



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 23 JANUARY 2020  
1.00pm**

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

Date: 23 January 2020

Time: 1.00pm

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### Certificate of Qualified Advice

#### Background

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

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

#### Certification

I certify that:

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



**Michael Stretton**  
Chief Executive Officer

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## 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.

## 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.

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# City of Launceston

COUNCIL MINUTES

Thursday 23 January 2020

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

**In Attendance:**                      **Mr M Stretton (Chief Executive Officer)**  
   **Mr R Jamieson (Acting General Manager Community and Place Network)**  
   **Ms L Foster (Organisational Services Network)**  
   **Mr S Eberhardt (Infrastructure and Assets Network)**  
   **Mr S Tennant (Team Leader Communications)**  
   **Mrs K Hartland (Team Leader Governance)**  
   **Mrs A Rooney (Committee Clerk)**

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

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

## **2 MAYORAL ACKNOWLEDGEMENTS**

### **2.1 Welcome to Country**

Aboriginal elder, Aunty Sharon Holbrook, provided a Welcome to Country. The Mayor, Councillor A M van Zetten, provided an Acknowledgement of Country: In the spirit of reconciliation, we the citizens of Launceston, recognise that Launceston is situated on country of which the Tasmanian Aboriginal people have been owners for over 35,000 years and on which they have performed age-old ceremonies of celebration, initiation and renewal. We acknowledge the Aboriginal community of today, their living culture and unique role in the life of this region and offer our deep appreciation of their ongoing contribution to the community.

### **2.2 Bushfire Acknowledgement**

The Mayor, Councillor A M van Zetten, acknowledged communities affected by fires both in Tasmania and on the mainland and noted that members of the Bhutanese community, the staff of the City of Launceston and the Rotary Club of Tamar Sunrise are contributing to vital fundraising activities.

### **2.3 Withdrawal of Agenda Item - Agenda Item 9.5**

The Mayor, Councillor A M van Zetten, advised Agenda Item 9.5 - 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Café has been withdrawn from the Agenda.

### **2.4 Withdrawal of Agenda Item - Agenda Item 9.8**

The Mayor, Councillor A M van Zetten, advised Agenda Item 9.8 - Amendment 57 - 1A George Town Road, Newnham, Newnham - Rezone Land From Recreation to Inner Residential has been withdrawn from the Agenda.

## **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**

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**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 12 December 2019 be confirmed as a true and correct record.

**DECISION: 23 January 2020**

**MOTION**

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

**5 DEPUTATIONS**

**No Deputations were identified as part of these Minutes**

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**6 PETITIONS**

*Local Government Act 1993 - sections 57 and 58*

**6.1 Petition Receipt - Stop the Relocation of Metro Bus Stop into Ainslie Grove, South Launceston**

**FILE NO:** SF1076/SF0622/SF0097

**AUTHOR:** Anthea Rooney (Committee Clerk)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**DECISION STATEMENT:**

To receive a petition submitted by Mr Daniel Young and Mrs Louise Young regarding stopping the relocation of a Metro bus stop into Ainslie Grove, South Launceston.

**RECOMMENDATION:**

That, pursuant to section 58(2) of the *Local Government Act 1993 (Tas)*, Council receives the petition regarding stopping the relocation of a Metro bus stop into Ainslie Grove, South Launceston submitted by Mr Daniel Young and Mrs Louise Young.

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**Mr M Stretton (Chief Executive Officer) was in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr Daniel Young spoke for the Recommendation**

**DECISION: 23 January 2020**

**MOTION**

**Moved Councillor D C Gibson, seconded Councillor J Finlay.**

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

**CARRIED 12:0**

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

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**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.)*

**7.1 Mr Stuart Loone (Programs Manager) - Theatre North**

**Mr Loone provided Council with an update on Theatre North's 2020 program - including works from Bell Shakespeare, Opera Australia and the Australian Ballet Company. Mr Loone thanked the City of Launceston for its ongoing support of the arts in Launceston and noted that a lease renewal and recent upgrades have provided patrons with improved facilities at the Princess Theatre.**

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**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.)*

**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, asked at the Annual General Meeting on 5 December 2019 by Mr Gabriel Barnes, have been answered by Leanne Hurst (General Manager Community and Place Network).

**Questions:**

With reference to the Annual Financial Report and Building Surveying Services unit:

1. How many staff are referred to in Expenses?

**Response:**

*Staffing costs are in representation of the demand for the service, and are costed in accordance with Full Cost Attribution principles. The Council currently has 1.65 FTE Building Surveyors and 0.85 FTE Support Staff, or 2.5 FTEs.*

2. Can Council explain the rather substantial \$14,000 increase in full cost attribution expenses between the 2017/2018 year and the 2018/2019 year?

**Response:**

*The methodology adopted for the allocation of expenses between materials, services and full cost attribution in each particular year has resulted in movements between these classifications.*

*With reference to Question 3, a fuller picture of the total operational costs can be obtained by comparing the sum of each year's expenditure (including employee benefits, materials and services, depreciation and full cost attribution). Overall expenditure in 2018/2019 increased by \$2,000 as compared to 2017/2018.*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019 ...(Cont'd)**

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3. Considering the material and services costs total of only \$51,000 during the year or \$980 per week in business overhead and on-costs, is the Council confident that it has identified and reported all costs associated with the operation of the Building Surveying Service Significant Business Activity?

**Response:**

*A fair representation of materials and services costs is reflected in the Significant Business Activity Statement. These costs represent a reasonable share of costs incurred, and include costs such as office rental, based on Launceston office rental market research.*

*Actual Income and Expenditure for the Building Surveying and Certification Significant Business Activity Statement was externally audited as part of City of Launceston's financial statements, which the auditor checked for completeness, amongst other matters. No matters were identified by the auditor with regard to either the 2018/2019 or 2017/2018 financial years.*

With reference to the \$19,000 loss in the 2017/2018 year and another \$14,000 in the 2018/2019 year - a total of \$33,000, I ask the following questions:

4. As part of the Building Surveying Service, is it the Council's policy to undertake direct marketing of its building surveying service on building sites where they are not the building surveyors and outside of the Launceston City Council with offers to undertake building surveying work at (and I quote) ... *a cheaper price than your current building surveyor?*

**Response:**

*To the best of the Council's knowledge signs are only placed on sites where City of Launceston Building Surveying Services are engaged as the Building Surveyor and with the approval of the Builder.*

*The Council does not have a policy or offer to "undertake building surveying work at a cheaper price than your current building surveyor".*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019 ...(Cont'd)**

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5. Can the Council confirm if their annually published fees and charges are applied to all building surveying activities or are they only a guide and staff can offer discounts to developers at their discretion?

**Response:**

*Annually published fees are applied.*

6. Can the Council confirm it charged a service fee of approximately \$5,000 to provide building surveying and inspection services for the new Parkside Caravan Park at St Helens with 20 cabins, a 100 seat restaurant and associated infrastructure and buildings when private building surveyors quoted between \$25,000 and \$28,000 to do the same job? Keep in mind we have a financial loss in the activity.

**Response:**

*The Council is unable to discuss individual projects, however, it is important to note that some quotes are assessment only with inspections charged separately.*

7. It is annoying enough paying rates to the Council, who, in turn uses ratepayer funds to subsidise a discount service in direct competition against Launceston small businesses, but can the Council explain why it seems to be acceptable for Launceston ratepayers to be subsidising builders and developers in other Council areas with heavily discounted and subsidised fees?

**Response:**

*Please note a deficit was not intended nor budgeted for.*

*Whilst not apparent in the published Financial Report, the Budget for 2018/2019 was revised based upon the actual income and expenditure for 2017/2018. Both the 2017/2018 results and supporting methodology were independently audited. It should be noted that the Independent Auditor concluded "no matters were identified from the procedures performed which represent non-compliance with Full Cost Attribution Principles".*

*Thus, it can be implied an independent audit of the 2017/2018 figures has reinforced the credibility of the 2018/2019 budgeting process including revisions in budgeting for an overall surplus in 2018/2019.*

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**8.1.1 Public Questions on Notice - Mr Gabriel Barnes - Annual General Meeting - 5 December 2019 ...(Cont'd)**

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*A predominant issue in 2018/2019 being that actual income did not meet an adjusted income target in 2018/2019. The anticipated number and breakdown of the Building Surveying and Certification Application income is the most difficult item to budget for, as it would be for any Surveyor.*

*Whilst a surplus is prevalent for the first half of 2019/2020, it is recognised the current market environment within the region makes it difficult to forecast with any certainty.*

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**8.1.2 Public Questions on Notice - Mr Christopher Green - Annual General Meeting - 5 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following question, asked at the Annual General Meeting on 5 December 2019 by Mr Christopher Green, has been answered by Ms Tracy Puklowski (General Manager Creative Arts and Cultural Services Network).

**Questions:**

1. Where has the tapestry gone that used to be displayed in the entrance to the Council Chambers?

**Response:**

*The tapestries that were displayed in the entrance to the Council Chambers have been moved to the entrance near the Chief Executive Officer's area, in Customer Service. This move allowed for other items to be displayed allowing the public more access to collections.*

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**8.1.3 Public Questions on Notice - Mr Patrick Beere - 12 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted to Council in writing on 12 December 2019 by Mr Patrick Beere, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

**Questions:**

1. With regard to the National Trust classified trees at 54 Ann Street, Launceston - what are the *certain protections* included in the Council's Development Application which will afford protection to those classified trees?

**Response:**

*The Vegetation Management plan will clearly outline the protection of the trees on site for the duration of the building process.*

2. The Council's arborist was engaged to mark out a tree protection zone (TPZ) to protect the classified trees on 54 Ann Street:
  - (a) When was the TPZ marked out?
  - (b) Who was advised that the TPZ was marked out?
  - (c) Who is ensuring that the TPZ is being undisturbed by adjacent development?

**Response:**

- (a) *The TPZ was marked out on 6 December 2019*
  - (b) *The Planning Department and the Compliance Team were both notified of the zones being marked out.*
  - (c) *An Arborist engaged by the proponent will be responsible to monitor and provide updates on the TPZ exclusion requirements as per the Permit conditions.*
-

**8.1.4 Public Questions on Notice - Mrs Glenda King - Council Meeting -  
12 December 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, asked at the Council Meeting on 12 December 2019 by Mrs Glenda King, have been answered by Leanne Hurst (General Manager Community and Place Network).

**Questions:**

1. [concerning breaches of the permit issued on 5 September 2019] Has the Council imposed fines on the developer for these breaches and if not, why not? Can the General Manager confirm whether the conditions of the previously approved Development Application and its permit, ie. no further work on the site until the fence is rebuilt, is being fully implemented or have variations to this permit been agreed to with the developer.

**Response:**

*The appropriate enforcement action has been undertaken in regards to the breaches on site. The condition of no demolishing works are to be undertaken prior to the construction of the new fence still stands.*

2. [given the high level of community interest in the brick wall] Could the General Manager advise if the report that was used to justify the unsafe nature of the wall and hence its demolition under the *Building Act* section 214 emergency works is available for public reference?

**Response:**

*The engaged Building Surveyor provided a recommendation for the Scott Street corner of the remaining fence to be removed due to the structural integrity of the wall. The engaged Builder also provided a recommendation for removal due to structural integrity.*

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**8.1.4 Public Questions on Notice - Mrs Glenda King - Council Meeting -  
12 December 2019 ...(Cont'd)**

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3. [in relation to discussions with the developer and Council Officers regarding the wall to be rebuilt] Can the General Manager please explain:
- (a) how this new all design, with its pedestrian gate, meets the requirement of Condition 3, particularly in relation to replacing the wall that ran continuously across both properties from the driveway opening to the Scott Street boundary that was, in other words, fully intact for the entire length of the frontage; and
  - (b) how the design agreed to is visually consistent with the remnant sections of the original brick fence which has been demolished and which contained no pedestrian gate into that original wall or the remnant section; and
  - (c) how Condition 3 can be waived or amended by Council Officers when our Councillors voted unanimously for Condition 3 as part of the permit with the intent, both actually and in spirit, to ensure the original wall was rebuilt and, if such a variation is allowed, then should it not come back to this chamber for ratification?

**Response:**

*The permit condition required the erection of a contiguous wall from the Scott Street boundary to the existing driveway opening. The plans provided by the property owner show a widening of the driveway by some 600m and the inclusion of a pedestrian gate to serve 14 St Georges Square, East Launceston.*

*In accordance with section 56 of the Land Use Planning and Approvals Act 1993, the property owner has made application to amend permit DA0339/2019 to provide for the widened driveway.*

*The permit condition required the design of the new fence to be visually consistent with the remnant sections of the original wall. It specifically did not require the new wall to be a replica. The inclusion of a pedestrian gate is neither inconsistent with the remaining sections of the wall, nor with the concept of contiguous.*

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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to the Council on 7 January 2020 by Mr Ray Norman, have been answered by Tracy Puklowski (General Manager Creative Arts and Cultural Services), Nathan Williams (Manager Finance) and Leanne Purchase (Manager Governance). The questions as submitted by Mr Norman are attached to this Agenda Item. A number of recurrent themes have been identified in the submitted questions and the following statement addresses them.

