



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 6 MAY 2021
1.00pm**

City of Launceston

COUNCIL MINUTES

Thursday 6 May 2021

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

Date: 6 May 2021

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

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

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

To help keep you safe you must register your attendance at the Council Meeting in advance by telephoning 6323 3000 during business hours by 11.00am on the morning of the Council Meeting. A Council Officer will contact you to confirm attendance details.

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.

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 Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at contactus@launceston.tas.gov.au, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

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

PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

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

In Attendance: **Mr M Stretton (Chief Executive Officer)**
 Ms L Foster (Organisational Services Network)
 Mr S Tennant (Team Leader Communications)
 Mr R Bujnowski (Acting Team Leader Governance)
 Mrs A Rooney (Council and Committees Officer)

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8.2 Public Questions Without Notice

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

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

8.2.1 Mr Gus Green - Launceston Palliative Care

1. **[Referring to community palliative care based in Launceston] will Council Facilitate a taskforce to open a hospice in 2026?**

The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response will be provided in the Council Agenda of 20 May 2021.

8.2.2 Mr Gus Green - Noteworthy Anniversaries for Launceston in 2021

1. **Does anyone realise the history of this City? 2021 is a wonderful opportunity to celebrate the:**
 - **130th Anniversary of the Tasmanian Exhibition at the Albert Hall, opened on 26 November 1891. There is a \$10 million project to rejuvenate the hall and we should use this opportunity to celebrate this wonderful hall.**
 - **125th Anniversary of Duck Reach Power Station lighting Town Hall and Albert Hall in 1896**
 - **Brindley Organ in Albert Hall turning 160 years old.**

The Mayor, Councillor A M van Zetten, responded by saying that these matters would be taken on board.

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 22 April 2021 be confirmed as a true and correct record.

DECISION: 6 May 2021

MOTION

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

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

CARRIED 12:0

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

5 DEPUTATIONS

No Deputations were identified as part of these Minutes

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

7 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Agenda Items; that opportunity exists when that Agenda 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 Lucy Byrne (Managing Director) - **Healthy Tasmania Pty Ltd**

Ms Byrne provided Council with information on a local company - *Healthy Tasmania Pty Ltd* - that works with its partners across the State to improve the individual, community, social and financial health of Tasmania and Tasmanians with the goal of assisting communities to thrive.

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

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

8.2 Public Questions Without Notice

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

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

8.2.1 Mr Gus Green - Launceston Palliative Care

1. **[Referring to community palliative care based in Launceston] will Council facilitate a taskforce to open a hospice in 2026?**

The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response will be provided in the Council Agenda of 20 May 2021.

8.2.2 Mr Gus Green - Celebration of the 1891 Tasmanian Exhibition

1. **Does anyone realise the City's history with regard to the Tasmanian Exhibition of 1891?**

The Mayor, Councillor A M van Zetten, responded by saying that this matter would be considered.

8.2.3 Glenda King - Spraying in Launceston

1. [Referencing spraying that occurred on Easter Tuesday morning in Scott Street, East Launceston], what exactly was being sprayed, not only onto the street but directly onto my property; what is the toxicity of this material and how are such substances dealt with in terms of run off and entry into the storm water system; and why are residents not informed when potentially hazardous substances are being sprayed in their area?

The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response will be provided in the Council Agenda of 20 May 2021.

8.2.4 Ms Glenda King - Climate Strategy

1. What practical steps has the Council implemented since the endorsement and adoption of climate emergency; what have been these outcomes; what is the Council doing as part of its climate emergency response to counteract the zealous destruction of established aged trees and green cover evidenced by the frenzy of recent sub-divisions by developers on older urban properties and is this climate emergency considered an important enough issue for the future of our City that progress is being reviewed by sitting Aldermen [sic] - if so, when was such a review last undertaken?

The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response will be provided in the Council Agenda of 20 May 2021.

8.2.5 Ms Glenda King - Environmental Issue

3. Does the Council have a policy or procedure with regard to enforcing the retention of specific urban habitats, especially trees, that have been identified as being home to endangered or threatened species; what does the Council do, given its wide powers that it possesses, once it has been made aware of such habitats to ensure that these habitats are retained and not destroyed during urban redevelopment?

The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response will be provided in the Council Agenda of 20 May 2021.

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The Mayor, Councillor A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

9 PLANNING AUTHORITY

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool

FILE NO: DA0110/2021

AUTHOR: Maria Lasso (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Churchill Architects
Property:	7 Trotsford Crescent, Newstead
Zoning:	General Residential
Receipt Date:	4/03/2021
Validity Date:	5/03/2021
Further Information Request:	12/03/2021
Further Information Received:	23/03/2021
Deemed Approval:	6/05/2021
Representations:	12

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.2 Setbacks and building envelope for all dwellings (P1, P2 and P3)
10.4.6 Privacy for all dwellings (P1 and P2)
10.4.12 Earthworks and retaining walls

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for the demolition of the existing dwelling and construction of a new dwelling and swimming pool at 7 Trotsford Crescent, Newstead subject to the following conditions:

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ... (Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, Prepared by Churchill Architects, Drawing No. 2012-DA01, Revision DA02, Dated 15/3/21.
- b. Site Plan, Prepared by Churchill Architects, Drawing No. 2012-DA02, Revision DA02, Dated 15/3/21.
- c. Demolition Plan, Prepared by Churchill Architects, Drawing No. 2012-DA03, Revision DA02, Dated 15/3/21.
- d. Ground Floor, Prepared by Churchill Architects, Drawing No. 2012-DA04, Revision DA02, Dated 15/3/21.
- e. First Floor Plan, Prepared by Churchill Architects, Drawing No. 2012-DA05, Revision DA02, Dated 15/3/21.
- f. Elevations, Prepared by Churchill Architects, Drawing No. 2012-DA06, Revision DA02, Dated 15/3/21.
- g. Elevations, Prepared by Churchill Architects, Drawing No. 2012-DA07, Revision DA02, Dated 15/3/21.
- h. Elevations, Prepared by Churchill Architects, Drawing No. 2012-DA08, Revision DA02, Dated 15/3/21.
- i. Elevation, Prepared by Churchill Architects, Drawing No. 2012-DA09, Revision DA02, Dated 15/3/21.
- j. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA10, Revision DA02, Dated 15/3/21.
- k. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA11, Revision DA02, Dated 15/3/21.
- l. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA12, Revision DA02, Dated 15/3/21.
- m. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA13, Revision DA02, Dated 15/3/21.
- n. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA14, Revision DA02, Dated 15/3/21.
- o. Sun Diagrams, Prepared by Churchill Architects, Drawing No. 2012-DA15, Revision DA02, Dated 15/3/21.

2. LEGAL TITLE

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

3. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ... (Cont'd)

4. SCREEN PLANTING

Within three months of the completion of the development, a dense screen of trees or shrubs must be planted along the eastern boundary of the site in accordance with the details shown in Drawing No. 2012-DA06 to ensure reasonable privacy for the adjoining property. The plant screen must be adequately maintained and must not be removed without the approval of the Manager City Development.

5. FENCING

Fences within 4.5m of a frontage must have a maximum height of 1.8m above existing ground level and have openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights).

6. PRIVACY REQUIREMENTS

Prior to the commencement of works details must be submitted for approval by the Manager City Development of how the windows of bedrooms 01, 02 and 03 will be treated to prevent overlooking and provide privacy to adjoining properties in accordance with Clause 10.4.6 (P2). Once approved, those details will form part of this permit and must be installed as part of the development.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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.
-

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ... (Cont'd)

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

9. 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.

10. SOIL AND WATER MANAGEMENT PLAN

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

11. CONSTRUCTION OF RETAINING WALLS

All retaining walls located within 1.5m of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ... (Cont'd)

12. AMENITY

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

13. NO BURNING OF WASTE

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

14. DEMOLITION

The Developer must:

- carry out all demolition work in accordance with Safe Work Australia *Demolition Work Code of Practice* or any subsequent versions of the document;
- 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;
- not undertake any burning of waste materials on site;
- remove all rubbish from the site for disposal at a licensed refuse disposal site;
- dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos Code of Practice* or any subsequent versions of the document

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0110/2021. 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:

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

9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ... (Cont'd)

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Fireplace/Woodheater Use

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

Mr R Jamieson (Manager City Development), Ms P Glover (Team Leader Planning Assessments) and Ms M Lasso (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Ms Glenda King spoke against the Recommendation

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9.1 7 Trotsford Crescent, Newstead - Demolition of the Existing Dwelling and Construction of a New Dwelling and Swimming Pool ... (Cont'd)

DECISION: 6 May 2021

MOTION 1

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

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

CARRIED 12:0

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

DECISION: 6 May 2021

MOTION 2

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor D H McKenzie, Councillor J G Cox, Councillor K P Stojansek, Councillor R I Soward, 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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9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter)

FILE NO: DA0054/2021

AUTHOR: Doug Fotheringham (Consultant Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Ireneinc Planning on behalf of the University of Tasmania
Property:	2 Invermay Road, Invermay
Zoning:	Particular Purpose 4 - Inveresk Site
Receipt Date:	9/02/2021
Validity Date:	16/02/2021
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	Extension to 06/05/2021
Representations:	Five

PREVIOUS COUNCIL CONSIDERATION:

Council - 17 October 2019 - Agenda Item 9.1 - 2-4 Invermay Road, Invermay - Educational and Occasional Care - Construction of a New Building Including Demolition

Council - 3 September 2020 - Agenda Item 9.1 - 2-4 Invermay Road, Invermay - Vehicle Parking -- Extension of Existing Car Park

Council - 12 November 2020 - Agenda Item 9.1 - 2 and 7 Willis Street, 78 and 80 Cimitiere Street, Launceston - Educational and Occasional Care, Vehicle Parking, Passive recreation. Demolition and Subdivision - Construction of Tertiary Education Facility, Associated Works and Consolidation of Three Lots

Council - 12 November 2020 - Agenda Item 9.2 - 2-4 Invermay Road, Invermay - Launceston - Educational and Occasional Care and Demolition - Construction of Tertiary Education Facility, Associated Works Including Infrastructure and Landscaping, Demolition of Building, Removal of Vegetation and Removal of Car Park

Council - 28 January 2021 - 9.1 - Agenda Item 2-4 Invermay Road, Invermay - Education and Occasional Care, Alterations and Additions to a Building

COUNCIL MINUTES

Thursday 6 May 2021

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ... (Cont'd)

DA0883/2020 - Alterations and Extensions to the School of Architecture and Design Building (to facilitate the relocation of the Creative Arts and Media School from the nearby Stone building), approved under delegated powers March 2021

Council - 25 March 2021 - Agenda Item 9.1 - 2 Invermay Road and 6 Barnards Way, Invermay - Education and Occasional Care - Landscaping Works. Associated Infrastructure Including Two Outbuildings, a Steel Structure, Water Tanks; Recreational Area - Playing Courts; Removal of Parking Spaces and Trees

Council - 25 March 2021 - Agenda Item 9.2 - Invermay Road, Invermay - Residential - Student Accommodation and Associated Landscaping Works

Council - 25 March 2021 - Agenda Item 2 9.3 - 2 Invermay Road, Invermay - Educational and Occasional Care - Internal Refurbishment and Alterations to the Existing Stone Building

Council - 8 April 2021 - Agenda Item 9.1 - 2 Invermay Road, Invermay - Education and Occasional Care - Tree Removal, Landscaping and Development of Service Vehicle Access, Cycling and Pedestrian Infrastructure

STANDARDS REQUIRING COUNCIL DISCRETION

Standard	Reason
35.3.2 Noise levels P1	Application does not demonstrate compliance with A1
35.4.1 Building height	No Acceptable Solution
E2.5.1 Suitability for intended use P1	Preliminary Site Investigation report demonstrates compliance with P1(c)
E2.6.2 Excavation P1	Preliminary Site Investigation report demonstrates compliance with P1(c)
E6.5.1 Car parking numbers P1.1	No additional spaces are proposed
E6.5.2 Bicycle parking numbers P1	No additional spaces are proposed
E6.5.3 Taxi spaces P1	No additional spaces are proposed
E6.5.4 Motorcycle parking P1	No additional spaces are proposed
E6.5.5 Loading bays P1	A1 is not applicable
E13.6.4 Site coverage	No Acceptable Solution
E13.6.5 Height and bulk of buildings	No Acceptable Solution
E13.6.6 Site of buildings and structure	No Acceptable Solution

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ... (Cont'd)

E13.6.8 Roof form and materials	No Acceptable Solution
E13.6.9 Wall materials	No Acceptable Solution
E13.6.10 Outbuildings and structures	Application does not demonstrate compliance with A1
E13.6.12 Tree and vegetation removal P1	No Acceptable Solution

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 Passive Recreation - Construction of a minor structure (retrospective shelter), subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- Site Plan, prepared by pulpstudio, Drawing No. A102, UTAS Shelter Pavilion, Project Number 2101, 06/03/2021.
- Floor + Framing Plan, prepared by pulpstudio, Drawing No. A103, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- Footing Plan, prepared by pulpstudio, Drawing No. A104, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- Roof + Framing Plan, prepared by pulpstudio, Drawing No. A105, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- South and West Elevation, prepared by pulpstudio, Drawing No. A201, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- North and East Elevation, prepared by pulpstudio, Drawing No. A202, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.
- Section A-A, prepared by pulpstudio, Drawing No. A102, UTAS Shelter Pavilion, Project Number A301, 06/03/2021.
- Roof and Footing Detail, prepared by pulpstudio, Drawing No. A401, UTAS Shelter Pavilion, Project Number 2101, 17/02/2021.

2. WASTE MATERIALS

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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ... (Cont'd)

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0054/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ... (Cont'd)

D. Permit Commencement

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

E. Potentially Contaminated Site

There is a current potentially contaminated site alert for this property. The proposed change of use does not require any further investigation at this time however if the use of this site changes to a more sensitive use eg. residential premises or the site is significantly developed (disturbance of more than 1m² of land) then an Environmental Site Assessment in accordance with the requirements of Environmental Management and Pollution Control Act 1994 will be required by council prior to further approvals being granted.

Mr R Jamieson (Manager City Development) and Ms P Glover (Team Leader Planning Assessments) were in attendance to answer questions of Council in respect of this Agenda Item.

Councillor R I Soward declared an interest in Agenda Item 9.2 - 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) and withdrew from the Meeting at 1.40pm.

Mr Rod Tremayne (on behalf of the University of Tasmania Northern Transformation Project) spoke for the Recommendation

Mr Toby Harington (on behalf of School of Architecture students at the University of Tasmania) spoke for the Recommendation

9.2 2 Invermay Road, Invermay - Passive Recreation - Construction of a Minor Structure (Retrospective Shelter) ... (Cont'd)

DECISION: 6 May 2021

MOTION

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

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

CARRIED 9:2

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

Councillor R I Soward re-attended the Meeting at 1.56pm.

COUNCIL MINUTES

Thursday 6 May 2021

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings

FILE NO: DA0043/2021

AUTHOR: Luke Rogers (Town Planner)

GENERAL MANAGER: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Adams Building Design
Property:	22 Lantana Avenue, Newstead
Zoning:	General Residential
Receipt Date:	3/02/2021
Validity Date:	17/03/2021
Further Information Request:	18/02/2021
Further Information Received:	17/03/2021
Deemed Approval:	06/05/2021
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

10.4.2 Setbacks and building envelope for all dwellings
10.4.4 Sunlight and overshadowing for all dwellings
10.4.8 Waste storage for multiple dwellings
E4.6.2 Road accesses and junctions
E6.5.1 Car parking numbers

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 DA0043/2021 Residential - Construction of two additional dwellings at 22 Lantana Avenue, Newstead subject to the following conditions:

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ... (Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, Prepared by Adams Building Design, Project No. 050720, Drawing No. 1/20, Revision No. 6, Dated 19/02/2021.
- b. Govt. Infrastructure Details, Prepared by Adams Building Design, Project No. 050720, Drawing No. 2/20, Revision No. 6, Dated 19/02/2021.
- c. Site Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 3/20, Revision No. 6, Dated 19/02/2021.
- d. Plant Schedule, Prepared by Adams Building Design, Project No. 050720, Drawing No. 4/20, Revision No. 6, Dated 19/02/2021.
- e. Site/Drainage Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 5/20, Revision No. 6, Dated 19/02/2021.
- f. Townhouse 1 - Floor Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 6/20, Revision No. 6, Dated 19/02/2021
- g. Townhouse 2 - Floor Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 7/20, Revision No. 6, Dated 19/02/2021.
- h. Townhouse 1 - South West and South East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 8/20, Revision No. 6, Dated 19/02/2021.
- i. Townhouse 1 - North West and North East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 9/20, Revision No. 6, Dated 19/02/2021.
- j. Townhouse 2 - North West and North East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 10/20, Revision No. 6, Dated 19/02/2021.
- k. Townhouse 2 - South West and South East Elevation, Prepared by Adams Building Design, Project No. 050720, Drawing No. 11/20, Revision No. 6, Dated 19/02/2021.
- l. 3D Floor Plan, Prepared by Adams Building Design, Project No. 050720, Drawing No. 12/20, Revision No. 6, Dated 19/02/2021.
- m. 3D Views, Prepared by Adams Building Design, Project No. 050720, Drawing No. 13/20, Revision No. 6, Dated 19/02/2021.
- n. Sun shade Diagram 9am and 10am, Prepared by Adams Building Design, Project No. 050720, Drawing No. 14/20, Revision No. 6, Dated 19/02/2021.
- o. Sun shade Diagram 11am and 12noon, Prepared by Adams Building Design, Project No. 050720, Drawing No. 15/20, Revision No. 6, Dated 19/02/2021.
- p. Sun shade Diagram 1pm and 2pm, Prepared by Adams Building Design, Project No. 050720, Drawing No. 16/20, Revision No. 6, Dated 19/02/2021.
- q. Sun shade Diagram 3pm, Prepared by Adams Building Design, Project No. 050720, Drawing No. 17/20, Revision No. 6, Dated 19/02/2021.
- r. Section C, Prepared by Adams Building Design, Project No. 050720, Drawing No. 16/20, Revision No. 6, Dated 19/02/2021.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ... (Cont'd)

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 2021/00167-LCC 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 6m³ exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ... (Cont'd)

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

9. SINGLE STORMWATER CONNECTION

One stormwater connection only is permitted for this development.

10. 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.

11. 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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ... (Cont'd)

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.

12. SOIL AND WATER MANAGEMENT PLAN

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

13. 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.

14. NO BURNING OF WASTE

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

Notes**A. General**

This permit was issued based on the proposal documents submitted for DA0043/2021. 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.

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional Dwellings ... (Cont'd)

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Heat Pump Use

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

COUNCIL MINUTES

Thursday 6 May 2021

9.3 22 Lantana Avenue, Newstead - Residential - Construction of Two Additional 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>Strata Lot No.</i>	<i>Street Address</i>
<i>1 Townhouse #3 (existing)</i>	<i>1</i>	<i>1/22 Lantana Avenue</i>
<i>2 Townhouse #1 (new)</i>	<i>2</i>	<i>2/22 Lantana Avenue</i>
<i>3 Townhouse #2 (new)</i>	<i>3</i>	<i>3/22 Lantana Avenue</i>

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

Mr R Jamieson (Manager City Development) and Ms P Glover (Team Leader Planning Assessments) were in attendance to answer questions of Council in respect of this Agenda Item.

Councillor N D Daking withdrew from the Meeting at 1.57pm.

DECISION: 6 May 2021**MOTION**

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

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

CARRIED 11:0

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

COUNCIL MINUTES

Thursday 6 May 2021

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling

FILE NO: DA0101/2021

AUTHOR: Duncan Payton (Town Planner)

DIRECTOR: Leanne Hurst (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Churchill Architects
Property:	26 Welman Street, Launceston
Zoning:	Inner Residential
Receipt Date:	25/02/2021
Validity Date:	4/03/2021
Further Information Request:	09/03/2021
Further Information Received:	24/03/2021
Deemed Approval:	7/05/2021
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

- 11.4.1 Setback from a frontage for single dwellings
- 11.4.2 Site coverage and rear setback for single dwellings
- 11.4.21 Outbuildings and swimming pools
- 11.4.22 Earthworks and retaining walls
- 11.4.3 Building envelope for single dwellings
- 11.4.4 Frontage setback and width of garages and carports for single dwellings
- 11.4.5 Privacy for single dwellings
- E6.5.1 Car parking numbers

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 DA0101/2021 - Residential -demolition of existing dwelling and construction of a dwelling at 26 Welman Street, Launceston, subject to the following conditions:

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ... (Cont'd)

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Cover Page, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA01, dated 24/03/2021.
- b. Site Plan, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA01, page DA02, dated 24/03/2021.
- c. Demolition Ground, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA03, dated 24/03/2021.
- d. Demolition First, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA04, dated 24/03/2021.
- e. Ground Floor, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA05, dated 24/03/2021.
- f. First Floor, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA06, dated 24/03/2021.
- g. Elevations, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA07, dated 24/03/2021.
- h. Elevations, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA08, dated 24/03/2021.
- i. Sun Diagrams, prepared by Churchill Architects, drawing no. 2011-DA01, new residence at 26 Welman Street, Launceston, revision DA03, page DA09, dated 24/03/2021.
- j. Sections, prepared by Churchill Architects, drawing no. 2011-DA10, new residence at 26 Welman Street, Launceston, revision DA03, page DA10, dated 24/03/2021.

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. NON REFLECTIVE EXTERIOR FINISH

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

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ... (Cont'd)

5. SITE LANDSCAPING PLAN

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

- a. major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
- b. existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, and like size at maturity); and
- c. any stabilisation works required as a result of tree or vegetation removal; and
- d. all proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- e. suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and
- f. screen planting along the northern side boundary of fast growing trees capable of achieving a height of six metres (if these trees are to be pruned at a lesser height, the plan must demonstrate that the desired height will appropriately protect the privacy of adjoining properties to the north).

The landscaping must be:

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

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

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ... (Cont'd)

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

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

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

8. 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.

9. SOIL AND WATER MANAGEMENT PLAN

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ... (Cont'd)

10. AMENITY

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

11. NO BURNING OF WASTE

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

12. DEMOLITION

The Developer must:

- carry out all demolition work in accordance with Safe Work Australia *Demolition Work Code of Practice* or any subsequent versions of the document;
- 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;
- not undertake any burning of waste materials on site;
- remove all rubbish from the site for disposal at a licensed refuse disposal site;
- dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos Code of Practice* or any subsequent versions of the document.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0101/2021. 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:

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

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ... (Cont'd)

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement.

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

E. Fireplace/Woodheater Use

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

F. Heat Pump Use

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

COUNCIL MINUTES

Thursday 6 May 2021

9.4 26 Welman Street, Launceston - Residential - Demolition of Existing Dwelling and Construction of a Dwelling ... (Cont'd)

Mr R Jamieson (Manager City Development), Ms P Glover (Team Leader Planning Assessments) and Mr D Payton (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr David Gibson spoke for the Recommendation
Ms Glenda King spoke against the Recommendation
Ms Megan Quentin-Baxter spoke against the Recommendation

Councillor N D Daking re-attended the Meeting at 2.01pm.

DECISION: 6 May 2021

MOTION

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

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

CARRIED 12:0

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

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

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

Thursday 22 April 2021

- Attended the Western United versus Wellington Phoenix match at the University of Tasmania Stadium

Friday 23 April 2021

- Welcomed the Tas Leaders participants to Launceston
- Hosted a Civic Reception to mark the 70th Birthday of the Launceston Square Dancing Club

Saturday 24 April 2021

- Attended the President's Cup for Launceston BMX Club
- Attended the presentation dinner for North Launceston Bowls Club

Sunday 25 April 2021

- Officiated at the Launceston ANZAC Day Service
- Attended the Nunamara ANZAC Day Service and commemoration of the unveiling of the Nunamara Cenotaph

Monday 26 April 2021

- Attended the *Bank of Us* Board dinner

Wednesday 28 April 2021

- Attended the *International Workers' Memorial Day 2021* service at Elizabeth Gardens

Thursday 29 April 2021

- Attended dinner at Government House

Friday 30 April 2021

- Officiated at the opening of *Breath of Fresh Air* film festival
-

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

Saturday 1 May 2021

- Attended the end of season trophy lunch for the Trevallyn Bowls Club

Tuesday 4 May 2021

- Participated in the *Regional Visioning* Workshop convened by Northern Tasmania Development Corporation
 - Hosted a civic reception to mark the 35th Anniversary of City Park Radio
-

The Mayor noted that he did not attend the *Regional Visioning* Workshop to be convened by Northern Tasmania Development Corporation as it was postponed.

11 COUNCILLORS' REPORTS

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

11.1 Councillor D C Gibson

- **Attended the 100th Annual General Meeting of the Girl Guides Association of Tasmania**
- **Attended the Launceston ANZAC Day Dawn Service and noted the amount of organisation and planning undertaken for the event especially considering relevant COVID-19 restrictions**

11.2 Councillor A G Harris

- **Attended the Launceston ANZAC Day Dawn Service and thanked staff for their work organising the event**
- **Attended the 35th Anniversary celebrations of City Park Radio**

11.3 Councillor D H McKenzie

- **Attended the Launceston Airport's emergency exercise simulations**
- **Attended Youth Week activities at Torrens Park, Mayfield and noted the installation of the new WiFi service in the area**

11.4 Councillor P S Spencer

- **Attended the opening of the *Breath of Fresh Air* film festival**
- **Attended the 11.00am ANZAC Day Service in Launceston and noted the professional organisation of the event**

11.5 Councillor R I Soward

- **Attended the Lilydale and Nunamara communities ANZAC Day Service and noted the newly installed community display**

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.)

COUNCIL MINUTES

Thursday 6 May 2021

12.1.1 Councillors' Questions on Notice - Councillor A G Harris - Council Meeting - 21 April 2021

FILE NO: SF2375

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted in writing to Council on 21 April 2021 by Councillor A G Harris, have been answered by Leanne Hurst (General Manager Community and Place Network).

Questions:

1. Is it technically possible for a *planning scheme overlay* to be drafted and implemented within the Tasmanian Planning Scheme to restrict the building of multi-storey houses where existing adjoining neighbourhood houses are all single story? I would imagine that this could operate somewhat like a *heritage overlay* that restricts what can be developed in certain heritage parts of the City now.

Response:

Under the Tasmanian Planning framework the Minister may issue planning directives to give direction on a range of planning matters. Planning Directive 4.1 (PD4.1) - Standards for Residential development in the General Residential Zone - applies to all planning instruments, whether made prior to or subsequent to the issuing of the Planning Directive. PD4.1 establishes mandatory provisions for inclusion in all planning schemes.

In principle, the provisions can be varied either by modification to the Directive or by introduction of local provisions for a particular area, but in order to be successful it would need to be demonstrated that there is something unique, that for social, economic or environmental reasons justify a departure from the State position. A generalised view that double storey homes are inappropriate is unlikely to meet this test.

12.1.1 Councillors' Questions on Notice - Councillor A G Harris - Council Meeting - 21 April 2021 ... (Cont'd)

2. Even if it is technically possible to deliver such an overlay, is it good planning policy to restrict the building of multi-storey dwellings on residential building allotments within the City?

Response:

The provisions in PD4.1 are aimed at delivering the State Government's policy position to encourage infill development as a desirable and efficient approach to sustainable urban growth. This is a sound policy position.

Often the issue around perceived impact is the lack of understanding of how the planning scheme works. Whilst a neighbour may believe there is an overlooking issue, a proposal may be wholly compliant with an acceptable solution. Where they think it may be too high, it may be completely within an acceptable building envelope. Some properties will suit two or three storeys, whilst some will not. That is the role of the planning authority, to ensure those that are not compliant with the scheme are refused.

Councillors, when acting as the planning authority and planning officers acting under delegation, have the ability to refuse applications they deem to not meet a performance criteria.

12.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

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

13 COMMITTEE REPORTS

No Committee Reports were identified as part of these Minutes

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)

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 29 April and 6 May 2021:

Place Brand Concept Finalisations

Councillors received an overview on the latest creative concepts in the brand development journey and discussed high level implementation

Greater Regional City Challenge

Councillors received a summary of the Greater Regional Challenge along with an outline of proposed plans for the future of the Challenge.

kanamaluka/Tamar Estuary Vision

Councillors received a briefing on sediment management for the kanamaluka/Tamar Estuary.

Northern Tasmania Cricket Association Governance

Councillors received an outline on governance arrangements for the Northern Tasmania Cricket Association ground.

Disposal of Land - 43 Foch Street, Mowbray

Councillors received a briefing on the removal of an easement within a unit subdivision along with the amendment of a notation on an unregistered sealed plan.

Flood Emergency Preparedness

Councillors were provided with an update on the City of Launceston's flood mitigation and emergency management systems.

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

Document Distribution

Councillors engaged in discussion regarding their access to documentation and its distribution.

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

DECISION: 6 May 2021**MOTION**

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

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

CARRIED 12:0

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

15 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items were identified as part of these Minutes

19 ORGANISATIONAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

21 CLOSED COUNCIL

No Closed Items were identified as part of these Minutes

22 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 2.38pm.

UNCLASSIFIED AGENDA ITEMS: