



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 15 DECEMBER 2022
1.00PM**

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

Date: 15 December 2022

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

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 attending 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.

Present:

Councillor D C Gibson (Mayor)
Councillor M K Garwood (Deputy Mayor)
Councillor D H McKenzie
Councillor A E Dawkins
Councillor A G Harris
Councillor T G Walker
Councillor Dr G Razay
Councillor J J Pentridge
Councillor A J Palmer
Councillor L M McMahon
Councillor A J Britton

In Attendance:

Michael Stretton (Chief Executive Officer)
Dan Ryan (General Manager Community and Place Network)
Louise Foster (General Manager Organisational Services Network)
Shane Eberhardt (General Manager Infrastructure and Assets Network)
Richard Jamieson (Manager City Development) (Agenda Items 9.1 - 9.3)
Duncan Payton (Town Planner) (Agenda Item 9.2)
Wezley Frankcombe (Governance and Legal Officer) (Agenda Item 14.2)
Duncan Campbell (Team Leader Legal Services) (Agenda Item 16.3)
Tracey Mallett (Manager Liveable Communities) (Agenda Item 16.4)
Robert Groenewegen (Business Leader Inveresk Precinct) (Agenda Item 16.2)
Paul Gimpl (Chief Financial Officer)
Simon Tennant (Team Leader Communications)
Kelsey Hartland (Team Leader Governance)
Anthea Rooney (Council and Committees Officer)

Apologies:

Councillor S Cai

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor D C Gibson, opened the Meeting at 1.00pm and noted an apology from Councillor S Cai.

The Mayor provided an Acknowledgement of Country.

2. MAYORAL ACKNOWLEDGEMENTS

The Mayor, Councillor D C Gibson, presented Rebecca Dennis of the Launceston Leisure and Aquatic Centre with the Overall Swimming Teacher of the Year Trophy - a testament to Rebecca's dedication and commitment to the organisation and to the students who learn to swim under her tuition.

The second announcement was to recognise the City of Launceston's success at the recent *Keep Australia Beautiful Awards*. Particular mention was made to Jess Nesbit who was recognised with an Individual Achievement Certificate of Excellence. The City of Launceston was also successful receiving both organisational and individual awards and certificates in areas such as Resource Recovery and Waste Management, the Launceston Waste Centre and Waste Transfer Station, John Addison at the Queen Victoria Museum and Art Gallery, the *H J King Exhibition* at the Queen Victoria Museum and Art Gallery with regard to its connection to sustainability, the Culture and Heritage Category, Ralf Goetschenberg at Carr Villa, the Carr Villa Site and the Flora Reserve at Carr Villa. In addition the City of Launceston, in the category for population of over 20,000 received a major trophy. These awards are a testament to the work being undertaken at the City of Launceston in the sustainability space right across the organisation.

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).

No Declarations of Interest were identified as part of these Minutes

4. CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 1 December 2022 be confirmed as a true and correct record.

DECISION: 15 December 2022

MOTION

Moved Councillor A G Harris, seconded Councillor A J Britton.

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 1 December 2022 be confirmed as a true and correct record.

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Nil

5. COUNCIL WORKSHOPS

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

5.1 Council Workshop Report - 8 December 2022

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council:

1. 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 8 December 2022:

Event Sponsorship

Councillors were provided with an information session on the event sponsorship programs prior to the opening of the next round of applications in February 2023.

Disposal of Interest in Land - Easement

Councillors received a briefing on a request for an easement over adjoining public land owned by the Council.

Levee Protected Areas Project

Councillors received a briefing on the draft Levee Protected Areas Special Area Plan and the way forward for the project.

Naming of the Council's Assets

Councillors considered the legislative requirements and internal process for choosing and making an application for the naming of assets.

City Park Macaque Monkey Discussion

Councillors received a presentation on management of the macaque monkeys at City Park.

Conference Debrief

Councillors received an overview of the recently held Smart Cities Conference.

2. notes attendance at the Workshops conducted on 8 December 2022:

In Attendance: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

Apologies: Councillor A E Dawkins

DECISION: 15 December 2022

MOTION

Moved Councillor A J Palmer, seconded Councillor L M McMahon.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

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

No Councillors' Leave of Absence Applications 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 Community Report - Lyndon Rigall and Georgie Todman (Co-Presidents) - Tamar Valley Writers' Festival

Lyndon Rigall and Georgie Todman, the new co-presidents of the Tamar Valley Writers' Festival, provided Council a brief recap of its successful 2022 Festival with its theme of *The Good Life*. Lyndon and Georgie outlined some of vision for the future of the organisation and its connection to Launceston and the Tamar Valley. Activities undertaken during 2022 included a celebration of writers, interviews, Bob Brown's *Celebration of Earth*, a long table luncheon and other events in and around Launceston. Outside of the Festival, other events undertaken during the year included satellite sessions, youth workshops, a short story competition, publication of a free e-book, the creation of listening pods and associated pod casts.

7.2 Community Report - Gus Green (Project Manager) - Duck Reach Historical Group

Gus Green provided Council with details on celebrations surrounding 100 years of Launceston being connected to the Tasmanian power grid which occurred on 18 December 1922. Gus noted the work and funding leading to the celebration of this event which commenced around 2011. Gus advised that by the end of March 2023 it should be possible for the public to view the display of equipment at Duck Reach used in 1922 to power the City of Launceston.

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)

8.1.1 Public Questions on Notice - Robin Smith - Brisbane Street Mall Cleansing

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council's Annual General Meeting on 1 December 2022 by Robin Smith, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Is the Council, at an officer level, prepared to review the current practice in the Brisbane Street Mall?

Response:

There has been no change in cleansing practices as suggested. Blowers are used daily between 6.15am to 7.45am to move litter and leaf debris from locations that are difficult to collect with the mini sweeper.

Over the last few years the City of Launceston's Cleansing Team has invested significant effort in modifying the level of service to meet CBD trader expectations.

The Cleansing Team takes extra care outside Mr Smith's business as they are aware of his concerns. The Council is not receiving these concerns from other traders.

It should be acknowledged that the City of Launceston's Cleansing Team do an excellent job in maintaining our CBD on a daily basis.

8.1.2 Public Questions on Notice - Jim Dickenson - Albert Hall Redevelopment

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to the Council in writing on 5 December 2022 by Jim Dickenson, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. What are the specific works on which the tender of \$664,060.00 is to be expended?
2. What is the refinement of the design referred to by the Tender Review Committee and why did the project go to tender with the design incomplete?
3. Why are there construction matters not foreseen prior to tender?

Response:

1. *The Council's Tender Review Committee (TRC) approved the tender for Shape Australia for \$664k, which is primarily the main contractor preliminaries and overheads if they submit an acceptable proposal for the construction contract (to be approved at a future TRC Meeting). Of the \$664k, Shape Australia are being paid \$34k to provided consulting advice regarding constructability of the project.*

Should the project proceed with Shape Australia then they will receive the full preliminaries.

2. *This procurement has been designed to allow early engagement with the contractor which is a contemporary model that provides for collaboration between the client, designer and contractor.*

The design is substantially complete and with the recent engagement of Shape Australia, the architect and builder will collaboratively work through constructability issues to ensure we achieve the best outcome for the community.

3. *As discussed above, the procurement model used is to allow collaboration.*
-

8.1.3 Public Questions on Notice - Brian Khan - North East Rail Trail

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 17 November 2022 by Brian Khan (on behalf of Wendy McLennan) was forwarded to the Dorset Council for action/response. The response to Brian Kahn's question has been received from John Marik (Acting General Manager Dorset Council).

Questions:

1. The \$1.4 million for the bike riding track [rail trail], where did it come from because the original grant had expired submission at the last Council Meeting?

Response:

In 2015, Dorset Council secured \$1.47 million from the Federal Government under the former National Stronger Regions Fund to develop the North East Rail Trail. Federal funding for the project - for the same amount - was recommitted in November 2020.

8.1.4 Public Questions on Notice - Ray Norman - Community Engagement Process

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to Council in writing on 7 December 2022 by Ray Norman, has been answered by Louise Foster (General Manager Organisational Services Network).

Questions:

1. Against the background that Launceston's CBD is clearly faltering and clearly failing to meet community expectations and aspirations, will the Council now proactively initiate a new and meaningful community engagement strategy towards meeting community expectations and hopes along with the various business communities' needs and aspirations that is mindful of:
 - (a) Council's demonstrated predisposition to impose outcomes upon its constituency rather than in accord with evidence based community needs and aspirations; and
 - (b) Constituents' various and diverse expectations relative to their investments in the city cum municipality; and
 - (c) The history of extraordinary expenditures on project that have essentially not delivered on expectations; and
 - (d) The currently underwhelming social environment and outmoded cultural landscaping despite extraordinary budget allocation that have places heavy imposts upon City of Launceston constituents?

Response:

The Council notes the views expressed by the author of the question but does not necessarily agree with them.

The City of Launceston will continue to work to deliver the outcomes identified as part of the Launceston City Heart project which has the vision to make central Launceston the premier business, retail and lifestyle hub of Northern Tasmania and to cement the city's reputation as the most liveable regional centre in Australia. Through the redevelopment of infrastructure and enhanced support for events and business capability, the project seeks to attract future private investment and to ensure there is always activity in our streets and public spaces. It is aimed at breathing new life into our public areas and streetscapes, making it easier to find your way around and creating safer, more accessible pedestrian and bicycle links.

The Council will continue to engage with our community in a variety of ways, including through the Tomorrow Together program which has so far included more than 40 significant community and infrastructure projects in one streamlined engagement campaign, including projects that are connected to the CBD. Tomorrow Together was one of the first engagement programs of its kind in Australia and has involved public events, online consultations, pop-up workshops and information sessions for Launceston residents of all ages.

8.1.5 Public Questions on Notice - Ray Norman - Delegated Authorities

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to the Council in writing on 7 December 2022 by Ray Norman, has been answered by the Mayor, Councillor Danny Gibson.

Questions:

1. In accord with *best corporate practice*, will Councillors immediately cancel all Delegated Authorities in order that those actually required currently, and in the short term, can be assessed, reviewed and reinstated with others, if any, being assigned on a case-by-case basis over time and on a demonstrated and evidenced needs basis in accord with the *Local Government Act 1993* (Tas) and judicious policy determinations by all new Councillors?

Response:

It is impractical to undertake a review of delegations in this manner. Delegations enhance efficiency at the City of Launceston by devolving the execution of administrative matters and functions to appropriate levels within the organisation.

The City of Launceston's Delegations Register is publicly available via www.launceston.tas.gov.au. The Delegations Register clearly indicates the functions and powers that have been delegated by a decision of Council. Decisions of Council are frequently sought in relation to the review of delegations, or to respond to changes in legislation.

8.1.6 Public Questions on Notice - Ray Norman - Nature Strip Policy

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, submitted to the Council in writing on 7 December 2022 by Ray Norman, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Will the Council proactively review its Nature Strip Policy in order that it be a 21stC relevant policy and similarly a policy that is strategically better placed to address:
 - (a) diverse cultural landscaping imperatives relevant to the precincts in which diverse communities make their home and develop their home places; and
 - (b) the expression of diverse cultural realities in the municipality's cultural landscaping; and
 - (c) sustainable environmental concerns and issues in the context of the Council's Climate Emergency Policy; and
 - (d) increasing canopy cover in the urban environment by 30% plus; and
 - (e) the replacement of lost trees, either on site or elsewhere via offset protocols; and
 - (f) the role nature strips can play in regard to carbon retention and sequestration; and
 - (g) meaningful community engagement in regard to community members profitably investing in diverse environmental strategies on nature strips and elsewhere in collaboration with the Council?

Response:

The Council's Nature Strip Policy (26-Plx-019) is due for review. The points raised in Mr Norman's question and comments will be considered during the review process.

8.2 Public Questions Without Notice

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

8.2.1 Public Questions Without Notice - Ron Baines - General Issues

- 1. Will the Council put the old Birchalls building up for public auction or tender when the decision to sell is made?**

Michael Stretton (Chief Executive Officer) advised that the Expression of Interest process for the Birchalls building is nearing its completion and should conclude early in 2023. A decision will then need to be considered by Council and details of that consideration will be available to the public at that time.

- 2. When will the Council install an [right hand turn] arrow from Lindsay Street to the Charles Street bridge to facilitate traffic movement from the many commercial enterprises in that area?**

Shane Eberhardt (General Manager Infrastructure and Assets Network) responded by saying that the Council is about four to five years into the implementation of Invermay Traffic Masterplan which has seen significant investment in a new road between Lindsay and Gleadow Streets and the signalisation of Gleadow Street onto the East Tamar Highway to try to provide alternate access into and out of the suburb. That has had a measurable positive impact, however, improvements can certainly be made with regard to enhancing signage of that alternate route. At this stage there is no intention to install a right hand turn arrow, primarily because any additional turn phasing installed in a set of lights will delay traffic times for the through traffic on the East Tamar Highway.

- 3. It has been quite some time since Council discussed the removal of the thylacine figures from the Brisbane Street mall and placement in a safer and more natural environment such as City Park. Has the Council come to any definite decision on this issue?**

Dan Ryan (General Manager Community and Place Network) answered by noting that the process had taken a considerable amount of time, however, it was nearing completion. The last considerations are being finalised and it is hoped that the relocation process of the thylacine statues will commence early in the new year.

8.2.2 Public Questions Without Notice - Robin Smith - Leaf Blowing in the Brisbane Street Mall and e-Scooter Remuneration

1. [With regard to issues raised previously associated with leaf blowing and cleansing in the Brisbane Street Mall]. After raising concerns on a number of occasions, most recently at the Annual General Meeting, it has been stated that there has been no change in the cleansing practices and that the Council has not received concerns from other traders, is there anything you can suggest as to where I can I go from here?

The Mayor, Councillor D C Gibson, read out the response to Agenda Item 8.1.1 and noted that the Council has endeavoured to work closely with Mr Smith regarding his concerns about the level of cleansing, both in the Brisbane Street Mall and more specifically outside his business premises. The Mayor indicated that he personally had received no contact from traders and Brisbane Street Mall users regarding the cleansing issues experienced by Mr Smith. The Mayor advised Mr Smith that the Council is happy to work with him regarding his cleansing concerns and offered Mr Smith the opportunity to meet with both himself, an officer of the Council and the General Manager of Infrastructure and Assets to discuss the options available.

2. Is the Council able to disclose whether there were any terms of remuneration offered to e-Scooter providers? Did the Council receive any money during the trial period?

The Mayor, Councillor D C Gibson, responded by saying no remuneration was asked for or received during the trial. The Mayor also added that as part of the evaluation of the e-Scooters and the trial, those things would be considered when all of the data is assessed and a report compiled.

9. PLANNING AUTHORITY

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.

9.1 DA0612/2022 - 145-151 Paterson Street Launceston - Visitor Accommodation - Demolish Existing Cornmill and Construction of an Extension to the Carpark

FILE NO: DA0612/2022

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (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:	Paterson Bridge Pty Ltd
Property:	145-151 Paterson Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	7/10/2022
Validity Date:	12/10/2022
Further Information Request:	18/10/2022
Further Information Received:	27/10/2022
Deemed Approval:	15/12/2022
Representations:	Six

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

STANDARDS REQUIRING PLANNING DISCRETION:

C2.6.8 Siting of parking and turning areas
C6.6.1 Demolition
C6.6.9 Driveways and parking for non-residential purpose
C6.6.10 Removal, destruction or lopping of trees, or the removal of vegetation, that is specifically part of a local heritage place

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0612/2022 - Visitor Accommodation - Demolish existing corn mill and construction of an extension to the carpark at 145-151 Paterson Street, Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Planning Report, prepared by David Denman + Associates, dated 26/10/2022.
- b. Cover Page, prepared by David Denman + Associates, Drawing No. A00_Rev05, dated 26/10/2022.
- c. Proposed Site Plan, prepared by David Denman + Associates, Drawing No. A01_Rev05, dated 26/10/2022.
- d. Demolition Floor Plan, prepared by David Denman + Associates, Drawing No. A02_Rev03, dated 26/10/2022.
- e. Proposed Carpark Expansion, prepared by David Denman + Associates, Drawing No. A03_Rev05, dated 26/10/2022.

2. LEGAL TITLE

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

3. HOURS OF CONSTRUCTION

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

7am to 6pm - Monday to Friday

8am to 5pm - Saturday

No works on Sunday or Public Holidays

4. 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 substantial shrubs and permeable ground covers specified to:
 - (i) soften the appearance of the car parking area;
 - (ii) ensure an appropriate setting for the significant buildings on the site;
 - (iii) be shade tolerant; and
 - (iv) be of sufficient scale and robustness to deter patrons from walking over beds;
- c. Any stabilisation works required as a result of building or vegetation removal; and
- d. All proposed garden beds, fences, retaining walls, lawn, edging, hard surfaces and pathways located and designed to ensure that these will not cause damage to the adjacent building; and
- e. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and

- f. A schedule of all proposed trees, shrubs and groundcover including common name, botanical name and likely size at maturity.

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

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

5. 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 and maintained for the life of the development.

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. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's e-Services 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 the Council's standards. All costs associated with these contractors are to be borne by the applicant.

8. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing *TSD-G01 Trench Reinstatement Flexible Pavements* and the Council's Policy *27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service*. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

9. SOIL AND WATER MANAGEMENT PLAN

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

10. OCCUPATION OF ROAD RESERVE (METERED PARKING BAYS)

Prior to the commencement of the occupation of any metered parking spaces associated with the development (including the placement of skips or materials, or the installation of scaffolding) the applicant must obtain the Consent of the General Manager Infrastructure and Assets Network. The applicant must pay the prescribed daily fee for each occupied metered space for the duration of the occupation, except where the Council's Manager Parking permits a variation.

11. DEMOLITION

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the *Safe Work Australia How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0612/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) 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 Tasmanian Civil and Administrative Tribunal (TASCAT).

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 Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.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.

Jan Pesl (on behalf of the JAC Group) spoke for the Recommendation

David Gatenby spoke for the Recommendation

James Emmerson-Armstrong (on behalf of David Denman and Associates) spoke for the Recommendation

Robin Smith spoke for the Recommendation

DECISION: 15 December 2022

MOTION

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

9.2. DA0587/2022 - 107 Elphin Road, Newstead - Subdivision - Subdivide Two Lots Into Three Lots

FILE NO: DA0587/2022

AUTHOR: Duncan Payton (Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (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:	S. Group Pty Ltd
Property:	107 Elphin Road, Newstead
Zoning:	General Residential
Receipt Date:	28/09/2022
Validity Date:	1/11/2022
Further Information Request:	04/10/2022
Further Information Received:	28/10/2022
Deemed Approval:	19/12/2022
Representations:	Five

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

STANDARDS REQUIRING PLANNING DISCRETION:

8.6.1 Lot design

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0587/2022 - Subdivision - subdivide two lots into three lots at 107 Elphin Road, Newstead, 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. Cover Page, prepared by S Group, project no. J007935, proposed subdivision at 107 Elphin Road, Newstead, revision A, page A001, dated 14/09/2022.

- b. Site Plan, prepared by S Group, project no. J007935, proposed subdivision at 107 Elphin Road, Newstead, revision A, page A101, dated 14/09/2022.
- c. Cover Page, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C100, dated 26/10/2022.
- d. Services Plan, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C101, dated 26/10/2022.
- e. TasWater Standard Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C102, dated 26/10/2022.
- f. TasWater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C103, dated 26/10/2022.
- g. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C104, dated 26/10/2022.
- h. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C105, dated 26/10/2022.
- i. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C106, dated 26/10/2022.
- j. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C107, dated 26/10/2022.
- k. LGAT Stormwater Connection Detail, prepared by Exceed Engineering, project no. P22001-480, Subdivision Utilities Plan, 107 Elphin Road, Newstead, revision 01, page C108, dated 26/10/2022.

2. FINAL PLAN OF SURVEY

The Final Plan will not be sealed until all conditions have been complied with.

3. LEGAL TITLE

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

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01625-LCC, dated 10/11/2022 and attached to the permit.

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

6. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager Infrastructure and Assets Network 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. 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 and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

9. SOIL AND WATER MANAGEMENT PLAN

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

10. EASEMENTS

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

11. CONSTRUCTION PLAN APPROVAL (NO PUBLIC WORKS)

Prior to the commencement of works, detailed plans and specifications shall be submitted to the Council's General Manager Infrastructure and Assets Network for approval. Such plans and specifications are:

- a. To include all works required by the permit or shown in the endorsed plans and specifications.
- b. To be prepared by suitably qualified persons and certified as complying with current Council standards.
- c. Where required, include a Soil and Water Management Plan.

Such plans and specifications are to include the necessary pipe sizes for drains and the materials to be used in construction.

12. CONSTRUCTION OF SERVICE CONNECTIONS (PRIVATE WORKS)

The applicant must construct the private works in accordance with plans and specifications approved by the Council's General Manager Infrastructure and Assets Network. The works required for the development include:

a. Stormwater

Provision of a single DN100 stormwater connection point for each lot located so as to drain the lowest part of the lot. Application for stormwater connection must be made on the approved form and accompanied by the requisite fee.

b. Constructed Driveways

All lots must be provided with a constructed concrete driveway from the edge of road pavement to the property boundary. Any existing unused or redundant vehicle crossing(s) shall be removed and the footpath, nature strip and/or kerb and channel be reinstated to match the adjacent existing construction. Application for all new driveways, alterations to, and removal of redundant driveways must be made on the approved form.

13. AS CONSTRUCTED PLANS

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

14. NO BURNING OF WASTE

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

15. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0587/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) 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 Tasmanian Civil and Administrative Tribunal (TASCAT).

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 Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.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.

Sam Haberley spoke for the Recommendation

DECISION: 15 December 2022

MOTION

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Nil

9.3 PSA-LLP0002 - Rezoning of Land at 9 Rose Lane, South Launceston (CT159336/1, CT247578/2 and CT200709/1) from General Residential and Open Space to Community Purpose and DA0439/2022 to Consolidate Three Titles into One

FILE NO: DA0439/2022

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

1. To decide whether to reject or agree to an initiate and exhibit PSA-LLP0002 to Rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1) from the General Residential Zone and Recreation Zone to Community Purpose Zone, of the Launceston Local Provisions Schedule; and
2. To determine Development Application DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking.

PLANNING APPLICATION INFORMATION:

Applicant: ERA
Area of the Site: 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1, CT200709/1, CT210081/1, CT226165/2 and CT68237/1)
Existing Zones: General Residential and Recreation
Existing Use: Vacant land
Receipt Date: 10 September 2022

RECOMMENDATION:

That Council:

1. pursuant to sections 37, 38 and 40T of the *Land Use Planning and Approvals Act 1993*, agrees to and initiate Amendment PSA-LLP0002, to Rezone land at 9 Rose Lane, South Launceston (described as CT159336/1, CT247578/2, CT217855/1 and CT200709/1);

2. pursuant to section 40F of the *Land Use Planning and Approvals Act 1993*, certifies draft amendment PSA-LLP0002, as shown below:

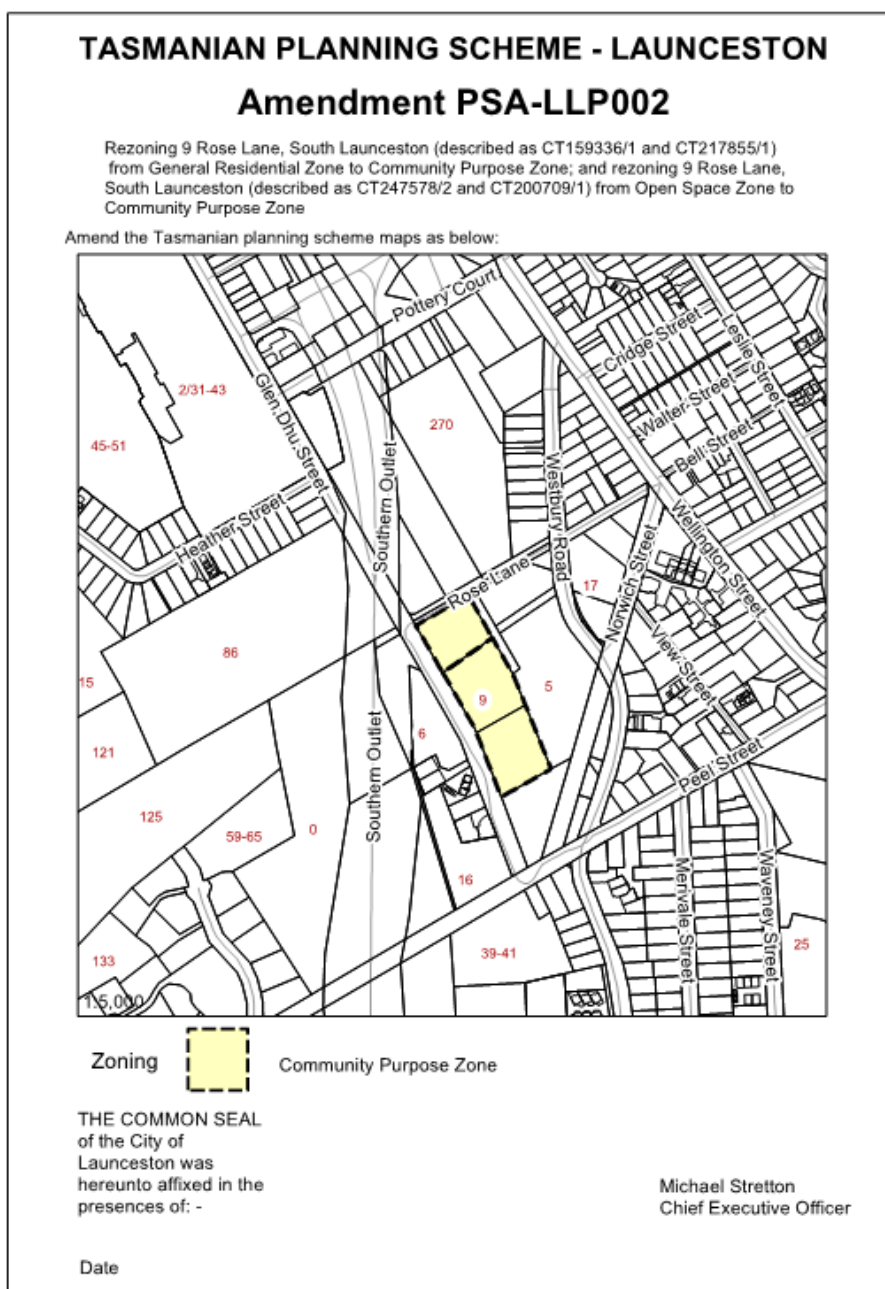


Figure 1 - Instrument to Certify

3. pursuant with sections 40G and 40F of the *land Use Planning and Approvals Act 1993* determines the period for public exhibition to be 28 days; and
4. pursuant to section 40T and 40Y of the *Land Use Planning and Approvals Act 1993*, approves DA0439/2022 - Subdivision - Consolidate four titles into one, including alterations to the road network; Business and Professional Services - Construction of six new commercial tenancies and associated car parking, at 9 Rose Lane, South Launceston.

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. Location Plan, prepared by Artas Architects, Drawing No. A001-Sk07, dated 19/10/2022.
- b. Site Plan, prepared by Artas Architects, Drawing No. A002-Sk07, dated 12/09/2022.
- c. Elevations, prepared by Artas Architects, Drawing No. A003-Sk07, dated 05/07/2022.
- d. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- e. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- f. Rose Lane Offices - Renders, prepared by Artas Architects, Drawing No. A730-Sk01.
- g. Supporting Planning Report, prepared by era Planning and Environment, dated 4 November 2022.
- h. Traffic Impact Assessment, prepared by GHD, dated 21 October 2022.
- i. Landslide Risk Assessment, prepared by Scherzic, Ref: 7390B, dated 6 July 2022.
- j. Environmental Site Assessment, prepared by es&d, Ref: 7928, Version 4, dated November 2022.
- k. Concept Servicing and Stormwater Report, prepared by AD Design + Consulting, dated 16/09/2022.

2. COMMERCIAL VEHICLE MOVEMENTS

Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, must be within the following hours:

7am to 6pm - Monday to Friday; and

9am to 5pm - Saturday, Sunday and public holidays

3. LEGAL TITLE

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

4. EXTERIOR AND SECURITY LIGHTING

- a. security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries; and
- b. exterior lighting, excluding security lighting, must not operate between the hours of 9pm and 6pm.

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice TWDA 2022/01229-LCC, dated 14/12/2022 and attached to the permit.

6. BUSINESS HOURS

The operation of all uses on site must be confined to:

8am to 8pm - Monday to Friday

9am to 6pm - Saturdays

10am to 5pm - Sundays and Public Holidays

7. BUSHFIRE

Prior to the sealing of the final plan, a report prepared by the Tasmanian Fire Service or an accredited person must be provided to the Council and endorsed by the Manager City Development that:

- a. certifies there is an insufficient increase in risk to the use and development from bushfire to warrant any specific bushfire protection measures in accordance with C13.4.1(a); or
- b. demonstrates compliance with C13.6.1 and C13.6.2 under C13.0 Bushfire-Prone Areas Code by demonstrating the provision of hazard management areas and public and fire-fighting access.

8. SIGNAGE

No signage is approved as part of this permit.

9. 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 and maintained for the life of the development.

10. 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.

11. 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 General Manager Infrastructure and Assets Network 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.

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. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

14. SUBMISSION AND APPROVAL OF PLANS

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

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

15. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
 - ii. the provision of a suitably sized stormwater connection to the lowest point of the lot,

- iii. provision of all necessary changes to stormwater pits and pipework affected by the kerb line relocation within Westbury Road,
 - iv. provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads - Westbury Road
- i. realignment of the eastern kerb on Westbury Road to provide a 6m south-bound lane to facilitate a right turn manoeuvre into Rose Lane, including all necessary relocation of third party services such as street lighting, telecommunications infrastructure.
 - ii. provision of a 1,500mm wide footpath located on the western side of Westbury Road from the existing bus stop north to continue down Rose Lane including all necessary pedestrian kerb ramps including those shown on the endorsed plan; Artas drawing 211043 A001-Sk07 dated 19/10/2022.
 - iii. provision of all necessary line marking, signage and other traffic control devices.
- c. Roads - Rose Lane
- i. provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel.
 - ii. provision of a 1,500mm wide footpath located on the southern side of Rose Lane from the main vehicle to the Westbury Road footpath extension including all necessary pedestrian kerb ramps including those shown on the endorsed plan; Artas drawing 211043 A001-Sk07 dated 19/10/2022.
 - iii. provision of three vehicle access points for the development.
 - iv. Provision of all necessary line marking, signage and other traffic control devices.
- d. Electricity, Communications and Other Utilities
- i. All necessary relocations or upgrades required to facilitate the development required or permitted by and to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements.
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities,
- c. construction Audit inspections.
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

16. CONSTRUCTION DOCUMENTATION

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

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

- c. compaction and soil test results for all earthworks or pavement works.
- d. an engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

17. EASEMENTS

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

18. CONVEYANCE OF ROADS

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

19. AS CONSTRUCTED PLANS

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

20. EXTERIOR AND SECURITY LIGHTING

Exterior lighting and security lighting is to comply with the Australian Standard AS4282 *Control of the obtrusive effects of outdoor lighting* or any subsequent versions.

21. NO BURNING OF WASTE

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

22. WASTE MATERIALS

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

23. DEMOLITION

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site;
- d. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

24. STORMWATER

No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.

25. CONTAMINATED LAND

The developer must comply with the environmental site assessment (ESA) report prepared for 9 Rose Lane by ES&D, Version 4, dated November 2022 and complete all works required in the ESA report's recommendations.

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

26. POTENTIAL SITE CONTAMINATION - NEW INFORMATION

Any new information which comes to light during demolition or construction works that has the potential to alter previous conclusions about site contamination must be notified to Council (and the Environmental Protection Authority if relevant) immediately upon discovery. Works on site must immediately cease until the new information has been assessed. Works can only recommence:

- a. once the site has been assessed by a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc's Certified Environmental Practitioners (Site Contamination) scheme; and
- b. in accordance with any additional recommended control measures as specified by the site contamination practitioner.

27. CONTROL OF DUST EMISSIONS

- a. Dust emissions from the land must be controlled to prevent environmental nuisance beyond the boundary of the land during development and use.
- b. Prior to the use commencing the site must be fully sealed, other than approved landscaping.
- c. The person responsible must maintain the site seal in good condition over the life of the operation.

28. HOURS OF CONSTRUCTION - COMMERCIAL CONSTRUCTION

- a. Unless otherwise approved in writing by the Manager Health and Compliance, construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7am to 6pm; and
 - ii. Saturday - 8am to 6pm.
- b. Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed State-wide (Easter Tuesday excepted).

29. CONSTRUCTION NOISE ASSESSMENT

Prior to the commencement of demolition and/or construction works, a construction noise assessment report must be submitted to the satisfaction of the Manager Health and Compliance. The report must address the following:

- a. Identification of sensitive land uses which may be impacted by construction noise. Sensitive use means a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre, dwelling, hospital or school. It may also include other uses that may be sensitive to construction noise including, but not limited to, call centres, hospitality venues, temporary accommodation such as hotels, funeral parlours and television and radio studios;

- b. The proposed duration and period when demolition and construction works will be scheduled;
- c. The likely noise impacts from the various demolition and construction processes and equipment on identified sensitive uses;
- d. Strategies to mitigate demolition and construction noise on identified sensitive uses; and
- e. Any community notification or engagement about the proposed construction noise.

30. GROUND GAS AND VAPOUR ASSESSMENT AND MANAGEMENT

- i. Prior to construction commencing, a ground gas and vapour assessment report prepared by a suitably qualified and experienced ground gas and vapour practitioner must be provided to the Manager Health and Compliance and must include the following:
 - a. A ground gas and vapour assessment of the proposed building design must be undertaken to determine if ground gas and vapour intrusion will occur during construction and over the life of the completed building. The assessment must be prepared in accordance with the NSW EPA *Assessment and management of hazardous ground gases: contaminated land guidelines (2020)*.
 - b. The ground gas and vapour assessment must be undertaken by a suitably qualified environmental practitioner specialising in ground gas and vapour assessment.
 - c. The ground gas and vapour assessment report must include recommendations to prevent the intrusion of ground gas and vapours into the proposed building structure. The report must also include recommendations for ongoing monitoring of ground gases and vapours inside the building once the building is occupied so that the development will not adversely impact on human health and the environment.
 - d. The ground gas and vapour assessment report must include any other items as specified in the *Environmental Site Assessment (Version 4, November 2022)* prepared for 9 Rose Lane by ES&D. In particular, any items specified in Appendix C (Letter from vapour consultant) of the ES&D environmental site assessment (Version 4) must be addressed.
 - e. A statement must be provided in the ground gas and vapour assessment report that confirms the site will be suitable for the intended commercial use upon implementation and completion of the recommendations of the report.
 - f. The ground gas and vapour assessment report must be submitted to council to the satisfaction of the manager Health and Compliance.
- ii. Any ground gas and vapour mitigation measures, as recommended in the ground gas and vapour assessment report, that are to prevent ground gas and vapour migration into the building must be verified as being effective before the building can be occupied. Documentation confirming the mitigation measures are effective at preventing gas migration into the building must be submitted to the satisfaction of the Manager Health and Compliance prior to building occupation.
- iii. The ground gas and vapour intrusion recommendations in the ground gas and vapour assessment report must be implemented during the construction phase and any recommendations for ongoing management and monitoring of gases and vapours in the building structure must be implemented following construction.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0439/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) 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 Tasmanian Civil and Administrative Tribunal (TASCAT).

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 Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.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. Noise Nuisance

Noise nuisance is regulated under the Environmental Management and Pollution Control Act 1994. You will be required to implement measures to eliminate noise nuisance if complaints about your premises are received and verified.

F. Fixed Equipment Use

Use of fixed equipment (eg. heat pumps, water pumps, swimming pool pumps) is subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or any subsequent versions of this regulation.

G. Environmental Management and Pollution Control Act 1994 - Commercial and Industrial Activities

The activity must be conducted in accordance with the requirements of the Environmental Management and Pollution Control Act 1994 and regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

Prior to debate on Agenda Item 9.3 - PSA-LLP000S - Rezoning of Land at 9 Rose Lane, South Launceston (CT159336/1, CT247578/2 and CT20079/1) from General Residential and Open Space to Community Purpose and DA0439/2022 to Consolidate Three Titles into One, Richard Jamieson (Manager City Development) advised Councillors that the Submission to Planning Authority Notice from TasWater (TWDA 2022/01229-LCC, dated 14/12/2022) had been received and was distributed for consideration.

Errol Stewart spoke for the Recommendation

DECISION: 15 December 2022

MOTION

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

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

10. ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Thursday 1 December 2022

- Chaired City of Launceston Annual General Meeting

Friday 2 December 2022

- Attended Blueline Laundry Employee Outstanding Efforts and Achievements presentation (Represented by Deputy Mayor, Councillor M K Garwood)
- Participated in the Commissioner for Children and Young People Ambassador Program
- Conducted a private Citizenship Ceremony
- Attended *Resonance: the instinctive designs of Brodie Neill* opening at Design Tasmania

Saturday 3 December 2022

- Acted as a judge for the Launceston Christmas Parade
- Attended the Dance Fit Celebration Concert at Door of Hope
- Attended Mudlark Theatre's *One Day 19* at the Earl Arts Centre

Monday, 5 December 2022

- Attended Kim Roe School of Dance's *Under the Sea* at the Princess Theatre

Tuesday 6 December 2022

- Presented an Award at Croagh Patrick (Year 9 St Patrick's College) annual Award Ceremony
- Attended the Glen Dhu Primary School Presentation Evening (Represented by Deputy Mayor, Councillor M K Garwood)

Wednesday 7 December 2022

- Participated in the Mayors' Workshop provided by Local Government Association of Tasmania
- Attended the Celebration Night 2022 for Launceston Christian School (Represented by Deputy Mayor, Councillor M K Garwood)

Thursday 8 December 2022

- Attended the Keep Australia Beautiful Sustainable Communities Awards in Currie (Represented by Councillor A E Dawkins)
 - Attended the Inveresk Community Festive barbeque Upcycled Decoration Making and YAG End of Year event
 - Attended the QVMAG Art Foundation Christmas drinks at the *Archie 100: A Century of the Archibald Prize*
-

- Attended the Queechy High School Presentation Evening (Represented by Deputy Mayor, Councillor M K Garwood)

Friday 9 December 2022

- Acted as a Judge for Grade 6 students participating in two challenges of the Launceston Time Travel Challenge funded by the Greater Regional City Challenge
- Attended the Christmas in Rocherlea event (Represented by Councillor D H McKenzie)

Sunday 10 December 2022

- Attended Ballet and Dance Arts Tasmania's *Mirror Mirror* at the Princess Theatre
- Attended Emerge Productions' *Killers with Benefits* at the Earl Arts Centre

Monday 12 December 2022

- Attended John Fitzgerald farewell with Tourism Tasmania
- Attended Launceston Gastronomy meet and greet event

Tuesday 13 December 2022

- Adjudicated debating final at the Launceston Preparatory School
- Attended the Scotch Oakburn Celebration Evening

Wednesday 14 December 2022

- Attended the Waverley Primary School Awards Ceremony
 - Presented certificates at Invermay Primary School for students who contributed as part of the ABCDE Learning Site program
 - Attended the Adventure Play Celebrations at Rocherlea
 - Attended the Museum Governance Advisory Board Meeting
-

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 G Harris

- Attended the end of year Christmas drinks function hosted by the Chamber of Commerce
- Attended the Visit Northern Tasmania *Champions of Tourism Award* night where Chief Executive Officer Chris Griffin was farewelled after 10 years
- Attended the Launceston Gastronomy Board Meeting
- Met with St Leonards campaigner Chris Saxty

11.2 Councillor D H McKenzie

- Attended the *Christmas in Rocherlea* function and commented on the strength of community participation
- Attended the *Turning of the Sod* in King Billy Crescent, Rocherlea which launched the building of 42 new affordable housing units
- Noted that the judgement in the Launceston Airport Federal court case, initiated by the Northern Midlands Council regarding a rates dispute payment, was favourable

11.3 Councillor G Razay

- Represented the Council at the *Dementia, Prevention and Well-Being Expo* and commented on the success of the event in terms of public education
- Attended Riverside High School's Award Ceremony to present the University of Tasmania and City of Launceston Springboard of Higher Education Bursary Award

12. QUESTIONS BY COUNCILLORS

12.1 Councillors' 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 Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).

No Councillors' Questions on Notice were identified as part of these Minutes

12.2 Councillors' 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 Councillors' Questions Without Notice were identified as part of these Minutes

13. NOTICES OF MOTION

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

13.1 Notice of Motion - Clean Air Strategy - Councillor D H McKenzie and Councillor A E Dawkins

FILE NO: SF5547

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider a notice of motion submitted by Councillor D H McKenzie and Councillor A E Dawkins regarding development of a clean air strategy.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council agrees that Launceston City Council develop a Clean Air Strategy, which should not be limited to but will include:

1. review of current State and Federal Government legislation to determine its effectiveness in supporting a clean air strategy and where there are improvements required develop a plan to lobby for change;
2. review of the effectiveness of past Council programs to improve air quality outcomes, such as the Wood Heater buy-back program;
3. compilation of baseline data to provide a base to measure improvements;
4. engagement of Northern Councils to achieve shared actions where possible;
5. education of industry and the broader community on better environmental practices;
6. investigation of more effective enforcement processes; and
7. recommendations to Council regarding means to improve outcomes.

Report back to Council should occur in reasonable time outlining next steps and to enable progress to be achieved ahead of next winter.

DECISION: 15 December 2022

MOTION

Moved Councillor A E Dawkins, seconded Councillor D H McKenzie.

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

CARRIED 10:1

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Councillor J J Pentridge

Council adjourned for a break at 2.44pm
Council resumed following the break at 2.55pm

14. INFRASTRUCTURE AND ASSETS NETWORK

14.1 Petition Response - Bronwyn Thompson - Reduction of Plane Trees in Norwood Avenue, Norwood

FILE NO: SF0097

AUTHOR: Debbie Pickett (Personal Assistant - Infrastructure and Assets)

GENERAL MANAGER APPROVAL: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the Petition submitted by Bronwyn Thompson regarding the reduction of plane trees in Norwood Avenue, Norwood.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas).

PREVIOUS COUNCIL CONSIDERATION:

Council - 17 November 2022 - Agenda Item Number 9.1 - Petition - Bronwyn Thompson - Reduction of Plane Trees in Norwood Avenue, Norwood.

RECOMMENDATION:

That Council approves:

1. the London plane trees in Norwood Avenue, Norwood to be pruned in accordance with existing schedule;
 2. A local community engagement process be carried out to receive input into a management plan for street trees in Norwood Avenue, Norwood; and
 3. the development a long-term management plan for street trees in Norwood Avenue, Norwood in line with the Urban Forest Strategy (currently under development).
-

DECISION: 15 December 2022

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 D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

14.2 Proposed Names for the Council's Assets

FILE NO: SF7296

AUTHOR: Wezley Frankcombe (Governance and Legal Officer)

GENERAL MANAGER APPROVAL: Shane Eberhardt (Infrastructure and Assets)

DECISION STATEMENT:

To consider an application to Place Names Tasmania under the *Place Names Act 2020* for the naming of two of the Council's assets.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 25 November 2021 - Naming of University of Tasmania Assets
Workshop - 9 June 2022 - Naming of the Council's Assets

RECOMMENDATION:

That Council approves the submission by the Chief Executive Officer for a proposal to the Place Name Register as per the *Place Names Act 2020* for:

1. Naming of Bridge A: *Inveresk Bridge* spanning over the North Esk River from Boland Street to the Inveresk Precinct as further described in Attachment 1; and
 2. Naming of Bridge B: *Riverbend Bridge* spanning from Alexandra Walk to Riverbend Park as further described in Attachment 1.
-

DECISION: 15 December 2022

MOTION

Moved Councillor A E Dawkins, seconded Councillor L M McMahon.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

15. ORGANISATIONAL SERVICES NETWORK

15.1 Financial Report to Council 30 September 2022

FILE NO: SF3611

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the Council's financial performance for the period ended 30 September 2022.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 22 November 2022 - Agenda Item 9.1 - Capital Report

Audit Panel - 22 November 2022 - Agenda Item 9.3 - Financial Statements (Analysis and Commentary)

RECOMMENDATION:

That Council adopts the operational and capital financial reports for the period ended 30 September 2022, noting the operational report discloses an underlying deficit of \$2.332m compared to a budgeted deficit of \$3.578m for the period, resulting in a favourable variance of \$1.246m.

DECISION: 15 December 2022

MOTION

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

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

CARRIED 10:1

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Councillor J J Pentridge

15.2 2022/2023 Budget - Budget Amendments

FILE NO: SF7463/SF6939

AUTHOR: Nathan Williams (Manager Finance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

For Council to consider changes for the period 1 October to 30 November 2022 to the Council's 2022/2023 Statutory Estimates.

Requires an absolute majority of Council

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$365,000.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$37,676.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$365,000.
 - ii. the net decrease in the Council's funded expenditure of \$37,676.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$16,289,816(including capital grants of \$23,732,793) for 2022/2023.
 - (b) the capital budget being increased to \$38,610,916 for 2022/2023.
-

DECISION: 15 December 2022

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 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

16. CHIEF EXECUTIVE OFFICER NETWORK

16.1 Report on Council's 2022 Annual General Meeting

FILE NO: SF0098

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To report on the Council's 2022 Annual General Meeting, held in compliance with section 72B of the *Local Government Act 1993* (Tas) on Thursday, 1 December 2022 at 5.30pm in the Council Chambers, Town Hall, Launceston.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That, in respect of the Annual General Meeting held on Thursday, 1 December 2022 at 5.30pm in the Council Chambers, Town Hall, Launceston, Council notes the following motions passed at that Meeting:

- (a) that the Minutes of the Annual General Meeting of the City of Launceston Council held on 2 December 2021 be confirmed as a true and correct record.
 - (b) that Council:
 - 1. receives the City of Launceston Annual Report for the year ended 30 June 2022 and pursuant to section 72(2)(a) of the *Local Government Act 1993* (Tas) and submits one copy of the Annual Report to the Director of Local Government and one to the Director of Public Health.
 - 2. notes the Queen Victoria Museum and Art Gallery Annual Report 2021/2022 was received by the Council at its Meeting on 17 November 2022 and Launceston Flood Authority Annual Report for the period ended 30 June 2022 was received by the Council at its Meeting on 1 December 2022.
-

DECISION: 15 December 2022

MOTION

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

16.2 2020/2021 City of Launceston Consultancy Register

FILE NO: SF7226

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider the 2020/2021 City of Launceston Consultancy Register.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 22 November 2022 - Audit Panel 12.1 - City of Launceston Consultancy Register 2020/2021

Council - 11 March 2021 - Agenda Item 20.1 - Consultancy Register 2015/2016 - 2019/2020

RECOMMENDATION:

That Council notes the 2020/2021 City of Launceston Consultancy Register (ECM Doc Set ID 4819974).

DECISION: 15 December 2022

MOTION

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

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Nil

16.3 Intention to Dispose of York Park and Associated Land to Stadiums Tasmania

FILE NO: SF6660

AUTHOR: Duncan Campbell (Team Leader Legal Services)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider forming an intention to dispose of York Park to *Stadiums Tasmania*.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)
Stadiums Tasmania Act 2022

RECOMMENDATION:

That Council

1. pursuant to section 178 of the *Local Government Act 1993 (Tas)*, forms an intention to transfer York Park and associated land and assets at 2 Invermay Road, Invermay to Stadiums Tasmania for nominal consideration, with such land totaling approximately 9.44ha as indicated as Lot 1 as shown in the map below:



2. notes that the transfer of the land, as a result of forming the intention at Recommendation 1, will not occur until each of the following events has occurred:
 - (a) the completion of the 21 day public objection period as required by section 178(4) of the *Local Government Act 1993* (Tas);
 - (b) any objection received as part of that objection process has been formally considered by Council;
 - (c) where an appeal is made to the Tasmanian Civil and Administrative Appeals Tribunal, the determination of such appeal; and,
 - (d) a planning permit has been issued by the Council in its capacity as Planning Authority to subdivide the relevant land.
 3. requests the Chief Executive Officer to determine the exact dimensions and parameters of the land and assets to be transferred and to exercise Council's powers in respect of the *Local Government Act 1993* (Tas) and the *Stadiums Tasmania Act 2022* in order to carry through with the intention formed at Recommendation 1 subject to the satisfaction of the requirements of Recommendation 2.
 4. notes that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

**The Mayor, Councillor D C Gibson, handed the Chair to the Deputy Mayor, Councillor M K Garwood, at 4.20pm
The Mayor, Councillor D C Gibson, resumed the Chair at 4.25pm**

DECISION: 15 December 2022

MOTION

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

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

CARRIED 8:3

**FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor A J Palmer, Councillor L M McMahan and Councillor A J Britton
AGAINST VOTE: Councillor T G Walker, Councillor Dr G Razay and Councillor J J Pentridge**

16.4 Late Agenda Item - Mona Foma Partnership Agreement

FILE NO: SF6783

AUTHOR: Tracey Mallett (Manager Liveable Communities)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To consider entering into a Partnership Agreement with *Moorilla Estate* (trading as *Mona Foma*).

Motion 1 requires an absolute majority of Council

RELEVANT LEGISLATION:

Local Government (Meeting Procedures) Regulations 2015 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 24 November 2022 - *Mona Foma* Presentation

RECOMMENDATION:

Motion 1

That Council:

1. by absolute majority and pursuant to Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015 (Tas)*, determines to deal with this matter, being one that was not included in the published Agenda in order to consider entering into a multi-year Partnership Agreement with *Moorilla Estate* (trading as *Mona Foma*); and
2. notes the advice from the Chief Executive Officer in respect of the reason it was not possible to include this matter in the Agenda and that the matter is urgent, that advice having been provided to Councillors by email on 14 December 2022 and in the Report to this Agenda Item.

Motion 2

That Council:

1. resolves to enter into a multi-year Partnership Agreement with *Moorilla Estate* (trading as *Mona Foma*) under the following terms:
 - a. a term of two years.
 - b. sponsorship of \$50,000 per year of the agreement to be paid by City of Launceston to *Morilla Estate* (trading as *Mona Foma*) (subject to continued State Government funding for the *Mona Foma Festival* in Launceston).
 - c. ongoing collaboration from *Mona Foma* with cultural institutions, arts and community organisations, artists and communities in Launceston to capitalise on the cultural and creative assets of the City and the community.
 - d. recognition of the contribution of the Council and promotion of Launceston in *Mona Foma Festival* marketing.
 - e. provision of a report to the Council each year by *Mona Foma* outlining the social, cultural and economic contribution made to Launceston and how the City of Launceston funding was used to support the *Mona Foma Festival's* outcomes.
 2. authorises the Chief Executive Officer to prepare and execute the Partnership Agreement on behalf of the Council.
-

DECISION: 15 December 2022

MOTION 1

Moved Councillor D H McKenzie, seconded Councillor A E Dawkins.

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

CARRIED BY ABSOLUTE MAJORITY 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton

AGAINST VOTE: Nil

DECISION: 15 December 2022

MOTION 2

Moved Councillor A E Dawkins, seconded Councillor D H McKenzie.

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

CARRIED 11:0

FOR VOTE: Mayor Councillor D C Gibson, Deputy Mayor Councillor M K Garwood, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon and Councillor A J Britton
AGAINST VOTE: Nil

17. MEETING CLOSURE

The Mayor, Councillor D C Gibson, closed the Meeting at 4.40pm

18. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 25 January 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.