



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 18 APRIL 2024  
1.00PM**

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

**Date: 18 April 2024**

**Time: 1.02pm**

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### **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.



**Shane Eberhardt  
Acting 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](http://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 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](mailto: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.

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## 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:***

**Mayor Councillor M K Garwood**  
**Deputy Mayor Councillor D H McKenzie**  
**Councillor D C Gibson**  
**Councillor A E Dawkins**  
**Councillor A G Harris**  
**Councillor T G Walker (from 1.07pm)**  
**Councillor Prof G Razay**  
**Councillor J J Pentridge**  
**Councillor A J Palmer**  
**Councillor L M McMahon**  
**Councillor S Cai**  
**Councillor A J Britton**

***In Attendance:***

**Shane Eberhardt (Acting Chief Executive Officer)**  
**Louise Foster (General Manager Organisational Services Network)**  
**Michael Newby (Acting General Manager Infrastructure and Assets Network)**  
**Chelsea van Riet (General Manager Community and Place)**  
**Leanne Purchase (Manager Governance)**  
**Kelsey Hartland (Team Leader Governance)**  
**Lorraine Wyatt (Council and Committees Officer)**  
**Sam Kelty (Manager Finance)**  
**Richard Jamieson (Manager City Development)**  
**Iain More (Senior Town Planner Policy and Projects)**  
**Julia Bell (Director, Urbis) was in attendance to answer questions in respect to item 9.1**

***Apologies:***

**Nil**

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**1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

The Mayor, Councillor M K Garwood, opened the Meeting at 1.02pm.

**2. MAYORAL ACKNOWLEDGEMENTS**

There were no Mayoral Acknowledgements for this Meeting

**3. DECLARATIONS OF INTEREST**

*Local Government Act 1993 (Tas) - section 48*

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

**Deputy Mayor Councillor D H McKenzie declared an interest in item 9.3 DA0055/2024 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of Alterations and Additions to a School; Subdivision - Consolidation of Two Lots into One.**

**Mayor Councillor M K Garwood declared an interest in item 13.1 Representation at the Australian Local Government Association's 2024 National General Assembly Conference.**

**Mayor Councillor M K Garwood declared an interest in item 13.4 Representation at the UNESCO Creative Cities of Gastronomy Annual Conference 2024.**

**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 4 April 2024 be confirmed as a true and correct record.

**DECISION: 18 April 2024**

**MOTION**

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

**That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 4 April 2024 be confirmed as a true and correct record.**

**CARRIED 11:0**

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

**AGAINST VOTE: Nil**

**5. COUNCIL WORKSHOPS**

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

**5.1. Council Workshops 4 April 2024 and 18 April 2024**

**FILE NO:** SF4401

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**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 and attended since the last Council Meeting, for the purposes described:

1. pre-Council Workshop conducted on 4 April 2024:

**Queen Victoria Museum and Art Gallery Tour**

*Councillors received a tour of the Queen Victoria Museum and Art Gallery - Inveresk.*

*In Attendance:* Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, Councillor A G Harris, Councillor Prof G Razay, Councillor A J Palmer, Councillor L M McMahon and Councillor S Cai

*Apologies:* Councillor T G Walker, Councillor J J Pentridge and Councillor A J Britton

2. Workshop conducted on 11 April 2024:

**Corporate Strategic Plan Update**

*Councillors received a presentation on the development of our ten-year Corporate Strategic Plan 2025 – 2034 and considered the proposed project plan approach.*

**Energy Supply Renewal**

*Councillors received information regarding the Energy Supply Tender process and had an opportunity to ask questions.*

**Petition to Amend Sealed Plan 164783, 62 Parklands Parade, Newnham**

*Councillors were given a briefing on a proposal to remove a restrictive covenant at 62 Parklands Parade, which prevents the Council from subdividing that land for the purpose of creating a road to adjoining land.*

**Stadiums Tasmania - Feedback on CoL Principles**

*The workshop provided an opportunity for Councillors to provide advice on the expectations of the content Term Sheet for transfer and transition of the Stadium to Stadiums Tasmania.*

**TasNetworks Future Project - Community Batteries**

*Councillors received a presentation from TasNetworks regarding the Community Batteries Project.*

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

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**DECISION: 18 April 2024**

**MOTION**

**Moved Councillor D C Gibson, seconded Councillor L M McMahon.**

**That the Motion, as per the Recommendation to Council, be adopted subject to correcting the attendance at the Workshop conducted on 11 April 2024 being that Cr Palmer was an apology and Cr Pentridge was present.**

**CARRIED 11:0**

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

**AGAINST VOTE: Nil**

**6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS**

**No Councillors' Leave of Absence Applications were identified as part of the Agenda.**

**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 - Sharon Wright (Advocacy and Impact, Project Coordinator) - Volunteering Tasmania**

**FILE NO:** SF6368

**AUTHOR:** Kelsey Hartland (Team Leader Governance)

**ACTING CHIEF EXECUTIVE OFFICER APPROVAL:** Shane Eberhardt

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**SUMMARY OF PRESENTATION**

Volunteering is the largest industry in Tasmania and is a core part of Tasmania's culture. Volunteers are present and contribute their time across all aspects of community life. They provide food relief, mental health support, care for injured wildlife and increase adult literacy outcomes. They transport medical equipment, enable major cultural and sporting events, respond to disasters, and form critical points of connection between business and community.

Volunteering has the unique potential to foster inclusion, participation, belonging, connection to people and place, community resilience and individual, collective, and environmental wellbeing. Despite Tasmania's strong volunteering culture, formal volunteer participation is in decline. Without immediate and strategic investment in the systems and structures that support the volunteer workforce, it is expected that by 2029 there will be a 42% gap between the demand for and supply of volunteers in Tasmania.

As the local volunteering peak body, Volunteering Tasmania advocate to decision makers to ensure the future of volunteering is safe and supported, informed by and on behalf of the volunteering industry. In conjunction with this, we support volunteering involving organisations by providing a range of specialised services with contemporary and innovative approaches designed to strengthen the Tasmanian volunteering sector.

**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 - Ron Baines - Bed and Breakfast Approvals - 4 April 2024**

**FILE NO:** SF6381

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**ACTING CHIEF EXECUTIVE OFFICER:** Shane Eberhardt

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**QUESTIONS AND RESPONSES:**

The following question submitted to Council on 4 April 2024 by Ron Baines, has been answered by Richard Jamieson (Manager City Development).

**Questions:**

1. It seems that Council's Homelessness Committee is being undermined by Council's continual approval of B&Bs in its boundaries, which obviously exacerbates the problem of long term rentals. How many B&B's have been approved in Launceston?

**Response:**

*Data on approvals of short term visitor accommodation is collected on a state-wide basis by the Consumer, Building and Occupational Services section of the Tasmanian Government Department of Justice. They publish a report on their website quarterly outlining how many business are operating. The latest published figures are from April to June 2023 can be found at <https://www.cbos.tas.gov.au/topics/housing/short-stay-accommodation-act>*

*As at Quarter 2 2023 there were 664 Reported Premises in the Launceston local government area.*

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**8.1.2. Public Question Time - Mowbray Golf Club - Newham Creek and Sediment - 9 April 2024**

**FILE NO:** SF6381/SF0714

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**ACITNG CHIEF EXECUTIVE OFFICER:** Shane Eberhardt

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**QUESTIONS AND RESPONSES:**

The following question submitted to Council on 9 April 2024 by Mowbray Golf Club, has been answered by Erica Deegan (Manager Infrastructure and Engineering).

**Questions:**

1. Mowbray Golf Club has been at its current site for over 90 years and we have over 450 members. The Newnham Creek that we use for irrigation and replenishment of dams is a vital tool that enables the Club to avoid using costly and precious city water unlike other courses in Launceston. We also have a notable number of diverse waterfowl that use our course year-round.

The large amount of run-off from industrial, mining and waste sites upstream consistently fill our dams with sediment, reducing the capacity for us to hold water through the summer months. We started our attempt to find recourse years ago. The City of Launceston told us to go to Department of Natural Resources, they told us to go to TasWater who told us to go the City of Launceston. Every governmental body we have contacted has passed the buck to each other resulting in a circle of blame with no one taking accountability, can Launceston City Council please help in finding the right approach to this problem?

