



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 14 MAY 2020
1.00pm**

The Ordinary Meeting of the City of Launceston Council was held by video conference:

Date: 14 May 2020

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting was streamed live and can be accessed from: www.launceston.tas.gov.au/Council/Meetings/Listen for a minimum of six months after the date of the Meeting.

Due to technical difficulties, there is no audio recording of the early part of the Meeting up to Agenda Item 8 (Public Question Time). There is also no audio recording from the end of Agenda Item 9.3 (17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot) to Agenda Item 12.2 (Questions by Councillors - Questions Without Notice).

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

Public attendance at this Meeting was not permitted. Members of the public were requested to stay home to slow the spread of COVID-19 and the following information was provided for people wishing to speak to an item on the Agenda.

Do you wish to speak to an item in the Agenda of the Council Meeting?

- You are invited to speak to an item on the Agenda by emailing a statement of no more than 300 words. Your statement will be read aloud at the Meeting.

Do you have a question to ask during Public Question Time?

- You are invited to e-mail up to three questions. If accepted, your questions will be read aloud at the Meeting and answered or Taken on Notice. If your questions are not accepted, reasons will be provided.

Questions or statements e-mailed to contactus@launceston.tas.gov.au by 11.00am, Thursday, 14 May 2020 were read out by Council Officers at the appropriate item in the Agenda.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas). For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993* (Tas) and all other legislation administered by or concerning Council.

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Present: **Councillor** **A M van Zetten (Mayor)**
 D C Gibson (Deputy Mayor)
 J Finlay
 D H McKenzie
 R I Soward
 J G Cox (entered the Meeting at 1.11pm)
 K P Stojansek
 A E Dawkins
 N D Daking
 P S Spencer
 A G Harris
 T G Walker

In Attendance: **Mr M Stretton (Chief Executive Officer)**
 Mrs L Hurst (Community and Place Network)
 Ms L Foster (Organisational Services Network)
 Mr S Eberhardt (Infrastructure and Assets Network)
 Ms T Puklowski (Creative Arts and Cultural Services Network)
 Mr S Tennant (Team Leader Communications)
 Mrs L Purchase (Manager Governance)
 Mrs K Hartland (Team Leader Governance)
 Mrs A Rooney (Committee Clerk)

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COUNCIL MINUTES

1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

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

2 MAYORAL ACKNOWLEDGEMENTS

No Mayoral Acknowledgements were identified as part of these Minutes

3 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

No Declarations of Interest were identified as part of these Minutes

4 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 30 April 2020 be confirmed as a true and correct record.

DECISION: 14 May 2020

MOTION

Moved Councillor D C Gibson, seconded Councillor P S Spencer.

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

CARRIED 11:0

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

COUNCIL MINUTES

5 DEPUTATIONS

No Deputations were identified as part of these Minutes

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

7 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Minutes Items; that opportunity exists when that Minutes Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Councillors.)

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 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.)

No Public Questions on Notice were identified as part of these Minutes

COUNCIL MINUTES

8.2 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.)

The following questions, submitted to Council on 13 and 14 May 2020, were read aloud by a Council Officer at the Council Meeting on 14 May 2020. Responses were read aloud by the Mayor, Councillor A M van Zetten.

COUNCIL MINUTES

8.2.1 Mr Ron Baines - City of Launceston Grants

1. Who has received the grants from the City of Launceston? The Mayor said this would be made public four weeks ago.

The Mayor, Councillor A M van Zetten, responded by saying that he could confirm that the complete list of organisations that received Community and Recovery Package Innovation Grants will be released to the public once the grant rounds are completed. At this stage the Level 1 grant round and the ensuing audit are yet to be completed.

2. What has been the point of reference that enabled these recipients to be given a grant?

The Mayor, Councillor A M van Zetten, responded by saying that the eligibility for organisations to apply for an innovation grant were as follows:

- Small and Medium Businesses (a business, sole trader, partnership, company or trust that employs fewer than 20 people, and has an aggregated turnover of less than \$10 million)
 - Businesses operating within the City of Launceston municipality with at least one Launceston based employee/worker
 - Indigenous Corporations, Incorporated Associations, (Registered) Unincorporated Associations, Not-for-profits registered with the Australian Charities and Not-for-profits Commission all located within the Launceston municipality
 - Eligible Organisations and businesses must have a valid Australian Business Number (ABN)
 - Business/organisation operating on or before 31 January 2020
 - Businesses/Organisations with the ability to demonstrate how their business/organisation is affected by COVID-19
 - how your business/organisation will benefit from implementing digital solutions
 - Applicants must meet the above eligibility plus all category eligibility specific to the grant they are applying for.
-

COUNCIL MINUTES

8.2.2 Mr Ron Baines - C H Smith Carpark

1. When I pass the CH Smith Council carpark it always appears to be mostly empty. Is this facility running at a profit or a loss?

The Mayor, Councillor A M van Zetten, responded by saying that within the CH Smith complex the City of Launceston owns a section of the carpark for staff parking and a public car parking section comprising 67 spaces. The remaining balance of the car parking spaces are in private ownership. Council staff pay the requisite parking fees to utilise parking spaces in the designated area and all available spaces are subscribed. Members of the public are able pay to utilise parking within the public car park. The usage of the public car park, that is the 67 spaces, has been low (around 20% occupancy), however, this has started to increase in more recent times. The Council owned car parking service within the complex is currently running at a deficit, however, this will be addressed in the future as more people start to utilise the public parking that is available. The Council will be exploring means to promote more public usage of the car parking including improved signage and advertising.

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8.2.3 Mr Jim Dickenson - Fragrance Hotel Development

1. Regarding the Fragrance Hotel Development Application and with hindsight it could reasonably be argued that the appeal regarding the Gorge Hotel should have been with RMPAT and not the Planning Commission. The project might well be under construction by now.

Regarding the Fragrance Hotel application to be considered at today's Meeting, I imagine it will get Council approval, and indeed hope so. If approval is given and is subsequently appealed, will this appeal be taken to RMPAT?

The Mayor, Councillor A M van Zetten, responded by saying that the proponents of the Gorge Hotel chose to submit a discretionary Development Application under the provisions of the current planning scheme - the Launceston Interim Planning Scheme 2015 (DA0127/2019). The Planning Authority is required to assess and determine a valid application submitted in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA). Council, sitting as a Planning Authority, approved the application before it and that decision was then appealed to the Resource Management Planning and Appeals Tribunal (RMPAT), under section 61(5) of LUPAA.

