



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 7 FEBRUARY 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: 7 February 2019

Time: 1.00pm

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## 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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# City of Launceston

COUNCIL MINUTES

Thursday 7 February 2019

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**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 S G Eberhardt (Director Infrastructure Services)  
Mrs L M Hurst (Director Development Services)  
Mr B Maclsaac (Director Facilities Management)  
Ms T Puklowski (Director Creative Arts and Cultural Services)  
Ms L Foster (Director Corporate Services)  
Mrs L Purchase (Acting Manager Corporate Strategy)**

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**1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

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

**2 DECLARATIONS OF INTEREST**

*Local Government Act 1993 - section 48*

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

**Councillor K P Stojansek declared an interest in Agenda Item - 8.2 - 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School.**

**The Mayor, Councillor A M van Zetten declared an interest in Agenda Item - 8.3 - 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings.**

**3 CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 24 January 2019 be confirmed as a true and correct record.

**DECISION: 7 February 2019****MOTION**

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

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

**CARRIED 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**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 Dr John Ralph - Launceston Urban Fringe Trail**

**Dr Ralph provided Council with information regarding the Launceston Urban Fringe Trail (LUFT) - a 100km pedestrian and cycling trail that connects all of greater Launceston, and thanked City of Launceston for its support.**

**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.)*

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**7.1.1 Public Questions on Notice - Removal of Art Work in Mall - Mr Robin Smith - 24 January 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTION and RESPONSE:**

This following question was asked by Mr Robin Smith at the Council Meeting of 24 January 2019 and a response has been provided by Ms Tracy Puklowski (Director Creative Arts and Cultural Services).

**Question:**

1. *As part of the Mall redevelopment project, why has Council not removed public artwork in the Mall [All About Us]?*

**Response:**

*All About Us* is a Reconciliation Sculpture (Commemorative Marker) which was created in consultation with the community and the Tasmanian Aboriginal Advisory Group.

The sculpture was a gift to the City to acknowledge more than 40,000 years of living heritage and continuing cultural practice of the Tasmanian Aboriginal people and 200 years of European history in Launceston. The sculpture symbolises two cultures coming together in reconciliation.

The sculpture was created by respected sculptor, Peter Corlett who is based in Melbourne (<http://petercorlett.com/biography.html>). The foundry work was completed in Melbourne - Meridian Foundry and stonework by Dunn Stone in Launceston.

At the time, the role of Mr John Millwood was the proposer of the project and coordinator, working with sculptor, Peter Corlett, the Council and the Tasmanian Aboriginal Advisory Group (TAAG).

The process of the Reconciliation Sculpture required a thorough and consultative process with the community and the TAAG. Removal of this existing element from the Mall was never intended as part of the Mall redevelopment project.

Removal of the *All About Us* Reconciliation Sculpture would be culturally insensitive, disrespectful and significantly damage relationships and progress made towards reconciliation.

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**7.1.2 Public Questions on Notice - Mr Robin Smith - Food Van Trial - 24 January 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTIONS and RESPONSE:**

The following question was asked by Mr Robin Smith at the Council Meeting of 24 January 2019 and a response has been provided by Mr Michael Stretton (General Manager).

**Question:**

1. *What engagement with local businesses did Council undertake prior to this trial? What engagement was undertaken with Councillors prior to this trial?*

**Response:**

The Council has engaged with the community in respect to the City Heart project over a number of years which has included a focus not only on built form improvements, but also on measures to activate the City. A trial of food vans in the Brisbane Street Mall has long been mooted as a City activation initiative. The Council's Major Projects Department engaged with the Brisbane Street Mall traders and Cityprom in respect to the operation of a food van trial, and Councillors were advised of the proposal to undertake the trial in December 2018.

It should be noted that this is a trial to inform a decision by the Council on whether to allow food vans within the Mall. No decision has been made to allow food vans in the Mall. The month-long trial will provide everyone, including food operators, the opportunity to engage in the Council's consideration and decision-making process and provide real data and evidence for the Council. Ultimately, any decision that comes before the Council must be backed up by evidence and facts - and not simply anecdotal in nature.

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**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 Jim Collier - Urban Rivers Program**

- 1. Accepting there is likely to be a change in the Federal Government following the forthcoming May Federal election, is the Launceston City Council aware that the Australian Labor Party recently announced their Urban Rivers Program through which they will, if elected, provide funding of \$200m to protect and restore Australia's rivers and waterways?**

**The Mayor, Councillor A M van Zetten, responded by saying that Council is aware of the initiative as a meeting had been held to discuss the issues.**

- 2. In view of this Urban Rivers Program will the Launceston City Council undertake to contact Mr Ross Hart, Federal Member for Bass, at the earliest opportunity to explore the possibility of obtaining some or all of the funds recommended in the Tamar Estuary Management Task Force's *Tamar Estuary River Health Plan* to upgrade Launceston's archaic sewage infrastructure?**

**The Mayor, Councillor A M van Zetten, responded by saying that Council will continue discussions with Mr Ross Hart MP regarding this and other issues.**

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**7.2.2 Mr Jim Collier - Regional Cat Shelter Service**

- 1. Cats continue to wreak havoc amongst native wildlife, particularly birds. Will the Launceston City Council advise what action they are taking, in conjunction with neighbouring Councils, to address this problem and cat management in general?**

**Mr Michael Stretton (General Manager) responded by saying that the issue of cats and cat management is a complex problem that requires resolution. The City of Launceston has worked with other Councils over the past months, to establish a sustainable model for a regional cat shelter service for Northern Tasmania. The State government has a responsible officer in the north, located at NRM North, to work with Councils. As it is a legislated requirement to have a cat management strategy, plans are being formulated to develop a regional cat management plan that will outline how the issue would be handled in the future in a more coordinated approach. More information will be available and communicated as those plans are developed and refined.**

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## 7.2.3 Mr Brian Khan - Heritage Tourism

1. **Will the Mayor, General Manager and Councillors enter into a dialogue with Mr Robert Raven of Bridestowe Estate over heritage tourism and the need for Council to recognise it as its core business in tourism?**

**The Mayor, Councillor A M van Zetten, indicated that Council has previously conducted discussions with, and had presentations from Mr Raven and will continue to do so into the future.**

## 7.2.4 Mr Robin Smith - Food Vans in Brisbane Street Mall

### 1. Is Council the proponent of the food van trial?

**Mr Michael Stretton (General Manager) confirmed that Council is the proponent of the food van trial. Council, as part of the City Heart Project's City Activation Program, has included food vans in that initiative. It is clearly intended as a trial with the aim of informing future plans.**

**The Mayor, Councillor A M van Zetten, indicated that any recommendation would be returned to Council for a decision.**

## 7.2.5 Mr Robin Smith - Art Work in the Brisbane Street Mall

1. [Following on from the question taken on notice from the Council Meeting on 24 January 2019 and Council's response at Agenda Item 7.1.1 in the Council Agenda dated 7 February 2019] is the person named as the designer of the sculpture a benefactor, and a significant benefactor, of that artwork?
  