**Response:**

*Newnham Creek is an important urban waterway, one of the key urban catchments identified in the City of Launceston's Urban Waterway Health Management Plan. The creek receives runoff from a fairly large area (1,760 Ha catchment area), a significant portion of which is developed urban area. The creek receives runoff from large residential areas, farmland, landfill, quarry, industrial sites along Remount and Cavalry Roads, a golf course and a racecourse.*

*Managing and reducing stormwater impacts on urban waterways is complex with no easy solutions. There are a number of different organisations that regulate different issues around stormwater pollution in the state, which makes looking at catchment wide issues a challenge. The City of Launceston is approaching this from a number of different angles in collaboration with other stakeholders. This includes:*

- *scheduled maintenance, including street cleaning, pit and pipe cleaning and maintenance of gross pollutant traps*
- *reactive investigations around specific pollution events*
- *waterway management - ongoing management and monitoring, including revegetation of urban waterways. This includes revegetation of multiple, small*

*sections of Newnham Creek over the past 3 years, including at Dover Reserve, Launceston Waste Centre and Ravenswood Mens Shed*

- *development control and land use planning - management of stormwater quantity and quality through development controls and land use planning*
- *targeted projects to reduce flood risk and/or water quality and aquatic health impacts.*

*Mowbray Golf Club has two registered dams, both of which are inline on Newnham Creek. Dams constructed inline (in the main creek stream) modify the waterway and are highly susceptible to various impacts to the creek from the upstream catchment. During rainfall events, Newnham Creek receives sediment runoff from the catchment, which is likely to be from a number of different sources.*

*As the Mowbray Golf Club are the owners and managers of the dam, they are responsible for maintaining the dam however the Water Team are happy to meet with the Golf Club to discuss the issue and provide advice where applicable.*

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**8.1.3. Public Questions on Notice - Ray Norman - Birchalls Building, Waste and Recovery Management; and Citizens Assemblies - 10 April 2024**

**FILE NO:** SF6381/SF0634/SF2628/SF4670/18182/18181/63380

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**ACTING CHIEF EXECUTIVE OFFICER:** Shane Eberhardt

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 10 April 2024 by Ray Norman, have been answered by Shane Eberhardt (Acting Chief Executive Officer).

**QUESTION 1**

**CONTEXT NOTE**

Given the plethora of rumours surrounding Council's (**NO Launceston's ratepayers**) acquisition of the Birchalls Building (**BB**) some of which is as follows:

- The current intended '**purchaser**' of **BB** has purchased or intends to purchase the Myer Building; and
- The current intended '**purchaser**' of **BB** has or intends sue Council for a large amount albeit that the Mayor acting on managerial advice says that it is not so; and
- The current intended '**purchaser**' of **BB** has apparently been unable to meet a commitment and for all intension's purposes no longer figures in whatever comes next for the **BB** in regard to its future; and
- The city's ratepayers can only look forward to an initial **FISCAL** loss AND a loss of opportunity **PLUS** further and ongoing losses; and
- The accumulated debts and losses consequent to what appears to be a **MANAGEMENT DRIVEN** initiative that has thus far has not delivered any kind of dividend – **fiscal, social nor cultural** – and that this circumstance shows every prospect of being compounded without the ratepayers' **ELECTED REPRESENTATIVES** taking charge of the situation; and
- There being acknowledgement aground **THE table** that around it there is insufficient collective knowledge, skills, or experience to bring the **BB debacle** to the best possible resolution; and
- There now needs to be a **CIRCUIT breaker** put in place to ensure that the city' ratepayers suffer no further losses given the current inequitable outcome that ratepayers have been forced into and to bear.

## THE QUESTION

Given that Council finds itself in an invidious position along with ratepayers will Council now move proactively to empanel a **CITIZEN'S ASSEMBLY** tasked to discover the actual circumstances that have led to this debacle; share its finding with the community; and offer advice on an equitable way forward where ratepayers' losses are minimalised?

### **Response:**

*Council continues to make informed decisions which are provided to the public when appropriate to do so, through a variety of formats.*

## QUESTION 2

### CONTEXT NOTE

Given that all the indications appear to be that:

- The city' **WASTE MANAGEMENT CENTRE** appears to be consigning something in the order of **50%** of the incoming '**waste stream**'\_that is deemed to be '**waste**' and thus consigned to landfill; and
- There is no proposed mechanism, managerial or other, to differentiate what might be understood as '**resource**' and what is truly '**waste matter**'; and
- Consequently, there is feasibly a high percentage if the '**50% deemed to be waste**' that is indeed an unacknowledged '**resource**' but nonetheless goes to landfill; and
- All this arguably runs counter to Council's **CLIMATE BEMERGENCY POLICY** and policies in place in other local governance jurisdictions; and
- Where there is an identifiable '**status quo**' mindset that asserts that there is no **MARKET** for the resources in the **50%** of the incoming '**waste stream**' is deemed to be only fit for landfill; an
- Moreover, is oblivious to the current and urgent need for '**sustainable resource recovery**' worldwide; and
- Additionally, too few opportunities are being provided to Council Officers in this area to acquire new knowledge, appropriate resources and/or skill sets to challenge the status quo; and
- Executive Management until recently has been asserting that the city's '**Waste Management Centre**' is '**Cost Neutral**' when explored further it becomes evident that is a "**goal**" **NOT A FISCAL**fact; and
- Essentially, the community is being effectively locked out of any '**policy determination process**' that might initiate change.

Altogether, all this places Launceston's ratepayers in situation that would be avoided with appropriate and proactive community engagement.

## THE QUESTION

Given that Council and ratepayers find themselves in unsustainable circumstances relevant to more sustainable resource recovery strategies, will Council now move proactively to **rename** the '**waste**' management centre to '**resource**' recovery centre and by extension, empanel a **CITIZEN'S ASSEMBLY** tasked to discover the actual circumstances that actually pertain in this '**space**' share its finding with Councillors, and the community; as well as offering advice on an equitable way forward where in excess of **90%** of the incoming '**waste stream**' can be deemed to be a resource?

### **Response:**

*Waste Management, incorporates a broad range of issues requiring different strategies to tackle priorities ranging from landfill, to the recovery and management of resources such as Food Organics Garden Organics (FOGO) and hazardous materials and the environmental impacts associated with this.*

## QUESTION 3

### CONTEXT NOTE

Given that Council management up to now has fervently opposed every proposition advanced to initiate a **CITIZEN'S ASSEMBLY/JURY** while the lack of the **ADVICE** such bodies elsewhere are delivering is making for better civic outcomes and delivering more appropriate governance. For example, the **Ostbelgien Model** – that provides for a long-term Citizens' Council combined with short-term Citizens' Assemblies – is arguably delivering better and more equitable governance.

In **Ostbelgien** (*German for Eastern Belgium, the German-speaking community of the country*) in **2019**, a permanent Citizens' Council was established in Ostbelgien to constitute the third fundamental democratic institution together with the Parliament and the Executive. While it might well be argued that this **GOVERNANCE** mode does not fit the **TASMANIAN** circumstance it on the available evidence can safely be regarded as self-serving '**vacuous rhetoric**' – or in the vernacular, **GOLD**plated **BOVINE**dust.

Clearly the inhibitor here is the in-built transparency and accountability and given that status quoists can forever be relied upon to promulgate such ill-informed decision making that is disconnected from those it is supposed to serve. It is submitted that Citizen's Assemblies/Juries and like '**forums**':

- Can and do deliver better governance outcomes; and
- Can and do deliver appropriate dispute resolutions; and
- Can and do deliver appropriate community consultation mechanisms; and
- Can and do provide for meaningful replacements for in-house '**advisory committees**' where Councillors (**those being advised**) are advising Council (**themselves**) and who are there delivering status quo advice as a consequence.

Marianne Williamson ... "**Today's status quo is unsustainable. Things are going to break in one direction or the other: either toward greater democracy and justice, or toward dystopia and authoritarianism.**" Marianne Williamson will find many on the

streets of Launceston who would openly support her and who fear ***'authoritarianism and dystopia'***!

### THE QUESTION

Given the implied and real benefits relative to Citizen's Assemblies/Juries and like forums will Council now move proactively to initiate a strategic policy shift to: **firstly**, make such assemblies an ongoing feature of the city's governance; and **secondly** work with adjoining local governance jurisdictions to likewise adopt such a strategic policy shift?

### **Response:**

*Mr Norman's requests for the establishment of Citizen's Assemblies have been previously addressed by the Council. The Council is committed to maintain its focus on existing engagement processes with external and internal stakeholders, including, community members and organisations, employees and other relevant agencies, as required.*

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**8.1.4. Public Questions on Notice - Robin Smith - Relocation of Thylacine Statues, Brisbane Street Mall Funding, It's All About Us Artwork, and Traffic in the CBD - 10 April 2024**

**FILE NO:** SF6381

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**ACTING CHIEF EXECUTIVE OFFICER:** Shane Eberhardt

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**QUESTIONS AND RESPONSES:**

The following questions submitted to Council on 10 April 2024 by Robin Smith, have been answered by Marcus Grantham (Team Leader Place Making), Michelle Ogulin (Manager Livable Communities), and Shane Eberhardt (Acting Chief Executive Officer)

**Questions:**

1. City of Launceston council has now relocated all 9 Bronze Tasmanian thylacine tiger statues from the Brisbane St. Mall to the Civic Square and sited them up on plinths and out of thoroughfares.

For 5 years we suggested council might consider raising them approximately where they were and obviously at all times intending for them to be retained in the Brisbane Mall.

So in the end, why wasn't it possible to make this elevation modification so as to retain them where they were in the Mall which would have achieved an appropriate level of safety please?