Many of Mr Norman's questions seek an assessment of his views and a direct response is neither appropriate nor provided for by regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

**Response:**

*Tracy Puklowski (General Manager Creative Arts and Cultural Services), Nathan Williams (Manager Finance) and Leanne Purchase (Manager Governance)*

*Currently QVMAG operates as a unit of the City of Launceston. The institution's strategic direction is currently determined by the Chief Executive Officer, the General Manager of QVMAG, and Councillors.*

*The individual and collective functions of Councillors are prescribed by section 28 of the Local Government Act 1993 (Tas). For convenience, this section of the legislation is reproduced here (in part):*

**28. Functions of councillors**

- (1) *A councillor, in the capacity of an individual councillor, has the following functions:*
    - (a) *to represent the community;*
    - (b) *to act in the best interests of the community;*
    - (c) *to facilitate communication by the council with the community;*
    - (d) *to participate in the activities of the council;*
    - (e) *to undertake duties and responsibilities as authorised by the council.*
-

**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- (2) *The councillors of a council collectively have the following functions:*
- (a) *to develop and monitor the implementation of strategic plans and budgets;*
  - (b) *to determine and monitor the application of policies, plans and programs for –*
    - (i) *the efficient and effective provision of services and facilities; and*
    - (ii) *the efficient and effective management of assets; and*
    - (iii) *the fair and equitable treatment of employees of the council;*
  - (c) *to facilitate and encourage the planning and development of the municipal area in the best interests of the community;*
  - (d) *to appoint and monitor the performance of the general manager;*
  - (e) *to determine and review the council's resource allocation and expenditure activities;*
  - (f) *to monitor the manner in which services are provided by the council.*

*Section 65 of the Local Government Act 1993 (Tas) requires the General Manager (Chief Executive Officer) to ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*

*City of Launceston's Register of Delegations consists of instruments of delegation and a summary list. In the lead up to the effective date for the organisational alignment project, the matter of delegated authority was given priority to ensure that the Council had the appropriate instruments of delegation in place by 9 December 2019 (the effective date of organisational change). The writer was provided with a copy of those instruments on 10 December 2019. The updated summary list was not available at close of business 2019. It will be completed and published online by 31 January 2020. Council Officers are aware of the requirements of section 22(4) of the Local Government Act 1993 (Tas).*

*Since late 2018 the General Manager (Director) and staff of QVMAG have been focused on improving a range of museum activities, commensurate with museum best practice and the role of a museum in the 21<sup>st</sup> Century. This has included ensuring that museum policies and processes are up to date and fit for purpose, ensuring that museum storage spaces are clean and safe, that the museum's collections are well understood and that information about them is created and kept in a manner that is consistent, reliable and that supports the eventual digitisation of these assets.*

*Addressing this important work has required the following:*

- *A clean up of storage spaces at the museum. This resulted in the disposal of some old and damaged exhibition furniture. Any exhibition furniture that was in usable condition but surplus to requirements was offered to other museums, as is best industry practice. At no stage have any other museum assets (particularly collection assets) been disposed of, contrary to the writer's assertion. The writer would be aware that best collection management practice encourages the regular appraisal of collections and allows for occasional deaccessioning of material deemed no longer in line with the collection policy. However, this should in no way be confused with any disposal of non-collection assets.*
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- *The audit of QVMAG collections, which is a necessary and overdue project. Information relating to the collections has been captured in varying ways over the years. It is vital that all data relating to museum collections is captured in a manner that is consistent and accurate. 'Clean' data will allow for the eventual digitisation of the collections, which supports greater access. Digital access to the collections has far-reaching benefits for the general public and the research community alike.*

*The collection audit is a significant project which has required spaces at the Art Gallery to be used in different ways. Rather than undertaking this work behind closed doors, QVMAG is making it public. This innovative approach is again geared towards enhanced access and understanding of the collections. It also enables staff to plan for a rehang of the museum's galleries, another project that is well overdue. Static collection hangs framed by 'colonial' and 'federation' purviews might resonate with some segments of society, but the museum has a responsibility to reflect more experiences and voices. Change is necessary.*

*It has been acknowledged that having a museum as a unit of a local authority does bring some constraints and that the size and scope of QVMAG places an uneven burden on the City of Launceston and its ratepayers. It is therefore, timely and necessary, to consider what governance structure will best position QVMAG to grow and develop, to operate in a more commercially positive manner and to draw on skills and knowledge held in the community. Community consultation and working with the museum's existing and various advisory groups will be an important aspect of this process. This is an important body of work and the City of Launceston is committed to undertaking it in a rigorous manner.*

*In relation to the funding that QVMAG derives from Council, there is not an undisclosed levy/charge specifically directed towards the QVMAG. QVMAG is funded through the Council's documented and disclosed rate, fees and charges and operational grant funding revenue. A total of \$2.35m of revenue resulted from QVMAG's recurrent operational budget in the 2019 financial year. These figures are derived from the publicly available QVMAG Annual Report on the Council's website.*

*As part of the current funding agreement, the QVMAG is working with the State government to develop a new set of performance indicators. Information about grants is detailed in the QVMAG Annual Report.*

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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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**Questions:**

1. Is it acknowledged and recognised that there is a perception that the City of Launceston's 'Councillors' are the QVMAG's Trustees/Councillors/Governors by default and as a consequence all materials - objects, works of art, specimens, cultural and intellectual property, historic material, etc. - held in the QVMAG's collections are under the Councillor's/Trustee's custody in both 'law' and 'lore' and that you are not delivering on the trust invested in you?
  - 2(a) Consequent to this, is it acknowledged that the determination of QVMAG policies is an 'obligation' that falls to Trustees/Councillors/Governors?
  - 2(b) Do you acknowledge that QVMAG policies are outdated, outmoded and fail to meet current 'best practice' standards?
  - 3(a) Consequent to these considerations, is it acknowledged that the determination of QVMAG 'strategic directions' is a matter that falls exclusively to Trustees/Councillors/Governors?
  - 3(b) That this is so albeit that 'management' may provide logistic support and 'expert advice' under section 65 of the Local Government Act, nevertheless, do you acknowledge any 'lack of adequacy' you are receiving and have received, in regard to advice relevant to the QVMAG's strategic directions and policies?
  4. Is it acknowledged that the determination of QVMAG 'policies strategic directions' are matters that the GM/CEO, beyond providing/facilitating 'expert advice' under section 65 of the Act, has no role to play?
  5. Is it acknowledged that the determination of QVMAG 'policies strategic directions' are matters that the GM/CEO, beyond garnering/providing/facilitating 'expert advice' under section 65 of the Act, has no direct personal expertise relevant to cultural and/or scientific institution and thus personally has no role to play in policy determination?
  - 6(a) Do you, as QVMAG Trustees, acknowledge that as an 'art gallery and museum' the QVMAG is a complex multi-dimensional operation and thus the 'expert advice' provided under section 65 of the Act, has been proven to be less than 'expert' and over a rather long period of time?
  - 6(b) Moreover, as ratepayers and taxpayers, Launcestonians/Tasmanians do you acknowledge that they are not receiving the cultural, social and economic dividends/rewards commensurate with their long-term investment?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- 7(a) Do you, as QVMAG Trustees, acknowledge that the QVMAG has received substantial gifts, donations and sponsorships over a very long period of time, from Launcestonians and others, all of whom have made their contributions on trust?
- 7(b) Moreover, as 'Trustees' do you acknowledge that you are not meeting your obligations to all those to whom you owe an obligation, given what they have invested in the institution? That is donors, sponsors, scholars, researchers, owners of cultural and intellectual property - the QVMAG's Community of Ownership and Interest (CoL) see <http://thequeensmusingplace.blogspot.com/p/definition.html> and Reference 4.
- 8(a) Do you acknowledge that the Council's GM/CEO compares the QVMAG with - the TMAG, SAM, NTMAG, et al - that are all purposeful institutions that have standalone 'governance bodies' populated by appointed experts relevant to the institution's 'purpose and strategic direction'?
- 8(b) Do you acknowledge that as elected representatives in local governance you may lack the appropriate 'expertise' and are likewise ill equipped to fulfil your 'Trusteeship role' for an institution such as the QVMAG?
- 8(c) Do you acknowledge that senior management in local governance is not inherently qualified to provide a 'governance function' for an institution such as the QVMAG, or indeed a governance function of any kind, given that it would be fundamentally in conflict with their 'management function'?
- 8(d) Furthermore, do you acknowledge that a GM/CEO cannot be held accountable for their actions, her/his misdemeanours or those of her/his underlings given their capacity to use - misuse(?) - the self-preserving 'emergency powers' afforded them under Section 62 of the Act and also that you collectively and serially have failed, and serially, to hold management accountable?
- 9(a) Will you, in the cause of transparency, inform the QVMAG's (CoL) what formal representations you have made to the State Government and/or any other funding agency, public or private, towards improving the QVMAG's performance outcomes and/or its 'cultural tourism' relevance?
- 9(b) Likewise, will/can you provide a timeframe within which these representations took place in the calendar year 2019 - or earlier?
- 10(a) Do you acknowledge that the Council conscripts recurrent funding for the QVMAG via an undisclosed levy/charge within each and every one of the City's rate demands?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- 10(b) Will you, provide an estimate of the average percentage of a rate demand that this 'levy/charge' represents?
- 11(a) Will you, in the cause of transparency, disclose what percentage of the QVMAG's recurrent operational budget that is derived from 'earned income'?
- 11(b) Will you disclose the number of, and the and size of, project grants the QVMAG sought and/or won in the past two calendar years?
- 12(a) Do you acknowledge that the 'advice mechanism' put in place by Council some time ago has been rendered dysfunctional by Council's management in that for a range of reasons the 'QVMAG Advisory Committee' has not met sufficiently and consequently has not reported appropriate policy development despite the GM saying 2 January 2019 that "[the QVMAG] strategy [is] the biggest and most influential things [council] is working on at the moment" and Council's being promised that "a report [on a cultural policy being] due by the end of May 2018"? ... [Ref 1] <https://www.examiner.com.au/story/5831340/the-year-ahead-for-city-of-launceston-council-to-be-big/> ... [Ref 2] <https://www.examiner.com.au/story/5267843/city-of-launcestons-cultural-policy-confusion>.
- 12(b) Moreover, do you acknowledge that the QVMAG's CoL - ratepayers, taxpayers, donors, scholars et al - have been poorly serviced and less than adequately rewarded, despite rate and tax payers 'conscripted investment' in the institution over time?
13. Do you acknowledge that as the QVMAG's 'default trustees' by-and-large you have been disengaged for all practical purposes and that you have functionally abdicated, and thus have put aside your obligations as trustees and exposed the institution to risk at many levels?
14. Do you acknowledge that as the QVMAG's 'default trustees' you have failed to appropriately protect the cultural, social and economic assets invested in the QVMAG as an institution, its collections and the 'property' - cultural, intellectual, economic – held in trust, invested in, the institution on trust?
- 15(a) Do you acknowledge that as the QVMAG's 'default trustees' you have made no discernible attempt to address the clear and obvious QVMAG 'policy shortfalls' in 2019 and indeed over many years?
- 15(b) Moreover, do you acknowledge that, collectively and individually, you have sanctioned management usurping your governance role in regard to 'policy and strategic directions' relative to the QVMAG?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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- 15(c) And furthermore, do you acknowledge that as a consequence of your serial disengagement as 'trustees' you have deliberately, or inadvertently, underwritten the institution's 'purposelessness'?
- 15(d) And similarly, do you acknowledge the possibility that you are exposing, and have exposed, the institution and its collections to serious but avoidable risks?
- 16(a) Do you acknowledge that for the life of this Council, you as the QVMAG's 'default trustees' have failed to ensure that the QVMAG as an institution has a 'purposeful strategic direction' in place that articulates 'performance indicators' relevant to community investments in the institution?
- 16(b) Moreover, as trustees, do you understand that there is trust that is invested in you that you and that have failed to acknowledge that and deliver upon it?
- 16(c) Do you acknowledge that your actions, past and present, have mitigated against being the 'research facilitator' it might and could be?
- 17(a) Do you acknowledge that you are seen as being oblivious to QVMAG asset disposals and careless of where any income coming from it might be directed?
- 17(b) Likewise, do you acknowledge that such 'asset disposals' might happen without your knowledge and approval?
- 17(c) Indeed, do you acknowledge that this is a dereliction of trust that falls to you?
18. Do you acknowledge that you have commissioned several consultants and that you have not shared their 'expert advice' with either your constituency or the institution's CoL - ratepayers, taxpayers, donors, scholars et al?
- 19(a) Do you acknowledge that GM/CEO Stretton's 'Strategic Realignment Plan' has by-and-large been devised and implemented in isolation from the community and yourselves as the City's 'governors'?
- 19(b) Likewise, do you acknowledge that 'the plan', as reported in the press, flags changes to the QVMAG's "governance" and that too appears to have been developed in isolation from the community and yourselves as the QVMAG's Trustees/Governors?
- 19(c) Moreover, do you acknowledge that ratepayers, taxpayers, donors and others with 'investments' in the institution - social, cultural and economic - have largely been excluded from whatever planning processes that have been employed and that have led to, a 'strategic position' being arrived at notwithstanding the fact that 'policy and strategic positioning' is wholly the business of governance - yourselves - and is not within management's purpose or raison d'être?
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**8.1.5 Public Questions on Notice - Mr Ray Norman - 7 January 2019 ...(Cont'd)**

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20(a) Do you acknowledge that at the close of business 2019 the City of Launceston did not have, and concerningly could not provide, a 'Register of Delegated Authorities' as required by the Local Government Act?

20(b) Likewise, do you acknowledge that this is not a matter of bureaucratic discretion?

20(c) Given the facts, what actions are you proposing and in what timeframe?

21. Do you acknowledge that as 'Trustees' you have aimed at positioning yourselves, collectively and individually, beyond criticism and critique and thus by-and-large you have positioned yourselves beyond accountability?

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**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.)*

**8.2.1 Ms Glenda King - 14-16 St Georges Square, East Launceston**

**These questions relate to the permit for the sub-division of 14-16 St Georges Square, East Launceston which was issued on 4 June 2018. The permit conditions included Condition 4 which required the retention of existing trees and their protection in accordance with Australian Standard 4970 Protection of Trees on Development Sites to Protect existing trees. Can the Council confirm the following:**

- 1. that as per Condition 4, written permission was given by Council for the removal of existing trees on the subject sub-divided land?**
- 2. if written permission for tree removal was given, can Council please advise the date of such correspondence?**
- 3. given that tree protection measures as per Condition 4 were not, and have not been applied to the sub-divided land and the existing trees, can Council please confirm whether the conditions of the sub-division permit have been deemed to have been met and that legal title has been approved to create the two distinct land parcels of 14 St Georges Square and 16 St Georges Square. The advertising by Council of the current Development Application as 14-16 St Georges Square is confusing and misleading as the current development is to occur only on what should be the sub-divided block of 16 St Georges Square?**

**The Mayor, Councillor A M van Zetten, responded by saying that these questions would be Taken on Notice and a response provided in the Council Agenda of 6 February 2020.**

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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 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling**

**FILE NO:** DA0609/2019

**AUTHOR:** Duncan Payton (Town Planner)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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#### **DECISION STATEMENT:**

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

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

D110/98 - Extensions to dwelling  
DA0038/2007 - Extensions to dwelling  
DA0403/2014 - Boundary adjustment  
DA0607/2014 - Construction of a dwelling (5 Scott Street)  
DA0315/2015 - Construction of a dwelling (5 Scott Street)  
DWY0050/2018 - New driveway crossover  
DA0136/2018 - Subdivide land into two lots  
DA0115/2019 - Demolition of dwelling and front fence and construction of two dwellings (withdrawn)  
DA0339/2019 - Demolition of dwelling at 16 St Georges Square, East Launceston

#### **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 DA0609/2019 - Residential - construction of a dwelling at 14-16 St Georges Square, East Launceston, subject to the following conditions:

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover Page, prepared by Cumulus Studio, drawing no. J19644 - SK01, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
- b. Site Plan, prepared by Cumulus Studio, drawing no. J19644 - SK02, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
- c. Ground Floor Plan, prepared by Cumulus Studio, drawing no. J19644 - SK03, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
- d. First Floor Plan, prepared by Cumulus Studio, drawing no. J19644 - SK04, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
- e. External Elevations, prepared by Cumulus Studio, drawing no. J19644 - SK05, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
- f. External Elevations, prepared by Cumulus Studio, drawing no. J19644 - SK06, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019, AMENDED PLAN REQUIRED.
- g. Existing Site Sun Diagrams, prepared by Cumulus Studio, drawing no. J19644 - SK07, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
- h. Existing Site Shadow Perspectives, prepared by Cumulus Studio, drawing no. J19644 - SK08, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
- i. Proposed Site Sun Diagrams, prepared by Cumulus Studio, drawing no. J19644 - SK09, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.
- j. Proposed Site Shadow Perspectives, prepared by Cumulus Studio, drawing no. J19644 - SK10, development application, 14-16 St Georges Square, revision DA1, dated 01/11/2019.

**2. AMENDED PLANS REQUIRED**

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

- a. Relative levels at ground level at each of the four main corners of the proposed dwelling; and
  - b. corrected building envelopes on the elevation plans.
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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**3. SUPERVISION BY PROJECT ARBORIST**

The Project Arborist shall:

- a. Prior to the commencement of works, provide the Manager City Development with written certification that all tree protection measures, as described in the Vegetation Management Plan, are correctly installed;
- b. During construction of the dwelling and all associated site works, not less than daily, cause all tree protection measures to be inspected and rectified as may be required;
- c. Keep and maintain a written and photographic record of all inspections and any required maintenance or rectification. Such record shall be made available to the Manager City Development upon request.
- d. Report all significant breaches of the tree protection measures to the Manager City Development on the day (or next working day) on which such breach is observed.

**4. PROTECTION OF ST GEORGES SQUARE FRONTAGE FENCE**

The masonry fence on the St Georges Square frontage, as required by DA0339/2019 shall be erected prior to the commencement of works and reasonable care shall be taken to protect the fence from damage during the construction of the approved dwelling. Any and all damage sustained during the construction process shall be repaired, prior to occupancy of the dwelling, to maintain a visually consistent fence.

**5. 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.

**6. NON REFLECTIVE EXTERIOR FINISH**

All external cladding and roofing of the building(s) must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Council.

**7. 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

**8. 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
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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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- 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 (where required).

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

- g. Installed in accordance with the endorsed plan; and
- h. Completed within three months of the use commencing; and
- i. Maintained and not be removed, destroyed or lopped without the written consent of the Council.

**9. SITE LANDSCAPING**

Future landscaping of the site must have regard to the vegetation management plan and not adversely impact upon the tree protection zone of the sequoia trees on the adjacent site (54 Ann Street).

**10. PROTECTION OF EXISTING TREES**

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

**11. VEGETATION MANAGEMENT PLAN**

Prior to the commencement of works, a site Vegetation Management Plan identifying tree protection areas for all trees to be retained on the subject site, including such tree protection area extending from the sequoia trees on the adjoining property (56 Ann Street) and addresses any works adjacent to or within any tree protection areas on the subject site, must be prepared by a suitably qualified person and submitted for the approval of the Manager City Development. Once approved the plan will be endorsed and will form part of the permit. The Management Plan must include the following:

- a. The fencing of tree protection and porous car parking areas for the duration of the works. Fences must be constructed of cyclone wire or similar strength material at a minimum height of 1.5m from natural ground level; and be firmly attached to a removable concrete or similar base. Tree Protection fencing must have signage stating 'Tree Protection Fence'.
  - b. A layer of organic wood chips or mulch around each tree in the tree protection zones with a thickness no greater than 100mm.
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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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- c. Supplemental watering to root zones within the tree protection areas to reduce the impact of construction. Where irrigation is not accessible, Rainbird gel tubes and plastic sleeves (or similar) must be installed under the mulch ring on the northern side of each tree and be maintained for 12 months.
- d. Remedial arboriculture works and other tree management techniques for all retained trees at commencement and conclusion of the construction works as required. Such remedial works may include pruning, removal of dead and dying limbs, canopy development and pest and disease management. These works must be undertaken by a competent and qualified Arborist in accordance with *Australian Standard AS4373 - Pruning of amenity trees*.
- e. Stormwater or sediment must not be diverted from or to a tree protection area.
- f. Details of how the existing trees must be protected from damage in accordance with *Australian Standards 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

**12. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with 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. 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.

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

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

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

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

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

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**14. 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.

**15. VEHICULAR CROSSINGS**

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

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

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

All new works must be constructed to 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.

**16. 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.

**17. AMENITY**

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

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**18. NO BURNING OF WASTE**

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

**19. 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

**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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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**D. General**

*This permit was issued based on the proposal documents submitted for DA0609/2019. 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.*

*This permit takes effect after:*

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

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

**E. Restrictive Covenants**

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own 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.*

**F. Appeal Provisions**

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

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

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

**G. Permit Commencement**

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the*

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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*Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*

**H. Suitably Qualified Person**

*For the purpose of this permit, means a person who, in the opinion of the planning authority, has acquired through training, qualification (minimum Australian Qualification Framework Level 5, Diploma of Horticulture (Arboriculture)) and/or equivalent experience, the knowledge and skills enabling that person to perform the tasks required by AS4970-2009. This person shall be known as the Project Arborist.*

**I. Fireplace/Woodheater Use**

*Use of the fireplace/woodheater will be subject to the Environmental Management and Pollution Control (Smoke) Regulations 2019 or as superseded.*

**J. Heat Pump Use**

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

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

**Mr Mark Melville spoke against the Recommendation**

**Dr Umit Sungur spoke against the Recommendation**

**Ms Jeanette Gatenby spoke against the Recommendation**

**Ms Glenda King spoke against the Recommendation**

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**9.1 14-16 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)**

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**DECISION: 23 January 2020**

**MOTION**

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

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

**CARRIED 10:2**

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

**AGAINST VOTE: Councillor P S Spencer and Councillor T G Walker**

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls****FILE NO:** DA0594/2019**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

DA0606/2018 - Residential - Demolition of existing dwelling, construction of a dwelling and new crossover.

DA0606/2018.A01 - Residential - Demolition of existing dwelling, construction of a dwelling and new crossover.

**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 DA0594/2019 Residential - Construction of two retaining walls at 7 My Street, East Launceston subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. New retaining wall/Site plan, Prepared by Johnstone, McGee and Gandy, Drawing No. S01, Scale 1:200@A3, Revision No.B, Dated 30/10/2019.
- b. North Elevation, Prepared by Gillian van der Schans, Drawing No. 76129, Scale 1:100@A3, Revision No.1, Dated 25/11/2019.
- c. Section through both walls, Prepared by Johnstone, McGee and Gandy, Drawing No. S04, Scale not stated, Revision No.A, Dated 30/10/2019.

**2. LEGAL TITLE**

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

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**3. 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

**4. SITE LANDSCAPING**

The landscaping must be:

- a. Installed in accordance with the endorsed plan; and
- b. Completed within three months of the use commencing; and
- c. The proposed tree species to reach a mature height of 1.7m above the finished ground level of the upper tier/lower floor level.
- d. Maintained as part of residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

**5. PROTECTION OF EXISTING TREES**

Prior to the issue of the Building Approval a management plan, prepared by an arborist, must be provided to the Council to detail measures which will protect to walnut tree along the northern boundary fence. The tree must be satisfactorily protected both by the design of the development and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

**6. PRIVACY SCREEN**

A privacy screen of at least 1.7m high above the finished ground level must be erected along the north boundary from the western end of the retaining wall to the wall of the dwelling to ensure reasonable privacy for the adjoining property.

**7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with 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. 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.

**8. 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.

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## **9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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

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

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

## **9. 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.

## **10. 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.

## **11. AMENITY**

The construction of the development allowed 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.

## **12. NO BURNING OF WASTE**

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

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**13. DEMOLITION**

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia 'Demolition Work' Code of Practice or any subsequent versions of the document;
- b. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- c. not undertake any burning of waste materials on site;
- d. remove all rubbish from the site for disposal at a licensed refuse disposal site;
- e. dispose of any asbestos found during demolition in accordance with the Safe Work Australia 'How to Safely Remove Asbestos' Code of Practice or any subsequent versions of the document.