2. Is it not appropriate in such circumstances to remove the artwork?

The Mayor, Councillor A M van Zetten, responded by saying that these questions would be Taken on Notice and a response will be provided in the Council Agenda of 21 February 2019.

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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 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage**

**FILE NO:** DA0698/2018

**AUTHOR:** Marilyn Burns (Urban Design Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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#### **DECISION STATEMENT:**

To consider and determine a development application pursuant to the Land Use Planning and Approvals Act 1993.

#### **PREVIOUS COUNCIL CONSIDERATION:**

D251/86 - purpose of extension to shop (Shop)

DA0693/2007 - Advertising Sign - Window Signs

#### **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 DA0698/2018 - General Retail and Hire - Alterations to Signage at 80A-88 Charles 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 Council unless modified by a condition of the Permit:

- a. Cover Letter, prepared by Platinum Planning Solutions, Shopfront Works and Signage, Page No 1-4, dated 03/12/2018.
  - b. Awning Signage Details, prepared by Woodland Shopfitting, Drawing No. 20584-3.1, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018.
  - c. Electrical Plan, prepared by Woodland Shopfitting, Drawing No. 20584-3, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**
  - d. External/Internal Elevations, prepared by Woodland Shopfitting, Drawing No. 20584-8, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**
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**8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)**

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- e. Details - SF Window, prepared by Woodland Shopfitting, Drawing No. 20584-17, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**
- f. Shopfront Window Details, prepared by Woodland Shopfitting, Drawing No. 20584-10.2, CNR Brisbane and Charles Street, Rev B, dated 13/11/2018. **Amended Plan Required.**

**2. AMENDED PLANS REQUIRED**

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

- a. The televisions screen situated in the curved window on the corner of Brisbane Street and Charles Street moved to the existing covered window at the western end of the Brisbane Street frontage; and
- b. The televisions screen on the Charles Street frontage rotated 90 degrees.

**3. HOURS OF CONSTRUCTION**

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays

**4. SIGNAGE CONTENT**

The images displayed on both the televisions screens must be static and any change between static images must be instantaneous. The signs must not include colours which are used for official traffic signs, or imitate a traffic control device or give instructions to traffic such as 'give way' or 'stop.' Apart from this, content of the signs may be updated or changed without separate approval of Council, subject to:

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

**5. SIGN ILLUMINATION**

All signs must only be illuminated during business hours. The television screens must have a maximum luminance level of 2,700 nits.

**6. REMOVAL OF EXISTING SIGNS**

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

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**8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)**

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**7. SIGN MAINTENANCE**

The signs must be constructed and maintained in good condition to the satisfaction of the Council. The television screens must incorporate an automatic error detection system or similar which will turn the display off or switch to a blank, black screen should the screen or system malfunction.

**8. 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 by-law 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.

**9. 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.

**10. OCCUPATION OF ROAD RESERVE (COMPLEX)**

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 Brisbane and/or Charles Streets 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 contact number;
  - c. the traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
  - d. any alternative pedestrian routes to be provided where the existing footpath in Brisbane and/or Charles Streets is unavailable for use due to the delivery of materials such as the precast concrete panels; and
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**8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)**

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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 footpath in Brisbane and/or Charles Streets is unavailable for use due to the delivery of materials such as the precast concrete panels;
- 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.

**11. OCCUPATION OF ROAD RESERVE (METERED/TIMED PARKING BAYS)**

Prior to the commencement of the work, the applicant must make application to Council for the occupation of the metered/timed parking spaces located along the northern side of Brisbane Street. The applicant must pay the prescribed daily fee for each occupied metered space for the duration of the occupation, except where the Council's Manager Parking permits a variation.

**12. EXTERIOR AND SECURITY LIGHTING PLANNING**

Exterior Lighting and Security lighting to comply with the Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting" or any subsequent versions of the document.

**13. 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
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**8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)**

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**Notes****A. General**

*This permit was issued based on the proposal documents submitted for DA0698/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

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

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

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

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**8.1 80A-88 Charles Street, Launceston - General Retail and Hire - Alterations to Signage ...(Cont'd)**

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**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 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.*

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**Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager City Development) and Ms M Burns (Urban Design Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Ms Victoria Wilkinson spoke to the item**

**DECISION: 7 February 2019**

**MOTION**

**Moved Councillor J Finlay, seconded Councillor D H McKenzie.**

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

**CARRIED 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School****FILE NO:** DA0582/2018**AUTHOR:** Iain More (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**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 pursuant to a delegation from Council, for DA0582/2018 - Educational and occasional care - Construction of a school at 368 and 378A St Leonards Road, St Leonards 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. Drawing Index & Location Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A000, dated 09/10/2018;
  - b. Sit Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A101, dated 09/10/2018;
  - c. Demolition Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A102, dated 09/10/2018;
  - d. Low Floor Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A103, dated 09/10/2018;
  - e. Floor Plan Upper, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A104, dated 09/10/2018;
  - f. House Elevations & Sections, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A201-01, dated 09/10/2018;
  - g. Class Room Plans Elevations & Sections, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A202, dated 09/10/2018; and
  - h. Traffic Impact Statement, Prepared by GHD, dated October 2018.
-

**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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**2. USE LIMITATION**

This permit allows the educational and occasional care use as defined in the Launceston Interim Planning Scheme 2015. The use is limited to 102 students and 12 full-time equivalent (FTE) staff members. This number encompasses child care, kinder, prep, primary school and secondary school students. Any increase in student numbers and/or FTE staff numbers is subject to a further application and approval.

**3. COMBINED SITE USE**

The Educational and Occasional Care use located on 152338/4 cannot operate unless the parking and access located on 174941/4 is made available exclusively for the use.

**4. 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.

**5. HOURS OF CONSTRUCTION**

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays

**6. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2018/01692-LCC, dated 25/10/2018 and attached to the permit.

**7. PARKING RESTRICTIONS IN ST LEONARDS ROAD**

A plan of the parking restrictions in St Leonards Road and details of the completed public consultation are to be submitted for approval by the Director Infrastructure Services. Once approved, the parking restrictions are to be installed at the applicant's expense and prior to the school operations starting on the site.

**8. 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.

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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**8A. 368 ST LEONARDS ROAD ACCESS**

Within six months of the use occurring, the crossover into 368 St Leonards Road must be widened to a minimum of 6m, with a passing bay located no less than 15m from St Leonards Road. The detailed design must be provided and signed by Manager City Development.

**9. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

**10. 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.

**11. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

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## 8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

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### 12. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

### 13. 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 DA0582/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

#### B. Restrictive Covenants

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

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

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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**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) <<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. Access for People with a Disability**

*This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.*

**F. 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.*

**G. Heat Pump Use**

*Use of the heat pump will be subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or as amended.*

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**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.**

**Due to a Declaration of Interest in Agenda Item 8.2 - 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School, Councillor K P Stojansek withdrew from the meeting at 1.22pm.**

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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Mr John Ayers spoke for the item  
Ms Maureen Ridgley spoke against the item  
Ms Lauren O'Brien spoke against the item  
Ms Gina Poulton spoke for the item  
Mr Ben Marquis spoke for the item

**DECISION: 7 February 2019**

**MOTION**

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

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 pursuant to a delegation from Council, for DA0582/2018 - Educational and occasional care - Construction of a school at 368 and 378A St Leonards Road, St Leonards 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. Drawing Index & Location Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A000, dated 09/10/2018;
  - b. Sit Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A101, dated 09/10/2018;
  - c. Demolition Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A102, dated 09/10/2018;
  - d. Low Floor Plan, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A103, dated 09/10/2018;
  - e. Floor Plan Upper, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A104, dated 09/10/2018;
  - f. House Elevations & Sections, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A201-01, dated 09/10/2018;
  - g. Class Room Plans Elevations & Sections, Prepared by Morrison & Breytenbach Architects, Drawing No. 1808 A202, dated 09/10/2018; and
  - h. Traffic Impact Statement, Prepared by GHD, dated October 2018.
-

## 8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)

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### 2. USE LIMITATION

This permit allows the educational and occasional care use as defined in the Launceston Interim Planning Scheme 2015. The use is limited to 102 students and 12 full-time equivalent (FTE) staff members. This number encompasses child care, kinder, prep, primary school and secondary school students. Any increase in student numbers and/or FTE staff numbers is subject to a further application and approval.

### 3. COMBINED SITE USE

The Educational and Occasional Care use located on 152338/4 cannot operate unless the parking and access located on 174941/4 is made available exclusively for the use.

### 4. 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.

### 5. HOURS OF CONSTRUCTION

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays

### 6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2018/01692-LCC, dated 25/10/2018 and attached to the permit.

### 7. PARKING RESTRICTIONS IN ST LEONARDS ROAD

A plan of the parking restrictions in St Leonards Road and details of the completed public consultation are to be submitted for approval by the Director Infrastructure Services. Once approved, the parking restrictions are to be installed at the applicant's expense and prior to the school operations starting on the site.

### 8. 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.
-

**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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

**8A. 368 ST LEONARDS ROAD ACCESS**

Prior to the use commencing the crossover into 368 St Leonards Road must be widened to a minimum of 6m, with a passing bay located no less than 15m from St Leonards Road. The detailed design must be provided and signed by Manager City Development.

**9. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

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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.

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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.

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

**12. AMENITY - COMMERCIAL/INDUSTRIAL USE**

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

**13. 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 DA0582/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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**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) <<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. Access for People with a Disability**

*This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.*

**F. 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.*

**G. Heat Pump Use**

*Use of the heat pump will be subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or as amended.*

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**8.2 368 and 378A St Leonards Road, St Leonards - Educational and Occasional Care - Construction of a School ...(Cont'd)**

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**CARRIED 8:3**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker**

**AGAINST VOTE: Mayor Councillor A M van Zetten, Councillor R I Soward, Councillor J G Cox**

**ABSENT DUE to DECLARATION of INTEREST: Councillor K P Stojansek**

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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings****FILE NO:** DA0360/2018**AUTHOR:** Brian White (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

**PREVIOUS COUNCIL CONSIDERATION:**

DA120/92 - Extension to existing motor body works and joinery (Light Ind)

DA0214/2015 - Food services - cafe; Residential - multiple dwellings; construction and use 11 dwellings (7 within the existing building); Signage - cafe signs

DA0350/2015 - Food Services - cafe; Residential - multiple dwellings; construction and use 10 dwellings (7 within the existing building); Signage - cafe signs

**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, the application be refused for DA0360/2018 - Residential - Construction of an Additional Six Dwellings and Associated Earthworks at 27-29 Leslie Street, South Launceston on the following grounds:

1. the proposed development does not comply with Clause 10.4.1 P1 (a) or (b) of the Launceston Interim Planning Scheme 2015 as the proposed density is not compatible with the density of the surrounding area or does not provide a significant social or community housing benefit.
  2. the proposed development does not comply with Clause 10.4.3 P1 (a)(i), (b) or (c) of Clause 10.4.3 of the Launceston Interim Planning Scheme 2015 as:
    - the dwellings do not have outdoor recreational space consistent with the projected requirements of the occupants taking into account any communal open space provided for this purpose within the development; and
    - the dwellings and the site do not have reasonable space for the planting of gardens and landscaping.
- 
-

**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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

The Mayor, Councillor A M van Zetten, handed the Chair to Deputy Mayor Councillor D C Gibson at 2.02pm.

Due to a Declaration of Interest in Agenda Item 8.3 - 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings, Mayor Councillor A M van Zetten withdrew from the Meeting at 2.02pm.

Councillor K P Stojansek re-attended the Meeting at 2.03pm.

Ms Claire Gregg spoke against the recommendation  
Ms Christine Gleeson spoke against the recommendation

**DECISION: 7 February 2019**

**MOTION**

Moved Councillor R I Soward, seconded Councillor P S Spencer.

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 DA0360/2018 - Residential - Construction of an additional six dwellings and associated earthworks at 27-29 Leslie Street, South Launceston subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover Page, Prepared by Urban Design Solutions, No Date.
  - b. Site Plan, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 03, Version No. 3, Dated 13 December 2018 (Plan to be amended).
  - c. Planning Compliance, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 04, Version No. 3, Dated 13 December 2018 (Plan to be amended).
  - d. Landscape Plan, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 05, Version No. 3, Dated 13 December 2018 (Plan to be amended).
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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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- e. Floor Plans - Unit 1 (Stage 1), Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 06, Version No. 3, Dated 5 December 2018.
- f. Elevations - Unit 1 (Stage 1), Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 07, Version No. 3, Dated 5 December 2018.
- g. Floor Plans - Unit 1 (Stage 2), Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 08, Version No. 3, Dated 5 December 2018.
- h. Floor Plans - Units 2, 3 and 4 (Stage 2), Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 09, Version No. 1, Dated 5 of December 2018.
- i. Floor Plans - Unit 5 (Stage 2), Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 10, Version No. 1, Dated 5 December 2018.
- j. Elevations - Stage 2, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 11, Version No. 3, Dated 5 December 2018.
- k. Typical Retaining Wall Section, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 11a, Version No. 3, Dated 12 December 2018.
- l. South Elevation & North Elevation, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 12, Version No. 3, Dated 5 December 2018.
- m. 3D - Street front, Prepared by Urban Design Solutions, Drawing No. 6472, Sheet No. 13, Version No. 3, Dated 5 December 2018.
- n. Planning Submission, Prepared by Metier Planning & Development, Revision No. 2, Dated 6/12/2018.
- o. Density Assessment, Prepared by Metier Planning & Development, No Date.
- p. Traffic Impact Assessment, Prepared by Andrew Howell, Dated October 2018.
- q. Commercial and Residential Development - Traffic Impact Assessment, Prepared by Pitt & Sherry, Dated May 2015.
- r. Commercial and Residential Development - Traffic Impact Assessment, Prepared by Pitt & Sherry, Dated 16 July 2015.
- s. Driveway and Carpark Layout Plan, Prepared by D1 Consulting Engineers, Drawing No. C03, Revision 2, Dated August 2018.

**2. AMENDED PLANS REQUIRED**

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

- a. The deletion of the parking space adjacent to the proposed bin storage areas in the north eastern corner of the site, and the replacement of one visitor space so that each dwelling has two assigned parking spaces.
  - b. A plan of landscaping prepared by a suitably qualified person which provides opportunities for the planting of gardens and landscaping on site; and
  - c. The reconfiguration of the storage areas for waste and recycling bins so that they reasonably meet Clause 10.4.8 of the *Launceston Interim Planning Scheme 2015*. This could utilise the space created by (a).
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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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**3. SITE LANDSCAPING PLAN**

Prior to the commencement of works, a landscape plan must be submitted for approval by Manager City Development. The plan must be prepared by a suitably qualified person, drawn to scale, and must include the following details:

- a. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. Any stabilisation works required as a result of tree or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas;
- f. Any screen planting required to screen the waste storage areas and along the frontage.

Once approved by Manager City Development, the plan will be endorsed and will form part of the permit. The landscaping must be:

- g. Installed in accordance with the endorsed plan; and
- h. Completed prior to the issuing of strata titles and/or within three months of the use commencing; and
- i. It must not be removed, destroyed or lopped without the written consent of the Council.

**4. WASTE DISPOSAL BINS - DOMESTIC**

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin and must meet the following:

- a. Common storage areas must have minimum dimensions of 2.4m by 1.8m.
- b. Exterior individual and common storage areas must be screened so they are not visible from any public road or thoroughfare.
- c. Be located in a convenient position that allows ease of access from the building and moving the bin to the kerbside on collection days.
- d. Be provided prior to the commencement of the use, maintained and used for the duration of the use.

**5. CAR PARKING**

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans apart from the parking space adjacent to the proposed bin storage area (as per the amended plan condition).

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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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**6. 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 6m<sup>3</sup> exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

**7. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01073-LCC dated 26/11/2018 and attached to the permit.

**8. 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.

**9. 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

**10. FENCING**

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (i.e. 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.

**11. 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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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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**12. 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.

**13. 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.

**14. 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.

**15. 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.

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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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**16. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

**17. 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.

**18. 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. Note that one parking space is to be deleted and one visitor space is to be made available for tenants so that each dwelling has two parking spaces.

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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

**19. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)**

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of one hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

Prior to the commencement of works, the plans and calculations must be submitted to the Director Infrastructure Services for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

**20. 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 No	Strata Lot No.	Street Address
Unit 1 Stage 1 DA0360/2018	1	1/27-29 Leslie Street
Unit 1 DA0350/2015	2	2/27-29 Leslie Street
Unit 2 DA0350/2015	3	3/27-29 Leslie Street
Unit 3 DA0350/2015	4	4/27-29 Leslie Street
Unit 4 DA0350/2015	5	5/27-29 Leslie Street
Unit 5 DA0350/2015	6	6/27-29 Leslie Street
Unit 6 DA0350/2015	7	7/27-29 Leslie Street
Unit 5 DA0360/2018	8	8/27-29 Leslie Street
Unit 4 DA0360/2018	9	9/27-29 Leslie Street
Unit 3 DA0360/2018	10	10/27-29 Leslie Street
Unit 2 DA0360/2018	11	11/27-29 Leslie Street
Unit 1 DA0360/2018	12	12/27-29 Leslie Street

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

**21. CONSTRUCTION OF RETAINING WALLS**

All retaining walls, above 0.5m, 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.

8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)

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**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 DA0360/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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**E. Strata Title Approval**

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

**F. 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.*

**G. 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) <http://www.rmpat.tas.gov.au>.*

**H. 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.*

**I. Traffic Monitoring**

*The parking/traffic situation in the street is to be monitored by Council, and changes made by Council if/when they become necessary, based on the findings of Unit Development (Stage 2) 27-29 Leslie Street, South Launceston, Tasmania, prepared by Andrew Howell and dated October 2018.*

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**8.3 27-29 Leslie Street, South Launceston - Residential - Construction of an Additional Six Dwellings ...(Cont'd)**

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**CARRIED 6:5**

**FOR VOTE: Councillor N D Daking, Councillor D H McKenzie, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris**

**AGAINST VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor K P Stojansek and Councillor T G Walker**

**ABSENT DUE to DECLARATION of INTEREST: Mayor Councillor A M van Zetten**

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**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings**

**FILE NO:** SF6873/DA0678/2018

**AUTHOR:** Catherine Mainsbridge (Senior Development Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

1. To decide whether to reject or exhibit Amendment 50 to the Launceston Interim Planning Scheme 2015, to rezone the site known as 242-254 St Leonards Road, St Leonards from the Community Purpose Zone to the General Residential Zone; and
2. To make a decision on Development Application DA0678/2018 Residential - construction of eight dwellings at 242-254 St Leonards Road, St Leonards.

**PREVIOUS COUNCIL CONSIDERATION:**

BA0459/2010 - 20 new units and 20 new carports and a Community building (Nation Building Project - DA was not applicable).

DA0469/2018 - Community Meeting and Entertainment - Demolition of disused church.

**RECOMMENDATION:**

That Council:

1. pursuant to the former section 33 (3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 50 to the Launceston Interim Planning Scheme 2015 to rezone 242-254 St Leonards Road, St Leonards from the Community Purpose Zone to the General Residential Zone.
  2. pursuant to the former section 35 (1)(a) of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment (ECM Document Number 4589975).
  3. notify Council's decision of the permit with the draft amendment under the former section 43F (3) and section 43F (1)(b) of the *Land Use Planning and Approvals Act 1993*.
  4. pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993*, approve DA0678/2018 Residential - Construction of Eight dwellings at 242-254 St Leonards Road, St Leonards subject to the following conditions:
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**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)**

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**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Proposed Site Layout, Prepared by 6ty<sup>o</sup> Pty Ltd, Project no. 18.286, Drawing No. Ap01 Rev B, Scale 1:300 @ A1, Dated 17/12/2018.
- b. Proposed Plans, Prepared by 6ty<sup>o</sup> Pty Ltd, Project no. 18.286, Drawing No. Ap02, Scale 1:100 @ A1, Dated 19/11/2018.
- c. Proposed Elevations, Prepared by 6ty<sup>o</sup> Pty Ltd, Project no. 18.286, Drawing No. Ap03, Scale 1:100 @ A1, Dated 19/11/2018.
- d. Planning submission, Section 43a Application, Prepared by 6ty<sup>o</sup> Pty Ltd, Project no. 18.286, Issue 02 (Response to Council RFI), Dated 17/12/2018.

**2. USE LIMITATION**

This permit limits the use of the proposed dwellings to that of supported transitional accommodation for single occupants, as described in the planning submission.

**3. LEGAL TITLE**

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

**4. WASTE DISPOSAL BINS - DOMESTIC**

An area on the subject land must be set aside for the purpose of a waste disposal/collection bins and must meet the following:

- a. Common storage areas must have minimum dimensions of 2.4m by 1.8m.
- b. Exterior individual and common storage areas must be screened so they are not visible from any public road or thoroughfare.
- c. Be located in a convenient position that allows ease of access from the building and moving the bin to the kerbside on collection days.
- d. At least 5.5m from the rear windows of the proposed dwellings.
- e. Be provided prior to the commencement of the use, maintained and used for the duration of the use.

**5. HOURS OF CONSTRUCTION**

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm Saturday

No works on Sunday or Public Holidays

**6. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No.2018/01956-LCC, 29/11/2-018 and attached to the permit.

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**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)**

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**7. SITE LANDSCAPING PLAN**

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager City Development for the area noted as Existing Public Use Green Space Buffer on the Proposed Site Layout Plan and the area between the front boundary to St Leonards Road and the proposed privacy screening. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. Proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity); and
- c. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and

Once approved the plan will be endorsed and will form part of the permit. 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 the residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

**8. FENCING**

The fencing along the front boundary must be no higher than 1.8m and be at least 30% transparent.

**9. 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. either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

**10. 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;
-

**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)**

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- d. be line-marked or otherwise delineated to indicate each car space. The car spaces must be reserved exclusively for each proposed unit and clearly identified by a sign having letters and numbers with a minimum height of 200mm.
- e. pathways for pedestrians must be signed and line marked at points where pedestrians cross access ways or parking aisles;

**11. AMENDED PLANS REQUIRED - RELOCATED INFRASTRUCTURE**

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

- a. The existing and proposed location of all existing infrastructure that is to be relocated to facilitate the construction of the car parking spaces.
- b. The redesigned area for bin storage to ensure no bin is located within 5.5m of any window of any dwelling.

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

**12. 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.

**13. 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.

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**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)**

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**14. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

**15. 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.

**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 DA0378/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. *The 14 day appeal period expires; or*
  - b. *Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
  - c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
  - d. *Any other required approvals under this or any other Act are granted.*
-

**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(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) <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.*

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**8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)**

**F. 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.*

**G. 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.*

**H. 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.*

**I. Street addresses for Multiple Dwellings**

*Residential addressing is undertaken in accordance with Australian Standard AS4819. The development has been assessed according to the standard and the following addresses allocated:*

<i>Dwelling No</i>	<i>Street Address</i>
<i>1 (Northern-most Dwelling)</i>	<i>22/242 St Leonards Road, St Leonards</i>
<i>2</i>	<i>23/242 St Leonards Road, St Leonards</i>
<i>3</i>	<i>24/242 St Leonards Road, St Leonards</i>
<i>4</i>	<i>25/242 St Leonards Road, St Leonards</i>
<i>5</i>	<i>26/242 St Leonards Road, St Leonards</i>
<i>6</i>	<i>27/242 St Leonards Road, St Leonards</i>
<i>7</i>	<i>28/242 St Leonards Road, St Leonards</i>
<i>8 (Southern-most Dwelling)</i>	<i>29/242 St Leonards Road, St Leonards</i>

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

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

- 8.4 Amendment 50 - 242-254 St Leonards Road, St Leonards to Rezone Site From Community Purpose Zone to General Residential Zone; Make a Decision on Development Application DA0678/2018 Residential - Construct Eight Dwellings ...(Cont'd)**
- 

**Mayor, Councillor A M van Zetten, re-attended the Meeting at 2.33pm and resumed the Chair.**

**Mr George Walker spoke for the item**

**DECISION: 7 February 2019**

**MOTION**

**Moved Councillor J Finlay, seconded Councillor A E Dawkins.**

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

**CARRIED 11:1**

**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 P S Spencer, Councillor J G Cox and Councillor A G Harris**

**AGAINST VOTE: Councillor T G Walker**

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**8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan****FILE NO:** SF6895**AUTHOR:** Richard Jamieson (Manager City Development)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To decide whether the Planning Authority will determine to:

1. initiate and certify Amendment 52 to provide an option for flexibility in the timing of infrastructure contribution payments in the Raglan Street, Kings Meadows Specific Area Plan by inserting an alternative Acceptable Solution; and
2. make a submission to the Tasmanian Planning Commission that, in the opinion of the Planning Authority, the Commission has the power to dispense with the requirements relating to the public exhibition of Amendment 52 in accordance with section 37 (1) of the *Land Use Planning and Approvals Act 1993*.

**RECOMMENDATION:**

That Council:

1. pursuant to the former section 34(1)(b) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 52 to the Launceston Interim Planning Scheme 2015 to insert an additional Acceptable Solution option into Clause F3.3.2 of the Raglan Street, Kings Meadows Specific Area Plan to provide for Council and applicant to agree an alternative timing and mechanism for infrastructure contribution payments.
  2. pursuant to the former section 35(1) of the *Land Use Planning and Approvals Act 1993*, certifies the draft amendment (ECM Document Reference Number 4590819).
  3. directs the Director Development Services to arrange for a submission to be made to the Tasmanian Planning Commission to the effect that, in the opinion of the Planning Authority, the Commission has the power to dispense with the requirements relating to the public exhibition of Amendment 52 in accordance with former section 37(1) of the *Land Use Planning and Approvals Act 1993*.
- 

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

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**8.5 Amendment 52 - Modification to Raglan Street, Kings Meadows Specific Area Plan ...(Cont'd)**

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**DECISION: 7 February 2019**

**MOTION**

**Moved Councillor D H McKenzie, seconded Councillor J Finlay.**

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

**CARRIED 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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

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

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**Thursday 24 January 2019**

- Attended Creative Class of 2018 Graduation, Foundry

**Friday, 25 January 2019**

- Officiated at Chilli Skyfire @ Royal Park and participated in two radio interviews during the event

**Saturday, 26 January 2019**

- Officiated at Australia Day Citizenship Ceremony, Albert Hall
- Attended the Hot Summer 2019 Tour - VIP event, Country Club Casino

**Wednesday 30 January 2019**

- Officiated at Holman Clinic and Cancer Ward Auxiliary 40<sup>th</sup> Anniversary Reception, Town Hall Reception Room
- Attended Newstead College Awards Evening, College Auditorium

**Thursday 31 January 2019**

- Attended Festivale 2019 launch party, City Park
- Attended UTAS Big Bash Cricket, UTAS Stadium
- Officiated at the 10 Days on the Island program launch by Hon. Peter Gutwein, Civic Square

**Friday 1 February 2019**

- Conducted Thank you Morning Tea for Alderman Robin McKendrick, Town Hall Reception Room

**Sunday, 3 February 2019**

- Attended Launceston International VIP hosting followed by officiating start of Tennis Finals
-

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

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**Wednesday, 6 February 2019**

- Officiated at the Tasmanian Community Fund 20 Year Anniversary Reception, Town Hall Reception Room
  - Attended TasWater Quarterly Briefing at the North-West Tamar Meeting Room, 36-42 Charles Street
- 

- **The Mayor advised that the TasWater quarterly briefing listed for Wednesday, 6 February 2019 is to be conducted later today.**
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**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 T G Walker**

- **Attended and spoke at the Invasion Day Rally in Hobart on 26 January 2019 and thanked the Aboriginal community for the invitation**

**10.2 Councillor A E Dawkins**

- **Thanked Council for the installation of the basketball court in Bain Terrace, Trevallyn**

**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.)*

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**11.1.1 Councillor's Questions on Notice - Councillor N D Daking - Mobile Food Van Permits - 24 January 2019****FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

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**QUESTION and RESPONSE:**

The following question was asked by Councillor N D Daking at the Council Meeting of 24 January 2019 and has been answered by Mr Michael Stretton (General Manager).

**Question:**

1. *There appears to be some confusion regarding the mobile food vendors operating in High Street regarding their permits, criteria and conditions versus the mobile food vendors (undergoing the current trial) trading from the Mall. Could Councillors be provided with the different permits and conditions and be informed as to why they are different?*

**Response:**

At its meeting on 30 October 2017, Council approved a Mobile Food Vendors Interim Policy Framework that provided a set of criteria for the assessment of suitable trading locations throughout the Municipal Area (such as High Street). Whilst this framework applies to the entire Municipal Area, it works in conjunction with the CBD Exclusion Zone which is established under the Council's existing *Mobile Food Vendors Operating on Public Roads Policy*. This Policy prohibits mobile food vendors from operating on public roads within the CBD. The current CBD exclusion area effectively prohibits food vendors from operating on any public street, but does not apply to food vans operating on private land and equally, does not apply to food vans operating from a public road as part of a Council supported or endorsed event. It was determined that the operation of a food van trial constitutes a Council supported event and accordingly compliance with the Council's policy is achieved. It is also arguable that the Policy was not intended to apply to public realm spaces such as the Brisbane Street Mall and Quadrant Mall as they are not operated as Public Streets.

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**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**

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**12 COMMITTEE REPORTS****12.1 Tender Review Committee Meeting - 24 January 2019****FILE NO:** SF0100/CD047/2018/CD052/2018**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

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**DECISION STATEMENT:**

To receive a report from the Tender Review Committee (a delegated Authority Committee).

**RECOMMENDATION:**

That Council:

1. accepts the tender submitted by the Baker Group Pty Ltd for the Churchill Park Carpark Upgrade, Contract No CD.CD047/2018 be accepted for a cost to Council of \$840,874.20 (exclusive of GST).
  2. accepts the submissions provided by Will Dig, The Baker Group Pty Ltd., Remount Landscaping, Hazell Bros, Gradco, Boral and Bis Industries for the Supply of Gravel, Sand and Aggregates, Contract No CD052/2018.
- 

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

**DECISION: 7 February 2019****MOTION**

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

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

**CARRIED 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**13 COUNCIL WORKSHOPS**

Council Workshops conducted on 31 January and 7 February 2019 were:

- North East Recreation Trail (NERT)
  - Information session for Councillors regarding the shared use of the North East Rail corridor.
- Carr Villa Memorial Park - Ruddick Review of Business Costs 2012 - 2018
  - Presentation to Councillors regarding the financial performance of Carr Villa Memorial Park over the past term of Council, current challenges and proposed pricing structure.
- Recommended Name for Seaport Pedestrian Bridge
  - A discussion with Councillors as to the name to be recommended to the Nomenclature Board of Tasmania for the pedestrian bridge crossing the North Esk River at Seaport.
- Hydraulic Modelling Flood Study
  - A presentation to Councillors regarding urban flood risk and the urban flood modelling project.
- New Year's Eve Event
  - Councillors will be briefed on possible organisational arrangements for future New Year's Eve Events.
- MyPlace My Future (Northern Suburbs Revitalisation Plan)
  - A briefing session for Councillors regarding the Northern Suburbs Revitalisation discussion paper prior to public release on 4 February 2019.
- Report on Ravenswood Asset Based Community Driven Effort (ABCDE) Learning Site
  - A report will be provided to Councillors on the Ravenswood ABCDE Learning Site.
- 2019 Workshop Planning Session
  - A discussion regarding proposed Workshops for 2019.
- Review of the *Local Government Legislative Framework*
  - An opportunity for Councillors to comment on the review of the Local Government Legislative Framework.
- Community Engagement Project - Update
  - A discussion with Councillors regarding the overarching approach and strategy development to date.

**14 NOTICES OF MOTION**

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

**No Notices of Motion were identified as part of these Minutes**

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**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS****15.1 Community Grants Assessment Panel Terms of Reference Update****FILE NO:** SF0488**AUTHOR:** Cherie Holmes (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider the update of the Community Grant Assessment Panel Terms of Reference (05-Plx-019).

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 27 February 2017 - Agenda Item 15.2 - Community Grants Assessment Panel Terms of Reference (05-Plx-019)

Council - 22 October 2018 - Agenda Item 15.2 - Community Grants (Organisations) Policy (05-PI-018)

**RECOMMENDATION:**

That Council approves the update of the Community Grants Assessment Panel Terms of Reference (05-Plx-019) as set out below:

## **Community Grants Assessment Panel - Terms of Reference**

The Community Grants Assessment Panel is a Special Committee of Council as defined under section 24 of the *Local Government Act 1993* (Tas).

***PURPOSE:***

The primary purpose of the City of Launceston (CoL) Community Grants Assessment Panel is to review and assess grant applications in accordance with the Community Grants (Organisations) Policy and Guidelines.

The Assessment Panel recommendations will allow for informed decision making by Council when approving funding allocation for projects.

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**15.1 Community Grants Assessment Panel Terms of Reference Update ...(Cont'd)**

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***ROLE:***

The primary role of the Community Grants Assessment Panel is to:

- Consider, review and assess grant applications against the Community Grants (Organisations) assessment criteria.
- Provide recommendations to Council on grants to be approved for funding.

The Councillors nominated to the Assessment Panel will have a secondary role to provide input into the annual recommendation to Council for Community Organisations seeking assistance via the Concessional Entry to the Council's Waste Disposal Facilities.

***MEMBERSHIP:***

The Assessment Panel will comprise of representatives from the City of Launceston (Councillors) and external stakeholders.

- City of Launceston Councillors (three), nominated and endorsed by Council
- One of the endorsed City of Launceston Councillors to chair the panel
- External stakeholder representatives (three) appointed by a decision of Council.

Council officers will provide advice to the Assessment Panel.

***MEETING ARRANGEMENTS:***

The Panel will meet at least twice a year to coincide with the grant rounds and at other times as necessary. All grant applications will be assessed in the first instance via an online assessment process. Panel meetings will provide an opportunity for discussion and review of assessments and to confirm recommendations to Council.

***MEETING QUORUM:***

An absolute majority is considered a quorum for meetings of the Community Grant Assessment Panel.

***HOW THE PANEL WILL OPERATE:***

- The Grants and Sponsorship Officer will coordinate the Community Grants assessment process;
  - The Panel will assess all Grant applications through an online assessment process prior to a Panel meeting;
  - Panel members will independently review and assess each grant application in accordance with the Community Grant assessment criteria;
  - Once applications have been pre-scored, the Panel will meet to finalise assessment scoring which will determine the applicant's eligibility for funding, and form the Panel's recommendation to Council; and
  - All final decisions on Community Grant funding will be made by Council and are subject to the available budget for that round.
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## 15.1 Community Grants Assessment Panel Terms of Reference Update ...(Cont'd)

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### **CODE OF CONDUCT:**

All Panel members must adhere to the Code of Conduct for Committees. Councillors and Council Officers must also adhere to their own relevant Code of Conduct.

### **CONFLICT OF INTEREST:**

If a panel member has a declared interest in a project they must declare prior to assessment of the application. A declared interest will result in the inability to assess the application. The panel member must withdraw from the meeting during the discussions of the application, finalisation of scoring and subsequent recommendation to Council.

The declaration of interest will be noted in the report outlining the Panel's recommendation to Council.

### **RESOURCES:**

The Grants and Sponsorship Officer will coordinate the assessment process; ensuring panel members have all the necessary support to undertake the assessment process.

### **HONORARIUMS:**

Council will not pay any honorariums or expenses to any member on the panel.

### **RELATED POLICIES & PROCEDURES**

05-PI-018 Community Grants (Organisations) Policy

### **REVIEW:**

The Terms of Reference including membership will be reviewed in conjunction with the review of the City of Launceston Community Grants (Organisations) Policy.

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**Mrs L Hurst (Director Development Services) and Mrs C Holmes (Grants and Sponsorship Officer) were in attendance to answer questions of Council in respect of this Agenda Item.**

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**15.1 Community Grants Assessment Panel Terms of Reference Update ...(Cont'd)**

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**DECISION: 7 February 2019**

**MOTION**

**Moved Councillor D C Gibson, seconded Councillor D H McKenzie.**

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

**CARRIED 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**15.2 Community Grants Assessment Panel: Appointment of External Stakeholder Representative****FILE NO:** SF0488**AUTHOR:** Cherie Holmes (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider the appointment of external stakeholder representatives to the Community Grant Assessment Panel.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 5 June 2017 - Agenda Item 15.5 - Community Grants Assessment Panel: Appointment of External Stakeholder Representative

Council - 22 May 2017 - Agenda Item 15.1 - Community Grants Assessment Panel: Appointment of External Stakeholder Representatives

**RECOMMENDATION:**

That the following external stakeholder representatives be appointed to the Community Grant Assessment Panel, for a term expiring at the next Council General Election: Ms Ella Dixon, Dr Malcom Bywaters and Ms Lou Clark.

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**Mrs L Hurst (Director Development Services) and Mrs C Holmes (Grants and Sponsorship Officer) were in attendance to answer questions of Council in respect of this Agenda Item.**

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**15.2 Community Grants Assessment Panel: Appointment of External Stakeholder Representative ...(Cont'd)**

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**DECISION: 7 February 2019****MOTION****Moved Councillor D C Gibson, seconded Councillor D H McKenzie.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 12:0****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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**15.3 Delegation from Council to General Manager and Council Officers - *Local Government (Highways) Act 1982 (Tas)*****FILE NO:** SF0113**AUTHOR:** Duncan Campbell (Governance and Paralegal Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider the delegation from Council to the General Manager and Council Officers of particular powers and functions under the *Local Government (Highways) Act 1982 (Tas)*.

**RECOMMENDATION:**

That Council:

1. pursuant to section 124 of the *Local Government (Highways) Act 1982 (Tas)* (the Act), delegates the functions and powers under section 45 of the Act to the holder(s) of the following positions:  
General Manager  
Director Development Services  
Manager Health and Compliance  
Team Leader Regulation Services  
Team Leader Environmental Health  
Regulations Officer  
Senior Administration Officer  
Administration and Technical Officer
  2. pursuant to section 23AA(2)(b) of the *Acts Interpretation Act 1931 (Tas)*, authorises the Mayor to evidence the delegations at point 1. above by signing an instrument of delegation replicating the terms of the delegations.
  3. notes that the delegations at point 1. above are made in addition to, and do not revoke or otherwise vary, any previous delegation(s) made under the Act.
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**Mrs L Hurst (Director Development Services) and Mr D Campbell (Governance and Paralegal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.**

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**15.3 Delegation From Council to General Manager and Council Officers - *Local Government (Highways) Act 1982 (Tas) ...*(Cont'd)**

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**DECISION: 7 February 2019**

**MOTION**

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

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

**CARRIED 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**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**

No Items were identified as part of these Minutes

**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**

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**22 CLOSED COUNCIL**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(1); Regulation 32(1)(c) and Regulation 34(1)(b)*

**RECOMMENDATION:**

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

**22.1 Confirmation of the Minutes**

*Local Government (Meeting Procedures) Regulations 2015 Regulation 34(6)*

**DECISION STATEMENT:**

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

**22.2 Kerbside Collection Contract (Waste, Recycling and FOGO) Extension**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)(c)* provides that a meeting maybe closed to the public when discussing commercial information of a confidential nature that, if disclosed, is likely to:

- (i) prejudice the commercial position of the person who supplied it; or
- (ii) confer a commercial advantage on a competitor of the council; or
- (iii) reveal a trade secret;

**DECISION: 7 February 2019****MOTION**

Moved Councillor R I Soward, seconded Councillor J G Cox.

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

**CARRIED BY ABSOLUTE MAJORITY 12:0**

**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 P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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Council moved to closed session at 3.13pm.

Council moved into Open Session at 3.36pm.

## **22.4 Endorsement of Decisions Made in Closed Session**

### **RECOMMENDATION:**

That in relation to Closed Agenda Item 22.2 - Kerbside Collection Contract (Waste, Recycling and FOGO) Extension Councillors endorse decisions taken in Closed Council and not release the detailed information to the public as it may prejudice the commercial position of the person who supplied it but note that the kerbside collection contract has been extended to 30 April 2020 for an additional amount of \$330,000 for 2018/2019 financial year and \$822,000 for 2019/2020 financial year.

### **MOTION 1**

Moved Councillor K P Stojansek, seconded Councillor P S Spencer.

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

**NO VOTE WAS TAKEN AS AN AMENDMENT WAS PUT**

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**DECISION:** 7 February 2019

## MOTION 2

Moved Councillor A G Harris, seconded Councillor N D Daking.

That in relation to Closed Agenda Item 22.2 - Kerbside Collection Contract (Waste, Recycling and FOGO) Extension Councillors endorse decisions taken in Closed Council and not release the detailed information to the public as it may prejudice the commercial position of the person who supplied it but note that the kerbside collection contract has been extended to 30 April 2020.

**LOST 3:9**

**FOR VOTE:** Councillor N D Daking, Councillor A G Harris and Councillor P S Spencer

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

**THE AMENDMENT FAILED  
THE SUBSTANTIVE MOTION WAS PUT**

**DECISION:** 7 February 2019

## MOTION 1

Moved Councillor K P Stojansek, seconded Councillor P S Spencer.

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

**CARRIED 9:3**

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

**AGAINST VOTE:** Councillor N D Daking, Councillor A G Harris and Councillor P S Spencer

## 23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 3.48pm.

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