**Response:**

*In 2018, as part of the City Heart Stage 1 works, the Brisbane Street Mall ("BSM") was redeveloped to include high quality paving, greenery, built-in services for events, and sculptural art features (thylacine sculptures).*

*In response to community feedback that the size and location of the sculptures was of concern for those with impaired vision, the Council assessed that sculpture position, location or height be amended.*

*It was determined that raising the height of the sculptures in the BSM may introduce a risk of falling, and that construction costs which implement fall mitigation, were unfavourable.*

*To maximise public visibility, amenity, value, and the availability of raised landscape / infrastructure which will reduce both trip and fall incidences, the sculptures were moved to Civic Square.*

2. Council has advised me several times recently that the Brisbane Street Mall is still a 'work in progress'.

With the onset of City Heart Master Plan stage 2, is there funding provided for finishing off the Brisbane Street Mall (having been one of the 5 major projects that sat within City Heart stage 1)?

**Response:**

*The Brisbane Street Mall is highlighted as a key area for activation in future. We are currently evaluating a potential curated arts-based events series with local arts organisations.*

3. Previously, I enquired with council about the "It's About Us" artwork in the Brisbane Street Mall as it may have a dubious provenance. Did council make any findings that would have a material effect upon its tenure or warrant its removal?

**Response:**

*Council intends to undertake a city wide audit of public art work which is part of our public art action plan. While at this stage there are no current plans to remove or amend any artwork in the city, the public art audit may help identify the provenance of artwork in the city and inform the suitability of current artworks.*

4. City Heart used 'frisson' of excitement to describe the added effect two-way traffic has over shoppers versus one-way with vehicles coming from all directions. A supporting report detailed this as its sought-after and desirable aim. Now with the funding of the City Heart proposal to open up these Launceston CBD one-way streets to two-way traffic, does this thinking nowadays, go against the theory of reducing CBD vehicle movements, directions, volumes and types in order to be more pedestrian friendly?

**Response:**

*The intent to move to two way traffic is still a fundamental component of the Launceston City Heart. The benefits are considered to be:*

- Reduction in traffic volumes and speeds due to reduction in capacity and more friction at intersections*
  - Reduction in turning movements and travel distances as there will be more direct access.*
  - Improves cycling environment by reducing traffic, speed and creating more direct routes.*
  - Two way streets can have a significant positive impact on the amenity and experience for pedestrians.*
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**8.2. Public Questions Without Notice**

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

**8.2.1. Public Questions Without Notice 1 - Jeff Mitchell - Launceston Tool Library - 18 April 2024**

**As the Launceston Tool Library is no longer operating (as of 7 March 2024) and will cease to exist on 30 June 2024, what will the Council do with the community owned assets or the Launceston Tool Library of which the Council contributed approximately \$6,000 of equipment?**

**A library could be run by Volunteers (myself included) in conjunction with the Repair Cafe and "How to" classes (for example, how to lay tiles; make a picture frame) Launceston Tool Library. Will the Council Place all items of the library into storage until a new iteration can be established?**

**The Mayor, Councillor M K Garwood, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 2 May 2024.**

## 9. PLANNING AUTHORITY

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

### 9.1. DA0543/2023 - 10-16 Wellington Street and 2 Wellington Street Launceston - Visitor Accommodation - Partial Demolition of an Existing Building and Construction of a Hotel, Hotel Industry and Food Services

**FILE NO:** DA0543/2023

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

**GENERAL MANAGER APPROVAL:** Chelsea van Riet (Community and Place Network)

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#### DECISION STATEMENT:

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

#### PLANNING APPLICATION INFORMATION:

Applicant:	Red Panda Property Group Pty Ltd
Property:	10-16 Wellington Street, Launceston
Zoning:	Urban Mixed Use
Receipt Date:	17/11/2023
Validity Date:	4/01/2024
Further Information Request:	12/01/2024
Further Information Received:	02/02/2024
Deemed Approval (extension granted):	18/04/2024
Representations:	0

#### RELEVANT LEGISLATION:

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

#### PREVIOUS COUNCIL CONSIDERATION:

DA0180/2023 - Residential - Change of use to thirteen (13) dwellings and associated residential amenity spaces; Food Services - Change of use to two (2) restaurants, café, and speciality food and beverage; Hotel Industry/Resource Processing - Change of use to a bar and microbrewery, and wine bar; Alterations to existing building and car parking, including minor demolition; Alterations to access, including the creation of a new public road over CT156044/1. Approved under delegation 22 November 2023.



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**STANDARDS REQUIRING PLANNING DISCRETION:**

13.4.1 Building Height - P1

C2.5.1 Car Parking Numbers - P1

C3.5.1 Traffic Generation at a Vehicle Crossing, Level Crossing or New Junction - P1

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0543/2023 - Visitor Accommodation, Hotel Industry, and Food services - Partial Demolition of an existing building and construction of a hotel, restaurant, and bar, associated landscaping and car parking, and alterations to the access, including the creation of a new public road over 2 Wellington Street (CT156044/1), at 10-16 Wellington Street, Launceston, subject to the following conditions:

**ENDORSED PLANS & DOCUMENTS**

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

- a) Cover page, prepared by DKO Architecture, Drawing No. A000, Revision A, dated 29/01/2024;
- b) Contents, prepared by DKO Architecture, Drawing No. A001, Revision A, dated 29/01/2024;
- c) Site analysis, prepared by DKO Architecture, Drawing No. A002, Revision A, dated 29/01/2024;
- d) Site analysis - Location, prepared by DKO Architecture, Drawing No. A003, Revision A, dated 29/01/2024;
- e) Site analysis - Paterson Street, prepared by DKO Architecture, Drawing No. A004, Revision A, dated 29/01/2024;
- f) Site analysis - Site views, prepared by DKO Architecture, Drawing No. A005, Revision A, dated 29/01/2024;
- g) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A006, Revision A, dated 29/01/2024;
- h) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A007, Revision A, dated 29/01/2024;
- i) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A008, Revision A, dated 29/01/2024;
- j) Site analysis - Site opportunities, prepared by DKO Architecture, Drawing No. A009, Revision A, dated 29/01/2024;
- k) Site analysis - Site constraints, prepared by DKO Architecture, Drawing No. A010, Revision A, dated 29/01/2024;
- l) Design response, prepared by DKO Architecture, Drawing No. A100, Revision A, dated 29/01/2024;
- m) The architectural concept, prepared by DKO Architecture, Drawing No. A101, Revision A, dated 29/01/2024;
- n) Form diagrams, prepared by DKO Architecture, Drawing No. A102, Revision A, dated 29/01/2024;
- o) Form diagrams, prepared by DKO Architecture, Drawing No. A103, Revision A, dated 29/01/2024;

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- p) Form diagrams, prepared by DKO Architecture, Drawing No. A104, Revision A, dated 29/01/2024;
  - q) Form diagrams, prepared by DKO Architecture, Drawing No. A105, Revision A, dated 29/01/2024;
  - r) Form diagrams, prepared by DKO Architecture, Drawing No. A106, Revision A, dated 29/01/2024;
  - s) Form diagrams, prepared by DKO Architecture, Drawing No. A107, Revision A, dated 29/01/2024;
  - t) Form diagrams, prepared by DKO Architecture, Drawing No. A108, Revision A, dated 29/01/2024;
  - u) Perspective render, prepared by DKO Architecture, Drawing No. A109, Revision A, dated 29/01/2024;
  - v) Perspective render, prepared by DKO Architecture, Drawing No. A110, Revision A, dated 29/01/2024;
  - w) Architectural drawings, prepared by DKO Architecture, Drawing No. A111, Revision A, dated 29/01/2024;
  - x) Existing north elevation, prepared by DKO Architecture, Drawing No. A200, Revision A, dated 29/01/2024;
  - y) Existing east elevation, prepared by DKO Architecture, Drawing No. A201, Revision A, dated 29/01/2024;
  - z) Existing south elevation, prepared by DKO Architecture, Drawing No. A202, Revision A, dated 29/01/2024;
  - aa) Existing west elevation, prepared by DKO Architecture, Drawing No. A203, Revision A, dated 29/01/2024;
  - bb) Cover page, prepared by DKO Architecture, Drawing No. A204, Revision A, dated 29/01/2024;
  - cc) Demo plan, prepared by DKO Architecture, Drawing No. A205, Revision A, dated 29/01/2024;
  - dd) Ground floor plan, prepared by DKO Architecture, Drawing No. A206, Revision A, dated 29/01/2024;
  - ee) Level 1 plan, prepared by DKO Architecture, Drawing No. A207, Revision A, dated 29/01/2024;
  - ff) Level 2 plan, prepared by DKO Architecture, Drawing No. A208, Revision A, dated 29/01/2024;
  - gg) Typical hotel level 3-7, prepared by DKO Architecture, Drawing No. A209, Revision A, dated 29/01/2024;
  - hh) Hotel level 8, prepared by DKO Architecture, Drawing No. A210, Revision A, dated 29/01/2024;
  - ii) Hotel level 9, prepared by DKO Architecture, Drawing No. A211, Revision A, dated 29/01/2024;
  - jj) Roof plan, prepared by DKO Architecture, Drawing No. A212, Revision A, dated 29/01/2024;
  - kk) Aerial roof plan, prepared by DKO Architecture, Drawing No. A213, Revision A, dated 29/01/2024;
  - ll) Basement plan level 1, prepared by DKO Architecture, Drawing No. A214, Revision A, dated 29/01/2024;
  - mm) Typical basement plan level 02, prepared by DKO Architecture, Drawing No. A215, Revision A, dated 29/01/2024;
  - nn) Typical basement plan level 03, prepared by DKO Architecture, Drawing No. A216, Revision A, dated 29/01/2024;
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- oo) Elevations and sections, prepared by DKO Architecture, Drawing No. A300, Revision A, dated 29/01/2024;
  - pp) North elevation, prepared by DKO Architecture, Drawing No. A301, Revision A, dated 29/01/2024;
  - qq) East elevation, prepared by DKO Architecture, Drawing No. A302, Revision A, dated 29/01/2024;
  - rr) East streetscape - 3d perspective, prepared by DKO Architecture, Drawing No. A303, Revision A, dated 29/01/2024;
  - ss) South elevation, prepared by DKO Architecture, Drawing No. A304, Revision A, dated 29/01/2024;
  - tt) South elevation - 3d perspective, prepared by DKO Architecture, Drawing No. A305, Revision A, dated 29/01/2024;
  - uu) West elevation, prepared by DKO Architecture, Drawing No. A306, Revision A, dated 29/01/2024;
  - vv) West elevation façade detail, prepared by DKO Architecture, Drawing No. A307, Revision A, dated 29/01/2024;
  - ww) West elevation façade detail, prepared by DKO Architecture, Drawing No. A308, Revision A, dated 29/01/2024;
  - xx) Typical site section A, prepared by DKO Architecture, Drawing No. A310, Revision A, dated 29/01/2024;
  - yy) Typical site section B, prepared by DKO Architecture, Drawing No. A311, Revision A, dated 29/01/2024;
  - zz) Typical site section C, prepared by DKO Architecture, Drawing No. A312, Revision A, dated 29/01/2024;
  - aaa) Shadow diagrams, prepared by DKO Architecture, Drawing No. A400, Revision A, dated 29/01/2024;
  - bbb) Existing shadow June 21, prepared by DKO Architecture, Drawing No. A401, Revision A, dated 29/01/2024;
  - ccc) Existing shadow June 21, prepared by DKO Architecture, Drawing No. A402, Revision A, dated 29/01/2024;
  - ddd) Existing shadow April 25, prepared by DKO Architecture, Drawing No. A403, Revision A, dated 29/01/2024;
  - eee) Existing shadow April 25, prepared by DKO Architecture, Drawing No. A404, Revision A, dated 29/01/2024;
  - fff) Existing shadow November 11, prepared by DKO Architecture, Drawing No. A405, Revision A, dated 29/01/2024;
  - ggg) Existing shadow November 11, prepared by DKO Architecture, Drawing No. A406, Revision A, dated 29/01/2024;
  - hhh) Proposed shadow Sep 21, prepared by DKO Architecture, Drawing No. A407, Revision A, dated 29/01/2024;
  - iii) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A408, Revision A, dated 29/01/2024;
  - jjj) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A409, Revision A, dated 29/01/2024;
  - kkk) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A410, Revision A, dated 29/01/2024;
  - lll) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A411, Revision A, dated 29/01/2024;
  - mmm) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A412, Revision A, dated 29/01/2024;
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- nnn) Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A413, Revision A, dated 29/01/2024;
- ooo) Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A414, Revision A, dated 29/01/2024;
- ppp) Proposed shadow Nov 11, prepared by DKO Architecture, Drawing No. A415, Revision A, dated 29/01/2024;
- qqq) Development summary, prepared by DKO Architecture, Drawing No. A500, Revision A, dated 29/01/2024;
- rrr) Development summary, prepared by DKO Architecture, Drawing No. A501, Revision A, dated 29/01/2024;
- sss) Urban Views, prepared by DKO Architecture, Drawing No. A600, Revision A, dated 29/01/2024;
- ttt) Urban Views 01, prepared by DKO Architecture, Drawing No. A601, Revision A, dated 29/01/2024;
- uuu) Urban Views 02, prepared by DKO Architecture, Drawing No. A602, Revision A, dated 29/01/2024;
- vvv) Urban Views 03, prepared by DKO Architecture, Drawing No. A603, Revision A, dated 29/01/2024;
- www) Urban Views 04, prepared by DKO Architecture, Drawing No. A604, Revision A, dated 29/01/2024;
- xxx) Urban Views 05, prepared by DKO Architecture, Drawing No. A605, Revision A, dated 29/01/2024;
- yyy) Urban Views 06, prepared by DKO Architecture, Drawing No. A606, Revision A, dated 29/01/2024;
- zzz) Urban Views 07, prepared by DKO Architecture, Drawing No. A607, Revision A, dated 29/01/2024;
- aaaa) Urban Views 08, prepared by DKO Architecture, Drawing No. A608, Revision A, dated 29/01/2024;
- bbbb) Urban Views 09, prepared by DKO Architecture, Drawing No. A609, Revision A, dated 29/01/2024;
- cccc) Urban Views 10, prepared by DKO Architecture, Drawing No. A610, Revision A, dated 29/01/2024;
- dddd) Urban Views 11, prepared by DKO Architecture, Drawing No. A611, Revision A, dated 29/01/2024;
- eeee) Urban Views 12, prepared by DKO Architecture, Drawing No. A612, Revision A, dated 29/01/2024;
- ffff) Traffic Impact Assessment, prepared by Stantec, Ref 300304307, dated 29/01/2024;
- gggg) Landscape Architecture Concept Design, prepared by Arcadia, dated march 2023;
- hhhh) Amended proposal, prepared by DKO Architecture, dated 05/04/2024

### **AMENDED PLANS REQUIRED**

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development. The plans must be substantially in accordance with the plans prepared by DKO dated 5 April 2024, and attached to this permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:

1. Northern Tower:
  - A maximum height of 43.61m AHD (not including lift overrun)
  - Reduced parapet height to 41.71m AHD

- Paterson Street setback 39.7m
  - Wellington Street setback 42.93m
  - Western side setback 10.84m
2. Southern Tower:
- A maximum height of 35.51m AHD (not including on-roof structures or services)
  - Paterson Street setback 22.92m
  - Wellington Street setback 52.81m
  - Western side setback 9.41m
  - Northern side setback 27.7m
3. Use:  
A maximum of 140 rooms.

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.

#### **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.

#### **TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/00026-LCC, dated 13/02/2024 and attached to the permit.

#### **HOURS OF CONSTRUCTION**

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

#### **CONDITION 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.

### **DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council 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 Council 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.

### **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.

### **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.

### **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.

### **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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

### **RELOCATION OF A STREET TREE**

Any tree that is approved by council to be removed or relocated to facilitate a crossover must be replanted in accordance with TDS-R36-v3 or an approved Tree Removal and Re-Planting Guide submitted as part of the application. The tree must be maintained for a period of 12 months from the date evidence of re-planting is submitted to City of Launceston. All costs associated with the removal and replanting will be borne by the owner and/or their contractor.

If the tree is damaged or fails within this 12 month time period, the owners and/or their contractors will be liable for costs associated with the tree, including purchasing and replanting a replacement tree, and a further 12 maintenance of the tree and any residual value attributed to the tree.

### **SUBMISSION AND APPROVAL OF PLANS**

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

- a) Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - i. Electricity infrastructure including street lighting.
  - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
  - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- b) be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c) be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d) be accompanied by:
  - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

### **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.

Prior to the commencement of the use the private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager, Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a) Stormwater

- i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
- b) Roads - Access over No. 2 Wellington Street
  - i. Upgrading of the existing access over 2 Wellington Street to be a fully constructed road 6.0 metres wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel with the width measured from the face of the existing western kerb with kerb radii sufficient to facilitate the turning manoeuvres of the design vehicle,
  - ii. Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
  - iii. Provision of a vehicular crossing to provide access to 10-16 Wellington Street,
  - iv. Provision of all necessary line marking, signage and other traffic control devices.
- c) Electricity, Communications & Other Utilities
  - i. All necessary relocations of existing electrical infrastructure including street lightings within the alignment of the new road,
  - ii. All necessary relocations of any telecommunications infrastructure impacted by the development,
  - iii. All necessary relocations of any other infrastructure, including street furniture required by the development.

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

- Construction requirements,
- Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- Construction Audit inspections,
- Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

### **CONSTRUCTION DOCUMENTATION**

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

- a) An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure & 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 Council standards.

### **COMPLETION OF WORKS**

All works must be carried out to 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 Council standards will be required prior to issue of the Certificate of Practical Completion.



### **AS CONSTRUCTED PLANS**

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

### **PROTECTION OF PUBLIC OPEN SPACE**

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

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

### **PROTECTION OF EXISTING TREES**

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

### **REVEGETATION OF DISTURBED AREAS**

All disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

### **SIGNIFICANT TREE PROTECTION (MEMORIAL TREES)**

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

## **BUILDING ACT 2016 REQUIREMENTS**

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

### **Notes**

#### General

*This permit was issued based on the proposal documents submitted for DA0543/2023. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

#### 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.*

#### 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 <http://www.tascat.tas.gov.au>*

#### 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.*

Richard Jamieson (Manager City Development), Iain Moore (Senior Town Planner Policy and Projects) and Julia Bell (Director, Urbis) were in attendance to answer questions in respect to this item.