Agenda Item 9.1 on today's Council Agenda is to consider a Development Application pursuant to LUPAA, for DA0506/2019 (proposed visitor accommodation and other uses). Council, sitting as a Planning Authority, has discretion to approve with conditions, or refuse the application. Whatever the determination by the Planning Authority, there are appeal rights available to the applicant and representors through the provisions of LUPAA. If an appeal were to be lodged by any party, it would be through RMPAT.

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- 8.2.4 Ms Vivienne Gale - Queen Victoria Museum and Art Gallery Quarterly Activity Report**
- 1. Why hasn't financial reporting been included in the QVMAG Quarterly Activity Report?**
 - 2. When will the financial reporting component be included the QVMAG Quarterly Activity Reports?**

The Mayor, Councillor A M van Zetten, responded to both questions by saying that the intention of the activity reports is to provide Councillors with a regular overview of Queen Victoria Museum and Art Gallery (QVMAG) activities. QVMAG financial performance is incorporated into City of Launceston financial reporting. The QVMAG Annual Report is a legislative requirement and as such, contains more detailed information on QVMAG activities and financial performance.

COUNCIL MINUTES

8.2.5 Mr Lionel Morrell (President of the Tasmanian Ratepayers' Association Inc) - 118-122 Brisbane Street, Launceston

- 1. A 60-day priority Notice lodged by Simmonds Wolfhagen on 12 March 2020 on behalf of Launceston City Council for the transfer of titles from Cimitiere Custodians Pty Ltd in relation to property at 118-122 Brisbane Street, Launceston (the former Birchall's premises and adjacent retail shop) is no longer published by the Land Titles Office. Can Council confirm that it is no longer proceeding to purchase these properties or otherwise explain why the Priority Notice has been withdrawn?**

The Mayor, Councillor A M van Zetten, noted that this question would be Taken on Notice and a response provided at the Council Meeting of 28 May 2020.

- 2. In partnership with the Tasmanian Government, is Council proceeding to purchase the Paterson Street Central Carpark at 41-45 Paterson Street, Launceston?**

The Mayor, Councillor A M van Zetten, noted that this question would be Taken on Notice and a response provided at the Council Meeting of 28 May 2020.

- 3. What is the purpose of purchasing the properties referred to in Questions 1 and 2 above and how does this provide for occupation by Creative Holdings Pty Ltd and/or the education organisations Foundry and Swinburne University?**

The Mayor, Councillor A M van Zetten, noted that this question would be Taken on Notice and a response provided at the Council Meeting of 28 May 2020.

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8.2.6 Mr Ray Norman - Tasmania's Projected Budget

1. In the light of Tasmania's projected budget deficit of \$2 billion and the increasing information in the press and via other networks to do the impending financial crisis facing the Australian community, in Tasmania specifically and in the threat of elevated unemployment levels across the board and in the public sector, will Council, in order to achieve ethical, equitable and sustainable operational budgets that fit current economic circumstances, consider:
 - (a) proactively following the example of the University sector and initiate budget constraints aimed at preserving employment opportunities; and
 - (b) proactively initiating a salary and benefit savings program in the range of 5% to 15% for middle management dependent upon salary levels; and
 - (c) proactively initiating a salary and benefit savings cuts at *executive levels* dependent upon the level of higher discretionary salary and benefits currently being received; and
 - (d) proactively initiating local cum regional procurement and tendering program focused on both creating and sustaining employment in the municipality and region; and
 - (e) proactively initiating local cum regional procurement program with other Councils in the region; and
 - (f) consistent with all this initiate, put in place protocols that ensure that *savings* are not made preferentially at the lower end of pay scales to advantage or maintain higher salaried positions?

The Mayor, Councillor A M van Zetten responded by stating that the Council is in the process of reviewing and refining its Long Term Finance Plan to respond to the financial impact which has been created by the COVID-19 pandemic. There will be many measures that the Council will consider for inclusion in this plan to address these financial impacts. The draft Long Term Financial Plan will be considered at a future Council Meeting once this work has been finalised.

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Councillor J G Cox entered the Meeting at 1.11pm

8.2.7 Mr Ray Norman - Queen Victoria Museum and Art Gallery Quarterly Activity Report

1. In the light of the advice offered as result of questions relevant to QVMAG reporting:
 - (a) when will the reported *quarterly activity reports* actually be delivered on time?
 - (b) when will these *quarterly activity reports* include a meaningful and appropriately detailed financial component; and consistent with that
 - (c) when will there be meaningful and detailed reporting on all aspects of the operation's income generation; and consistent with that
 - (d) undertake a class of reporting that identifies key performance indicators consistent with appropriate strategic planning, funding sources and the overall fiscal dimension of the QVMAG operation?

The Mayor, Councillor A M van Zetten, responded by saying these reports were instituted in February of this year. The next one is due in May. They capture activities on a quarterly basis and are not required on specific dates. The City of Launceston planning and reporting incorporates QVMAG activity. The QVMAG Annual Report is a legislative requirement and contains more specific detail about the Museum's activities and financial performance.

COUNCIL MINUTES

8.2.8 Mr Ray Norman - City of Launceston COVID-19 Response

1. Consistent with community initiatives elsewhere in Australia and in the light of Council's policy determination relative to Climate Emergency and the consequences of the economic fall out due to the COVID-19 Crisis, will Council:
 - (a) encourage and/or facilitate *community initiated verge gardening*; and consistent with that
 - (b) encourage residential precincts to proactively develop *food forests* that are also community managed environmental assets; and consistent with that
 - (c) identify underutilised land in urban precincts that may be available for community initiated projects; and consistent with that
 - (d) initiate and market community oriented information networking towards achieving specific goals in urban precincts focused on *precinct amenity*?

The Mayor, Councillor A M van Zetten responded by thanking Mr Norman for the suggestions and advised that they would be considered as part of the implementation of the Council's Sustainability Strategy.

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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 9 - Planning Authority.

