



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 23 FEBRUARY 2023
1.00PM**

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

Date: 23 February 2023

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

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

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

Present:

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

In Attendance:

Michael Stretton (Chief Executive Officer)
Louise Foster (General Manager Organisational Services Network)
Shane Eberhardt (General Manager Infrastructure and Assets Network)
Simon Tennant (Team Leader Communications)
Richard Jamieson (Manager City Development) (Agenda Item 10.1)
Ashley Brooke (Planning Consultant) (Agenda Item 11.1)
Kathryn Pugh (Manager Parks and Sustainability) (Agenda Item 10.1)
Nathan Williams (Manager Finance) (Agenda Item 15.1)
Sarah McRobbie (Team Leader Strategy, Economic Development and Analytics) (Agenda Item 15.2)
Cameron Smith (Smart City Project Officer) (Agenda Item 15.2)
Robert Bujnowski (Properties and Legal Officer) (Agenda Item 16.1)
Kelsey Hartland (Team Leader Governance)
Anthea Rooney (Council and Committees Officer)

Apologies:

Councillor A J Britton

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor D C Gibson, opened the Meeting at 1.00pm and noted an apology from Councillor A J Britton.

The Mayor provided an Acknowledgement of Country.

2. MAYORAL ACKNOWLEDGEMENTS

Council observed a minute's silence in recognition of the 6 February 2023 earthquakes in Turkey and Syria where suffering and destruction is widespread and the death toll is increasing.

The Mayor also referenced correspondence relating to obtaining a Working With Vulnerable Person card and encouraged all Councillors to take steps to obtaining the card.

The Mayor welcomed Members of the Legislative Council Luke Edmunds (Member for Pembroke and Shadow Minister for Local Government) and Rosemary Armitage (Member for Launceston) to the 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).

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 9 February 2023 be confirmed as a true and correct record.

DECISION: 23 February 2023

MOTION

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

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 9 February 2023 be confirmed as a true and correct record.

CARRIED 11:0

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

AGAINST VOTE: Nil

5. COUNCIL WORKSHOPS

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

5.1. Council Workshop Report - 9 and 16 February 2023

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

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

1. pre-Council Workshop conducted on 9 February 2023:

kanamaluka/Tamar Estuary Briefing (Session 3)

Councillors were provided with information on matters related to the management of the *kanamaluka/Tamar Estuary*.

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

2. Workshop conducted on 16 February 2023:

Thylacines and Seaport

Councillors received a briefing on the proposed relocation of the thylacine sculptures, the inclusion of additional greenery options into the Brisbane Street Mall and work being undertaken at the Seaport precinct.

Public Art Strategy Final Draft

Councillors received information on the rationale for the City of Launceston's inaugural Public Art Strategy (final draft) prior to a Council Meeting.

Micro-Mobility Trial Review

Councillors received a report and recommendations of the 12-month trial of the ride share operation of Personal Micro-Mobility Devices (e-Scooters) in Launceston.

Four Year Delivery Plan

Councillors were provided with information on the City of Launceston's Four Year Delivery Plan 2020/2021 - 2025/2026 - 2023 Edition.

Urban Greening Plan

Councillors were provided with a progress report related to the preparation of Launceston's Urban Forest Strategy.

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

DECISION: 23 February 2023

MOTION

Moved Councillor L M McMahon, seconded Councillor A G Harris.

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

CARRIED 11:0

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

AGAINST VOTE: Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

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 - Kirsty Mate (Owner and Founder) - ReDress Hub

Kirsty provided information to Council on the *ReDress Hub* - a local social enterprise business that aims to reduce waste and lower consumption of new product by keeping clothing in use for longer through the circular economy practices of repair, remake, reuse and resale. It is located in a shop space in the Quadrant Plaza, Launceston and provides the community with services to help them to keep their clothing in use for longer through education, product sales and expert advice. *ReDress Hub* sessions and workshops cover topics related to the education, resale of repaired products and the provision of information to local businesses and the community.

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 - Ray Norman - Citizen's Assembly -
15 February 2023**

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to the Council in writing on 15 February 2023, by Ray Norman, has been answered by Michael Stretton (Chief Executive Officer).

Questions:

1. Given the richness of the City of Launceston's citizen experts in a vast array of fields, and the Council's need to determine policy, strategy and planning resolutions on the basis of expert advice, will the Council now proactively review its, all so often communicated disinclination, to avail itself of the wisdom and experience the City's community of experts and its [Communities of Ownership and Interest] via the empanelling of a citizen's assembly - [1] - [2] - [3] - with a randomly appointed and evolving membership in order that the Council may avail itself of more thoroughly researched policy and strategy advice and backgrounding?

[Hyperlinks have been removed]

Response:

Your ongoing concern in relation to Council's position on a Citizen's Assembly is noted. As previously advised, the Council intends to maintain its focus on existing engagement processes such as the Tomorrow Together program.

**8.1.2. Public Questions on Notice - Ray Norman - Advisory Committees -
15 February 2023**

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to the Council in writing on 15 February 2023, by Ray Norman, has been answered by Michael Stretton (Chief Executive Officer).

