



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 19 SEPTEMBER 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: 19 September 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

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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 apologies from Councillor J G Cox and Councillor D H McKenzie.

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.)

Councillor J Finlay declared an interest in Agenda Item 8.1 - 158 Poplar Parade, Youngtown - Residential Construction of an Additional Dwelling

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 5 September 2019 be confirmed as a true and correct record.

DECISION: 19 September 2019**MOTION**

Moved Councillor D C Gibson, seconded Councillor R I Soward.

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

CARRIED 9:0

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

4 DEPUTATIONS

4.1 Deputation - Commissioner for Children and Young People

FILE NO: SF0097

AUTHOR: Emily Causley (Administration Trainee)

GENERAL MANAGER: Michael Stretton (General Manager)

DECISION STATEMENT:

To receive a deputation from Mrs Leanne McLean (Commissioner for Children and Young People).

RECOMMENDATION:

That Council receives a deputation from Mrs Leanne McLean (Commissioner for Children and Young People) regarding the role of the Commissioner for Young People.

Council received a deputation from the Commissioner for Children and Young People Mrs Leanne McLean.

At the conclusion of the presentation, the Mayor, Councillor A M van Zetten, thanked the Commissioner for her time.

Councillor J Findlay attended the Meeting at 1.18pm

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.)

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

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

7.1.1 Public Questions on Notice - Ms Glenda King - Council Meeting - 5 September 2019**FILE NO:** SF6381**AUTHOR:** Leanne Viney (Administration Officer)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 5 September 2019 by Ms Glenda King, has been answered by Leanne Hurst (Director Development Services).

Questions:

1. Given that the project's report [2013 - 2014 National Survey to identify current vegetation coverage in major regional centres] identified that greatest danger for the loss of established vegetation in Launceston is on privately owned properties that are increasingly being subdivided resulting in the significant ongoing loss of large trees and established vegetation what controls is the Council planning to implement within its new Planning Scheme to counteract this loss given Council's recent endorsement of a climate emergency for this City and how does Council propose to regulate and promote the retention of green cover on private property as an essential tool for value adding to our City and to help lessen the effects of increasing temperatures and heat retention in our urban areas?

Response:

The Council currently does not become involved in the removal or planting of domestic gardens on private property unless the property triggers one of the relevant codes in the Planning Scheme.

Development Applications for new buildings, or extensions to buildings in residential areas, must demonstrate compliance with the site coverage standards and the percentage of the site free from impervious surfaces to encourage soft landscaping and minimise stormwater runoff.

The Tasmanian Planning Scheme, which will apply in Launceston once the Local Provisions Schedule has been approved by the Minister for Planning, includes a priority vegetation overlay. The overlay triggers the application of the Natural Assets Code in the Planning Scheme and is designed to protect flora and fauna communities. However, the code does not apply to land zoned residential, business, commercial, industrial or agriculture and so will not apply to removal of vegetation in domestic gardens. Vegetation coverage in domestic gardens is considered in areas subject to a scenic protection overlay, heritage listing or subject to the Cataract Gorge Management Area or a specific area plan.

7.1.1 Public Questions on Notice - Ms Glenda King - Council Meeting - 5 September 2019 ...(Cont'd)

The Council's Sustainability Plan is currently being developed and will include consideration of the recent climate emergency decision.

7.1.2 Public Questions on Notice - Mr Ray Norman - 10 September 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following questions, submitted to Council on 10 September 2019 by Mr Ray Norman, have been answered by Michael Stretton (General Manager).

Questions:

1. If the \$1Million payment is not for either a good or a service by extension, does that mean that the payment is a '*solicited ex gratia payment*': a payment *made from a sense of moral obligation rather than because of any legal requirement AKA 'a gift, a grant'*?

Response:

The contribution is for the construction of a Council road as part of an approved subdivision development. This contribution is to be made pursuant to section 74 of the Local Government Act 1993 (Tas) which says that a council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82. In this case, Council is carrying out its functions as a corporation under the Local Government (Highways) Act 1982 (Tas).

2. If the \$1Million payment/gift/grant is indeed made, and a purpose has been articulated, what guarantee will there be that the entire amount has been applied to that purpose? If not what penalties will apply?