Dominic Gastani spoke for the Recommendation  
Caroline Graham spoke for the Recommendation

## MOTION

Moved Councillor A E Dawkins, seconded Councillor T G Walker.

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0543/2023 - Visitor Accommodation, Hotel Industry, and Food services - Partial Demolition of an existing building and construction of a hotel, restaurant, and bar, associated landscaping and car parking, and alterations to the access, including the creation of a new public road over 2 Wellington Street (CT156044/1), at 10-16 Wellington Street, Launceston, subject to the following conditions

### 1. ENDORSED PLANS & DOCUMENTS

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

- a) Cover page, prepared by DKO Architecture, Drawing No. A000, Revision A, dated 29/01/2024;
- b) Contents, prepared by DKO Architecture, Drawing No. A001, Revision A, dated 29/01/2024;
- c) Site analysis, prepared by DKO Architecture, Drawing No. A002, Revision A, dated 29/01/2024;
- d) Site analysis - Location, prepared by DKO Architecture, Drawing No. A003, Revision A, dated 29/01/2024;
- e) Site analysis - Paterson Street, prepared by DKO Architecture, Drawing No. A004, Revision A, dated 29/01/2024;
- f) Site analysis - Site views, prepared by DKO Architecture, Drawing No. A005, Revision A, dated 29/01/2024;
- g) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A006, Revision A, dated 29/01/2024;
- h) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A007, Revision A, dated 29/01/2024;
- i) Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A008, Revision A, dated 29/01/2024;
- j) Site analysis - Site opportunities, prepared by DKO Architecture, Drawing No. A009, Revision A, dated 29/01/2024;
- k) Site analysis - Site constraints, prepared by DKO Architecture, Drawing No. A010, Revision A, dated 29/01/2024;
- l) Design response, prepared by DKO Architecture, Drawing No. A100, Revision A, dated 29/01/2024;

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- m) The architectural concept, prepared by DKO Architecture, Drawing No. A101, Revision A, dated 29/01/2024;
  - n) Form diagrams, prepared by DKO Architecture, Drawing No. A102, Revision A, dated 29/01/2024;
  - o) Form diagrams, prepared by DKO Architecture, Drawing No. A103, Revision A, dated 29/01/2024;
  - p) Form diagrams, prepared by DKO Architecture, Drawing No. A104, Revision A, dated 29/01/2024;
  - q) Form diagrams, prepared by DKO Architecture, Drawing No. A105, Revision A, dated 29/01/2024;
  - r) Form diagrams, prepared by DKO Architecture, Drawing No. A106, Revision A, dated 29/01/2024;
  - s) Form diagrams, prepared by DKO Architecture, Drawing No. A107, Revision A, dated 29/01/2024;
  - t) Form diagrams, prepared by DKO Architecture, Drawing No. A108, Revision A, dated 29/01/2024;
  - u) Perspective render, prepared by DKO Architecture, Drawing No. A109, Revision A, dated 29/01/2024;
  - v) Perspective render, prepared by DKO Architecture, Drawing No. A110, Revision A, dated 29/01/2024;
  - w) Architectural drawings, prepared by DKO Architecture, Drawing No. A111, Revision A, dated 29/01/2024;
  - x) Existing north elevation, prepared by DKO Architecture, Drawing No. A200, Revision A, dated 29/01/2024;
  - y) Existing east elevation, prepared by DKO Architecture, Drawing No. A201, Revision A, dated 29/01/2024;
  - z) Existing south elevation, prepared by DKO Architecture, Drawing No. A202, Revision A, dated 29/01/2024;
  - aa) Existing west elevation, prepared by DKO Architecture, Drawing No. A203, Revision A, dated 29/01/2024;
  - bb) Cover page, prepared by DKO Architecture, Drawing No. A204, Revision A, dated 29/01/2024;
  - cc) Demo plan, prepared by DKO Architecture, Drawing No. A205, Revision A, dated 29/01/2024;
  - dd) Ground floor plan, prepared by DKO Architecture, Drawing No. A206, Revision A, dated 29/01/2024;
  - ee) Level 1 plan, prepared by DKO Architecture, Drawing No. A207, Revision A, dated 29/01/2024;
  - ff) Level 2 plan, prepared by DKO Architecture, Drawing No. A208, Revision A, dated 29/01/2024;
  - gg) Typical hotel level 3-7, prepared by DKO Architecture, Drawing No. A209, Revision A, dated 29/01/2024;
  - hh) Hotel level 8, prepared by DKO Architecture, Drawing No. A210, Revision A, dated 29/01/2024;
  - ii) Hotel level 9, prepared by DKO Architecture, Drawing No. A211, Revision A, dated 29/01/2024;
  - jj) Roof plan, prepared by DKO Architecture, Drawing No. A212, Revision A, dated 29/01/2024;
  - kk) Aerial roof plan, prepared by DKO Architecture, Drawing No. A213, Revision A, dated 29/01/2024;
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- ll) Basement plan level 1, prepared by DKO Architecture, Drawing No. A214, Revision A, dated 29/01/2024;
  - mm) Typical basement plan level 02, prepared by DKO Architecture, Drawing No. A215, Revision A, dated 29/01/2024;
  - nn) Typical basement plan level 03, prepared by DKO Architecture, Drawing No. A216, Revision A, dated 29/01/2024;
  - oo) Elevations and sections, prepared by DKO Architecture, Drawing No. A300, Revision A, dated 29/01/2024;
  - pp) North elevation, prepared by DKO Architecture, Drawing No. A301, Revision A, dated 29/01/2024;
  - qq) East elevation, prepared by DKO Architecture, Drawing No. A302, Revision A, dated 29/01/2024;
  - rr) East streetscape - 3d perspective, prepared by DKO Architecture, Drawing No. A303, Revision A, dated 29/01/2024;
  - ss) South elevation, prepared by DKO Architecture, Drawing No. A304, Revision A, dated 29/01/2024;
  - tt) South elevation - 3d perspective, prepared by DKO Architecture, Drawing No. A305, Revision A, dated 29/01/2024;
  - uu) West elevation, prepared by DKO Architecture, Drawing No. A306, Revision A, dated 29/01/2024;
  - vv) West elevation façade detail, prepared by DKO Architecture, Drawing No. A307, Revision A, dated 29/01/2024;
  - ww) West elevation façade detail, prepared by DKO Architecture, Drawing No. A308, Revision A, dated 29/01/2024;
  - xx) Typical site section A, prepared by DKO Architecture, Drawing No. A310, Revision A, dated 29/01/2024;
  - yy) Typical site section B, prepared by DKO Architecture, Drawing No. A311, Revision A, dated 29/01/2024;
  - zz) Typical site section C, prepared by DKO Architecture, Drawing No. A312, Revision A, dated 29/01/2024;
  - aaa) Shadow diagrams, prepared by DKO Architecture, Drawing No. A400, Revision A, dated 29/01/2024;
  - bbb) Existing shadow June 21, prepared by DKO Architecture, Drawing No. A401, Revision A, dated 29/01/2024;
  - ccc) Existing shadow June 21, prepared by DKO Architecture, Drawing No. A402, Revision A, dated 29/01/2024;
  - ddd) Existing shadow April 25, prepared by DKO Architecture, Drawing No. A403, Revision A, dated 29/01/2024;
  - eee) Existing shadow April 25, prepared by DKO Architecture, Drawing No. A404, Revision A, dated 29/01/2024;
  - fff) Existing shadow November 11, prepared by DKO Architecture, Drawing No. A405, Revision A, dated 29/01/2024;
  - ggg) Existing shadow November 11, prepared by DKO Architecture, Drawing No. A406, Revision A, dated 29/01/2024;
  - hhh) Proposed shadow Sep 21, prepared by DKO Architecture, Drawing No. A407, Revision A, dated 29/01/2024;
  - iii) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A408, Revision A, dated 29/01/2024;
  - jjj) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A409, Revision A, dated 29/01/2024;
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- kkk) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A410, Revision A, dated 29/01/2024;
  - lll) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A411, Revision A, dated 29/01/2024;
  - mmm) Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A412, Revision A, dated 29/01/2024;
  - nnn) Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A413, Revision A, dated 29/01/2024;
  - ooo) Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A414, Revision A, dated 29/01/2024;
  - ppp) Proposed shadow Nov 11, prepared by DKO Architecture, Drawing No. A415, Revision A, dated 29/01/2024;
  - qqq) Development summary, prepared by DKO Architecture, Drawing No. A500, Revision A, dated 29/01/2024;
  - rrr) Development summary, prepared by DKO Architecture, Drawing No. A501, Revision A, dated 29/01/2024;
  - sss) Urban Views, prepared by DKO Architecture, Drawing No. A600, Revision A, dated 29/01/2024;
  - ttt) Urban Views 01, prepared by DKO Architecture, Drawing No. A601, Revision A, dated 29/01/2024;
  - uuu) Urban Views 02, prepared by DKO Architecture, Drawing No. A602, Revision A, dated 29/01/2024;
  - vvv) Urban Views 03, prepared by DKO Architecture, Drawing No. A603, Revision A, dated 29/01/2024;
  - www) Urban Views 04, prepared by DKO Architecture, Drawing No. A604, Revision A, dated 29/01/2024;
  - xxx) Urban Views 05, prepared by DKO Architecture, Drawing No. A605, Revision A, dated 29/01/2024;
  - yyy) Urban Views 06, prepared by DKO Architecture, Drawing No. A606, Revision A, dated 29/01/2024;
  - zzz) Urban Views 07, prepared by DKO Architecture, Drawing No. A607, Revision A, dated 29/01/2024;
  - aaaa) Urban Views 08, prepared by DKO Architecture, Drawing No. A608, Revision A, dated 29/01/2024;
  - bbbb) Urban Views 09, prepared by DKO Architecture, Drawing No. A609, Revision A, dated 29/01/2024;
  - cccc) Urban Views 10, prepared by DKO Architecture, Drawing No. A610, Revision A, dated 29/01/2024;
  - dddd) Urban Views 11, prepared by DKO Architecture, Drawing No. A611, Revision A, dated 29/01/2024;
  - eeee) Urban Views 12, prepared by DKO Architecture, Drawing No. A612, Revision A, dated 29/01/2024;
  - ffff) Traffic Impact Assessment, prepared by Stantec, Ref 300304307, dated 29/01/2024;
  - gggg) Landscape Architecture Concept Design, prepared by Arcadia, dated march 2023;
  - hhhh) Amended proposal, prepared by DKO Architecture, dated 05/04/2024

