



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 20 FEBRUARY 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: 20 February 2020

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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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Present: Councillor A M van Zetten (Mayor)
D C Gibson (Deputy Mayor)
J Finlay
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 D Mullenger (Acting General Manager Community and Place Network)
Ms L Foster (Organisational Services Network)
Mr S Eberhardt (Infrastructure and Assets Network)
Ms T Puklowski (Creative Arts and Cultural Services Network)
Mr S Tennant (Team Leader Communications)
Mrs K Hartland (Team Leader Governance)
Mrs A Rooney (Committee Clerk)

Apologies: Councillor A E Dawkins

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

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

2 MAYORAL ACKNOWLEDGEMENTS

No Mayoral Acknowledgements were identified as part of these Minutes

3 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

No Declarations of Interest were identified as part of these Minutes

4 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 6 February 2020 be confirmed as a true and correct record.

DECISION: 20 February 2020**MOTION**

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

7 COMMUNITY REPORTS

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

7.1 Ms Ella French (Project Team Member) - *Keep Your Skin GORGEous*

Ms French provided Council with a brief report on the free sunscreen initiative at the Cataract Gorge including usage and user feedback. The initiative will be assessed in the near future.

The Mayor, Councillor A M van Zetten, provided the Deputy Mayor, Councillor D C Gibson with an opportunity to introduce Community Report speakers Ms Rebecca Cuthill and Ms Millie Shami from the University of Tasmania.

7.2 Ms Rebecca Cuthill (Associate Director Fundraising and Marketing - University of Tasmania) and Ms Millie Shami (University of Tasmania Scholarship Recipient) - Acknowledgement of Scholarship Award

Ms Cuthill indicated that the University of Tasmania awards over 900 awards and prizes worth approximately \$7m annually in order to encourage as many students as possible to participate in higher education. In 2019 there were approximately 95 scholarships awarded within the local community. Ms Cuthill thanked the City of Launceston for its ongoing support.

Ms Shami provided Council with an acknowledgment of having received the City of Launceston University of Tasmania Scholarship, thanking the Councillors for their support and financial assistance. Ms Shami indicated that receiving the scholarship has made a substantial difference to her life circumstances over the last 12 months.

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

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

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 Nancy Serisier - DA0725/2019 - 23 Lawrence Street, Launceston

1. **If the Sports and Recreation Class Use is granted and a gym applies to be established there in the future, does this mean this application will not be advertised for the public to comment on?**

The Mayor, Councillor A M van Zetten, indicated that this question would be answered during the debate on the relevant item which will be discussed later in the Agenda.

2. **In the proposal by CPD on behalf of *OsteoStrong*, it is stated three new car parking spots will be created. In the recommendation by Ms Small it is stated that four spots will be added. Where are they - three are next to the business, where is the fourth one and is it within 3m of the Cimitiere Street frontage as shown on the proposed plans?**

The Mayor, Councillor A M van Zetten, indicated that this question would be answered during the debate on the relevant item which will be discussed later in the Agenda.

8.2.2 Ms Rocelyn Ives - Cataract Gorge

1. Is it possible to have a defibrillator placed in the Gorge for public access?

The Mayor, Councillor A M van Zetten, indicated that this matter would be followed up on.

8.2.3 Ms Rocelyn Ives - Meeting Access and Timing

1. Are there any plans to have Meetings conducted at night thus providing better community access for the public?

The Mayor, Councillor A M van Zetten, indicated that this is a matter for Councillors to consider.

8.2.4 Mr Robin Smith - *EasyPark* Council App

1. [with reference to the approximately 67 one hour parking spaces located in Charles Street]. How long is it before a commuter can return to one of those parking spaces once vacated?

The Mayor, Councillor A M van Zetten, noted that this question would be Taken on Notice and a response provided in the Council Agenda of 5 March 2020.

8.2.5 Mr Robin Smith - On Street Vendor Policy

1. **Do you think that the objectives of the On Street Vendor Policy are being met on Eat Street (High Street) and in Civic Square?**

The Mayor, Councillor A M van Zetten, indicated that he had received no complaints from the Library regarding their trading situation which seems to be positive and working well and he had received no feedback regarding the Eat Street operations. Mr Michael Stretton (Chief Executive Officer) advised that a briefing would be sought and the question would be asked.

2. **[With regard to arrangements involving on street vendor in the Brisbane Street Mall in the past] is the convention that was discussed some 20 years ago still be in place or has it changed?**

The Mayor, Councillor A M van Zetten, noted that this issue occurred well before his time in office but that the matter would be investigated.

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 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road

FILE NO: DA0584/2019

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

DA0163/2009 - Subdivision - Subdivide Land Into 26 Lots and Road (in stages)
DA0483/2013 - Residential Subdivision - Subdivide Land Into 24 Lots, Road and Public Open Space

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 DA0584/2019 Residential - Subdivision - Subdivide one Lot Into 32 Lots With a New Road at Chapple Street (Vol 46272 Folio 1), Ravenswood subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Plan of subdivision, Prepared by PDA Surveyors, PDA Reference 44334-P0, Scale 1:1000, Dated 10 January 2020.
- b. Plan of subdivision, Prepared by PDA Surveyors, PDA Reference 44334-P0, Scale 1:500, Dated 10 January 2020.

2. LEGAL TITLE

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

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

3. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

No works on Sunday or Public Holidays

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2019/01612-LCC, 7/11/2019 and attached to the permit.

5. COVENANTS ON SUBDIVISIONS

Covenant 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.

6. LOT TO BE SHOWN AS ROAD ON FINAL PLAN

The lot shown as POS on the proposed plan is to be shown as road/walkway on the final plan of survey.

7. DAMAGE TO COUNCIL 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.

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

The explicit permission of Infrastructure and Engineering is required prior to undertaking works where the works:

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

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

9. 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.

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. PROTECTION OF PIPELINES

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

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

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

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

12. RETICULATED SERVICES

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

13. SUBMISSION AND APPROVAL OF PLANS

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

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. 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.

14. 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 a DN 100 connection to the lowest point of each lot (unless otherwise permitted),
 - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
-

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

- b. Roads
 - i. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel, and a single vehicular crossing for each lot,
 - ii. Provision of a 1,500mm wide concrete footpath located on one side of the road and all necessary pedestrian kerb ramps,
 - iii. Provision of a 1500mm wide concrete footpath located between the end of the cul de sac and Lambert Street, with a 1m wide verge on one side and bollards at each end to prevent unauthorised vehicular access (one bollard at each end to be lockable) plus all necessary drainage and handrails,
 - iv. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
 - v. Provision of all necessary line marking, signage and other traffic control devices.
 - vi. Street trees of an approved species planted at a rate of one tree per 20m of lot frontage located clear of underground services.
- 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.

15. 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;
-

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

- c. A stormwater connection to the public drainage system;
- d. Access to underground electricity and communications infrastructure;
- e. Where required by the Planning Scheme/Planning Permit, connections to a public sewer and reticulated water supply, in accordance with the requirements set out by the Responsible Authority, and
- f. Where applicable, reticulated gas infrastructure.

16. 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 the Infrastructure and Assets Network.
- 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.

17. 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 the Council (public) mains. A greater width will be required in line with the City of Launceston document '*How close can I build to a Council Service?*' where the internal diameter of the pipe is greater than 475mm 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.

18. 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.

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

19. CONVEYANCE OF ROADS

All roads in the subdivision must be conveyed to the Council upon the issue by the General Manager - Infrastructure and Assets 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.

20. FINAL PLAN ENDORSEMENT

The final plan of subdivision must be endorsed with a note in accordance with section 83(5) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* which states that:

- a. Council cannot provide means of stormwater drainage from all of the land within lots 18, 19 and 20.
- b. The areas that cannot be served by a gravity stormwater must be indicated on the plan.

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

21. COMPLETION OF WORKS

All works must be carried out to the Council's 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 the Council's standards will be required prior to issue of the Certificate of Practical Completion.

22. 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.

23. 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.

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

24. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan of Survey, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots shown on the final plan. The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0584/2019. 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.

9.1 Chapple Street (Vol 46272 Folio 1), Ravenswood - Residential - Subdivision - Subdivide One Lot Into 32 Lots With a New Road ...(Cont'd)

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

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

D. Permit Commencement

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

Mr D Mullenger (Acting General Manager Community and Place Network), Mr R Jamieson (Manager City Development) and Ms P Glover (Team Leader Planning Assessments) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 February 2020

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs

FILE NO: DA0725/2019

AUTHOR: Laura Small (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

DA0370/2019 Sport and Recreation - Change of Use to Fitness Studio (Refused)

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 DA0725/2019 Sport and Recreation - Change of use of part of building to a fitness centre and construction of alterations and additions at the rear of the hotel; Signs - Install new signs at Gunners Arms Tavern - 23 Lawrence Street, Launceston subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Locality Plan, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A100, Page No 1 of 15, Dated 04 Dec 2019
 - b. Photos - Existing, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A101, Page No 2 of 15, Dated 04 Dec 2019
 - c. Site Plan - Existing, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A102, Page No 3 of 15, Dated 04 Dec 2019
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9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

- d. Site Plan - Proposed, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A103, Page No 4 of 15, Dated 04 Dec 2019
 - e. Existing Conditions and Demolition Plan, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A104, Page No 5 of 15, Dated 04 Dec 2019
 - f. Proposed Plan, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A201, Page No 6 of 15, Dated 04 Dec 2019
 - g. External Elevations, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A301, Page No 7 of 15, Dated 04 Dec 2019
 - h. External Elevations, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A302, Page No 8 of 15, Dated 04 Dec 2019
 - i. Driveway Signage, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A303, Page No 9 of 15, Dated 04 Dec 2019 (Amended Plan Required)
 - j. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V001, Page No 10 of 15, Dated 04 Dec 2019
 - k. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V002, Page No 11 of 15, Dated 04 Dec 2019
 - l. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V003, Page No 12 of 15, Dated 04 Dec 2019
 - m. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V004, Page No 13 of 15, Dated 04 Dec 2019
 - n. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V005, Page No 14 of 15, Dated 04 Dec 2019
 - o. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V006, Page No 15 of 15, Dated 04 Dec 2019
 - p. Acoustic Assessment, Prepared by Tarkarri Engineering, Job Reference 5346_AC_R_CPD - *OsteoStrong*, Dated 17 December 2019
 - q. Preliminary Site Investigation, Prepared by es&d, Job No. 6775 PSI - 23 Lawrence St, Launceston, Dated 22 July 2019
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9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

- r. Traffic Impact Statement, Prepared by GHD, Reference No. 12516236-92133, Dated 05 December 2019
- s. CPD Planning Application, Prepared by Chloe Lyne, Project Name - *OsteoStrong* Studio - 23 Lawrence St, Dated December 2019

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work or use, amended plans must be submitted to the satisfaction of the Manager City Development to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by Council and will then form part of the Permit. The amended plans must show the sign proposed directly to the west of the Cimitiere Street driveway access to have:

- a. A maximum height of 1.2m; and
- b. A minimum clear space of 500mm between the signage panel and the surface of the planting bed at ground level.

3. ASSOCIATED USES

The use is only able to operate whilst all titles comprised within the application remain in single ownership to ensure all car parking remains available for approved uses on site.

4. BICYCLE FACILITIES

A rail or hoops must be installed to the six bicycle spaces shown on the endorsed plans outside of the building.

5. AMENITY

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

6. LEGAL TITLE

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

7. EXTERIOR AND SECURITY LIGHTING

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

9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

8. USE LIMITATION

This permit allows the use for *OsteoStrong*, defined as a *Fitness Centre* in the Launceston Interim Planning Scheme 2015. The use is limited to:

- a. 10 clients on the site at any given time (not including staff members).

9. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm

No works on Sunday or Public Holidays

10. BUSINESS HOURS

The operation of the fitness centre must be confined to:

- a. Monday to Friday - 7:30am - 9:00pm
- b. Saturdays and Sundays - 9:00am - 5:00pm
- c. Public Holidays - 9:00am - 5:00pm

11. VEGETATION REMOVAL

No vegetation is to be removed, including those shown on the original plans to be removed.

12. SIGNAGE CONTENT

Due to the listing of the site as a Local Heritage Place, any alteration to the content or graphic approved signs may require separate approval of council.

13. NO SIGN ILLUMINATION

The signs must not be floodlit or otherwise internally illuminated.

14. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

15. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

- a. Be properly constructed to such levels that they can be used in accordance with the plans;
 - b. Be surfaced with an impervious all weather seal;
 - c. Be adequately drained to prevent stormwater being discharged to neighbouring property;
-

9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

d. Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

16. DAMAGE TO COUNCIL 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.

17. 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.

18. 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.

19. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement).

9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

20. NOISE

The use must not cause unreasonable nuisance or loss of amenity to adjoining sensitive uses. Prior to the use commencing:

- a. Double glazing must be installed on all glass windows and doors; and
- b. All noise generated by the use must not exceed a time average A-weighted sound pressure level ($L^{a_{eq}}$) of 5dB(A) above background during operating hours when measured at the boundary of the site.

21. 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

22. CONTAMINATED LAND

The applicant must comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 22 July 2019 and complete all Works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

Notes

- A. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.
- B. Occupancy Permit Required
Occupancy permit required for new or altered habitable buildings: pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.
- C. All plumbing work is to comply with the Building Act 2016 and the National Construction Code
Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.
- D. General
This permit was issued based on the proposal documents submitted for DA0725/2019. 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.*
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9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

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

G. Permit Commencement

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

Mr D Mullenger (Acting General Manager Community and Place Network), Mr R Jamieson (Manager City Development), Ms P Glover (Team Leader Planning Assessments) and Ms L Small (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

- 9.2 **Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
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Ms Nancy Serisier spoke against the Recommendation

Ms Rosemary Jones (on behalf of Mr Andrew Barnett) spoke against the Recommendation

Ms Rosemary Jones spoke against the Recommendation

Mr Claas Visser spoke for the Recommendation

Ms Leigh Ann Cowie spoke for the Recommendation

Ms Chloe Lyne spoke for the Recommendation

DECISION: 20 February 2020

MOTION

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

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 DA0725/2019 Sport and Recreation - Change of use of part of building to a fitness centre and construction of alterations and additions at the rear of the hotel; Signs - Install new signs at Gunners Arms Tavern - 23 Lawrence Street, Launceston subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Locality Plan, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A100, Page No 1 of 15, Dated 04 Dec 2019**
 - b. Photos - Existing, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A101, Page No 2 of 15, Dated 04 Dec 2019**
 - c. Site Plan - Existing, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A102, Page No 3 of 15, Dated 04 Dec 2019**
 - d. Site Plan - Proposed, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A103, Page No 4 of 15, Dated 04 Dec 2019**
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9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

- e. Existing Conditions and Demolition Plan, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A104, Page No 5 of 15, Dated 04 Dec 2019
 - f. Proposed Plan, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A201, Page No 6 of 15, Dated 04 Dec 2019
 - g. External Elevations, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A301, Page No 7 of 15, Dated 04 Dec 2019
 - h. External Elevations, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A302, Page No 8 of 15, Dated 04 Dec 2019
 - i. Driveway Signage, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. A303, Page No 9 of 15, Dated 04 Dec 2019 (Amended Plan Required)
 - j. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V001, Page No 10 of 15, Dated 04 Dec 2019
 - k. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V002, Page No 11 of 15, Dated 04 Dec 2019
 - l. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V003, Page No 12 of 15, Dated 04 Dec 2019
 - m. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V004, Page No 13 of 15, Dated 04 Dec 2019
 - n. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V005, Page No 14 of 15, Dated 04 Dec 2019
 - o. Concept View, Prepared by Within Design, Job No. WD319. Project Name - *OsteoStrong* 23 Lawrence St, Launceston, Drawing No. V006, Page No 15 of 15, Dated 04 Dec 2019
 - p. Acoustic Assessment, Prepared by Tarkarri Engineering, Job Reference 5346_AC_R_CPD - *OsteoStrong*, Dated 17 December 2019
 - q. Preliminary Site Investigation, Prepared by es&d, Job No. 6775 PSI - 23 Lawrence St, Launceston, Dated 22 July 2019
 - r. Traffic Impact Statement, Prepared by GHD, Reference No. 12516236-92133, Dated 05 December 2019
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- 9.2 **Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
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- s. **CPD Planning Application, Prepared by Chloe Lyne, Project Name - *OsteoStrong* Studio - 23 Lawrence St, Dated December 2019**

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work or use, amended plans must be submitted to the satisfaction of the Manager City Development to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by Council and will then form part of the Permit. The amended plans must show the sign proposed directly to the west of the Cimitiere Street driveway access to have:

- a. A maximum height of 1.2m; and
- b. A minimum clear space of 500mm between the signage panel and the surface of the planting bed at ground level.

3. ASSOCIATED USES

The use is only able to operate whilst all titles comprised within the application remain in single ownership to ensure all car parking remains available for approved uses on site.

4. BICYCLE FACILITIES

A rail or hoops must be installed to the six bicycle spaces shown on the endorsed plans outside of the building.

5. AMENITY

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

6. LEGAL TITLE

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

7. EXTERIOR AND SECURITY LIGHTING

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

- 9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
-

8. USE LIMITATION

This permit allows the use of the site for a Fitness Centre, as defined in the Launceston Interim Planning Scheme 2015. The use is limited to 10 clients on the site at any given time (not including staff members), except for a monthly information session for up to 30 prospective clients to be held within operating hours.

9. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:
Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 5.00pm
No works on Sunday or Public Holidays

10. BUSINESS HOURS

The operation of the fitness centre must be confined to:

- a. Monday to Friday - 7:30am - 9:00pm
- b. Saturdays and Sundays - 9:00am - 5:00pm
- c. Public Holidays - 9:00am - 5:00pm

11. VEGETATION REMOVAL

The two ornamental pear trees marked for removal on the endorsed plans are to be retained.

12. SIGNAGE CONTENT

Due to the listing of the site as a Local Heritage Place, any alteration to the content or graphic approved signs may require separate approval of council.

13. NO SIGN ILLUMINATION

The signs must not be floodlit or otherwise internally illuminated.

14. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

15. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

- a. Be properly constructed to such levels that they can be used in accordance with the plans;
 - b. Be surfaced with an impervious all weather seal;
-

9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)

- c. Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

16. DAMAGE TO COUNCIL 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.

17. 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.

18. 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.

- 9.2 **Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
-

19. SOIL AND WATER MANAGEMENT PLAN

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

20. NOISE

The use must not cause unreasonable nuisance or loss of amenity to adjoining sensitive uses. Prior to the use commencing:

- a. Double glazing must be installed on all glass windows and doors; and
- b. All noise generated by the use must not exceed a time average A-weighted sound pressure level (L^{Aeq}) of 5dB(A) above background during operating hours when measured at the boundary of the site.

21. 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.

22. CONTAMINATED LAND

The applicant must comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 22 July 2019 and complete all Works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

- 9.2 **Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
-

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

Notes

- A. **All building and demolition work is to comply with the Building Act 2016 and the National Construction Code**
Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.
- B. **Occupancy Permit Required**
Occupancy permit required for new or altered habitable buildings: pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.
- C. **All plumbing work is to comply with the Building Act 2016 and the National Construction Code**
Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.
- D. **General**
This permit was issued based on the proposal documents submitted for DA0725/2019. 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.
-

- 9.2 **Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
-

This permit takes effect after:

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

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>>

G. Permit Commencement

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

CARRIED 11:0

- 9.2 Gunners Arms Tavern - 23 Lawrence Street, Launceston - Sport and Recreation - Change of Use of Part of Building to a Fitness Centre and Construction of Alterations and Additions at the Rear of the Hotel; Signs - Install New Signs ...(Cont'd)**
-

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, 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.

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

Thursday 6 February 2020

- Officiated at the opening of Artway Studio at Gateway Church

Sunday 9 February 2020

- Attended the Launceston International Tennis Final

Tuesday 11 February 2020

- Officiated at Tamar NRM's Get-Together

Wednesday 12 February 2020

- Attended the Gold Sovereign Stakes Meeting at Mowbray

Saturday 15 February 2020

- Spoke at *Walk with Us* - a celebration of Tasmanian Aboriginal Culture

Monday 17 February 2020

- Attended the 2020 Ladbroke's Launceston Greyhound Cup Final Chairman's Dinner

Tuesday 18 February 2020

- Attended the Joint Regional Cabinet Meeting
 - Attended the Premier's Cocktail Party
-

Thursday, 20 February 2020

- **The Mayor, Councillor A M van Zetten, advised that a ceremony to turn the sod for the new University of Tasmania campus at Inveresk, attended by Alan Tudge MP, the University of Tasmania's Vice-Chancellor Professor Rufus Black and other dignitaries was held earlier today. The Mayor also acknowledged the work of Councillors Finlay, McKenzie and Soward for their involvement with the Working Group.**
-

11 COUNCILLORS' REPORTS

(This item provides an opportunity for Councillors to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

11.1 Councillor D H McKenzie

- **Commented on the *Emerging Leaders Program* and its success in the local community, referencing Ms Ella French, who had addressed Council earlier in the Meeting.**

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.)

**12.1.1 Councillors' Questions on Notice - Councillor A G Harris - C H Smith Car Park
- Council Meeting - 6 February 2020****FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton (Chief Executive Officer)

QUESTIONS and RESPONSES:

The following question, asked at Council on 6 February 2020 by Councillor A G Harris, has been answered by Geoffrey Stick (Team Leader Parking).

Questions:

1. Can the Council investigate opening the C H Smith Car Park on ANZAC Day as there is always a lack of parking when attending ANZAC Day Services?

Response:

This is currently the practice with the Elizabeth Street Car Park. The Communications Room is not staffed which means there is no customer service available, however, the boom gates are locked open so parking is free on the day. This would also be possible for the public bays in the C H Smith Car Park and will be arranged for this coming ANZAC Day.

12.1.2 Councillors' Questions on Notice - Councillor D H McKenzie - C H Smith Car Park - Council Meeting - 6 February 2020**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton (Chief Executive Officer)

QUESTIONS and RESPONSES:

The following question, asked at Council on 6 February 2020 by Councillor D H McKenzie, has been answered by Geoffrey Stick (Team Leader Parking).

Questions:

1. Following on from previous questions regarding the C H Smith Car Park, are the lights on sensors?

Response:

The lights in the C H Smith Car Park are not linked to sensors. During the planning of the project this issue was considered, however, it was determined to leave the lights on to ensure the safety and security of the facility rather than the intermittent lighting environment that would be created by a sensor based system. It should be noted that the C H Smith Car Park was fitted out with LED lighting which provides a low cost means of achieving a safe illuminated building.

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.)

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

Councillor R I Soward withdrew from the Meeting at 2.03pm.

Councillor R I Soward re-attended the Meeting at 2.05pm.

13 COMMITTEE REPORTS

13.1 Pedestrian and Bike Committee Meeting - 24 October and 5 December 2019

FILE NO: SF0618

AUTHOR: Cathy Williams (Infrastructure and Engineering Officer)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider reports from the Pedestrian and Bike Committee Meetings held on 24 October and 24 December 2019.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meetings held on 24 October and 5 December 2019.

Mr S Eberhardt (General Manager Infrastructure and Assets Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 February 2020

MOTION

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

13.2 Northern Youth Coordinating Committee Meeting - 4 February 2020**FILE NO:** SF0136**AUTHOR:** Claudia Taylor (Youth Development Officer)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee Meeting held on 4 February 2020.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 4 February 2020.

Mr D Mullenger (Acting General Manager Community and Place) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 February 2020**MOTION**

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

13.3 Tender Review Committee Meeting - 30 January 2020**FILE NO:** SF0100/CD.044/2019**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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 Crossroads Civil Contracting Pty Ltd for the Blaydon Street, Kings Meadows (Guy to Janet Streets) - Road Rehabilitation Works, Contract No CD.044/2019 be accepted for a cost to Council of \$216,484.00 (exclusive of GST).

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

DECISION: 20 February 2020**MOTION**

Moved Councillor J G Cox, seconded Councillor P S Spencer.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

14 COUNCIL WORKSHOPS

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

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Committee Clerk)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 13 and 20 February 2020

Northern Tasmania Development Corporation Ltd Update

Action - Advocacy and Alliance - NTDC's role in making our region an even greater place to live, work and grow.

Northern Tasmania Development Corporation Ltd Draft Members Funding Agreement

Councillors discussed the draft NTDC Members Funding Agreement.

Cities Power Partnership

Councillors discussed the recommendations for Cities Power Partnership pledges and draft Carbon Action Management Plan.

LAC Energy System Project

Councillors were briefed on the proposed conversion of LAC's primary energy system from gas co-generation to an electricity-based heap pump and solar PV system.

Tiger Bus: 10 Year Anniversary Rebrand

Councillors were presented with rebrand options and then provided guidance on a design recommendation and marketing roll out direction.

Cityprom Inc. Review

Councillors were provided with an update regarding the Cityprom Inc. Review progress.

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

Tamar Sediment Management

Councillors were provided with an update on the progress of the Tamar Sediment Management Project.

QVMAG Cultural Strategy

Councillors discussed and provided feedback on the final draft of the City of Launceston's Cultural Strategy.

Tourism Northern Tasmania Future

Councillors were provided with an update on the Service Agreement with the City of Launceston.

Cimitiere Street Car Park Future

Councillors discussed the future options for the Cimitiere Street Car Park.

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

DECISION: 20 February 2020

MOTION

Moved Councillor D C Gibson, seconded Councillor J Finlay.

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 13 and 20 February 2020

Northern Tasmania Development Corporation Ltd Update

Action - Advocacy and Alliance - NTDC's role in making our region an even greater place to live, work and grow.

Northern Tasmania Development Corporation Ltd Draft Members Funding Agreement

Councillors discussed the draft NTDC Members Funding Agreement.

Cities Power Partnership

Councillors discussed the recommendations for Cities Power Partnership pledges and draft Carbon Action Management Plan.

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

LAC Energy System Project

Councillors were briefed on the proposed conversion of LAC's primary energy system from gas co-generation to an electricity-based heap pump and solar PV system.

Tiger Bus: 10 Year Anniversary Rebrand

Councillors were presented with rebrand options and then provided guidance on a design recommendation and marketing roll out direction.

Cityprom Inc. Review

Councillors were provided with an update regarding the Cityprom Inc. Review progress.

Tamar Sediment Management

Councillors were provided with an update on the progress of the Tamar Sediment Management Project.

City of Launceston Cultural Strategy

Councillors discussed and provided feedback on the final draft of the City of Launceston's Cultural Strategy.

Cimitiere Street Car Park Future

Councillors discussed the future options for the Cimitiere Street Car Park.

CARRIED 11:0

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

15 NOTICES OF MOTION

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

15.1 Notice of Motion - Councillor N D Daking - Brisbane Street Mall Activation**FILE NO:** SF5547**AUTHOR:** Anthea Rooney (Committee Clerk)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider a Notice of Motion submitted by Councillor N D Daking regarding Brisbane Street Mall Activation.

RECOMMENDATION:

That Council requests the Chief Executive Officer to complete a feasibility study to identify a suitable site within the Mall to establish a tenancy opportunity for the operation of a food business. In identifying the location it will be necessary to take into consideration the services that would need to be provided (waste, water, power, security, etc.), together with the costs of establishing the tenancy infrastructure. Once the site, size (m²) and services are identified, a m² rate could be applied to the site and costs provide. If the project is feasible and sufficient funding provided to deliver the tenancy, it is proposed that the opportunity would be publicly tendered.

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

Mr Robin Smith spoke against the Recommendation

**15.1 Notice of Motion - Councillor N D Daking - Brisbane Street Mall Activation
...(Cont'd)**

DECISION: 20 February 2020**MOTION 1****Moved Councillor N D Daking, seconded Councillor D H McKenzie.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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****During debate an amendment to the Motion was proposed.****MOTION 2****Moved Councillor T G Walker:****That Council requests the Chief Executive Officer to complete a feasibility study to identify a suitable site within the Mall to establish permanent tenancy opportunities for the operation of suitable businesses. In identifying the location it will be necessary to take into consideration the services that would need to be provided (waste, water, power, security, etc.), together with the costs of establishing the tenancy infrastructure. Once the site, size (m²) and services are identified, a m² rate could be applied to the site and costs provide. If the project is feasible and sufficient funding provided to deliver the tenancy, it is proposed that the opportunity would be publicly tendered.****MOTION LAPSED DUE TO WANT OF A SECONDER**

**15.1 Notice of Motion - Councillor N D Daking - Brisbane Street Mall Activation
...(Cont'd)**

DECISION: 20 February 2020

MOTION 3

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, 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

16 COMMUNITY AND PLACE NETWORK ITEMS**16.1 Launceston Leisure and Aquatic Centre Energy System Project****FILE NO:** 21111/SF5622**AUTHOR:** Marcus Grantham (Coordinator Business Improvement)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider the proposed conversion of Launceston Leisure and Aquatic Centre's primary energy system from gas co-generation to an electricity-based Heat Pump and Solar Photovoltaic system.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 13 February 2020 - LAC Energy System Project

RECOMMENDATION:

That Council:

1. provides in principle support for the installation of a Heat Pump and Solar Photovoltaic system at the Launceston Leisure and Aquatic Centre; and
 2. agrees that the project be included in the 2019/2020 capital works program, subject to the necessary budget amendment being approved.
-

Mr D Mullenger (Acting General Manager Community and Place Network) and Mr A McCarthy (Manager Business Enterprises) were in attendance to answer questions of Council in respect of this Agenda Item.

16.1 Launceston Leisure and Aquatic Centre Energy System Project ...(Cont'd)

DECISION: 20 February 2020**MOTION****Moved Councillor R I Soward, seconded Councillor D H McKenzie.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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**

16.2 Level 1, 47a Brisbane Street, Launceston - Certificate of Exemption Under Section 90 of *Local Government (Building and Miscellaneous Provisions) Act 1993*

FILE NO: 18262/18263

AUTHOR: Abby Osborne (Statutory Services Officer)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

To consider an application for a Certificate of Exemption under section 90 of *Local Government (Building and Miscellaneous Provisions) Act 1993* comprised and described in Certificate of Title Volume 7784 Folio 9 and Title Volume 110523 Folio 2.

RECOMMENDATION:

That Council approves an application for a Certificate of Exemption under section 90 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* comprised and described in Certificate of Title Volume 7784 Folio 9 and Title Volume 110523 Folio 2 at Level 1, 47a Brisbane Street, Launceston.

Mr D Mullenger (Acting General Manager Community and Place Network), Mr R Jamieson (Manager City Development) and Mr D Campbell (Team Leader Legal Services) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 February 2020

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS**17.1 Queen Victoria Museum and Art Gallery Activity Update****FILE NO:** SF5784**GENERAL MANAGER:** Tracy Puklowski (Creative Arts and Cultural Services Network)

DECISION STATEMENT:

To note the Queen Victoria Museum and Art Gallery Activity update.

RECOMMENDATION:

That Council receives the report Queen Victoria Museum and Art Gallery Update (ECM Document Set ID Number 4235245).

Ms T Puklowski (General Manager Creative Arts and Cultural Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 20 February 2020**MOTION**

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items were identified as part of these Minutes

19 ORGANISATIONAL SERVICES NETWORK ITEMS

19.1 Lease - Summerhill Scout Group (West Launceston Community Park)

FILE NO: SF0913

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

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing an area of land situated at 50-58 Stanley Street, Summerhill (CT150391/1) known as the West Launceston Community Park to the Scout Association of Australia, Tasmania Branch known as the Summerhill Scout Group.

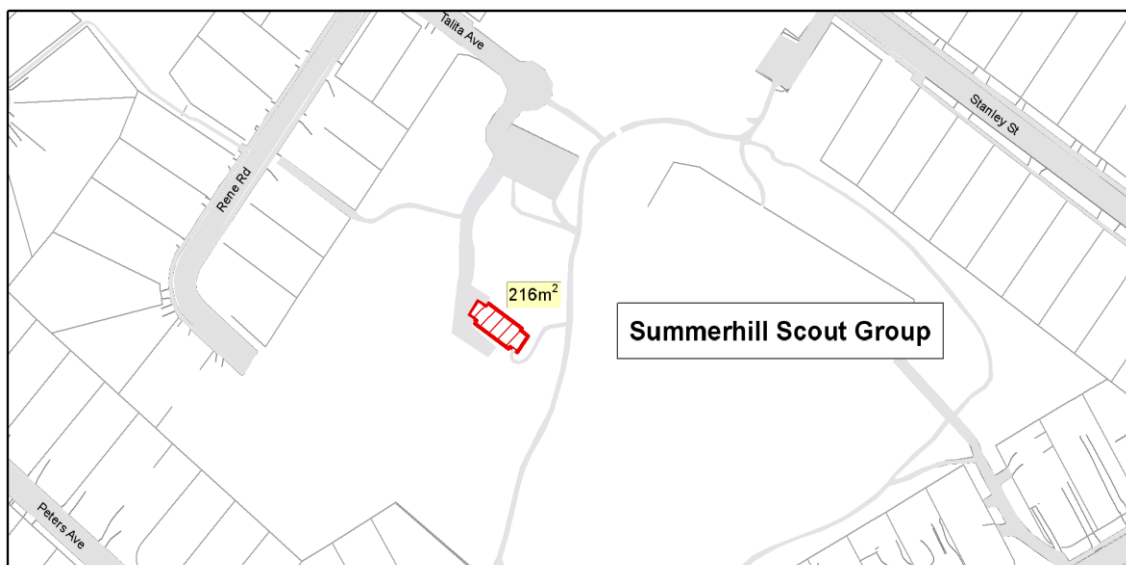
This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 November 2014 - Agenda Item 18.2 - Lease Summerhill Scout Group (West Launceston Community Park)

RECOMMENDATION:

1. That Council, by absolute majority, in accordance with section 179 of the *Local Government Act 1993* (Tas), agrees to lease a parcel of land situated at 50-58 Stanley Street, Summerhill (CT150391/1) to the Scout Association of Australia, Tasmania Branch known as the Summerhill Scout Group as indicated on the plan below:



**19.1 Lease - Summerhill Scout Group (West Launceston Community Park)
...(Cont'd)**

2. The CEO is authorised to enter into a formal lease under the following terms:
- the term shall be five years commencing on 1 March 2020;
 - the lease amount shall be \$1per 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 council in relation to the tenants occupation;
 - and keep clear all noxious growth from premises;
 - 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: 20 February 2020

MOTION

Moved Councillor J Finlay, seconded Councillor J G Cox.

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

CARRIED BY ABSOLUTE MAJORITY 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, 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 Lease - 1st Tamar Sea Scouts

FILE NO: SF0866

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

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing an area of land situated at 78 Paterson Street, Launceston (CT138979/10) known as Royal Park to the Scout Association of Australia, Tasmania Branch known as the 1st Tamar Sea Scout Group.

This decision requires an absolute majority of Council

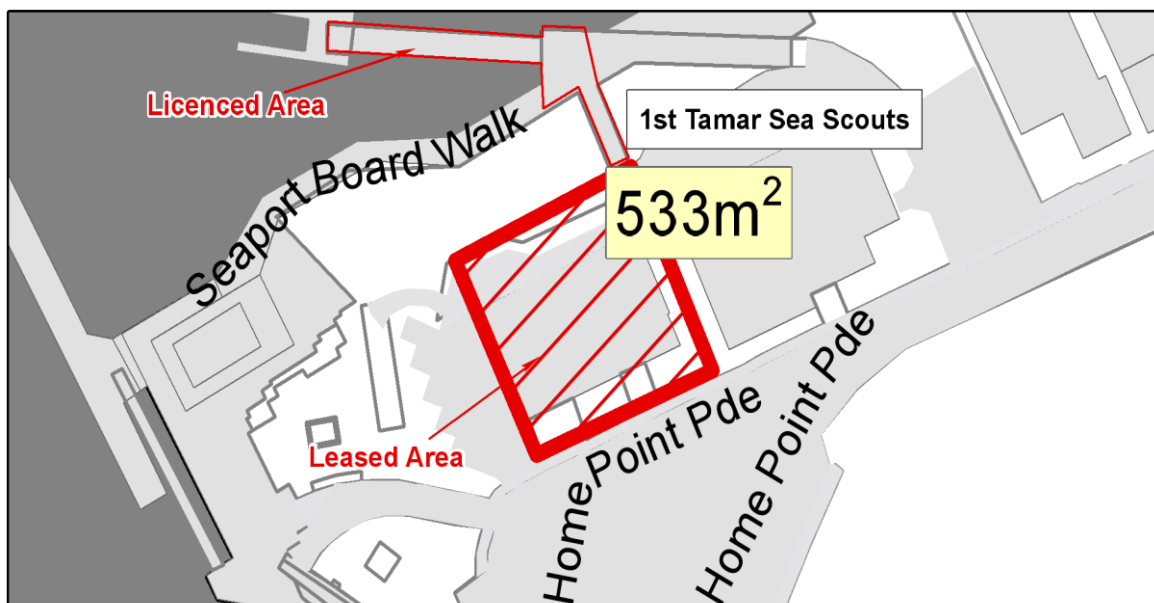
PREVIOUS COUNCIL CONSIDERATION:

Council - 10 August 2009 - Agenda Item 12.3 - 1st Tamar Sea Scout Group

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 78 Paterson Street, Launceston (CT138979/10) known as Royal Park to the Scout Association of Australia, Tasmania Branch known as the 1st Tamar Sea Scout Group as indicated on the plan below:



19.2 Lease - 1st Tamar Sea Scouts ...(Cont'd)

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 March 2020 or as determined by the CEO;
 - the lease amount shall be \$1per 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;
 - and keep clear all noxious growth from premises;
 - building in good and reasonable order; and
 - public liability insurance of at least \$20 million.
 - the lease will include a non-exclusive licence to access the Council pontoon for launching their boats and canoes.
 - all remaining terms to be determined by the Chief Executive Officer.
 - any right, option or discretion exercised by Council under the lease may be exercised by the Chief Executive Officer.
-

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

DECISION: 20 February 2020**MOTION**

Moved Councillor J Finlay, seconded Councillor J G Cox.

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

CARRIED BY ABSOLUTE MAJORITY 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, 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

19.3 Code for Tenders and Contracts**FILE NO:** SF3379**AUTHOR:** Kellie Graham (Acting Team Leader Procurement)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the adoption of the Code for Tenders and Contracts.

PREVIOUS COUNCIL CONSIDERATION:

Council - 28 November 2005 - Agenda Item 13.2 Code for Tenders and Contracts

Workshop - 21 November 2019 - Procurement Update - Internal Audit Outcomes and Document Review

RECOMMENDATION:

That Council adopts the Code for Tenders and Contracts (11-Plx-004) set out below and revokes - 11-HLPr-005:

Code for Tenders and Contracts**1 Introduction**

This Code for Tenders and Contracts (the Code) provides a policy framework on purchasing and tendering requirements for Council. In this document, "City of Launceston", "Launceston City Council", "we", "us", and "our" refers to Council. "Suppliers" means people or entities that offer goods or services to us - for example contractors, sub-contractors or consultants.

2 Legislation

In accordance with Part 16, Division 2A, sections 333A and 333B of the *Local Government Act 1993* (Tas) (the Act), we must create, maintain and comply with this Code when acquiring goods and services. Detail contained in the Code is consistent with the requirements of the *Local Government (General) Regulations 2005* (the Regulations), regulations 23 - 29 inclusive.

19.3 Code for Tenders and Contracts ...(Cont'd)

3 Purpose

The Code aims to:

- ensure compliance with relevant legislation;
- enhance value for money through fair, competitive, non-discriminatory procurement;
- promote the use of resources in an efficient, effective and ethical manner;
- encourage probity, accountability and transparency in decision making;
- provide reasonable opportunity for competitive local businesses to supply to City of Launceston;
- minimise the cost to suppliers of participating in the tendering process;
- allow us to appropriately manage risk; and
- promote our economic, social and environmental plans and policies.

4 Scope

4.1 Policy versus procedure

The Code essentially provides a high-level overview of tender and contract requirements as they apply to City of Launceston. Although some procedural detail associated with our tender and contract management systems and processes is included in this document, additional lower level detail is contained in procedure documents.

Consistent with the requirements specified in Regulation 28, we will establish and maintain local level procedures to:

- ensure all potential suppliers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements;
- that fair and equitable consideration is given to all tenders or quotations received;
- deal honestly with and be equitable in the treatment of all potential suppliers;
- ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- protect commercial in confidence information;
- review each tender process to ensure that each tender is in accordance with the Regulations and the Code; and
- ensure that all submissions received are treated in manner reflecting probity, transparency, and preventing any suggestion of improper handling of pricing and quotes.

We will also establish and maintain procedures for:

- amending, extending or cancelling a tender once it has been released;
 - opening tenders;
 - the consideration of tenders that do not fully conform with the tender requirements; and
 - handling complaints regarding processes related to the supply of goods or services.
-

19.3 Code for Tenders and Contracts ...(Cont'd)

4.2 Employees and Service Providers

The Code applies to Council, council employees and agents and any supplier wishing to compete for City of Launceston business or provide goods, services or works to City of Launceston.

Wherever reasonably possible, suppliers engaged by us to source services will apply the Code when seeking tenders or quotations in respect of Council business from third parties.

5 Procurement Principles

We will have regard to the following principles when acquiring goods and services.

5.1 Open and effective communication

We will ensure that the purchasing process is impartial, open and encourages competitive offers. In practice this means that we will:

- use transparent and open purchasing processes so that service providers and the public are able to have confidence in the outcomes;
- adequately test the market through seeking quotations or via tender as appropriate;
- avoid biased specifications;
- treat all service providers consistently and equitably; and
- ensure a prompt and courteous response to all reasonable requests for advice and information from service providers.

5.2 Value for money

We will ensure that we are buying at the most competitive price available, but value for money does not mean buying at the lowest price. In practice this means that we will consider:

- the contribution the goods or services make to achieving our strategic plans or policies;
 - the value of the acquisition and potential benefits against the costs of that purchase;
 - an assessment of risks associated with the purchase including the preferred procurement method;
 - how well goods or services meet needs;
 - maintenance and running costs over the lifetime of a product;
 - disposal value;
 - time constraints;
 - the impact of the procurement decision on the local economy, such as through industry development and employment creation;
 - the impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel); and
 - the impact of the procurement decision on society (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives.
-

19.3 Code for Tenders and Contracts ...(Cont'd)

5.3 Enhancement of the capabilities of the local business industry

We will ensure that where local capacity exists we will seek to engage the local market and encourage participation in tender and quotation processes. In practice this means that we will:

- actively seek quotes from local businesses that are able to provide quality goods and/or services;
- where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing; and
- not give preferential treatment to local service providers where it cannot be reasonably justified.

5.4 Ethical behaviour and fair dealing

We will promote procurement practice that is legal, ethical, fair and unbiased. In practice this means that we will:

- comply with legal requirements;
- conduct all business in the best interests of the Council;
- be as effective and efficient as possible when sourcing, ordering and paying for goods and services;
- expect individuals involved in procurement processes to declare and act upon any conflict of interest situations that may arise and be perceived to influence impartiality (see 11-Fm-032 Conflict of Interest and Confidentiality Declaration);
- ensure that specifications are clear;
- ensure that any service provider is not provided with information or clarification that is not provided equally to all service providers;
- maintain confidentiality - except where the law requires us to do otherwise - at all times in dealing with service providers;
- ensure that conditions of contract are not excessively onerous; and
- decline gifts or benefits offered by those involved in the procurement process.

In practice this means that we expect suppliers to:

- ensure that they are well acquainted with our requirements as identified in the Code;
 - are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications;
 - not submit a tender or quotation unless they have the financial, technical, physical, management resource, or other capabilities to fulfil our requirements;
 - not seek to influence a procurement process by improper means including collusion with other suppliers;
 - declare and act upon any conflicts of interest that may be seen to influence impartiality;
 - comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities; and
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19.3 Code for Tenders and Contracts ...(Cont'd)

- not offer gifts or benefits to a Council officer for the discharge of official business.

6 Procurement Methods

While open and fair competition is best achieved by undertaking a tender process where all interested parties have an opportunity to bid, there are times when this practice is not the most advantageous outcome for the Council and for suppliers. In such instances, other market approaches may be more appropriate.

While having regard to the legislation, this code, and internal procedures, we will in our absolute discretion, determine the appropriate method that will be employed to procure goods and services at any particular time. A system generated Purchase Order will be issued for all procurement and may be either, a direct purchase, part of a detailed contract, or a full Tender Package. Dependant on scope and value, the Procurement methods employed by the Council are:

- a direct purchase;
- issue a Request For Quotation (RFQ);
- issue an Expression of Interest (EOI);
- issue a tender; or
- issue a multi stage tender (an EOI as stage one, then a tender as stage two).

6.1 Non Tender Processes for acquisition of goods and or services

Purchase Orders

Purchase Orders are issued for all requirements by the City of Launceston and depending on the risk and value profile of the requirement, may be a stand-alone Purchase Order or form part of more detailed documentation. City of Launceston Purchase Orders are issued in accordance with the "City of Launceston Standard Terms and Conditions of Purchase" and as such can be utilised for straightforward low risk purchases, even though some may be of considerable value.

Quotation Requirements

The current approved quotation requirements are detailed in the table below:

<u>Purchasing Estimate</u>	<u>Minimum Requirement</u>
<u>Less Than \$1,000</u>	<u>Verbal quote only. Purchase order raised. Refer to quote.</u>
<u>From \$1,000 to \$9,999</u>	<u>One written quote from a supplier. Purchase order raised with reference to the quote. Quote attached to purchase order.</u>

19.3 Code for Tenders and Contracts ...(Cont'd)

<u>Purchasing Estimate</u>	<u>Minimum Requirement</u>
<u>From \$10,000 to \$49,999</u>	<u>Two written quotes from suppliers unless exempt per below. Purchase order raised with reference to the successful quote. All quotes attached to purchase order.</u>
<u>From \$50,000 to \$99,999</u>	<u>Three written quotes from suppliers, unless exempt per below. Purchase order raised with reference to the successful quote. All quotes attached to purchase order.</u>
<u>From \$100,000 to \$250,000</u>	<u>Three written quotes from suppliers, unless exempt per below. Purchase order raised with reference to the successful quote. All quotes attached to purchase order. The Council requires this value range to be treated similar to a tender panel, showing evaluation attributes, weightings, and scoring. A project panel of three will conduct the evaluation scorings. The recommendation should be approved by the relevant General Manager. A contract should be used in addition to a purchase order, and all relevant documentation should be recorded in the ECM records database.</u>
<u>Greater than \$250,000</u>	<u>Public Tender Process >=\$250,000 Refer Code For Tenders and Contracts.</u>

Records are kept of all quotations received and if written quotations cannot be obtained, then Council must keep detailed written records of the oral quotation obtained including details of the commercial terms of the quotation.

It will be considered a serious breach of this code to intentionally split the purchase order to avoid the requirement for obtaining the required amount of supplier quotations (see 11-HLPr-001 Purchasing High Level Procedures).

6.1.1 General Managers' discretions

General Managers have discretionary authority for the following:

- to allow for a reduced number of quotes in any particular situation; and/or
- to appoint a sole supplier, or a particular service provider.

A General Manager`s authorisation needs to be in writing, and saved to the Purchase Order along with the relevant quote/s.

19.3 Code for Tenders and Contracts ...(Cont'd)

Purchasing goods and or services through the National Procurement Network (NPN) or other Government contracts is an option for Councils. Purchasing through these mechanisms still require observing the above quote requirements. Items with a financial value above the prescribed amount may be legitimately purchased through these organisations, and is justified under the Regulations (see **10 Exemptions**).

6.2 Tender - processes for acquisition of goods and or services

The Act and Regulations require that we invite tenders for any contract we intend to enter into for the supply or provision of goods or services valued at or above a prescribed amount. The prescribed amount is \$250,000 (GST exclusive).

That said, we may also determine that tenders should be called in certain circumstances as appropriate, where the estimated value of the purchase is less than the prescribed amount, or where a reputational risk to the council may exist.

6.2.1 Open tenders

An open tender process is an invitation to tender by public advertisement. There are generally no restrictions regarding who can submit a tender, however, service providers are required to submit all required information and will be evaluated against stated selection criteria and assessment methodology.

Consistent with the Regulations (Regulation 24), Council will ensure that when open tenders are used as a method of procurement, the Chief Executive Officer (CEO) will invite tenders.

The CEO will advertise the tender locally via the daily newspaper circulating in the municipal area and on our website - making the tender available to all qualified and interested bidders.

A supplier who submits a tender must do so in writing. The supplier must specify the goods or services tendered for, and conform to the lodgement instructions.

6.2.2 Multiple-stage tender

There are occasions - although usually limited (because the process can be resource intensive) - when we may use a multiple-stage tender process. Reference is made to this process in the Regulations at Regulation 26.

This tender method is used to gain knowledge about the market and obtain industry input - where it is unclear what goods and services are available - or to shortlist appropriate suppliers before seeking offers.

At each stage in this process, suppliers may be culled to those who are most suited to the specific contract requirements. Suppliers will be evaluated against criteria determined by Council officers.

19.3 Code for Tenders and Contracts ...(Cont'd)

Once a short list of potential service providers is developed, these service providers may be invited to participate in an open tender process.

As a first stage in this process, the CEO will seek expressions of interest from prospective tenderers. The CEO will advertise the expression of interest locally via the daily newspaper circulating in the municipal area and via our website.

This will be in accord with the requirements of the *Local Government (General) Regulations 2005* (the Regulations), Regulation 26.

At the final stage of a multiple-stage tender process, the CEO will invite all suppliers who have met the criteria determined by Council officers, to tender for the supply of goods or services. If only one service provider meets the criteria, we may contract with that supplier after a tender by that supplier, and after a decision by the Tender Review Committee to do so.

A supplier who submits a tender must do so in writing. The supplier must specify the goods or services tendered for, in accord with the requirements of the tender and must lodge the tender within the period specified as per the public notice and the specific tender documentation.

6.3 Ongoing supply arrangements - goods and services

6.3.1 Standing contract

A Council, through an open tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.

Reference is made to this process in the Regulations at Regulation 24. Suppliers listed on a standing contract will be selected following an evaluation process. We may legitimately purchase directly from a service provider listed on a standing contract.

We may implement our own standing contracts or we may make use of standing contracts that have been negotiated, for example, for Tasmanian Councils via the Local Government Association of Tasmania as a member of the NPN or via similar arrangements through the Tasmanian or other state governments.

6.3.2 Multiple use register

A multiple use register is a list, intended for use in more than one procurement process, of pre-qualified suppliers, who have satisfied the conditions for participation or inclusion on the register. Reference is made to the multiple use register process in the Regulations at Regulation 25.

19.3 Code for Tenders and Contracts ...(Cont'd)

We may establish a multiple use register of suppliers who meet our criteria in respect to the supply of particular categories of goods or services. Inclusion on a multiple use register provides certainty for potential suppliers that they have been recognised as meeting conditions for participation.

We will invite tenders for a contract for the supply of goods or services from all suppliers included on a multiple use register for a particular category of goods or services.

As per Regulation 28, Council will establish and maintain procedures for the use of multiple use registers for contracts valued under \$250,000 (GST exclusive). The CEO will invite applications from suppliers for inclusion on a multiple use register by advertising locally via the daily newspaper circulating in the municipal area and via our website.

The public notice will identify:

- clearly the nature of the goods and or services the Council requires;
- contract identification details;
- the period within which the expression of interest must be lodged;
- where the expression of interest must be lodged;
- details of a person from whom more detailed information relating to the expression of interest may be obtained.

The CEO will ensure that applicants are provided with information consistent with the requirements of the *Local Government (General Regulations) 2015*, including but not limited to:

- the specifications of the goods and or services required;
- objective criteria for evaluating the expression of interest;
- the method of evaluating expressions of interest against the criteria;
- details of any further stages in the tender process; and
- reference to the Council Code for Tenders and Contracts.

We may accept or reject an application for inclusion on the multiple use register. If we reject an application, we will advise the applicant of the reasons for rejection. If we accept an application, we will advise the applicant of the category in which the supplier will be included in the multiple use register.

We will review the multiple use register at least every two years. We will allow a supplier to apply for inclusion on the multiple use register at any time unless the service provider has made an application in the previous 12 months and the application has not been accepted.

19.3 Code for Tenders and Contracts ...(Cont'd)

6.3.3 Strategic alliances

We may choose to procure goods and services through contract arrangements already established and administered by other organisations, including the Local Government Association of Tasmania (through the NPN), state government contracts and any other purchasing group of which we are a member, and permitted by the Regulations.

7 Calculating the Value of a Purchase

7.1 Price

The dollar value of the purchase may be calculated as:

- a one-off purchase - the total amount, or estimated amount, of the purchase (excluding GST)
- multiple purchases - the gross value, or the estimated gross value, of the purchases (excluding GST); or
- ongoing purchases over a period of time - the annual gross value, or the estimated annual gross value, of the purchases (excluding GST)

As per Regulation 23, we will not split a single procurement activity into two or more separate contracts for the primary purpose of avoiding the requirement to publicly invite tenders.

7.2 Non price considerations

We will ensure that we are buying at the most competitive price available, but quantifying the value of a purchase does not simply mean buying at the lowest price. Specific non-price related matters that we will take into account are identified at **5.2 Value for money**, and include social, sustainable, and environmental considerations.

8 Goods and services tax (GST)

All procurement thresholds are GST exclusive. Tenders and quotations must be sought on a GST exclusive basis.

9 Extension of contracts entered into by tender

Consistent with Regulation 23(5), Council may extend a contract entered into as specified in the original contract documentation, or if the contract does not specify extensions, by an absolute majority.

10 Exemptions

There are circumstances where, subject to the CEO's authorisation, we may not call for a public tender. These circumstances are identified in Regulation 27.

- an emergency if, in the opinion of the CEO, there is insufficient time to invite tenders for the goods or services required in that emergency.
 - a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth.
-

19.3 Code for Tenders and Contracts ...(Cont'd)

- a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania.
- a contract for goods or services obtained as a result of a tender process conducted by another council, a single authority, a joint authority, the Local Government Association of Tasmania or any other local government association in this State or in another State or a Territory or any organisation, or entity, established by any other local government association in this State or in another State or a Territory.
- a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender.
- a contract for goods or services that is entered into at public auction.
- a contract for insurance entered into through a broker.
- a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance.
- a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of:
 - extenuating circumstances; or
 - the remoteness of the locality; or
 - the unavailability of competitive or reliable tenderers; or
 - a contract of employment with a person as an employee of the council.

The CEO will authorise non-use of the public tender process in accordance with the exemption directions identified above.

11 Engaging a third party to manage a procurement

We may engage a third party to manage the procurement for individual projects. The use of a third party as an agent or consultant to advise on, arrange or manage a procurement does not exempt us from complying with the Code, our Procurement Policy 11-Plx-001 and procurement procedures.

If we engage a third party to manage a procurement, we will ensure that contractual arrangements with the third party are such that the third party is required to comply with the Code and procurement policy and procedures.

12 Reporting procedures

We are obliged to report, at a minimum, on a series of procurement matters. These matters are described in Regulation 29 of the *Local Government (General Regulations) 2015*.

In addition to ensuring the above reporting occurs, Regulation 28(j) requires the CEO to establish and maintain procedures for reporting to Council if a public tender or quotation process was not used and reasonably should have been.

19.3 Code for Tenders and Contracts ...(Cont'd)

13 Work Health and Safety

By submitting and accepting goods and service contracts, the supplier/contractor guarantees that all work shall be executed in compliance with any relevant Workplace Health and Safety legislation, and conform to the City of Launceston workplace health and safety requirements. Relative to the engagement, contractors will be required to present a comprehensive Workplace Health and Safety program as part of their submission.

14 Delegation

Any delegations are recorded in the Delegations Register.

15 Review of the Code

Consistent with the requirements identified in Section 333B of the Act, Council will formally review this Code at least every four years. Changes to operational requirements or legislation, may trigger an earlier review of the Code.

16 Breach of the Code

We will take all reasonable steps to comply with the Code. We will not be liable in any way to a supplier or any person for a breach of the Code.

If any employee of the Council, or a body controlled by the Council, breaches the Code, we may take disciplinary action if, in our absolute discretion, we consider it desirable to do so.

17 Accountability

Consistent with section 333B of the Act, we will make a copy of the Code and any amendments, available for public inspection at the Council's offices during ordinary office hours, make copies of available for purchase at a reasonable charge and publish a copy on our website.

Ms L Foster (General Manager Organisational Services Network) and Ms K Graham (Acting Team Leader Procurement) were in attendance to answer questions of Council in respect of this Agenda Item.

19.3 Code for Tenders and Contracts ...(Cont'd)

DECISION: 20 February 2020**MOTION****Moved Councillor D H McKenzie, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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**

19.4 City of Launceston Response to State Grants Commission Discussion Paper - Regional Responsibility and Non-Resident Impacts: The Bigger Picture**FILE NO:** SF0490**AUTHOR:** Paul Gimpl (Chief Financial Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To endorse the City of Launceston's response to the State Grants Commission discussion paper *Regional Responsibility and Non-Resident Impacts: The Bigger Picture - Discussion Paper DP20-01*.

RECOMMENDATION:

That, in response to the State Grants Commission discussion paper *Regional Responsibility and Non-Resident Impacts: The Bigger Picture - Discussion Paper DP20-01*, Council:

1. reiterates that the existing factors underpinning the General Purpose grant model do not adequately compensate for regional responsibilities, namely:
 - (a) the Council's role as a regional centre offsets the (economics of scale) scale cost adjustor and is not adequately recognised in the annual model.
 - (b) the cost adjustment process is distorting the relative financial needs of Councils by:
 - (i) increasing per capita costs through the inclusion of special expenditure;
 - (ii) applying cost adjustors to special expenditure that should be treated by exception; and
 - (iii) inconsistently classifying expenditure by Councils.
 - (c) the outcome of the allocation process is not in the best interests of the region or State by undermining the financial capacity of the City of Launceston.
2. endorses the following specific comments on the Discussion Paper:

Question 1: Is there anything missing in the scenarios canvassed that also needs to be taken into consideration?

Response: The use of regularly updated independent, objective and defensible data for the cost adjustor is a sound approach.

As mentioned in the Discussion Paper there is also the additional revenue non-residents bring into each municipality which offsets some of the additional costs in terms of direct Council revenue, and the associated impact on Assessed Annual Values (AAVs) and therefore rate dollars levied.

19.4 City of Launceston Response to State Grants Commission Discussion Paper - Regional Responsibility and Non-Resident Impacts: The Bigger Picture ... (Cont'd)

There will always be other issues that will not be covered, however, the proposed scenario 4 is a reliable and independent actual measure that attempts to cater for the non-resident financial impact on the different Councils.

Question 2: Are you of the view that a clear case for a regional service net cost disadvantage has been made such that the case for addressing a disadvantage exists for councils providing services to non-residents?

Response: We agree that there should be an adjustor for regional service net cost disadvantage and that the case is well founded. The method used to calculate the value of each Council's disadvantage would need to be clear and defensible by the Commission.

Question 3: If yes to Question 2, which scenario to recognising this impact do you support? If appropriate, please indicate your ranking of preferred solutions, from most favoured to least favoured.

Response: We prefer Scenario 4 as it is an independent, factual indicator updated at each census. Our ranking of scenarios is as follows:

1. Scenario 4 most favoured
2. Scenario 2 next favoured
3. Scenario 1 next favoured
4. Scenario 3 least favoured

Question 4: If yes to Question 3, do you support the Commission changing its Regional Responsibility CA [Cost Adjustor] from an infrastructure basis to one based on the provision of recognised service industries in an LGA [Local Government Area]?

Response: Yes, since it seems a reliable and factual indicator of non-resident impacts on the various Councils.

Question 5: Do you support the Commission's preferred view to use the Service Industry data to inform a Regional Service Industry CA as proposed under Scenario 4 in the BGM [Base Grant Model] (with the internal CA floors and limits as proposed or else as modified following feedback)?

Response: Yes we support the view that Service Industry data is a reasonable measure for the Regional Service Industry CA and that the floors and limits are reasonable with the proviso that if unintended consequences occur once implemented the methodology could be reviewed. The impact the change would have to the BGM should be calculated and communicated to councils so that the effect of the proposed change can be clearly identified before any change it is actually implemented.

19.4 City of Launceston Response to State Grants Commission Discussion Paper - Regional Responsibility and Non-Resident Impacts: The Bigger Picture ... (Cont'd)

Question 6: If yes to Question 5, to which expenditure areas do you think the preferred cost adjustor should apply and how much redistributive effect do you consider reasonable?

Answer: The CA should apply to Law Order and Public Safety, Planning and Community Amenities, Waste Management and Environment and Recreation and Culture.

Tourist and other non-resident traffic impact the wear and tear of a municipality's road network, however, this is adequately addressed in the Road Grant Traffic Cost Adjustor.

Whether the CA should be applied equally to each expense area is questionable but to avoid even more complexity it may be the best approach. Obviously if the redistributive effect is significant it will impact some Councils positively and some negatively which may produce significant budget challenges for those negatively impacted.

It is also worth noting that Clarence, Glenorchy, Hobart, Kingsborough and Launceston do not receive any funding from the 70% relative needs portion of the base grant and these Councils would be most impacted financially by non-residents in terms of providing regional facilities, with Launceston impacted the most. Of the five councils currently not receiving relative needs base grant funding it is unlikely that these changes will alter that outcome.

Question 7: Is proffering a solution in response to the impacts of non-residents on councils (whether under the guise of any form of a Regional Responsibility type CA or a Regional Service Industry CA) consistent with the requirement for the Commission to take a policy neutral approach to its assessment methodology?

Response: The Commission continually seeks feedback from Councils and aims to continually improve the relevance and accuracy of its methodology. The Commission is continuing to maintain a policy neutral approach in developing a more objective data based methodology. The plan to review the model more frequently, not at the end of each triennium, is also a positive initiative.

Question 8: Do you support retaining the Tourism CA separately in the Commission's BGM? Do you support further investigation of both potential alternative data sources and modifying existing data sources for the Tourism CA and their potential application in both the BGM and Road Preservation Model?

19.4 City of Launceston Response to State Grants Commission Discussion Paper - Regional Responsibility and Non-Resident Impacts: The Bigger Picture ... (Cont'd)

Response: As the commission believes that there is no link between tourism data and council expenditure, then the Tourism CA should not be continued. The proposed Regional Service Industry CA would be more accurate and the Tourism CA should not be retained. The Commission should continue to review methodology to reflect changes in council cost drivers when they occur and this should continue to be part of the Commission's continual improvement process.

Question 9: Does the Commission need to further consider the broader revenue aspects of councils providing these services, notwithstanding that the BGM already uses a comprehensive council income concept and total AAV in its revenue capacity assessments of councils?

Response: Revenue implications relating to non-residents should be reflected in the relative AAVs of each council and therefore the revenue aspect of providing the non-resident services has already been addressed.

3. notes that the resolutions made in respect of Recommendations 1. and 2. above will be submitted by our Chief Financial Officer as the City of Launceston's written submission to the State Grants Commission by Friday, 28 February 2020.

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

DECISION: 20 February 2020

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

19.5 Delegation From Council to Chief Executive Officer - *Local Government Act 1993 (Tas)***FILE NO:** SF0113/SF0081**AUTHOR:** Duncan Campbell (Team Leader Legal Services)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the delegation from Council to the Chief Executive Officer of particular powers under the *Local Government Act 1993 (Tas)*.

RECOMMENDATION:

That Council:

1. pursuant to section 22(1) of the *Local Government Act 1993 (Tas)*, delegates the functions and powers under the following sections of the *Local Government Act 1993 (Tas)* to the holder of the position of Chief Executive Officer: 74, 75, 81, 113, 185, 189, 190, 197, 200, 201, 203, 204, 204A, 205 and 209.
 2. pursuant to section 64(1)(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of Chief Executive Officer to delegate the functions and powers described at Recommendation 1. to an employee or employees of the Council.
 3. determines that the delegations made by the decision are made in addition to, and do not revoke or otherwise vary, any previous delegation made under the *Local Government Act (1993) (Tas)*.
 4. notes, for the avoidance of doubt, *Chief Executive Officer* is a term of reference used for the *General Manager* as appointed under section 61 of the *Local Government Act 1993 (Tas)*.
 5. pursuant to section 23AA(2)(b) of the *Acts Interpretation Act 1931 (Tas)*, authorises the Mayor to evidence the delegations made by this decision, by signing an instrument of delegation referring to this decision and replicating, either exactly or in substance, the terms of the delegations effected by these Recommendations.
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Ms L Foster (General Manager Organisational Services Network) and Mr D Campbell (Team Leader Legal Services) were in attendance to answer questions of Council in respect of this Agenda Item.

19.5 Delegation From Council to Chief Executive Officer - *Local Government Act 1993* (Tas) ...(Cont'd)

DECISION: 20 February 2020

MOTION

Moved Councillor J G Cox, seconded Councillor J Finlay.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor 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

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

21 URGENT BUSINESS

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

No Urgent Items were identified as part of these Minutes

22 CLOSED COUNCIL

No Closed Items were identified as part of these Minutes

23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 3.16pm.