Questions:

1. Given the principles set out in the State Governments [Good Governance Guide], will the City of Launceston's Council now move proactively to remove Councillors from these committees in their role of advisors, publish the agendas, minutes and the reporting of all its committees to enable the city's citizenry to be fully informed in regard to their membership and the governance of the municipality and its consequent appropriate management at all levels?

[Hyperlink has been removed]

Response:

There are no plans to remove Councillors from advisory committees established under section 24 of the Local Government Act 1993 (Tas).

As noted in the Agenda of the 17 November Council Meeting, the City of Launceston will continue to provide reports to Council Meetings as to the substantive matters discussed at Committees of Council established under the Local Government Act 1993 (Tas). Any decisions made by those Committee's with delegated authority to make decisions, will also continue to be reported to Council Meetings.

Recommendations from Committees are presented to Council for consideration when they arise. At this stage there are no plans to modify this approach.

8.1.3. Public Questions on Notice - Ray Norman - Queen Victoria Museum and Art Gallery Management - 15 February 2023

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to the Council in writing on 15 February 2023, by Ray Norman, has been answered by Shane Fitzgerald (General Manager Creative Arts and Cultural Strategy Network).

Questions:

1. Given the identified strategic determination, the aspirations of the institution's Community of Ownership and Interest and Council managements' apparent inability to actually carry forward the agreed upon policy and strategy will Council, and with some urgency, move expediently towards appointing an Interim QVMAG Board of Governors, with a membership of say nine appropriately qualified people, tasked to facilitate the appointment of company members, the development of a standalone interim strategic plan and policy sets, and secure funding commitments from appropriate agencies relevant to the operation of cultural institution such as the QVMAG operating in a 21stC context?

Response:

The Council's Officers are still in the progress of implementing the QVMAG Futures Plan which may be accessed on the Council's website, www.launceston.tas.gov.au. It is not intended to appoint an interim QVMAG Board of Governors in the manner or form suggested.

8.1.4. Public Questions on Notice - Ron Baines - Expressions of Interest for Birchalls building - 118-122 Brisbane Street and 124 Brisbane Street - 15 February 2023

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 15 February 2023, by Ron Baines, have been answered by Michael Stretton (Chief Executive Officer).

Questions:

1. How many Expressions of Interest have so far been received regarding the ex-Birchalls site?
2. If ratepayers can also express Expressions of Interest,
 - When can we access the procedure?
 - How can we access the procedure?
 - What are the parameters?

Response:

The Council acquired the former Birchalls site in 2020 following the closure of the iconic store in 2017.

The Council advertised an Expressions of Interest process for the redevelopment of the building shortly afterwards.

The Council received 11 applications from developers interested in realising a transformative project on the Birchalls site.

After a detailed assessment of various proposals submitted through the Expressions of Interest process, a small number of candidates were shortlisted and assessed further to identify a preferred candidate.

The Council is expected to consider a Birchalls redevelopment proposal from the preferred candidate shortly.

The Expression of Interest process for the Birchalls building has been delayed and complicated by uncertainty over both the future of the neighbouring Paterson St Central Car Park and changing market conditions as a result of the COVID-19 pandemic.

8.1.5. Public Questions on Notice - Jim Dickenson - Albert Hall Redevelopment - 15 February 2023

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 15 February 2023, by Jim Dickenson, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. I have been advised that after the Council Workshop with Councillors on 2 February the public will be provided with a progress update on the Albert Hall Redevelopment. Some two weeks have now elapsed. When will the update be provided?

Response:

The Council Workshop was conducted, however, there was no intention to issue a public statement following this workshop. The procurement model allows for the designer and potential builder to work together on the final design. This process is still occurring and an update will be provided at conclusion of the process, which is expected to be late March/early April 2023.

- 2 And why the delay? I have also been advised that no significant changes have been, or are being, made. hape Australia was appointed back in October 2022 to provide consultant advice on design and construction. That seems significant to me. But if it is not, it is now 15 February 2023, some five months later, surely a long enough time for any insignificant work to be carried out. Will a progress report be included in the 23 February Council Meeting Agenda?

Response:

The procurement of the builder and finalising detailed design for the extension renewal is consistent with the planned timeframes.

3. In the meantime the vacant Albert Hall is being vandalised, with broken glass, boarded up windows. It is all very derelict. The empty coffee shop and City Park have been wasted over two summers. The Tasmanian Symphony Orchestra can not contribute to Launceston's cultural life. Other community organisations are also without a venue. It is all very shameful. If this situation is to be ongoing, what are the Council's short term, long term, management strategies for the Albert Hall?

Response:

It was intended that minor works to improve the use and function of the Hall would currently be occurring, however, the tender for this work was unsuccessful as no tenders were compliant with Code of Tendering and Performance of Building Work 2016 and Australian Government Building and Construction WHS Accreditation Scheme as required by the Australian Government under the grant deed.

The lack of tenders are considered to be due to the fact that:

- 1. there are very few contractors locally that meet the Australian Government requirements;*
- 2. Tasmania is currently experiencing a huge over supply of construction work; and*
- 3. the package of works was relatively small and, therefore, not attractive to qualified contractors*

These works will be incorporated into the larger renewal project.

The Albert Hall is not derelict and is still being actively monitored by the Council's Building Asset Team and our security provider.

8.2. Public Questions Without Notice

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

8.2.1. Public Questions Without Notice - Robin Smith - Personal Mobility Device Report

- 1. Why does feedback in the Personal Mobility Device Survey Report appear to be light on as the problems I hear on the street do not appear to be reflected in the Report? Where is the feedback?**

The Mayor, Councillor D C Gibson, noting that Councillors have heard the question, advised that this question would be considered when the matter is discussed in Agenda Item 15.2 - Personal Micro-Mobility (e-Scooter) Trial Review and Recommendations.

- 2. At a previous Meeting, I have asked about the laws relating to the use of Personal Mobility Devices (PMDs) - where they can be used, control of them, etc. The image on page 492 of the Report shows two individuals riding scooter, can you tell me if Council considers the use of the PMDs in this image is legal?**

The Mayor, Councillor D C Gibson, noting that Councillors have heard the question, advised that this question would be considered when the matter is discussed in Agenda Item 15.2 - Personal Micro-Mobility (e-Scooter) Trial Review and Recommendations.

- 3. The Report included in the Agenda is a Council Report, however, on page 460 it provides examples of operator responses (Beam). Are the comments referred to real user feedback or media and marketing related comments?**

The Mayor, Councillor D C Gibson, noting that Councillors have heard the question, advised that this question would be considered when the matter is discussed in Agenda Item 15.2 - Personal Micro-Mobility (e-Scooter) Trial Review and Recommendations.

9. PETITIONS

9.1. Petition - George Manifold - Installation of Public Toilets at Youngtown

FILE NO: SF0097

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To receive a petition submitted by George Manifold regarding the installation of public toilets at Youngtown.

STATUTORY REQUIREMENTS:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council, pursuant to section 58(2) of the *Local Government Act 1993 (Tas)*, receives the petition regarding the installation of public toilets in Youngtown, submitted by George Manifold and tabled by the Chief Executive Officer.

DECISION: 23 February 2023

MOTION

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

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

CARRIED 11:0

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

AGAINST VOTE: Nil

10. 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.

10.1. DA0377/2022 - 228 Golconda Road, Lilydale - Passive Recreation - Development of a Rail Trail Including Associated Works and Development of a Vehicle Parking Area at Lilydale Falls

FILE NO: DA0377/2022

AUTHOR: Ashley Brook (Planning Consultant)

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:	Dorset Council
Property:	Part of the North East Corridor, Adjoining Public Roads Crossed and 228 Golconda Road, Lilydale
Zoning:	Open Space, Rural Resource, Utilities
Receipt Date:	27/06/2022
Validity Date:	15/07/2022
Further Information Request:	29/07/2022
Further Information Received:	15/08/2022
Deemed Approval (extension granted):	24/02/2023
Representations:	34

RELEVANT LEGISLATION:

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

STANDARDS REQUIRING PLANNING DISCRETION:

28.3.1 Capacity of existing utilities
E2.6.2 Excavation
E4.5.1 Existing road accesses and junctions
E4.6.2 Road accesses and junctions
E4.6.4 Sight distance at accesses, junctions and level crossings
E6.5.1 Car parking numbers
E6.6.2 Design and layout of parking areas
E6.6.3 Pedestrian access

- E7.6.1 Scenic road corridor
- E7.6.2 Scenic management areas
- E8.6.1 Habitat and vegetation management
- E9.6.1 Development in the vicinity of a watercourses and wetlands
- E9.6.3 Discharges to 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 DA0377/2022 - Passive Recreation - Development of a Rail Trail including associated works and the development of a vehicle parking area at Lilydale Falls Reserve (228 Golconda Road) including associated works at North East Corridor (former railway) extending across multiple parcels between Lilydale Falls and Wyena, adjoining public roads (multiple) and Lilydale Falls Reserve at 228 Golconda Road, Lilydale, 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. Proposal Plans, prepared by Dorset Council, Project Reference: Proposed North East Rail Trail, pages 1, 2 and 3, dated 14 January 2021.
- b. Proposal Plans (with aerial image), prepared by Dorset Council, Project Reference: Proposed North East Rail Trail, pages 1, 2 and 3, dated 14 January 2021.
- c. Car Park Plan, prepared by Woolcott Surveys, Job Number: L221122, dated 23 January 2023 (Amended Plan Required).
- d. Planning Application Supporting Report, prepared by Dorset Council, dated 24 June 2022.
- e. Site History Review, prepared by pitt&sherry, Project Reference: Rail Trail - Wyena to Lilydale Falls (Area in Close Proximity to 843 Golconda Road, Lebrina), dated 7 June 2022.
- f. Traffic Impact Statement, prepared by Traffic & Civil Services, Project Reference: Proposed Lilydale Falls Carpark Upgrade, 228 Golconda Road, Lilydale, dated 13 April 2022.
- g. Response to Further Information Request (DA0377/2022), prepared by Dorset Council, dated 15 August 2022.
- h. Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022.

2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of decommissioning and construction works, a Construction Environmental Management Plan (CEMP) must be submitted, to the satisfaction of Council's Manager City Development, for approval. Once approved by the Manager City Development, the CEMP will be endorsed and will form part of the permit. The CEMP must be prepared by a suitably qualified person and must include the following components:

- a. a Contamination Risk Assessment of all areas near watercourses that:
 - i. is informed by sampling and testing for polycyclic aromatic hydrocarbons (PAH) and arsenic to depths of approximately 200mm, at 10 nominally selected locations and each within 50m of a watercourse or wetland, to better characterise the risk of cinders and ash being present in the soils within materials that are to be disturbed or crushed; and
 - ii. recommends best practice construction management measures to minimise dust, soil and other rail infrastructure materials from becoming airborne and from otherwise exiting the path formation of the Rail Trail by erosion and stormwater according to the determined risk. Best practice construction management measures may include, but are not limited to, the following:
 - a. limiting vehicle movements and subsequent disturbance to only the areas necessary to the work, such as the rail line itself and the staging areas;
 - b. installation of temporary silt fencing at places where surface drainage leaves the rail corridor from areas of disturbance. Silt fencing may also include a shallow pond to provide for the collection of silt intercepted by the fencing. Where temporary silt ponds and silt fencing are recommended, they are to be located at the end of the disturbed areas and clear of watercourses or wetlands that may adjoin the rail corridor;
 - c. the provision or maintenance of surface drainage to collect and manage stormwater flows within the site;
 - d. the designing of surface drainage to contain flows likely to be concentrated into the drain and to minimise flow velocities to limit the transport of silts;
 - e. the removal of any excavated silt to suitable place(s) of disposal;
 - f. the reinstatement of disturbed surfaces by the provision of mulching, topsoil or reseedling, where recommended; and
 - g. where reinstatement is required in accordance with f., the inspection and maintenance of the reinstated surfaces, silt ponds and silt fences until such time as the recommended management measures has been established. This may involve the clearing of accumulated silt at the fences and the repair of damaged surfaces. A typical maintenance period is a minimum of six months duration or an extended period that includes a complete winter; and
- b. a Site Management Plan, consistent with the findings and recommendations of the Contamination Risk Assessment, that details how soil and water is to be managed on the site during the construction process to minimise dust, soil and other rail infrastructure materials from becoming airborne and from otherwise exiting the path formation of the Rail Trail via erosion and stormwater according to the determined risk.

The CEMP must be implemented and maintained during construction works by the responsible person, to the satisfaction Council's Manager City Development.

3. AMENDED PLANS REQUIRED

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council's 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 the extension to existing car parking at Lilydale Falls Reserve having the following features:

- a. conversion of the existing parallel overflow car parking area to provide 12 fully sealed and suitably drained 90° car parking spaces not less than the dimensions specified in AS2890.1 for User Class 2 parking area for 12 cars and one bus parking bay;
- b. widening of the existing access strip to provide a minimum sealed width of 5.8m on a suitable constructed pavement in line the aisle width specified in AS2890.1 for User Class 2;
- c. linemarking on widened access strip delineating 5m wide access such that the remaining 0.8m provides a buffer between the parked vehicles and the moving traffic;
- d. provision of a parallel parking *pick-up/drop-off* area of sufficient dimension for use by shuttle buses including approach and departure tapers;
- e. provision of a 2m wide compacted gravel path from the car parking area to the rail trail; and
- f. provision of all necessary linemarking, signage and barriers to prevent unauthorised vehicle access to areas other than the car park.

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.

4. HOURS OF CONSTRUCTION

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

7am to 6pm - Monday to Friday

8am to 5pm - Saturday

No works on Sunday or Public Holidays

5. CONSTRUCTION NOISE MANAGEMENT PLAN

Prior to the commencement of decommissioning and construction works, a construction noise management plan 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 includes a residential use or a use involving the presence of people for extended periods such as a caravan park, childcare centre or school. It also includes other uses such as temporary accommodation and hospitality venues.
- b. the proposed duration and period when decommissioning and construction works will be scheduled;
- c. the likely noise impacts from the various decommissioning and construction processes and equipment on identified sensitive uses;
- d. strategies to mitigate decommissioning and construction noise on identified sensitive uses; and
- e. any community notification or engagement about the proposed decommissioning and construction noise.

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. 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.

8. SOIL AND WATER MANAGEMENT PLAN

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

9. SUBMISSION AND APPROVAL OF PLANS

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

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.

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

10. 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. Car parking construction at Lilydale Falls Reserve
 - i. construction of a fully sealed and drained parking area for 12 cars and one bus parking bay
 - ii. provision of a 2m wide compacted gravel path from the car parking area to the Rail Tail
 - iii. provision of all necessary linemarking, signage and barriers to prevent unauthorised vehicle access to areas other than the car park.
- b. Bacala Road Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
 - i. bollard treatment (three bollards - one central and two side, with a maximum 1.6m separation between each - each setback 5m from the existing road seal edge) in accordance with Austroads GRD06A (2021) standards;
 - ii. provision of W6-8B and R1-2AA signs on Rail Trail approaches to the corridor crossing location at Bacala Road; and
 - iii. provision of W6-7B and W8-23B warning signs on each Bacala Road approach to the corridor crossing location, positioned 120m prior to the crossing point.
- c. Golconda Road (adjacent to 843 Golconda Road, Lebrina) crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:
 - i. staggered fence treatment, in accordance with Austroads GRD06A (2021) standards, and each setback up to 7.5m from the existing road seal edge of Golconda Road to account for clear zone requirements for the operating speed and traffic volumes;
 - ii. provision of W6-8B and R1-2AA signs on Rail Trail approaches to the corridor crossing location at Golconda Road; and
 - iii. provision of W6-7B and W8-23B warning signs on each Golconda Road approach to the corridor crossing location, positioned 120m prior to the crossing point.
- d. Golconda Road (near Kempeners Road, Lilydale) Crossing treatment consisting of the following in line with the recommendations of the Traffic Safety Assessment, prepared by Dorset Council, Project Reference: Road Crossings (North East Rail Trail), dated September 2022:

- i. staggered fence treatment, in accordance with Austroads GRD06A (2021) standards, and each setback up to 7.5m from the existing road seal edge of Golconda Road to account for clear zone requirements for the operating speed and traffic volumes;
 - ii. provision of W6-8B and R1-2AA signs on Rail Trail approaches to the corridor crossing location at Golconda Road; and
 - iii. provision of W6-7B and W8-23B warning signs on each Golconda Road approach to the corridor crossing location, positioned 120m prior to the crossing point.
- e. Stormwater discharges to water courses:
- i. any design and construction of any stormwater discharge into watercourses resulting from the works are to be consistent with the requirements and findings of the CEMP so as to minimise the loss of biological values to watercourses caused by the discharge of stormwater.

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 Council Audit inspections and other responsibilities,
- c. Construction Audit inspections,
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

11. 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.

12. COMPLETION OF WORKS

All works must be carried out to the Council 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.

13. AS CONSTRUCTED PLANS

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

14. CHAINSAW OPERATION AUTHORISATION

The use of a chainsaw is permitted to remove vegetation within the Lilydale Falls Reserve carpark footprint between the hours of Monday to Friday 9am to 6pm.

15. REMOVAL OF FELLED VEGETATION AND DEBRIS

All felled vegetation and debris shall be removed from the site within four weeks of felling.

16. ONSITE WASTE WATER MANAGEMENT SYSTEM

Stormwater runoff from the carpark development at Lilydale Falls Reserve must be directed away from the land application area of the onsite waste water management system.

17. EXTERIOR AND SECURITY LIGHTING

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

18. 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), salvaged, reclaimed or recycled. Sleepers may be retained on-site within the corridor, neatly stacked and positioned at least 50m from watercourses.

19. LITTER MANAGEMENT

Measures must be implemented to control litter on the land and to prevent the escape of litter from the land.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0377/2022. 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 & 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 & 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 & 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 Council's Notice to Waive Right of Appeal is attached.

Ian Bassett spoke against the Recommendation

Rod Cooper spoke to the Recommendation

Elizabeth Cute spoke against the Recommendation

Wendy McLennan (on behalf of Mary Zegveld) spoke against the Recommendation

Paul Cabalzar spoke against the Recommendation

Michael de Bomford spoke against the Recommendation

Greg Stewart spoke against the Recommendation

Dianne Venn spoke against the Recommendation

Dianne Venn (on behalf of Stewart Bryce - President North East Residents and Farmers) spoke against the Recommendation

Rudy Valentino (on behalf of the Lilydale District Progress Association) spoke for the Recommendation

Rohan Willis (on behalf of the Dorset Council) spoke for the Recommendation

Wendy McLennan spoke against the Recommendation

Phillip Wayne spoke against the Recommendation

DECISION: 23 February 2023

MOTION 1

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

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

CARRIED 7:4

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

AGAINST VOTE: Deputy Mayor Councillor M K Garwood, Councillor T G Walker, Councillor J J Pentridge and Councillor S Cai

DECISION: 23 February 2023

MOTION 2

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

That an additional three minutes of speaking time be granted to Councillor A G Harris.

CARRIED 10:1

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

AGAINST VOTE: Councillor J J Pentridge

DECISION: 23 February 2023

MOTION 3

Moved Councillor T G Walker, seconded Councillor J J Pentridge.

That the matter Lay on the Table in order that the Chief Executive Officer seek an extension of time for deemed approval from the Applicant.

CARRIED 6:5

FOR VOTE: Deputy Mayor Councillor M K Garwood, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor L M McMahon and Councillor S Cai

AGAINST VOTE: Mayor Councillor D C Gibson, Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris and Councillor A J Palmer

Council adjourned for at break at 2.58pm

Council resumed following the break at 3.15pm

DECISION: 23 February 2023

MOTION 4

Moved Councillor D H McKenzie, seconded Councillor A J Palmer.

That the Item return to the Table.