## **2. LEGAL TITLE**

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

## **3. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/00026-LCC, dated 13/02/2024 and attached to the permit.

## **4. HOURS OF CONSTRUCTION**

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

## **5. CONDITION DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

- a) Be properly constructed to such levels that they can be used in accordance with the plans;
- b) Be surfaced with an impervious all weather seal;
- c) Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d) Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

## **6. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council 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 Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## **7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure and Assets Network is required prior to undertaking works where the works:

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

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

#### **8. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

#### **9. SOIL AND WATER MANAGEMENT PLAN**

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

#### **10. 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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

#### **11. RELOCATION OF A STREET TREE**

Any tree that is approved by council to be removed or relocated to facilitate a crossover must be replanted in accordance with TDS-R36-v3 or an approved Tree Removal and Re-Planting Guide submitted as part of the application. The tree must be maintained for a period of 12 months from the date evidence of re-planting is submitted to City of Launceston. All costs associated with the removal and replanting will be borne by the owner and/or their contractor.



If the tree is damaged or fails within this 12 month time period, the owners and/or their contractors will be liable for costs associated with the tree, including purchasing and replanting a replacement tree, and a further 12 maintenance of the tree and any residual value attributed to the tree.

## **12. SUBMISSION AND APPROVAL OF PLANS**

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

- a) Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - i. Electricity infrastructure including street lighting.
  - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
  - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- a) 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.
- b) be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- c) 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 & Final inspections.

## **13. 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.

Prior to the commencement of the use the private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager, Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a) Stormwater
  - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
- b) Roads - Access over No. 2 Wellington Street
  - i. Upgrading of the existing access over 2 Wellington Street to be a fully constructed road 6.0 metres wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel with the width measured from the face of the existing western kerb with kerb radii sufficient to facilitate the turning manoeuvres of the design vehicle,

- ii. Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
  - iii. Provision of a vehicular crossing to provide access to 10-16 Wellington Street,
  - iv. Provision of all necessary line marking, signage and other traffic control devices.
- c) Electricity, Communications & Other Utilities
- i. All necessary relocations of existing electrical infrastructure including street lightings within the alignment of the new road,
  - ii. All necessary relocations of any telecommunications infrastructure impacted by the development,
  - iii. All necessary relocations of any other infrastructure, including street furniture required by the development.

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

- Construction requirements,
- Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- Construction Audit inspections,
- Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

#### 14. CONSTRUCTION DOCUMENTATION

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

- a) An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure & 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 Council standards.

#### 15. COMPLETION OF WORKS

All works must be carried out to 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 Council standards will be required prior to issue of the Certificate of Practical Completion.

#### 16. AS CONSTRUCTED PLANS

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

#### **17. PROTECTION OF PUBLIC OPEN SPACE**

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

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

#### **18. PROTECTION OF EXISTING TREES**

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

#### **19. REVEGETATION OF DISTURBED AREAS**

All disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

#### **20. SIGNIFICANT TREE PROTECTION (MEMORIAL TREES)**

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

## **21. BUILDING ACT 2016 REQUIREMENTS**

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0543/2023. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

#### **B. Restrictive Covenants**

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

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

#### **C. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & 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 <http://www.tascat.tas.gov.au>*

**E. 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.*

**NO VOTE WAS TAKEN AS AN AMENDMENT WAS PUT**

**DECISION:** 18 April 2024

**MOTION**

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

That the Motion is amended to:

- 1 - Remove item (hhhh) from the Endorsed Plans and Documents
- 2 - Reference to the Tasmanian Heritage Council Determination of 13 March 2024 be carried across

**CARRIED 12:0**

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

**DECISION:** 18 April 2024

**MOTION**

Moved Councillor A J Palmer, seconded Councillor A J Britton.

That Councillor D C Gibson be granted an additional three minutes speaking time.

**CARRIED 12:0**

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

**DECISION: 18 April 2024**

Moved Councillor A E Dawkins, seconded Councillor T G Walker.

**MOTION**

That:

1. Council notes the outcome of the referral to the Tasmanian Heritage Council being that Notice of Heritage Decision dated 13 March 2024 consents to a permit being granted subject to conditions.
2. In accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0543/2023 - Visitor Accommodation, Hotel Industry, and Food services - Partial Demolition of an existing building and construction of a hotel, restaurant, and bar, associated landscaping and car parking, and alterations to the access, including the creation of a new public road over 2 Wellington Street (CT156044/1), at 10-16 Wellington Street, Launceston, subject to the following conditions:

**1. ENDORSED PLANS & DOCUMENTS**

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

- a. Cover page, prepared by DKO Architecture, Drawing No. A000, Revision A, dated 29/01/2024;
  - b. Contents, prepared by DKO Architecture, Drawing No. A001, Revision A, dated 29/01/2024;
  - c. Site analysis, prepared by DKO Architecture, Drawing No. A002, Revision A, dated 29/01/2024;
  - d. Site analysis - Location, prepared by DKO Architecture, Drawing No. A003, Revision A, dated 29/01/2024;
  - e. Site analysis - Paterson Street, prepared by DKO Architecture, Drawing No. A004, Revision A, dated 29/01/2024;
  - f. Site analysis - Site views, prepared by DKO Architecture, Drawing No. A005, Revision A, dated 29/01/2024;
  - g. Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A006, Revision A, dated 29/01/2024;
  - h. Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A007, Revision A, dated 29/01/2024;
  - i. Site analysis - Site photos, prepared by DKO Architecture, Drawing No. A008, Revision A, dated 29/01/2024;
  - j. Site analysis - Site opportunities, prepared by DKO Architecture, Drawing No. A009, Revision A, dated 29/01/2024;
  - k. Site analysis - Site constraints, prepared by DKO Architecture, Drawing No. A010, Revision A, dated 29/01/2024;
  - l. Design response, prepared by DKO Architecture, Drawing No. A100, Revision A, dated 29/01/2024;
  - m. The architectural concept, prepared by DKO Architecture, Drawing No. A101,
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- Revision A, dated 29/01/2024;
- n. Form diagrams, prepared by DKO Architecture, Drawing No. A102, Revision A, dated 29/01/2024;
  - o. Form diagrams, prepared by DKO Architecture, Drawing No. A103, Revision A, dated 29/01/2024;
  - p. Form diagrams, prepared by DKO Architecture, Drawing No. A104, Revision A, dated 29/01/2024;
  - q. Form diagrams, prepared by DKO Architecture, Drawing No. A105, Revision A, dated 29/01/2024;
  - r. Form diagrams, prepared by DKO Architecture, Drawing No. A106, Revision A, dated 29/01/2024;
  - s. Form diagrams, prepared by DKO Architecture, Drawing No. A107, Revision A, dated 29/01/2024;
  - t. Form diagrams, prepared by DKO Architecture, Drawing No. A108, Revision A, dated 29/01/2024;
  - u. Perspective render, prepared by DKO Architecture, Drawing No. A109, Revision A, dated 29/01/2024;
  - v. Perspective render, prepared by DKO Architecture, Drawing No. A110, Revision A, dated 29/01/2024;
  - w. Architectural drawings, prepared by DKO Architecture, Drawing No. A111, Revision A, dated 29/01/2024;
  - x. Existing north elevation, prepared by DKO Architecture, Drawing No. A200, Revision A, dated 29/01/2024;
  - y. Existing east elevation, prepared by DKO Architecture, Drawing No. A201, Revision A, dated 29/01/2024;
  - z. Existing south elevation, prepared by DKO Architecture, Drawing No. A202, Revision A, dated 29/01/2024;
  - aa. Existing west elevation, prepared by DKO Architecture, Drawing No. A203, Revision A, dated 29/01/2024;
  - bb. Cover page, prepared by DKO Architecture, Drawing No. A204, Revision A, dated 29/01/2024;
  - cc. Demo plan, prepared by DKO Architecture, Drawing No. A205, Revision A, dated 29/01/2024;
  - dd. Ground floor plan, prepared by DKO Architecture, Drawing No. A206, Revision A, dated 29/01/2024;
  - ee. Level 1 plan, prepared by DKO Architecture, Drawing No. A207, Revision A, dated 29/01/2024;
  - ff. Level 2 plan, prepared by DKO Architecture, Drawing No. A208, Revision A, dated 29/01/2024;
  - gg. Typical hotel level 3-7, prepared by DKO Architecture, Drawing No. A209, Revision A, dated 29/01/2024;
  - hh. Hotel level 8, prepared by DKO Architecture, Drawing No. A210, Revision A, dated 29/01/2024;
  - ii. Hotel level 9, prepared by DKO Architecture, Drawing No. A211, Revision A, dated 29/01/2024;
  - jj. Roof plan, prepared by DKO Architecture, Drawing No. A212, Revision A, dated 29/01/2024;
  - kk. Aerial roof plan, prepared by DKO Architecture, Drawing No. A213, Revision A, dated 29/01/2024;
  - ll. Basement plan level 1, prepared by DKO Architecture, Drawing No. A214,

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- Revision A, dated 29/01/2024;
  - mm. Typical basement plan level 02, prepared by DKO Architecture, Drawing No. A215, Revision A, dated 29/01/2024;
  - nn. Typical basement plan level 03, prepared by DKO Architecture, Drawing No. A216, Revision A, dated 29/01/2024;
  - oo. Elevations and sections, prepared by DKO Architecture, Drawing No. A300, Revision A, dated 29/01/2024;
  - pp. North elevation, prepared by DKO Architecture, Drawing No. A301, Revision A, dated 29/01/2024;
  - qq. East elevation, prepared by DKO Architecture, Drawing No. A302, Revision A, dated 29/01/2024;
  - rr. East streetscape - 3d perspective, prepared by DKO Architecture, Drawing No. A303, Revision A, dated 29/01/2024;
  - ss. South elevation, prepared by DKO Architecture, Drawing No. A304, Revision A, dated 29/01/2024;
  - tt. South elevation - 3d perspective, prepared by DKO Architecture, Drawing No. A305, Revision A, dated 29/01/2024;
  - uu. West elevation, prepared by DKO Architecture, Drawing No. A306, Revision A, dated 29/01/2024;
  - vv. West elevation façade detail, prepared by DKO Architecture, Drawing No. A307, Revision A, dated 29/01/2024;
  - ww. West elevation façade detail, prepared by DKO Architecture, Drawing No. A308, Revision A, dated 29/01/2024;
  - xx. Typical site section A, prepared by DKO Architecture, Drawing No. A310, Revision A, dated 29/01/2024;
  - yy. Typical site section B, prepared by DKO Architecture, Drawing No. A311, Revision A, dated 29/01/2024;
  - zz. Typical site section C, prepared by DKO Architecture, Drawing No. A312, Revision A, dated 29/01/2024;
  - aaa. Shadow diagrams, prepared by DKO Architecture, Drawing No. A400, Revision A, dated 29/01/2024;
  - bbb. Existing shadow June 21, prepared by DKO Architecture, Drawing No. A401, Revision A, dated 29/01/2024;
  - ccc. Existing shadow June 21, prepared by DKO Architecture, Drawing No. A402, Revision A, dated 29/01/2024;
  - ddd. Existing shadow April 25, prepared by DKO Architecture, Drawing No. A403, Revision A, dated 29/01/2024;
  - eee. Existing shadow April 25, prepared by DKO Architecture, Drawing No. A404, Revision A, dated 29/01/2024;
  - fff. Existing shadow November 11, prepared by DKO Architecture, Drawing No. A405, Revision A, dated 29/01/2024;
  - ggg. Existing shadow November 11, prepared by DKO Architecture, Drawing No. A406, Revision A, dated 29/01/2024;
  - hhh. Proposed shadow Sep 21, prepared by DKO Architecture, Drawing No. A407, Revision A, dated 29/01/2024;
  - iii. Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A408, Revision A, dated 29/01/2024;
  - jjj. Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A409, Revision A, dated 29/01/2024;
  - kkk. Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A410,
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- Revision A, dated 29/01/2024;
- lll. Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A411, Revision A, dated 29/01/2024;
- mmm. Proposed shadow Jun 21, prepared by DKO Architecture, Drawing No. A412, Revision A, dated 29/01/2024;
- nnn. Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A413, Revision A, dated 29/01/2024;
- ooo. Proposed shadow Apr 25, prepared by DKO Architecture, Drawing No. A414, Revision A, dated 29/01/2024;
- ppp. Proposed shadow Nov 11, prepared by DKO Architecture, Drawing No. A415, Revision A, dated 29/01/2024;
- qqq. Development summary, prepared by DKO Architecture, Drawing No. A500, Revision A, dated 29/01/2024;
- rrr. Development summary, prepared by DKO Architecture, Drawing No. A501, Revision A, dated 29/01/2024;
- sss. Urban Views, prepared by DKO Architecture, Drawing No. A600, Revision A, dated 29/01/2024;
- ttt. Urban Views 01, prepared by DKO Architecture, Drawing No. A601, Revision A, dated 29/01/2024;
- uuu. Urban Views 02, prepared by DKO Architecture, Drawing No. A602, Revision A, dated 29/01/2024;
- vvv. Urban Views 03, prepared by DKO Architecture, Drawing No. A603, Revision A, dated 29/01/2024;
- www. Urban Views 04, prepared by DKO Architecture, Drawing No. A604, Revision A, dated 29/01/2024;
- xxx. Urban Views 05, prepared by DKO Architecture, Drawing No. A605, Revision A, dated 29/01/2024;
- yyy. Urban Views 06, prepared by DKO Architecture, Drawing No. A606, Revision A, dated 29/01/2024;
- zzz. Urban Views 07, prepared by DKO Architecture, Drawing No. A607, Revision A, dated 29/01/2024;
- aaaa. Urban Views 08, prepared by DKO Architecture, Drawing No. A608, Revision A, dated 29/01/2024;
- bbbb. Urban Views 09, prepared by DKO Architecture, Drawing No. A609, Revision A, dated 29/01/2024;
- cccc. Urban Views 10, prepared by DKO Architecture, Drawing No. A610, Revision A, dated 29/01/2024;
- dddd. Urban Views 11, prepared by DKO Architecture, Drawing No. A611, Revision A, dated 29/01/2024;
- eeee. Urban Views 12, prepared by DKO Architecture, Drawing No. A612, Revision A, dated 29/01/2024;
- ffff. Traffic Impact Assessment, prepared by Stantec, Ref 300304307, dated 29/01/2024;
- gggg. Landscape Architecture Concept Design, prepared by Arcadia, dated march 2023.

## **2. LEGAL TITLE**

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

## **3. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/00026-LCC, dated 13/02/2024 and attached to the permit.

## **4. HOURS OF CONSTRUCTION**

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

## **5. CONDITION DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

- a. Be properly constructed to such levels that they can be used in accordance with the plans;
- b. Be surfaced with an impervious all weather seal;
- c. Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

## **6. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council 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 Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## **7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure and Assets Network is required prior to undertaking works where the works:

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

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

#### **8. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

#### **9. SOIL AND WATER MANAGEMENT PLAN**

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

#### **10. 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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

#### **11. RELOCATION OF A STREET TREE**

Any tree that is approved by council to be removed or relocated to facilitate a crossover must be replanted in accordance with TDS-R36-v3 or an approved Tree Removal and Re-Planting Guide submitted as part of the application. The tree must be maintained for a period of 12 months from the date evidence of re-planting is submitted to City of Launceston. All costs associated with the removal and replanting will be borne by the owner and/or their contractor.

If the tree is damaged or fails within this 12 month time period, the owners and/or their contractors will be liable for costs associated with the tree, including purchasing and replanting a replacement tree, and a further 12 maintenance of the tree and any residual value attributed to the tree.

## **12. SUBMISSION AND APPROVAL OF PLANS**

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

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - a. Electricity infrastructure including street lighting.
  - b. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
  - c. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- a. 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.
- b. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- c. 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 & Final inspections.

## **13. 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.

Prior to the commencement of the use the private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager, Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
  - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
- b. Roads - Access over No. 2 Wellington Street
  - i. Upgrading of the existing access over 2 Wellington Street to be a fully constructed road 6.0 metres wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel with the width measured from the face of the existing western kerb with kerb radii sufficient to facilitate the turning manoeuvres of the design vehicle,
  - ii. Provision of a 1500mm wide footpath located on one side of the road and all

- necessary pedestrian kerb ramps,
- iii. Provision of a vehicular crossing to provide access to 10-16 Wellington Street,
- iv. Provision of all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications & Other Utilities
  - i. All necessary relocations of existing electrical infrastructure including street lightings within the alignment of the new road,
  - ii. All necessary relocations of any telecommunications infrastructure impacted by the development,
  - iii. All necessary relocations of any other infrastructure, including street furniture required by the development.

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

- Construction requirements,
- Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- Construction Audit inspections,
- Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

#### **14. CONSTRUCTION DOCUMENTATION**

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

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure & 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 Council standards.