Response:

The Council will enter a contractual arrangement with the developer for the provision of the road which will be subject to prescribed checks and balances. It should be noted that the developer has guaranteed that they accept all risk if the works are to cost more but if they can reduce the cost through reuse of pavement in the northern section of the construction, then the Council will receive this benefit.

7.1.2 Public Questions on Notice - Mr Ray Norman - 10 September 2019 ...(Cont'd)

3. Moreover, should it turn out that the \$1Million payment is not actually enough for whatever reason, will the developer be able to seek additional funds under any circumstance and what might they be?

Response:

Refer previous response.

4. Indeed, what is the '*strategic and/or civic purpose*' of this '*gift/grant*' at this time given that there is no strategic policy in place that is referred to in order to give the '*payment*' context?

Response:

Congestion at the Lindsay and Goderich Streets intersection has increased over the past five years, primarily as a result of urban growth in Newnham and Alanvale. With anticipated growth in traffic demand as a result of Riverbend Park, the relocated National Automobile Museum of Tasmania and further development in Lindsay Street, it is likely that this intersection will become critically congested in the next five years. While the full final traffic solution for the Invermay area is yet to be adopted by Council, the requirement for the new link road has been approved by the Council as part of the Planning Permit for the subdivision and was well received during community engagement. Therefore, it is considered necessary to support current developments in the precinct.

5. Given that Council is considering this proposal at all, does this represent an ongoing '*strategic policy determination*' that allows ratepayers, any ratepayer, to apply for such funding? And if so, under what circumstances can they apply?

Response:

As it has in the past, the Council will continue to consider developer contributions where there is an identified public infrastructure need.

6. Is this recommendation of \$1Million payment/gift/grant being made by the General Manager under the provisions of SECTION 62 of the Local Govt. Act?

Response:

No.

7.1.2 Public Questions on Notice - Mr Ray Norman - 10 September 2019 ...(Cont'd)

7. Does the General Managers' guarantee of '*expert advice*' under the provisions of SECTION 65 of the Local Govt. Act apply here in the instance of a \$1Million payment/gift/grant – *approximately 1% of Council's recurrent budget* – being made and apart from the legal advice proffered has the advice been tested and to what end?

Response:

The Certificate of Qualified Advice which is provided as part of this Agenda indicates that the General Manager has certified that section 65 of the Local Government Act 1993 (Tas) has been complied with.

8. If Council accedes to the General Managers' recommendation, will Council be advertising like opportunities to all ratepayers setting out the conditions they will need to meet and the benefits that they'll need to offer in order to win funding of this kind?

Response:

Refer to response to Question 5.

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 - Lindsay to Gleadow Street Link Road

- 1. At a previous Meeting, an Agenda Item was \$1,005,000 for Mr Errol Stewart to build a road from Lindsay Street to Gleadow Street. This was withdrawn. Why? The item appearing on today's Agenda is \$140,000 cheaper. Why is this project not open for tender? Should Mr Errol Stewart contribute?**

The Mayor, Councillor A M van Zetten, responded by saying that Mr Stewart had contributed and all relevant matters will be discussed later in the Meeting by the Councillors.

- 2. Where is the \$340,000 that State Roads gave to this project?**

The Mayor, Councillor A M van Zetten, responded by saying that the State had contributed half to the project and information is noted in the Agenda Item.

7.2.2 Mr Ron Baines - Climate Change

1. I notice this Council has now accepted Climate Change for which I congratulate you. So how can you now allow UTAS to build in the projected flood prone area as shown in *The Examiner*? And will Council listen to the expert advice given?

The Mayor, Councillor A M van Zetten, responded by saying that all of these matters will be taken into consideration during the Development Application process. The Council will assess all of the information at that time and listen to expert advice received.

7.2.3 Mr Andrew Bowen - Australia Day Events

1. **In reference to the Agenda Item regarding Australia Day Events, what community consultation has and will be happening in the future?**

The Mayor, Councillor A M van Zetten, responded by saying that the matter was discussed at a Council Workshop and it was felt by Councillors that we didn't want to spend money on a consultation. Council has spoken to various people and listened to their comments and people have had the chance to provide opinions once the information was in the public domain. Council has not received much feedback to date but confirmed that it will be considered in the upcoming debate during the Agenda Item.