CARRIED 11:0

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

AGAINST VOTE: Nil

After the Item was returned to the table, Michael Stretton (Chief Executive Officer) advised that he had spoken to the Applicants of DA0377/2022 - 228 Golconda Road, Lilydale - Passive Recreation - Development of a Rail Trail Including Associated Works and Development of a Vehicle Parking Area at Lilydale Falls and they did not agree to an extension of time for deemed approval of their application.

DECISION: 23 February 2023

MOTION 5

Moved Councillor S Cai, seconded Councillor J J Pentridge.

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

CARRIED 11:0

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

AGAINST VOTE: Nil

Councillor T G Walker withdrew from the Meeting at 3.51pm

10.2. DA0744/2023 - 10 St Georges Square, Launceston - Residential - Demolition of Existing Dwelling and Construction of a New Dwelling

FILE NO: DA0744/2022

AUTHOR: Duncan Payton (Town Planner)

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

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Cumulus Studio
Property:	10 St Georges Square, East Launceston
Zoning:	General Residential
Receipt Date:	15/12/2022
Validity Date:	19/12/2022
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	28/02/2023
Representations:	Six

RELEVANT LEGISLATION:

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

8.4.2 P3 Setbacks and building envelopes for all dwellings
C2.6.2 P1 Design and layout of parking areas

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmania Planning Scheme - Launceston, a permit be refused for DA0744/2023 - Residential - demolition of existing dwelling and construction of a new dwelling at 10 St Georges Square, Launceston, on the following grounds:

1. the siting and scale of the proposed dwelling causes an unreasonable loss of amenity to adjoining properties through the overshadowing of the private open space of a dwelling on an adjoining property and does not satisfy clause 8.4.2 P3 (a)(ii); and
 2. the siting and scale of the proposed dwelling causes an unreasonable loss of amenity to adjoining properties through the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property and does not satisfy clause 8.4.2 P3 (a)(iv) of the scheme.
-

The Mayor, Councillor D C Gibson advised that this item has been withdrawn from the Agenda to allow for further discussions by the applicant to explore whether the development can be modified to achieve greater compliance with the Planning Scheme.

11. ANNOUNCEMENTS BY THE MAYOR

11.1. Mayor's Announcements

FILE NO: SF2375

Tuesday 31 January 2023

- Attended Youth Symposium
- Met with the President and Chief Executive Officer of Hawthorn Football Club

Wednesday 1 February 2023

- Met with Tennis Tasmania/Australia
- Met with the Launceston Church Grammar School Principal Dale Bennett

Friday 3 February 2023

- Met with Minister Nic Street MP

Wednesday 8 February 2023

- Attended the Tamar Valley Leaders' lunch with Premier Jeremy Rockliff

Friday 10 February 2023

- Visited Interweave

Monday 13 February 2023

- Met with Deputy Premier, Michael Ferguson MP

Tuesday 14 February 2023

- Assisted with the Launceston Preparatory School Visit to Town Hall

Wednesday 15 February 2023

- Guest Speaker at The Arts Scene in Launceston for Arts and Library Committee lunch

Thursday 16 February 2023

- Attended Mona Foma Launceston Opening Drinks

Saturday 18 February 2023

- Attended Mona Foma
- Attended the official launch of the *Volunteers Enriching Lives Through Intercultural Communication Inc*

Sunday 19 February 2023

- Attended Lilydale RSL Sub-Branch annual dinner (represented by Councillor Andrew Palmer)

Monday 20 February 2023

- Toured Just Cats at Mowbray
- Attended and spoke at the Launceston Chin Community National Day

Tuesday 21 February 2023

- Hosted gathering to recognise Friends of the Queen Victoria Museum and Art Gallery Committee

Wednesday 22 February 2023

- Attended the 159th Ladbrokes Launceston Cup

Thursday 23 February 2023

- Met with Luke Edmunds MLC, Shadow Minister for Local Government
 - Welcomed Race Tasmania cars to Civic Square
-

12. 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).

12.1 Councillor A J Palmer

- **Attended the Lilydale RSL Sub-Branch luncheon**

12.2 Councillor A E Dawkins

- **Participated in the Northern Young Professionals Network function**

12.3 Councillor S Cai

- **Attended the Local Government Association of Tasmania Annual Review Meeting in Launceston**

13. QUESTIONS BY COUNCILLORS

13.1. 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).

13.1.1. Councillors' Questions on Notice - Councillor T G Walker - Deed of Agreement (Creative Holdings Pty Ltd and City of Launceston)

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, asked at the Council Meeting on 9 February 2023 by Councillor T G Walker, has been answered by Michael Stretton (Chief Executive Officer).

Questions:

1. When will the Deed of Agreement between the City of Launceston and Creative Property Holdings Pty Ltd concerning 41-45 Paterson Street, Launceston be made public as it is in the public's interest and can no longer be regarded, since the demise of the Building Better Regions Fund Grant, to be held in confidence?

Response:

The Agreement, which was negotiated and agreed between the Council and Creative Property Holdings Pty Ltd, is still a commercial in confidence document which was determined by Council in a Closed Meeting under Regulation 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015. The Federal Government's withdrawal of the Building Better Regions Fund Grant does nothing to alter the status of this document and therefore, it is not proposed that it will be publicly released at this stage.

13.2. 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).

13.2.1 Councillors' Questions Without Notice - Councillor S Cai - Volunteer Guides at the Queen Victoria Museum and Art Gallery

- 1. I have been asked when the Council is going to recommence the community engagement via volunteer guides at the Queen Victoria Museum and Art Gallery?**

The Mayor, Councillor D C Gibson, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 9 March 2023.

13.2.2 Councillors' Questions Without Notice - Councillor A G Harris - St Leonards Residential Strategy

- 1. I have been asked by residents of the St Leonards area about the St Leonards Residential Strategy which is listed to occur this financial year - 2022/2023, will it happen this year or is it likely to be deferred and will there be an opportunity for residents to have input into public consultation regarding relevant planning strategies?**

The Mayor, Councillor D C Gibson, responded that this question will be Taken on Notice and a response provided in the Council Agenda of 9 March 2023.

14. COMMITTEE REPORTS

14.1. Transport Committee Meeting - 25 January 2023

FILE NO: SF7429

AUTHOR: Cathy Williams (Built Environment Officer)

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

DECISION STATEMENT:

To receive a report from the Transport Committee.

RECOMMENDATION:

That Council receives the report from the Transport Committee Meeting held on 25 January 2023.

DECISION: 23 February 2023

MOTION

Moved Councillor A G Harris, seconded Councillor L M McMahon.

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

CARRIED 10:0

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

AGAINST VOTE: Nil

ABSENT at TIME of VOTE: Councillor T G Walker

14.2. Tender Review Committee Meeting - 9 February 2023

FILE NO: SF0100/CD.026/2022

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee.

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Invision Developments for amenities extension and upgrade for the Lilydale Football Club, Contract No. CD.026/2022 at a cost of \$374,032.00 (exclusive GST).

DECISION: 23 February 2023

MOTION

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

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

CARRIED 10:0

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

AGAINST VOTE: Nil

ABSENT at TIME of VOTING: Councillor T G Walker

15. ORGANISATIONAL SERVICES NETWORK

15.1. 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.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

2. consider adjustments made during 1 January to 31 January 2023 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 absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
 - (a) Expenses
 - i. the net increase in operations expenditure of \$947,301.
 - (b) Capital Works Expenditure
 - i. the decrease in the Council's funded expenditure of \$947,301.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$15,282,515 (including capital grants of \$23,732,793) for 2022/2023.
 - (b) the capital budget being decreased to \$37,603,615 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 January to 31 January 2023.
-

DECISION: 23 February 2023

MOTION

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

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

CARRIED BY ABSOLUTE MAJORITY 10:0

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

AGAINST VOTE: Nil

ABSENT at TIME of VOTING: Councillor T G Walker

15.2. Personal Micro-Mobility (e-Scooter) Trial Review and Recommendations

FILE NO: SF7422

AUTHOR: James McKee (Manager Innovation and Performance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the e-Scooter Trial Evaluation Report and accepts the recommendations contained within the Report.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas) - section 60(2)(b)
Traffic Act 1925 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 16 February 2023 - Micro-Mobility Trial Review
Workshop - 17 November 2022 - Personal Micro Mobility Device - e-Scooter Trial
Council - 17 November 2022 - Agenda Item 16.6 - Petition Response - e-Scooters in Kings Meadows
Council - 5 October 2022 - Agenda Item 10.2 - Petition - Steve Coull - e-Scooters in Kings Meadows
Workshop - 25 November 2021 - Micro-Mobility Legislation and Options
Workshop - 4 February 2021 - Micro-Mobility Trial

RECOMMENDATION:

That Council:

1. receives the e-Scooter Trial Evaluation Report (Doc Set ID 5618902).
2. accepts the following recommendations as set out in section 8 of the e-Scooter Trial Evaluation Report:

8.1 Clear Promotion of Roles

The Department of State Growth, City of Launceston, Operators, Tasmania Police and Riders all have roles and responsibilities. Often roles and responsibilities are not clearly known and often they are confused.

It is recommended that the Council work with stakeholders to define and promote who has roles and responsibilities to reduce confusion and to help reach the best outcome.

8.2 Introduction of Restrictive Parking Areas

Dedicated e-Scooter/Personal Mobility Device parking areas should be established in high-activity areas, such as the CBD, Mowbray Shopping Area, and Riverbend Park, to encourage safe and tidy parking practices. These designated parking locations should be actively reinforced by the operator through various technologies. In the event that the operating area was extended to include Kings Meadows, then similar parking controls would apply in the Kings Meadows Shopping Area. Parking controls should be implemented through low-cost measures where possible, with pavement markings being the preferred treatment.

It is not considered necessary at this time to replace any on-street car parking spaces with e-Scooter/Personal Mobility Device parking.

8.3 Signage Changes

The existing signage that prohibits use of bicycles, skateboards, and non-motorised scooters on the footpaths of Charles Street, St John Street, George Street and Brisbane Street between 9am and 5pm, should be amended to also prohibit the use of Personal Mobility Devices.

8.4 Conditions of Permit and expectations

Set expectations within future permits on how quickly particular issues should be resolved. Where an issue is considered a safety or accessibility concern, response times should be short. Some issues can be identified via the online technology such as an e-Scooter that has fallen over or an e-Scooters that has not been used for an extended period. Other issues will need to be addressed once a report has been made by a community member, ie. dangerously located or parked in inappropriate locations.

8.4a Safety Campaigns and Initiatives

Set expectations within the permit that public safety campaigns will be organised and metrics reported on in monthly reports.

8.4b Operating Area Expansion

In response to the Kings Meadows petition received by the Council, if an operator wishes to expand the area which the e-Scooters can operate, a proposal will need to be submitted to council, with considerations of existing by-laws, operations, and public safety including geofences for no ride zones, speed limits and restrictive parking. The Council will provide input prior to approval. Approval will be sought from the Council.

8.4c Reporting Requirements

Operators already provide monthly reports categorising incidents, detailing usage and sharing other relevant information. Reports should also include a summary of issues logged by the community and confirmation that response time has been adequate. Reports should also provide detail of rider education measures that have been taken.

8.5 Permit Fee

The Council's officers are investigating the various costs associated with granting permission to conduct the activity, and associated tasks. Once such investigation is complete, a decision can be made as to the extent of fee to be charged in keeping with the Council's obligations under the *Local Government Act 1993* (Tas).

8.6 Legislative Consistency and Refinement

8.6a. Continue to review those roads that may be gazetted to support user experience and a safe operating environment for both users and pedestrians and work with the State Government to consider which roads should be accessible to devices as part of the legislative review.

8.6b. Continue to work with State Government to provide clarity and efficiencies where possible in relevant legislation.

8.6c. Advocate State Government to make accident report data for micro mobility devices including e-Scooters, available to local government authorities.

8.6d. Advocate for improved consistency and legislative alignment across all States and Territories, recognising the differences in infrastructure such as bike lanes, footpaths and roads for e-Scooter/Personal Mobility Device use.

8.6e. National harmonisation of categorisation and legislation relating to Personal Mobility Devices, to enable collection and analysis of crash data that is comparable across transport modes and jurisdictions.

Councillor T G Walker re-attended the Meeting at 4.08pm

Robin Smith spoke to the Recommendation

Councillor D H McKenzie withdrew from the Meeting at 4.27pm

Councillor D H McKenzie re-attended the Meeting at 4.29pm

DECISION: 23 February 2023

MOTION

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

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

CARRIED 11:0

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

16. CHIEF EXECUTIVE OFFICER NETWORK

16.1. Disposal of Portion of the Council's Owned Land - 65-85 Murphy Street, Invermay

FILE NO: SF1780

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider disposing of Council land at 65-85 Murphy Street, Invermay to the Tasmanian Water and Sewerage Corporation Pty Ltd (TasWater) for use in the implementation of the *kanamaluka*/Tamar Estuary River Health Action Plan.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

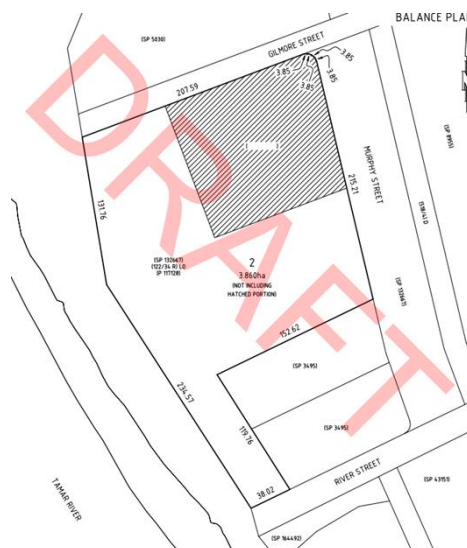
PREVIOUS COUNCIL CONSIDERATION:

Council Workshop - 2 February 2023 - TERHAP Construction Impacts

RECOMMENDATION:

That Council:

1. decides, by absolute majority, pursuant to section 177 of the *Local Government Act 1993 (Tas)*, to sell up to 1.635 hectares of the lot comprised in Certificate of Title Volume 132667 Folio 1 to TasWater, the approximate area shown in hatch in the sketch below (Subject Land):



2. notes the valuation advice at Attachment 1 (Doc Set ID No 4851460).
 3. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary with respect to Recommendation 1 to:
 - (a) determine the exact measurements of the Subject Land to be transferred;
 - (b) make any prospective contract of sale subject to TasWater bearing responsibility for any costs associated with the subdivision;
 - (c) make the contracted price the total sum of:
 - (i) \$1 for the Subject Land;
 - (ii) \$3,060.00 as the Council's fee for officer time involved in the disposal of an interest in land; and
 - (iii) any of the Council's reasonably incurred out-of-pocket costs.
 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).
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Councillor D H McKenzie retired from the Meeting at 4.51pm

DECISION: 23 February 2023

MOTION

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

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

CARRIED BY ABSOLUTE MAJORITY 10:0

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

AGAINST VOTE: Nil

17. MEETING CLOSURE

The Mayor, Councillor D C Gibson, closed the Meeting at 4.53pm.

18. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 9 March 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.