



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 24 MARCH 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: 24 March 2022

Time: 1.00pm

Certificate of Qualified Advice

Background

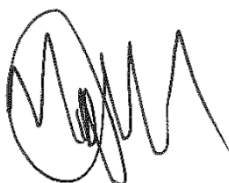
To comply with section 65 of the *Local Government Act 1993* (Tas):

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 minutes 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, was 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 - MINUTES ITEM 8

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

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

PUBLIC COMMENT ON MINUTES ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Minutes. Prior to debate on that Minutes 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 Minutes 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.

City of Launceston

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Present: Councillor D C Gibson (Acting Mayor)
R I Soward
D H McKenzie
J G Cox
A E Dawkins
N D Daking
P S Spencer
A G Harris
K M Preece

In Attendance: Mr M Stretton (Chief Executive Officer)
Mr D Ryan (Community and Place Network)
Mr S Eberhardt (Infrastructure and Assets Network)
Mrs L Purchase (Manager Governance)
Mrs K Hartland (Team Leader Governance)

Apologies: Councillor A M van Zetten (Mayor)
K P Stojansek
T G Walker

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Acting Mayor, Councillor D C Gibson, opened the Meeting at 1.00pm and noted apologies from the Mayor, Councillor A M van Zetten, Councillor K P Stojansek and Councillor T G Walker.

2 MAYORAL ACKNOWLEDGEMENTS

The Acting Mayor, Councillor D C Gibson, delivered an Acknowledgement of Country.

3 DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

No Declarations of Interest were identified as part of these Minutes

4 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 10 March 2022 be confirmed as a true and correct record.

DECISION: 24 March 2022

MOTION

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

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

CARRIED 9:0

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

5 DEPUTATIONS

No Deputations were identified as part of these Minutes

6 PETITIONS

Local Government Act 1993 (Tas) - sections 57 and 58

No Petitions were identified as part of these Minutes

7 COMMUNITY REPORTS

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

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

8.1.1 Public Questions on Notice - Mr Ray Norman - 16 March 2022**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 16 March 2022 by Mr Ray Norman, have been answered by Mr Dan Ryan (General Manager Community and Place Network).

Questions:

1. Is there a *legitimate authority* above/outside Council from whom a *licence* of some/any kind is required in the case of Council determining to place graphic expressions of any kind, on Council property, in support of the Ukraine population in their devastating and catastrophic circumstances or in other like circumstance?
 2. If so, what authority where and in what jurisdiction?
 3. If such an initiative was instigated by a group of the City's citizens outside Council, would there be a fee or payment of any kind involved in such a case and if so, a fee to whom, for what purpose and what might the likely cost be?
 4. Furthermore, if such an initiative was instigated by a group of the City's citizens outside Council, would this require a Councillor to initiate/sponsor such an initiative, when and within what kind of timeframe would that be and in what context?
 5. If Councillor sponsorship is required by either Council or management, what information would be required by management to facilitate such an initiative and in what timeframe?
 6. Moreover, can a Launceston citizen independently initiate such projects and if so what information would they need to provide before such an initiative could be accepted, contemplated and indeed ultimately implemented?
 7. Furthermore, does Council have the resources to support such initiatives and/or does Council have the staff with the requisite skills, sensitivities and equipment to carry such projects through to a satisfactory conclusion?
 8. Finally, is it actually the case, as I have been advised informally, that Council has devolved/delegated its *policy determination* and its *strategic planning functions* to management and if so, when did this happen and how might this determination meet the provisions of the *Local Government Act 1993 (Tas)*?
-

Response:

In response to questions 1-7, the City of Launceston acknowledges significant events or people through its Flying of Flags Policy and the Town Hall Floodlighting Policy. These policies are available at www.launceston.tas.gov.au and copies will be provided to Mr Norman under cover of this response to his question.

In relation to flying the Ukrainian flag, the Council sought advice from the Australian Government and the Tasmanian Government to ensure relevant protocols and any cultural sensitivities were respected. This is in keeping with the Flying of Flags Policy. This advice identified that the Council must seek permission from the Ukrainian Consulate in order to fly their flag.

The Council does not charge a fee in relation to flying flags or floodlighting Town Hall. Neither policy requires initiation or sponsorship by a Councillor. Requests from citizens are assessed against the Policy and relevant context. The Council is resourced to support these policies.

At the time of writing, the Town Hall and Seaport Bridge are illuminated yellow and blue in support of the Ukrainian people, around other scheduled illumination bookings.

Requests for graphic expressions that take other forms are assessed on their merits, with consideration to community sentiment, cost, the Council's capacity to support the initiative and any other relevant matters.

In response to question 8, it is advised that the Council has not delegated its policy determination and its strategic planning functions to management. A copy of the Council's delegations register is available at www.launceston.tas.gov.au. Policy is determined by the Council when legislatively required and when delegation is not appropriate or permitted. The functions and powers in the Local Government Act 1993 (Tas) in relation to the Council's strategic plan, long term financial management plans and strategic asset management plan are not delegated.

8.1.2 Public Questions on Notice - Mr Ray Norman - 16 March 2022**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Council and Committees Officer)**CHIEF EXECUTIVE OFFICER:** Michael Stretton

QUESTIONS and RESPONSES:

The following questions, submitted to the Council in writing on 16 March 2022 by Mr Ray Norman, have been answered by Dan Ryan (General Manager Community and Place Network).

Questions:

1. Are Councillors aware of this *palawa* meeting place [near Royal Park] (Aunty Lola Greeno's authorship), and if so, how can its current condition be justified in context with its reconciliatory significance and public funding, notwithstanding moral rights concerns?
2. Further to that, who in the Council's operational network has been tasked with consulting with Tasmania's Aboriginal community to ensure that appropriate protocols are observed and given due respect?
3. Moreover, are Councillors committed to honouring and respecting Aboriginal placedness in the context of the City's cultural landscaping and especially so in the context of Council being a Planning Authority?
4. Furthermore, are Councillors and the Council's Officers aware of, and respectful of, the Tasmanian Aboriginal community's cultural sensitivities and sensibilities in regard to placemaking and placescaping in their jurisdiction?
5. Moreover, is there any factor here that inhibits Council in regard to paying the appropriate respect to cultural landscaping in the municipality?
6. Finally, will Council now undertake to pay appropriate respect to the Tasmanian Aboriginal committee's reconciliatory aspirations when and where required, and dedicate the required resources to enable appropriate outcomes?

Response:

The Council will undertake enquiries in respect to the matters raised in these questions and will provide a response at a later Council Meeting.

It should be noted that the Council is currently in the early stages of developing an Aboriginal Partnership Plan, which will involve an engagement process and which will

more formally document the Council's ongoing commitment to meaningful engagement with the aboriginal community.

8.1.3 Public Questions on Notice - Mrs Susan Rafferty - 7 March 2022**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 March 2022 by Mrs Susan Rafferty, have been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. In light of the disaster which has unfolded in the Northern Rivers area over the past two weeks and given that the recycling site proposed for Launceston is within the known flood area, will the Council review the siting for this vital infrastructure by relocating it to high ground so that it would be operational in a flooding event?

Response:

No. The Interim Launceston Planning Scheme has provisions that deal with flood risk in Invermay which the proposed development satisfied.

It should be noted that the Council has recently undertaken consultation with residents and business that are protected by flood levees and is due to undertake further community engagement around potential amendments to the planning scheme, in which we encourage Mrs Rafferty to participate.

2. What procedures are in place to effectively co-ordinate emergency cleaning up given a flooding event occurring?

Response:

The Tasmania Emergency Management Arrangements outlines governance for response and recovery. The City of Launceston has a number of processes to support response to flood. The lead agency to manage flood response is the State Emergency Service (SES).

3. What is the expert opinion of SES and other emergency groups regarding the proposed siting of the recycling facility?
-

8.2 Public Questions Without Notice

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

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

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

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in MINUTES Item 9 - Planning Authority.

9 PLANNING AUTHORITY

9.1 DA0695/2021 - 119 St John Street, Launceston - Signage - Installation of Illuminated Signs

FILE NO: DA0695/2021

AUTHOR: Maria Lasso (Town Planner)

GENERAL MANAGER: 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*.

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 DA0695/2021 - Signage - Installation of illuminated signs at 119 St John Street, Launceston subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

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

- a. Sign Locations, Prepared by Freestyle Fx, Undated.
- b. Sign One - York Street Entrance, Prepared by Freestyle Fx, Undated.
- c. Sign Two - St John Street Entrance sign, Prepared by Freestyle Fx, Undated.
- d. Sign Three - CNR York and St John St, Prepared by Freestyle Fx, Undated. Plan to be amended.
- e. Photomontage, Prepared by Freestyle Fx, Undated. Plan to be amended.

2. AMENDED PLANS REQUIRED

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

- a. A revised photomontage showing Sign No. 3 entirely contained within the top of the door recess and the bottom of the window sill.
 - b. Subsequent to (a), technical drawings for Sign No. 3 with amended dimensions.
-

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. ILLUMINATION OF SIGNS

To ensure the sign illumination does not impact on traffic safety, illumination levels should be no more than 1,000cd/m².

4. LEGAL TITLE

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

5. HOURS OF CONSTRUCTION

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

Monday to Friday - 7am to 6pm

Saturday - 8am to 5pm

No works on Sunday or Public Holidays

6. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of the Council, subject to:

- a. the structure, location, size and illumination levels of the signage not changing.
- b. the content of the signage relating to the site.
- c. compliance with the requirements of the planning scheme.

7. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Council.

8. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

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

9. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

- a. require a road or lane closure;
-

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

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

10. OCCUPATION OF ROAD RESERVE (METERED PARKING BAYS)

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0695/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

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.

Dan Ryan (General Manager Community and Place) was in attendance to answer questions of Council in respect of this Agenda Item.

Dr Umit Sungur spoke against the Recommendation.

DECISION: 24 March 2022

MOTION

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

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

CARRIED 9:0

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

9.2 DA0574/2021 - 6 Binalong Avenue, St Leonards - Residential - Demolition of Outbuildings and Construction of Three Additional Dwellings**FILE NO:** DA0574/2021**AUTHOR:** Duncan Payton (Town Planner)**GENERAL MANAGER:** 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*.

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 DA0574/2021 - Residential - demolition of outbuildings and construction of three additional dwellings at 6 Binalong Avenue, 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 Council unless modified by a condition of the Permit:

- a. Cover sheet, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A00, dated 14/01/2022.
 - b. Site plan - existing, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A01, dated 14/01/2022.
 - c. Site plan - proposed, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A02, dated 14/01/2022.
 - d. Landscape plan, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A03, dated 14/01/2022.
 - e. Area plan, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A04, dated 14/01/2022.
 - f. Plumbing plan, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A05, dated 14/01/2022.
 - g. Shadow diagrams (1), prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A06, dated 14/01/2022.
 - h. Shadow diagrams (2), prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A07, dated 14/01/2022.
 - i. Shadow diagrams (3), prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A08, dated 14/01/2022.
 - j. Floor plans, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A09, dated 14/01/2022.
 - k. Elevations, prepared by Kabracco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A10, dated 14/01/2022.
-

- l. 3D views, prepared by Kabraco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A11, dated 14/01/2022.
- m. Swept path (1), prepared by Kabraco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A12, dated 14/01/2022.
- n. Swept path (2), prepared by Kabraco Builders, Multiple dwellings at 6 Binalong Avenue, St Leonards, revision C, page A13, dated 14/01/2022.
- o. Environmental Site Assessment, prepared by ES&D, 6 Binalong Avenue, St Leonards, version 2, dated December 2021.

2. AMENDED PLANS REQUIRED

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

- a. the extent of earthworks (ie. cut and fill).
- b. any retaining walls and their height.
- c. finished floor level of each unit.
- d. Unit 3 must have a bench height such that the completed dwelling complies with building envelope at clause 10.4.2 A3 (a)(ii).

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 to 6pm

Saturday - 8am to 5pm

No works on Sunday or Public Holidays

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/01773-LCC, 26/10/2021 and attached to the Permit.

6. SITE LANDSCAPING

The landscaping must be:

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

7. FENCING

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

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

The boundary fences to Binalong Avenue and Mercer Street must comply with the exemption contained at clause 5.6.3 of the planning scheme.

8. PRIVACY SCREEN

A 1.7m high privacy screen, of not greater than 25% even transparency, to ensure reasonable privacy for the adjoining property must be erected:

- a. along the south-western side of the first floor deck at Unit 2;
- b. along the north-east and north-west sides of the first floor deck at Unit 3; and
- c. in front of the first floor window (W12) on the north-west facade of Unit 3.

9. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

10. FENCING - CORNER OF BINALONG AVENUE AND MERCER STREET

The proposed boundary fence is to be erected at the back of the existing public footpath along Binalong Avenue and Mercer Street frontages, notwithstanding that the title boundary extends into the public footpath.

The boundary fences must comply with exemption 5.6.3 of the planning scheme.

11. 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.

12. DRIVEWAY AND PARKING AREA CONSTRUCTION

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

- a. be properly constructed to such levels that they can be used in accordance with the plans;
 - b. be surfaced with an impervious all weather seal;
-

- c. be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. be line-marked or otherwise delineated to indicate each car space and access lanes.

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

13. 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.

14. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

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

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

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

15. 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.

16. 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 eServices web portal or on the approved hard copy form.

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

17. SOIL AND WATER MANAGEMENT PLAN

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

18. CONTAMINATED SOIL REMOVAL

After demolition of the workshop and concrete slab, soil at the location of SB1 and SB7 (see Figure 13: Sampling Points of attached Environmental Site Assessment report) must be removed to a sufficient depth to remove contaminated soils, and the walls and base of the pits must be validated to show that remaining soils comply with the National Environment Protection (Assessment of Site Contamination) Measure Residential A Health Investigation Levels for lead. In addition, validation samples should be collected across the former building footprint to ensure that remaining soils comply with the Residential A Health Investigation Levels.

19. STORAGE OF CONTAMINATED SOILS

Any excavated contaminated or potentially contaminated soils must be stockpiled onsite and a suitably qualified environmental consultant must be engaged to sample soils and complete soil classification under Environment Protection Authority Tasmania Information Bulletin No. 105 - Classification and Management of Contaminated Soil for Disposal. Where soil does not meet Level 1 classification and Residential A land use criteria, approval must be sought from Environment Protection Authority Tasmania for removal and disposal of contaminated soil to an approved landfill.

20. REMEDIATION AND VALIDATION REPORT

At the conclusion of demolition and soil removal works, a Remediation and Validation Report prepared by a suitably qualified environmental consultant must be submitted to Council to provide evidence that remaining soils comply with the National Environment Protection (Assessment of Site Contamination) Measure Residential A Health Investigation Levels and Health Screening Levels.

21. DEMOLITION

The Developer must:

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

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0574/2021. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

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

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

B. Restrictive Covenants

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

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

C. Appeal Provisions

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

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

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

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. Street Addresses for Multiple Dwellings

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

<i>Dwelling No.</i>	<i>Strata Lot No.</i>	<i>Street Address</i>
<i>1</i>	<i>1</i>	<i>1/2 Mercer Street, St Leonards</i>
<i>2</i>	<i>2</i>	<i>2/2 Mercer Street, St Leonards</i>
<i>3</i>	<i>3</i>	<i>3/2 Mercer Street, St Leonards</i>
<i>4</i>	<i>4</i>	<i>6 Binalong Avenue, St Leonards</i>

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

Dan Ryan (General Manager Community and Place) and Duncan Payton (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Paul Pielage spoke against the Recommendation.

Caroline Sinclair spoke against the Recommendation.

Brady Demeijer spoke for the Recommendation.

DECISION: 24 March 2022

MOTION

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

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

CARRIED 9:0

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

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

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Mayor Councillor A M van Zetten

Saturday 12 March 2022

- Attended Encore Theatre Company's *Chicago* performance at the Princess Theatre

Sunday 13 March 2022

- Spoke at the launch of *Harmony Week 2022* in Civic Square

Acting Mayor Councillor D C Gibson

Wednesday 16 March 2022

- Attended *Conversations with Friends of Theatre North* at the Princess Theatre
- Attended the *Tasmania National Book Council* event with Vicki Madden at the Launceston Library
- Spoke at the *Launceston Place Brand* stakeholder event at Peppers Silo Hotel

Thursday 17 March 2022

- Attended the Migrant Resource Centre's *Harmony Day* community lunch at the Migrant Resource Centre, Mowbray
- Attended the Rotary Club of West Launceston *End Polio Now* film fundraiser at the Star Theatre

Friday 18 March 2022

- Attended the Local Government Association of Tasmania's General Meeting at the Tramsheds
 - Attended the Local Government Association of Tasmania's General Management Committee Meeting at the Tramsheds
 - Spoke at the Migrant Resource Centre's Harmony Week film *Scattered People, A Song Can Take You Home* at the University of Tasmania
 - Attended the official opening of *The House of Guidance* in Kings Meadows (Represented by Councillor Andrea Dawkins)
 - Attended the Northern Tasmania Football Association's 2022 season launch at UTAS Stadium (Represented by Councillor P S Spencer)
-

Saturday 19 March 2022

- Attended the Launceston Chamber of Commerce's *Business Excellence Awards* and presented the City of Launceston *Exception Event Award* at the Grand Chancellor Hotel
- Attended the *Tasmanian Jack Jumpers* game night at the Launceston Silverdome (*Represented by Councillor A G Harris*)

Wednesday 23 March 2022

- Attended the screening of *S Word* at the Star Theatre
-

Acting Mayor Councillor D C Gibson asked Council to note that:

- today, he attended a media call in relation to the Albert Hall Renewal Project, the Development Application for which will be advertised this Saturday
 - this week is Harmony Week; Launceston is a designated settlement location under Australia's Humanitarian Program, welcoming approximately 300 people per year, predominately in the past from Afghanistan, Myanmar, Nepal, Bhutan, Democratic Republic of Congo, Sierra Leone, Ethiopia, Sudan and Eritrea
 - the official opening of The House of Guidance in Kings Meadows was attended by Councillor Alan Harris, not Councillor Andrea Dawkins as indicated above
 - the City of Launceston Leisure and Aquatic Centre has been recognised in The Guardian's Top 10 Best Public Pools list.
-

11 COUNCILLORS' REPORTS

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

11.1 Councillor R I Soward

- In relation to the Sister Cities Committee -
 - noted that a small grant was made available by the State Government to acknowledge the 40th anniversary of the Tasmania-Fujian sister state relationship. The funds were used to produce a video, with thanks to City of Launceston employees Elizabeth Clark, Paul Hanlon, Maddie Brough and Claire Campbell who worked on the project.
 - the committee has written to the four cities with which Launceston has a sister city relationship with a view to refreshing those connections. The next meeting of the Sister Cities Committee will consider the replies received, and the details of that discussion will be reported to Council.

11.2 Councillor A G Harris

- Participated in the TBUG History Ride through Carr Villa Cemetery with Marion Sargent and noted the interesting history of the Quarantine Station
- Attended the launch of Launceston Place Brand at the Silos Hotel
- Attended the opening of Masjid Launceston in Kings Meadows, Launceston's first mosque
- Noted that there was a full house in attendance at the Silverdome for the Jack Jumpers' last Tasmanian fixture in the current NBL season
- With Councillor Preece, attended a community information and consultation organised by Scotch Oakburn College with many local community members in attendance. The purpose of the session was for Scotch Oakburn College to consult with the community on developments planned for the Junior School campus.

11.3 Councillor P S Spencer

- Attended the NTFA opening at York Park
- Attended the event at which the upgrade of the river trail between Hoblers Bridge and Henry Street was announced

11.4 Councillor K M Preece

- Attended the Australian Industrial Hemp Conference networking event and noted the many interesting products being developed by this sector
-

12 QUESTIONS BY COUNCILLORS

12.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

12.1.1 Councillors' Question on Notice - Councillor D C Gibson - Anti-Social Behaviour in Kings Meadows - Council Meeting - 10 March 2022

FILE NO: SF2375

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 10 March 2022 by Councillor D C Gibson, has been answered by Mr Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Will the Council provide more lighting or additional infrastructure in Kings Meadows Park in order to curb anti-social behaviour in the area?

Response:

The Kings Meadows Park is a short linear park backing onto private residences within close proximity to a pathway. The City of Launceston recently conducted the ABCDE Learning Site Initiative in Kings Meadows and specific issues were not listed for this area.

There is no record of ongoing antisocial issues in the Council's customer request system, however, there has been one recent request which it is understood that Tasmania Police are considering a response.

Based on other projects, provision of lighting could be expected to be in the order \$20,000 to \$30,000 and there is no capital budget allocation for lighting upgrades/additions in the draft budget for the 2022/2023 financial year.

It is not appropriate nor desirable to light all open spaces as many parks and reserves are located in quiet residential areas or adjoining natural areas where the Council may not want to encourage night time activity. It is important, however, that appropriate night time options are considered and where appropriate, provided. It should be noted that not all parks can be used for night time activities.

'In terms of safety, the correlation between lighting and crime is inconclusive. Although it is a common perception, there is little significant data to support that lighting reduces criminal activity' (Crime Prevention Unit Paper No. 29, Better Street Lighting on Crime and Fear: a Review. Ramsay, M and Newton, R., London Home Office, London).

12.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

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

13 COMMITTEE REPORTS

13.1 Tender Review Committee Meeting Agenda - 17 March 2022

FILE NO: SF0100/CD.003/2022/CD.002/2022/CD.034/2020

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tenders submitted by:

1. Crossroads Civil Contracting Pty Ltd for the Lawrence Vale Road (High Street to Powena Street) Roadworks, Contract Number CD.003/2022 for \$649,502.45 (exclusive of GST).
 2. Crossroads Civil Contracting Pty Ltd for the Warring Street Pavement Rehabilitation (Chainage 300 to Chainage 920), Contract Number CD.002/2022 for \$728,225.60 (exclusive of GST).
 3. Crossroads Civil Contracting Pty Ltd for the West Tamar Trail Car Park Remediation, Contract Number CD.034/2020 for \$303,481.66 (exclusive of GST).
-

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

DECISION: 24 March 2022

MOTION

Moved Councillor P S Spencer, seconded Councillor J G Cox.

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

CARRIED 9:0

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

14 COUNCIL WORKSHOPS

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

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 17 March 2022:

2022/2023 City of Launceston Annual Plan and Budget

Councillors discussed the 2022/2023 Draft Annual Plan and Budget documents.

Queen Victoria Museum and Art Gallery Observations and Directions Update

Councillors received a report regarding observations and future directions of the QVMAG.

Albert Hall Plaque Request

Councillors discussed a request for a memorial plaque placement at the Albert Hall.

Greater Launceston Plan Review

Councillors received an update on the progress of the project to review the Greater Launceston Plan.

Local Government Association of Tasmania Voting Discussion

Councillors provided feedback for voting directions for the Local Government Association of Tasmania's General Meeting to be held on 18 March 2022.

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

DECISION: 24 March 2022

MOTION

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

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

CARRIED 9:0

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

15 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

18.1 Part Closure of a Highway and a Disposal of an Interest in Council Land - 29 South Esk Road, Trevallyn

FILE NO: SF2002

AUTHOR: Robert Bujnowski (Properties and Legal Officer)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider closing a section of a highway located within the road verge adjoining 29 South Esk Road, Trevallyn due to the lack of use of that section as a highway and selling that section of the Council's land to the owners of 29 South Esk Road, Trevallyn in order to rectify a boundary encroachment.

Recommendation 3. requires a decision by absolute majority.

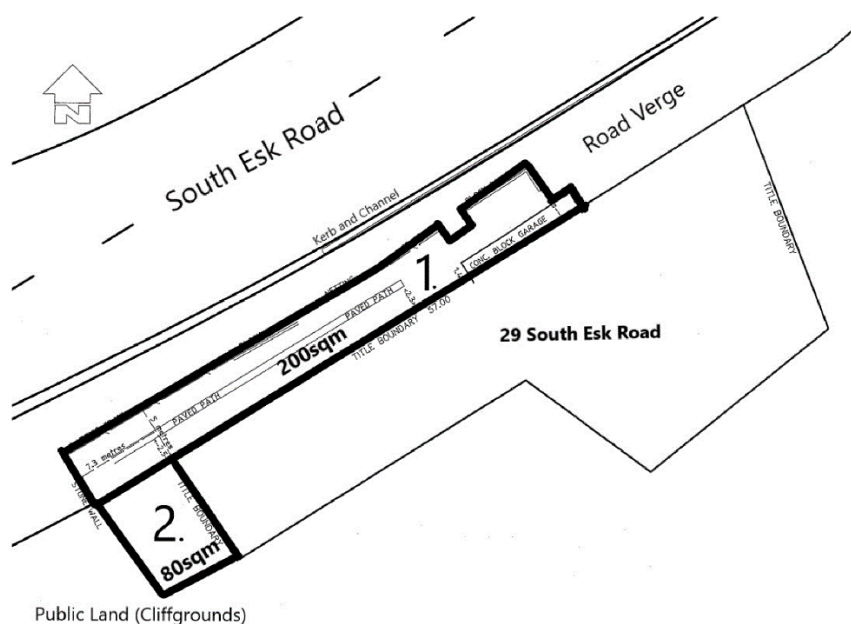
PREVIOUS COUNCIL CONSIDERATION:

Council - 16 December 2021 - Agenda Item 18.2 - Part Closure of a Highway and a Disposal of an Interest in Council Land - 29 South Esk Road, Trevallyn

RECOMMENDATION:

That Council:

1. with reference to regulation 18(1) of the *Local Government (Meeting Procedures) Regulations 2015* (Tas) and by absolute majority, rescinds the decision of Council made during the open session of Council on 16 December 2021 in respect of Agenda Item 18.2 - Part Closure of a Highway and a Disposal of an Interest in Council Land - 29 South Esk Road, Trevallyn, to the extent that that decision did not support the closure of the encroached portion of the road lot as a highway, and the subsequent sale of the encroached portion of the road lot to the owners of 29 South Esk Road, Trevallyn.
 2. decides, pursuant to section 14 of the *Local Government (Highways) Act 1982* (Tas), to close a portion of a highway totalling up to 200m² located within the road verge at the front of 29 South Esk Road, Trevallyn due to the lack of use of that portion of land as a highway, the relevant approximate area shown in the sketch below marked 1.
-



3. decides, by absolute majority, pursuant to section 177 of the *Local Government Act 1993* (Tas), to sell up to 200m² of the encroached road lot comprised in Certificate of Title Volume 167409 Folio 1 to the owners of 29 South Esk Road, Trevallyn to rectify a boundary encroachment, the approximate area shown in the sketch above marked 1, subject to the owners removing the existing fencing that encroaches onto the adjoining public land known as the Cliffgrounds.
4. notes the valuation advice at Attachment 1 (Doc Set ID No 4613752).
5. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary with respect to Recommendations 2. and 3. in order to:
 - (a) provide public notice of the highway closure pursuant to section 14 of the *Local Government (Highways) Act 1982* (Tas);
 - (b) make any prospective contract of sale subject to the owners of 29 South Esk Road:
 - (i) submitting to the Council a development application and obtaining the necessary approval for subdivision;
 - (ii) removing the existing fencing that encroaches onto the adjoining public land known as the Cliffgrounds;
 - (c) make the contracted price the total sum of:
 - (i) the valuation amount in accordance with independent valuation advice obtained by the Council;
 - (ii) \$550.00 plus GST for the costs associated with the Council obtaining a valuation report to comply with section 177 of the *Local Government Act 1993* (Tas);
 - (iii) \$1,200.00 plus GST for the costs associated with publicly advertising the local highway closure as referred to in Recommendation 2. above;
 - (v) \$2,700.00 plus GST as the Council's fee for officer time involved in the disposal of an interest in land; and

- (vi) the Council's reasonable out-of-pocket costs associated with the sale of the Council's land.
6. 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).
-

Shane Eberhardt (General Manager Infrastructure and Assets Network) and Robert Bujnowski (Properties and Legal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 24 March 2022

MOTION

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

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

CARRIED BY AN ABSOLUTE MAJORITY 9:0

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

18.2 Launceston Flood Authority Quarterly Report - October to December 2021

FILE NO: SF4493

AUTHOR: Debbie Pickett (Infrastructure and Assets Network)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To receive the Launceston Flood Authority Quarterly Report - October to December 2021.

RECOMMENDATION:

That Council, in accordance with Rule 26 of the *Launceston Flood Authority Rules, April 2020*, receives the Launceston Flood Authority Quarterly Report, October to December 2021 (ECM Document Set ID 4691507).

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

DECISION: 24 March 2022

MOTION

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

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

CARRIED 9:0

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

19 ORGANISATIONAL SERVICES NETWORK ITEMS

19.1 Petition to Amend Sealed Plan - 304 and 308 Penquite Road, Norwood

FILE NO: SF1862

AUTHOR: Robert Bujnowski (Properties and Legal Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider appointing a Committee to conduct a hearing in relation to a Petition to Amend Sealed Plan.

PREVIOUS COUNCIL CONSIDERATION:

Development Permit DA0148/2014 - Residential - multiple dwellings; amalgamation of two titles, demolition of two sheds, two dwellings and former church building; construction and use of 24 multiple dwellings; site works; vegetation removal

RECOMMENDATION:

That Council, pursuant to:

1. section 23 of the *Local Government Act 1993* (Tas), establishes a Council Committee of four Councillors, comprising Councillors J G Cox, N D Daking, P S Spencer and A G Harris, to conduct a hearing and exercise related powers under section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas) in respect of the Petition to Amend Sealed Plans 16325 and 19533 for 304 and 308 Penquite Road, Norwood.
 2. section 22 of the *Local Government Act 1993* (Tas), delegates Council's functions and powers under section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas) to the Council Committee established at Recommendation 1.
 3. section 23AA(2)(b) of the *Acts Interpretation Act 1931* (Tas), authorises the Mayor to evidence the delegation at Recommendation 2. by signing an instrument of delegation replicating the terms of the delegation.
-

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

DECISION: 24 March 2022**MOTION**

That Council, pursuant to:

1. section 23 of the *Local Government Act 1993 (Tas)*, establishes a Council Committee of five Councillors, comprising Councillors J G Cox, N D Daking, P S Spencer, A G Harris and K M Preece to conduct a hearing and exercise related powers under section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)* in respect of the Petition to Amend Sealed Plans 16325 and 19533 for 304 and 308 Penquite Road, Norwood.
2. section 22 of the *Local Government Act 1993 (Tas)*, delegates Council's functions and powers under section 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)* to the Council Committee established at Recommendation 1.
3. section 23AA(2)(b) of the *Acts Interpretation Act 1931 (Tas)*, authorises the Mayor to evidence the delegation at Recommendation 2. by signing an instrument of delegation replicating the terms of the delegation.

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

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

CARRIED 9:0

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

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

21 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

21.1 Confirmation of the Minutes

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

21.2 Late Agenda Item - Northern Suburbs Community Recreational Hub Asbestos Removal

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:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.
-

DECISION: 24 March 2022**MOTION**

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

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 9:0

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

Council moved into Closed Session at 2.06pm.
Council returned to Open Session at 2.28pm.

21.3 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.

Minutes Item	Matter	Brief Description
21.1	<i>Closed Council Minutes - 10 March 2022.</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 10 March 2022.</i>
21.2	<i>Late Agenda Item - Northern Suburbs Community Recreational Hub Asbestos Removal.</i>	<i>Councillors discussed issues relating to the Northern Suburbs Community Recreational Hub removal of asbestos from the site.</i>

DECISION: 24 March 2022

MOTION

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

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

CARRIED 8:1

FOR VOTE: Acting Mayor Councillor D C Gibson, Councillor R I Soward, Councillor D H McKenzie, Councillor J G Cox, Councillor A E Dawkins, Councillor N D Daking, Councillor A G Harris and Councillor K M Preece

AGAINST VOTE: Councillor P S Spencer

22 MEETING CLOSURE

The Acting Mayor, Councillor D C Gibson, closed the Meeting at 2.29pm.
