



City of
LAUNCESTON

COUNCIL MINUTES

COUNCIL MEETING

WEDNESDAY 21 SEPTEMBER 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: 21 September 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 A M van Zetten (Mayor)
Councillor D C Gibson (Deputy Mayor)
Councillor R I Soward
Councillor D H McKenzie
Councillor A E Dawkins
Councillor N D Daking (retired from Meeting at 3.21pm)
Councillor P S Spencer
Councillor T G Walker

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 - 9.4)
Iain More (Town Planner) (Agenda Items 9.1 and 9.2)
Anushka Gardiye (Town Planner) (Agenda Item 9.3)
Duncan Payton (Town Planner) (Agenda Item 9.4)
Tracey Mallett (Manager Liveable Communities) (Agenda Items 13.2 and 14.1)
Mengda Liu (Cultural Development Officer) (Agenda Items 13.2 and 14.1)
James McKee (Manager Innovation and Performance) (Agenda Item 16.1)
Kelsey Hartland (Team Leader Governance)
Anthea Rooney (Council and Committees Officer)

Apologies:

Councillor K P Stojansek
Councillor A G Harris
Councillor K M Preece

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm and noted apologies from Councillors K P Stojansek, A G Harris and K M Preece.

2. MAYORAL ACKNOWLEDGEMENTS

There were no Mayoral Acknowledgements for this Meeting

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

Councillor A M van Zetten declared an interest in Agenda Item 9.3 - DA0067/2022 - 25 Hillary Street, St Leonards - Residential - Construction of an Additional Dwelling

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 8 September 2022 be confirmed as a true and correct record.

DECISION: 21 September 2022

MOTION

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

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 8 September 2022 be confirmed as a true and correct record.

CARRIED 8:0

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

AGAINST VOTE: Nil

5. COUNCIL WORKSHOPS

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

No Council Workshops were identified as part of these Minutes

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 - David Brooks - The Veteran's and Community Wood Centre

David Brooks, Founder and President of the Veterans and Community Wood Centre, addressed Council regarding what *The Shed* can do for the community and what the community can do for *The Shed*. *The Shed* is well established with 51 current members and includes a Shed Shop and tool library on site. *The Shed* is supported by the Youngtown and Kings Meadows Rotary Clubs and the City of Launceston and provides a variety of products and services for the local community including toys for children.

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 - Jackie Hannaford - Overhanging *Eucalyptus* Trees in Salisbury Crescent, West Launceston

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted in writing to the Council on 7 September 2022 by Jackie Hannaford, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Regarding the two *Eucalyptus* gum trees that are overhanging the roadway and footpath outside of 8 Salisbury Crescent, West Launceston can you advise whether these two trees are safe for the public to pass beneath them considering the degree and direction they are leaning and the direction to which they are leaning?

Response:

All trees have an inherent risk. At the City of Launceston trees are assessed using an internationally recognised system which quantifies the risk of harm from tree failure - likelihood and consequences. These trees have been assessed using this methodology and have been rated as acceptable. The City of Launceston will continue to maintain its inspections and if the risk increases, apply mitigation measures to reduce or eliminate.

Further information on how the City of Launceston manages trees can be found in its Tree Management Policy (26-PI-005) which is provided on the Council's website at: <https://www.launceston.tas.gov.au/Council/Legislation-and-Policy/Policy>.

2. Have these trees been inspected by a Launceston City Council arborist or Aurora Energy?

Response:

The City of Launceston's arborist completed an annual inspection of Salisbury Crescent, West Launceston on 2 September 2022. No defects were identified.

3. Have you viewed the photographs that I supplied when I first visited the Council's offices on Monday, 5 September 2022?

Response:

The provided photographs have been reviewed and show that the trees are growing in a natural environment. Visual inspections are also conducted through routine maintenance.

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 in writing to the Council on 14 September 2022 by Jim Dickenson have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Tenders were called for this work in *The Examiner* on 25 June 2022. Did the Council receive satisfactory tenders for this work by the closing date of 15 July 2022 and did the tenders meet budget expectations?

Response:

The Council's officers are currently engaged in the evaluation process with the Tender Review Committee to consider tenders at a future meeting. The recommendations of the Tender Review Committee are regularly provided to an open Council Meeting.

8.2. Public Questions Without Notice

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

8.2.1 Public Questions Without Notice - Helen Tait - Biodiversity and Gorge Hotel

- 1. [Regarding biodiversity issues within the municipality and Queechey Lakes] how can and how will the Council's staff and Councillors show authenticity in enacting due diligence in the matter of looking after the natural values and critical biodiversity of the urban areas of our municipality?**

The Mayor, Councillor A M van Zetten, responded by saying that this question will be Taken on Notice and a response provided in the Council Agenda of 5 October 2022.

- 2. [With reference to biodiversity and the homeless community in Launceston] is the Council able to subsidise some covered spaces for setting up sheltered refuges where small sleeping pods, safe lockers for personal items, phone charging station, simple showers and toilet facilities?**

Dan Ryan (General Manager Community and Place Network) answered by saying that the Council already provides space for lockers to be located and also provide access to toilet facilities. There are currently five portable toilet facilities in place across the City in various areas in addition to access to permanent toilet facilities.

The Council provides free access to shower facilities with the assistance of the Benevolent Society at the former YMCA building. The Council is continuing to explore the provision of portable shower facilities. The City of Launceston has also advanced plans to redevelop the Royal Park toilet block to incorporate shower facilities. This work is expected to commence early next year.

The Council provides phone charging stations throughout the CBD and is supporting a provider to find a location for a sleeping pod facility that is currently being constructed.

3. [Regarding my submission] will the Council establish a Citizens' Assembly regarding the Gorge Hotel and where were others provided the opportunity to contribute to the design for this space?

The Mayor, Councillor A M van Zetten, responded by saying that all Councillors were aware of the submission and they would consider the request during debate.

Additionally, Dan Ryan (General Manager Community and Place Network) responded by saying that with specific reference to the call for a Citizens' Assembly, the answer is No. The current Development Application for this proposal must be considered in accordance with the *Land Use Planning and Approvals Act 1993*, which does not provide scope for the establishment of a Citizen's Assembly. The Mayor added that if the Development Application was not considered at today's Council Meeting, the answer would be an automatic yes as part of the normal process.

8.2.2 Public Questions Without Notice - Robin Smith - e-Scooter Trial, Brisbane Street Mall Christmas Tree and Gorge Hotel

- 1. We are halfway through the e-Scooter trial and I was wondering if you could provide an update as things have gone a little bit quiet. More specifically, could we be provided with some information on return scooter journeys (into the City and then a return on the same day)?**

The Mayor, Councillor A M van Zetten, responded by saying that this question would be Taken on Notice and a response provided in the Council Agenda of 5 October 2022.

- 2. The Council has assumed responsibility for the Christmas Tree in the Brisbane Street Mall. Can you provide an update on the arrangements for the tree - is it actually going in the Mall and will there be a lighting event for the Christmas Tree as has been the case in the past?**

Dan Ryan (General Manager Community and Place Network), responded by saying that the Christmas Tree will be placed in the Brisbane Street Mall and the Council is currently engaging with stakeholders regarding the coordination some level of activity around the lighting of the Christmas Tree which is being planned for late November 2022.

- 3. From a planning aspect and with regard to the ancillary aspects of the Gorge Hotel (for example, a gymnasium, bars, restaurants, a pool, etc.), are those facilities considered ancillary to a hotel such as that?**

The Mayor, Councillor A M van Zetten, responded by saying those matters would be discussed during debate on the item later in the Meeting and the Councillors views and comments would occur at that time.

8.2.3 Public Questions Without Notice - Kirsten Ritchie - Homeless Matters

1. **What halls does the Launceston City Council own that are not currently leased?**

Dan Ryan (General Manager Community and Place Network), responded by saying that the City of Launceston does have a number of halls that are not leased on a permanent basis, however, all of these are used in a variety of ways, at differing times and by a number of community organisations and groups. So, currently there are no suitable halls that are not being used in some capacity.

2. **Which green spaces are available in the Launceston City area which could accommodate setting up a safe and secure area with mobile facilities such as portable toilets, portable showers, a mobile kitchenette and to have the people who are homeless able to set up their tents and to have a safe space to sleep?**

Dan Ryan (General Manager Community and Place Network), answered by saying there are many green spaces in the Launceston municipal area that are managed by the Council, however, there are many factors that need to be considered in regard to establishing a place such as that. Some of the practices incorporate issues such as the potential impact on local businesses, residents and other community members who use that space; the requirement for existing infrastructures for plumbing, safety and access; due consideration to the longevity of the site given the transient nature of the community; the ability to appropriately manage a site to ensure the safety and wellbeing of all community members; easy access for wrap around services and access to general services, such as public transport, shops and medical facilities and also the provision of appropriate visibility to support the safety needs of the homeless community. Whilst a thorough review of potential locations for such a site is being undertaken, with the above criteria in mind, the suggested approach is actually not one that is generally supported by others who are working within the Council's Homeless Advisory Committee and engaged in that sector. Primarily, that is due to the risk of creating an environment which is non-controlled and does not appropriately address the many varying and complex circumstances of individuals that are experiencing homelessness.

3. **Whose responsibility is it to ensure the well-being of our community members are met with having provisions of basic amenities provided whilst sleeping rough available 24/7?**

Dan Ryan (General Manager Community and Place Network) responded by stating that addressing the complex issues of homelessness is a community issue first and foremost while the responsibility of public housing and mental health services rests with the State Government. The City of Launceston does acknowledge that it also has a role to play in assisting with the facilitation of positive outcomes for the community and is doing this in a collaborative manner through engagement with service providers including the State Government, TasPolice and the community through its Homelessness Advisory Committee.

8.2.4 Public Questions Without Notice - Jim Collier - Caretaker Mode

1. In view of the forthcoming local government elections, is the Launceston City Council currently in Caretaker mode?

The Mayor, Councillor A M van Zetten, responded by saying that the Launceston City Council is currently in Caretaker mode.

2. In view of that response and referring to Development Application 0390/2022, the Gorge Hotel, it is a very important development application for Launceston. So, would it not be more appropriate, or indeed more ethical, to defer voting or discussion on this significant Agenda Item until after the forthcoming local government elections?

The Mayor, Councillor A M van Zetten, stated that Caretaker Policy adopted by Council on 28 July 2022 provides for the normal business of Council to continue through the election period. Specifically, in relation to Development Applications, the Policy states:

Development Applications will be determined by the Council acting as a Planning Authority in accordance with the provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA). The Council is required to comply with the LUPAA statutory timeframes for determining Development Applications.

Therefore, this Policy cannot defer consideration of applications during the Caretaker Period as it would be solely reliant in the applicant's willingness to grant extensions of time to determine applications which cannot be relied upon.

In relation to the Gorge Hotel, the Council cannot defer consideration of the Development Application as it must be determined by 22 September 2022.

8.2.5 Public Questions Without Notice - Andrew Cassidy - Homeless Matters

- 1. Do we know where the Launceston City Council's 12 portable toilets are now located?**

The Mayor, Councillor A M van Zetten, responded by saying that the Council does know where the toilets are located and Dan Ryan (General Manager Community and Place Network) added that there are currently five portable toilets in circulation across the City. Most of these are located alongside some of the visible camp sites, however, not all of those locations have been publicly disclosed at the request of some people due to risk to their health and safety. There are five in play across the Launceston CBD at the present time and there has been as many as seven in the past.

- 2. It has been four months since the Launceston City Council said that they were going to provide showers for the people sleeping rough. How far away are those from being utilised and where will they be situated?**

Dan Ryan (General Manager Community and Place Network), noted that the City of Launceston has investigated many options for the implementation of suitable shower facilities, however, due to current supply issues and some of the infrastructure requirements progress on this matter has been slowed. The City has been able to partner with service providers to support shower facilities in the old YMCA site. The opening hours of shower facilities in the Gorge has been extended and there are also shower facilities available in Morton's Place and Shop for Hope in the CBD which area available to the homeless community. The City of Launceston has also advanced plans to redevelop the Royal Park toilet block to incorporate some shower facilities which is expected to occur early in the new year.

- 3. As we are deep in the crisis for emergency accommodation, there seems to be no accommodation anywhere and we see kids on the street that are sleeping rough in cars; they are too scared to go to sleep; they are very sick and they have no money to get medication. How would you feel - it is very hard?**

The Mayor, Councillor A M van Zetten, responded by saying that it is hard, very difficult and very unfortunate and the City of Launceston does not endorse that and the Council will continue to work with the State Government. It is a State and Federal Government matter, but the City of Launceston will assist with whatever solutions are decided upon wherever possible.

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 DA0390/2022 - 123 Paterson Street, 16 Margaret Street also Known as 270 Brisbane Street, and 125-133 Paterson Street, Launceston - Visitor Accommodation Including Associated Restaurant, Function, Wellness Centres, Retail and Bars

FILE NO: DA0390/2022

AUTHOR: Iain More (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:	Commercial Project Delivery
Property:	123 Paterson Street, 125-133 Paterson Street and 16 Margaret Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	1/07/2022
Validity Date:	13/07/2022
Further Information Request:	01/08/2022
Further Information Received:	17/08/2022
Deemed Approval:	22/09/2022
Representations:	26

RELEVANT LEGISLATION:

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

PREVIOUS COUNCIL CONSIDERATION:

Council - 13 June 2019 - Agenda Item 8.1 - DA0127/2019 - Construction of a hotel etc. at 123 Paterson Street, 270 Brisbane Street, 18 Margaret Street, 125-133 Paterson Street and 16 Margaret Street, Launceston. Approved by Council. Appealed and subsequently refused by the Resource Management and Planning Appeal Tribunal 7 November 2019

Draft Amendment 66 to the Launceston Interim Planning Scheme 2015, to insert a Specific Area Plan over the properties known as 123 Paterson Street, 125-133 Paterson Street and 270 Brisbane Street (CT151150/3, CT151150/2 and CT175274/1). Approved by the Tasmanian Planning Commission 4 March 2022

STANDARDS REQUIRING PLANNING DISCRETION:

- 15.3.2 Mechanical plant and equipment
- 15.4.1 Building height, setback and siting
- 15.4.2 Location of car parking
- 15.4.3 Active ground floors
- 15.4.11 Frontage and access
- E2.5 Use Standards
- E2.6.1 Subdivision
- E2.6.2 Excavation
- E4.5.1 Existing road accesses and junctions
- E5.1.1 Development subject to flooding
- E6.5.1 Car parking numbers
- E6.5.2 Bicycle parking numbers
- E6.5.4 Motorcycle parking
- E6.6.1 Construction of parking areas
- E6.6.2 Design and layout of parking areas
- E6.6.5 Bicycle facilities
- E18.5.2 Design and siting of signage

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0390/2022 - Visitor Accommodation including associated restaurant, function centre, wellness centre, retail and bars. Including partial demolition of existing buildings and construction of a hotel in two stages, including signage, consolidation of lots, and new road accesses at 123 Paterson Street (CT151150/3), 16 Margaret Street, also known as 270 Brisbane Street (CT175274/1) and 125-133 Paterson Street (CT151150/2), Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Stage 1 - Development Application, prepared by Commercial Project Delivery, dated August 2022;
- b. Stage 1 - Contents, prepared by CBG, Drawing No. TP001 - C, dated June 2022;
- c. Stage 1 - Site Plan, prepared by CBG, Drawing No. TP010 - C, dated June 2022;
- d. Stage 1 - Demolition Plan, prepared by CBG, Drawing No. TP011 - C, dated June 2022;
- e. Stage 1 - Existing Site Contours, prepared by CBG, Drawing No. TP012 - C, dated June 2022;
- f. Stage 1 - Basement Floor Plan, prepared by CBG, Drawing No. TP099 - C, dated June 2022;

- g. Stage 1 - Ground Floor Plan, prepared by CBG, Drawing No. TP100 - C, dated June 2022;
- h. Stage 1 - Mezzanine Floor Plan, prepared by CBG, Drawing No. TP101 - C, dated June 2022;
- i. Stage 1 - First Floor Plan, prepared by CBG, Drawing No. TP102 - C, dated June 2022;
- j. Stage 1 - Second Floor (Typ. Levels 2 & 3), prepared by CBG, Drawing No. TP103 - C, dated June 2022;
- k. Stage 1 - Fourth Floor (Typ. Levels 4-8), prepared by CBG, Drawing No. TP104 - C, dated June 2022;
- l. Stage 1 - Ninth Floor Plan, prepared by CBG, Drawing No. TP105 - C, dated June 2022;
- m. Stage 1 - Roof Plan, prepared by CBG, Drawing No. TP106 - C, dated June 2022;
- n. Stage 1 - Elevations, prepared by CBG, Drawing No. TP200 - C, dated June 2022;
- o. Stage 1 - Elevations, prepared by CBG, Drawing No. TP201 - C, dated June 2022;
- p. Stage 1 - Sections, prepared by CBG, Drawing No. TP250 - C, dated June 2022;
- q. Stage 1 - Sections, prepared by CBG, Drawing No. TP2251 - C, dated June 2022;
- r. Stage 2 - Site Plan, prepared by CBG, Drawing No. TP300 - C, dated June 2022;
- s. Stage 2 Demolition Plan, prepared by CBG, Drawing No. TP301 - C, dated June 2022;
- t. Stage 2 Conference Corner Addition, prepared by CBG, Drawing No. TP500 - C, dated June 2022;
- u. Stage 2 Parking Platform Addition, prepared by CBG, Drawing No. TP501 - C, dated June 2022;
- v. Stage 2 Elevations, prepared by CBG, Drawing No. TP600 - C, dated June 2022;
- w. Stage 2 Elevations, prepared by CBG, Drawing No. TP601 - C, dated June 2022;
- x. Stage 2 Shadow Diagrams - June 21, prepared by CBG, Drawing No. TP900 - C, dated June 2022;
- y. Stage 2 Shadow Diagrams - September 21, prepared by CBG, Drawing No. TP901 - C, dated June 2022;
- z. Stage 2 Shadow Diagrams - December 21, prepared by CBG, Drawing No. TP902 - C, dated June 2022;
- aa. Stage 2 External Circulation Plans, prepared by CBG, Drawing No. TP950 - C, dated June 2022;
- bb. Stage 2 SAP Compliance Study, prepared by CBG, Drawing No. TP980 - C, dated June 2022;
- cc. Transport Impact Assessment, prepared by GHD, dated March 2019;
- dd. Preliminary Site Investigation *Gorge Hotel*, prepared by es&d, project No. 6164, dated 2022;
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- ii. Environmental noise and air emission assessment, prepared by Tarkarri Engineering Pty Ltd, Report No. 5221_AC_R_R2, dated 22 June 2022; and
- jj. Development Application, prepared by Commercial project Delivery, dated 9 August 2022.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

- a. removal of all references to new or upgraded pavement treatments within the road reserves of Paterson and Margaret Streets.
- b. removal of the implied traffic island or surface treatment extending into the public footpath on Margaret Street at the northern access point.
- c. updated plans incorporating the recommendations contained with the Traffic Impact Assessment:
 - i. minor redesign of the Right Of Way (ROW) easement and adjacent footpath, including relocation of columns, as the building design progresses through future stages, to meet the 1m minimum footpath width and roadway dimensions and radii in accordance with AS 2890.1
 - ii. provision of a channelising island within the hotel *back-of-house* area to channel cyclists to a position where there is improved sight distance to the ramp.
 - iii. allocation of all parking spaces within the multi-storey car park to hotel guests, staff and valet parking, and conference attendees with all other users being directed to the open air car park at the rear of the site.
 - iv. electronic signage provided to indicate the availability of parking spaces on each level.
 - v. a minimum of 2.2m headroom be maintained at the ramp from the upper ground car parking level to the lower mezzanine car parking level.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit superseding the original endorsed plans.

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

Exterior and security lighting must comply with the Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.

5. DELIVERY HOURS

Deliveries to and from the site by commercial vehicles (including trade waste collection) must only occur between 6am and 10pm, seven days a week.

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01099-LCC, dated 15/07/2022 and attached to the permit.

7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

8. CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of works on site the applicant must prepare, and submit for approval, a detailed construction management plan.

The plan must include a construction schedule specifying the nature and duration of any proposed occupation of the road reserve for the undertaking of works and the laying down of materials.

The plan must also include the proposed traffic management works required to facilitate the continued safe use of the roads and footpaths within Margaret Street and Paterson Street.

9. SITE LANDSCAPING PLAN

The landscaping must be:

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

Plant and equipment screening:

Any plant and equipment proposed for the facades or roofs of the buildings must be screened in a manner to ensure they are not recognisable or visible from a ground level public view point.

10. SIGNAGE

Prior to the commencement of use, illuminated signage detailed in the plans is subject to the Council approving a Signage Illumination Management Plan prepared to the satisfaction of the Council that allows for the dimmable signage lighting to be dimmed as appropriate after sunset and increased in intensity as appropriated after sunrise and during daylight hours as directed by the Council from time to time.

11. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

13. 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.

14. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

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

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

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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.

16. FACILITIES AND HIGHWAYS BY-LAW

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

17. NOISE AND AIR EMISSION ASSESSMENT

The applicant must comply with the Environmental Noise and Air Emission Assessment prepared by Tarkarri Engineering Pty Ltd dated 22 June 2022 and complete all works required in the recommendations. Prior to the commencement of the use, a further report must be submitted by a suitably qualified person, and to the satisfaction to Manager City Development, certifying that the recommendations of the Tarkarri report have been complied with.

18. NOISE MANAGEMENT PROTOCOL

Prior to commencement of operation, a noise management protocol is to be prepared by an acoustic engineer to manage noise from the rooftop restaurant and function space and the sky bar and lounge is to be developed. A copy of this noise management protocol is to be provided to the Council's Manager Health and Compliance.

19. 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.

20. DUST SUPPRESSION

Prior to the commencement of the works, the developer must submit to the Council details of measures to be undertaken to control dust emission from the site. The irrigation system(s)/dust suppressant must be installed in accordance with the approved details prior to commencement of works and must be maintained at all times to the satisfaction of the Council.

21. CONTAMINATED LAND

The developer must comply with the environmental site assessment (ESA) report prepared by environmental service and design dated 16 August 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.

22. DECOMMISSIONING OF UNDERGROUND STORAGE TANKS

Prior to the commencement of any work and/or use:

- a. decommission the underground storage tanks in accordance with the requirements of the Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020, or any subsequent versions of the Regulation;
- b. submit a copy of the decommissioning assessment report to the Manager Health and Compliance; and
- c. provide a statement from a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc.'s Certified Environmental Practitioners (Site Contamination) scheme, otherwise known as the CEnvP (Site Contamination) scheme, confirming that the land is suitable for the intended use following decommissioning of the underground storage tanks to the satisfaction of the Manager Health and Compliance.

23. CONSTRUCTION NOISE ASSESSMENT

Prior to the commencement of demolition and 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.

24. CONTAMINATED LAND

The applicant must:

- a. comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 16/08/222 and complete all works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

- b. prior to the commencement of works for Stage 2, a revised contamination report is to be provided to and signed off by the Manager City Development.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0390/2022. 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. Food Businesses

All food businesses must be registered with the Council in accordance with the Food Act 2003 prior to commencing. Food premises fit out must comply with the National Construction Code TAS Part H102.0 or any subsequent versions of this document.

F. Cooling Towers

The owner of a cooling tower or warm water system is required to obtain registration with the Council in accordance with the Public Health Act 1997 and comply with the 'Guidelines for the Control of Legionella in Regulated Systems' or any subsequent versions of the document.

G. Facilities and Highways By-law (No. 1 of 2021)

Prior to the placement of any skip bin, security fencing, hoarding, shipping container, site office or amenity within a local highway, a permit must be issued 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.

Failure to comply with the Facilities and Highways By-Law (No. 1 of 2021) or any permit issued pursuant to the by-law may result in enforcement action including the issuing of infringement notices and penalties in accordance with Schedule 1 of the By-Law.

H. Signage

Significant variations from the plans will require further approval.

I. Demolition

Planning approval is granted for demolition of the existing building/s so indicated on the endorsed plan. However, building approval for the demolition is required before demolition can proceed.

Rocelyn Ives spoke against the Recommendation

Linda Collier spoke against the Recommendation

Anne Layton-Bennett spoke against the Recommendation

Anne Layton-Bennett (on behalf of *Hands Off Our Gorge*) spoke against the Recommendation

Susie Cai spoke against the Recommendation

Wei Cai spoke against the Recommendation

Lily Cai spoke against the Recommendation

Helen Tait spoke against the Recommendation

Jim Collier spoke against the Recommendation

Victoria Wilkinson spoke against the Recommendation

Mark Baker (Executive Director Northern Cities Department of State Growth) spoke for the Recommendation

Carolyn Gutteridge spoke against the Recommendation

Steve Saunders spoke against the Recommendation

Chloe Lyne spoke for the Recommendation

Joseph Chromy spoke for the Recommendation

Dean Cocker spoke for the Recommendation

Robin Smith spoke for the Recommendation

John Perry (Coordinator General) spoke for the Recommendation

Councillor R I Soward withdrew from the Meeting at 2.24pm

Councillor R I Soward re-attended the Meeting at 2.25pm

DECISION: 21 September 2022

MOTION 1

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

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0390/2022 - Visitor Accommodation including associated restaurant, function centre, wellness centre, retail and bars. Including partial demolition of existing buildings and construction of a hotel in two stages, including signage, consolidation of lots, and new road accesses at 123 Paterson Street (CT151150/3), 16 Margaret Street, also known as 270 Brisbane Street (CT175274/1) and 125-133 Paterson Street (CT151150/2), Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Stage 1 - Development Application, prepared by Commercial Project Delivery, dated August 2022;**
- b. Stage 1 - Contents, prepared by CBG, Drawing No. TP001 - C, dated June 2022;**
- c. Stage 1 - Site Plan, prepared by CBG, Drawing No. TP010 - C, dated June 2022;**
- d. Stage 1 - Demolition Plan, prepared by CBG, Drawing No. TP011 - C, dated June 2022;**
- e. Stage 1 - Existing Site Contours, prepared by CBG, Drawing No. TP012 - C, dated June 2022;**
- f. Stage 1 - Basement Floor Plan, prepared by CBG, Drawing No. TP099 - C, dated June 2022;**
- g. Stage 1 - Ground Floor Plan, prepared by CBG, Drawing No. TP100 - C, dated June 2022;**
- h. Stage 1 - Mezzanine Floor Plan, prepared by CBG, Drawing No. TP101 - C, dated June 2022;**
- i. Stage 1 - First Floor Plan, prepared by CBG, Drawing No. TP102 - C, dated June 2022;**

- j. Stage 1 - Second Floor (Typ. Levels 2 & 3), prepared by CBG, Drawing No. TP103 - C, dated June 2022;
- k. Stage 1 - Fourth Floor (Typ. Levels 4-8), prepared by CBG, Drawing No. TP104 - C, dated June 2022;
- l. Stage 1 - Ninth Floor Plan, prepared by CBG, Drawing No. TP105 - C, dated June 2022;
- m. Stage 1 - Roof Plan, prepared by CBG, Drawing No. TP106 - C, dated June 2022;
- n. Stage 1 - Elevations, prepared by CBG, Drawing No. TP200 - C, dated June 2022;
- o. Stage 1 - Elevations, prepared by CBG, Drawing No. TP201 - C, dated June 2022;
- p. Stage 1 - Sections, prepared by CBG, Drawing No. TP250 - C, dated June 2022;
- q. Stage 1 - Sections, prepared by CBG, Drawing No. TP2251 - C, dated June 2022;
- r. Stage 2 - Site Plan, prepared by CBG, Drawing No. TP300 - C, dated June 2022;
- s. Stage 2 Demolition Plan, prepared by CBG, Drawing No. TP301 - C, dated June 2022;
- t. Stage 2 Conference Corner Addition, prepared by CBG, Drawing No. TP500 - C, dated June 2022;
- u. Stage 2 Parking Platform Addition, prepared by CBG, Drawing No. TP501 - C, dated June 2022;
- v. Stage 2 Elevations, prepared by CBG, Drawing No. TP600 - C, dated June 2022;
- w. Stage 2 Elevations, prepared by CBG, Drawing No. TP601 - C, dated June 2022;
- x. Stage 2 Shadow Diagrams - June 21, prepared by CBG, Drawing No. TP900 - C, dated June 2022;
- y. Stage 2 Shadow Diagrams - September 21, prepared by CBG, Drawing No. TP901 - C, dated June 2022;
- z. Stage 2 Shadow Diagrams - December 21, prepared by CBG, Drawing No. TP902 - C, dated June 2022;
- aa. Stage 2 External Circulation Plans, prepared by CBG, Drawing No. TP950 - C, dated June 2022;
- bb. Stage 2 SAP Compliance Study, prepared by CBG, Drawing No. TP980 - C, dated June 2022;
- cc. Transport Impact Assessment, prepared by GHD, dated March 2019;
- dd. Preliminary Site Investigation *Gorge Hotel*, prepared by es&d, project No. 6164, dated 2022;
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- a. decommission the underground storage tanks in accordance with the requirements of the Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020, or any subsequent versions of the Regulation;
- b. submit a copy of the decommissioning assessment report to the Manager Health and Compliance; and
- c. provide a statement from a site contamination practitioner certified under the Environment Institute of Australia and New Zealand Inc.'s Certified Environmental Practitioners (Site Contamination) scheme, otherwise known as the CEnvP (Site Contamination) scheme, confirming that the land is suitable for the intended use following decommissioning of the underground storage tanks to the satisfaction of the Manager Health and Compliance.

23. CONSTRUCTION NOISE ASSESSMENT

Prior to the commencement of demolition and 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.

24. CONTAMINATED LAND

The applicant must:

- a. comply with the Environmental Site Assessment Report prepared by Environmental Service and Design dated 16/08/222 and complete all works required in the recommendations. The use and development approved must be undertaken so as to comply with all the recommendations and requirements of the Environmental Site Assessment.

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

- b. prior to the commencement of works for Stage 2, a revised contamination report is to be provided to and signed off by the Manager City Development.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0390/2022. 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. Food Businesses

All food businesses must be registered with the Council in accordance with the Food Act 2003 prior to commencing. Food premises fit out must comply with the National Construction Code TAS Part H102.0 or any subsequent versions of this document.

F. Cooling Towers

The owner of a cooling tower or warm water system is required to obtain registration with the Council in accordance with the Public Health Act 1997 and comply with the 'Guidelines for the Control of Legionella in Regulated Systems' or any subsequent versions of the document.

G. Facilities and Highways By-law (No. 1 of 2021)

Prior to the placement of any skip bin, security fencing, hoarding, shipping container, site office or amenity within a local highway, a permit must be issued 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.

Failure to comply with the Facilities and Highways By-Law (No. 1 of 2021) or any permit issued pursuant to the by-law may result in enforcement action including the issuing of infringement notices and penalties in accordance with Schedule 1 of the By-Law.

H. Signage

Significant variations from the plans will require further approval.

I. Demolition

Planning approval is granted for demolition of the existing building/s so indicated on the endorsed plan. However, building approval for the demolition is required before demolition can proceed.

CARRIED 7:1

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

DECISION: 21 September 2022

MOTION 2

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

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

CARRIED 8:0

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

DECISION: 21 September 2022

MOTION 3

Moved Councillor N D Daking, seconded Councillor D H McKenzie.

That Councillor R I Soward be granted an additional three minutes speaking time.

CARRIED 8:0

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

Councillor T G Walker withdrew from the Meeting at 2.55pm

9.2 DA0443/2022 - 19 Quarry Road, West Launceston - Residential - Construction of a Dwelling

FILE NO: DA0443/2022

AUTHOR: Iain More (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:	Emily Jayne Susanah Casburn and Paul Brian Casburn
Property:	19 Quarry Road, West Launceston
Zoning:	Low Density Residential
Receipt Date:	18/07/2022
Validity Date:	28/07/2022
Further Information Request:	08/08/2022
Further Information Received:	12/08/2022
Deemed Approval (extension granted):	22/09/2022
Representations:	Five

RELEVANT LEGISLATION:

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

STANDARDS REQUIRING PLANNING DISCRETION:

12.4.2 Building height, setback and siting
E6.6.1 Construction of parking areas

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0443/2022 - Residential - Construction of a Dwelling at 19 Quarry Road, West Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Sheet 1 - Site Plan, prepared by Warren French Architect, dated 09/08/2022;
- b. Sheet 2 - Plan, prepared by Warren French Architect, dated 14/06/2022;
- c. Sheet 3 - Elevations, prepared by Warren French Architect, dated 30/06/2022; and
- d. Sheet 4 - Shadow Analysis, prepared by Warren French Architect, dated 20/01/2022.

2. WINDOWS

Prior to an occupancy permit being granted, the following must occur:

- a. the eastern facing window to the dining room and kitchen must have an opaque finish to 1.7m above floor level; and
- b. the eastern facing window to master bedroom must have a fully opaque finish.

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. NON-REFLECTIVE EXTERIOR FINISH

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

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

6. SITE LANDSCAPING PLAN

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

- a. suitable vegetation to screen the undercroft from prime viewpoints.

Once approved, 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 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.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

9. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to the Council's stormwater mains.

10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements 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.

11. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

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

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

12. SOIL AND WATER MANAGEMENT PLAN

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

13. AMENITY

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

14. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the 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. PROTECTION OF PUBLIC OPEN SPACE

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

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

16. RESERVES, PARKS AND GARDENS BY-LAW

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0443/2022. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the 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. Heat Pump Use

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

Councillor T G Walker re-attended the Meeting at 2.57pm

James Graham spoke against the Recommendation

Karen Jenkins spoke against the Recommendation

Emily Casburn spoke for the Recommendation

DECISION: 21 September 2022

MOTION

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

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0443/2022 - Residential - Construction of a Dwelling at 19 Quarry Road, West Launceston, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Sheet 1 - Site Plan, prepared by Warren French Architect, dated 09/08/2022;**
- b. Sheet 2 - Plan, prepared by Warren French Architect, dated 14/06/2022;**
- c. Sheet 3 - Elevations, prepared by Warren French Architect, dated 30/06/2022;**
and
- d. Sheet 4 - Shadow Analysis, prepared by Warren French Architect, dated 20/01/2022.**

2. WINDOWS

Prior to an occupancy permit being granted, the following must occur:

- a. the eastern facing window to the dining room and kitchen must have an opaque finish to 1.7m above floor level; and**
 - b. the eastern facing window to master bedroom must have a fully opaque finish.**
-

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. NON-REFLECTIVE EXTERIOR FINISH

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

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

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Sundays and Public Holidays - 10am to 6pm

6. SITE LANDSCAPING PLAN

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

- a. suitable vegetation to screen the undercroft from prime viewpoints.

Once approved, 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 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.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

9. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to the Council's stormwater mains.

10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements 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.

11. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

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

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

12. SOIL AND WATER MANAGEMENT PLAN

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

13. AMENITY

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

14. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the 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. PROTECTION OF PUBLIC OPEN SPACE

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

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

16. RESERVES, PARKS AND GARDENS BY-LAW

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0443/2022. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or***
- b. Any appeal to the 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. Heat Pump Use

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

CARRIED 8:0

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

AGAINST VOTE: Nil

9.3 DA0067/2022 - 25 Hillary Street, St Leonards - Residential - Construction of an Additional Dwelling

FILE NO: DA0067/2022

AUTHOR: Anushka Gardiye (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:	BVZ Designs
Property:	25 Hillary Street, St Leonards
Zoning:	General Residential
Receipt Date:	14/02/2022
Validity Date:	16/02/2022
Further Information Request:	24/02/2022
Further Information Received:	01/08/2022
Deemed Approval (extension granted):	29/09/2022
Representations:	Six

RELEVANT LEGISLATION:

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

STANDARDS REQUIRING PLANNING DISCRETION:

10.4.2 Setbacks and building envelope for all dwellings
E4.6.2 Road accesses and junctions

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0067/2022 - Residential - Construction of an additional dwelling at 25 Hillary Street, St Leonards, 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 BVZ Designs, Rev.06, Dated 14/07/2022;
 - b. Locality Plan, Prepared by BVZ Designs, Drawing No. YAT0222 -2/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
-

- c. Existing Site Survey Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 3/14, Rev.06, Dated 14/07/2022;
- d. Site Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 4/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- e. Landscaping Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 5/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- f. Strata Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 6/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- g. Site Plumbing Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 7/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- h. Soil and Water Management Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 8/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- i. Car parking Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 9/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- j. Existing Floor Plan Unit 1, Prepared by BVZ Designs, Drawing No. YAT0222 - 10/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- i. Floor Plan Unit 2, Prepared by BVZ Designs, Drawing No. YAT0222 - 11/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- j. Elevations, Prepared by BVZ Designs, Drawing No. YAT0222 - 12/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- k. Elevations, Prepared by BVZ Designs, Drawing No. YAT0222 - 13/14, Rev.06, Dated 14/07/2022, Amended Plans Required; and
- l. Roof Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 14/14, Rev.06, Dated 14/07/2022, Amended Plans Required.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

- a. a tandem visitor parking space allocated for each dwelling;
- b. the relocation of the existing fence between the existing dwelling and the proposed dwelling to be clear of the drainage easement and enable overland flows to be conveyed through the drainage easement;
- c. removal of the unapproved fill placed in the drainage easement to minimise the potential for overland flows to enter the proposed dwelling;
- d. updated landscaping plan reflecting the change in the boundary between the two lots; and
- e. updated drawing identifying the proposed dwelling as Unit 1 and the existing dwelling as Unit 2.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit superseding the original endorsed plans.

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

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. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a waste storage area of 1.5m² per dwelling located in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling.

6. 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.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

9. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to the Council's stormwater mains.

10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements 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.

11. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

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

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

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. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Dwelling No	Strata Lot No.	Street Address
Proposed	1	1/25 Hillary Street
Existing	2	2/25 Hillary Street

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

15. AMENITY

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

16. NO BURNING OF WASTE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0067/2022. 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. Heat Pump Use

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

F. Sections 13 and 14 of Urban Drainage Act 2013

Pursuant to sections 13 and 14 of the Urban Drainage Act 2013, a person must not, without the consent of the General Manager cause or permit any prescribed structure to be built or and filling to be placed over an easement.

The General Manager may serve on the person a written notice to remove or remedy the works and carry out other such works as are necessary to restore the public stormwater system. Where such works are not carried out, the Council may undertake those works and recover costs from the person on whom the notice is served.

That person may also be guilty of an offence under the Act. The penalty for an offence in the case of an individual, is a fine not exceeding 200 penalty units, or in the case of a body corporate, a fine not exceeding 500 penalty units.

The Mayor, Councillor A M van Zetten, withdrew from the Meeting at 3.05pm

The Deputy Mayor, Councillor D C Gibson, assumed the Chair at 3.05pm

DECISION: 21 September 2022

MOTION

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

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0067/2022 - Residential - Construction of an additional dwelling at 25 Hillary Street, St Leonards, 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 BVZ Designs, Rev.06, Dated 14/07/2022;
- b. Locality Plan, Prepared by BVZ Designs, Drawing No. YAT0222 -2/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- c. Existing Site Survey Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 3/14, Rev.06, Dated 14/07/2022;
- d. Site Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 4/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- e. Landscaping Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 5/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- f. Strata Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 6/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- g. Site Plumbing Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 7/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- h. Soil and Water Management Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 8/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- i. Car parking Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 9/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- j. Existing Floor Plan Unit 1, Prepared by BVZ Designs, Drawing No. YAT0222 - 10/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- i. Floor Plan Unit 2, Prepared by BVZ Designs, Drawing No. YAT0222 - 11/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- j. Elevations, Prepared by BVZ Designs, Drawing No. YAT0222 - 12/14, Rev.06, Dated 14/07/2022, Amended Plans Required;
- k. Elevations, Prepared by BVZ Designs, Drawing No. YAT0222 - 13/14, Rev.06, Dated 14/07/2022, Amended Plans Required; and
- l. Roof Plan, Prepared by BVZ Designs, Drawing No. YAT0222 - 14/14, Rev.06, Dated 14/07/2022, Amended Plans Required.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

- a. a tandem visitor parking space allocated for each dwelling;
- b. the relocation of the existing fence between the existing dwelling and the proposed dwelling to be clear of the drainage easement and enable overland flows to be conveyed through the drainage easement;
- c. removal of the unapproved fill placed in the drainage easement to minimise the potential for overland flows to enter the proposed dwelling;
- d. updated landscaping plan reflecting the change in the boundary between the two lots; and
- e. updated drawing identifying the proposed dwelling as Unit 1 and the existing dwelling as Unit 2.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit superseding the original endorsed plans.

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

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. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a waste storage area of 1.5m² per dwelling located in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling.

6. 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.

7. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

9. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to the Council's stormwater mains.

10. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements 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.

11. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

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

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

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. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Dwelling No	Strata Lot No.	Street Address
Proposed	1	1/25 Hillary Street
Existing	2	2/25 Hillary Street

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

15. AMENITY

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

16. NO BURNING OF WASTE

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0067/2022. 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. Heat Pump Use

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

F. Sections 13 and 14 of Urban Drainage Act 2013

Pursuant to sections 13 and 14 of the Urban Drainage Act 2013, a person must not, without the consent of the General Manager cause or permit any prescribed structure to be built or and filling to be placed over an easement.

The General Manager may serve on the person a written notice to remove or remedy the works and carry out other such works as are necessary to restore the public stormwater system. Where such works are not carried out, the Council may undertake those works and recover costs from the person on whom the notice is served.

That person may also be guilty of an offence under the Act. The penalty for an offence in the case of an individual, is a fine not exceeding 200 penalty units, or in the case of a body corporate, a fine not exceeding 500 penalty units.

CARRIED 7:0

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

AGAINST VOTE: Nil

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

The Mayor, Councillor A M van Zetten, re-attended the Meeting at 3.07pm

The Mayor, Councillor A M van Zetten, resumed the Chair at 3.08pm

9.4 DA0566/2021 - 362-364 St Leonards Road, St Leonards - Subdivision - Subdivision of One Lot into Six Lots

FILE NO: DA0566/2021

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:	Mark Gerard Beckett
Property:	362-364 St Leonards Road, St Leonards
Zoning:	General Residential
Receipt Date:	5/10/2021
Validity Date:	27/07/2022
Further Information Request:	28/10/2021
Further Information Received:	27/07/2022
Deemed Approval:	22/09/2022
Representations:	Five

RELEVANT LEGISLATION:

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

STANDARDS REQUIRING PLANNING DISCRETION:

10.4.16 Frontage and access
10.4.19 Integrated urban landscape
10.4.20 Walking and cycling network
10.4.23 Neighbourhood road network
10.4.24 Public transport network
E10.6 Development Standards
E2.6.1 Subdivision
E2.6.2 Excavation
E4.6.4 Sight distance at accesses, junctions and level crossings
E9.6.1 Development in the vicinity of a watercourses and wetlands

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0566/2021 - Subdivision - subdivision of one lot into six lots at 362-364 St Leonards Road, St Leonards, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Servicing Plan, prepared by 6ty Pty Ltd, project no. 22.119, Subdivision at 362-364 St Leonards Road, Launceston, revision C, page no. Cp12, dated 20/07/2022;
- b. Servicing Information, prepared by 6ty Pty Ltd, project no. 22.119, Subdivision at 362-364 St Leonards Road, Launceston, issue 01, dated 15/07/2022; and
- c. Email, prepared by Mark Beckett, Subdivision at 362-364 St Leonards Road, St Leonards, dated 25/07/2022.

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 2021/01779-LCC, 17/08/2022 and attached to the permit.

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

7. SOIL AND WATER MANAGEMENT PLAN

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

8. FILLING OF LAND

Where it is proposed to place fill on the site which exceeds 300mm, the applicant must provide a detailed plan showing the location and depth of such fill.

Any fill that is proposed to be located within the road reserve must be certified as being carried out in accordance Australian Standard AS 3798 and the endorsed plan. Prior to the commencement of any infrastructure placement.

9. PERMIT TO UNDERTAKE WORKS IN STATE ROAD

St Leonards Road is a State Road and is under the jurisdiction of the Department of State Growth (DSG).

A works permit pursuant to Section 16 of the *Roads and Jetties Act 1935* must be obtained to undertake works within the state road reservation. No works on or affecting the State Road must commence until the required permit has been issued by DSG. A copy of the DSG permit must be submitted to the Council's General Manager Infrastructure and Assets Network prior to the commencement of the works.

10. SUBMISSION AND APPROVAL OF PLANS

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

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. electricity infrastructure including street lighting.
 - ii. communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
 - iii. evidence of assessment by TasGas Networks re provision of reticulated gas network.

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

11. 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 including all necessary upgrades of existing infrastructure;
 - ii. The provision of a DN 100 connection to the lowest point of each lot; and
 - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads
 - i. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel;
 - ii. Provision of a 1,500mm wide footpath located on one side of the proposed road and all necessary pedestrian kerb ramps;
 - iii. Provision of a single vehicular crossing for each lot within the subdivision;
 - iv. Removal of the existing driveways directly from St Leonards Road serving No. 362-364 and No. 368 St Leonards Road;
 - v. Provision of a new driveway crossing to serve No. 368 St Leonards Road from the proposed new road;
 - vi. Construction of the footpath link along the St Leonards Road frontage of the site including all necessary pedestrian kerb ramps;
 - vii. Provision of a sealed temporary turning head of a suitable size for incomplete roads; and
 - viii. Provision of all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
 - i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority; and
 - ii. An underground telecommunications system must be provided to service all lots and installed 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; and
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

12. WORKS REQUIRED FOR EACH LOT IN A STAGE

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

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

13. 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.

14. 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 Council (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.

15. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager, Infrastructure and Assets Network:

- a. the satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council's requirements.
- b. the subsequent issue of a Certificate of Practical Completion by the General Manager, Infrastructure and Assets Network.
- c. the lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

16. 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.

17. COMPLETION OF WORKS

All works must be carried out to the Council's standards and to the satisfaction of the General Manager Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to the Council's standards will be required prior to issue of the Certificate of Practical Completion.

18. 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.

19. AMENITY - RESIDENTIAL

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

20. 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.

21. 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.

22. 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.

23. STREET LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be prepared by a suitably qualified person and submitted to the Council. Once approved by Council, it will form part of this permit. The approved landscaping of the site must:

- a. be completed prior to the sealing of the Final plan of Survey.
- b. provide shade trees on one side of the road of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) and at an average spacing of one per 20m of frontage.
- c. have each shade tree provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal.
- d. be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0566/2022. 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 Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

D. Permit Commencement

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

E. Further Subdivision

This permit does not imply approval of further subdivision, shown as Potential Future Subdivision on the balance lot, has been or will be granted.

DECISION: 21 September 2022

MOTION

Moved Councillor R I Soward, seconded Councillor P S Spencer.

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the *Launceston Interim Planning Scheme 2015*, a permit be granted for DA0566/2021 - Subdivision - subdivision of one lot into six lots at 362-364 St Leonards Road, St Leonards, subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Servicing Plan, prepared by 6ty Pty Ltd, project no. 22.119, Subdivision at 362-364 St Leonards Road, Launceston, revision C, page no. Cp12, dated 20/07/2022;
- b. Servicing Information, prepared by 6ty Pty Ltd, project no. 22.119, Subdivision at 362-364 St Leonards Road, Launceston, issue 01, dated 15/07/2022; and
- c. Email, prepared by Mark Beckett, Subdivision at 362-364 St Leonards Road, St Leonards, dated 25/07/2022.

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 2021/01779-LCC, 17/08/2022 and attached to the permit.

5. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

6. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

7. SOIL AND WATER MANAGEMENT PLAN

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

8. FILLING OF LAND

Where it is proposed to place fill on the site which exceeds 300mm, the applicant must provide a detailed plan showing the location and depth of such fill.

Any fill that is proposed to be located within the road reserve must be certified as being carried out in accordance Australian Standard AS 3798 and the endorsed plan. Prior to the commencement of any infrastructure placement.

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St Leonards Road is a State Road and is under the jurisdiction of the Department of State Growth (DSG).

A works permit pursuant to Section 16 of the *Roads and Jetties Act 1935* must be obtained to undertake works within the state road reservation. No works on or affecting the State Road must commence until the required permit has been issued by DSG. A copy of the DSG permit must be submitted to the Council's General Manager Infrastructure and Assets Network prior to the commencement of the works.

10. SUBMISSION AND APPROVAL OF PLANS

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

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. electricity infrastructure including street lighting.
 - ii. communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
 - iii. evidence of assessment by TasGas Networks re provision of reticulated gas network.
 - b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
 - c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
-

- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

11. 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 including all necessary upgrades of existing infrastructure;
 - ii. The provision of a DN 100 connection to the lowest point of each lot; and
 - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. **Roads**
 - i. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel;
 - ii. Provision of a 1,500mm wide footpath located on one side of the proposed road and all necessary pedestrian kerb ramps;
 - iii. Provision of a single vehicular crossing for each lot within the subdivision;
 - iv. Removal of the existing driveways directly from St Leonards Road serving No. 362-364 and No. 368 St Leonards Road;
 - v. Provision of a new driveway crossing to serve No. 368 St Leonards Road from the proposed new road;
 - vi. Construction of the footpath link along the St Leonards Road frontage of the site including all necessary pedestrian kerb ramps;
 - vii. Provision of a sealed temporary turning head of a suitable size for incomplete roads; and
 - viii. Provision of all necessary line marking, signage and other traffic control devices.
- c. **Electricity, Communications and Other Utilities**
 - i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority; and
 - ii. An underground telecommunications system must be provided to service all lots and installed 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; and
- d. practical completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

12. WORKS REQUIRED FOR EACH LOT IN A STAGE

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

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- b. a sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition;
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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.

14. 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 Council (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.

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- b. the subsequent issue of a Certificate of Practical Completion by the General Manager, Infrastructure and Assets Network.
- c. the lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

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17. COMPLETION OF WORKS

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18. AS CONSTRUCTED PLANS

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19. AMENITY - RESIDENTIAL

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20. 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.

21. 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.

22. 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.

23. STREET LANDSCAPING PLAN

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- a. be completed prior to the sealing of the Final plan of Survey.
- b. provide shade trees on one side of the road of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) and at an average spacing of one per 20m of frontage.
- c. have each shade tree provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal.
- d. be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0566/2022. 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 Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

D. Permit Commencement

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

E. Further Subdivision

This permit does not imply approval of further subdivision, shown as Potential Future Subdivision on the balance lot, has been or will be granted.

CARRIED 8:0

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

10. ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Thursday 8 September 2022

- Attended the opening night of *The Complete Works of William Shakespeare* at the Earl Arts Centre

Friday 9 September 2022

- Joined in the *Out of the Shadows - a walk to remember those we have lost to suicide* from the City Park Band Rotunda

Saturday 10 September 2022

- Officiated at the launch of *Hanging by a Thread* at the Launceston Harvest Market
- Attended the *2022 Northern Tasmanian Football Association's Premier Division Grand Final President's Lunch* at UTAS Stadium
- Attended the *Barber of Seville* at the Princess Theatre

Sunday 11 September 2022

- Officiated at and participated in the *Women's 5K Walk/Run* from City Park

Monday 12 September 2022

- Attended the *Australian Tourism Awards Networking Function* in Canberra

Tuesday 13 September 2022

- Attended the *2022 Australian Top Tourism Awards* in Canberra

Wednesday 14 September 2022

- Officiated at the VIP Opening for *Junction Arts Festival*

Thursday 15 September 2022

- Attended *Junction Art Festival's COLLISION* at the Queen Victoria Museum and Art Gallery

Saturday 17 September 2022

- Attended the 2022-2023 Season opening day at the North Launceston Bowls and Community Club
- Attended *I am a Lake* by Mudlark: from the Archives at Tasdance Studio

Tuesday 20 September 2022

- Officiated at a Citizenship Ceremony at the Tramsheds, Inveresk

Wednesday 21 September 2022

- Officiated at the *Migrant Resource Centre's Graduation - Aged Care Program* at the Door of Hope
-

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).

Councillor D C Gibson

- **Attended the *Junction Arts Festival* and noted the contribution of retiring President Liz Frankcombe over the last eight years of the event**
- **Attended *Out of the Shadows***
- **Attended the City of Launceston and *Van Dieman Project* facilitated evening at Drysdale House with local youth and local sector services. Thanked the Council's Youth Development Officer, Claudia, for her work in organising the event**

Councillor D H McKenzie

- **Attended the *Citizenship Ceremony***
- **Attended the *Starting Point Neighbourhood House Annual General Meeting***
- **Attended the *Junction Arts Festival***

Councillor N D Daking retired from the Meeting at 3.21pm

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).

12.2.1 Councillor P S Spencer - Seaport Signage

- 1. Regarding signage at the Seaport Boardwalk, does the Council have signs displayed regarding surface conditions?**

The Mayor, Councillor A M van Zetten, noted that this question would be Taken on Notice and a response provided in the Council Agenda of 5 October 2022.

13. COMMITTEE REPORTS

13.1 Northern Youth Coordinating Committee Meetings - 26 July and 6 September 2022

FILE NO: SF0136

AUTHOR: Claudia Taylor (Community Development Officer, Youth)

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

DECISION STATEMENT:

To receive a report from the Northern Youth Coordinating Committee.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meetings held on 26 July and 6 September 2022.

DECISION: 21 September 2022

MOTION

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

That Council receives the report from the Northern Youth Coordinating Committee Meetings held on 26 July and 6 September 2022.

CARRIED 7:0

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

AGAINST VOTE: Nil

13.2 Homelessness Advisory Committee Meeting - 1 September 2022

FILE NO: SF7447

AUTHOR: Caralisa Farrell (Team Leader Community Development)

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

DECISION STATEMENT:

To receive a report from the Homelessness Advisory Committee.

RECOMMENDATION:

That Council receives the report from the Homelessness Advisory Committee Meeting held on 1 September 2022.

DECISION: 21 September 2022

MOTION

Moved Councillor A E Dawkins, seconded Councillor R I Soward.

That Council receives the report from the Homelessness Advisory Committee Meeting held on 1 September 2022.

CARRIED 7:0

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

AGAINST VOTE: Nil

14. COMMUNITY AND PLACE NETWORK

14.1 Draft Public Art Strategy

FILE NO: SF3547

AUTHOR: Mengda Liu (Cultural Development Officer)

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

DECISION STATEMENT:

To consider the endorsement of the draft Public Art Strategy for the purposes of re-engaging with the community prior to its adoption.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 18 August 2022 - Draft Public Art Strategy

RECOMMENDATION:

That Council:

1. agrees that the Draft Public Art Strategy (ECM Doc Set ID 4783572) is suitable to undergo a community engagement process; and
 2. requests that the Chief Executive Officer conduct a suitable community engagement process and submit the final draft of the Plan to a future Council meeting to consider its final endorsement.
-

Councillor P S Spencer withdrew from the Meeting at 3.29pm
Councillor P S Spencer re-attended the Meeting at 3.31pm

DECISION: 21 September 2022

MOTION

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

That Council:

- 1. agrees that the Draft Public Art Strategy (ECM Doc Set ID 4783572) is suitable to undergo a community engagement process; and**
- 2. requests that the Chief Executive Officer conduct a suitable community engagement process and submit the final draft of the Plan to a future Council meeting to consider its final endorsement.**

CARRIED 7:0

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

15. ORGANISATIONAL SERVICES NETWORK

15.1 Lease - Launceston Rugby Union Club Incorporated

FILE NO: SF4513

AUTHOR: Michele Polley (Lease and Licensing Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing part of an area of land at Royal Park (part of CT138979/10) to the Launceston Rugby Union Football Club Incorporated.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

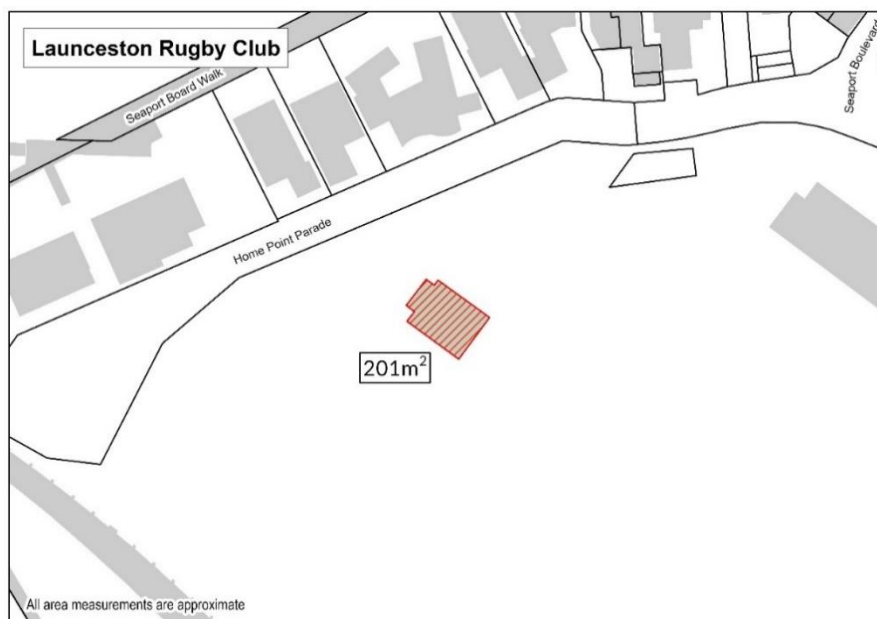
PREVIOUS COUNCIL CONSIDERATION:

Council - 27 February 2017 - Agenda Item 18.1 - Lease - Launceston Rugby Football Club Inc

RECOMMENDATION:

That Council:

1. pursuant to section 179 of the *Local Government Act 1993 (Tas)*, disposes of by lease to the Launceston Rugby Union Football Club Incorporated, that part of land at 78 Paterson Street, Launceston as marked on the plan below:



2. authorises the Chief Executive Officer to enter into the lease in accordance with the following requirements:
 - the term is to be five years commencing on 1 July 2022 or as determined by the Chief Executive Officer.
 - the annual rent is to be 182 fee units as determined under the *Fee Units Act 1997* (\$309.40 per annum in the 2022/2023 financial year):
 - tenant is to be responsible for:
 - energy costs;
 - volumetric and connection charges for water;
 - contents insurance; and
 - other service charges if any.
 - tenant is to:
 - keep clear all noxious growth from premises;
 - keep the premises clean at all times;
 - hold public liability insurance of at least \$20 million.
 - the Council is required to maintain the structure of the building
 - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
 3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
 4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

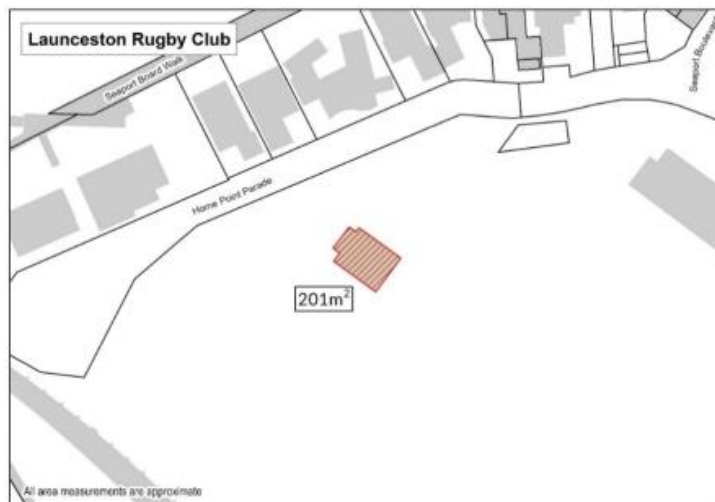
DECISION: 21 September 2022

MOTION

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

That Council:

1. **pursuant to section 179 of the *Local Government Act 1993* (Tas), disposes of by lease to the Launceston Rugby Union Football Club Incorporated, that part of land at 78 Paterson Street, Launceston as marked on the plan below:**



2. authorises the Chief Executive Officer to enter into the lease in accordance with the following requirements:
 - the term is to be five years commencing on 1 July 2022 or as determined by the Chief Executive Officer.
 - the annual rent is to be 182 fee units as determined under the *Fee Units Act 1997* (\$309.40 per annum in the 2022/2023 financial year):
 - tenant is to be responsible for:
 - energy costs;
 - volumetric and connection charges for water;
 - contents insurance; and
 - other service charges if any.
 - tenant is to:
 - keep clear all noxious growth from premises;
 - keep the premises clean at all times;
 - hold public liability insurance of at least \$20 million.
 - the Council is required to maintain the structure of the building
 - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

CARRIED 7:0

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

AGAINST VOTE: Nil

15.2 Lease - 4th Launceston Scout Group (Nunamina Avenue Reserve)

FILE NO: SF2729

AUTHOR: Michele Polley (Lease and Licensing Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing the property of Nunamina Avenue Reserve occupied by the Scout Association of Australia Tasmanian Branch known as the 4th Launceston Scout Group.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 12 September 2016 - Agenda Item 18.2 - Scouts Leases

RECOMMENDATION:

That Council:

1. pursuant to section 179 of the *Local Government Act 1993 (Tas)*, disposes of by lease to the Scout Association of Australia Tasmanian Branch, that part of the land at 31-33 Nunamina Avenue, Kings Meadows as identified on the plan below:



2. authorises the Chief Executive Officer to enter into the lease in accordance with the following requirements:
 - the term is to be five years commencing on 1 July 2022 or as determined by the Chief Executive Officer.
 - the annual rent is to be 182 fee units as determined under the *Fee Units Act 1997* (\$309.40 per annum in the 2022/2023 financial year):
 - tenant is to be responsible for:
 - energy costs;
 - volumetric and connection charges for water;
 - contents insurance; and
 - other service charges if any.
 - tenant is to:
 - keep clear all noxious growth from premises;
 - keep the premises clean at all times;
 - hold public liability insurance of at least \$20 million.
 - the Council is required to maintain the structure of the building
 - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
 3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
 4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

DECISION: 21 September 2022

MOTION

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

That Council:

1. **pursuant to section 179 of the *Local Government Act 1993* (Tas), disposes of by lease to the Scout Association of Australia Tasmanian Branch, that part of the land at 31-33 Nunamina Avenue, Kings Meadows as identified on the plan below:**



2. authorises the Chief Executive Officer to enter into the lease in accordance with the following requirements:
 - the term is to be five years commencing on 1 July 2022 or as determined by the Chief Executive Officer.
 - the annual rent is to be 182 fee units as determined under the *Fee Units Act 1997* (\$309.40 per annum in the 2022/2023 financial year):
 - tenant is to be responsible for:
 - energy costs;
 - volumetric and connection charges for water;
 - contents insurance; and
 - other service charges if any.
 - tenant is to:
 - keep clear all noxious growth from premises;
 - keep the premises clean at all times;
 - hold public liability insurance of at least \$20 million.
 - the Council is required to maintain the structure of the building
 - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

CARRIED 7:0

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

AGAINST VOTE: Nil

15.3 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:

1. consider changes to the Council's 2022/2023 Statutory Estimates.

Recommendation 1. requires an absolute majority of Council.

2. consider adjustments made during 1 July to 31 August 2022 by the Chief Executive Officer to the 2022/2023 Budget.

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 decrease in revenue from external grants and contributions of \$240,000.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$302,345.
 - (c) Capital Works Expenditure
 - i. the net decrease in expenditure from external funds of \$240,000.
 - ii. the decrease in the Council's funded expenditure of \$302,345.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$16,998,703 (including capital grants of \$23,673,285) for 2022/2023.
 - (b) the capital budget being decreased to \$38,666,511 for 2022/2023.
 3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2022/2023 budget for the period 1 July to 31 August 2022.
-

DECISION: 21 September 2022

MOTION

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

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 decrease in revenue from external grants and contributions of \$240,000.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$302,345.
 - (c) Capital Works Expenditure
 - i. the net decrease in expenditure from external funds of \$240,000.
 - ii. the decrease in the Council's funded expenditure of \$302,345.
2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$16,998,703 (including capital grants of \$23,673,285) for 2022/2023.
 - (b) the capital budget being decreased to \$38,666,511 for 2022/2023.
3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2022/2023 budget for the period 1 July to 31 August 2022.

CARRIED BY ABSOLUTE MAJORITY 7:0

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

AGAINST VOTE: Nil

15.4 Councillor Appointments to Tender Review and Emergency Management Committees

FILE NO: SF2233/SF0095

AUTHOR: Leanne Purchase (Manager Governance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider appointments to the Tender Review and Emergency Management Committees, following the resignation of Councillor J G Cox.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)
Emergency Management Act 2006 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 12 November 2020 - Agenda Item 19.1 - Council Appointments to Internal and External Committees

RECOMMENDATION:

That Council:

1. pursuant to section 21(2) of the *Emergency Management Act 2006 (Tas)* determines to appoint Councillor D H McKenzie to the role of Municipal Chairperson; and
 2. notes that pursuant to section 21(4) of the *Emergency Management Act 2006 (Tas)*, the Municipal Chairperson is the chair of the Municipal Emergency Management Committee established by section 20(a) of that Act; and
 3. nominates Councillor (name to be inserted) for appointment to the Tender Review Committee; and
 4. nominates Councillor P S Spencer as Chairperson of the Tender Review Committee; and
 5. appoints the Councillor nominated at 3. above to the Tender Review Committee and appoints the Councillor nominated at 4. above as Chairperson of the Tender Review Committee; and
 6. notes that these appointments will be reviewed within three months of the 2022 local government elections, when Council will consider all Councillor appointments to Council and Special Committees, Specific Purpose Committees and External Organisations.
-

DECISION: 21 September 2022

MOTION 1

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

That Council suspends Standing Orders in order to vote for Councillor representation on the Tender Review Committee.

CARRIED 7:0

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

Standing Orders were suspended at 3.40pm

DECISION: 21 September 2022

MOTION 2

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

That Council resumes Standing Orders.

CARRIED 7:0

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

Council resumed Standing Orders at 3.43pm

DECISION: 21 September 2022

MOTION 3

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

That Council:

- 1. pursuant to section 21(2) of the *Emergency Management Act 2006 (Tas)* determines to appoint Councillor D H McKenzie to the role of Municipal Chairperson; and**
- 2. notes that pursuant to section 21(4) of the *Emergency Management Act 2006 (Tas)*, the Municipal Chairperson is the chair of the Municipal Emergency Management Committee established by section 20(a) of that Act; and**
- 3. nominates Councillor K M Preece for appointment to the Tender Review Committee; and**
- 4. nominates Councillor P S Spencer as Chairperson of the Tender Review Committee; and**
- 5. appoints the Councillor nominated at 3. above to the Tender Review Committee and appoints the Councillor nominated at 4. above as Chairperson of the Tender Review Committee; and**
- 6. notes that these appointments will be reviewed within three months of the 2022 local government elections, when Council will consider all Councillor appointments to Council and Special Committees, Specific Purpose Committees and External Organisations.**

CARRIED 7:0

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

AGAINST VOTE: Nil

16. CHIEF EXECUTIVE OFFICER NETWORK

16.1 End of Term Report 2018-2022

FILE NO: SF6858

AUTHOR: Pepper Griffiths (Team Leader Performance and Planning)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the End of Term Report for the City of Launceston's 2018-2022 Council.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 7 July 2022 - End of Term Report

Workshop - 1 September 2022 - Draft End of Term Report 2018-2022

RECOMMENDATION:

That Council receives the End of Term Report 2018 - 2022 (Doc Set ID No 4782722).

DECISION: 21 September 2022

MOTION

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

That Council receives the End of Term Report 2018 - 2022 (Doc Set ID No 4782722).

CARRIED 7:0

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

AGAINST VOTE: Nil

17. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

17.1 Confirmation of the Minutes

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

17.2 Launceston Leisure and Aquatic Centre Agreement with Rio Tinto Aluminium (Bell Bay) Limited

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

- (c) commercial information of a confidential nature that, if disclosed, is likely to:
 - (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the council; or
 - (iii) reveal a trade secret;

DECISION: 21 September 2022

MOTION

Moved Councillor R I Soward, seconded Councillor P S Spencer.

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 7:0

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

AGAINST VOTE: Nil

Council moved into Closed Session at 3.46pm

Council returned to Open Session at 3.50pm

17.3 End of Closed Session

RECOMMENDATION:

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

Agenda Item	Matter	Brief Description
17.1	<i>Closed Council Minutes - 25 August 2022</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 25 August 2022.</i>
17.2	<i>Launceston Leisure and Aquatic Centre Agreement with Rio Tinto Aluminium (Bell Bay)</i>	<i>Councillors endorsed a Section 207 remission of fees and charges for the Launceston Leisure and Aquatic Centre.</i>

DECISION: 21 September 2022

MOTION

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

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

CARRIED 7:0

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

18. **MEETING CLOSURE**

The Mayor, Councillor A M van Zetten, closed the Meeting at 3.51pm

19. **NEXT COUNCIL MEETING DATE**

The next Ordinary Meeting of Council will be held at 1.00pm on Wednesday, 5 October 2022 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.