies are formed within a framework that includes:

- (a) The *Local Government Act 1993* (Tas);
- (b) Established taxation principles;
- (c) Organisational Values;
- (d) The Council's Long Term Financial Plan; and
- (e) The Council's Rating Resolution.

RELATED POLICIES & PROCEDURES:

23-PI-003 Private Use of Council Land Policy
23-PI-006 Property Debt (Small Charge) Remission Policy
23-PI-008 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways
23-Plx-002 Rating Exemptions and Remissions for Charitable Organisations Policy

RELATED LEGISLATION:

Local Government Act 1993 (Tas) (Part 9 - Rates and Charges)
Valuation of Land Act 2001

REFERENCES:

Access Economics/Henry Review (www.taxreview.treasury.gov.au)

Taxation Policy Criteria (Oakes Committee April 1990)

- Equity or Fairness
 - Simplicity and Efficiency
 - Accountability or Visibility
-

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

- Acceptability
- Benefits Derived
- Capacity to Pay

Local Government Rates and Charges - Guidance paper for policy development April 2012.

DEFINITIONS:**Economic Efficiency**

- Does the rating methodology distort property ownership and development decisions in a way that results in significant efficiency costs?

Simplicity

- Is the system practical and cost-effective to administer?
- Is the system simple to understand and comply with?

Equity

- Does the tax burden fall appropriately across different classes of ratepayers?

Capacity to Pay (is the tax progressive or regressive?)

- Those with a greater capacity to pay contribute more.

Benefit Principle

- Should those who benefit more, contribute more?

Sustainability

- Does the system generate sustainable and reliable revenues?
- Is it durable and flexible in changing conditions?

Cross-border Competitiveness

- Does the rating system undermine the Council as a business location?

REVIEW:

This Policy will be reviewed as required by legislation. Section 86B(4) of the LGA 1993 requires that:

A Council must review its rates and charges policy -

- (a) by the end of each successive four-year period after 31 August 2012...

There are other provisions in the legislation that trigger a policy review.

Ms L Foster (Director Corporate Services) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

19.1 Rates and Charges Policy (23-Plx-010) ...(Cont'd)

DECISION: 13 June 2019**MOTION****Moved Councillor D H McKenzie, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 10:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker****ABSENT at THE TIME of VOTING: Councillor R I Soward**

19.2 Budget 2019/2020 - City of Launceston Statutory Estimates**FILE NO:** SF6641**AUTHOR:** Paul Gimpl (Chief Financial Officer)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Council's Statutory Estimates for the financial year ending 30 June 2020.

Pursuant to section 82 of the Local Government Act 1993 (Tas) this decision requires an absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

Considered annually.

RECOMMENDATION:

That Council, by absolute majority:

1. pursuant to section 82(3)(a) of the *Local Government Act 1993* (Tas), adopts the Proposed Statutory Estimates for the financial year ending 30 June 2020. The Proposed Statutory Estimates are set out in full in Attachment 1; and
2. pursuant to section 82(2) of the *Local Government Act 1993* (Tas), adopts:

(a) Estimated Income (including Capital Grants)	\$115.978m
(b) Estimated Expenditure	
- Operating	\$112.150m
- Capital	\$25.379m
(c) Estimated Borrowing	
- Loans - Standard	-
- Loans - Accelerated*	\$4.200m
- Repayments - Standard Loans	-
- Repayments - Accelerated Loans*	-
(d) Estimated Capital Works	
- Council Funded	\$20.412m
- Grant Funded	\$4.967m

19.2 Budget 2019/2020 - City of Launceston Statutory Estimates ...(Cont'd)

*ALGCP - Accelerated Local Government Capital Program as part of the Northern Tasmania Economic Stimulus Program.

Ms L Foster (Director Corporate Services) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 13 June 2019

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 10:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker

ABSENT at THE TIME of VOTING: Councillor R I Soward

19.3 Budget 2019/2020 - City of Launceston Rating Framework

FILE NO: SF6641/SF0521

AUTHOR: Paul Gimpl (Chief Financial Officer)

DIRECTOR: Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Council's Rating Framework for the financial year ending 30 June 2020.

Pursuant to Part 9 of the Local Government Act 1993 (Tas), this decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Considered annually.

RECOMMENDATION:

That Council, by absolute majority, pursuant to Part 9 of the *Local Government Act 1993* (Tas), adopts the following Rating Framework for the financial year ending 30 June 2020.

Rating Resolution

1. General Rate:

1.1 Pursuant to sections 90 and 91 of the *Local Government Act 1993* (Tas), the Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of section 87) within the municipal area of Launceston for the period commencing 1 July 2019 and ending 30 June 2020, which consists of two components as follows:

- (a) A rate of **6.7654** cents in the dollar of the assessed annual value of the land; and
- (b) A fixed charge of **\$290.60**.

1.2 Pursuant to section 107(1) and (2) of the *Local Government Act 1993* (Tas), by reason of:

- (a) the use or non-use of any land which is within the municipal area; and
- (b) the locality of the land;

the Council declares by absolute majority that component 1.1(a) of the General Rate is varied for the financial year as follows:

19.3 Budget 2019/2020 - City of Launceston Rating Framework ...(Cont'd)

- (i) For land used for commercial purposes, that is not located within the area known as the CBD Rate Variation Locality, the rate is varied by **increasing** it by **1.073** cents in the dollar to **7.8384** cents in the dollar of the assessed annual value of the land;
- (ii) For land used for commercial purposes and which is located within the area known as the CBD Rate Variation Locality, the rate is varied by **increasing** it by **2.6169** cents in the dollar to **9.3823** cents in the dollar of the assessed annual value of the land;
- (iii) For land used for industrial purposes, the rate is varied by **increasing** it by **1.0782** cents in the dollar to **7.8436** cents in the dollar of the assessed annual value of the land;
- (iv) For land used for public purposes, the rate is varied by **increasing** it by **1.073** cents in the dollar to **7.8384** cents in the dollar of the assessed annual value of the land;
- (v) For land used for primary production purposes, the rate is varied by **increasing** it by **0.7561** cents in the dollar to **7.5215** cents in the dollar of the assessed annual value of the land;
- (vi) For land used for sporting or recreation facilities, the rate is varied by **increasing** it by **1.073** cents in the dollar to **7.8384** cents in the dollar of the assessed annual value of the land;
- (vii) For land used for quarrying or mining, the rate is varied by **decreasing** it by **0.6384** cents in the dollar to **6.1270** cents in the dollar of the assessed annual value of the land; and
- (viii) For land which is vacant land, the rate is varied by **increasing** it by **0.0900** cents in the dollar to **6.8554** cents in the dollar of the assessed annual value of the land.

Definition CBD Rate Variation Locality

1.3 That pursuant to section 107(1)(c) of the *Local Government Act 1993* (Tas), the Council declares by absolute majority that the location of any land which is within the following parts of the municipal area shall be defined as within the **CBD Rate Variation Locality** for the purposes of clause 1.2 above, namely:

- (a) That portion of the City of Launceston as is bounded by Wellington, Cameron, George and York Streets;
 - (b) Those properties having a frontage on the Eastern side of George Street from numbers 37 to 115 (both inclusive);
 - (c) Those properties having a frontage on the Southern side of York Street from numbers 45 to 123 (both inclusive);
 - (d) Those properties having a frontage on the Northern side of Cameron Street from numbers 44 to 70 (both inclusive) and on the Southern side of that Street from numbers 41 to 93 (both inclusive);
 - (e) Those properties having a frontage on the Eastern side of St John Street from numbers 119 to 153 (both inclusive) and on the Western side of that Street from numbers 116 to 128 (both inclusive);
-

19.3 Budget 2019/2020 - City of Launceston Rating Framework ...(Cont'd)

- (f) Those properties having a frontage on the Eastern side of Charles Street from numbers 179 to 205 (both inclusive) and on the Western side of that Street from numbers 126 to 156 (both inclusive); and
- (g) Those properties having a frontage on the Northern side of Brisbane Street from numbers 36 to 60 (both inclusive) and those having a frontage on the Southern side of that Street from numbers 43 to 65 (both inclusive).

Maximum Percentage Increase

- 1.4 Pursuant to section 88A of the *Local Government Act 1993* (Tas), the Council by absolute majority, sets a maximum percentage increase cap on component 1.1(a) of the general rate of 500% where that increase has occurred as a result of municipal revaluation undertaken in accordance with section 20 of the *Valuation of Land Act 2001*.
- 1.5 That pursuant to section 107 of the *Local Government Act 1993* (Tas), the Council declares by absolute majority that the maximum percentage cap referred to in 1.4 above is varied to 20% for all land which is used or predominantly used for residential purposes.

2. Service Charges – Waste Management Service:

Pursuant to section 94, of the *Local Government Act 1993* (Tas), the Council makes the following service charges on all rateable land within the municipal area of Launceston (including land which is otherwise exempt from rates pursuant to section 87 but excluding land owned by the Crown to which the Council does not supply any of the following services) for the period commencing 1 July 2019 and ending on 30 June 2020, namely:

- 2.1 Service charges for waste management in respect of all land to which the Council supplies different waste management services comprising:
 - (i) The supply of mobile garbage bins;
 - (ii) The supply of a recycling service;
 - (iii) The collection of garbage bags purchased by owners or occupiers of land from the Council.

as follows:

- (a) **\$105** for an existing 85 litre mobile garbage bin and one recycle bin;
\$145.70 for a 140 litre mobile garbage bin and one recycle bin;
\$249.75 for a 240 litre mobile garbage bin and one recycle bin; and
- (b) **\$2.60** per bag for the collection of prepaid garbage bags purchased by owners or occupiers from the Council for collection within the area that this service is supplied to.

- 2.2 Pursuant to section 94(3) of the *Local Government Act 1993* (Tas), the Council by absolute majority varies each of the charges at clause 2.1(a) above within different
-

19.3 Budget 2019/2020 - City of Launceston Rating Framework ...(Cont'd)

parts of the municipal area for land used or predominantly used for commercial or industrial purposes, public purposes, primary production, sporting or recreation facilities and/or quarrying or mining purposes as follows:

- (i) **\$105** for an existing 85 litre mobile garbage bin;
- (ii) **\$145.70** for a 140 litre mobile garbage bin;
- (iii) **\$249.75** for a 240 litre mobile garbage bin.

2.3 In respect of the service charges for waste management:

- (a) If any land to which the waste management service is supplied is the subject of separate rights of occupation which are separately valued by the Valuer-General pursuant to section 11(3)(c) of the *Valuation of Land Act 2001*, then the charge applies to each such separate occupation;
- (b) Pursuant to section 94(3) of the *Local Government Act 1993* (Tas), the Council by absolute majority declares that the service charge varies within different parts of the municipal area by reference to the use or predominant use of land as follows:
 - (i) For all land used for residential purposes where there is more than one separate right of occupation which is separately valued in the valuation list prepared under the *Valuation of Land Act 2001*, and where the rate payer has elected by notice in writing delivered to the General Manager on or before the 1 July 2019, not to have a waste management service, then the service charge is varied to **Nil**;
 - (ii) For all land which is used or predominantly used for commercial or industrial purposes, public purposes, primary production, sporting or recreation facilities, quarrying and mining purposes and where the rate payer in respect of that land elects by notice in writing delivered to the General Manager on or before the 1st day of July 2019 not to have a waste management service, then the service charge is varied to **Nil**.

3. Service Rates - Fire Service:

3.1 Pursuant to section 93A of the *Local Government Act 1993* (Tas), the Council makes the following service rates in respect of the fire service contributions it must collect under the *Fire Service Act 1979* for the rateable parcels of land within the municipal area for the period commencing 1 July 2019 and ending on 30 June 2020, as follows:

District	Cents in the dollar of Assessed Annual Value
Launceston Permanent Brigade Rating District	1.3869
Lilydale Volunteer Brigade Rating District	0.3781
General Land	0.3378

3.2 Pursuant to section 93(3) of the *Local Government Act 1993* (Tas), the Council sets a minimum amount payable in respect of this service rate of **\$41.00**.

19.3 Budget 2019/2020 - City of Launceston Rating Framework ...(Cont'd)

4. Separate Land:

4.1 Except where it is expressly provided to the contrary, for the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

5. Adjusted Values:

5.1 For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to sections 89 and 89A of the *Local Government Act 1993* (Tas).

6. Instalment Payment:

6.1 Pursuant to section 124 of the *Local Government Act 1993* (Tas), the Council:

- (a) Decides that all rates are payable by all rate payers by four instalments which must be of approximately equal amounts.
- (b) Determines that the dates by which instalments are to be paid shall be as follows:
 - (i) The first instalment on or before 31 August, 2019;
 - (ii) The second instalment on or before 30 November, 2019;
 - (iii) The third instalment on or before 31 January, 2020; and
 - (iv) The fourth instalment on or before 30 April, 2020.
- (c) If a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

7. Penalty and Interest:

7.1 Pursuant to section 128 of the *Local Government Act 1993* (Tas), if any rate or instalment is not paid on or before the date it falls due then:

- (a) There is payable a penalty of **3.0%** of the unpaid rate or instalment; and
- (b) There is payable a daily interest charge of **0.02054795% (7.5% per annum)** in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

Words and expressions used both in these resolutions and in the *Local Government Act 1993* (Tas) or the *Fire Service Act 1979*, have in these resolutions the same respective meanings as they have in those Acts.

Ms L Foster (Director Corporate Services) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

19.3 Budget 2019/2020 - City of Launceston Rating Framework ...(Cont'd)

Councillor R I Soward re-attended the Meeting at 3.53pm

DECISION: 13 June 2019

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 11:0

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

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

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

22.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* 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.

22.2 Macquarie House - Lease to Enterprize Tasmania

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

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

DECISION: 13 June 2019

MOTION

Moved Councillor J G Cox, seconded Councillor D C Gibson.

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 11:0

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

Council moved into Closed Session at 3.54pm.

Council returned to Open Session at 3.56pm

22.3 End of Closed Session

RECOMMENDATION:

That, pursuant to Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, resolves to report in Open Session that it has considered the following matters in Closed Session:

Minutes Item	Matter	Brief Description
22.1	<i>Closed Council Minutes - 30 May 2019</i>	<i>Minutes of the Closed Meeting of the City of Launceston Council held on 30 May 2019.</i>
22.2	<i>Macquarie House - Lease to Enterprize Tasmania</i>	<i>Lease arrangements for Macquarie House.</i>

DECISION: 13 June 2019

MOTION

Moved Councillor R I Soward, seconded Councillor D C Gibson

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

CARRIED 11:0

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

23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 3.57pm.

UNCLASSIFIED MINUTES ITEMS: