



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 28 JANUARY 2021
1.00pm**

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

Date: 28 January 2021

Time: 1.00pm

Certificate of Qualified Advice

Background

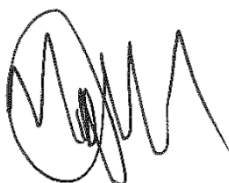
To comply with section 65 of the *Local Government Act 1993* (Tas):

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

RESTRICTED NUMBERS - AUDIO of COUNCIL MEETINGS

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

This Council Meeting was streamed live to and can be accessed at:
www.launceston.tas.gov.au/Council/Meetings/Listen .

The following information was provided to members of the public in respect of attendance at the Council Meeting.

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

To help keep you safe you must register your attendance at the Council Meeting in advance by telephoning 6323 3000 and leaving a message by 11.00am on the morning of the Council Meeting. A Council Officer will contact you with relevant attendance details.

At the Council Meeting, please take care to follow signage and the directions of the Council's Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

PUBLIC QUESTION TIME - AGENDA ITEM 8

Questions received in writing by close of business Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Minutes of the Council Meeting. Questions may be submitted to the Chief Executive Officer at contactus@launceston.tas.gov.au, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

PUBLIC COMMENT ON AGENDA ITEMS

When you register to attend the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

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Present: **Councillor** **A M van Zetten (Mayor) (retired at 3.23pm)**
D C Gibson (Deputy Mayor)
J Finlay
D H McKenzie
R I Soward
J G Cox
K P Stojansek
A E Dawkins
N D Daking
P S Spencer
A G Harris
T G Walker

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

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

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

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

2 MAYORAL ACKNOWLEDGEMENTS

There were no Mayoral Acknowledgements for this Meeting

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.)

Councillor R I Soward declared an interest in Agenda Item 9.1 - 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building

Councillor A M van Zetten declared an interest in Agenda Item 9.9 - DA0640/2020 - Residential - Construction of an Additional Dwelling at 16 Ross Avenue, Invermay

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 10 December 2020 be confirmed as a true and correct record.

DECISION: 28 January 2021

MOTION

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

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

CARRIED 12:0

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

5 DEPUTATIONS

No Deputations were identified as part of these Minutes

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

7 COMMUNITY REPORTS

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

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

8.1.1 Follow Up Responses - Mr Robin Smith - Council Meeting - 10 December 2020**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, asked and responded to at the Council Meeting on 10 December 2020 by Mr Robin Smith, required a follow-up response and additional information has been provided by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Currently the Council does remove graffiti on property, whether it be private or Council property or whichever government agency owns it if the words are deemed rude or offensive. As it stands, a swastika is not considered an offensive word. Is that something the Council could look at?

The Mayor, Councillor A M van Zetten, responded that if the Council is made aware of the location of graffiti and type of graffiti, the Council will respond quickly and I have received positive comments on action such as this. If you can make us aware of the location, the matter can be followed up.

As a follow-up statement, Mr Smith noted that it is more about the categorisation of the swastika, which is not removed by the Council because it is not deemed an offensive word, it is a symbol.

The Mayor, Councillor A M van Zetten, advised that this would be looked into.

Subsequent to the Meeting, the following additional information is provided:

The City of Launceston (CoL) has a proactive approach to graffiti prevention and reduction with most graffiti on the Council's owned facilities removed the same day it is reported. The CoL removes offensive words and symbols on private property with the owner's consent. No distinction is made between offensive symbols and words as intimated in the question. If it is offensive, such as a swastika, then the CoL will remove it from public property, or seek the owner's consent to remove it from private property.

**8.1.1 Follow Up Responses - Mr Robin Smith - Council Meeting - 10 December 2020
...(Cont'd)**

2. Over the last three or four weeks there has been an explosion of graffiti and spray painting in Launceston by four or five individuals. I am asking if the Council can spend more time and funds on the detection, reporting and removal of this graffiti on all property in the City - not just no-man's land or the Council owned property or if indeed it is a landlord who is rich but perhaps an absentee. Is that something the Council would spend more time, resources and on?

The Mayor, Councillor A M van Zetten, responded by saying that this issue has not yet been considered by the Council and it would need further investigation.

Subsequent to the Meeting, the following additional information is provided:

Preventative management of graffiti is whole of community responsibility and involves multiple government agencies, including law enforcement. As part of its regular cleansing activities, the CoL proactively identifies and removes graffiti on a daily basis.

The CoL does not have the authority, resources or responsibility to remove all graffiti from private property. However, offensive words and symbols are removed with the owner's consent and there is a process for requesting land owner's consent to remove graffiti. The CoL follows up on all reports of graffiti and encourages any members of the public who witness vandalism to report it to Crime Stoppers on 1800 333 000.

In addition to physical removal of graffiti, the CoL works closely with youth, schools and the Tasmanian Police to discourage graffiti.

The CoL already has an active role in discouraging and removing graffiti from public property and the Council does not believe additional resourcing to address graffiti on private property can be justified at this time. However, the CoL does maintain graffiti prevention resources for businesses, residents and schools on its website at www.launceston.tas.gov.au.

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 Mr Ross Anthony - Waverley Road Traffic Issues

- 1. Does the Council have any plans for Waverley Road given the amount of traffic, both pedestrian and double-b vehicles, that are using it at the moment as I was told some years ago that when development was to take place behind my house that there would be something considered then?**

The Mayor, Councillor A M van Zetten, responded by saying that there would be a lot of detail which could not be provided [during the Meeting] and also noted that this question would be Taken on Notice and a response provided in the Council Agenda of 11 February 2021. The Mayor also offered Mr Anthony the opportunity to visit with the Planning Team at the Council's offices to view plans and engage in discussions regarding his concerns.

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 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building

FILE NO: DA0616/2020

AUTHOR: Doug Fotheringham (Planning Consultant)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

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 Education and Occasional Care - change of use to education and occasional care; alterations and additions to a building at 2 Invermay Road, Invermay subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, prepared by 6ty^o Pty Ltd, Drawing No. AD01, dated 14/01/2021.
- b. Proposed Floor Plan, prepared by 6ty^o Pty Ltd, Drawing No. AD03, dated 22/07/2020.
- c. Proposed elevations, prepared by 6ty^o Pty Ltd, Drawing No. AD04, dated 22/07/2020.
- d. Existing and Proposed Sections, prepared by 6ty^o Pty Ltd, Drawing No. AD05, dated 22/07/2020.

2. LEGAL TITLE

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

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

3. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

No works on Sundays and Public Holidays

4. AMENITY

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

5. EXTERNAL MATERIALS, COLOURS AND FINISHES

To the satisfaction of the Council:

- (a) the proposed doors identified on the approved elevations, prepared by 6ty^o Pty Ltd, Drawing No. AD04, dated 22/07/2020, must be constructed of steel and coloured light grey/silver to match the existing doors on the building; and
- (b) the proposed retaining wall identified on the approved elevations, prepared by 6ty^o Pty Ltd, Drawing No. AD04, dated 22/07/2020, must be constructed of concrete blockwork coloured light grey or similar to match the existing building.

6. WASTE MATERIALS

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

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0616/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

9.1 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building ...(Cont'd)

E. Building Act 2016 and the National Construction Code

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 any requirements under the Building Act 2016.

Mrs L Hurst (General Manager Community and Place Network), Mr I More (Acting Manager City Development) and Mr D Fotheringham (Planning Consultant) were in attendance to answer questions of Council in respect of this Agenda Item.

Councillor R I Soward declared an interest in Agenda Item 9.1 - 2-4 Invermay Road, Invermay - Education and Occasional Care - Change of Use to Education and Occasional Care; Alterations and Additions to a Building and withdrew from the Meeting at 1.04pm

DECISION: 28 January 2021

MOTION

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

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

CARRIED 9:2

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

Councillor R I Soward re-attended the Meeting at 1.06pm

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, with Access Over 170-178 Elizabeth Street

FILE NO: DA0800/2020

AUTHOR: Iain More (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

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 DA0800/2020 - Residential - Construction of alterations and additions to a dwelling to create an additional dwelling, with access over 170-178 Elizabeth Street at 169 York Street, Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Proposed Site Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-03 of 10, dated 06/11/2020.
- b. Proposed Site Details Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-04 of 10, dated 06/11/2020.
- c. Proposed Drainage Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-05 of 10, dated 06/11/2020.
- d. Demolition Ground Floor and First Floor Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-07 of 10, dated 06/11/2020.
- e. Proposed Ground and First Floor Plan, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-08 of 10, dated 06/11/2020.
- f. Elevations, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-09 of 10, dated 06/11/2020.
- g. Proposed North East Elevation, prepared by Theresa L Hatton Building Designer, Drawing No. 4901P-10 of 10, dated 06/11/2020.

2. LEGAL TITLE

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

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00019-LCC, 13/01/2021 and attached to the permit.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. FENCING

Any fencing constructed that does not meet the exemptions under Clause 6.4 of the Launceston Interim Planning Scheme 2015 will require a separate planning permit.

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

7. 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.

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

8. OCCUPATION OF ROAD RESERVE (COMPLEX)

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

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the General Manager Infrastructure and Assets Network is required. Application for the occupation of York Street must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to):

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractor's name and registration number;
- c. the traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
- d. any alternative pedestrian routes to be provided where the existing footpath in York Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- e. any temporary works required to maintain the serviceability of the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- a. the nature, dates and duration of the occupation and/or works;
- b. the traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, any alternative pedestrian routes to be provided where the existing footpath in York Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- c. any temporary works required to maintain the serviceability of the road or footpath;
- d. all remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

9. 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.

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

10. NO BURNING OF WASTE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0800/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

9.2 169 York Street, Launceston - Residential - Construction of Alterations and Additions to a Dwelling to Create an Additional Dwelling, With Access Over 170-178 Elizabeth Street ...(Cont'd)

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

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

Ms Helen Johnston spoke against the Recommendation

Ms Elizabeth Farquhar spoke against the Recommendation

Ms Theresa Hatton (on behalf of the Proponent) spoke for the Recommendation

DECISION: 28 January 2021

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 12:0

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

9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling**FILE NO:** DA0763/2020**AUTHOR:** Iain More (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

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 DA0763/2020 - Residential - Construction of a dwelling at 15 Queen Street, Invermay subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad01, dated 10/11/2020.
 - b. Shadow Diagram - 21 June 9am, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad02, dated 10/11/2020.
 - c. Shadow Diagram - 21 June 1pm, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad03, dated 10/11/2020.
 - d. Shadow Diagram - 21 June 2pm, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad04, dated 10/11/2020.
 - e. Shadow Diagram - 21 June 4pm, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad05, dated 10/11/2020.
 - f. Ground Floor Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad06, dated 10/11/2020.
 - g. Ground Floor Dimension Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad07, dated 10/11/2020.
 - h. First Floor Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad08, dated 10/11/2020.
 - i. First Floor Dimension Plan, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad09, dated 10/11/2020.
 - j. Elevations 1 of 2, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad010, dated 10/11/2020.
 - k. Elevations 2 of 2, prepared by tmk Design Solutions, Project No. 20.060, Drawing No. Ad011, dated 10/11/2020.
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9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling ...(Cont'd)

2. LEGAL TITLE

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

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/01849-LCC dated 20/11/2020, and attached to the permit.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. PRIVACY SCREEN

To ensure reasonable privacy is maintained, the following must be undertaken prior to issuing of a building permit:

- a. A 1.7m high privacy screen must be erected along the north eastern side of the front balcony; and
- b. The kitchen window must be glazed in a non-transparent treatment, or made out of opaque glass.

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

7. 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.

9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling ...(Cont'd)

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.

8. 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. 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.

10. 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.

11. 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.

9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling ...(Cont'd)

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0763/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

**9.3 15 Queen Street, Invermay - Residential - Construction of a Dwelling
...(Cont'd)**

D. Permit Commencement

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

E. Heat Pump Use

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

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

**Mr Nathan Rawnsley spoke against the Recommendation
Mr Steven Morrison spoke for the Recommendation**

DECISION: 28 January 2021

MOTION

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

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

CARRIED 12:0

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

9.4 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings

FILE NO: DA0412/2020/SF7194

AUTHOR: Maria Lasso (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

Council - 12 November 2020 - Agenda Item 9.6 - 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings
Council resolved to initiate Amendment 65 to the Launceston Interim Planning Scheme 2015 to:

- Insert a site specific qualification for Assisted Housing at 49 Amy Road, Newstead and 18-20 Ellison Street, Newstead under the discretionary use class column of the Community Purpose Zone.

In accordance with former section 43A of the *Land Use Planning and Approvals Act 1993*, to:

- Approve development application DA0412/2020 for the construction of 15 housing units, a multi-purpose building, an administration building, extension of an existing crossover and to consolidate four lots into three.

RECOMMENDATION:

That Council:

1. in accordance with former section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 65; and
 2. in accordance with former section 43F(6) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for DA0412/2020; and
 3. provides advice to the Tasmanian Planning Commission that Amendment 65 be approved as certified and exhibited.
-
-

9.4 49 Amy Road and 18-20 Ellison Street, Newstead - Planning Scheme Text Amendment to Include Site Specific Qualification for Assisted Living; Construction of 15 Housing Units and Associated Buildings ...(Cont'd)

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

DECISION: 28 January 2021

MOTION

Moved Councillor D C Gibson, seconded Councillor A E Dawkins.

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

CARRIED 12:0

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

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover**FILE NO:** DA0747/2020**AUTHOR:** Maria Lasso (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*.

PLANNING APPLICATION INFORMATION:

Applicant:	My Build Collective
Property:	36 Erina Street, East Launceston
Zoning:	General Residential
Receipt Date:	26/10/2020
Validity Date:	29/10/2020
Further Information Request:	05/11/2020
Further Information Received:	11/11/2020
Deemed Approval:	28/01/2021
Representations:	Nine

STANDARDS REQUIRING COUNCIL DISCRETION

- 10.4.12 Earthworks and retaining walls
- 10.4.13 Location of car parking
- 10.4.2 Setbacks and building envelope for all dwellings

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for the construction of alterations, additions and partial demolition to a dwelling and extension of crossover at 36 Erina Street, East Launceston subject to the following conditions:

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, Prepared by My Build Collective, Drawing No. A 01, Job No. MB216, dated 06/11/20.
- b. Site Plan, Prepared by My Build Collective, Drawing No. A 02, Job No. MB216, dated 06/11/20.
- c. Existing Site Plan, Prepared by My Build Collective, Drawing No. A 02a, Job No. MB216, dated 06/11/20.
- d. Existing Floor Plan, Prepared by My Build Collective, Drawing No. A 03, Job No. MB216, dated 06/11/20.
- e. Demolition Plan, Prepared by My Build Collective, Drawing No. A 04, Job No. MB216, dated 06/11/20.
- f. Proposed Floor Plan, Prepared by My Build Collective, Drawing No. A 05, Job No. MB216, dated 06/11/20.
- g. Proposed Lower Floor Plan, Prepared by My Build Collective, Drawing No. A 06, Job No. MB216, dated 06/11/20.
- h. Elevations, Prepared by My Build Collective, Drawing No. A 07, Job No. MB216, dated 06/11/20.
- i. Elevations, Prepared by My Build Collective, Drawing No. A 08, Job No. MB216, dated 06/11/20.
- j. Roof Plan, Prepared by My Build Collective, Drawing No. A 09, Job No. MB216, dated 06/11/20.
- k. 3D Perspectives, Prepared by My Build Collective, Drawing No. A 10, Job No. MB216, dated 06/11/20.

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.

3. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

4. SITE LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager of City Development. The plan must be drawn to scale and must show the following:

- a. garden areas and plantings to provide screening within the front setback including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity.

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

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

6. 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.

7. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, removal or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc.). All redundant crossovers and driveways must be removed prior to the occupation of the development. The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

8. 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.

9. OCCUPATION OF ROAD RESERVE (COMPLEX)

Where it is necessary for works to occur within the road reserve or for the occupation of the road reserve, the express written permission of the General Manager Infrastructure and Assets Network, is required. Application for the occupation of Erina Street must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to):

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractors name and registration number;
- c. the traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles;
- d. any alternative pedestrian routes to be provided where the existing footpath in Erina Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- e. any temporary works required to maintain the serviceability of the road or footpath.

A permit issued for any occupation and/or works may be subject to conditions specifying or limiting:

- a. the nature, dates and duration of the occupation and/or works;
- b. the traffic management works that must be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles, any alternative pedestrian routes to be provided where the existing footpath in Erina Street is unavailable for use due to the delivery of materials such as the precast concrete panels;
- c. any temporary works required to maintain the serviceability of the road or footpath;
- d. all remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

10. 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.

11. 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.

12. DEMOLITION

The Developer must:

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0747/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Heat Pump Use

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

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

9.5 36 Erina Street East Launceston - Construction of Alterations, Additions and Partial Demolition to a Dwelling and Extension of Crossover ...(Cont'd)

Mr Colin Cook spoke for the Recommendation

DECISION: 28 January 2021

MOTION

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

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

CARRIED 12:0

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

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings**FILE NO:** DA0538/2020**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

DA0342/2013 - Subdivision - two lots into two lots - approved under delegation 14 October 2013

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0538/2020 Residential - Construction of two outbuildings at 36 Hiawatha Street, Norwood subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, Prepared by Design to live, Job no HWTH36, Drawing No. 1, Revision No. R1, dated 19/11/2020.
 - b. Site Plan, Prepared by Design to live, Job no HWTH36, Drawing No. 2/7, Revision No. R1, Scale 1:200, dated 19/11/2020.
 - c. Shed Plans, Prepared by Design to live, Job no HWTH36, Drawing No. 3/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
 - d. Carport Plans, Prepared by Design to live, Job no HWTH36, Drawing No. 4/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
 - e. Shed Elevations, Prepared by Design to live, Job no HWTH36, Drawing No. 5/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
 - f. Carport Elevations, Prepared by Design to live, Job no HWTH36, Drawing No. 6/7, Revision No. R1, Scale 1:50, dated 19/11/2020.
 - g. Section 7A, Prepared by Design to live, Job no HWTH36, Drawing No. 7/7, Revision No. R1, Scale 1:100, dated 19/11/2020.
 - h. Landslide Risk Assessment, Prepared by Tasman Geotechnics Pty Ltd, Document Reference TG20224/1 - 01 report, dated 18/11/2020.
-

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(Cont'd)**

2. LEGAL TITLE

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

3. EXTERNAL FINISHES

The external blockwork wall of the shed along the rear boundary must be rendered and finished in a light muted colour.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. OUTBUILDINGS

The use of outbuilding is not permitted for human habitation or any commercial use and is limited to residential storage and related residential activities only.

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

7. 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.
-

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings ...(Cont'd)

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.

8. 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.

9. 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.

10. PROTECTION OF STREET TREES

Existing street trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970: Protection of Trees on Development Sites*. The protection works are to be installed prior to the commencement of any other works on the site and are to remain in place until the completion of all other works.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0538/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(Cont'd)**

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. No Approval for alterations to Driveway Crossover

No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied by the issue of this Planning Permit.

**9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(Cont'd)**

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

**Mr Michael Castley spoke against the Recommendation
Mr John Billett spoke for the Recommendation**

During debate a refusal motion was foreshadowed.

DECISION: 28 January 2021

MOTION 1

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

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

LOST 1:11

FOR VOTE: Councillor P S Spencer

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

9.6 36 Hiawatha Street Norwood - Residential - Construction of Two Outbuildings
...(Cont'd)

DECISION: 28 January 2021

MOTION 2

Moved Councillor A G Harris, seconded Councillor T G Walker.

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be refused for DA0538/2020 Residential - Construction of two outbuildings at 36 Hiawatha Street, Norwood on the following grounds:

- 1. Clause 10.4.2 - Setbacks and building envelope for all dwellings - Performance Criteria P3**
The proposed outbuilding encroaches on the building envelope requirements of A3 (a)(ii) in respect of height along the north-western side boundary and height and setback along the south western rear boundary. It will cause a loss of amenity by overshadowing impacts to the rear and so does not meet P3 (a)(i). It will impact the visual amenity of the properties to the side and rear due to the height and minimal setbacks and not meet P3 (a)(iv).
- 2. Clause 10.4.11 - Outbuildings, swimming pools and fences - Performance Criteria P1**
The proposed floor area of the shed consists of 67.5m² at ground level plus a 48.83m² of mezzanine, to total 116.33m² and exceeds the 45m² at A1.1. This results in the outbuilding unreasonably impacting on the character of the surrounding area and unable to meet the performance criteria.

CARRIED 12:0

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

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective)**FILE NO:** DA0607/2020**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

DA0289/2020 - Subdivision - Subdivide Land into Two Lots - Planning Permit issued under Delegated Discretionary on 9 July 2020

DA0665//2020 - Residential - Construction of a Dwelling on Future Lot 1 - Planning Permit issued under Delegated Discretionary on 11 November 2020

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0607/2020 Residential - Construction of a driveway and earthworks (retrospective) at 21 Waverley Road, Waverley subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, Extract from City of Launceston Maps, Scale 1:1.703, dated 23/09/2020.
- b. Written submission, Prepared by J. Child, dated 11/2020.
- c. Site Plan with drainage detail.

2. CUT AND FILL BATTERS

- a. All faces of cut and fill created by the excavation work must be covered with approximately 100mm of top soil and re-vegetated to promote rapid regeneration of the site to its natural state.
 - b. A drain must be installed along the lower side of the road excavation to the minimum run off to adjoining properties.
-

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

- c. All scarring or physical disturbance of the land surface during any excavation work must be restricted to only that which is shown on the approved plan as required for building or access purposes. All exposed faces around such scarred areas and spoil must be screened with trees and shrubs and planted with suitable ground covers to the satisfaction of Council within three months of the date of undertaking the excavation work. A line of trees must be planted along the western side of the driveway for the extent of its length.
- d. No contaminated material, organic material (such as trees, roots or timber), building debris, metals or plastics must be used as fill.

3. LEGAL TITLE

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

4. USE LIMITATION

This permit does not allow for the use of the land other than to manage the site and to be in association with a future residential use of the site.

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

6. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans. No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

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.

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

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

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

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

9. VEHICULAR CROSSING APPLICATION (RURAL STYLE DRIVEWAY)

Prior to the commencement of the use, the development must be provided with an adequate all weather access from the edge of the road pavement to the property boundary in accordance with LGAT-IPWEA Tasmanian Standard Drawings TSD-R03 Rural Roads typical property access and TSD-R04 Rural Roads typical driveway profile, unless specified otherwise.

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

All redundant crossovers and driveways must be removed prior to the occupation of the development. All new works must be constructed to the Council's standards. The work must include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc.). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

10. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0607/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

9.7 21 Waverley Road, Waverley - Residential - Construction of a Driveway and Earthworks (Retrospective) ...(Cont'd)

D. Permit Commencement

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

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

DECISION: 28 January 2021

MOTION

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

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

CARRIED 12:0

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

9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots**FILE NO:** DA0760/2020**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0760/2020 Subdivision - Subdivide one lot into five lots at 30 Juliana Street, West Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- (a) Proposal Plan, Prepared by 6ty°, Project No 18.364, Drawing No. P21, Rev A, Scale 1:500, dated 29/10/202.
- (b) Bushfire Hazard Management Plan, Prepared by Scott Livingston, dated 29/11/2020.

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.

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA2020/01902-LCC dated 14/01/2021 and attached to the permit.

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

No works to be undertaken on Saturdays, Sundays or Public Holidays

5. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans as *tree to be removed*. No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

6. PROTECTION OF EXISTING TREES

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

7. REVEGETATION OF DISTURBED AREAS

All disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

The two trees shown on plan at the head of the turning circle must be native species common to the area while not conflicting with Bushfire Hazard Management plan.

8. COVENANTS ON SUBDIVISIONS

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

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

9. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

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

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

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

11. 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 watertight 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.

12. SOIL AND WATER MANAGEMENT PLAN

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

13. 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.

14. 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:

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

- 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.

15. 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. the provision of a DN100 connection to the lowest point of each lot,
 - iii. provision of an overland flow path for flows up to a 100 year ARI storm event.
 - b. Roads
 - i. provision of a fully constructed road 6.9m 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,
 - ii. provision of a 1,500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
 - iii. provision of a single vehicular crossing for each lot within the subdivision,
 - iv. all necessary line marking, signage and other traffic control devices.
 - c. Electricity, Communications and Other Utilities
 - i. an underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
 - ii. an underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,
 - iii. provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure.
-

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

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 the Council's 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.

16. WORKS REQUIRED FOR EACH LOT IN A STAGE

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

- a. fully constructed public road along all frontages, including the secondary frontage where a corner lot,
- b. a sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition
- c. a stormwater connection to the public drainage system,
- d. access to underground electricity and communications infrastructure, and
- e. where applicable, reticulated gas infrastructure.

17. CONSTRUCTION DOCUMENTATION

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

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
- b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. 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.

18. EASEMENTS

Easements are required over all the Council's and third party services located in private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 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.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

19. 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.

20. 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.

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. 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.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

24. 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.

25. PROTECTION OF PUBLIC OPEN SPACE

The Public Open Space is to be protected from damage during the construction works by ensuring that:

- a. prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
- b. no building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
- d. no excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of the Council to maintain, the Public Open Space.
- e. no access to the subject site is permitted via the Public Open Space without express written consent from the General Manager Infrastructure and Assets Network.
- f. where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.

26. RESERVES, PARKS & GARDENS BY-LAW

Pursuant to Clause 7(7) of City of Launceston By-law, Reserves, Parks and Gardens By-law No.4 of 2009, boundary fences abutting the public open space (Woods Reserve) are not permitted to have any openings or gates allowing pedestrian or vehicular access to or from the private property into the reserve. No approval for such an access is given and failure to comply with this condition may result in the issue of a fine pursuant to the by-law.

27. 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 excluding Lot 1 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.

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0760/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

**9.8 30 Juliana Street, West Launceston - Subdivide One Lot Into Five Lots
...(Cont'd)**

D. Permit Commencement

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

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

DECISION: 28 January 2021

MOTION

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

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

CARRIED 12:0

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

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling**FILE NO:** DA0640/2020**AUTHOR:** Duncan Payton (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

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 DA0640/2020 - Residential - construction of an additional dwelling at 16 Ross Avenue, Invermay, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Locality Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 2/12, dated 15/10/2020.
 - b. Existing Site Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 3/12, dated 15/10/2020.
 - c. Proposed Site Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 4/12, dated 15/10/2020.
 - d. Landscaping Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 5/12, dated 15/10/2020.
 - e. Site Plumbing Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 6/12, dated 15/10/2020.
 - f. Car Parking Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 7/12, dated 15/10/2020.
 - g. Existing House Floor Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 8/12, dated 15/10/2020.
 - h. Lower Floor Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 9/12, dated 15/10/2020.
 - i. Upper Floor Plan, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 10/12, dated 15/10/2020.
 - j. Elevations, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 11/12, dated 15/10/2020.
 - k. Elevations, prepared by BVZ Designs, drawing no. SMI 0820, proposed unit development, 16 Ross Avenue, Invermay, revision 5, page 12/12, dated 15/10/2020.
-

**9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling
...(Cont'd)**

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show the proposed car parking space, located in front of Unit 1, realigned to be parallel with Ross Avenue to enable entry and exit in a forward direction.

3. OBSCURE GLAZING

The windows in the south-western wall of Unit 1 shall be maintained with obscure glazing.

4. LEGAL TITLE

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

5. 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.

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2020/01599-LCC, dated 13/10/2020, and attached to the permit.

7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

8. SITE LANDSCAPING

The landscaping must be:

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

9. FENCING

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

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

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

10. OUTBUILDINGS

The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.

11. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a minimum 6m³ exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

12. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

- a. be properly constructed to such levels that they can be used in accordance with the plans;
- b. be surfaced with an impervious all weather seal;
- c. be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. be line-marked or otherwise delineated to indicate each car space and access lanes.

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

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

On-site detention storage must be provided to restrict increases in stormwater discharge from the site arising from the proposed development.

The allowable discharge rate from the site is calculated on the basis of the land being developed with either 200m² of impervious area or at the existing state of site development, whichever is greater, for the design storm.

The design storm is the 20% AEP, one hour event.

The volume to be detained prior to overflow is to be the difference between the volume of the developed hydrograph and the volume of the allowable discharge hydrograph for the site resulting from the design storm event.

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

9.9 16 Ross Avenue, Invermay - Residential - Construction Of Additional Dwelling ... (Cont'd)

14. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

15. 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.

16. 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.

17. 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.

9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling ... (Cont'd)

18. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Unit No	Strata Lot No.	Street Address
1	1	1/16 Ross Avenue
2	2	2/16 Ross Avenue

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0640/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

**9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling
...(Cont'd)**

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Ground Floor Living Room

Further approval (ie. amendment to this permit) is required if the use of the ground floor living room is changed to a bedroom.

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

The Mayor, Councillor A M van Zetten, declared an interest in Agenda Item 9.9 - DA0640/2020 - Residential - Construction of an Additional Dwelling at 16 Ross Avenue, Invermay and withdrew from the Meeting at 2.17pm

**9.9 16 Ross Avenue, Invermay - Residential - Construction of Additional Dwelling
...(Cont'd)**

DECISION: 28 January 2021

MOTION

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

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

CARRIED 10:1

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

AGAINST VOTE: Councillor T G Walker

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

The Mayor, Councillor A M van Zetten, re-attended the Meeting at 2.24pm

9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0813/2020**AUTHOR:** Duncan Payton (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted pursuant to a delegation from Council, for DA0813/2020 - Residential - Construction of a dwelling at 316A York Street, West Launceston 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. Site Plan, Prepared by Artas Architects, Drawing No. A001-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- b. Floor Plan, Prepared by Artas Architects, Drawing No. A120-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- c. Floor Finished Plan, Prepared by Artas Architects, Drawing No. A130-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- d. Roof Plan, Prepared by Artas Architects, Drawing No. A190-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- e. External Elevations, Prepared by Artas Architects, Drawing No. A210-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- f. Sections Sheet 1, Prepared by Artas Architects, Drawing No. A220-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.
- g. Sections Sheet 2, Prepared by Artas Architects, Drawing No. A221-BA01, Project No. 201038, Revision No. BA01, dated 20/11/2020.

2. OBSCURE GLAZING

The window to the stairwell, on the south-western wall of the dwelling is to be maintained in opaque glazing.

3. 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.

**9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

4. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

6. 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.

7. APPLICATION TO ALTER A STORMWATER SERVICE

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

**9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

8. 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.

9. 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.

10. 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.

11. 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.

12. DEMOLITION

The Developer must:

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

**9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

13. PROTECTION OF STREET TREES

Existing street trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970: Protection of Trees on Development Sites*. The protection works are to be installed prior to the commencement of any other works on the site and are to remain in place until the completion of all other works.

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0813/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

**9.10 316A York Street, West Launceston - Residential - Construction of a Dwelling
...(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.

E. Heat Pump Use

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

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

DECISION: 28 January 2021

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 12:0

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0830/2020**AUTHOR:** Duncan Payton (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 June 2018 - Agenda Item 8.2 - DA0136/2018 - Residential - subdivision; subdivide land into two lots

Several development proposals have been considered in recent years dealing with both 14 and 16 St Georges Square, involving subdivision, demolition and the construction of a dwelling on each of the lots.

Concurrent with this, much of the previous historic brick wall was removed for safety reasons.

Consistent throughout these proposals has been the Council's commitment to the protection of significant trees on the sites and the replacement of brick wall with another that is visually consistent with the demolished wall.

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0830/2020 - Residential - construction of a dwelling at 14 St Georges Square, East Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, page A0-001, dated 27/11/2020.
 - b. Site Plan, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A1-001, dated 27/11/2020.
-

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

- c. Proposed Floor Plan, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A2-001, dated 27/11/2020.
- d. Elevation 01, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A3-001, dated 27/11/2020.
- e. Elevation 02, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A3-002, dated 27/11/2020.
- f. Shadows, prepared by S Group, drawing no. Joo3263, new dwelling at 14 St Georges Square, East Launceston, revision G, page A3-003, dated 27/11/2020.

2. AMENDED PLANS REQUIRED

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

- a. the proposed dwelling with a rear setback of 4m.
- b. the design of the brick fence required for the St Georges Square and Scott Street frontages, which is to be consistent and compatible with the scale, features and face materials of the remaining sections of historic brick fence further south on St Georges Square.

3. VEGETATION MANAGEMENT PLAN

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

- a. the fencing of tree protection and porous car parking areas for the duration of the works. Fences must be constructed of cyclone wire or similar strength material at a minimum height of 1.5m from natural ground level; and be firmly attached to a removable concrete or similar base. Tree protection fencing must have signage stating *Tree Protection Fence*.
 - b. a layer of organic wood chips or mulch around each tree in the tree protection zones with a thickness no greater than 100mm;
 - c. supplemental watering to root zones within the tree protection areas to reduce the impact of construction. Where irrigation is not accessible, Rainbird gel tubes and plastic sleeves (or similar) must be installed under the mulch ring on the northern side of each tree and be maintained for 12 months.
-

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

- d. remedial arboriculture works and other tree management techniques for all retained trees at commencement and conclusion of the construction works as required. Such remedial works may include pruning, removal of dead and dying limbs, canopy development and pest and disease management. These works must be undertaken by a competent and qualified Arborist in accordance with *Australian Standard AS4373 - Pruning of amenity trees*.
- e. stormwater or sediment must not be diverted from or to a tree protection area.
- f. details of how the existing trees must be protected from damage in accordance with *Australian Standards 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

4. PROTECTION OF EXISTING TREES

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

5. SUPERVISION BY PROJECT ARBORIST

The Project Arborist shall:

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

6. LEGAL TITLE

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

7. NON REFLECTIVE EXTERIOR FINISH

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

8. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

9. SITE LANDSCAPING PLAN

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

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

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

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

10. FRONTAGE FENCE

Prior to the commencement of the dwelling construction, a brick fence shall be erected on the St Georges Square frontage and the Scott Street return, to the extent shown on the endorsed site plan. The fence shall be constructed to a design consistent with the scale, design detail and finish of the historic brick wall previously on this frontage. Such design shall be consistent with that required by DA0339/2019 and shall be to a plan approved by the Manager City Development.

All reasonable care shall be taken to protect the fence from damage during the construction of the approved dwelling. Any and all damage sustained during the construction process shall be repaired, prior to occupancy of the dwelling, to maintain a visually consistent fence.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

11. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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.

13. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, remove or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg, TasWater, Telstra and TasNetworks, etc.). All redundant crossovers and driveways must be removed prior to the occupation of the development. The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

14. SOIL AND WATER MANAGEMENT PLAN

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

15. AMENITY

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

16. NO BURNING OF WASTE

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0830/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Heat Pump Use

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

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

9.11 14 St Georges Square, East Launceston - Residential - Construction of a Dwelling ...(Cont'd)

**Ms Glenda King spoke to the Recommendation
Ms Jeanette Gatenby spoke for the Recommendation**

DECISION: 28 January 2021

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 12:0

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

9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling**FILE NO:** DA0762/2020**AUTHOR:** Luke Rogers (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:

DA0301/2019 - Residential - Subdivide and adhere land, demolition and construction of alterations to existing dwelling and new carport. Approved under delegation on 29 August 2019 and amended under DA0301/2019.A01

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0762/2020 Residential - Construction of a dwelling at 19A Canning Street, Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Site Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 01, Revision 4, dated 14/01/2021, amended as per condition 2.
 - b. Landscaping Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 03, Revision 4, dated 14/01/2021, amended as per condition 2.
 - c. Ground Floor Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 04, Revision 4, dated 14/01/2021, amended as per condition 2.
 - d. First Floor Plan, Prepared by Prime Design, Project/Drawing No. PD20318 - 05, Revision 4, dated 14/01/2021, amended as per condition 2.
 - e. Elevations, Prepared by Prime Design, Project/Drawing No. PD20318 - 06, Revision 4, dated 14/01/2021, amended as per condition 2.
 - f. Elevations, Prepared by Prime Design, Project/Drawing No. PD20318 - 07, Revision 4, Dated 14/01/2021, amended as per condition 2.
 - g. Sun Shadow Diagrams, Prepared by Prime Design, Project/Drawing No. PD20318 - 15, Revision 4, dated 14/01/2021, amended as per condition 2.
 - h. Sun Shadow Diagrams, Prepared by Prime Design, Project/Drawing No. PD20318 - 16, Revision 4, dated 14/01/2021, amended as per condition 2.
-

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

- i. Sun Shadow Diagrams, Prepared by Prime Design, Project/Drawing No. PD20318 - 17, Revision 4, dated 14/01/2021, amended as per condition 2.
- j. Privacy/Visual Impact from Adjoining Lots, Prepared by Prime Design, Project/Drawing No. PD20318 - 19, Revision 4, dated 14/01/2021, amended as per condition 2.
- k. Perspectives, Prepared by Prime Design, Project/Drawing No. PD20318 - 21, Revision 4, dated 14/01/2021, amended as per condition 2.
- l. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 01, Revision 4, dated 14/01/2021, amended as per condition 2.
- m. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 02, Revision 4, dated 14/01/2021, amended as per condition 2.
- n. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 03, Revision 4, dated 14/01/2021, amended as per condition 2.
- o. Sun Shadow Diagrams- Additional Context, Prepared by Prime Design, Project/Drawing No. PD20318 ASD - 04, Revision 4, dated 14/01/2021, amended as per condition 2.

2. AMENDED PLANS REQUIRED

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

- a. re-location of the dwelling 1m further from the frontage to decrease impacts on adjoining dwellings;
- b. increase in the sill heights of W12 and W13 to be 1.7m above floor level;
- c. the inclusion of 1.3m of additional privacy screening from the western corner of the deck along the north-west facing edge; and,
- d. increase of vegetation between the proposed dwelling and the adjoining property at 19 Canning Street.

3. AMENDED PLANS

The plan required by Condition 2 are marked as Revision 4, are dated 14/01/2021 and form part of the endorsed plans of the Permit.

4. LEGAL TITLE

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

6. SITE LANDSCAPING

The landscaping must be:

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

7. PRIVACY SCREENS

The privacy screening to the deck must be:

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

8. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

9. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

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

10. 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.

11. SOIL AND WATER MANAGEMENT PLAN

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

12. 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.

13. NO BURNING OF WASTE

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0762/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

**9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)**

E. Heat Pump Use

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

F. No Approval for Alterations to Driveway Crossover

No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied with the issue of this Planning Permit.

Mrs L Hurst (General Manager Community and Place Network), Mr I More (Acting Manager City Development) and Mr L Rogers (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr Geoff Farquhar-Still spoke against the Recommendation

DECISION: 28 January 2021

MOTION 1

Moved Councillor J Finlay, seconded Councillor A G Harris.

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

LOST 5:7

FOR VOTE: Councillor J Finlay, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking and Councillor A G Harris

AGAINST VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor P S Spencer and Councillor T G Walker

9.12 19A Canning Street, Launceston - Residential - Construction of a Dwelling
...(Cont'd)

DECISION: 28 January 2021

MOTION 2

Moved Councillor D C Gibson, seconded Councillor J Finlay.

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be refused for DA0762/2020 - Residential - Construction of a dwelling at 19A Canning Street, Launceston, on the following grounds:

1. ***Clause 11.4.3 - Building envelope for single dwellings - Performance Criteria P2***
The proposed development has an unreasonable impact on the amenity of the adjoining lots. The siting and scale of the proposed dwelling will overshadow the private open space of adjoining lots unreasonably. The proposed dwelling will overlook the habitable rooms and private open space of the adjoining dwellings, causing amenity impacts due to loss of privacy. The dwelling is too large; with overall bulk and form that causes unreasonable visual impacts on adjoining lots and on the streetscape.

CARRIED 9:3

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

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

Councillor R I Soward withdrew from the Meeting at 3.05pm

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

Friday 11 December 2020

- Attended the *40th Anniversary Program 2021* for TasDance

Sunday 13 December 2020

- Attended the *Launceston Running Festival*
- Officiated at *Settling in Tasmania* Northern suburbs new resident information day

Monday 14 December 2020

- Attended the *10th Annual Menorah* Lighting

Tuesday 15 December 2020

- Attended the Denise Delphine (Northern Suburbs Community Centre) celebration and farewell
- Attended the Big Bash League - Hurricanes versus Strikers

Wednesday 16 December 2020

- Attended the Tourism End of Year Send Off

Thursday 17 December 2020

- Attended the *45th Anniversary Program* launch at Design Centre

Friday 18 December 2020

- Attended Josef Chromy's 90th Birthday Celebrations

Saturday 19 December 2020

- Attended the *Launceston Musical Society* Concert
 - Attended the *Tasmanian Solo Series* TasDance Event
-

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

Friday 25 December 2020

- Officiated at the Launceston Community Christmas

Sunday 27 December 2020

- Attended the Official Start of the *Launceston to Hobart Yacht Race*

Thursday 31 December 2020

- Attended *NYE @ Royal Park*

Friday 15 January 2021

- Attended the *All Expenses Paid - Stompin' Production*

Saturday 16 January 2021

- Attended the *Congregational Session MOFO*

Friday 22 January 2021

- Attended the *Wrapped in Culture* opening

Monday 25 January 2021

- Officiated at Community Recognition Awards

Tuesday 26 January 2021

- Officiated at the Public Citizenship Ceremony
-
-

11 COUNCILLORS' REPORTS

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

11.1 Councillor D C Gibson

- **Commended event organisers running safe and innovative events under COVID-19 pandemic restrictions**
- **Attended the certificate presentation for new citizens at the *Community Recognition Awards* event and noted Launceston's Citizen of the Year Janine Healey**
- **Noted that the Queen Victoria Museum and Art Gallery is running a number of successful and exciting exhibitions, such as *Wrapped in Culture* and *ArtRage* and encouraged all to attend and view the displays**

11.2 Councillor D H McKenzie

- **Acknowledged the successful events held in Launceston under COVID-19 pandemic restrictions, such as MOFO**
- **Congratulated the Mayor on his public support of Council's motion in relation to Australia Day**

11.3 Councillor A E Dawkins

- **Noted the success and acceptance speech of Tasmania's *Australian of the Year* Grace Tame**

11.4 Councillor T G Walker

- **Attended the Citizenship Award Ceremony**
- **Attended the *Invasion Day Rally* (not on behalf of the Council) in Devonport**

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 D H McKenzie - Additional Funding - kanamaluka/Tamar Estuary - 19 January 2021**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted in writing on 19 January 2021 by Councillor D H McKenzie, has been answered by Michael Stretton (Chief Executive Officer).

Question:

1. Given we know that raking provides short term benefits to the above mentioned users [see Attachment 1 - Preamble], can we seek funding to continue that process until we are in a position to implement long term solution? In making this request, I note there were some concerns in relation to the ecological impacts of raking but are these manageable in the context of a short term program? (I note that TEMT advise that a sediment management report is due later this year (*The Examiner* - 19 January 2021) which may provide us with a longer term direction).

Response:

This matter was considered at a Council Meeting held on 17 October 2019. A Grant of Authority to undertake sediment raking would be required from the Tasmanian Parks and Wildlife Service (PWS), in consultation with the Environmental Protection Authority, if further raking is to be considered.

As the sediment raking zone in the upper estuary is located within the kanamaluka/Tamar River Conservation Area, a Reserve Activity Assessment (RAA) would be required. An RAA is an environmental impact assessment system used by PWS to assess whether activities proposed are environmentally, socially and economically acceptable.

The current opinion is that it is doubtful that the RAA would enable the recommencement of sediment raking, when the results of the 2019 review are considered.

12.1.1 Councillors' Questions on Notice - Councillor D H Mckenzie - Additional Funding - kanamaluka/Tamar Estuary - 19 January 2021 ...(Cont'd)

The review of the bathymetry data that found raking was less effective than predicted and that most of the sediment mobilised through raking has not been removed but resettled in the estuary's deeper channels. The program resulted in loss of navigational access, with flow-on impacts to commercial and recreational activities within the waterway. Recent bathymetric surveys indicate that estuary processes are restoring depth in the navigation channels. Further, the data demonstrates that the mobilisation of sediments in the water column had a long-lasting negative impact on water quality along the length of the estuary.

In order to allow an informed decision about sediment management into the future, the Tamar Estuary Management Taskforce is currently undertaking a scientifically robust, evidence-based evaluation of the wide range of sedimentation management options that have been proposed for the estuary. The review will also assess the relative costs of those options.

It is, therefore, suggested that before further considering sediment raking options, there is a need to await the release of this report.

12.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

12.2.1 Councillor P S Spencer - National Automobile Museum**1. Is the car museum in the Council's ownership yet?**

The Mayor, Councillor A M van Zetten, stated that this question would be Taken on Notice and a response provided in the Council Agenda of 11 February 2021.

The Council adjourned for a break at 3.23pm

The Mayor, Councillor A M van Zetten, retired from the Meeting at 3.23pm

Councillor N D Daking withdrew from the Meeting at 3.23pm

The Council resumed following the break at 3.32pm

The Deputy Mayor, Council D C Gibson, assumed the Chair at 3.32pm

13 COMMITTEE REPORTS**13.1 Cataract Gorge Reserve Advisory Committee Meeting - 15 December 2020****FILE NO:** SF0839**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 15 December 2020.

RECOMMENDATION:

That Council receives a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 15 December 2020.

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

DECISION: 28 January 2021**MOTION**

Moved Councillor T G Walker, seconded Councillor A G Harris.

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

CARRIED 10:0

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

ABSENT at TIME of VOTING: Councillor N D Daking

13.2 Tender Review Committee Meeting - 10 and 17 December 2020

FILE NO: SF0100/CD.059/2020/CD.062/2020/CD.040/2020/CD.063/2020/CD.057/2020/CD.033/2020/CD.031/2020/CD.066/2020

AUTHOR: Anthea Rooney (Council and Committees Officer)

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 tenders submitted by:

1. Crossroads Civil Contracting Pty Ltd for the Forest Road Rehabilitation Works, Contract Number CD.059/202 for \$215,518.00 (exclusive of GST).
 2. Crossroads Civil Contracting Pty Ltd for the Poplar Parade Rehabilitation Works, Contract Number CD.062/2020 for \$329,850.00 (exclusive of GST).
 3. TCM Pty Ltd for the Launceston Aquatic Centre - Design and Construction of Heat Pumps, Contract Number CD.040/2020 for \$1,444,190.00 (exclusive of GST).
 4. Tas City Building for the QVMAG - Re-Roof Project (Collections Storage), Contract Number CD.033/2020 for \$253,451.00 (exclusive of GST).
 5. Crossroads Civil Contracting Pty Ltd for the Invermay Road (Forster Street to Vermont Road) Road Asset Upgrade, Contract Number CD.063/2020 for \$1,320,080.29 (exclusive of GST).
 6. Batchelor Construction Group Pty Ltd for the Launceston Waste Centre Cell R3 and R6 Landfill Development, Contract Number CD.057/2020 for \$8,148,642.30 (exclusive of GST).
 7. Baker Group Pty Ltd for the Churchill Park Sports Ground Development - Construction, Contract No CD.066/2020 for \$1,193,565.90 (exclusive of GST).
 8. Tasmanian Welding Supplies for the City of Launceston PPE Clothing and Safety Footwear, Contract CD.031/2020 be accepted as per the pricing and details of PPE Clothing - \$1,860.85 and Safety Footwear - \$1,446.00.
-
-

13.2 Tender Review Committee Meeting - 10 and 17 December 2020 ...(Cont'd)

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

Councillor N D Daking re-attended the Meeting at 3.34pm

DECISION: 28 January 2021

MOTION

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

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

CARRIED 11:0

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

14 COUNCIL WORKSHOPS

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

No Council Workshops were identified as part of these Minutes

15 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items were identified as part of these Minutes

19 ORGANISATIONAL SERVICES NETWORK ITEMS**19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020)****FILE NO:** SF7114**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2020/2021 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

PREVIOUS COUNCIL CONSIDERATION:

Council - 2 April 2020 - Agenda Item 7.1 - Community Care and Recovery Package - COVID-19

Workshop - 7 May 2020 - Care and Recovery Package - Proposed Accelerated Capital Works Program

Council - 28 May 2020 - Agenda Item 20.2 - Accelerated Capital Works Program Policy (30-Plx-007)

Council - 1 October 2020 - Agenda Item 19.1 - 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program

Council - 26 November 2020 - Agenda Item 19.3 - 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 October 2020 to 31 October 2020)

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas), and by an absolute majority, approves the following changes to the 2020/2021 Statutory Estimates:
 - (a) Expenses
 - i. the net increase/decrease in operations expenditure of \$0.
 - (b) Capital Works Expenditure
 - i. the increase/decrease in the Council's funded expenditure of \$0.
 - (c) New Projects for 2020/2021

Project Number	Project Description
24188	Welman Street Rehabilitation
24206	Dandenong Road Reseal
24207	Delamere Crescent Reseal
24228	Bain Terrace Rehabilitation
24242	Royal Park Hazardous Chemical Storage

- (d) Projects with amended budget amounts for 2020/2021

Project Number	Project Description
23881	Paterson Street Exeloo
24156	Quarantine Road Rehabilitation
24081	Golconda Road Safety Improvements
24000	Gorge Cliffgrounds SPS Renewal
24194	Boiton Hill Road Charlton to Norwood
24190	George Town Road/University Way Reseal
24152	Hillside Crescent Pavement Rehabilitation
24188	Welman Street Rehabilitation
24089	Launceston Waste Centre Landfill Cell Liner (R3/R6)
24137	Footpath Reseal Program 2020/2021

19.1 2020/2021 Budget - Budget Amendments - Accelerated Capital Works Program (1 November to 31 December 2020) ...(Cont'd)

- (e) Projects that reduce the overall budget of the Accelerated Capital Works Program for 2020/2021

Project Number	Project Description
24241	Northern Car Park - Management System
24240	QVMAG Stone Building HVAC Replacement

- 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus remaining at \$6,822,769 (including capital grants of \$18,213,576) for 2020/2021.
 - (b) the capital budget remaining at \$50,570,457 for 2020/2021.

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: 28 January 2021

MOTION

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

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

CARRIED BY ABSOLUTE MAJORITY 11:0

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

19.2 2020/2021 Budget - Budget Amendments**FILE NO:** SF6816**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2020/2021 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas) and by an absolute majority, approves the following changes to the 2020/2021 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$182,000.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$114,575.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$182,000.
 - ii. the decrease in the Council's funded expenditure of \$54,369.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$6,822,769 (including capital grants of \$18,213,576) for 2020/2021.
 - (b) the capital budget being increased to \$50,570,457 for 2020/2021.
-

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.

19.2 2020/2021 Budget - Budget Amendments ...(Cont'd)

DECISION: 28 January 2021**MOTION****Moved Councillor D H McKenzie, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED BY ABSOLUTE MAJORITY 11:0****FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker**

**19.3 2020/2021 Budget - Chief Executive Officer's Report on Adjustments - 1
November 2020 to 31 December 2020****FILE NO:** SF7144**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider adjustments made during 1 November to 31 December 2020 by the Chief Executive Officer to the 2020/2021 Budget.

RECOMMENDATION:

That Council, pursuant to section 82(7) of the *Local Government Act 1993* (Tas), receives the Chief Executive Officer's report on adjustments to the 2020/2021 budget for the period 1 November to 31 December 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: 28 January 2021**MOTION**

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

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

CARRIED 11:0

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

19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards

FILE NO: SF2012

AUTHOR: Robert Bujnowski (Properties and Legal Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider disposal of the Council's interest in an easement at 135-159 St Leonards Road, St Leonards.

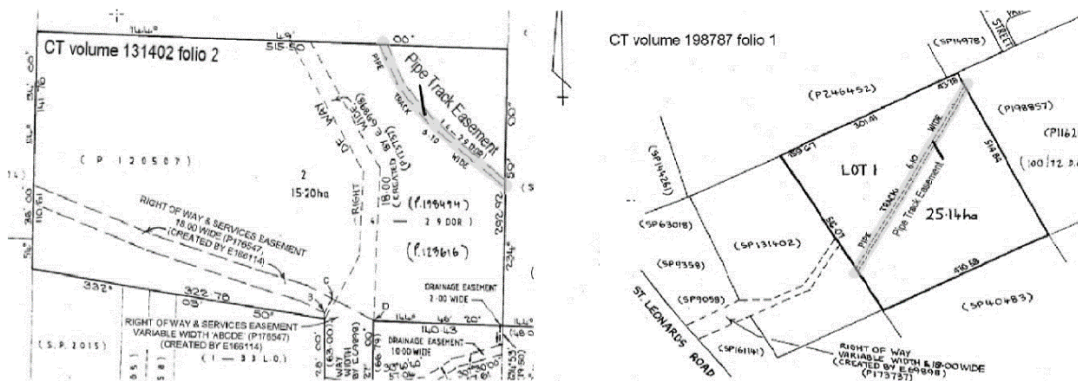
This decision is required to be made by absolute majority according to section 177 of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. notes the valuation advice of LG Valuation Services Pty Ltd relating to the relevant easements (ECM Doc Set ID No 4478620, Attachment 1).
2. decides, pursuant to section 177 of the *Local Government Act 1993* (Tas), by absolute majority, to dispose of an interest in the relevant easements, namely:
 - (a) 1,220m² pipe track easement in CT volume 131402 folio 2; and
 - (b) 3,538m² pipe track easement in CT volume 198787 folio 1;
 for up to \$1, plus all relevant costs.
3. notes that the consequent amendment to Sealed Plan SP131402 and Plan 198787 will be caused to be made by the Council's officers under delegated authority, or otherwise by Council or a Council Committee if any person asks to be heard.

The following is a representation of the relevant easements.



**19.4 Disposal of Interest in Land - 135-159 St Leonards Road, St Leonards
...(Cont'd)**

Ms L Foster (General Manager Organisational Services Network), Mr D Campbell (Team Leader Legal Services) and Mr R Bujnowski (Properties and Legal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 28 January 2021

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED BY ABSOLUTE MAJORITY 11:0

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

19.5 Lease of Cataract Gorge Restaurant and First Basin Cafe**FILE NO:** SF0840/SF2229**AUTHOR:** Duncan Campbell (Team Leader Legal Services)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the leasing of the Cataract Gorge Restaurant and First Basin Café

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 19 November 2007 - Agenda Item 12.5 - Gorge Restaurant and Basin Cafe

Workshop - 20 August 2018 - Cataract Gorge Restaurant and Basin Café

Workshop - 28 March 2019 - Lease of First Basin Café and Cataract Gorge Restaurant

Council Closed - 2 May 2019 - Agenda Item 22.2 - Lease of First Basin Café and Cataract Gorge Restaurant

Council Closed - 16 May 2019 - Agenda Item 22.2 - Lease of First Basin Café and Cataract Gorge Restaurant

RECOMMENDATION:

That Council:

1. pursuant to section 178 of the *Local Government Act 1993* (Tas), and by absolute majority, resolves to extend the current lease of the Gorge Restaurant and First Basin Café to Rathmell Hankinson Holdings on the following terms and conditions:
 - a. the current lease of the premises, due to expire on 30 June 2021, is extended for up to seven years to 30 June 2028.
 - b. the rent payable will be in accordance with the rent payable under the current lease plus CPI with appropriate variations if required by the *COVID-19 Disease Emergency (Commercial Leases) Act 2020* (Tas) or otherwise determined appropriate.
-

19.5 Lease of Cataract Gorge Restaurant and First Basin Cafe ...(Cont'd)

2. notes that an independent professional valuation of the premises will be obtained to ensure that the rent can be varied if required.
 3. requests the Chief Executive Officer to determine the precise dimensions of the land to be leased, together with all other terms and conditions, including maintenance and other responsibilities.
 4. notes, for the avoidance of doubt, that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

Mr M Stretton (Chief Executive Officer) advised that, due to a recently identified issue, this Agenda Item has been withdrawn from the Meeting and will be represented at the next Meeting of Council.

19.6 Highway Dedication - Boland Street to Inveresk Pedestrian Bridge

FILE NO: SF6952

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

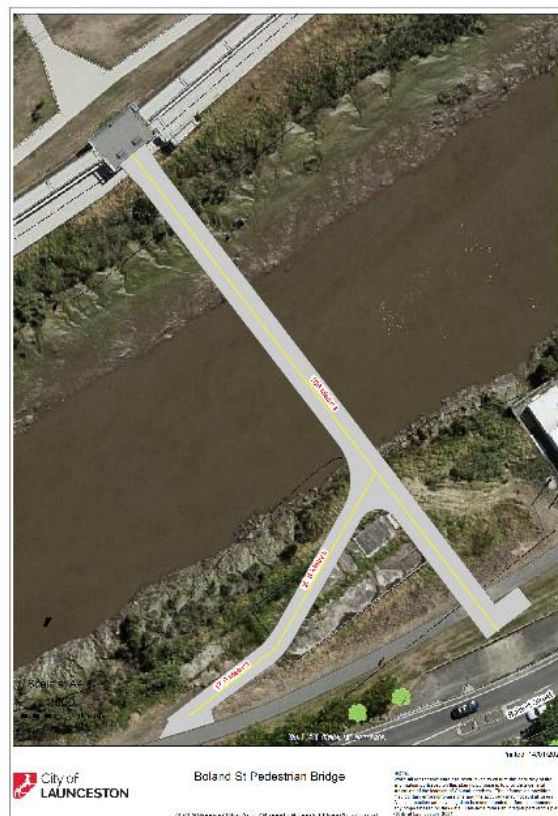
DECISION STATEMENT:

To consider the taking over of the Boland Street to Inveresk Pedestrian Bridge as a highway maintainable by the Council.

RECOMMENDATION:

That Council:

1. by resolution, pursuant to section 12 of the *Local Government (Highways) Act 1982* (Tas), declares that the pedestrian cycle bridge connecting Boland Street, Launceston to Inveresk, as generally shown shaded in grey in the map below, is to become a highway maintainable by the Council on the date of publication of this resolution in *The Gazette*:



19.6 Highway Dedication - Boland Street to Inveresk Pedestrian Bridge ...(Cont'd)

2. requests the Chief Executive Officer to cause a copy of the highway declaration at Recommendation 1. to be published in *The Gazette* but only once satisfied that all relevant requirements have been met, including, but not limited to, the issuance of a certificate of practical completion by the relevant supervising engineers.
 3. requests the Chief Executive Officer to determine any other detail and enter into any agreement necessary to transfer ownership of the pedestrian cycle bridge structure to Council and to allow the highway to be created.
 4. notes, for the avoidance of doubt, that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

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.

DECISION: 28 January 2021

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

19.7 Key to the City - Mr Richie Porte**FILE NO:** SF0202**AUTHOR:** Elizabeth Clark (Civic Affairs Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To approve the honour of presenting the *Key to the City* to Mr Richie Porte.

PREVIOUS COUNCIL CONSIDERATION:

Council - 1 October 2020 - Agenda Item 15.1 - Notice of Motion - Councillor D H McKenzie
- City of Launceston Recognition - Richie Porte

RECOMMENDATION:

That Council approves the symbolic presentation of the *Key to the City* to Mr Richie Porte in honour of his significant cycling achievements.

Ms L Foster (General Manager Organisational Services Network) and Ms E Clark (Civic Affairs Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 28 January 2021**MOTION**

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

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

CARRIED 11:0

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

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS**20.1 Notices of Motion - Annual General Meeting - 3 December 2020****FILE NO:** SF0098**AUTHOR:** Kelsey Hartland (Team Leader Governance)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To provide an update on the progress of the investigation into the Notices of Motion raised at the City of Launceston's Annual General Meeting held on 3 December 2020, being:

That Council:

- (i) substantially modifies the CityHeart built multi-tiered hexagon public seating structure at the West end of the Brisbane St Mall with the aim being to design-out-crime and anti-social behaviour.*
- (ii)(a) provides more vehicle loading zones as defined in the Road Rules 2009, available on Sundays in the Launceston CBD.*
- (b) reviews the demand and opportunities of Sunday and public holiday on-street parking controls in the Launceston CBD.*

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 December 2020 - Agenda Item 20.1 - Report on Council's 2020 Annual General Meeting

RECOMMENDATION:

That Council, in respect of the two Notices of Motion carried at the Annual General Meeting held on 3 December 2020, notes that:

1. investigations of these matters are ongoing; and
 2. reports on these matters will be submitted to Council for consideration at a Council Meeting on or before 25 March 2021.
-

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

20.1 Notices of Motion - Annual General Meeting - 3 December 2020 ...(Cont'd)

DECISION: 28 January 2021**MOTION****Moved Councillor J Finlay, seconded Councillor P S Spencer.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker**

20.2 Northern Tasmania Regional Collaboration Framework**FILE NO:** SF0793/SF3532**CHIEF EXECUTIVE OFFICER:** Michael Stretton

DECISION STATEMENT:

To consider the endorsement of the draft Northern Tasmania Regional Collaboration Framework.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 5 November 2020 - Northern Tasmanian Regional Collaboration Framework

RECOMMENDATION:

That Council endorses the Northern Tasmania Regional Collaboration Framework (ECM Document Set ID No 4482163) and agrees to participate in its implementation.

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

Mr Mark Baker (on behalf of Northern Tasmania Development Corporation) spoke for the Recommendation

DECISION: 28 January 2021

MOTION

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

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

CARRIED 11:0

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

21 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

21.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

21.2 Extension of Lease - 2 Invermay Road, Invermay

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

21.3 Lease - Tramshed Function Centre

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

DECISION: 28 January 2021**MOTION**

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

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 11:0

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

Council moved into Closed Session at 3.39pm.

Council returned to Open Session at 4.32pm.

21.4 End of Closed Session

RECOMMENDATION:

That, pursuant to Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, resolves to report in Open Session that it has considered the following matters in Closed Session.

Minutes Item	Matter	Brief Description
21.1	<i>Closed Council Minutes - 10 December 2020</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 10 December 2020.</i>
21.2	<i>Extension of Lease - 2 Invermay Road, Invermay</i>	<i>Councillors considered the extension of the terms of the lease for the Blue Café.</i>
21.3	<i>Lease - Tramshed Function Centre</i>	<i>Councillors considered a seven year extension of the current lease for the Tramshed Function Centre.</i>

DECISION: 28 January 2021

MOTION

Moved Councillor R I Soward, seconded Councillor N D Daking.

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

CARRIED 11:0

FOR VOTE: 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

22 MEETING CLOSURE

The Deputy Mayor, Councillor D C Gibson, closed the Meeting at 4.33pm.

UNCLASSIFIED MINUTES ITEMS:
