



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 3 JUNE 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: 3 June 2021

Time: 1.00pm

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### Certificate of Qualified Advice

#### Background


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

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

#### Certification

I certify that:

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



**Michael Stretton**  
Chief Executive Officer

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## AUDIO of COUNCIL MEETINGS

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

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

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed. Members of the public will be required to check in on arrival via the *Check In Tas App* as per the Direction Under Section 16 - Contact Tracing - No. 5 - *Public Health Act 1997*.

## 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](mailto: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.

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## 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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# City of Launceston

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**Thursday 3 June 2021**

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**Present: Councillor** D C Gibson (Deputy Mayor)  
D H McKenzie  
R I Soward  
J G Cox  
K P Stojansek (retired at 3.25pm)  
A E Dawkins  
N D Daking (entered at 1.01pm)  
P S Spencer (retired at 3.28pm)  
A G Harris  
T G Walker

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

**Apologies: Councillor** A M van Zetten (Mayor)

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## 1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Deputy Mayor, Councillor D C Gibson, opened the Meeting at 1.00pm and noted an apology from the Mayor, Councillor A M van Zetten.

## 2 MAYORAL ACKNOWLEDGEMENTS

There were no Mayoral Acknowledgements for this Meeting

## 3 DECLARATIONS OF INTEREST

*Local Government Act 1993 (Tas) - section 48*

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

**Councillor D C Gibson declared an interest in Agenda Item 16.1 - Small Event Sponsorship Round 1 2021/2022 (Youth Spectacular Inc. - *Youth Spectacular*).**

**Councillor D C Gibson declared an interest in Agenda Item 16.2 - Major Event Sponsorship Round 1 2021/2022 (Encore Theatre Company Inc. - *Mamma Mia*).**

**Councillor A G Harris declared an interest in Agenda Item 16.2 - Major Event Sponsorship Round 1 2021/2022 (Rotary Club of Central Launceston - *Tamar Valley Cycling Challenge*).**

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**4 CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 20 May 2021 be confirmed as a true and correct record.

**DECISION: 3 June 2021**

**MOTION**

**Moved Councillor P S Spencer, 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 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 (Tas) - sections 57 and 58*

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

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## 7 COMMUNITY REPORTS

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

### 7.1 Ms Rebekah Illingworth (Sport and Art Coordinator) - Reclink Australia

**Ms Illingworth provided details to Council regarding Reclink's footprint and recreational programs designed to assist vulnerable, isolated and disadvantaged people within the community through innovative and interactive programs.**

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**8 PUBLIC QUESTION TIME**

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

**8.1 Public Questions on Notice**

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

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

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**8.1.1 Public Questions on Notice - Ms Jo Toulson - Council Meeting - 20 May 2021****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following question, submitted to Council on 20 May 2021 by Ms Jo Toulson, has been answered by Mr Nigel Coates (Engineering Officer Traffic).

**Questions:**

1. Can *Keep Clear* signage be installed at Plevna Place, Newstead? I have asked this question before. Is it a matter of location, location, location?

**Response:**

*The purpose and location for Keep Clear markings is defined in Australian Standard AS1742. They are introduced for safety reasons so that traffic can turn off a main road into a side road through a queue of traffic preventing obstruction, particularly to an intersection on the main road. The Keep Clear marking on Penquite Road at Docking Court, which is used for school drop off, ensures that queuing does not occur through the Amy Road intersection.*

*On Hoblers Bridge Road at Plevna Place there is sufficient space for vehicles to pass a car waiting to turn right and little risk of queuing into the Elphin Road intersection. Also, at this location, there is often two lines of traffic approaching the traffic signals which might be moving at different speeds and no guarantee that drivers in both queues will leave a gap for a right turning vehicle.*

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**8.1.2 Public Questions on Notice - Ms Susan Rafferty - Council Meeting - 24 May 2021****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to Council on 24 May 2021 by Ms Susan Rafferty, have been answered by Leanne Hurst (General Manager Community and Place Network).

**Questions:**

In relation to the Veolia development:

1. What is the current status of the site on Churchill Park Drive and what is planned over the next two years?

**Response:**

*A planning permit (DA0711/2019) was issued on 6 January 2021 following a decision of the Resource Management Planning Appeals Tribunal, for a Recycling and Waste Disposal facility. The proponent has two years to either substantially commence the development or to apply for an extension. Although the City of Launceston cannot respond on behalf of the land owner, the Council does have a contract with Veolia to provide recycling services which they intend to provide from the Churchill Park site. It is understood that the site will be fully operational as a recycling facility within two years.*

2. When there is an issue with non-compliance, who and what is the responsible body/person and what are the Terms of Reference?

**Response:**

*The issued permit has 50 conditions which must be complied with both during construction and when the facility is operating. In the first instance, any suspected breaches of those conditions can be reported to the Council via the [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au) contact and will be directed to the relevant team to investigate and take appropriate action, including on-referral or liaison with other agencies in accordance with any applicable legislative requirements.*

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**8.1.2 Public Questions on Notice - Ms Susan Rafferty - Council Meeting - 24 May 2021 ...(Cont'd)**

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*Additionally, there is a condition on the planning permit requiring the maintenance of a public complaints register, including the retention of specified details that must be retained for a period of at least two years and must be made available if requested to the Council's officers to assist with investigation of complaints.*

3. What plans are in place in Forster Street/Invermay Road due to increased truck movements and the associated upgrading of Churchill Park Drive?

**Response:**

*The development proposal was assessed against the relevant provisions of the Launceston Interim Planning Scheme (2015) which included the proponent providing a Traffic Impact Assessment.*

*The Traffic Impact Assessment determined that the traffic generated by the development is not expected to adversely impact the operation or safety of the existing road network. These conclusions are based upon modelling the existing intersection operation, reviewing crash data, surrounding land use and analysis of heavy vehicle movements.*

*The assessment was deemed to comply with the Launceston Interim Planning Scheme (2015).*

*A number of upgrades to Forster Street have been undertaken over the past two years by the State Government and City of Launceston to support increased traffic associated with the University of Tasmania development.*

4. What is currently in place and what is intended, regarding waste water removal from the site?

**Response:**

*TasWater has issued conditions with respect to this development and use, which are included as a condition and attached to the issued planning permit.*

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**8.1.3 Public Questions on Notice - Mr John Parry - Council Meeting - 26 May 2021****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to Council on 26 May 2021 by Mr John Parry, have been answered by Mrs Leanne Hurst (General Manager Community and Place Network).

**Questions:**

1. How has Council considered current or future development plans for this suburban area, and assessed how this DA0849 impacts any strategy, plans, or in-process developments?

**Response:**

*The assessment has acknowledged the surrounding land is an investigation area for future residential development. The application can only be assessed against the current provisions of the scheme which takes into consideration the existing surrounding land, being predominantly rural and industrial. Notwithstanding, conditions have been recommended that will ensure the use operates at a domestic level to help protect future residential strategies within the surrounding area.*

2. How has the Council assessed maximum noise impact on neighbouring properties for multiple motorbikes operating at, or near, maximum capacity at the same time?

**Response:**

*The assessment of noise emissions were assisted by the submission of a noise report from a qualified acoustic engineer. The recommendations within the report have been placed onto the permit, including limiting the type and number of bikes operating at the same time.*

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### **8.1.3 Public Questions on Notice - Mr John Parry - Council Meeting - 26 May 2021 ...(Cont'd)**

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3. How has Council evaluated the DA against section 8 of the *Environment Management and Pollution Control (Noise) Regulations 2016* with residences within or near the 500m zone?

**Response:**

*The use is a Level 1 activity under the Environment Management and Pollution Control (Noise) Regulations 2016. The Council has the ability to issue an environmental protection notice (EPN) on a level 1 activity that is causing an environmental nuisance. An EPN has the potential to vary an environmental condition, such as noise. This process could be followed should environmental nuisance occur.*

4. Should Council approve DA0849, how will Council undertake:
- activities to collect data and monitor and evaluate noise levels?
  - procedures and standards for the evaluation of noise levels?
  - steps to address excessive noise above approved levels or operational protocols?

**Response:**

*If a complaint is received regarding excessive noise, the Council's planning compliance team will follow up with the owner to ensure that all conditions have been met, including those relating to noise.*

5. Does Council have an exemplar reference for a comparable DA to DA0849 within City boundaries that concerned residents could visit and/or review to understand approval practices, operational protocols and non-compliance enforcement practices - either locally, State-wide or national?

**Response:**

*No similar application has been lodged locally in the recent past.*

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**8.1.4 Public Questions on Notice - Ms Jan Farquhar - Council Meeting - 26 May 2021****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS and RESPONSES:**

The following questions, submitted in writing to Council on 26 May 2021 by Ms Jan Farquhar (on behalf of Ms Kim Burling), have been answered by Leanne Hurst (General Manager Community and Place Network).

**Questions:**

1. We are, of course, concerned that there was no initial planning application by either the builders or the developers. Is this simply an unfortunate oversight considering the builder has on board an architect with 12 years experience on over 300 projects who offers a full service facility for expediting planning applications and approvals (<https://ridemoreaus.com/pages/the-bucko-compound> and <https://damonjacksondesign.wixsite.com/damonjacksondesign/services>)

The developer Meika Frost also did not submit a planning application and there is a concern that that there is a pattern of disregard for regulations as a previous Moto X facility at Swanwick, created by the Frost family does not appear to have submitted a planning application either.

**Response:**

*The Council was made aware of the development and use through public concerns raised after the track had been completed. The Council's compliance team liaised with the owner to ensure that a development application was lodged.*

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**8.1.4 Public Questions on Notice - Ms Jan Farquhar - Council Meeting - 26 May 2021 ...(Cont'd)**

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2. With reference to the response to 26.3 Use Standards (h, where has the fill be (sic) sourced from. Response: No fill has been sourced, we utilised the bank to create the mounds. Nothing has been imported on the site.

There appears to be contradictory statements as in the response provided by Woolcott Surveys it clearly states in response to Zone Purpose 26.1 The surface is unsealed and *new clean fill* is applied on the site.

**Response:**

*Where the applicant obtains fill from is not a matter for planning consideration.*

- 3 As the area is in a classified Bushfire Prone Zone, greater consideration should be paid to the safety of emergency personal who may need to access the site, the only existing site access is situated on a Landslide Hazard Band and the laden weight of a fire tanker could compromise the integrity of the access. Please note the recommended access road should be: Not less than a modified 4c access road as specified in the building code of Australia  
([https://f.hubspotusercontent20.net/hubfs/3003125/ARRB%20Unsealed%20Roads%20Best%20Practice%20Guide\\_Edition%202.pdf?\\_\\_hstc=159530594.f9efadd62d87ed7e28f79469fca36fe6.1620004175873.1620004175873.1620004175873.1&\\_\\_hssc=159530594.2.1620004175874&\\_\\_hsfp=1628298250](https://f.hubspotusercontent20.net/hubfs/3003125/ARRB%20Unsealed%20Roads%20Best%20Practice%20Guide_Edition%202.pdf?__hstc=159530594.f9efadd62d87ed7e28f79469fca36fe6.1620004175873.1620004175873.1620004175873.1&__hssc=159530594.2.1620004175874&__hsfp=1628298250)).

**Response:**

*Bushfire is not a planning consideration matter. The site has an existing legal access.*

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**8.2 Public Questions Without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)*

*(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)*

**No Public Questions Without Notice were identified as part of these Minutes**

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The Deputy Mayor, Councillor D C Gibson, 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

### 9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track (Retrospective)

**FILE NO:** DA0849/2020

**AUTHOR:** Iain More (Town Planner)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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#### DECISION STATEMENT:

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

#### RECOMMENDATION:

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 DA0849/2020 - Motor Racing Facility - Construction of Motor Racing Track at 329 George Town Road, Rocherlea, 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. Planning Supporting Report, prepared by Woollcott Surveys, dated 10/03/2021;
- b. Preliminary Site Investigation, prepared by es&d, Project No. 7644, dated 10/02/2020; and
- c. Technical Memo - Rocherlea motocross track environmental noise assessment, prepared by Tarkarri Engineering, dated 25/03/2021.

#### 2. USE LIMITATION

The use is limited to private use only, no formal events or competitions are permitted.

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**9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track (Retrospective) ...(Cont'd)**

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**3. SESSION DURATION**

The use is limited to:

- a. no more than three sessions a week, limited to four hours maximum each session; and
- b. no more than one session per weekend, and no more than two weekends a month, limited to four hours maximum each session.

**4. LEGAL TITLE**

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

**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.

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**9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track (Retrospective) ...(Cont'd)**

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**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.

**8. HOURS OF USE**

Use of the motocross track must not occur outside the following times:

- a. 10am to 6pm - Monday to Friday
- b. 9am to 5pm - Saturdays
- c. 11am to 5pm - Sundays and public holidays that are observed State-wide (Easter Tuesday excepted)

**9. NOISE EMISSION LIMIT**

The sound power level limit of each bike utilised at the track must not exceed 115dBA which equates to a maximum sound pressure level output at maximum engine revs of 107dBA at 1m from the bike exhaust (when measured over soft ground).

**10. MAXIMUM NUMBER OF BIKES PERMITTED**

No more than four motorbikes are permitted to be utilised at the track at any one time.

**11. CONTROL OF DUST EMISSIONS**

Dust emissions from the land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of the land. To ensure compliance, a water cart must be provided on site when controlling dust.

**12. BIKE LEVELS**

Bikes with a maximum of 85 cubic capacity (cc) or less are permitted to operate on the track.

**13. LIFE OF THE PERMIT**

The use may operate for five years from the date of approval, after which the track must be reinstated to natural terrain.

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**9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track (Retrospective) ...(Cont'd)**

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

*This permit was issued based on the proposal documents submitted for DA0849/2021. 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) <<http://www.rmpat.tas.gov.au>>*

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**9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track (Retrospective) ...(Cont'd)**

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**D. Permit Commencement**

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

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

**Ms Diana McHenry spoke against the Recommendation**

**Mr John Parry spoke against the Recommendation**

**Ms Rhonda Burling spoke against the Recommendation**

**Mr Ying Liu spoke for the Recommendation**

**Ms Jan Farquhar (speaking on behalf of Ms Shirley Donati) spoke against the Recommendation**

**Ms Judith Mainwaring (on behalf of mother) spoke against the Recommendation**

**Ms Meika Frost spoke for the Recommendation**

**Ms Claire Gregg (on behalf of the Joseph Chromy Group) spoke against the Recommendation**

**Ms Jan Farquhar (speaking on behalf of Mr Frank Donati) spoke against the Recommendation**

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9.1 329 George Town Road, Rocherlea - Motor Racing Facility - Construction of Motor Racing Track (Retrospective) ...(Cont'd)

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**DECISION:** 3 June 2021

**MOTION**

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

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, DA0849/2020 - Motor Racing Facility - Construction of Motor Racing Track at 329 George Town Road, Rocherlea, be refused on the grounds that the proposal does not meet either the acceptable solution or performance criteria for standard 26.3.1 *Location and Intensity*. The proposed use is not suitable in the locality and causes an unreasonable impact on existing surrounding sensitive uses. The need to locate on the site has not been clearly demonstrated and the site is not capable of accommodating all aspects of the use.

**CARRIED 9:1**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, 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  
**AGAINST VOTE:** Councillor N D Daking

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## **9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking**

**FILE NO:** DA0013/2021

**AUTHOR:** Iain More (Town Planner)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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### **DECISION STATEMENT:**

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

### **PREVIOUS COUNCIL CONSIDERATION:**

DA0270/2017 - Visitor Accommodation - holiday cabin; construction of three self-contained two bedroom cabins; signage - Approved

### **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 DA0013/2021 - Visitor Accommodation - Partial change of use to caravan park and construction of caravan parking at 43 Los Angelos Road, Swan Bay, 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. Application documents, including site plan, prepared by Tom and Angela Bertram, dated 22/04/2021.

#### **2. CREEK LINE PROTECTION**

To ensure the quality of the creek is protected, the following must be adhered to:

- a. All vehicles must maintain a distance of 10m from all creek lines at all times;
- b. No excavation within 10m of the creek line is to occur to accommodate the visitor accommodation use.

#### **3. R V NUMBERS**

No more than 10 self-contained vehicles are permitted overnight on the site at any one time.

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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**4. SELF-CONTAINED VEHICLES**

All vehicles using the site must be self-contained. This includes clean water, toilet facilities including septic, is able to hold greywater and cooking facilities.

**5. NO CAMPING**

Tents are not permitted within the designated areas at any time.

**6. DUMPING AND RUBBISH**

No dumping of any greywater or septic is permitted on site and all waste rubbish must be removed from the site.

**7. 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.

**8. MAXIMUM LENGTH OF STAY**

The maximum length of time for any one vehicle is 14 days.

**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.

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.
-

## **9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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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. VEHICULAR CROSSING UPGRADE (RURAL STYLE DRIVEWAY)**

Prior to the commencement of the use, the development must be provided with sealed accesses from the edge of the road pavement to the property boundary generally in accordance with LGAT-IPWEA Tasmanian Standard Drawings TSD-R03 Rural Roads typical property access.

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. 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 sealing works are to be at the applicant's expense.

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

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

### **13. WASTE**

All wastes generated by the activity (including liquid wastes from RVs) are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0013/2021. 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.*

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## 9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(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) <<http://www.rmpat.tas.gov.au>>*

### D. Permit Commencement

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

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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**E. Future Dump Point**

*If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit. The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage. Furthermore a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.*

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

**Ms Denise Cox spoke against the Recommendation  
Mr Udo Westerneng spoke against the Recommendation**

**MOTION 1**

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

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

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

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## 9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

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**DECISION:** 3 June 2021

### **MOTION 2**

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

That the Motion be amended as follows:

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 DA0013/2021 - Visitor Accommodation - Partial change of use to caravan park and construction of caravan parking at 43 Los Angelos Road, Swan Bay, 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. Application documents, including site plan, prepared by Tom and Angela Bertram, dated 22/04/2021.

#### **2. CREEK LINE PROTECTION**

To ensure the quality of the creek is protected, the following must be adhered to:

- a. All vehicles must maintain a distance of 10m from all creek lines at all times;
- b. No excavation within 10m of the creek line is to occur to accommodate the visitor accommodation use.

#### **3. R V NUMBERS**

No more than 10 self-contained vehicles are permitted overnight on the site at any one time.

#### **4. SELF-CONTAINED VEHICLES**

All vehicles using the site must be self-contained. This includes clean water, toilet facilities including septic, is able to hold greywater and cooking facilities.

#### **5. NO CAMPING**

Tents are not permitted within the designated areas at any time.

#### **6. DUMPING AND RUBBISH**

No dumping of any greywater or septic is permitted on site and all waste rubbish must be removed from the site.

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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**7. 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.

**8. MAXIMUM LENGTH OF STAY**

The maximum length of time for any one vehicle is 14 days.

**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.

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. VEHICULAR CROSSING UPGRADE (RURAL STYLE DRIVEWAY)**

Prior to the commencement of the use, the development must be provided with sealed accesses from the edge of the road pavement to the property boundary generally in accordance with LGAT-IPWEA Tasmanian Standard Drawings TSD-R03 Rural Roads typical property access.

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## 9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)

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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. 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 sealing works are to be at the applicant's expense.

### 12. AMENITY - COMMERCIAL/INDUSTRIAL USE

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

### 13. WASTE

All wastes generated by the activity (including liquid wastes from RVs) are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

### 14. REGULATORY SIGNAGE

Prior to the use commencing the operator must erect signage at each entrance to the site from Windermere Road clearly stating the limitations on the use, method of payment, any conditions of use and the limitations on van numbers to the satisfaction of the Manager City Development.

### Notes

#### A. General

*This permit was issued based on the proposal documents submitted for DA0013/2021. 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.*
-

**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(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.*

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**D. Permit Commencement**

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

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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***E. Future Dump Point***

***If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit. The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage. Furthermore a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.***

**CARRIED 10:0**

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

**THE MOTION AS AMENDED IS THE SUBSTANTIVE MOTION**

**DECISION: 3 June 2021**

**MOTION 3**

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

**That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0013/2021 - Visitor Accommodation - Partial change of use to caravan park and construction of caravan parking at 43 Los Angelos Road, Swan Bay, 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. Application documents, including site plan, prepared by Tom and Angela Bertram, dated 22/04/2021.**
-

**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

---

**2. CREEK LINE PROTECTION**

To ensure the quality of the creek is protected, the following must be adhered to:

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**4. SELF-CONTAINED VEHICLES**

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Tents are not permitted within the designated areas at any time.

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**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.

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

---

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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 sealing works are to be at the applicant's expense.

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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**13. WASTE**

All wastes generated by the activity (including liquid wastes from RVs) are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

**14. REGULATORY SIGNAGE**

Prior to the use commencing the operator must erect signage at each entrance to the site from Windermere Road clearly stating the limitations on the use, method of payment, any conditions of use and the limitations on van numbers to the satisfaction of the Manager City Development.

**Notes**

**A. General**

*This permit was issued based on the proposal documents submitted for DA0013/2021. 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.*

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**9.2 43 Los Angelos Road, Swan Bay - Visitor Accommodation - Partial Change of Use to Caravan Park and Construction of Caravan Parking ...(Cont'd)**

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**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

**E. Future Dump Point**

*If a dump point is required, or is to be installed, a design report (including a site and soil evaluation in accordance with AS/NZS 1547:2012), is to be provided, with an application for a Plumbing Permit. The dump point is to be in accordance with AS 3500.2 - Sanitary Plumbing and drainage. The design report must also include plans to scale, a cross section, signage, a means of securing the unit to prevent tampering, a hose wash down facility and a means of protecting the unit from damage, such as vehicle damage. Furthermore a means of alerting of any overflows or malfunction, (eg. a visual, audible alarm) is to be provided at the existing dwelling.*

**CARRIED 10:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, 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**

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**9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings****FILE NO:** DA0180/2021**AUTHOR:** Eric Smith (Town Planner)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

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 two new multiple dwellings at 29 Connaught Crescent, 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. Demolition and Proposed Site Plans, prepared by S. Group for project j007013, page A1-001 Rev B dated 23/4/2021.
  - b. Site Plan, prepared by S. Group for project j007013, page A1-002 Rev B dated 23/4/2021.
  - c. Shadow Diagrams, prepared by S. Group for project j007013, page A1-003 Rev B dated 23/4/2021.
  - d. "Townhouse 1" Floorplan, prepared by S. Group for project j007013, page A2-001 Rev B dated 23/4/2021.
  - e. "Townhouse 1" NE and NW Elevations, prepared by S. Group for project j007013, page A3-001 Rev B dated 23/4/2021.
  - f. "Townhouse 1" SW and SE Elevations, prepared by S. Group for project j007013, page A3-002 Rev B dated 23/4/2021.
  - g. "Townhouse 2" Floorplan, prepared by S. Group for project j007013, page A4-001 Rev B dated 23/4/2021.
  - h. "Townhouse 2" SE and NE Elevations, prepared by S. Group for project j007013, page A4-002 Rev B dated 23/4/2021.
  - i. "Townhouse 2" SW and NW Elevations, prepared by S. Group for project j007013, page A4-003 Rev B dated 23/4/2021.
  - j. Planning Report by S. Group dated 31/03/2021.
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## **9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)**

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### **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.TWDA 2021/00554-LCC, 20/04/2021 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**

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.

### **6. MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a minimum 6m<sup>3</sup> exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

### **7. DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

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

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

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## **9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)**

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

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

Prior to the commencement of works, the plans and calculations must be submitted to the 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. 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.

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

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

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

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## **9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)**

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

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

### **12. 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.

### **13. 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 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.

### **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.

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## 9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)

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### 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.

### 17. 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

### 18. 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 DA0180/2021. 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.*

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**9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)**

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*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) <<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.*

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**9.3 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings ...(Cont'd)**

*F. Street addresses for Multiple Dwellings*

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

<i>Dwelling No</i>	<i>Street Address</i>
<i>Existing</i>	<i>1/29 Connaught Crescent</i>
<i>TH1</i>	<i>2/29 Connaught Crescent</i>
<i>TH2</i>	<i>3/29 Connaught Crescent</i>

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

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

**Councillor P S Spencer withdrew from the Meeting at 2.32pm**

**Councillor P S Spencer re-attended the Meeting at 2.34pm**

**DECISION: 3 June 2021**

**MOTION**

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

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

**CARRIED 7:3**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor J G Cox, Councillor K P Stojansek, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

**AGAINST VOTE: Councillor R I Soward, Councillor A E Dawkins and Councillor P S Spencer**



The Deputy Mayor, Councillor D C Gibson, announced that Council no longer sits as a Planning Authority.

Council adjourned for a break at 2.42pm

Council resumed following the break at 2.48pm

**DECISION: 3 June 2021**

**MOTION**

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

That Council moves to discuss Agenda Items 16.1 - Small Event Sponsorship Round 1 2021/2022; Agenda Item 16.2 - Major Event Sponsorship Round 1 2021/2022; Agenda Item 16.3 - New Year's Eve Event Sponsorship 2021-2023; Agenda Item 16.4 - Community Grants 2020/2021 Round 2; Agenda Item 16.5 - Draft Regional Cat Management Strategy and Agenda Item 16.6 - Relbia Feasibility Study Report - Community Consultation.

**CARRIED 9:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, 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  
ABSENT at TIME of VOTE: Councillor T G Walker**

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## 16.1 Small Event Sponsorship Round 1 2021/2022

**FILE NO:** SF7274

**AUTHOR:** Stephanie Berns (Grants and Sponsorship Officer)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

### DECISION STATEMENT:

To consider pre-committing event sponsorship support for Small Events (Round 1) 2021/2022.

### PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

### RECOMMENDATION:

That Council approves the following Small Event Sponsorship Applications to receive the recommended sponsorship amounts, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Youth Spectacular Inc	Youth Spectacular	83%	\$5,000	\$5,000	\$5,000
The Launceston Players Society Inc.	<i>Marjorie Unravelled - Tasmania's Fantabulous Edna!</i>	81%	\$5,000	\$5,000	\$5,000
Metal Minds Robotics Inc	First Lego League Regional Championship	81%	\$2,250	\$2,250	\$2,250
Launceston Festival of Dance	Launceston Festival of Dance	81%	\$5,000	\$5,000	\$5,000
Singfest	<i>Singfest</i>	74%	\$5,000	\$5,000	\$3,750
Thai Association of Tasmania Inc	Thai Food and Culture Festival 2021	74%	\$5,000	\$5,000	\$3,750
Rotary Club of Launceston	Rotary Club of Launceston Car Show	74%	\$4,902	\$4,902	\$3,676

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Three River Theatre Inc.	<i>Of Mice and Men</i>	72%	\$4,250	\$4,250	\$3,188
Multicultural Council of Tasmania	Multi-Launceston Festival 2021*	72%	\$17,500	\$5,000	\$3,750
Cancer Council Tasmania	Women's 5km Walk/Run	67%	\$5,000	\$5,000	\$3,750
Fresh Comedy Launceston	<i>Fresh Comedy</i> 10 Year Anniversary Showcase Event	66%	\$4,975	\$4,975	\$3,731
Clifford Craig Foundation	Run and Walk for your Heart 5K	65%	\$5,000	\$5,000	\$3,750
Tasmanian Croquet Association Inc., trading as Croquet Tasmania	Australian Golf Croquet Championships	64%	\$2,250	\$2,250	\$1,688
Launceston Walking Club Inc.	Walking Wild Tasmania	63%	\$3,000	\$3,000	\$2,250
Amanda Leigh Sutherland	<i>The Real Inspector Hound</i>	63%	\$5,000	\$5,000	\$3,750
East Launceston Bowling Club	Bill Springer Invitational <i>Mad Dog</i> Singles	61%	\$3,800	\$3,800	\$2,850
<b>Total</b>			<b>\$82,927</b>	<b>\$70,427</b>	<b>\$57,133</b>
<b>2021/2022 Small and Celebratory Event Sponsorship Budget - Round 1</b>					<b>\$43,600</b>
<b>Balance</b>					<b>-\$13,533</b>

\* Applications assessed as a Small Event, not a Major Event Level 2 (\$17,500) as the Panel deemed the event to be a Small Event.

Mrs L Hurst (General Manager Community and Place Network) and Ms A Hart (Team Leader Tourism and Events) were in attendance to answer questions of Council in respect of this Agenda Item.

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Due to a declaration of interest in Agenda Item 16.1 - Small Event Sponsorship Round 1 2021/2022 (Youth Spectacular Inc. - *Youth Spectacular*), the Deputy Mayor, Councillor D C Gibson, withdrew from the Meeting at 2.49pm and handed the Chair to Councillor R I Soward.

**DECISION:** 3 June 2021

**MOTION 1**

Moved Councillor K P Stojansek, seconded Councillor A G Harris.

That Council approves the following Small Event Sponsorship Application to receive the recommended sponsorship amount, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Youth Spectacular Inc	<i>Youth Spectacular</i>	83%	\$5,000	\$5,000	\$5,000
<b>Total</b>			<b>\$5,000</b>	<b>\$5,000</b>	<b>\$5,000</b>
<b>2021/2022 Small and Celebratory Event Sponsorship Budget - Round 1</b>					<b>\$43,600</b>
<b>Balance</b>					<b>\$38,600</b>

**CARRIED 8:0**

**FOR VOTE:** 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

**ABSENT DUE to DECLARATION of INTEREST:** Deputy Mayor Councillor D C Gibson  
**ABSENT at TIME of VOTE:** Councillor T G Walker

The Deputy Mayor, Councillor D C Gibson, resumed the Chair at 2.50pm

Councillor T G Walker re-attended the Meeting at 2.51pm

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

**DECISION:** 3 June 2021

**MOTION 2**

Moved Councillor K P Stojansek, seconded Councillor A G Harris.

That Council approves the following Small Event Sponsorship Application to receive the recommended sponsorship amount, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
The Launceston Players Society Inc.	<i>Marjorie Unravelled - Tasmania's Fantabulous Edna!</i>	81%	\$5,000	\$5,000	\$5,000
Metal Minds Robotics Inc	First Lego League Regional Championship	81%	\$2,250	\$2,250	\$2,250
Launceston Festival of Dance	Launceston Festival of Dance	81%	\$5,000	\$5,000	\$5,000
Singfest	<i>Singfest</i>	74%	\$5,000	\$5,000	\$3,750
Thai Association of Tasmania Inc	Thai Food and Culture Festival 2021	74%	\$5,000	\$5,000	\$3,750
Rotary Club of Launceston	Rotary Club of Launceston Car Show	74%	\$4,902	\$4,902	\$3,676
Three River Theatre Inc.	<i>Of Mice and Men</i>	72%	\$4,250	\$4,250	\$3,188
Multicultural Council of Tasmania	Multi-Launceston Festival 2021*	72%	\$17,500	\$5,000	\$3,750
Cancer Council Tasmania	Women's 5km Walk/Run	67%	\$5,000	\$5,000	\$3,750
Fresh Comedy Launceston	<i>Fresh Comedy 10 Year Anniversary Showcase Event</i>	66%	\$4,975	\$4,975	\$3,731

16.1 Small Event Sponsorship Round 1 2021/2022 ...(Cont'd)

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Clifford Craig Foundation	<i>Run and Walk for your Heart 5K</i>	65%	\$5,000	\$5,000	\$3,750
Tasmanian Croquet Association Inc., trading as Croquet Tasmania	Australian Golf Croquet Championships	64%	\$2,250	\$2,250	\$1,688
Launceston Walking Club Inc.	<i>Walking Wild Tasmania</i>	63%	\$3,000	\$3,000	\$2,250
Amanda Leigh Sutherland	<i>The Real Inspector Hound</i>	63%	\$5,000	\$5,000	\$3,750
East Launceston Bowling Club	Bill Springer Invitational <i>Mad Dog Singles</i>	61%	\$3,800	\$3,800	\$2,850
<b>Total</b>			<b>\$77,927</b>	<b>\$65,427</b>	<b>\$52,133</b>
Remaining 2021/2022 Small and Celebratory Event Sponsorship Budget - Round 1					\$38,600
<b>Balance</b>					<b>-\$13,533</b>

\* *Applications assessed as a Small Event, not a Major Event Level 2 (\$17,500) as the Panel deemed the event to be a Small Event.*

**CARRIED 10:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, 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**

## 16.2 Major Event Sponsorship Round 1 2021/2022

**FILE NO:** SF7275

**AUTHOR:** Stephanie Berns (Grants and Sponsorship Officer)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

### DECISION STATEMENT:

To consider pre-committing event sponsorship support for Major Events (Round 1) 2021/2022.

### PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

### RECOMMENDATION:

That Council approves the following Major Event Sponsorship Applications to receive the recommended sponsorship amounts, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Encore Theatre Company Inc	<i>Mamma Mia</i> (Level 2)	89%	\$15,000	\$15,000	\$15,000
FermenTasmania	AgriCULTURED (Level 1)^	81%	\$12,500	\$12,500	\$12,500
Veterans Cricket Tasmania (Inc)	Veterans Cricket Australia Over 70s National Championships (Level 1)	81%	\$11,000	\$11,000	\$11,000
Australian Institute of Architects - Tasmanian Chapter	Open House Launceston (Level 1)**	81%	\$20,000	\$12,500	\$12,500
Blooming Tasmania Association Inc.	Blooming Tasmania Flower and Garden Festival (Level 1)	74%	\$12,000	\$12,000	\$9,000
Rotary Club of Central Launceston	Tamar Valley Cycling Challenge (Level 1)^	69%	\$10,000	\$10,000	\$7,500

**16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)**

<b>Organisation</b>	<b>Event</b>	<b>Score</b>	<b>\$Request</b>	<b>\$Assess</b>	<b>\$Recom</b>
Tamar Community Peace Trust	2021 Tamar Valley Peace Festival (Level 1)	68%	\$12,500	\$12,500	\$9,375
Launceston City Cycling Club	Launceston Christmas Carnival (Level 1)**	62%	\$15,000	\$12,500	\$9,375
<b>Total</b>			<b>\$108,000</b>	<b>\$98,000</b>	<b>\$86,250</b>
<b>2021/2022 Major Event Sponsorship Budget - Round 1</b>					<b>\$84,000</b>
<b>Balance</b>					<b>-\$2,250</b>

*Note - there are two levels in this category*

*Level 1 - \$5,001 up to \$12,500 and Level 2 - \$12,500 up to \$20,000*

*^Chris Griffin (Tourism Northern Tasmania) abstained from assessment of Tamar Valley Cycle Challenge (Rotary Club of Central Launceston Incorporated) and AgriCULTURED (FermenTasmania).*

*^Councillor Alan Harris abstained from assessment of Tamar Valley Cycle Challenge (Rotary Club of Central Launceston Incorporated)*

*\*\*Application assessed at Level 1 \$12,500, not Level 2 \$20,000 as the panel deemed the event to be a Level 1 event.*

**Mrs L Hurst (General Manager Community and Place Network) and Ms A Hart (Team Leader Tourism and Events) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Ms Margaret Killen (on behalf of Blooming Tasmania) spoke for the Recommendation**

**Ms Karina Dambergs (on behalf of FermenTasmania) spoke for the Recommendation**

**Ms Gillian Miles (on behalf of FermenTasmania) spoke for the Recommendation**



**16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)**

Due to a declaration of interest in Agenda Item 16.2 - Major Event Sponsorship Round 1 2021/2022 (Encore Theatre Company Inc. - *Mamma Mia*), the Deputy Mayor Councillor D C Gibson withdrew from the Meeting at 2.59pm and handed the Chair to Councillor R I Soward

**DECISION:** 3 June 2021

**MOTION 1**

Moved Councillor K P Stojansek, seconded Councillor A G Harris.

That Council approves the following Major Event Sponsorship Application to receive the recommended sponsorship amount, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Encore Theatre Company Inc	<i>Mamma Mia</i> (Level 2)	89%	\$15,000	\$15,000	\$15,000
<b>Total</b>			<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>
2021/2022 Major Event Sponsorship Budget - Round 1					\$84,000
<b>Balance</b>					<b>\$69,000</b>

**CARRIED 9:0**

**FOR VOTE:** 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

**ABSENT DUE to DECLARATION of INTEREST:** Deputy Mayor Councillor D C Gibson

The Deputy Mayor, Councillor D C Gibson, re-attended the Meeting and resumed the Chair at 3.01pm.

Due to a declaration of interest in Agenda Item 16.2 - Major Event Sponsorship Round 1 2021/2022 (Rotary Club of Central Launceston - *Tamar Valley Cycling Challenge*), Councillor A G Harris withdrew from the Meeting at 3.01pm.

16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

**DECISION:** 3 June 2021

**MOTION 2**

Moved Councillor K P Stojansek, seconded Councillor N D Daking.

That Council approves the following Major Event Sponsorship Application to receive the recommended sponsorship amount, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
Rotary Club of Central Launceston	<i>Tamar Valley Cycling Challenge (Level 1)</i> <sup>^</sup>	69%	\$10,000	\$10,000	\$7,500
<b>Total</b>			<b>\$10,000</b>	<b>\$10,000</b>	<b>\$7,500</b>
Remaining 2021/2022 Major Event Sponsorship Budget - Round 1					\$69,000
<b>Balance</b>					<b>\$61,500</b>

<sup>^</sup> *Councillor Alan Harris abstained from assessment of Tamar Valley Cycle Challenge (Rotary Club of Central Launceston Incorporated)*

**CARRIED 9:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, 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 T G Walker  
**ABSENT DUE to DECLARATION of INTEREST:** Councillor A G Harris

Councillor A G Harris re-attended the Meeting at 3.02pm

16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

**DECISION:** 3 June 2021

**MOTION 3**

Moved Councillor K P Stojansek, seconded Councillor A G Harris.

That Council approves the following Major Event Sponsorship Applications to receive the recommended sponsorship amounts, subject to the adoption of the 2021/2022 annual estimates.

Organisation	Event	Score	\$Request	\$Assess	\$Recom
FermenTasmania	AgriCULTURED (Level 1)^	81%	\$12,500	\$12,500	\$12,500
Veterans Cricket Tasmania Inc.	Veterans Cricket Australia Over 70s National Championships (Level 1)	81%	\$11,000	\$11,000	\$11,000
Australian Institute of Architects - Tasmanian Chapter	Open House Launceston (Level 1)**	81%	\$20,000	\$12,500	\$12,500
Blooming Tasmania Association Inc.	<i>Blooming Tasmania</i> Flower and Garden Festival (Level 1)	74%	\$12,000	\$12,000	\$9,000
Tamar Community Peace Trust	2021 Tamar Valley Peace Festival (Level 1)	68%	\$12,500	\$12,500	\$9,375
Launceston City Cycling Club	Launceston Christmas Carnival (Level 1)**	62%	\$15,000	\$12,500	\$9,375
<b>Total</b>			<b>\$83,000</b>	<b>\$73,000</b>	<b>\$63,750</b>
<b>Remaining 2021/2022 Major Event Sponsorship Budget - Round 1</b>					<b>\$61,500</b>
<b>Balance</b>					<b>-\$2,250</b>

## 16.2 Major Event Sponsorship Round 1 2021/2022 ...(Cont'd)

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*Note - there are two levels in this category*

*Level 1 - \$5,001 up to \$12,500 and Level 2 - \$12,500 up to \$20,000*

*^ Chris Griffin (Tourism Northern Tasmania) abstained from assessment of Tamar Valley Cycle Challenge (Rotary Club of Central Launceston Incorporated) and AgriCULTURED (FermenTasmania).*

*\*\* Application assessed at Level 1 \$12,500, not Level 2 \$20,000 as the panel deemed the event to be a Level 1 event.*

**CARRIED 10:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, 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**

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**16.3 New Year's Eve Event Sponsorship 2021 - 2023****FILE NO:** SF6543**AUTHOR:** Stephanie Berns (Grants and Sponsorship Officer)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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**DECISION STATEMENT:**

To consider pre-committing triennial event sponsorship support for a New Year's Eve Event in 2021/2022, 2022/2023 and 2023/2024.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

**RECOMMENDATION:**

That Council approves the following New Year's Eve Sponsorship Application to receive the recommended sponsorship amount and that this amount is pre-committed from the New Year's Eve Sponsorship budget for 2021/2022, 2022/2023 and 2023/2024:

<b>Organisation</b>	<b>Event</b>	<b>\$Request</b>	<b>\$Assess</b>	<b>\$Recom</b>
Beerfest No1 Pty Ltd	Launceston Beerfest NYE	\$46,000	\$46,000	\$46,000
<b>Total</b>		<b>\$46,000</b>	<b>\$46,000</b>	<b>\$46,000</b>

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**Mrs L Hurst (General Manager Community and Place Network) and Ms A Hart (Team Leader Tourism and Events) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Councillor A E Dawkins withdrew from the Meeting at 3.07pm**

**Councillor A E Dawkins re-attended the Meeting at 3.07pm**

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**16.3 New Year's Eve Event Sponsorship 2021 - 2023 ...(Cont'd)**

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**DECISION: 3 June 2021****MOTION****Moved Councillor K P Stojansek, seconded Councillor A G Harris.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 9:1****FOR VOTE: Deputy Mayor Councillor D C Gibson, 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  
AGAINST VOTE: Councillor P S Spencer**

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## 16.4 Community Grants 2020/2021 Round 2

**FILE NO:** SF6941

**AUTHOR:** Stephanie Berns (Grants and Sponsorship Officer)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

### DECISION STATEMENT:

To consider applications for Community Grants received in Round 2, 2020/2021.

### PREVIOUS COUNCIL CONSIDERATION:

Council - 22 October 2019 - Agenda Item 15.2 - Community Grants (Organisations) Policy Review (05-PI-018)

Council - 22 October 2019 - Agenda Item 15.1 - Community Grants (Individuals/Teams/Groups) Policy Review (05-PI-017)

### RECOMMENDATION:

That Council approves the following organisations receive the recommended grant amounts:

Organisation	Project/Activity	Score	Requested \$	Recommended \$
Good Neighbour Council Launceston Inc.	<i>Invigorate Me Exercise</i>	81%	\$2,950	\$2,950
Stompin'	<i>Primary Stompin': a non-competitive dance creation and performance project for 8-13 year olds</i>	81%	\$5,000	\$5,000
Launceston Improvised Music Association	LIMA Improvised Music Workshops	57%	\$5,000	\$2,500
<b>TOTAL</b>			<b>\$12,950</b>	<b>\$10,450</b>
<b>TOTAL AVAILABLE</b>				<b>\$35,152</b>
<b>BALANCE</b>				<b>\$24,702</b>

\* Ella Dixon abstained from the assessment of *Invigorate Me Exercise* (Good Neighbour Council Launceston Inc.).

**16.4 Community Grants 2020/2021 Round 2 ...(Cont'd)**

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Mrs L Hurst (General Manager Community and Place Network) and Ms A Hart (Team Leader Tourism and Events) were in attendance to answer questions of Council in respect of this Agenda Item.

**DECISION:** 3 June 2021

**MOTION**

Moved Councillor K P Stojansek, seconded Councillor T G Walker.

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

**CARRIED 10:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, 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

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**16.5 Draft Regional Cat Management Strategy****FILE NO:** SF0044**AUTHOR:** David Mullenger (Manager Health and Compliance)**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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**DECISION STATEMENT:**

To consider the Draft Regional Cat Management Strategy as presented in V10.1.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 18 February 2021 - Draft Northern Regional Cat Management Strategy

**RECOMMENDATION:**

That Council:

1. endorses the Draft Regional Cat Management Strategy as presented in V10.1 (ECM Doc ID 4544826); and
  2. commits to reviewing opportunities for implementation as part of future annual planning and budget cycles.
- 

**Mrs L Hurst (General Manager Community and Place Network) and Mr D Mullenger (Manager Health and Compliance) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 3 June 2021****MOTION**

**Moved Councillor A E Dawkins, seconded Councillor T G Walker.**

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

**CARRIED 10:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, 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**

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**Councillor K P Stojansek retired from the Meeting at 3.25pm**

## **16.6 Relbia Feasibility Study Report - Community Consultation**

**FILE NO:** SF6874

**AUTHOR:** Claire Fawdry (Senior Planner) and Ryan Braddy (Mesh)

**GENERAL MANAGER:** Leanne Hurst (Community and Place Network)

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### **DECISION STATEMENT:**

To note the feedback from the Relbia community during the consultation phase of the project.

### **PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 13 August 2020 - Relbia Feasibility Study

Council - 10 December 2020 - Agenda Item 16.1 - Relbia Feasibility Study Report  
Community Consultation

Workshop - 1 April 2021 - Post Consultation Briefing

### **RECOMMENDATION:**

That Council notes:

1. the feedback from the Relbia community received during the consultation process; and
  2. the intention to prepare a final Relbia Feasibility Study report for consideration at a future Council Meeting to determine future steps.
- 

**Mrs L Hurst (General Manager Community and Place Network) and Ms A Gardiye (Graduate Town Planner Policy and Projects) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Councillor P S Spencer retired from the Meeting at 3.28pm**

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**16.6 Relbia Feasibility Study Report - Community Consultation ... (Cont'd)**

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**DECISION: 3 June 2021****MOTION****Moved Councillor A G Harris, seconded Councillor R I Soward.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 8:0****FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker****Council resumed the published order of business at Agenda Item 10.1 - Mayor's Announcements**

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## 10 ANNOUNCEMENTS BY THE MAYOR

### 10.1 Mayor's Announcements

FILE NO: SF2375

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#### Thursday 27 May 2021

- Attended the *2021 Theatre North* winter season launch

#### Friday 28 May 2021

- Hosted a civic function to mark the 21<sup>st</sup> Anniversary of *Rotary Club of Tamar Sunrise*

#### Saturday 29 May 2021

- Attended the *Sea Country* (authored by Aunty Patsy) book launch

#### Tuesday 1 June 2021

- Attended the *Reconciliation Day* breakfast
- Attended the *Reconciliation Day* lunchtime lecture by Professor Dr Marcia Langton AO

#### Sunday 6 June 2021

- Attended *Marooned: The Play* at Earl Arts Centre
- 

The Deputy Mayor, Councillor D C Gibson noted amendments to the Mayor's Announcements in that the events scheduled on 1 June 2021 - the *Reconciliation Day* breakfast and the *Reconciliation Day* lunchtime lecture by Professor Dr Marcia Langton AO and the event scheduled for 6 June 2021 *Marooned: The Play* were cancelled.

It was also noted that the Mayor, Councillor A M van Zetten, had hosted a civic reception to celebrate the 40<sup>th</sup> Anniversary of the Launceston School for Seniors on 2 June 2021.

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**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 A E Dawkins**

- **Attended Alison Jales' classroom at Glen Dhu Primary School which was also attended by the Commissioner for Children noting the recently completed book *When I Wake Up I Smile***

**11.2 Councillor T G Walker**

- **Attended the indigenous voice consultation sessions on 11 May 2021 which were held in Launceston**

**11.3 Councillor D H McKenzie**

- **Attended Theatre North's *Winter Soiree***

**11.4 Councillor D C Gibson**

- **Noted the work of the Queen Victoria Museum and Art Gallery regarding their innovative and effective marketing and promotion of their activities and exhibitions**

**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.)*

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## **12.1.1 Councillors' Questions on Notice - Councillor A G Harris - Security Surveillance - Council Meeting - 18 May 2021**

**FILE NO:** SF2375

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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### **QUESTIONS and RESPONSES:**

The following questions, submitted to the Council on 18 May 2021 by Councillor A G Harris, have been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

#### **Questions:**

1. Can you please provide the details of the number of CCTV and security cameras that have been installed by the Council or other levels of government in the CBD, Kings Meadows and Mowbray shopping areas over the past 5 to 10 years.
2. Can you also please advise if these cameras are still operational and if they are still *fit for purpose* to enable them to be used for the purpose that they were originally installed or are they in need of upgrading?

#### **Response:**

*The City of Launceston operates closed circuit television (CCTV) to assist Tasmania Police manage community safety in public areas. The need and locations of CCTV is provided on advice from Tasmanian Police.*

*The current status of the City of Launceston's CCTV system is:*

- *there are 35 cameras in the CBD that and, with the exception of one, they are all operational and fit for purpose;*
- *there are two cameras in Kings Meadows - operational and fit for purpose; and*
- *there have recently been 14 cameras installed in Mowbray and are awaiting power to be provided before becoming operational. This should be completed within six months.*

*Managing the CCTV system consumes around 400 to 500 of officer hours a year in addition to an annual expenditure of around \$50,000 for CCTV.*

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**12.1.1 Councillors' Questions on Notice - Councillor A G Harris - Security Surveillance - Council Meeting - 18 May 2021 ...(Cont'd)**

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*In addition to the ongoing maintenance and operation of the CCTV system, the Council has delivered the following recent projects:*

- *FY2018/2019 - CCTV expansion of the CBD and Kings Meadows for \$204,000.*
- *FY2019/2020 - improved CCTV storage for \$30,000.*
- *FY2019/2021 - Mowbray CCTV upgrade which is currently in delivery \$63,000.*
- *Draft FY2021/2022 budget allocates \$70,000 for upgrades/renewal of CCTV in the CBD.*

*Between the public place CCTVs and security CCTVs for the Council's facilities, the City of Launceston operates over 350 cameras. In 2021/2022 it is planned to develop a strategy on what the CCTV system will look like in to the future. The strategy will include management arrangements, technology, the Council's role, Tasmanian Police's role and legislative compliance.*

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**12.2 Questions Without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 29*

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

**12.2.1 Councillor P S Spencer - New Year's Eve Event 2020**

**[In relation to the 2020 New Year's Eve Beerfest event] Were the finances from the previous event certified by a practitioner auditor?**



**13 COMMITTEE REPORTS****13.1 Audit Panel Meeting - 18 May 2021****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Chief Financial Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To receive a report from the Audit Panel Meeting held on 18 May 2021.

**RECOMMENDATION:**

That Council receives the report from the Audit Panel Meeting held on 18 May 2021.

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**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: 3 June 2021****MOTION**

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

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

**CARRIED 8:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

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**13.2 Cataract Gorge Reserve Advisory Committee Meeting - 20 April 2021****FILE NO:** SF0839**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To receive and consider a report from the Cataract Gorge Reserve Advisory Committee Meeting held on 20 April 2021.

**RECOMMENDATION:**

That Council receives the report from the Cataract Gorge Reserve Advisory Committee Meeting held on 20 April 2021.

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

**DECISION: 3 June 2021****MOTION**

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

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

**CARRIED 8:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

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**13.3 Pedestrian and Bike Committee Meeting - 29 April 2021****FILE NO:** SF0618**AUTHOR:** Cathy Williams (Infrastructure and Engineering Officer)**GENERAL MANAGER:** Shane Eberhardt (Infrastructure and Assets Network)

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**DECISION STATEMENT:**

To receive and consider a report from the Pedestrian and Bike Committee Meeting held on 29 April 2021.

**RECOMMENDATION:**

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 29 April 2021.

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

**DECISION: 3 June 2021****MOTION**

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

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

**CARRIED 8:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker

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**13.4 Tender Review Committee Meeting - 13 May 2021****FILE NO:** SF0100/CD.071/2020**AUTHOR:** Anthea Rooney (Council and Committees Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

That Council notes the decision of the Tender Review Committee to accept the tender submitted by TMA Australia for the Northern Inveresk Carpark Access Management System, Contract Number CD.071/2020 for \$264,450.00 (exclusive of GST).

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

**DECISION:** 3 June 2021**MOTION****Moved Councillor D H McKenzie, seconded Councillor J G Cox.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 8:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker

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**14 COUNCIL WORKSHOPS**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)*

**14.1 Council Workshop Report**

**FILE NO:** SF4401

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

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

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RECOMMENDATION:**

That, pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 27 May and 3 June 2021:

**MONA FOMA 2021 Debrief**

*Councillors received a debrief on MONA FOMA 2021 Launceston.*

**Four Year Delivery Plan**

*Councillors received an update on the review process of the four year delivery plan.*

**Carr Villa Update**

*Councillors discussed a project update for the new ash placement area at Carr Villa Memorial Park.*

**2021 Election Commitments**

*Councillors discussed the election commitments made during the 2021 State election.*

**Charles Street Bridge Corridor Review Findings**

*Councillors were presented with the findings from the Lower Charles/Goderich Streets Corridor Review.*

**East Tamar Trials and Signal Upgrade Project**

*Councillors were presented with the outcomes of the Lindsay Street and Esplanade right turn ban trial and an update on the Traffic Signal Upgrade Project.*

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

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### **2021 Local Government Association of Tasmania Ballot**

*Councillors considered nominations for the Local Government Association of Tasmania's 2021 election.*

### **Update on Draft Economic Strategy**

*Councillors received an update on the review of the Economic Development Strategy along with an overview of the draft of the future strategy.*

### **Ten Days on the Island Partnership Agreement**

*Councillors discussed the development of a partnership agreement with the Ten Days on the Island Festival.*

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

### **DECISION: 3 June 2021**

#### **MOTION**

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

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

**CARRIED 8:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

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**15 NOTICES OF MOTION**

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

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

**16 COMMUNITY AND PLACE NETWORK ITEMS****16.1 Small Event Sponsorship Round 1 2021/2022**

**A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 9.3 - 29 Connaught Crescent, West Launceston - Construction of Two New Multiple Dwellings on page 41 of these Minutes.**

**16.2 Major Event Sponsorship Round 1 2021/2022**

**A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 16.2 - Small Event Sponsorship Round 1 2021/2022 on page 46 of these Minutes.**

**16.3 New Year's Eve Event Sponsorship 2021 - 2023**

**A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 16.3 - Major Event Sponsorship Round 1 2021/2022 on page 52 of these Minutes.**

**16.4 Community Grants 2020/2021 Round 2**

**A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 16.4 - New Year's Eve Event Sponsorship 2021 - 2023 on page 54 of these Minutes.**

**16.5 Draft Regional Cat Management Strategy**

**A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 16.4 - Community Grants 2020/2021 Round 2 on page 56 of these Minutes.**

**16.6 Relbia Feasibility Study Report - Community Consultation**

**A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 16.5 - Draft Regional Cat Management Strategy on page 57 of these Minutes.**

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

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

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**18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS**

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

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## 19 ORGANISATIONAL SERVICES NETWORK ITEMS

### 19.1 Facilities and Highways By-Law Number 1 of 2021

**FILE NO:** SF6763

**AUTHOR:** Duncan Campbell (Team Leader Legal Services)

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

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#### **DECISION STATEMENT:**

To consider the making of the *Facilities and Highways By-Law Number 1 of 2021*

*This decision requires an absolute majority of Council.*

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

Council - 9 July 2020 - Agenda Item 19.2 - Intention to Make Facilities and Local Highways By-Law No 1 of 2020

#### **RECOMMENDATION:**

That Council:

1. notes its decision made on 9 July 2020 that it intended to make a new by-law.
  2. pursuant to sections 159 of the *Local Government Act 1993* (Tas) considers the one submission received in respect of the proposed by-law and endorses the assessment contained in the Agenda Item Report for this item.
  3. pursuant to section 160 and 161 of the *Local Government Act 1993* (Tas), alters the by-law as proposed on 9 July 2020 so that it is in accordance with the text below and authorises the fixing of Council's seal in order to make the *Facilities and Highways By-Law Number 1 of 2021*:
-

## 19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

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### LAUNCESTON CITY COUNCIL

#### FACILITIES AND HIGHWAYS BY-LAW NUMBER 1 OF 2021

A by-law made under section 145 of the *Local Government Act 1993* (Tas) to control, regulate and protect facilities and local highways throughout the municipal area of the Launceston City Council.

#### PART 1 – PRELIMINARY

##### 1 Short Title

- (1) This by-law may be cited as the Facilities and Highways By-Law Number 1 of 2021.

##### 2 Application

- (1) This by-law applies to all Facilities and Local Highways in the municipal area of the Launceston City Council.

##### 3 Interpretation

- (1) This by-law is not intended to interfere with the cultural activities of the Tasmanian Aboriginal community, nor with the cultural activities of any other peoples.

- (2) In this by-law, unless the contrary intention appears:

"Abandoned" means:

- (a) in relation to objects or material, any objects or materials that appear to an Authorised Officer to have been discarded by the owner and that, in the opinion of the Authorised Officer, have a negligible market value apart from scrap value;
- (b) in relation to a Vehicle, any Vehicle which:
- (i) has been left parked or stationary at any Facility for a period in excess of 48 hours;
  - (ii) is unreasonably obstructing the public use of a Facility; or
  - (iii) is parked or used in breach of this by-law;
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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"Aquatic Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming related facility or building controlled or managed by the Council;

"Authorised Officer" means an employee of the Council authorised in writing by the Council for the purposes of this by-law;

"CCTV" means any visual surveillance and recording technology system with the capability to monitor environments and activities;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Closed Area" means any closed Facility or part of a Facility that has been closed under clause 17;

"Commercial Activity" means any activity which relates to the provision of goods and services and includes:

- (a) the promotion of an undertaking that provides goods and services;
- (b) distributing or arranging to distribute or affixing to any Council property any type of advertisement, book, card, notice, pamphlet, print, paper, sign billboard or placard for any purpose;
- (c) organised instructing or coaching at an Aquatic Centre;
- (d) the placement of a skip bin;
- (e) the placement of security fencing, hoarding, shipping containers, site office or site amenities associated with the use of development of the adjacent land;

whether the person is remunerated or not;

"Council" means the Launceston City Council;

"Crossing" means a vehicular crossing or pedestrian path over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway that is intended primarily for ingress or egress from that land.

"Damage" includes:

- (a) to destroy, tamper with, remove, mark, write on, deface or in any other way injure;
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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- (b) collect or remove any wood or timber;
- (c) open or keep open an entrance to a Public Reserve; and
- (d) place or dump objects or materials;

without the permission of an Authorised Officer;

"Facility" means a Public Reserve, Aquatic Centre, or York Park Stadium;

"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997* (Tas);

"Local Highway" has the same meaning as under the *Local Government (Highways) Act 1982* (Tas) and also includes a Mall as defined by this by-law;

"Mall" means the areas listed in Schedule 2;

"Nuisance" means:

- (a) causing Damage to a tree, shrub or any other thing;
- (b) climbing on to a roof or fence in a Facility;
- (c) lighting a fire other than in a fireplace provided by the Council for public use;

where the Council or an Authorised Officer has not given written approval for that activity to occur in a Facility or Local Highway.

"Parking Area" means an area at a Facility allocated by the Council for parking of Vehicles;

"Person" means an individual, corporation or other legal entity (other than the Crown);

"Permit" means:

- (a) a current permit or other written approval granted pursuant to this by-law; or
  - (b) any permit, licence or written approval granted pursuant to another by-law, including a by-law which has been repealed, providing that:
    - (i) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
-

## 19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

---

- (ii) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

“Public Reserve” means a reserve, rockery, area of bushland, planted embankment, nature strip, median strip, plantation, sports ground, park, flood levee or garden usually open to the public and under the control and management of the Council;

“Polluting Substance” means in any Aquatic Centre:

- (a) blood;
- (b) faeces;
- (c) detergents;
- (d) food and beverages;
- (e) urine;
- (f) vomit; or,
- (g) any other substance deemed to be a polluting substance by an Authorised Officer.

“Skip Bin” means any container that has a capacity in excess of 240 litres that is designed primarily for the collection and removal of waste or recyclable materials.

“Vehicle” means a vehicle as defined in section 3(1) of the *Traffic Act 1925* (Tas).

“York Park Stadium” means the area within the boundaries as marked on the map in Schedule 3.

## **PART 2 - USE OF FACILITIES**

### **4 Driving of Vehicles**

- (1) Subject to subclause (2) a person must not drive a Vehicle in a Facility.

Penalty: a fine not exceeding 5 penalty units.

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**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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- (2) A person does not commit an offence contrary to subclause (1) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:
- (a) by an emergency service;
  - (b) on a road, parking space, path or track provided for such Vehicles within a Facility, unless signs or notice boards indicate that such use is not allowed; or
  - (c) with the written permission of an Authorised Officer.
- (3) Subject to subclause (4) a person must not drive a Vehicle in a Mall.
- Penalty: a fine not exceeding 5 penalty units.
- (4) A person does not commit an offence contrary to subclause (3) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:
- (a) by an emergency service;
  - (b) in accordance with any sign or notice board allowing such use; or
  - (c) with the written permission of an Authorised Officer.

**5 Unsafe Driving in a Facility**

- (1) Except for emergency Vehicles, a person permitted to drive a Vehicle in a Facility must:
- (a) enter or leave by an access point identified by signage, or as otherwise directed by an Authorised Officer;
  - (b) not cause the Vehicle to enter or remain in a Parking Area closed pursuant to clause 17;
  - (c) drive at a safe speed not in excess of five kilometres per hour unless otherwise authorised by an Authorised Officer; and
  - (d) not abandon a Vehicle.

Penalty: a fine not exceeding 5 penalty units.

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**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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**6 Unauthorised Commercial Activity**

- (1) A person must not engage in Commercial Activity in a Facility or on a Local Highway without a Permit or other authorisation granted by the Council.

Penalty: a fine not exceeding 10 penalty units.

**7 Unauthorised objects to facilitate Commercial Activity**

- (1) A person must not cause or permit the installation of any furniture, building, booth or other structure that will facilitate Commercial Activity in a Facility or on a Local Highway except under the conditions of a Permit or as otherwise authorised.

Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.

**8 Public speaking, concerts and similar activities**

- (1) In a Facility or on a Local Highway, a person must not conduct, arrange, or participate in:

- (a) subject to clause 8(2), a function, party, reception, assembly, concert or informal social gathering;
- (b) an organised sport, contest, or game;
- (c) public speaking, including preaching; or
- (d) busking, selling raffle tickets or taking up collection of money;

without a Permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) Subject to clause 20, for the purpose of clause 8(1) a person may conduct, arrange or participate in a function, party, reception, assembly, concert or informal social gathering in a Public Reserve without written permission from an Authorised Officer if the gathering does not:

- (a) involve more than 50 people participating at any time;
  - (b) obstruct, or interfere with the passive, incidental use and enjoyment of the Public Reserve by other members of the public;
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

---

- (c) use an area which is notified as, or indicated by signs and barriers to be, a reserved or Closed Area; and
- (d) involve the other activities referred to in clause 8(1)(b), (c) or (d).

**9 Dogs and other animals**

- (1) A person must not possess or have under his or her control an animal in a Facility, except:
  - (a) a dog in a Public Reserve being exercised in conformity with the *Dog Control Act 2000* (Tas);
  - (b) a horse being ridden in a Public Reserve area where Council notices or signs state that such use is allowed;
  - (c) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* (Tas) or an assistance animal as defined in the *Disability Discrimination Act 1992* (Cth); or
  - (d) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

**10 Nuisance**

- (1) A person must not create or cause a Nuisance in a Facility or Local Highway.

Penalty: a fine not exceeding 5 penalty units.

**11 Misuse of change room and public toilet**

- (1) A person must not in a Facility or Local Highway, if that person is over the age of ten years, enter a change room or public toilet reserved for the use of people of the opposite sex, except to help a child under that person's care, or someone who is injured, elderly or disabled.

Penalty: a fine not exceeding 10 penalty units.

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## 19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

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### **12 Ground Invasion**

- (1) A person must not enter onto the playing arena of York Park Stadium except:
- (a) while participating in an organised activity where the Council approved event organisers have invited the person to enter the playing area;
  - (b) as part of that person's employment with the Council or an emergency service;  
or
  - (c) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 20 penalty units.

### **13 Polluting Substance in an Aquatic Centre**

- (1) A person must not put any Polluting Substance in a pool of an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

### **14 Infection or a contagious disease in an Aquatic Centre**

- (1) A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

### **15 Objects on a Local Highway or Facility**

- (1) A person must not deposit or allow to be deposited on a Local Highway or Facility any:

- (a) soil, gravel or other material;
- (b) structure; or
- (c) other object,

in a manner that an Authorised Officer determines may interfere with the amenity, comfort, convenience, or safety of the public.

Penalty: a fine not exceeding 5 penalty units.

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## 19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

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### **PART 3 - POWERS OF AUTHORISED OFFICERS AND ENFORCEMENT**

#### **16 Occupying Facility or Local Highway without a Permit**

- (1) A person must not occupy any part of a Facility or Local Highway unless the person is occupying the Local Highway in accordance with a Permit or other authorisation granted by the Council for the relevant land.

Penalty: a fine not exceeding 5 penalty units.

#### **17 Closure of Facility**

- (1) An Authorised Officer may from time to time, and for such temporary period as he or she determines, close all or any part of a Facility, to members of the public.

#### **18 Entering or remaining in a closed Facility**

- (1) A person must not enter, or remain in, any Closed Area, without the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

#### **19 Making Good**

- (1) An Authorised Officer may take any reasonable measure to restore a Facility or Parking Area to its original condition after a breach of this by-law including:

- (a) remove any structure, sign, notice or other object;
  - (b) require a person to undertake works to rectify any Council property which has been subject to Damage due to that person's acts or omissions; and
  - (c) if the Authorised Officer is an employee of the Council, remove any Abandoned object or materials, or Abandoned Vehicle and:
    - (i) take it to a safe place and keep it there until the penalty, removal and storage charges have been paid; and
    - (ii) if the object or material, or Vehicle has not been collected for a period of 28 days, or if the owner of the Vehicle cannot be located after a period of 28 days, the object or material, or Vehicle may be disposed of in any manner the Council sees fit.
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

---

- (2) Where in the opinion of the Authorised Officer it appears likely that an Abandoned object may have been stolen the Authorised Officer must seek to contact Tasmania Police and seek further directions prior to disposal.
- (3) The Council may use the proceeds of disposal to pay any outstanding penalty, or removal or storage costs, but if the proceeds of disposal exceed the amount of the expenses, the Council must hold those balance proceeds for a period of six months from the date of disposal and, if not claimed by the owner during that period, then dispose of the balance as the Council sees fit.
- (4) In addition to a penalty imposed or remedy granted against a person in relation to a failure to comply with this by-law, any expense incurred by the Council in consequence of that failure or contravention, including the costs of rectification work, is recoverable by the Council as a debt payable by the person in contravention.

**20 Refusal of admission and removal**

- (1) If a person engages in conduct which is reasonably believed by the Authorised Officer to be in breach of this by-law, or a Nuisance, an Authorised Officer may either:
    - (a) refuse to admit a person to a Facility;
    - (b) require a person to leave a Facility for a specified length of time;
    - (c) issue a prohibition notice banning a person from entering a Facility for the period of the ban; or
    - (d) if the Authorised Officer is an employee of the Council, remove any person from a Facility.
  - (2) A person who has been banned from using a Facility for a period of time must not enter that Facility during that period.

Penalty: a fine not exceeding 5 penalty units.
  - (3) A police officer may arrest without warrant a person who:
    - (a) he or she believes on reasonable grounds to have committed an offence against this by-law; and
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

---

- (b) is on land owned by, or under control of the Council.
- (4) The Council may prosecute a person for breach of this by-law if the person does not leave a Facility after having been requested to do so.

**21 Closed Circuit Television**

- (1) A person who enters a Facility or Local Highway may have their image recorded and disclosed for investigatory and management purposes.

**22 Assistance of Police Officers**

- (1) A Police Officer is authorised to:
  - (a) assist an Authorised Officer to carry out an action under clause 20(1)(d) of this by-law;
  - (b) remove any person from a Facility whom the Police Officer reasonably believes has committed or is committing an offence under this by-law; and
  - (c) arrest any person who is in a Facility whom the Police Officer reasonably believes has committed or is committing an offence under this by-law.

**PART 4 - PERMITS****23 Permits**

- (1) Subject to Part 12 Division 1 of the *Local Government Act 1993* (Tas), the Chief Executive Officer may, grant, cancel or vary a Permit to temporarily occupy part or all of a Facility or Local Highway in accordance with this by-law.
  - (2) A permit cannot be issued under this by-law for any permit, licence, use, activity, hiring or occupation of a Facility or Local Highway for which there is already a fee set by Council pursuant to section 205 of the *Local Government Act 1993* (Tas).
  - (3) An application for a Permit for Commercial Activity for the supply of food in a Facility or on a Local Highway cannot be refused solely on the grounds that the activity will compete with existing businesses.
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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**24 Applications**

- (1) Any application for a Permit pursuant to this by-law is to be:
    - (a) in accordance with any form approved by the Chief Executive Officer;
    - (b) accompanied by the relevant prescribed fee per application set out in Schedule 4 to this by-law, if any; and
    - (c) where applicable, must be accompanied by the following:
      - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
      - (ii) a scaled drawing showing the location and extent of the proposed activity;
      - (iii) approvals from relevant authorities;
      - (iv) evidence of current public liability insurance or other relevant insurance; and
      - (v) such other information that the Chief Executive Officer may reasonably require.
  - (2) In deciding whether or not to grant a Permit pursuant to this by-law, the Chief Executive Officer may have regard to the following and any other relevant matters:
    - (a) the type of activity proposed;
    - (b) the location of that activity;
    - (c) the impact of the proposed activity on public safety, the environment and amenity; and
    - (d) any comments made by any employee of the Council or by a Police Officer in relation to the application.
  - (3) If an application for a Permit is refused, reasons are to be provided.
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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**25 Variation of Permit conditions**

- (1) The Chief Executive Officer may vary the conditions of any Permit if they consider it is appropriate to do so.
- (2) If the conditions of any Permit are varied pursuant to clause 25(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
  - (a) the conditions of the Permit are varied; and
  - (b) the reason or reasons for the variation of the Permit conditions.
- (3) The conditions of a Permit will be varied from the date of service of the notice of the variation.

**26 Cancellation of Permits**

- (1) The Council or the Chief Executive Officer may cancel any Permit if satisfied that:
    - (a) a Permit holder has breached any of Council's by-laws; or
    - (b) a Permit holder has breached a term or condition of the Permit.
  - (2) If a Permit is cancelled pursuant to clause 26(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
    - (a) the Permit is cancelled; and
    - (b) the reason or reasons for the cancellation.
  - (3) Cancellation of any Permit is effective from the date of service of the notice of the cancellation.
  - (4) Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any Permit if required due to the exercise or intended exercise of any local government function, power, right or duty.
-

## 19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

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### 27 Notices

- (1) For the purposes of clauses 25(3) and 26(3), a notice may be served in any of the following ways:
  - (a) on the holder of the Permit personally;
  - (b) by email or ordinary post to the last known address of the Permit holder; or
  - (c) by notice being given in the public notice section of a newspaper circulating in the Launceston City Council municipal area.
- (2) The date of service of a notice will be:
  - (a) if the holder of the Permit was served by ordinary post, five business days from the date the notice was posted; or
  - (b) if the notice was given in a newspaper, the date of the publication of that newspaper; or
  - (c) if the holder of a Permit was served by email, the day after the email was sent.

## PART 5 – INFRINGEMENT NOTICES

### 28 Infringement notices and fines

- (1) In this clause –  
  
"**specified offence**" means an offence against a clause specified in Column 1 of Schedule 1.
  - (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that specified offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
  - (3) An Authorised Officer may:
    - (a) issue an infringement notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence;
-

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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- (b) issue one infringement notice in respect of more than one specified offence.
  - (4) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this by-law.
  - (5) In addition to any other method of service, an infringement notice alleging that a Vehicle has been used in relation to a specified offence may be served by affixing it to that Vehicle.
  - (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
    - (a) pay the monetary penalty in full to the Chief Executive Officer;
    - (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
    - (c) apply to the Chief Executive Officer for a variation of payment conditions; or
    - (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
  - (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.
-



**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

**Schedule 1 Infringement Notice Offences**

<b>1: Clause</b>	<b>2: General Description of Offence</b>	<b>3: Penalty (Penalty Units)</b>
4(1)	Driving a Vehicle in a Facility	1
4(3)	Driving a Vehicle in a Mall	1
5(1)	Unsafe Driving in a Facility	1
6(1)	Unauthorised Commercial Activity	2
7(1)	Unauthorised objects to facilitate Commercial Activity	2
8(1)	Engaging in unauthorised activity	1
9(1)	Unauthorised animals	1
10(1)	Nuisance	1
11(1)	Entering change rooms	2
12(1)	Ground Invasion	4
13(1)	Introduction of Polluting Substances into an Aquatic Centre	1
14(1)	Use of Pool with Infectious Disease	1
15(1)	Objects on a Local Highway or Facility	1
16(1)	Occupying a Local Highway or Facility without a Permit	1
18(1)	Entering or remaining in closed Facility	1
20(2)	Re-entering Facility	1

**19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)**

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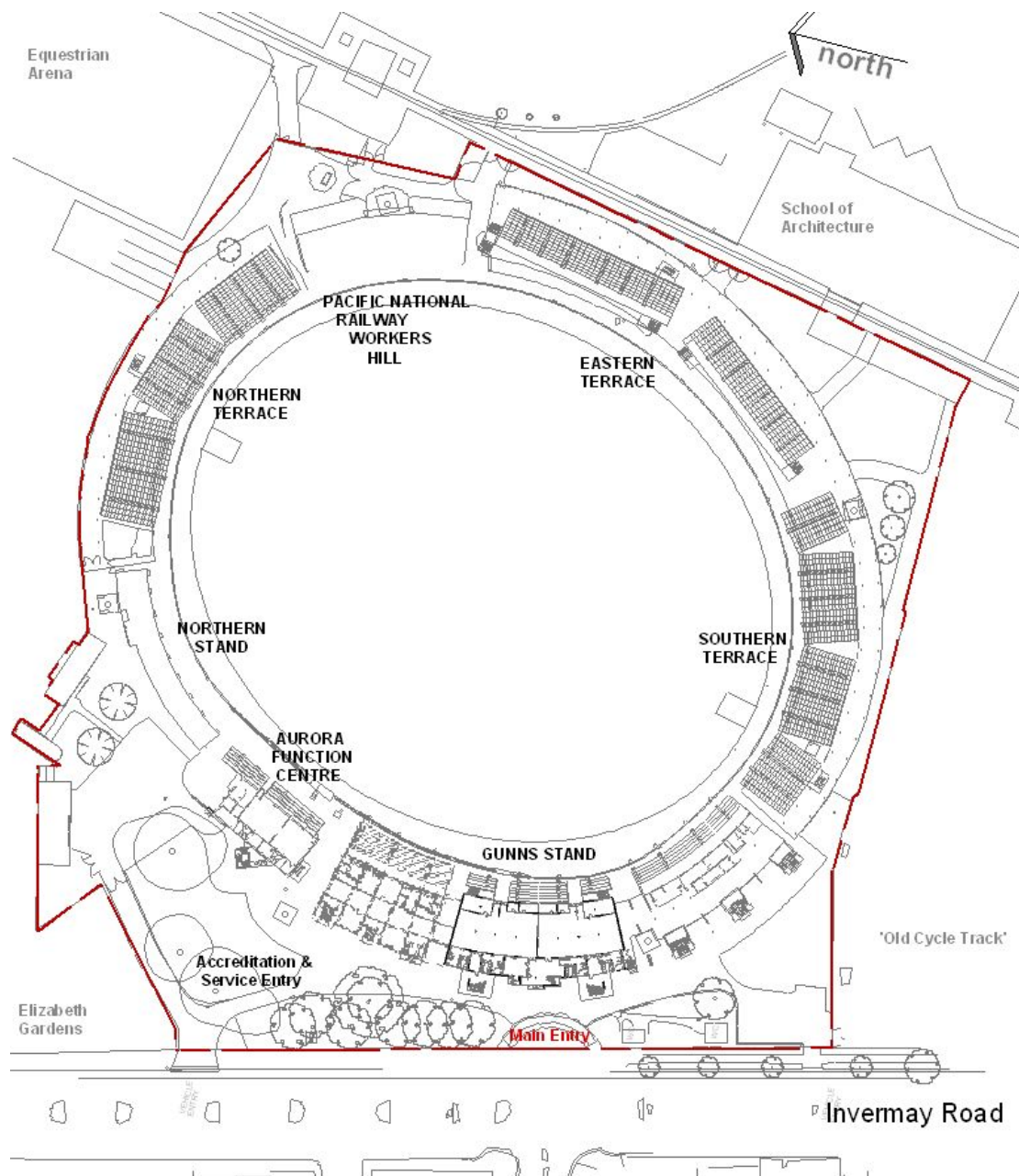
**Schedule 2 - Malls in which the By-Law applies**

- |   |                      |   |
|---|----------------------|---|
| 1 | Brisbane Street Mall | Between Charles and St John Streets.  |
| 2 | The Quadrant Mall    | The Quadrant between Brisbane Street and St John Street.  |
| 3 | Civic Square         | Cameron Street between Charles Street and St John Street.   |
| 4 | The Avenue           | The area from the shop front to the kerb edge of the widened footpath in Brisbane Street between St John Street and George Streets. |
| 5 | Charles Street       | The area from the shop front to the kerb edge of the widened footpath in Charles Street between Paterson and York Streets.          |
| 6 | St John Street       | The area from the shop front to the kerb edge of the widened footpath in St John Street between Paterson and York Streets.          |
-

19.1 Facilities and Highways By-Law Number 1 of 2021 ...(Cont'd)

Schedule 3

York Park Stadium



19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

Schedule 4

Prescribed Fees

Number	Fee Name	Fee (Fee Units)

The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the    day of    2021 in the presence of me:

.....  
Albert Van Zetten  
MAYOR

Certified as being made in accordance with *Local Government Act 1993* (Tas).

.....  
Michael Stretton  
CHIEF EXECUTIVE OFFICER  
being the General Manager as appointed by Council  
pursuant to section 61 of the  
*Local Government Act 1993* (Tas)

Certified as being in accordance with the law.

.....  
Nathan Street  
LEGAL PRACTITIONER

19.1 *Facilities and Highways By-Law Number 1 of 2021 ...*(Cont'd)

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

**DECISION:** 3 June 2021

**MOTION**

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

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

**CARRIED BY ABSOLUTE MAJORITY 8:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker

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**19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray****FILE NO:** C105060/DA0093/2009/SF1442**AUTHOR:** Robert Bujnowski (Properties and Legal Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the disposal of an interest in land comprising of a Right of Way easement located at 73 Foch Street, Mowbray.

*This decision requires absolute majority of Council.*

**PREVIOUS COUNCIL CONSIDERATION:**

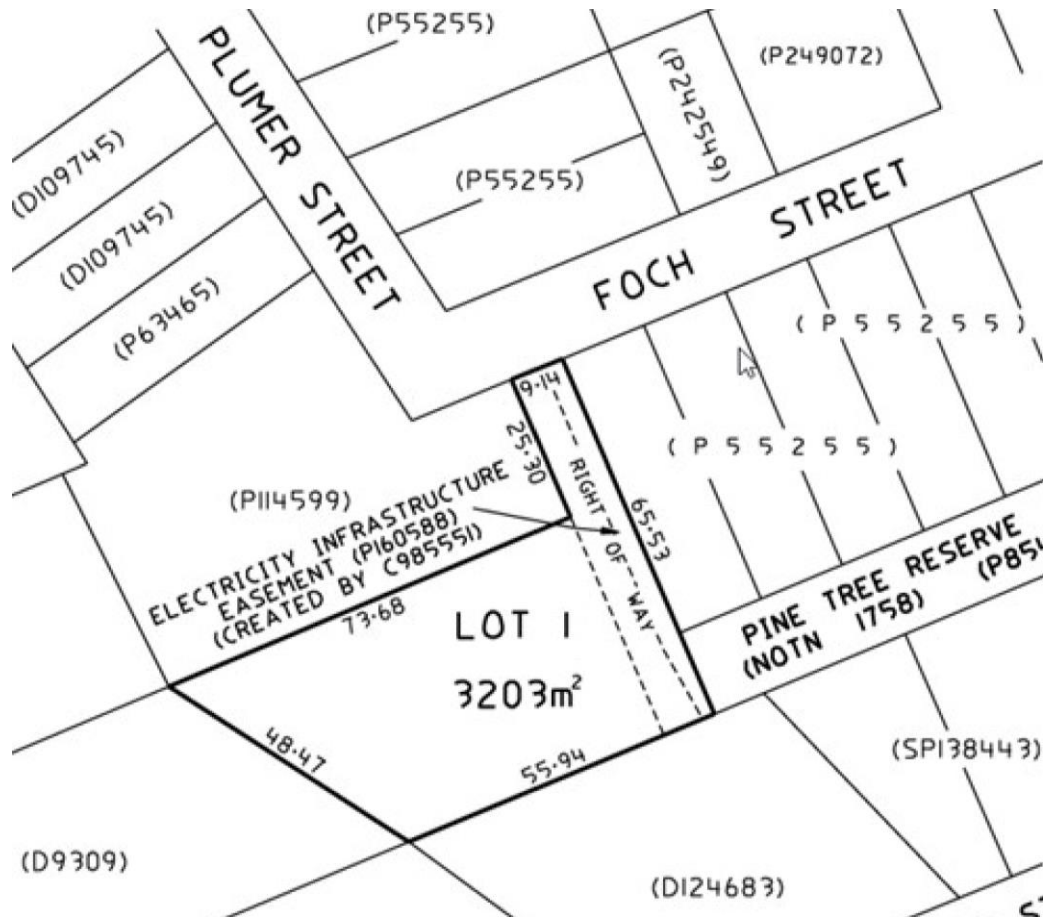
Council - 18 May 2009 - Agenda Item 10.2 - Development Application DA0093/2009 (Amended) - Date Reissued 21/5/2011 - Date Amended 21/02/2012 - Date Amended 01/10/2012 - Date Amended 11/06/2013

**RECOMMENDATION:**

That Council:

1. notes the valuation advice (ECM Doc Set ID 4464427) concerning the value of the Right of Way easement on Plan 151667.
  2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993* (Tas), to dispose of an interest in land comprising a Right of Way interest in Plan 151667.
  3. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to:
    - (a) remove the Right of Way from Plan 151667 and from the folio text of all 14 lots within Strata Plan 165582; and
    - (b) amend unregistered Sealed Plan 165393 by replacing the notation for Lot 2 from *Public Open Space* to *Footway*.
  4. makes Recommendations 2. and 3. conditional upon the property owner paying to the Council:
    - (a) \$1,650.00 plus GST for the cost of obtaining the required valuation report; and
    - (b) \$860.00 plus GST for the disposal of Council's interest in the Right of Way.
-

19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street, Mowbray ...(Cont'd)



- notes, for the avoidance of doubt, 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), Mr D Campbell (Team Leader Legal Services) and Mr R Bujnowski (Property and Legal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

**19.2 Disposal of Interest in Land - Removal of Right of Way at 73 Foch Street,  
Mowbray ...(Cont'd)**

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**DECISION: 3 June 2021**

**MOTION**

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

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

**CARRIED BY ABSOLUTE MAJORITY 8:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie,  
Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D  
Daking, Councillor A G Harris and Councillor T G Walker**

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**19.3 Disposal of Interest in Land - 275 Vermont Road, Mowbray**

**FILE NO:** SF2107

**AUTHOR:** Robert Bujnowski (Properties and Legal Officer)

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

**DECISION STATEMENT:**

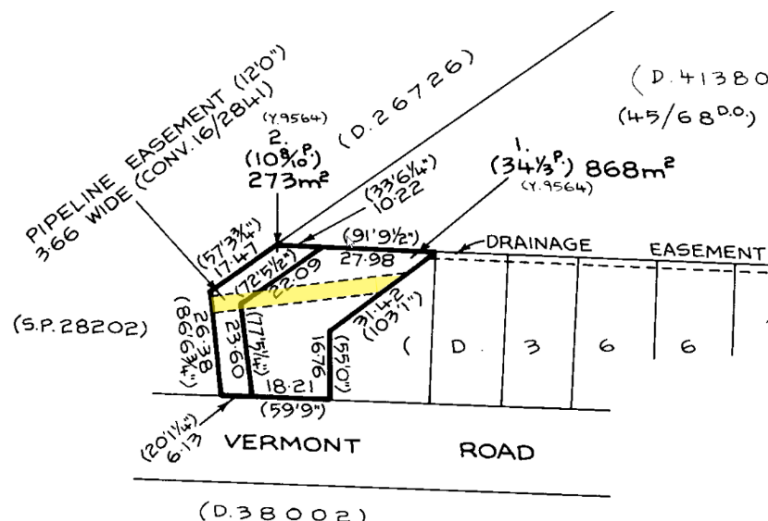
To consider the disposal of the Council's interest in an abandoned easement at 275 Vermont Road, Mowbray.

*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 (ECM Doc Set ID 4526162) relating to the pipeline easement at 275 Vermont Road, Mowbray existing within Certificates of Title: Volume 38003 Folio 1; and Volume 38003 Folio 2 (Pipeline Easement).
2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993 (Tas)*, to dispose of an interest in land comprising of the Pipeline Easement.
3. requests the Chief Executive Officer exercise all functions and/or powers necessary to enable a consequent amendment to Plan D38003 to allow for the Pipeline Easement's removal. An extract of that plan is shown below:



**19.3 Disposal of Interest in Land - 275 Vermont Road, Mowbray ...(Cont'd)**

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4. makes Recommendations 2. and 3. conditional upon the property owner paying to the Council the cost of obtaining a valuation report for the Pipeline Easement which totals \$1,000 plus GST, as well as an additional \$1 plus any GST for the Pipeline Easement (if demanded).
  5. notes, for the avoidance of doubt, 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), Mr D Campbell (Team Leader Legal Services) and Mr R Bujnowski (Property and Legal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 3 June 2021**

**MOTION**

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

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

**CARRIED BY ABSOLUTE MAJORITY 8:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

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**19.4 Financial Report to Council - 31 March 2021****FILE NO:** SF3611**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the Council's financial performance for the period ended 31 March 2021.

**PREVIOUS COUNCIL CONSIDERATION:**

Audit Panel - 18 May 2021 - Agenda Item 9.4 - Financial Statements (Analysis and Commentary)

**RECOMMENDATION:**

That Council adopts the financial report for the period ended 31 March 2021 and notes the report discloses an underlying deficit of \$3.544 million, of which \$2.263 million relates to a timing variance of receipt of a Financial Assistance Grant.

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

**DECISION: 3 June 2021****MOTION**

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

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

**CARRIED 8:0**

**FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

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**19.5 Proposed Budget 2021/2022 Consultation Responses****FILE NO:** SF6817/SF5669**AUTHOR:** Nathan Williams (Manager Finance)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the 2021/2022 budget public consultation process and the responses submitted.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 20 May 2021 - 2021/2022 Rates Modelling and Consideration of Public Feedback - 2021/2022 Budget and Annual Plan.

Considered annually.

**RECOMMENDATION:**

That Council:

1. receives the submissions from:
  - (a) Karen Gardner
  - (b) Brian
2. notes that the Council Meeting of 17 June 2021 is the intended date on which the budget will be adopted and the rate will be set.

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

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**19.5 Proposed Budget 2021/2022 Consultation Responses ...(Cont'd)**

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**DECISION: 3 June 2021****MOTION****Moved Councillor A G Harris, seconded Councillor R I Soward.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 8:0****FOR VOTE: Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker**

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## 20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

## 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 Annual Write Off of Non-Recoverable, Non-Rating Debts 30 June 2021

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:

- (j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

#### 21.3 Local Government Association of Tasmania - 2021 Elections

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:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
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**DECISION:** 3 June 2021

**MOTION**

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

That Council moves into Closed Session.

**CARRIED BY ABSOLUTE MAJORITY 8:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker

Council moved into Closed Session at 4.07pm

Council returned to Open Session at 4.10pm

**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.

<b>Minutes Item</b>	<b>Matter</b>	<b>Brief Description</b>
21.1	<i>Closed Council Minutes - 22 April 2021</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 22 April 2021.</i>
21.2	<i>Annual Write Off of Non-Recoverable, Non-Rating Debts 30 June 2021</i>	<i>Councillors considered non-recoverable (non-rating) debt write offs to 30 June 2021.</i>
21.3	<i>Local Government Association of Tasmania - 2021 Elections</i>	<i>Councillors determined voting preferences for the Local Government Association of Tasmania's 2021 Ballot.</i>

**DECISION:** 3 June 2021

## MOTION

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

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

**CARRIED 8:0**

**FOR VOTE:** Deputy Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor R I Soward, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor T G Walker

## 22 MEETING CLOSURE

The Deputy Mayor, Councillor D C Gibson, closed the Meeting at 4.11pm.

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