**Notes**

A. 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.*

B. General

*This permit was issued based on the proposal documents submitted for DA0594/2019. You should contact 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.*

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

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**C. 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.*

**D. Appeal Provisions**

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

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

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

**E. 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.*

**F. Conditions of previous approval**

*The conditions imposed upon DA0606/2018 and DA0606/2018.A01 remain valid.*

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

**Ms Anna Diacopoulos spoke against the Recommendation**

**Ms Edwina Powell spoke against the Recommendation**

**Mr Gordon Scrim spoke for the Recommendation**

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**MOTION**

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

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

**DECISION: 23 January 2020**

**MOTION**

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

That the item lay on the table in order to allow Council Officers time to redraft amended conditions.

**CARRIED 12:0**

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

**This Item was laid on the Table at 2.25pm**

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**DECISION: 23 January 2020**

**MOTION**

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

**That this item be taken off the Table.**

**CARRIED 12:0**

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

**The Item was taken off the Table at 2.52pm**

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**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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**DECISION: 23 January 2020****AMENDMENT****Moved Councillor A G Harris, seconded Councillor R I Soward.****That the motion is amended as follows:****4. SITE LANDSCAPING****The landscaping must be:**

- a. installed in accordance with the endorsed plan; and**
- b. completed within three months of the use commencing; and**
- c. maintained as part of residential development. It must not be removed, destroyed or lopped without the written consent of the Council.**

**6. PRIVACY SCREEN****A privacy screen of at least 1.7m high above the finished ground level must be erected:**

- a. along the north boundary from the western end of the retaining wall to the wall of the dwelling to ensure reasonable privacy for the adjoining property; and**
- b. along the top of the upper tier.**

**The screens must have a translucency of at least 75%.****CARRIED 11:1****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris****AGAINST VOTE: Councillor T G Walker****THE AMENDMENT BECOMES THE MOTION**

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## 9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)

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**DECISION:** 23 January 2020

### **MOTION**

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0594/2019 Residential - Construction of two retaining walls at 7 My Street, East Launceston subject to the following conditions:

#### **1. ENDORSED PLANS & DOCUMENTS**

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

- a. New retaining wall/Site plan, Prepared by Johnstone, McGee and Gandy, Drawing No. S01, Scale 1:200@A3, Revision No.B, Dated 30/10/2019.
- b. North Elevation, Prepared by Gillian van der Schans, Drawing No. 76129, Scale 1:100@A3, Revision No.1, Dated 25/11/2019.
- c. Section through both walls, Prepared by Johnstone, McGee and Gandy, Drawing No. S04, Scale not stated, Revision No.A, Dated 30/10/2019.

#### **2. LEGAL TITLE**

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

#### **3. 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

#### **4. SITE LANDSCAPING**

The landscaping must be:

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

## 9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)

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### 5. PROTECTION OF EXISTING TREES

Prior to the issue of the Building Approval a management plan, prepared by an arborist, must be provided to the Council to detail measures which will protect to walnut tree along the northern boundary fence. The tree must be satisfactorily protected both by the design of the development and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

### 6. PRIVACY SCREEN

A privacy screen of at least 1.7m high above the finished ground level must be erected:

- a. along the north boundary from the western end of the retaining wall to the wall of the dwelling to ensure reasonable privacy for the adjoining property; and
- b. along the top of the upper tier.

The screens must have a translucency of at least 75%.

### 7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with 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. 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.

### 8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

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## 9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)

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### 9. 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.

### 10. 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.

### 11. AMENITY

The construction of the development allowed 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.

### 12. NO BURNING OF WASTE

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

### 13. 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.
-

9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)

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**Notes**

**A. 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.*

**B. General**

*This permit was issued based on the proposal documents submitted for DA0594/2019. 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.*

*This permit takes effect after:*

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

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

**C. 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.*

**D. 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.*

---

**9.2 7 My Street, East Launceston - Residential - Construction of Two Retaining Walls ...(Cont'd)**

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

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

**E. 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.*

**F. Conditions of Previous Approval**

*The conditions imposed upon DA0606/2018 and DA0606/2018.A01 remain valid.*

**CARRIED 12:0**

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

**Council adjourned for a break at 3.03pm.**

**Council returned following a break at 3.14pm.**

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**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling****FILE NO:** DA0702/2019**AUTHOR:** Maria Chledowska (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0702/2019 for Residential - demolish existing dwelling at 8 Lord Street, Launceston subject to the following conditions:

**1. ENDORSED PLANS**

The 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. Planning Submission, 8 Lord Street, Launceston, Demolition of a Single Dwelling prepared by Metier Planning and Development, dated 05/12/2019.

**2. LEGAL TITLE**

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

**3. HOURS OF DEMOLITION**

Demolition 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

**4. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with 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. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

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## **9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling ...(Cont'd)**

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### **5. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

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

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

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

### **6. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the demolition 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.

### **7. CAPPING OF SERVICES**

Unused service connections must be capped for possible future use, or permanently sealed with concrete plugs and the disused portion of pipe filled with an approved medium. The location of any capped services must be located on a site plan and provided to the Council.

### **8. DEMOLITION**

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia '*Demolition Work Code of Practice*' or any subsequent versions of the document;
  - b. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
  - c. not undertake any burning of waste materials on site;
  - d. remove all rubbish from the site for disposal at a licensed refuse disposal site; and
-

## **9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling ...(Cont'd)**

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- 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.

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0702/2019. 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.*

*This permit takes effect after:*

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

*This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to 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) <<http://www.rmpat.tas.gov.au>>*

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**9.3 8 Lord Street, Launceston - Residential - Demolish Existing Dwelling  
...(Cont'd)**

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**D. Permit Commencement**

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

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**Mr R Jamieson (Acting General Manager Community and Place Network), Mr I More (Acting Manager City Development) and Ms M Chledowska (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr Gavin Earles spoke for the Recommendation  
Ms Claire Gregg spoke for the Recommendation**

**DECISION: 23 January 2020**

**MOTION**

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

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

**CARRIED 12:0**

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

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**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots**

**FILE NO:** DA0679/2019

**AUTHOR:** Duncan Payton (Town Planner)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

A number of development approvals have been issued for the site, encompassing, amongst others, the construction of the Centerlink building on Boland Street, the establishment of Hogs Breath Cafe in the Vertical Retort building on Willis Street, extensions to the Horizontal Retort building for Port of Launceston offices.

Most recently:

DA0305/2019 - construction of multi-storey carpark and subdivision - withdrawn following THC refusal.

DA0306/2019 - construction of art gallery and restaurant, six storeys to a height of 23.74m in the gasometer structure.

**RECOMMENDATION:**

That Council, having recognised:

- that the development application, with the exception of matters relating to the Heritage Code satisfies the requirements of the Launceston Interim Planning Scheme 2015 and, that if modifications to bring the proposal into compliance with those code provisions could be made, the Council would grant a permit subject to the conditions set out in Attachment 3 - Proposed Future Permit Conditions (ECM Document Set ID No. 4866080); and
  - that the Tasmanian Heritage Council has provided notice that the development application must be refused, pursuant section 39(6)(c) of the *Historic Cultural Heritage Act 1995* and the Council is, therefore, required to refuse the application pursuant to section 39(10) of that legislation.
-

**9.4 90-110 Cimitiere Street, 2, 4, 6 and 8 Willis Street and 8 and 10 Boland Street, Launceston - Vehicle Parking - Construction of a Multi-Storey Car Park; and Subdivision - Boundary Adjustment and Subdivision Into Three Lots  
...(Cont'd)**

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determines in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and section 39(10) of the *Historic Cultural Heritage Act 1995* to refuse development application DA0679/2019 for Vehicle Parking - construction of a multi-storey carpark; and Subdivision - boundary adjustment and subdivision into three lots at 90-110 Cimitiere Street, 2, 4, 6, 8, 10 and 12 - 18 Willis Street and 8 and 10 Boland Street.

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

**Mr Ross Harrison spoke against the Recommendation**

**The Mayor, Councillor A M van Zetten, handed the Chair to the Deputy Mayor, Councillor D C Gibson at 2.48pm.**

**The Mayor, Councillor A M van Zetten, resumed the Chair at 2.49pm.**

**DECISION: 23 January 2020**

**MOTION**

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

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

**CARRIED 12:0**

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

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**9.5 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Cafe****FILE NO:** DA0368/2019**AUTHOR:** Iain More (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

DA0431/2017 - Food services - cafe; placement of a shipping container and part change of use

The original application gained approval at a Council Meeting on 18 December 2017. The approval contained an array of conditions to be met prior to the use commencing. These included the provision and upgrade of car parking spaces, installation of screens and bollards and directional signage to allow for safe access.

**RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, DA0368/2019 - Food Services - relocation of shipping container café at 108-112 High Street, Newstead be refused on the following grounds:

That the proposal does not meet the performance criteria for the following standards:

**E6.5.1 Car Parking Numbers - Performance Criteria P1.1 & P2**

The proposal has provided insufficient car parking spaces for the needs of the use.

**E6.6.2 Design and Layout of Parking Areas - Performance Criteria P1**

The redesigned car park, including the two additional car parking spaces do not meet the relevant design standards, and their locations will result in an inconvenient, unsafe, and inefficient parking area.

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**The Mayor, Councillor A M van Zetten, advised Agenda Item 9.5 - 108-112 High Street, Newstead - Food Services - Relocation of Shipping Container Café has been withdrawn from the Agenda.**

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding****FILE NO:** DA0549/2018**AUTHOR:** Brian White (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

DA0308/2010 - Demolish existing sheds; Construct a garage (floor area of minor ancillary building 84m<sup>2</sup> and 4.7m high) (vary setback to Cardigan Street)

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be refused for DA0549/2018 - Residential - Construction of an outbuilding at 8A Carnarvon Street, Newstead on the following grounds:

- (a) the proposal fails to comply with Clause 10.4.11 P1(c) as the proposed outbuilding, and the combined floor area of outbuildings on the site, will detract from the character of the surrounding area having regard to the size and location of outbuildings on adjoining lots; and
  - (b) the proposal fails to comply with Clause 10.4.11 P1(d) as the outbuilding will detract from the character of the surrounding area having regard to the existing buildings on the site.
- 

**Mr R Jamieson (Acting General Manager Community and Place Network), Mr I More (Acting Manager City Development) and Mr B White (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr Paul Lupo spoke for the Recommendation**

**Mr George Walker (on behalf of the applicant) spoke against the Recommendation**

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**9.6 8A Carnarvon Street, Newstead - Residential - Construction of an Outbuilding  
...(Cont'd)**

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**DECISION: 23 January 2020**

**MOTION**

**Moved Councillor A E Dawkins, seconded Councillor P S Spencer.**

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

**CARRIED 11:1**

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

**AGAINST VOTE: Councillor A G Harris**

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**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay****FILE NO:** SF6891/DA0671/2018**AUTHOR:** Brian White (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

1. To decide whether to reject, or initiate and exhibit Amendment 51 for a partial rezoning of 3 Taylor Street, Invermay, from General Residential to Local Business; and
2. To make a decision on development application DA0671/2018 for a two (2) lot subdivision of 3 Taylor Street, and a partial consolidation of 3 Taylor Street (Lot 2A) with 1 Taylor Street (Lot 2). Partial change of use of 3 Taylor Street to bulky goods sales.

**PREVIOUS COUNCIL CONSIDERATION:**

D22/81 - Showroom/warehouse

D58/83 - Service Industry

D29/95 - Relocation of Main Entrance of existing premises (Service Industry)

DA0225/2006 - Extend building (extension to a non-conforming use)

DA0168/2013 - Construction of a building for storage uses

DA0669/2018 - Signs - Install a new building fascia sign (retrospective)

**RECOMMENDATION:**

That Council:

1. pursuant to the former section 33(3) and 34(1) of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 51 to the Launceston Interim Planning Scheme 2015 for a partial change in zoning from General Residential to Local Business at 3 Taylor Street, Invermay.
  2. pursuant to the former section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Chief Executive Officer its functions under section 35(1) of the *Land Use Planning and Approvals Act 1993*, to certify Amendment 51 to the Launceston Interim Planning Scheme 2015, as shown below:
-

9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay ... (Cont'd)

**Launceston Interim Planning Scheme 2015  
AMENDMENT 51**

Rezoning from 10.0 General Residential to 20.0 Local Business  
(3 Taylor Street, Invermay (PID 6574697, CT 113036/5)).

Amend the interim planning scheme maps as below:

Zoning       Local Business       General Residential      1:1,300

The Launceston City Council resolved at its meeting of the 23rd of January 2020 that draft amendment 51 to the Launceston Interim Planning Scheme meets the requirements specified in section 32 of the former provisions of the Land Use Planning and Approvals Act 1993.

Michael Stretton  
Chief Executive Officer

THE COMMON SEAL  
of Launceston City  
Council was hereunto  
affixed in the presence of: -

Date



**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay  
...(Cont'd)**

---

3. pursuant to former section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993*, approves DA0671/2018 for Subdivision - Subdivide 3 Taylor Street, Invermay into two lots and partially consolidate with 1 Taylor Street, Invermay. Bulky Goods Sales - Partial change of use of 3 Taylor Street, Invermay 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. Section 43A Submission, Prepared by Ireneinc, Version No. 2, Dated 5 November 2019.
- b. Plan of Subdivision, Prepared by PDA Surveyors, Drawing No. 44241-P01, Dated 22 July 2019.

**2. CONSOLIDATION (SUBDIVISION) OF TITLES**

Lots 2 and 2A must be consolidated as shown on the endorsed plans.

**3. POTENTIALLY CONTAMINATED LAND**

Not more than 1m<sup>2</sup> of land be disturbed by future development on the site, prior to the completion of an environmental site assessment prepared in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999, as amended 16 May 2013, must be undertaken. Further planning approval may be required depending on the findings of the report.

**4. LEGAL TITLE**

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

**5. USE LIMITATION**

This permit allows 1 Taylor Street, Invermay (to be made up of Lot 2 and Lot 2A on the approved plan of subdivision) to be used for Bulky Good Sales as defined in the Launceston Interim Planning Scheme 2015. This planning permit does not permit any development apart from that required for the subdivision.

**6. 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 Saturday

No works on Sunday or Public Holidays

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**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay  
...(Cont'd)**

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**7. BUSINESS HOURS**

The operation of the Bulky Good Use must be confined to:

- a. 8:00am and 5:30pm Monday to Friday
- b. 9:00am and 1:00pm Saturdays

**8. COVENANTS ON SUBDIVISIONS**

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

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

**9. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with 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. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

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

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

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

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

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

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**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay  
...(Cont'd)**

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**11. APPLICATION TO ALTER A STORMWATER SERVICE**

To have an existing service connection physically removed/relocated/altered, 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.

**12. SOIL AND WATER MANAGEMENT PLAN**

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

**13. SEALING PLANS OF SUBDIVISION**

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager, Infrastructure and Assets Network:

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

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

**14. SEPARATION OF SERVICE CONNECTIONS**

The applicant must locate and identify the existing service connections (water supply, sewer and stormwater) for the existing development of the land and complete the following work:

- a. Ensure that each new title has a single connection to a public stormwater main or kerb adaptor with all other connections being capped.
  - b. Where required, reroute internal stormwater or sewer pipes within each lot so as to provide an independent system for each lot.
  - c. Stormwater drains that do cross the new title boundary between lots must be upgraded to a public drain standard or where permitted must be subject to private easement.
-

**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay  
...(Cont'd)**

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- d. Ensure each lot has a water connection and meter in accordance with the requirements of TasWater.

The applicant must provide detailed construction plans of all proposed public works prepared by suitably qualified persons and complying with current Council standards and approved by the Council's General Manager, Infrastructure and Assets Network prior to any works commencing. A fee of 1.5% of the public works estimate (or a minimum of \$250) is payable for any public works. Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

Ensure adequate facilities for the storage of garbage and recyclable materials are provided on-site to comply with Tas H102 P4.

**15. AMENITY**

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

**16. 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.

**17. WASTE MATERIALS**

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

**18. 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.

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**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay  
...(Cont'd)**

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

*This permit was issued based on the proposal documents submitted for DA0671/2018. 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.*

*This permit takes effect after:*

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

*This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to 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) <<http://www.rmpat.tas.gov.au>>*

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**9.7 Amendment 51 - 80-82 Invermay Road and 1 and 3 Taylor Street, Invermay  
...(Cont'd)**

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**D. Permit Commencement**

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

**E. Potentially Contaminated Site**

*There is a current 'potentially contaminated site' alert for this property and the source of the potential contamination is Tile Storage on 1 and 3 Taylor Street and Engineering Sales Yard on 80-82 Invermay Road. The proposed change of use does not require any further investigation at this time, however, if the use of this site changes to a more sensitive use eg. residential premises OR the site is significantly developed (disturbance of more than 1m<sup>2</sup> of land) then an Environmental Site Assessment in accordance with the requirements of Environmental Management and Pollution Control Act 1994 will be required by the Council prior to further approvals being granted.*

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**Mr R Jamieson (Acting General Manager Community and Place Network), Mr I More (Acting Manager City Development) and Mr B White (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 23 January 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 A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**9.8 Amendment 57 - 1A George Town Road, Newnham - Rezone Land from Recreation to Inner Residential****FILE NO:** SF6960**AUTHOR:** Luke Rogers (Town Planner)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

To provide a statement to the Tasmanian Planning Commission, subsequent to the public exhibition period, for an amendment to the Launceston Interim Planning Scheme 2015.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 31 October 2019 - Agenda Item 8.1 - 1A George Town Road, Newnham - Rezone the Land from Recreation to Inner Residential.

**RECOMMENDATION:**

That Council:

1. in accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 57; and
  2. provides advice to the Tasmanian Planning Commission that it is the view of the Council that Amendment 57 be approved as certified and exhibited.
- 

**The Mayor, Councillor A M van Zetten, advised Agenda Item 9.8 - Amendment 57 - 1A George Town Road, Newnham, Newnham - Rezone Land from Recreation to Inner Residential has been withdrawn from the Agenda.**

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**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure**

**FILE NO:** SF6966/DA0472/2019

**AUTHOR:** Heidi Goess (Consultant Planner, Plan Place Pty Ltd)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

1. To decide whether to reject or exhibit Amendment 58 for a rezoning of land at 40520 Tasman Highway, St Leonards from Rural Resource to Rural Living of the Launceston Interim Planning Scheme 2015 to allow subdivision and residential use.
2. To determine Development Application DA0472/2019 for a 30 lot subdivision and associated works, road, drainage and electricity infrastructure.

In accordance with the Council's Policy the assessment of this amendment and development application was outsourced to an independent consultant planner due to internal resource requirements to meet statutory timeframes.

**RECOMMENDATION:**

That Council:

1. pursuant to the former section 33(3) and Section 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 58 for a rezoning of land from Rural Resource to Rural Living at 40520 Tasman Highway, St Leonards (CT 164745/1).
  2. pursuant to the former section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Mayor and the Chief Executive Officer its functions under section 35(1) of the *Land Use Planning and Approvals Act*, to certify Amendment 58 to the Launceston Interim Planning Scheme 2015, as shown below:
-

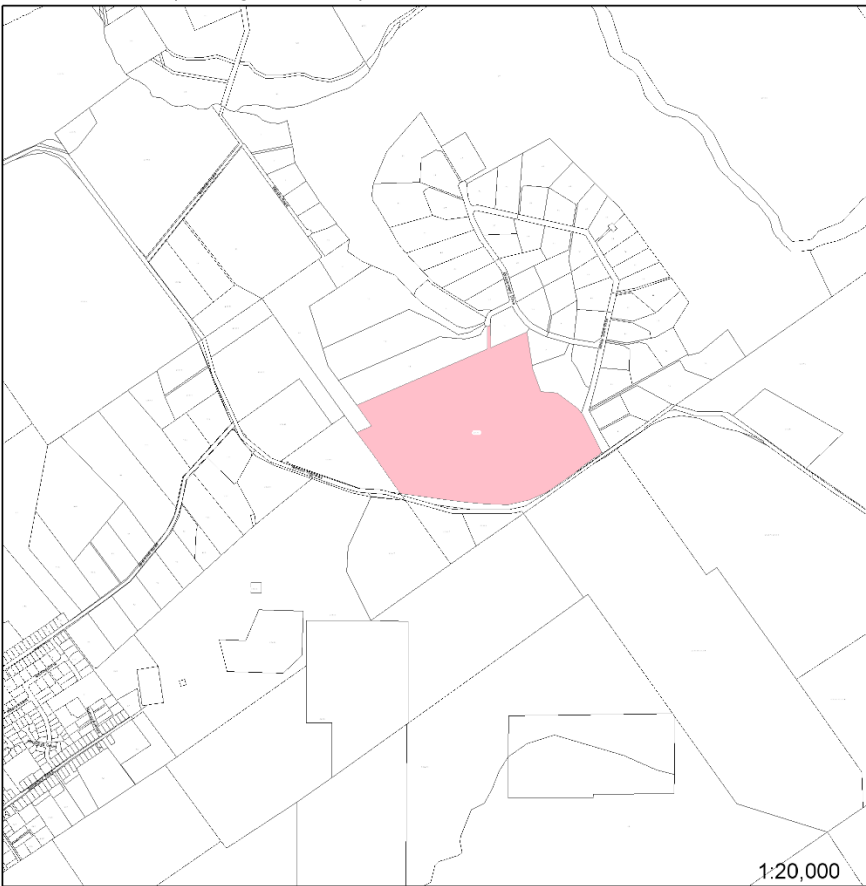


**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

**Launceston Interim Planning Scheme 2015**  
**AMENDMENT 58**

Rezoning from Rural Resource to Rural living  
(40520 Tasman Highway, St Leonards CT164745/1)

Amend the interim planning scheme maps as below:



1:20,000

Zoning  Rural Living

THE COMMON SEAL  
of Launceston City  
Council was hereunto  
affixed in the presence of: -

Michael Stretton  
Chief Executive Officer

Date

## **9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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3. pursuant to section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0472/2019 for a 30 lot subdivision, new road, drainage and electricity infrastructure at 40520 Tasman Highway, St Leonards (CT 164745/1) subject to the following conditions:

### **1. ENDORSED PLANS & DOCUMENTS**

The development must be carried out in accordance with the following endorsed plans and documents to the satisfaction of the Planning Authority except where modified by the Permit conditions below:

- a. Planning Submission, Section 43A Application, Combined Draft Planning Scheme Amendment and 30-lot Rural Residential Subdivision, 40520 Tasman Highway, St Leonards, prepared by 6ty Pty Ltd, dated 22 November 2019;
- b. Subdivision Concept, Subdivision Proposal Plan, Project No. 19.060 Drawing No. P01 Rev E prepared by 6ty Pty Ltd, dated 25 October 2019;
- c. Subdivision Concept, Site Stormwater Existing Drainage Features Plan, Project No. 19.060 Drawing No. P13 prepared by 6ty Pty Ltd, dated 25 October 2019;
- d. Subdivision Concept, Site Stormwater Drainage Path Alignment, Project No. 19.060 Drawing No. P14 prepared by 6ty Pty Ltd, dated 25 October 2019;
- e. Subdivision Concept, Proposed Road Section and Details, Project No. 19.060 Drawing No. P08 prepared by 6ty Pty Ltd, dated 16 October 2019;
- f. Subdivision Concept, Roadside Drainage Concept Plan, Driveway Cross Section;
- g. Agricultural Report, prepared by AK Consultants Pty Ltd, dated 16 August 2019;
- h. Traffic Impact Assessment, prepared by Traffic & Civil Services, dated August 2019;
- i. Natural Values Assessment, prepared by North Barker Ecosystem Services, dated 10<sup>th</sup> of September 2019;
- j. Bushfire Report and Hazard Management Plan, prepared by North Barker Ecosystem Services, dated 23 October 2019;
- k. Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment, dated 9 December 2019;
- l. Draft – White Gum Rise Dam Break Assessment, prepared by Macquarie Franklin, dated 15 July 2019.

### **2. AMENDED PLANS REQUIRED**

Prior to works commencing, further amended and additional plans must be submitted to the satisfaction of the Manager City Development and annotated as "Section 71 Agreement Plans Required". Once approved, these plans will be endorsed by Council and will then form part of the Permit.

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## **9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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The revised plans must show:

Modifications to the Subdivision Proposal Plan, Project No. 19.060 Drawing No. P01 Rev E:

- a. 'Natural Values No Build Area' be shown on the Subdivision Proposal Plan in accordance with the green hatched area - *Eucalyptus amygdalina* Inland Forest and Cainozoic Deposit shown on the On-Site Wastewater Plan, Drawing No P07, Rev C, prepared by 6ty Pty Ltd, dated 16 December 2019 for lots 13, 14, 15, 16

No Build area generally

- b. The 'no build' areas must be clearly delineated by a solid line and/ or hatching with the purpose of the no build areas for natural values clearly noted on the amended plan of subdivision

Note that, if compliance with a. results in building envelopes inconsistent with the endorsed Bushfire Report and Hazard Management Plan prepared by North Barker Ecosystem Services (dated 23/10/2019) the report will need to be amended to reflect those changes.

### **3. PROTECTION OF NO BUILD AREAS DURING CONSTRUCTION**

Prior to the commencement of works, information must be provided to the satisfaction of Manager City Development which demonstrates that the no build areas shown for natural values shown on the endorsed plans will be protected during construction. This must include measures preventing vehicles from entering and building materials from being stored within those areas.

The 'Natural Values No Build Area' must be physically identified on each lot prior to any construction or infrastructure works commencing.

### **4. SECTION 71 AGREEMENT**

Prior to the sealing of the Final Plan, the owner, under section 71 of the *Land Use Planning and Approvals Act 1993*, must prepare, present for consideration and then enter into an agreement with the Launceston City Council to confirm the following matters:

#### **a. No Build Areas to Protect Natural Values**

- i. No buildings, structures or infrastructure, including internal driveways shall be constructed within the 'Natural Values No Build Area' as shown on the endorsed plans amended by Condition 2. The 'Natural Values No Build Area' must be satisfactorily protected during construction via barriers and similar devices.
-

## **9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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The agreement must contain a plan prepared for each lot delineating the no build areas and clearly identifying the purpose of each area. The boundaries must be surveyed to allow them to be accurately translated from the plan to the site.

- ii. Requiring the owners of those lots to take all necessary actions to not:
  - allow invasive weed species to occur on the lots;
  - remove trees or native vegetation;
  - plant exotic plant species;
  - take or harm wildlife; and
  - keep livestock (including horses).

within the 'Natural Values No Build Areas' as shown on the endorsed plans amended by Condition 2 unless approved in writing by Council.

Trees may be removed with the prior written permission of the Council.

### **b. Onsite Wastewater Treatment**

- i. Lots 1, 2 and 4 to 30 inclusive must utilise approved aerated waste water treatment systems and sub-surface irrigation land application areas to manage the disposal of domestic effluent;
- ii. Installation of an approved aerated wastewater treatment system and sub-surface irrigation land application area is required for any new development and/or alterations to the existing on-site waste water management system on Lot 3;
- iii. The location of the land application area for disposal of domestic effluent on all lots (1 to 30 inclusive) must achieve the minimum setbacks specified in the Geoton Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment dated 9 December 2019.

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*.

All cost associated with preparing and registering the Agreement must be borne by the owner.

## **5. LEGAL TITLE**

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

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**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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**6. 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 Saturday

No works on Sunday or Public Holidays

**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. TWDA2019/01362-LCC, 21 November 2019 and attached to the permit.

**8. SOIL AND WATER MANAGEMENT CONTROL PLAN**

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
- c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. The estimated dates for the start and finish of the works.
- f. The erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. Timing of the site rehabilitation or landscaping program.
- i. Outline of the maintenance program for the erosion and sediment controls. Works must not commence prior to the approval of the Soil and Water Management Control Plan by the General Manager, Infrastructure and Assets Network. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

**9. 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 Asset Network for approval. Such plans and specifications must:

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**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - i. Electricity infrastructure including street lighting.
  - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
- 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.

**10. 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:

- a. Stormwater
    - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
    - ii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
  - b. Roads
    - i. Provision of a fully constructed S4 sealed rural road 6m wide with 0.4m wide sealed shoulders for the entire length of all the property frontages except Lots 4, 5 and 11, including any changes required in White Gum Rise to facilitate the full range of turning manoeuvres at the proposed junction,
    - ii. Provision of a fully constructed S3 sealed rural road 5.5m wide with 0.4m wide sealed shoulders from the existing termination of Magpie Crescent for the entire length of all the property frontages of Lots 4, 5 and 11,
    - iii. Provision of a sealed turning head with a minimum sealed diameter of 18m at the end of each road,
    - iv. Provision of a single sealed vehicular crossing for each lot within the subdivision,
    - v. Provision of a 1.5m wide sealed walkway within the parcel denoted as footpath linking to the sealed shoulder of the turning head of the cul de sac at each end,
-

**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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- vi. Bollards or other approved barriers to prevent unauthorised vehicle access are to be installed at either end of the footpath to prevent unauthorised vehicle access. Maximum distance between bollards is to be 1.5m. A minimum of one lockable bollard to be located at each end of the walkway,
- vii. All road verges are to be established to be readily maintainable and sown with an approved grass mixture,
- viii. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
- ix. Installation of all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
  - i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
  - ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,
  - iii. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure.

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.

**11. ACCESS OVER ADJACENT LAND**

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

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

## **9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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### **12. WORKS REQUIRED FOR EACH LOT IN A STAGE**

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. Fully constructed public road along all frontages, including the secondary frontage where a corner lot,
- b. A sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition,
- c. The public drainage system to drain all roads and public lands included in the stage, and
- d. Access to underground electricity and communications infrastructure.

### **13. 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 Services Directorate.
- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

### **14. EASEMENTS**

Easements are required over all the Council and third party services located in private property. The minimum width of any easement must be 3m for Council (public) mains. A greater width will be required in line with the LCC document '*How close can I build to a Council Service?*' where the internal diameter of the pipe is greater than 475 mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

### **15. COVENANTS ON SUBDIVISIONS**

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

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
-



**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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

**16. SEALING PLANS OF SUBDIVISION**

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager, Infrastructure and Assets Network:

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

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

**17. CONVEYANCE OF ROADS**

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Asset Network, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the Subdivider.

**18. COMPLETION OF WORKS**

All works must be carried out to Council standards and to the satisfaction of the General Manager, Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

**19. AS CONSTRUCTED PLANS**

An "as constructed" plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

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## **9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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### **20. 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 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.

### **21. BURNING OF WASTE**

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

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0472/2019. You should contact 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.*

*This permit takes effect after:*

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

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

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**9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

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**Mr R Jamieson (Acting General Manager Community and Place Network), Mr I More (Acting Manager City Development) and Ms H Goess (Consultant Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr Ashley Brook (on behalf of the applicant) spoke for the Recommendation**

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- 9.9 Amendment 58 - Rezoning of Land at 40520 Tasman Highway, St Leonards From Rural Resource to Rural Living and Development Application to Subdivide One Lot Into 30 Lots and Associated Infrastructure ...(Cont'd)**
- 

**DECISION: 23 January 2020**

**MOTION**

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

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

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**10 ANNOUNCEMENTS BY THE MAYOR****10.1 Mayor's Announcements****FILE NO:** SF2375

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**Thursday 12 December 2019**

- Attended Waverley Primary School's Grade 6 Presentation
- Attended the New Horizons Christmas barbeque
- Officiated at the Rocherlea Community Carols
- Presented awards at Queechy High School's Presentation Evening

**Friday 13 December 2019**

- Presented awards at Brooks High School's Presentation Day 2019

**Saturday 14 December 2019**

- Marched and officiated at University of Tasmania Town and Gown Procession
- Attended the City Park Radio Christmas barbeque

**Monday 16 December 2019**

- Presented awards at Kings Meadows High School's Presentation Day 2019

**Tuesday 17 December 2019**

- Attended Mowbray Heights Primary School's Grade 6 Leavers Assembly
- Presented awards at Lilydale Primary School's Awards Ceremony
- Attended the Big Picture End of Year Celebration

**Wednesday 18 December 2019**

- Attended Interweave's official launch of *Paste Up*
- Attended Newstead Christian School's 2019 Presentation Evening

**Friday 20 December 2019**

- Officiated at the City of Launceston Staff Christmas Function
-

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

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**Wednesday 25 December 2019**

- Officiated at the Launceston Community Christmas luncheon

**Friday 27 December 2019**

- Attended the start of the Launceston to Hobart Yacht Race
- Attended the Launceston Christmas Sports Carnival

**Sunday 29 December 2019**

- Attended the public *Menorah* lighting

**Monday 30 December 2019**

- Attended the Hobart Hurricanes versus Melbourne Strikers BBL Game

**Tuesday 31 December 2019**

- Attended Beerfest

**Wednesday 1 January 2020**

- Attended the Australian Bhutanese Society of Northern Tasmania Inc. New Year's Day program

**Saturday 4 January 2020**

- Launched the sunscreen dispenser trial in Cataract Gorge

**Thursday 16 January 2020**

- Attended MOFO *Architects of the Air*
- Attended MOFO *King Ubu*

**Friday 17 January 2020**

- Welcomed Air MOFO Plane passengers and entertainers to Launceston

**Saturday 18 January 2020**

- Attended MOFO *Reactor* dance presentation
-

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

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**Sunday 19 January 2020**

- Attended MOFO *Seven Days Walking*/Ludovico Einaudi presentation
  - Attended the Hobart Hurricanes versus Melbourne Stars BBL Game
-

**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 C Gibson**

- **Acknowledged the participation, for both volunteers and employees, of the local community involved in *Mona Foma 2020***
- **Noted the success of *Carols by Candlelight 2019* and highlighted the donation of \$15,000 to local charities.**
- **Mentioned activities related to fundraising for the recent bushfires and acknowledged the donors to the Bushfire Gala, organised by the Rotary Club of Tamar Sunrise, to be held next week.**

**11.2 Councillor D H McKenzie**

- **Highlighted value adding for events supported by the City of Launceston**
- **Noted concern, with particular reference to a recently held Hobart Hurricanes BBL event in Launceston, regarding reporting of local events when the events calendar clashes with other events. The events calendar needs to be balanced and considered to combat the concerns posed in media reports.**

**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**

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**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 P S Spencer - C H Smith Car Park****1. Why is the C H Smith Car Park not open on the weekend?**

**The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response provided in the Council Agenda of 6 February 2020.**

**2. As the C H Car Park is not open on weekends, why is the lighting turned on and not utilised?**

**The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response provided in the Council Agenda of 6 February 2020.**

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## 13 COMMITTEE REPORTS

### 13.1 Municipal Emergency Management Committee Meeting - 21 November 2019

**FILE NO:** SF3177/SF0031

**AUTHOR:** Stephen Loiterton (Emergency Management Officer)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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#### **DECISION STATEMENT:**

To receive and consider a report from the Municipal Emergency Management Committee.

#### **RECOMMENDATION:**

That Council receives the report from the Municipal Emergency Management Committee Meeting held on 21 November 2019.

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**Mr R Jamieson (Acting General Manager Community and Place Network) was in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 23 January 2020**

#### **MOTION**

**Moved Councillor J Finlay, seconded Councillor J G Cox.**

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

**CARRIED 12:0**

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

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**13.2 Tender Review Committee Meeting - 12 December 2019****FILE NO:** SF0100/CD.029/2019**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Hazell Bros. Pty Ltd (Option 1 - Verti Blocks) for the Granville Street Remedial Works, Contract Number CD.029/2019 for \$1,262,374 (exclusive of GST).

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

**DECISION: 23 January 2020****MOTION**

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

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**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)

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**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 23 January 2020

**Harvest Market Launceston Proposal**

*Councillors were presented with a development proposal for Harvest Launceston.*

**Live Launceston Action Plan**

*Councillors were provided with information and engaged in discussion on the Live Launceston Action Plan.*

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

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

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**DECISION: 23 January 2020****MOTION****Moved Councillor J Finlay, seconded Councillor D H McKenzie.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 12:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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**15 NOTICES OF MOTION**

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

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

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**16 COMMUNITY AND PLACE NETWORK ITEMS****16.1 Review of Signature Funding for the *Launceston Ten*****FILE NO:** SF5962/SF5791**AUTHOR:** Tracey Mallett (Manager Liveable Communities)**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

To consider an extraordinary situation in the triennial event sponsorship for the *Launceston Ten* as a Signature Event.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 5 June 2017 - Agenda Item 15.4 - Event Sponsorship - Signature Events (Round 1) 2017/2018

**RECOMMENDATION:**

That Council endorses the final payment of up to \$15,000 for the 2020 event in this triennial event sponsorship for the *Launceston Ten*.

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**Mr R Jamieson (Acting General Manager Community and Place Network), Ms T Mallett (Manager Liveable Communities) and Ms S Berns (Grants and Sponsorship Officer) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 23 January 2020****MOTION**

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

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**17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS**

**No Items were identified as part of these Minutes**

**18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS**

**No Items were identified as part of these Minutes**

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## 19 ORGANISATIONAL SERVICES NETWORK ITEMS

### 19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019

**FILE NO:** SF6634

**AUTHOR:** Karen Woolridge (Corporate Planning and Performance Administration Officer)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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#### **DECISION STATEMENT:**

To consider the progress against Council's 2019/2020 Annual Plan Actions for the period ending 31 December 2019.

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

Council - 31 October 2019 - Agenda Item 20.1 - Progress Against 2019/2020 Annual Plan Actions for Period Ending 30 September 2019

Council - 25 July 2019 - Agenda Item 19.1 - Annual Plan 2019/2020

#### **RECOMMENDATION:**

That Council notes progress against 2019/2020 Annual Plan Actions for the period ending 31 December 2019:

**Strategic Priority 1:** We ***Connect with our Community and our Region*** through meaningful engagement, cooperation and representation.

Our interactions with our community are authentic, timely, accurate and open. We want to build strong and productive relationships with our community and regional partners.

**10-Year Goal:** To seek out and champion positive engagement and collaboration to capitalise on the major opportunities, and address the future challenges facing our community and region.

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**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% Complete
<b>Focus Area:</b> To lead the implementation of the GLP via collaborative and constructive relationships with our regional partners.		
Review the GLP to provide an agreed vision and evidence based plan to guide the sustainable development of the GLP area over the medium and longer term horizons, which is supported by all member councils.	Chief Executive Officer	5%
<b>Comment</b>		
Discussions have been held with the new CEO of the Northern Tasmania Development Corporation (NTDC) in respect to undertaking a coordinating role for this project. A tender for the project will be finalised by around February/March and work will commence in April and be defrayed across the 2020/2021 financial year.		
Action	Network	% Complete
<b>Focus Area:</b> To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities.		
Develop a framework for delivery of a Regional Recreation Strategy (Regional Sports Plan) in conjunction with sporting clubs, the State Government and neighbouring councils.	Infrastructure and Assets	5%
<b>Comment</b>		
The 2019/2020 works proposed to be undertaken in the second half of the year have commenced - they consist of scoping the project and reviewing the required data sets. A Recreation Planner has been recruited and will support the commencement of the project in January 2020.		
Action	Network	% Complete
<b>Focus Area:</b> To develop and consistently utilise contemporary and effective community engagement processes.		
Develop the City of Launceston's capacity to deliver consistent, sustainable and more effective community engagement for our stakeholders.	Chief Executive Officer	50%
<b>Comment</b>		
On track - Our <i>Tomorrow Together</i> Community Engagement Program has officially reached the halfway mark as we launched into our fourth of six themes (Mobile and Accessible) over the Launceston Christmas parade weekend in December. The final theme will be completed in the first six months of 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% Complete
<b>Focus Area:</b> To develop and consistently utilise contemporary and effective community engagement processes.		
Develop a Community Engagement Policy, Strategy, Framework and Toolkit, as well as to provide training to our identified 'Champions' across the City of Launceston.	Chief Executive Officer	50%
<b>Comment</b>		
The Community Engagement Strategy is complete and specific 'Champion' training has been undertaken with around 25 identified employees. This continues on an ongoing basis. An updated Community Engagement Policy and Toolkit is yet to be completed.		
This action is to be carried over to the 2020/2021 financial year.		

**Strategic Priority 2:** We *Facilitate Prosperity* by seeking out and responding to opportunities for growth and renewal of our regional economy.

We use our influence and resources to deliver the foundations for ongoing economic development. We want Launceston to be the heart of a thriving regional economy.

**10-Year Goal:** To have realised opportunities that grow and sustain our economy, and foster creative and innovative people and industries.

Action	Network	% Complete
<b>Focus Area:</b> To provide an environment that is supportive to business and development within the municipality.		
Cultural Strategy • Complete and commence implementation of a Cultural Strategy for the City of Launceston	Creative Arts and Cultural Services	70%
<b>Comment</b>		
Key next steps: • October 2019: Community engagement completed • November 2019: Cultural Strategy final draft completed		
The Cultural Strategy will be considered by Council early in 2020 for release for further community engagement.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

**Strategic Priority 3:** We are a *Progressive Leader* that is accountable to our governance obligations and responsive to our community.

Our decision-making and actions are evidence-based, strategic, transparent and considered. We are ethical, fair and impartial in complying with, and enforcing the law.

**10-Year Goal:** To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Action	Network	% Complete
<b>Focus Area:</b> To ensure decisions are made on the basis of accurate and relevant information.		
Level of Service Planning Stage 1 • Commence planning to document service levels, review appropriateness of services, and engage with the community around expectations.	Organisational Services	Not Started
<b>Comment</b>		
Intention is to commence in May 2020 once a dedicated project resource is employed.  Progress on this action is recruitment dependant.		
Action	Network	% Complete
<b>Focus Area:</b> To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Organisational Alignment Project • Implement outcomes of the Organisational Alignment Project.	Chief Executive Officer	90%
<b>Comment</b>		
The Organisational Alignment project has been substantially completed. It is intended that the recruitment process for the vacant roles will be completed in early 2020. Work will continue on the revised governance structures for UTAS Stadium and QVMAG over the next two-three years, however, these elements of the project will be separately reported moving forward.		

19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)

Action	Network	% Complete
<b>Focus Area:</b> To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Organisational Cultural Development Roadmap <ul style="list-style-type: none"> <li>Continue to implement an organisational development program, with a focus on organisational culture, Lean and leadership development.</li> </ul>	Organisational Services	50%
<b>Comment</b>		
<p>The Cultural Roadmap contains seven focus areas for improvement including the Organisational Alignment Project (OAP), Cultural Action Planning and Embedding our Values and Behaviours. All of these things have been progressing steadily and simultaneously, with some areas more advanced along the timeline will an increased focus on developing our leaders and setting them up to succeed in our revised organisational structure. Through the recent OAP, a number of other opportunities for improvement were identified, and these have been incorporated into the Cultural Roadmap: for example, the need for a greater focus on professional and skill development and more accountable, inclusive and collaborative leadership. Our Cultural Roadmap already included a focus on many of these items, and the OAP feedback has reinforced their importance and helped us to identify areas of priority.</p> <p>The implementation of actions which form part of our Cultural Roadmap will progress over a number of years - the actions are currently planned out until June 2021.</p>		
Action	Network	% Complete
<b>Focus Area:</b> To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains, and adopting technological and other process innovations.		
Review organisational Information and Communications Technology (ICT) Strategy.	Organisational Services	Not Started
<b>Comment</b>		
The current strategy is due for review and will commence once the Organisational Alignment Project embeds new resources to support a holistic review. This action will rollover into 2020/2021.		
Action	Network	% Complete
<b>Focus Area:</b> To maintain a financially sustainable organisation.		
Diversifying our Income Streams <ul style="list-style-type: none"> <li>Conduct a feasibility study on diversifying income streams for Creative Arts and Cultural Services</li> </ul>	Creative Arts and Cultural Services	Deferred by Council on 31 October 2019
<b>Comment</b>		
The action will become part of governance review for Creative Arts and Cultural Services.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% Complete
<b>Focus Area:</b> To provide for the health, safety and welfare of the community.		
Workplace Health and Safety • Review Safety Management System and commence implementation of review findings.	Organisational Services	40%
<b>Comment</b>		
Project is underway and an external consultant has been engaged to support the review.  Some components of the developed safety improvement plan will roll over to 2020/21.		
Action	Network	% Complete
<b>Focus Area:</b> To fairly and equitably discharge our statutory and governance obligations.		
Commence renegotiation of the City of Launceston Enterprise Agreement.	Organisational Services	5%
<b>Comment</b>		
Planning for negotiations is being undertaken - formal negotiations will have commenced by March 2020.		

**Strategic Priority 4:** We value our *City's Unique* Identity by celebrating our special heritage and culture, and building on our competitive advantages to be a place where people choose to live, work and visit.

We facilitate our community's sense of place by enhancing local identity. We want people to be proud to say that Launceston is "my city".

**10-Year Goal:** To sustain and promote Launceston as a unique place to live, work, learn and play.

Action	Network	% complete
<b>Focus Area:</b> To promote and enhance Launceston's rich heritage, culture and natural environment.		
Launceston City Heart - Wayfinding and Connectivity Implementation - City Deal Agreement • Implementation of wayfinding treatments in the CBD (Launceston City Heart area).	Infrastructure and Assets	15%
<b>Comment</b>		
A number of trial wayfinding signs have been installed around the City and Seaport area. Remaining signage will be installed in the next two quarters.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To promote and enhance Launceston's rich heritage, culture and natural environment.		
Launceston Heritage List Review and Precincts • A review of the City of Launceston's local heritage list.	Community and Place	40%
<b>Comment</b>		
This project is on track and in the third year of a five year review.		
Action	Network	% complete
<b>Focus Area:</b> To promote and enhance Launceston's rich heritage, culture and natural environment.		
Collection Audit • As part of the Digital Cultural Experience migrate QVMAG collection information onto new platform.	Creative Arts and Cultural Services	50% (see comments)
<b>Comment</b>		
<p>The Digital Cultural Experience (DCE) is a project run through the Office of the Coordinator-General. The audit of the QVMAG collections is a project of City of Launceston which will generate data. The DCE plans to procure a new platform for receiving migrated data by February 2020. The QVMAG audit pilot project has generated 350 new entries since the beginning of July 2019. The estimate of collection objects held by QVMAG is 1.5 million objects. The pilot phase is 50% complete and will finish in June 2020. The full audit project will begin in July 2020.</p> <p>Pilot phase on track - audit is a three to five year project which on completion will become integrated into business as usual.</p>		
Action	Network	% complete
<b>Focus Area:</b> To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.		
St John Street Redevelopment - City Deal Agreement • Commence the redevelopment of St John Street (Central North and Central South) as part of Stage 1 of the Launceston City Heart Masterplan.	Infrastructure and Assets	10%
<b>Comment</b>		
Work is nearing completion on the identification of future arrangements for re-locating the bus interchange from St John Street. Once complete, the St John Street Redevelopment Plan will be reviewed and refined, with work expected to commence on the re-development in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To support the central business district (CBD) and commercial areas as activity places during day and night.		
Launceston City Heart • Implement Stage 2 Implementation Planning.	Infrastructure and Assets	Not Started
<b>Comment</b>		
This project will not commence until the review of the St John Street redevelopment has been completed and once the Organisational Alignment Project provides additional resources in the Place Making/Project Management teams.		

**Strategic Priority 5:** We *Serve and Care* for our Community by providing equitable and efficient services that reflects needs and expectations of our community.

We are invested in our community's long term health, well-being, safety and resilience. We want to be trusted and respected by our community.

**10-Year Goal:** To offer access to services and spaces for all community members, and to work in partnership with stakeholders to address the needs of vulnerable communities.

Action	Network	% complete
<b>Focus Area:</b> To develop and manage infrastructure and resources to protect our community from natural and other hazards.		
Review and implement planning controls to align with 2018 River Flood Study.	Community and Place	15%
<b>Comment</b>		
A draft discussion paper has been prepared which has been workshopped with Council and key stakeholders.		
Action	Network	% complete
<b>Focus Area:</b> To develop and manage infrastructure and resources to protect our community from natural and other hazards.		
Stormwater Management Plans • Analyse results of hydraulic modelling developed over the past three years to finalise stormwater management plans for key urban catchments.	Infrastructure and Assets	100%
<b>Comment</b>		
The Stormwater Management Plan was adopted by Council at its Meeting held on 28 November 2019.		



19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)

Action	Network	% complete
<b>Focus Area:</b> To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
<i>My Place My Future</i> (Northern Suburbs Revitalisation Strategy) • Stage 2 Implementation.	Community and Place	60%
<b>Comment</b>		
The <i>My Place My Future</i> Plan was successfully launched in August 2019 with the next stage of this project to be implementation and delivery of the plan. This implementation Plan is currently being developed and should be released early in 2020. Prior to its release, another period of community consultation will take place to ensure that actions in the four year delivery plan are appropriate.		
Action	Network	% complete
<b>Focus Area:</b> To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
Review Council's Access Action Plan.	Community and Place	70%
<b>Comment</b>		
The review is on track, with extensive consultation occurring at present. Draft themes have been workshop with the Access Advisory Committee and at a Council Workshop. The first draft of the Plan is scheduled for early 2020.		
Action	Network	% complete
<b>Focus Area:</b> To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.		
Continue to roll out the <i>ABCDE</i> Learning Sites approach to Mowbray.	Community and Place	80%
<b>Comment</b>		
The consultation, workshops, project planning, and delivery of the Mowbray Learning Site has been completed with an asset map delivered, project list being refined and the launch of the <i>Dear Mowbray</i> video completed.		
Action	Network	% complete
<b>Focus Area:</b> To define and communicate our role in promoting social inclusion and equity.		
Develop a Social Inclusion Framework.	Community and Place	Not Started
<b>Comment</b>		
Project to be split over 2019/2020 and 2020/2021, commencing March 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

**Strategic Priority 6:** We *Protect our Environment* by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.

We strive to minimise the impact of our actions on the environment, while planning for, adapting to and managing the impact of climate change. We want to protect the special character and values of our city for future generations.

**10-Year Goal:** To enhance the unique natural character, values, and amenity of our city by minimising the impacts of our organisation’s and our community’s activities in the environment.

Action	Network	% complete
<b>Focus Area:</b> To contribute to air and river quality improvements in Launceston.		
River Health Action Plan - Implementation <ul style="list-style-type: none"> <li>The project will include the implementation of the River Health Action Plan (catchment management and combined system improvements, public education and policy development) and management of the sediment raking program (data review, hydrological modelling and community).</li> </ul>	Infrastructure and Assets	50%
<b>Comment</b>		
<ul style="list-style-type: none"> <li>The Council has been working closely with TasWater to develop the implementation plan for the combined drainage works.</li> <li>The 12 month program delivered by the Council to remove cross connections from separated sewer systems into stormwater in Trevallyn and Riverside is on track.</li> <li>Significant work has been undertaken on sediment management within the Estuary with communication of the work to the community and key stakeholders occurring in October and November 2019.</li> <li>Detailed communications plan to be developed for the commencement of combined systems projects that will also outline the expected benefits of the collective River Health Action Plan Actions will be developed in November and December.</li> <li>Continuation of Tamar Action Grants process, with further rounds of funding for land holders to be released.</li> </ul>		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To reduce our and the community's impact on the natural environment.		
Sustainability Strategy Commence development of a Sustainability Strategy that will: <ul style="list-style-type: none"> <li>Identify actions and strategic projects to improve resource recovery and diversion away from landfill.</li> <li>Outline an energy and greenhouse gas reduction action plan to enable the City of Launceston to reduce its carbon footprint.</li> <li>Identify actions to build community and infrastructure resilience in light of the potential impacts of future climate change.</li> </ul>	Infrastructure and Assets	80%
<b>Comment</b>		
The Sustainability Strategy was adopted by Council on 3 October 2019. A greenhouse gas audit has commenced and will likely be completed by March/April 2020.		

**Strategic Priority 7:** We are a *City Planning for our Future* by ensuring our approach to strategic land-use, development and infrastructure investment is coordinated, progressive, and sustainable.

We play a leading role in balancing the enviable amenity of our municipality with the needs of future development and growth. We want to influence the delivery of the right investment for our City and Region.

**10-Year Goal:** To facilitate appropriate development via integrated land-use planning, infrastructure investment, and transport solutions within our municipality and region.

Action	Network	% complete
<b>Focus Area:</b> To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.		
University of Tasmania (UTAS) Relocation - City Deal Agreement <ul style="list-style-type: none"> <li>Engage with UTAS on the project to relocate to Inveresk to ensure it integrates with the precinct and City in a planned manner.</li> </ul>	Chief Executive Officer	50%
<b>Comment</b>		
The development applications for the Library and Student Experience building and bridge to Willis Street have been approved by the Council. Construction is expected to commence in early 2020.		
Work on the parking plan for the precinct is progressing and is due for completion early in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To ensure our suite of strategic planning initiatives are coordinated, and representative of our community's needs and aspirations.		
City Deal Agreement • Continue to work with the commonwealth and state governments to successfully implement all of the City of Launceston's commitments under the City Deal program to deliver a range of economic and social benefits to the City.	Chief Executive Officer	50%
<b>Comment</b>		
Work on Launceston City Deal projects is continuing. The Regional Economic Development Strategy was approved by the Council in December, and this follows the delivery of the <i>My Place My Future</i> Plan, River Health Action Plan, Greater Launceston Transformation Project and City Heart projects. Work is nearing completion on and the inaugural Launceston City Cultural Strategy.		
Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
Launceston Transport Strategy • Develop a Transport Strategy for the municipality that captures the challenges and opportunities that come with the growth and development across the city, the relocation of UTAS to Inveresk and the trends and technological advances in sustainable transport planning and operation.	Infrastructure and Assets	95%
<b>Comment</b>		
The State Government and Northern Councils are collaboratively working on a Transport Vision for the Greater Launceston area. This vision will include an action plan which identifies the primary investigations and/or on-the-ground works which are needed to understand and address the challenges and opportunities which exist throughout the transport network.		
The Vision will be considered by Council early in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
Traffic Signal Project <ul style="list-style-type: none"> <li>Upgrade of the City's aging traffic signal infrastructure (owned by State Growth), targeted improvement of intersections, implementation of data capture technology and data analytics, and provide a framework to encourage more sustainability transport options.</li> </ul>	Infrastructure and Assets	50%
<b>Comment</b>		
The first year of the three year project is on track.		
Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
St Leonards Residential Growth Strategy and Masterplan.	Community and Place	50%
<b>Comment</b>		
Significant consultation and investigation activity has been completed. Long term financial plan modelling will now be undertaken. Regional transport network impacts will further inform the draft strategy and masterplan.		
Action	Network	% complete
<b>Focus Area:</b> To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.		
South Prospect Residential Growth Strategy and Masterplan.	Community and Place	60%
<b>Comment</b>		
A concept site development plan has been prepared for the purposes of discussion and feasibility analysis.		
Further work is necessary to develop the concepts into rezoning's and planning scheme amendments for inclusion in the Launceston Local provision schedules later in 2020.		

**19.1 Progress Against 2019/2020 Annual Plan Actions for Period Ending 31 December 2019 ...(Cont'd)**

Action	Network	% complete
<b>Focus Area:</b> To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.		
Launceston Planning Scheme • Finalise the local provisions of the Launceston Planning Scheme for translation to the new State-wide planning scheme framework.	Community and Place	90%
<b>Comment</b>		
Local provisions have been endorsed by Council and submitted to the Tasmanian Planning Commission for consideration prior to the formal public advertising process.  Awaiting Planning Commission decision.		

**Ms L Foster (General Manager Organisational Services Network) and Mr N Williams (Manager Finance) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 23 January 2020**

**MOTION**

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

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

**CARRIED 12:0**

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

**19.2 Budget Amendments (for Council) - 2019/2020****FILE NO:** SF7024**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider changes to the Council's 2019/2020 Statutory Estimates.

*This decision requires an absolute majority of Council in accordance with section 82 (4) of the Local Government Act 1993 (Tas).*

**RECOMMENDATION:**

That Council, by absolute majority:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas) approves the following changes to the 2019/2020 Statutory Estimates:
  - (a) Revenue
    - (i) the net decrease in revenue from external grants and contributions of \$442,400.
  - (b) Expenses
    - (i) the net decrease in operations expenditure of \$8,000.
  - (c) Capital Works Expenditure
    - (i) the net decrease in expenditure from external funds of \$442,400.
    - (ii) the increase in Capital expenditure of \$8,000.
2. notes that amendments from Recommendation 1. result in:
  - (a) the operating surplus being amended to \$6,791,048 (including capital grants of \$8,671,962) for 2019/2020.
  - (b) the capital budget being increased to \$28,344,338 for 2019/2020.

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**Ms L Foster (General Manager Organisational Services Network) and Mr N Williams (Manager Finance) was in attendance to answer questions of Council in respect of this Agenda Item.**

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**19.2 Budget Amendments (For Council) - 2019/2020 ...(Cont'd)**

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**DECISION: 23 January 2020****MOTION****Moved Councillor D H McKenzie, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED BY ABSOLUTE MAJORITY 12:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox, Councillor A G Harris and Councillor T G Walker**

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## 19.3 Lease - East Tamar Men's Shed Inc.

**FILE NO:** SF0377/1677

**AUTHOR:** Tricia De Leon-Hillier (Lease and Licencing Officer)

**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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### DECISION STATEMENT:

To consider leasing an area of land situated at 308 John Lees Drive, Dilston (CT247000/1) to the East Tamar Men's Shed Inc.

*This decision requires an absolute majority of Council.*

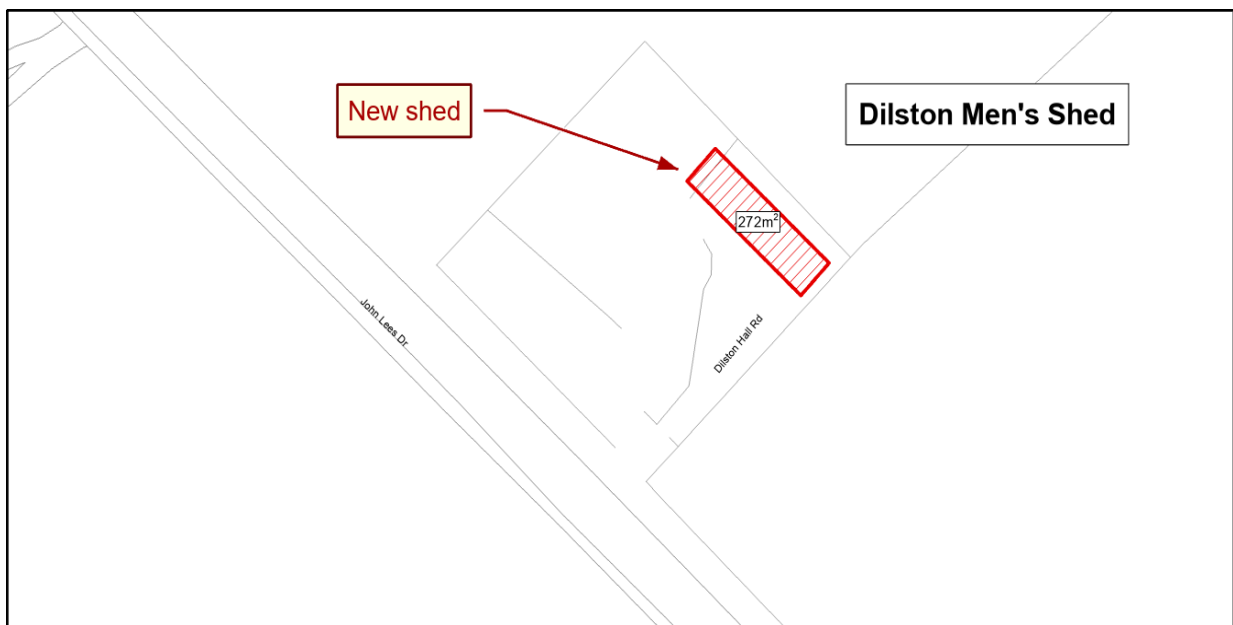
### PREVIOUS COUNCIL CONSIDERATION:

Council - 9 February 2015 - Agenda Item 18.1 - East Tamar Men's Shed Lease

### RECOMMENDATION:

That Council, by absolute majority pursuant to section 179 of the *Local Government Act 1993* (Tas):

1. agrees to lease a parcel of land situated at 308 John Lees Drive, Dilston (CT247000/1) to the East Tamar Men's Shed Inc. as indicated on the plan below:



**19.3 Lease - East Tamar Men's Shed Inc. ...(Cont'd)**

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2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
- the term shall be five years commencing on 1 February 2020;
  - the lease amount shall be \$1 per annum if demanded;
  - tenant to be responsible for:
    - building and contents insurance;
    - energy costs;
    - volumetric and connection charges for water; and
    - sewerage charges;
    - and other service charges, if any.
  - tenant shall continuously maintain:
    - any infrastructure or any infrastructure installed by the tenant or the Council in relation to the tenant's occupation;
    - building in good and reasonable order; and
    - public liability insurance of at least \$20 million.
- 

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

**DECISION: 23 January 2020****MOTION**

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

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

**CARRIED BY ABSOLUTE MAJORITY 12:0**

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

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**20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS****20.1 2019/2020 Budget - Chief Executive Officer's Report on Adjustments  
1 October to 31 December 2019****FILE NO:** SF3611**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider adjustments made by the Chief Executive Officer to the 2019/2020 Budget.

**RECOMMENDATION:**

That, pursuant to section 82(7) of the *Local Government Act 1993* (Tas), Council receives the Chief Executive Officer's report on adjustments to the 2019/2020 budget for the period 1 October 2019 to 31 December 2019.

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**Mr M Stretton (Chief Executive Officer) and Mr S Eberhardt (General Manager Infrastructure and Assets Network) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 23 January 2020****MOTION**

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

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

**CARRIED 12:0**

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

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**20.2 Representation Road Safety Symposium - Councillor Jim Cox****FILE NO:** SF0121**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**DECISION STATEMENT:**

To consider Councillor Jim Cox's attendance at the Road Safety Seminar in Melbourne, 13 March 2020.

**RECOMMENDATION:**

That Council agrees to Councillor Jim Cox's attendance at the Road Safety Symposium in Melbourne, 13 March 2020.

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**Mr M Stretton (Chief Executive Officer) was in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 23 January 2020****MOTION**

**Moved Councillor A G Harris, seconded Councillor A E Dawkins.**

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

**CARRIED 12:0**

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

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**21 URGENT BUSINESS**

*Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Minutes.*

**No Urgent Items were identified as part of these Minutes**

**22 CLOSED COUNCIL**

**No Closed Items were identified as part of these Minutes**

**23 MEETING CLOSURE**

**The Mayor, Councillor A M van Zetten, closed the Meeting at 4.05pm.**

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