7.2.4 Mr Robin Smith - Brisbane Street Mall Issues

1. **Subsequently to the last Meeting, the homeless man has expressed that he has no desire to be living on the streets. Do you have a comment on that because we still seem to have the same level of homelessness?**

The Mayor, Councillor A M van Zetten, responded by saying that he has discussed this with two charities, who have both approached the people mentioned and one accepted temporary help but has since returned so they are not accepting offers being provided. There is no law to say otherwise, so they are free to do as they choose. But we are still working with the charities to see that an overall solution can be obtained.

2. **Traders have previously expressed recommendations but they don't seem to have materialized in plans or executed work. What would be different if we asked again?**

The Mayor, Councillor A M van Zetten, responded by recommending that the suggestions be submitted in writing, signed by the relevant retailers. Consideration can then be put to those suggestions.

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

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling

FILE NO: DA0369/2019

AUTHOR: Maria Chledowska (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 DA0369/2019 - Residential - Construction of an additional dwelling at 158 Poplar Parade, Youngtown subject to the following conditions:

1. ENDORSED PLANS

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

- a. Site Plan, Prepared by S Group, Drawing A101, Lachie Allison, Revision A, Dated 6/6/19, (Plan to be amended);
- b. Floor Plan, Prepared by S Group, Drawing A201, Lachie Allison, Revision A, Dated 6/6/19;
- c. Elevations, Prepared by S Group, Drawing A301, Lachie Allison, Revision A, Dated 6/6/19; (Plan to be amended).

2. AMENDED PLANS REQUIRED

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

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

- a. Reduced a maximum height of the dwelling from 7.4m to 6.2m;
- b. A privacy screen with a height of 1.7m and no more than 25% transparency located to the rear of the hardstand parking area associated with the existing dwelling to provide an area of private open space.
- c. Details of fencing along the strata boundaries;
- d. A waste storage area located behind the building frontage associated with the existing dwelling; and
- e. Mail boxes adjacent to the access to each dwelling.

3. WINDOW SCREENING

Either a screen at least 1.7m in height or obscure glazing extending to a height of at least 1.7m above the floor level must be fixed at the south facing kitchen window of the existing dwelling.

4. LEGAL TITLE

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

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01110-LCC, 13/08/2019 and attached to the permit.

6. 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

7. FENCING

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

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

8. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
 - b. Each multiple dwelling must be provided with a minimum 6m³ exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
-

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

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, by-laws and legislation relevant to the development activity on the site.

10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

11. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to Council's stormwater mains.

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.

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

13. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Dwelling	Strata Lot No.	Street Address
Existing dwelling	1	1/158 Poplar Parade
Proposed dwelling	2	2/158 Poplar Parade

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

14. 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.

15. 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.

16. 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;
- 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.

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

Notes

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.
- B. Occupancy Permit Required
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.
- C. All plumbing work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.
- D. General
This permit was issued based on the proposal documents submitted for DA0369/2019. 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.*
-

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

E. Restrictive Covenants

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

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

F. Appeal Provisions

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

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

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

G. Permit Commencement

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

H. Strata Title Approval

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

Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager City Development) and Ms P Glover (Team Leader Planning Assessments) were in attendance to answer questions of Council in respect of this Agenda Item.

Due to a declaration of interest in Agenda Item 8.1 - 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling, Councillor J Finlay withdrew from the Meeting at 1.25pm.

Mrs Sue Balchin spoke against the Recommendation

8.1 158 Poplar Parade, Youngtown - Residential - Construction of an Additional Dwelling ...(Cont'd)

DECISION: 19 September 2019

MOTION

Moved Councillor P S Spencer, seconded Councillor A G Harris.

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

CARRIED 9:0

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

ABSENT DUE to DECLARATION of INTEREST: Councillor J Finlay

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

Councillor J Finlay re-attended the Meeting at 1.32pm.

The Mayor, Councillor A M van Zetten, requested that Council move to discuss Agenda Item 15.1 - Australia Day Acknowledgement.

DECISION: 19 September 2019

MOTION

Moved Councillor R I Soward, seconded Councillor T G Walker.

That Council move to discuss Agenda Item 15.1 - Australia Day Acknowledgement.

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 K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

Council moved to discuss Agenda Item 15.1 - Australia Day Acknowledgement.

15.1 Australia Day Acknowledgement**FILE NO:** SF5547**AUTHOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To respond to a decision of Council to review its current policy position of recognising Australia Day on 26 January each year.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 5 September 2019 - Australia Day Acknowledgement

Workshop - 6 June 2019 - Australia Day Policy Review

Council - 24 January 2019 - Agenda Item 14.1 - Notice of Motion - Councillor T G Walker - Australia Day Acknowledgement

Council - 26 June 2017 - Agenda Item 21.1 - Lord Mayor Correspondence Seeking Australia Day Date Change

RECOMMENDATION:

That further to Councillors' discussion at the workshop on 5 September 2019 Council resolves to make the following changes to events that have previously been recognised on 26 January:

1. that unless the Australian Government adopts proposed changes to the Citizenship Ceremonies Code legislating that councils must hold a citizenship ceremony on 26 January, the City of Launceston will hold a citizenship ceremony on 25 January.
 2. that the City of Launceston will replace the National Australia Day Awards program with a community recognition awards ceremony to be held on 25 January following the citizenship ceremony.
 3. that the City of Launceston will not participate in the National Australia Day Ambassador Program.
 4. that Music in the Park program will be held on Sundays only throughout January, with no separate performance if a Sunday does not fall on 26 January.
 5. that the Australia Day Committee be disbanded and Councillors will be selected to assess community recognition award nominations.
-

15.1 Australia Day Acknowledgement ...(Cont'd)

6. that if Recommendation 6. above is approved in the affirmative, 14-HLPr-003 - Committee Representation Details be updated to reflect the change.
-

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

Mr Graeme Gardner spoke for the Recommendation

During debate on this Agenda Item, the Mayor, Councillor A M van Zetten, advised that there was a typographical error contained in the published Recommendation, clarifying that the correct motion was visible on the screen at (6).

The Mayor, Councillor A M van Zetten, handed the Chair to the Deputy Mayor, Councillor D C Gibson at 1.57pm.

The Mayor, Councillor A M van Zetten, resumed the Chair at 2.00pm.

DECISION: 19 September 2019

MOTION 1

Moved Councillor T G Walker, seconded Councillor A E Dawkins.

That further to Councillors' discussion at the workshop on 5 September 2019 Council resolves to make the following changes to events that have previously been recognised on 26 January:

- 1. that unless the Australian Government adopts proposed changes to the Citizenship Ceremonies Code legislating that councils must hold a citizenship ceremony on 26 January, the City of Launceston will hold a citizenship ceremony on 25 January.**
 - 2. that the City of Launceston will replace the National Australia Day Awards program with a community recognition awards ceremony to be held on 25 January following the citizenship ceremony.**
 - 3. that the City of Launceston will not participate in the National Australia Day Ambassador Program.**
-

15.1 Australia Day Acknowledgement ...(Cont'd)

4. that Music in the Park program will be held on Sundays only throughout January, with no separate performance if a Sunday does not fall on 26 January.
5. that the Australia Day Committee be disbanded and Councillors will be selected to assess community recognition award nominations.
6. that if Recommendation 5. above is approved in the affirmative, 14-HLPr-003 - Committee Representation Details be updated to reflect the change.

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 K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

DECISION: 19 September 2019

MOTION 2

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

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

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 K P Stojansek, Councillor R I Soward, Councillor P S Spencer, 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 2.02pm.

The Mayor, Councillor A M van Zetten, withdrew from the Meeting at 2.02pm.

The Deputy Mayor, Councillor D C Gibson bypassed Agenda Item 9.1 - Mayor's Announcements until the Mayor returned to the Meeting.

9 ANNOUNCEMENTS BY THE MAYOR

9.1 Mayor's Announcements

This Agenda Item was delayed by the Deputy Mayor, Councillor D C Gibson, until the Mayor, Councillor A M van Zetten, returned to the Meeting. It was considered after Agenda Item 20.2 - King Wharf Developments - Developer Contribution on page 37 of these Minutes

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 R I Soward

- **Attended the *Waste NoT Awards* and congratulated the winners in various categories.**

10.2 Councillor J Finlay

- **Promoted and recommended attendance at the National Basketball League *NBL Blitz* with the first game being in Ulverstone tonight. Commended players from the NBL and NBA who have been visiting primary schools in Launceston today. Upcoming games include Devonport on Friday and Launceston on Saturday.**
-

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.)

11.1.1 Councillors' Questions on Notice - Councillor A G Harris - Staff Parking for the Kmart Shopping Complex, Racecourse Crescent - Council Meeting - 5 September 2019**FILE NO:** SF2375**AUTHOR:** Leanne Viney (Administration Officer)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question was asked at Council on 5 September 2019 by Councillor A G Harris has been answered by Leanne Hurst (Director Development Services).

Question:

1. How many staff parking spots for businesses operating within the KMart complex were approved for the Development Applications for the KMart Shopping Complex in Racecourse Crescent?

Response:

A review of issued planning permits for this property has not identified any conditions requiring provision of parking on site for employees working at the businesses within the complex.

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.)

No Councillor's Questions Without Notice were identified as part of these Minutes

12 COMMITTEE REPORTS

No Committee Reports were identified as part of these Minutes

13 COUNCIL WORKSHOPS

13.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Leanne Viney (Administration Officer)

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:

Workshop conducted on 19 September 2019:

Launceston Suicide Prevention Trial Update

Councillors received an update on the first 18 months of the Primary Health Tasmania funded Trial, and an overview of some of the initiatives planned for the next six months.

On-Street Parking Machines Upgrade

Councillors received an overview of the process for replacing the on-street parking meters.

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

DECISION: 19 September 2019

MOTION

Moved Councillor R I Soward, seconded Councillor A G Harris.

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

CARRIED 9:0

FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker
ABSENT at TIME of VOTING: Mayor Councillor A M van Zetten

14 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Australia Day Acknowledgement**

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 8.1 - 158 Poplar Parade, Youngtown - Construction of a Single Dwelling on page 21 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**17.1 Lease of Princess Theatre and Earl Arts Centre****FILE NO:** SF0371**AUTHOR:** Duncan Campbell (Governance and Paralegal Officer)**DIRECTOR:** Tracey Mallett (Acting Director Creative Arts and Cultural Services)

DECISION STATEMENT:

To consider leasing the Princess Theatre and Earl Arts Centre to Theatre North Inc.

PREVIOUS COUNCIL CONSIDERATION:

Council - 8 August 2019 - Agenda Item 17.1 - Lease of Princess Theatre and Earl Arts Centre

RECOMMENDATION:

That Council:

1. resolves to lease the Princess Theatre and Earl Arts Centre to Theatre North Inc. for a period of five years, plus an option for a further five years, with the final terms of the lease to be decided by the General Manager if any deviation from the draft lease is required.
 2. requests the General Manager to determine the current lease and enter into a new lease in accordance with Recommendation 1.
 3. notes the net effect of new lease in current draft from will see an additional \$17,276 in annual operational costs to Council, as detailed in the report.
-

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

17.1 Lease of Princess Theatre and Earl Arts Centre ...(Cont'd)

DECISION: 19 September 2019**MOTION****Moved Councillor R I Soward, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 9:0****FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker
ABSENT at TIME of VOTING: Mayor Councillor A M van Zetten**

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

19 CORPORATE SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

20 GENERAL MANAGER'S DIRECTORATE ITEMS**20.1 Launceston Flood Authority - Rules Amendment****FILE NO:** SF4493**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To consider an amendment to the Launceston Flood Authority governance arrangements.

PREVIOUS COUNCIL CONSIDERATION:

Council - 21 March 2019 - Agenda Item 20.1 - Launceston Flood Authority - Rules Amendment

RECOMMENDATION:

That Council:

1. proposes to amend the Launceston Flood Authority Rules 2008 to be in the terms of the attached Draft Launceston Flood Authority Rules 2019 (ECM Document Set ID 4090827).
 2. notes that the amendment proposed at Recommendation 1 cannot occur until all requirements under sections 31, 32 and 32A of the *Local Government Act 1993* (Tas) have been met.
 3. requests the General Manager to ensure that the requirements of the *Local Government Act 1993* (Tas) are complied with, including, but not limited to, ensuring that notice of the proposed amendments at Recommendation 1 is properly given.
 4. notes that once legislative requirements have been met, the proposed amendments will come back before Council for approval.
-

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

20.1 Launceston Flood Authority - Rules Amendment ...(Cont'd)

DECISION: 19 September 2019**MOTION****Moved Councillor R I Soward, seconded Councillor A G Harris.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 9:0****FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker
ABSENT at TIME of VOTING: Mayor Councillor A M van Zetten**

20.2 King Wharf Developments - Developer Contribution

FILE NO: 114560/116160

GENERAL MANAGER: Michael Stretton (General Manager)

DECISION STATEMENT:

To consider a developer contribution for construction of the new road between Gleadow Street and Lindsay Street, Invermay.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 13 December 2018 - Invermay Traffic Masterplan - Update

Council - 22 October 2018 - Agenda Item 18.1 - Invermay Traffic Masterplan

Closed Council - 23 March 2015 - Agenda Item 23.1 - Disposal of Land - Agreement to dispose of 91 Gleadow Street, Invermay

RECOMMENDATION:

In accordance with the Draft Invermay Traffic Masterplan, that the Council provides a development contribution of up to \$864,320 to King Wharf Developments for the construction of a new link road on its land between Lindsay Street and Gleadow Street, Invermay pursuant to section 74 of the *Local Government Act 1993* (Tas).

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

The Mayor, Councillor A M van Zetten, re-attended the Meeting 2.12pm

20.1 Launceston Flood Authority - Rules Amendment ...(Cont'd)

DECISION: 19 September 2019**MOTION****Moved Councillor J Finlay, seconded Councillor R I Soward.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 8:2****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 K P Stojansek, Councillor R I Soward and Councillor A G Harris****AGAINST VOTE: Councillor P S Spencer and Councillor T G Walker****Council returned to Agenda Item 9.1 - Mayor's Announcements.**

9.1 Mayor's Announcements

FILE NO: SF2375

Thursday 5 September 2019

- Attended Scotch Oakburn College's presentation *Away*

Friday 6 September 2019

- Attended the Australian Red Cross Tasmania's morning tea at Mowbray
- Attended *Tasdance - First Floor* as part of the Junction Arts Festival

Saturday 7 September 2019

- Attended *Breathtaking* as part of the Junction Arts Festival
- Attended *Mudlark - One Day Cannon* as part of the Junction Arts Festival

Sunday 8 September 2019

- Attended the 2019 Northern Competition Award presentations at the Northern Hockey Centre

Tuesday 10 September 2019

- Opened the 2019 Careers Expo at Launceston College

Wednesday 11 September 2019

- Participated in the Stroke Foundation's *Health Check Machines* program
- Attended the *Festivale* launch cocktail party

Thursday 12 September 2019

- Hosted a civic function to mark the 185th Anniversary of Benevolent Society
- Hosted the Australian High Commissioner to Cyprus and Australian High Commissioner to Mauritius

Friday 13 September 2019

- Attended the Launceston Players production of *Picnic at Hanging Rock*
-

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

Saturday 14 September 2019

- Officiated at the opening of Macquarie House
- Attended the Northern Tasmanian Football Association's Premier Grand Final Event
- Attended the Northern Awards Night and Cocktail Party with Football Tasmania

Sunday 15 September 2019

- Officiated at the Womens' 5km Walk/Run for the Cancer Council
- Officiated at the Launceston Aquatic Club Medley presentation
- Officiated at the carousel launch party for *Just like Jack*

Tuesday 17 September 2019

- Attended the St Patricks College event for visual literacy with students about the Launceston flag

Wednesday 18 September 2019

- Officiated at the *Waste NoT* Awards Ceremony for City of Launceston
-

Council resumed the published order of business at Agenda Item 21 - Urgent Business

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

This decision requires an absolute majority of 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 UTAS Student Accommodation

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.

22.3 Councillor's Leave of Absence

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:

- (h) applications by councillors for a leave of absence.

DECISION: 19 September 2019

MOTION

Moved Councillor R I Soward, seconded Councillor J Finlay.

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 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 K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

Council moved into Closed Session at 2.32pm

Council returned to Open Session at 2.42pm

22.4 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	Closed Council Minutes - 11 July 2019	Minutes of the Closed Meeting of the City of Launceston Council held on 11 July 2019.
22.2	UTAS Student Accommodation	Discussion of a Memorandum of Agreement between the University of Tasmania and the City of Launceston.
22.3	Councillor's' Leave of Absence	Approval of personal leave for a Councillor.

DECISION: 19 September 2019

MOTION

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

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 K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 2.42pm.