9 PLANNING AUTHORITY

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development

FILE NO: DA0506/2019

AUTHOR: Richard Jamieson (Manager City Development)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0506/2019 Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a hotel and mixed use development involving partial demolition of existing buildings and new road access located at 116-128 Cimitiere Street, 136 Cimitiere Street, 132 Cimitiere Street and 130 Cimitiere 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:

1. Planning Submission to Launceston City Council, Prepared by Ireneinc & Smith Street Studio, Revision 3, dated January 2020;
 2. Architectural Drawings, prepared by Scanlan;
 3. Architectural Drawings List, prepared by Scanlan;
 4. Location Plan, Prepared by Scanlan, DA0.01;
 5. Survey Plan, Prepared by Scanlan, DA0.02;
 6. Demolition Plan, Prepared by Scanlan, DA0.03;
 7. Site & Roof Plan, Prepared by Scanlan, DA1.01, Revision 2;
 8. Ground Floor Plan, Prepared by Scanlan, DA2.00, Revision 4;
 9. 1st Floor Plan, Prepared by Scanlan, DA2.01, Revision 3;
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

10. 2nd Floor Plan, Prepared by Scanlan, DA2.02, Revision 3;
 11. 3rd Floor Plan, Prepared by Scanlan, DA2.03, Revision 3;
 12. 4th Floor Plan, Prepared by Scanlan, DA2.04, Revision 3;
 13. 5th - 6th Typical Floor Plan, Prepared by Scanlan, DA2.05, Revision 2;
 14. 7th Floor Plan, Prepared by Scanlan, DA2.06, Revision 2;
 15. 8th - 9th Floor Plan, Prepared by Scanlan, DA2.07, Revision 2;
 16. 10th Floor Plan, Prepared by Scanlan, DA2.08, Revision 2;
 17. 11th Floor Plan, Prepared by Scanlan, DA2.09, Revision 2;
 18. Cimitiere St Elevation, Prepared by Scanlan, DA3.01, Revision 1;
 19. Tamar St Elevation, Prepared by Scanlan, DA3.02, Revision 1;
 20. William St Elevation, Prepared by Scanlan, DA3.03, Revision 1;
 21. South Boundary Elevation, Prepared by Scanlan, DA3.04, Revision 1;
 22. Extended Street Elevation, Prepared by Scanlan, DA3.05, Revision 1;
 23. Section A, Prepared by Scanlan, DA4.01, Revision 1;
 24. Section B, Prepared by Scanlan, DA4.02, Revision 1;
 25. Shadow Study, Prepared by Scanlan, DA5.01;
 26. Plan & Elevation - Street Detail - Cimitiere Street, Prepared by Scanlan, DA5.11, Revision 1;
 27. Plan & Elevation - Street Detail - Tamar Street, Prepared by Scanlan, DA5.12, Revision 1;
 28. Plan & Elevation - Street Detail - William Street, Prepared by Scanlan, DA5.13, Revision 1;
 29. Height Study, Prepared by Scanlan, DA5.21;
 30. Landscape Plan - Ground, Prepared by Scanlan, DA5.31, Revision 1;
 31. Landscape Plan - First, Prepared by Scanlan, DA5.32, Revision 1;
 32. Landscape Plan - Fourth, Prepared by Scanlan, DA5.33, Revision 1;
 33. Landscape Plan - Roof, Prepared by Scanlan, DA5.34, Revision 1;
 34. Materials Palette, Prepared by Scanlan, DA5.41, Revision 1;
 35. Materials Palette, Prepared by Scanlan, DA5.44;
 36. Cimitiere & Tamar St View, Prepared by Scanlan, DA6.01;
 37. Cimitiere St View, Prepared by Scanlan, DA6.02;
 38. Heritage Hotel Plaza, Prepared by Scanlan, DA6.03;
 39. Tamar St View, Prepared by Scanlan, DA6.04;
 40. William St View, Prepared by Scanlan, DA6.05;
 41. Warehouse Hotel Plaza, Prepared by Scanlan, DA6.06;
 42. Heritage Plans, Hotel Heritage Buildings - Ground Floor, Prepared by Scanlan, Drawing No. DA2.30, Issue 03, dated 09/01/20;
 43. Heritage Plans, Hotel Heritage Buildings - First Floor, Prepared by Scanlan, Drawing No. DA2.31, Issue 03, dated 09/01/20;
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9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

44. Heritage Plans, Hotel Heritage Buildings - Second Floor, Prepared by Scanlan, Drawing No. DA2.32, Issue 03, dated 09/01/20;
 45. Heritage Plans, Hotel Heritage Buildings - Third Floor, Prepared by Scanlan, Drawing No. DA2.33, Issue 03, dated 09/01/20;
 46. Heritage Plans, Harrap's Store Heritage Buildings - Ground Floor, Prepared by Scanlan, Drawing No. DA2.40, Issue 01, dated 09/01/20;
 47. Heritage Plans, Harrap's Store Heritage Buildings - First Floor, Prepared by Scanlan, Drawing No. DA2.41, Issue 01, dated 09/01/20;
 48. Heritage Plans, Harrap's Store Heritage Buildings - Roof, Prepared by Scanlan, Drawing No. DA2.42, Issue 02, dated 09/01/20;
 49. Heritage Plans, Rankin & Bond Heritage Buildings - Ground Floor, Prepared by Scanlan, Drawing No. DA2.50, Issue 01, dated 09/01/20;
 50. Heritage Plans, Rankin & Bond Heritage Buildings - Roof, Prepared by Scanlan, Drawing No. DA2.51, Issue 01, dated 09/01/20;
 51. Heritage Elevation & Detail, Hotel Heritage Buildings - North East - Tamar Street, Prepared by Scanlan, Drawing No. DA3.30 Issue 02, dated 09/01/20;
 52. Heritage Elevation, Hotel Heritage Buildings - North East - William Street, Prepared by Scanlan, Drawing No. DA3.31 Issue 01, dated 09/01/20;
 53. Heritage Elevation, Hotel Heritage Buildings - South West - Stables Laneway, Prepared by Scanlan, Drawing No. DA3.32 Issue 03, dated 09/01/20;
 54. Heritage Elevation, Hotel Heritage Buildings - North West - Stables Laneway, Prepared by Scanlan, Drawing No. DA3.33 Issue 01, dated 09/01/20;
 55. Heritage Elevation, Harrap's Store Heritage Buildings, North East - Tamar Street, Prepared by Scanlan, Drawing No. DA3.40 Issue 01, dated 09/01/20;
 56. Heritage Elevation, Harrap's Store Heritage Buildings, South East - Cimitiere Street, Prepared by Scanlan, Drawing No. DA3.41 Issue 03, dated 09/01/20;
 57. Heritage Elevation, Rankin & Bond Heritage Buildings - South East - Cimitiere Street, Prepared by Scanlan, Drawing No. DA3.50, Issue 01, dated 09/01/20;
 58. Heritage Sections, Hotel Heritage Buildings - Section A-A, Prepared by Scanlan, Drawing No. DA4.30, Issue 01, dated 09/01/20;
 59. Heritage Sections, Hotel Heritage Buildings - Section B-B, Prepared by Scanlan, Drawing No. DA4.31, Issue 01, dated 09/01/20;
 60. Heritage Sections, Hotel Heritage Buildings - Section C-C, Prepared by Scanlan, Drawing No. DA4.32, Issue 01, dated 09/01/20;
 61. Heritage Sections, Harrap's Store Heritage Buildings, Section A-A, Prepared by Scanlan, Drawing No. DA4.40 Issue 00, dated 30/7/19;
 62. Heritage Sections, Harrap's Store Heritage Buildings, Section B-B, Prepared by Scanlan, Drawing No. DA4.41 Issue 00, dated 30/7/19;
 63. Heritage Sections, Harrap's Store Heritage Buildings, Section C-C, Prepared by Scanlan, Drawing No. DA4.42 Issue 00, dated 30/7/19;
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COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

64. Heritage Sections, Rankin & Bond Heritage Buildings, Section A-A, Prepared by Scanlan, Drawing No. DA4.50 Issue 00, dated 30/7/19;
 65. Heritage Sections, Rankin & Bond Heritage Buildings, Section B-B, Prepared by Scanlan, Drawing No. DA4.50 Issue 00, dated 30/7/19;
 66. Architectural Statement, Prepared by Scanlan, 5th Issue, dated 06.02.20;
 67. Heritage & Archaeological Impact Assessment, Prepared by Brad Williams, V2, dated January 2020;
 68. Conservation Management Plan, Prepared by Brad Williams, Revised September 2018;
 69. Existing Services and Demolition, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C010, Revision B, dated 15.08.19;
 70. Concept Services: Siteworks, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C020, Revision C, dated 15.08.19;
 71. Concept Access Sight lines, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C030, Revision C, dated 15.08.19;
 72. Concept Turning Templates 1/2, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C031, Revision C, dated 15.08.19;
 73. Concept Turning Templates 2/2, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C032, Revision B, dated 15.08.19;
 74. Concept Services: Stormwater, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C040, Revision B, dated 15.08.19;
 75. Concept Services: Sewer and Water, Prepared by Gandy and Roberts, Project No. 17.0272, Drawing No. C050, Revision B, dated 15.08.19;
 76. Site Servicing Report, Prepared by Gandy and Roberts, Revision B, dated 10th December 2018;
 77. Environmental Wind Speed Measurements on a Wind Tunnel Model of the City Park Development, Launceston - Prepared by J. Tan and M. Eaddy, Report 150-18-WT-ENV-01, dated 4 September 2019;
 78. Noise Impact Assessment, Prepared by NVC Noise Vibration Consulting, Ref: 5784_02, dated 20 November 2019;
 79. Addendum - Attenuation Code Assessment, Prepared by NVC Noise Vibration Consulting, Ref: 5867, dated 16 January 2019;
 80. Traffic Impact Assessment, Prepared by Midson Traffic Pty Ltd, dated January 2019;
 81. 2nd Response to Council RFI, Prepared by Midson Traffic Pty Ltd, dated 7 January 2020;
 82. Waste Management Plan, Prepared by lid, dated 12/8/2019;
 83. WTC City Park Landscape Review, Prepared by Urbis, date January 2019;
 84. Preliminary Environmental Investigation, Prepared by Scherzic Ground Investigations, Report No. 7237A, dated 17/09/2018;
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COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

85. Phase 1 Environmental Site Assessment Report, Prepared by em&c, Report Version: R01, dated 5 March 2020;
86. Response to Further Information Request, Prepared by Scanlan, dated 16th October 2019;
87. Response to Further Information Request, Prepared by Ireneinc & Smith Street Studio, dated January 2020;
88. Response to Further Information Request, Prepared by Scanlan, dated 9th January 2020; and
89. Response to Further Information Request, Prepared by Ireneinc & Smith Street Studio, dated February 2020.

2. SITE LANDSCAPING

The landscaping must be:

- a. installed in accordance with the endorsed plan; and
- b. completed prior to the use commencing; and
- c. maintained as part of the development. It must not be removed, destroyed without the written consent of the Council.

3. CONTAMINATION

In accordance with the approved Phase 1 Environmental Site Assessment Report, prior to the commencement of use, the applicant must submit to the Manager City Development for approval:

- a. a Phase 2 Environmental Site Assessment of the site must be completed under the direction of an Environment Institute of Australia and New Zealand (EIANZ) Certified Environmental Practitioner Site Contamination Specialist (CEnvP-SC), to assess site contamination prior to undertaking any excavations at the site; and
 - b. a Construction Contaminant Management Plan (CCMP) must be developed to manage contaminated soil during excavation and development of the site; and
 - c. if contaminants are confirmed at levels assessed to pose an unacceptable risk to human health or the environment, a Remediation and Protection Plan should be developed including any remediation or protection measures needed, specific to the identified contamination, to ensure protection of both human health and the environment. The Remediation and Protection Plan must include:
 - remediation goal(s).
 - remediation process(s) and methodologies.
 - plan for validating successful remediation of the site; and
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COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

- d. a statement by a suitably qualified professional that the site will be suitable for intended use on the condition that, either:
- the Phase 2 ESA concludes the existing site condition poses no unacceptable risk to either human health or the environment, or;
 - following implemented remediation or protection measures, the site condition is assessed to pose no unacceptable risk to either human health or the environment.
- e. prior to the use commencing, certification from a suitably qualified professional, that all necessary remediation required by this condition has been completed and that the site is capable of being used for its intended purpose.

4. NOISE

In accordance with the approved Noise Impact Assessment, once final design detail for mechanical systems is known, a revised report is required to be provided demonstrating that the acceptable noise emissions are achieved. This report is to be endorsed by a suitably qualified acoustic engineer to the satisfaction of the Manager City Development prior to the use commencing.

During operation the use must not cause unreasonable noise or interference to other uses. Precautions must be taken to avoid nuisance, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors, reversing beepers and the like.

5. EXTERIOR AND SECURITY LIGHTING

Prior to the issuing of any building permit, provide a lighting schedule and plan locating external lighting, and that it be consistent with CPTED principles and complies with external lighting requirements set out in the Urban Mixed Use zone provisions, to the satisfaction of the Manager City Development.

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

6. LEGAL TITLE

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

7. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01460-LCC, dated 16/10/2019 and attached to the permit.

COUNCIL MINUTES

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)**
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8. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm.

9. NO RIGHT TURN INTO CIMITIERE STREET

All vehicles exiting the site via Cimitiere Street must turn left to exit. No right turning manoeuvre is permitted.

Signs are to be installed within the site to advise drivers of this restriction.

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;
- 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.

11. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

12. 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.

COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

The explicit permission of Infrastructure and Engineering 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.

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. OCCUPATION OF ROAD RESERVE (COMPLEX)

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

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the General Manager Infrastructure and Assets Network is required. Application for the occupation of a road reserve 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 contractors name and registration 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 is unavailable for use due to the delivery of materials such as the precast concrete panels
 - e. any temporary works required to maintain the serviceability of the road or footpath.
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COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

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 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,
- 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.

15. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. any changes to existing third party infrastructure within, or affecting, the road reserve.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

16. CONSTRUCTION OF WORKS

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

COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

- a. Roads
 - i. removal of all redundant driveway crossings along the frontage of the site,
 - ii. the installation of the new crossovers and driveway aprons on the endorsed plans and the relocation of all affected services including but not limited to the street light pole in William Street.
 - iii. all necessary line marking, signage and other traffic control devices required by the works described above.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

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

17. CONSTRUCTION DOCUMENTATION

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

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

18. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 6074, 23/04/2020 and attached to the permit.

19. MATERIALS AND FINISHES

Prior to the issuing of any building permit, provide a plan that details the final materials and finishes, to the satisfaction of the Manager City Development.

COUNCIL MINUTES

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)
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20. REPAIRS AND RESTORATION

Heritage works referred to as repairs and restoration must be undertaken in a 'like for like' manner.

21. WINDOWS OR FENESTRATION

No windows or fenestration are approved above the third floor level that is within 6m of, and facing, the western boundary. Prior to the issuing of any building permit, amended plans must be provided that show removal of these openings, to the satisfaction of the Manager City Development.

22. SCHEDULE OF MATERIALS

Prior to the issuing of any building permit a revised schedule of materials and colours must be provided. This schedule must specify materials and finishes with low colour saturation and/or low reflective properties designed to complement existing materials on the heritage places to the satisfaction of the Manager City Development and the Tasmanian Heritage Council.

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.
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COUNCIL MINUTES

9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)

D. Cimitiere Street Interface

It is recommended that the design be amended to explore and consider the provision of an active use that positively engages with Cimitiere Street. Such a use could potentially be located in the building envelope currently proposed as a security gatehouse, a proposed function that adds little to the street engagement.

E. General

This permit was issued based on the proposal documents submitted DA0506/2019. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 03 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

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 enquiries 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. Noise Nuisance

Noise Nuisance is regulated under the Environmental Management and Pollution Control Act 1994. Please note that if complaints are received and verified, you will be required to implement measures to eliminate the nuisance.

COUNCIL MINUTES

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)
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H. 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>>

I. 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.

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

Written statements, submitted to Council via e-mail from the people named below, were read aloud by a Council Officer at the Council Meeting on 14 May 2020.

Mr Mike Seward spoke against the Recommendation
Ms Sue Lafferty spoke against the Recommendation
Ms Julieanne Richards spoke against the Recommendation
Ms Helen Tait spoke against the Recommendation
Ms Inga Kaiser spoke against the Recommendation
Ms Gloria Keshow spoke against the Recommendation
Mr Neil Grose (on behalf of the Launceston Chamber of Commerce) spoke for the Recommendation
Ms Veronica Down-Redburn spoke against the Recommendation
Mr Jiri Lev spoke against the Recommendation
Ms Irene Duckett (on behalf of Ireneinc Planning and Urban Design) spoke for the Recommendation
Ms Joanne Saunders spoke against the Recommendation
Mr Martin Cole spoke against the Recommendation

COUNCIL MINUTES

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)
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Mr Jack Davenport spoke against the Recommendation

Ms Victoria Wilkinson spoke against the Recommendation

Ms Anne Layton-Bennett spoke against the Recommendation

Ms Clementine Blackman spoke against the Recommendation

Ms Evie Wood spoke against the Recommendation

Mr Graeme Gilmore spoke for the Recommendation

Mr Adrian Lim (on behalf of Global Premium Hotels Limited) spoke for the Recommendation

Ms Moira Wellman (on behalf of Launceston Heritage Not Highrise) spoke against the Recommendation

Mrs Linda Collier spoke against the Recommendation

Mr Jim Collier spoke against the Recommendation

Mr Kenneth Partridge spoke against the Recommendation

Ms Gillian Zacks spoke against the Recommendation

Ms Fiona Ferguson spoke against the Recommendation

Mr Lionel Morrell (on behalf of the Tasmanian Ratepayer's Association Incorporated) spoke against the Recommendation

Mr John Perry (on behalf of the Coordinator General's Office) spoke for the Recommendation

Ms June Burnet spoke against the Recommendation

Ms Rocelyn Ives spoke against the Recommendation

Mr Peter Reynolds (on behalf of Heritage Protection Society Tasmanian Inc) spoke against the Recommendation

Mr Laurie Scanlan (on behalf of Scanlan Architects) spoke for the Recommendation

DECISION: 14 May 2020

MOTION 1

Moved Councillor J Finlay, seconded Councillor D H McKenzie.

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 D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

AGAINST VOTE: Councillor T G Walker

COUNCIL MINUTES

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)
-

DECISION: 14 May 2020

MOTION 2

Moved Councillor D C Gibson, seconded Councillor A G Harris.

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

CARRIED 12:0

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

DECISION: 14 May 2020

MOTION 3

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

That Councillor D H McKenzie be granted an additional three minutes speaking time.

CARRIED 12:0

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

COUNCIL MINUTES

- 9.1 116-128,136, 132 and130 Cimitiere Street, Launceston - Visitor Accommodation, Food Services, General Retail and Hire, Community Meeting and Entertainment, Hotel Industry, Signage, and Vehicle Parking - Construction of a Hotel and Mixed Use Development ...(Cont'd)
-

DECISION: 14 May 2020

MOTION 4

Moved Councillor D H McKenzie, seconded Councillor A G Harris.

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

CARRIED 12:0

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

DECISION: 14 May 2020

MOTION 5

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

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

CARRIED 12:0

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

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works

FILE NO: DA0698/2019/SF7059

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

1. To consider and determine to reject or initiate and exhibit Amendment 61 to rezone land at 357-361 Hobart Road, Youngtown from Commercial to General Residential; and
2. To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

RECOMMENDATION:

That Council:

1. pursuant to the former section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 61 to the Launceston Interim Planning Scheme 2015 for a change in zoning from Commercial to General Residential at 357-361 Hobart Road, Youngtown (CT volume 175679, folios 1, 2, 3 and 4) as shown in Attachment 2 to this report (ECM Document ID Set 4291071); and
2. pursuant to the former section 35 of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment as shown in Attachment 2; and
3. in accordance with the former section 38(1)(a) of the *Land Use Planning and Approvals Act 1993*, determine the period for public exhibition to be 28 days; and
4. pursuant to section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0698/2019 - Residential - construction of 24 multiple dwellings and Subdivision - consolidation of four titles into one at 357-361 Hobart Road, Youngtown, 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 Page, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, dated 29/10/2019.
 - b. Site Plan, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP01, revision C, dated 26/03/2020 - AMENDED PLAN REQUIRED.
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COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

- c. Unit Type 01 Floor Plans & Elevations, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP02, revision A, dated 29/10/2019 - AMENDED PLAN REQUIRED.
- d. Unit Type 02a & 02b, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP03, revision A, dated 29/10/2019.
- e. Unit Type 03 & 04, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP04, revision A, dated 29/10/2019.
- f. Site Turn Paths, prepared by 6ty Pty Ltd, drawing no. 19.070, Proposed Unit Development, 359-361 Hobart Road, Youngtown, page AP05, revision A, dated 29/10/2019.
- g. Preliminary Site Investigation, prepared by ES&D, project no. 6735, 359-361 Hobart Road, Youngtown, dated 10/07/2019.
- h. Noise Assessment Report, prepared by ES&D, project no. 6735, 359-361 Hobart Road, Youngtown, dated 12/08/2019.
- i. Traffic Impact Assessment, prepared by Traffic & Civil Services, 359 Hobart Road Residential Development, Youngtown, dated September 2019.

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

- a. Privacy screening in front of the balconies of units 2-6 inclusive to prevent unreasonable overlooking of the adjoining care-takers dwelling and its private open space in accordance with clause 10.4.6 of the planning scheme; and
- b. Storage areas for waste and recycling bins in accordance with clause 10.4.8 of the planning scheme; and
- c. Mail boxes in accordance with clause 10.4.9 of the planning scheme; and
- d. Front boundary fencing to Hobart Road and Alma Street with a maximum height of 1.8m and that part above 1.2m maintaining 30% transparency in accordance with clause 10.4.7 of the planning scheme.

3. SHARED ZONE SIGNAGE

Prior to the commencement of the use, 10kp/h Shared Zone signage shall be erected in the entrance driveway in accordance with the recommendation of the endorsed TIA.

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.

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

No works on Sunday or Public Holidays.

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2019/01809-LCC, dated 13/01/2020, and attached to the permit.

7. SITE LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager City Development. 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. 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; and
- f. Any screen planting.

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

8. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed prior to the use commencing; and
- c. Maintained as part the use and development.

It must not be removed, destroyed or lopped without the written consent of the Council.

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

9. FENCING

Prior to the commencement of the use:

1. all side and rear boundaries must be provided with a solid (ie. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of:
 - a. 1.2m within 4.5m of the frontage; and
 - b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries; and
2. front boundary fencing up to a height of 1.8m, with all that part above 1.2m having a minimum 30% transparency.

10. PRIVACY SCREEN

Privacy screening must be erected between units 2-6 and the northern site boundary to ensure reasonable privacy for the adjoining property.

11. 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. Storage area for waste and recycling bins.
- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

12. 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.

13. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

14. 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 Infrastructure and Engineering 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.

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 the Council's stormwater mains.

16. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/alterred, or to have a new connection installed, an application must be made using the Council's eServices web portal or on the approved form and accompanied by the prescribed fee. All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

17. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

18. 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 Infrastructure and Engineering.

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 the Council's 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.

19. 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.

20. PROTECTION OF PIPELINES

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5m from the outer edge of the pipe,
 - b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
 - c. There must be a minimum clear space between buildings or substantial structures of at least 3m in width to allow maintenance along the line of the pipe.
 - d. Manholes or inspection openings are not to be covered and must remain accessible at all times.
-

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

No work over or immediately adjacent to the pipe is to commence without the written permission of the Chief Executive Officer or his delegate pursuant to section 13 of the *Urban Drainage Act 2013*.

21. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Unit No	Strata Lot No.	Street Address
01	1	1/357-361 Hobart Road
02	2	2/357-361 Hobart Road
03	3	3/357-361 Hobart Road
04	4	4/357-361 Hobart Road
05	5	5/357-361 Hobart Road
06	6	6/357-361 Hobart Road
07	7	7/357-361 Hobart Road
08	8	8/357-361 Hobart Road
09	9	9/357-361 Hobart Road
10	10	10/357-361 Hobart Road
11	11	11/357-361 Hobart Road
12	12	12/357-361 Hobart Road
13	13	13/357-361 Hobart Road
14	14	14/357-361 Hobart Road
15	15	15/357-361 Hobart Road
16	16	16/357-361 Hobart Road
17	17	17/357-361 Hobart Road
18	18	18/357-361 Hobart Road
22	19	19/357-361 Hobart Road
21	20	20/357-361 Hobart Road
20	21	21/357-361 Hobart Road
19	22	22/357-361 Hobart Road
23	23	23/357-361 Hobart Road
24	24	1 Alma Street

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

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

22. 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.

23. NOISE ASSESSMENT REPORT

The applicant must comply with the Noise Assessment Report prepared by Environmental Service and Design, dated 5 December 2019. To reduce potential environmental impacts created by traffic noise from Hobart Road, the recommendations in Section 5 of the Noise Assessment report, dot points 2 and 3 are to be implemented.

24. ENVIRONMENTAL MANAGEMENT PLAN

A site specific Environmental Management Plan (EMP) is to be prepared by a suitably qualified person, prior to the development commencing. The EMP is to include, but not be limited to, a site plan, management of all wastes, staff training, incident reporting, contact details of relevant personnel, recording and responding to complaints. A copy of the EMP is to be available at the request of an Authorised Officer of the City of Launceston and is to be readily available to persons involved in the development.

25. WASTE DISPOSAL DOCUMENTATION

A copy of documentation for the disposal of Level 2 contaminated soil waste, at a Category B landfill, is to be provided to the City of Launceston.

26. 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
-

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

27. CONTAMINATED LAND

The applicant must comply with the Preliminary Site Investigation Report prepared by Environmental Service and Design dated June 2019 and complete all Works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0698/2019. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by 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 enquiries 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.

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

Mrs L Hurst (General Manager Community and Place Network), Mr R Jamieson (Manager City Development) and Mr D Payton (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 May 2020

MOTION

Moved Councillor T G Walker, seconded Councillor P S Spencer.

That Council:

- 1. pursuant to the former section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 61 to the Launceston Interim Planning Scheme 2015 for a change in zoning from Commercial to General Residential at 357-361 Hobart Road, Youngtown (CT volume 175679, folios 1, 2, 3 and 4) as shown in Attachment 2 to this report (ECM Document ID Set 4291071); and**
 - 2. pursuant to the former section 35 of the *Land Use Planning and Approvals Act 1993*, certify the draft amendment as shown in Attachment 2; and**
-

COUNCIL MINUTES

9.2 357-361 Hobart Road, Youngtown - Amendment 61 - Zone Land from Commercial to General Residential and Construct 24 Multiple Dwellings and Associated Works ...(Cont'd)

3. in accordance with the former section 38(1)(a) of the *Land Use Planning and Approvals Act 1993*, determine the period for public exhibition to be 28 days; and
4. pursuant to section 43F of the *Land Use Planning and Approvals Act 1993*, refuses to grant a permit for DA0698/2019 - Residential - construction of 24 multiple dwellings and Subdivision - consolidation of four titles into one at 357-361 Hobart Road, Youngtown, on the following grounds:
 - (a) that, contrary to clause 10.4.1, the density of the development is not compatible with that of the surrounding area and the proposal has not demonstrated sufficient social or community housing benefit;
 - (b) that, contrary to clause 10.4.2, the siting and scale of units 1 - 6 will cause an unreasonable loss of amenity to the adjoining residence through their visual impact caused by their apparent scale and bulk;
 - (c) that, contrary to clause 10.4.3, insufficient private open space is provided to serve as an extension of the dwellings for outdoor relaxation, dining or entertaining or to meet the reasonable needs of the occupants for outdoor recreation, storage or gardens;
 - (d) that, contrary to clause 10.4.9, insufficient storage is provided to meet the reasonable needs of residents; and
 - (e) that, contrary to clause E6.5.1, insufficient car parking spaces are provided to meet the reasonable needs of the residents.

CARRIED 12:0

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

COUNCIL MINUTES

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot

FILE NO: DA0046/2020

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0046/2020 - Transport Depot and Distribution - Change of use to transport depot at 17-19 Windsor Street, Invermay, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

The use 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. Location plan (perspective), 17-19 Windsor Street, Invermay, undated.
- b. Location Plan and truck route, extract from Google Map, 17-19 Windsor Street, Invermay, undated.
- c. Applicants submission, prepared by Hannah Bradley and Samiul Islam, 17-19 Windsor Street, Invermay, undated.

2. LEGAL TITLE

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

3. SITE LANDSCAPING

Prior to the use commencing, not less than six tubs containing shrubs or trees to a height of 1.5 - 2.0m shall be installed along the Windsor Street frontage, inside the security fence, and shall be maintained for the duration of the use.

4. 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.
-

COUNCIL MINUTES

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

- 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.

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

6. 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.

7. WINDSOR STREET VEHICULAR ACCESS

Vehicular access via Windsor Street is limited to the hours of 7:00am to 6:00pm - Monday to Friday, 9:00am to 6:00pm - Saturdays and 10:00am to 6:00pm - Sundays and Public Holidays. Vehicular access outside these hours must be via the Robertson Street entrance.

8. 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.

9. NOISE - REVERSING ALARMS

The use of reversing alarms must not cause unreasonable noise or interference to other uses. Any vehicle or machinery that requires a reversing alarm must use broadband alarms or other non-intrusive methods.

COUNCIL MINUTES

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0046/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the 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 enquiries 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>>

COUNCIL MINUTES

9.3 17-19 Windsor Street, Invermay - Transport Depot and Distribution - Change of Use to Transport Depot ...(Cont'd)

D. Permit Commencement

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

Mrs L Hurst (General Manager Community and Place Network), Mr R Jamieson (Manager City Development) and Mr D Payton (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

A written statement, submitted to Council via e-mail from Ms Hannah Bradley, for the Recommendation, was read aloud by a Council Officer at the Council Meeting on 14 May 2020.

DECISION: 14 May 2020

MOTION

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

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 D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

COUNCIL MINUTES

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair

FILE NO: DA0107/2020

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

DA0628/2019 - Residential - Demolish existing dwelling

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 DA0107/2020 Service Industry - Construction of a building for the use of a mechanical repair at 12 Windsor Street, Invermay subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, Prepared Wilkin Design, Job No DA-201277, Drawing No.01 of 03, Rev 26/03/20, Scale 1:200, Dated 26/02/2020.
- b. Floor Plan, Prepared Wilkin Design, Job No DA-201277, Drawing No.02 of 03, Rev 26/03/20, Scale 1:100, Dated 26/02/2020.
- c. Elevation, Prepared Wilkin Design, Job No DA-201277, Drawing No.03 of 03, Rev 26/03/20, Scale 1:100, Dated 26/02/2020.

2. FLOOD MANAGEMENT PLAN

Prior to commencement of the use, a flood hazard management plan must be prepared for the future occupants of the development and forwarded to the Planning Authority. The flood hazard management plan must address the following:

- a. Any particular measures that must be undertaken by future occupants or users of the site in the event of a flood;
 - b. Any requirements for the use of the site due to flood hazard, including:
 - i. The storage of any toxic or pollutant substances or other products which may be hazardous or pollute flood waters must be at a minimum level of 500mm above the 1% AEP flood level.
-

COUNCIL MINUTES

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

3. LEGAL TITLE

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

4. USE LIMITATION

This permit allows the use for Mechanical Repair Garage, defined as Service Industry in the Launceston Interim Planning Scheme 2015. Any change is subject to a further Development application. The use is limited to:

- a. Mechanical repairs only with no panel beating or spray painting.
- b. Vehicles being repaired limited to being parked in the building and not in the street.
- c. Only three employees present on the site at any given time.
- d. Doors being shut when any machine tools in use.

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

No works on Sunday or Public Holidays

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. 2020/00305-LCC, 12/03/2020 and attached to the permit.

7. BUSINESS HOURS

The operation of the Mechanical repair garage must be confined to:

- a. Monday to Friday - 7:00am and 5:30pm
- b. Saturdays - 9:00am and 4:00pm
- c. No operations of a Sunday or Public Holidays

8. SITE LANDSCAPING

The landscaping must be:

- a. Include at least two trees on site, either by planting in the ground or within a large pot, off the front south western corner of the building and front corner of the site.
 - b. Completed prior to the use commencing; and
 - c. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.
-

COUNCIL MINUTES

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

9. 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.

10 DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's 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. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

11. 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 Infrastructure and Engineering 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.

12. 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 the Council's stormwater mains.

COUNCIL MINUTES

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

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. 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.

15. NOTIFICATION OF CHANGE IN ACTIVITY

The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm.

16. REPAIRS OF VEHICLES

- a. Any servicing, detailing and repairs of vehicles or vehicle parts must be conducted in a covered, bunded area.
- b. No repairs of any sort may be carried out in the car parking or common areas.

17. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to other uses. Precautions must be taken to avoid nuisance, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors, reversing beepers and the like.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0107/2020. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

COUNCIL MINUTES

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

This permit takes effect after:

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

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the 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 enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Signage

Separate approval may be required for any signage proposed on the site.

COUNCIL MINUTES

9.4 12 Windsor Street, Invermay - Service Industry - Construction of a Building for the Use of a Mechanical Repair ...(Cont'd)

Mrs L Hurst (General Manager Community and Place Network), Mr R Jamieson (Manager City Development) and Ms C Mainsbridge (Senior Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 May 2020

MOTION

Moved Councillor J Finlay, seconded Councillor A G Harris.

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 D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, 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.

COUNCIL MINUTES

10 ANNOUNCEMENTS BY THE MAYOR

The Mayor acknowledged International Nurses' Day and noted the success of BOFA.

11 COUNCILLORS' 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.)

11.1 Councillor D H McKenzie

- Noted the *Buy Tasmania* campaign and the uptake of technology, especially on-line offerings, during the current circumstances

11.2 Councillor A E Dawkins

- Noted the Design Tasmania issues relating to closure of the business during the COVID-19 pandemic

11.4 Councillor N D Daking

- Acknowledged the work of Cityprom and its members during the COVID-19 pandemic

12 QUESTIONS BY COUNCILLORS

12.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

No Councillor's Questions on Notice were identified as part of these Minutes

COUNCIL MINUTES

12.2 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.)

12.2.1 Councillor T G Walker - Rates Relief

- 1. In considering application for the Council's COVID-19 Community Care and Recovery Package, how did Council Officers determine whether a commercial property was vacant?**

Mr Michael Stretton (Chief Executive Officer) advised that this question would be Taken on Notice and a response provided in the Council Agenda for 28 May 2020.

COUNCIL MINUTES

13 COMMITTEE REPORTS

No Committee Reports were identified as part of these Minutes

COUNCIL MINUTES

14 COUNCIL WORKSHOPS

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

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Committee Clerk)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 7 May 2020:

Tourism Northern Tasmania Update and Service Agreement

Councillors were provided with information as part of the twice yearly update for Tourism Northern Tasmania.

Junction 2020 Recovery Event and 10th Anniversary in 2021

Councillors received a presentation regarding the Junction Arts Festival.

Launceston City Deal Three Year Review

Councillors were provided with information on the Launceston City Deal Three Year Review scope and plans.

Homelessness in Launceston - the Council's Role in Launceston

Councillors were provided with an update regarding work being undertaken with relevant agencies regarding homelessness in Launceston.

Ms L Foster (General Manager Organisational Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

COUNCIL MINUTES

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

DECISION: 14 May 2020

MOTION

Moved Councillor D C Gibson, seconded Councillor P S Spencer.

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 D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

COUNCIL MINUTES

15 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

COUNCIL MINUTES

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

18.1 Closure of Part of Charolais Drive, Norwood

FILE NO: SF1267

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the closure of part of Charolais Drive, Norwood

PREVIOUS COUNCIL CONSIDERATION:

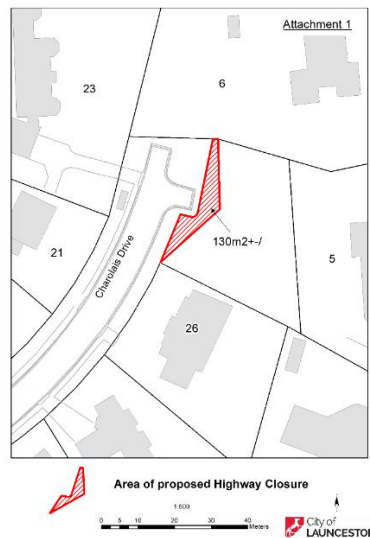
Council - 5 March 2020 - Agenda Item 18.2 - Closure of Part of Charolais Drive, Norwood

Council - 24 April 2017 - Agenda Item 18.2 - Disposal of part of Road Reservation - Charolais Drive

RECOMMENDATION:

That Council

1. pursuant to section 14 of the *Local Government (Highways) Act 1982 (Tas)*, closes that part of Charolais Drive, Norwood, as identified in the plan as shown below because of lack of use.



COUNCIL MINUTES

18.1 Closure of Part of Charolais Drive, Norwood ...(Cont'd)

2. requests the Chief Executive Officer to cause the corresponding amendments to be made to the relevant sealed plan pursuant to section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas).
 3. Notes, for the avoidance of doubt, Chief Executive Officer means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

Mr S Eberhardt (General Manager Infrastructure and Assets Network) and Mr Duncan Campbell (Team Leader Legal Services) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 May 2020

MOTION

Moved Councillor D H McKenzie, seconded Councillor A G Harris.

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 D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

COUNCIL MINUTES

19 ORGANISATIONAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

21 CLOSED COUNCIL

No Closed Items were identified as part of these Minutes

22 MEETING CLOSURE

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