#### **15. COMPLETION OF WORKS**

All works must be carried out to 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 Council standards will be required prior to issue of the Certificate of Practical Completion.

#### **16. AS CONSTRUCTED PLANS**

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

#### **17. PROTECTION OF PUBLIC OPEN SPACE**

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

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

#### **18. PROTECTION OF EXISTING TREES**

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

#### **19. REVEGETATION OF DISTURBED AREAS**

All disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

#### **20. SIGNIFICANT TREE PROTECTION (MEMORIAL TREES)**

Existing trees identified for retention on No. 2 Wellington Street between the access road and the boundary with No. 10-16 Wellington Street, as identified in Drawing No. DA205, must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

#### **21. BUILDING ACT 2016 REQUIREMENTS**

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

## Notes

### A. General

***This permit was issued based on the proposal documents submitted for DA0543/2023. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.***

### B. Restrictive Covenants

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

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

### C. Appeal Provisions

***A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & 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 <http://www.tascat.tas.gov.au>***

### E. 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.***

**CARRIED 9:3**

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

**AGAINST VOTE: Councillor D C Gibson, Councillor Prof G Razay and Councillor A J Britton**

**Council adjourned for a break at 2.43pm.**

**Council resumed following the break at 2.50pm**

**Councillor T G Walker re-attended the meeting at 2.52pm**



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**9.2. DA0547/2023 - 18 Wyett Street & 44 Hill Street, West Launceston - Residential - Construction of an Additional Dwelling with Access Over 44 Hill Street, West Launceston (Re-advertised)**

**FILE NO:** DA0547/2023

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

**GENERAL MANAGER APPROVAL:** Chelsea van Riet (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	S Group
Property:	18 Wyett Street and 44 Hill Street, West Launceston
Zoning:	General Residential
Receipt Date:	22/11/2023
Validity Date:	21/12/2023
Further Information Request:	01/12/2023
Further Information Received:	21/12/2023
Deemed Approval:	18/04/2024
Representations:	53

**RELEVANT LEGISLATION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**STANDARDS REQUIRING PLANNING DISCRETION:**

8.4.2 Setbacks and building envelope for all dwellings - P3  
8.4.6 Privacy for all dwellings - P1 & P2  
C2.5.1 Car parking umbers - P1.2  
C2.6.2 Design and layout of parking areas - P1

## **RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0547/2023 - Residential - Construction of an additional dwelling with access over 44 Hill Street, at 18 Wyett Street and 44 Hill Street, West Launceston, subject to the following conditions:

### **1. ENDORSED PLANS & DOCUMENTS**

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

- a) Cover, prepared by S Group, Drawing No. A001, Revision D, dated 26/02/2024;
- b) Site Plan, prepared by S Group, Drawing No. A100, Revision D, dated 26/02/2024;
- c) Shadow Diagrams, prepared by S Group, Drawing No. A101, Revision D, dated 26/02/2024;
- d) Proposed Floor Plan, prepared by S Group, Drawing No. A201, Revision D, dated 26/02/2024;
- e) 3D, prepared by S Group, Drawing No. A202, Revision D, dated 26/02/2024;
- f) 3D, prepared by S Group, Drawing No. A203, Revision D, dated 26/02/2024;
- g) 3D with Envelope, prepared by S Group, Drawing No. A204, Revision D, dated 26/02/2024;
- h) 3D with Envelope, prepared by S Group, Drawing No. A205, Revision D, dated 26/02/2024;
- i) 3D with Envelope, prepared by S Group, Drawing No. A206, Revision D, dated 26/02/2024; and
- j) Proposed Elevations, prepared by S Group, Drawing No. A300, Revision D, dated 26/02/2024.

### **2. CAR PARKING & ACCESS**

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.

### **3. LEGAL TITLE**

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

### **4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2023/01673-LCC and attached to the permit.

### **5. HOURS OF CONSTRUCTION**

a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:

- i. Monday to Friday - 7 am to 6 pm; and
- ii. Saturday - 8 am to 6 pm.

b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

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## **6. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)**

Where required as a result of Advice to the Drainage Authority provided on a TasWater Submission to Planning Authority Notice (SPAN), issued for the development, On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager, Infrastructure & Assets Network for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

## **7. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council 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 Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## **8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure and Assets Network is required prior to undertaking works where the works:

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

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

## **9. SOIL AND WATER MANAGEMENT PLAN**

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

other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

#### **10. 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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

#### **11. AMENITY**

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

#### **12. NO BURNING OF WASTE**

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

#### **13. BUILDING ACT 2016 REQUIREMENTS**

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

#### **14. CONSTRUCTION MANAGEMENT**

A construction management plan must be created and provided to the users of the right of way existing over 44 Hill Street. The construction management plan must include the following:

- a. the nature, dates and duration of the occupation and/or works;
- b. the contractors name, phone number, and registration number;
- c. the traffic management works that are utilised must provide for the continued safe use of the right of way by pedestrians and vehicles;
- d. if access to the right of way is impeded, notification must be provided to the users of the right of way

#### **Notes**

##### **A. General**

*This permit was issued based on the proposal documents submitted for DA0547/2023. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

**B. Restrictive Covenants**

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

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

**C. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & 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) <<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.*

**E. Fixed Equipment Use**

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

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**Richard Jamieson (Manager City Development) and Iain More (Senior Town Planner Policy and Projects) were in attendance to answer questions in respect to this item.**

**Elizabeth Maclaine-Cross (on behalf of multiple Representors), spoke against the Recommendation**

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**Eamonn Tiernan (on behalf of multiple Representors) spoke against the Recommendation**

**Cam Harbrow spoke against the Recommendation**

**Councillor J J Pentridge withdrew from the Meeting at 3:21 pm**

**Councillor J J Pentridge re-attended the Meeting at 3:31 pm**

**Councillor T G Walker withdrew from the Meeting at 3:50 pm**

**Councillor T G Walker re-attended the Meeting at 3:51 pm**

**Councillor D C Gibson withdrew from the Meeting at 4:10 pm**

**Councillor D C Gibson re-attended the Meeting at 4:12 pm**

**Acting Chief Executive Officer Shane Eberhardt withdrew from the meeting at 4.26pm**

**Acting Chief Executive Officer Shane Eberhardt re-attended the meeting at 4.31pm**

**Councillor A G Harris retired from the Meeting at 4:35 pm**

**Councillor A J Palmer withdrew from the Meeting at 4:43 pm**

**Councillor A J Palmer re-attended the Meeting at 4.47pm**

**DECISION: 18 April 2024**

## **MOTION**

**Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor A G Harris.**

**That the Motion, as per the Recommendation to Council, be adopted noting that Councillors were provided a copy of the advertised plans that were not included in the published Agenda.**

**LOST 0:11**

**FOR VOTE: Nil**

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

**ABSENT AT THE TIME OF VOTE: Councillor A G Harris**

**DECISION: 18 April 2024**

**MOTION**

**Moved Councillor D C Gibson, seconded Councillor L M McMahon.**

**That Deputy Mayor, Councillor D H McKenzie be granted an additional three minutes speaking time.**

**CARRIED 11:1**

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

**Councillor Britton retired from the Meeting at 4.57pm**  
**Councillor S Cai withdrew from the Meeting at 4.48pm**  
**Councillor S Cai re-attended the Meeting at 4.50pm**

**DECISION: 18 April 2024**

**MOTION**

**Moved Councillor A J Britton, seconded Councillor T G Walker.**

**That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Launceston, a permit be refused for DA0547/2023 - Residential - Construction of an additional dwelling with access over 44 Hill Street, at 18 Wyett Street and 44 Hill Street, West Launceston, on the following grounds:**

**1. Clause 8.4.2 Setbacks and building envelope for all dwellings - Performance Criteria P3**

**The proposal will cause an unreasonable loss of amenity to the adjoining properties due to its visual impact caused by its protrusion outside of the building envelope.**

**2. Clause C2.6.2 Design and layout of parking areas - Performance Criteria P1**

**The access width of the right of way is too narrow to accommodate the number of vehicles utilising the driveway, resulting in inconvenient and unsafe access.**

**CARRIED 10:0**

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

**AGAINST VOTE: Nil**

**ABSENT AT THE TIME OF VOTE: Councillor A J Britton**



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**9.3. DA0055/2024 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of Alterations and Additions to a School; Subdivision - Consolidation of Two Lots into One**

**FILE NO:** DA0055/2024

**AUTHOR:** Duncan Payton (Town Planner)

**GENERAL MANAGER APPROVAL:** Chelsea van Riet (Community and Place Network)

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Scotch Oakburn College
Property:	74-78 Elphin Road, Newstead
Zoning:	Community Purpose
Receipt Date:	12/02/2024
Validity Date:	19/02/2024
Further Information Request:	23/02/2024
Further Information Received:	08/03/2024
Deemed Approval:	22/04/2024
Representations:	6

**RELEVANT LEGISLATION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

There have been multiple applications for development at the school site, including previous iterations of an Inquiry and Environment Centre in the current proposed location.

Relevantly an early application (DA0646/2021) for an Inquiry and Environment Centre was withdrawn.

Council - 1 December 2022 - 9.2 DA0593/2022 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of two Buildings and Alterations and Additions to Existing Landscaping. This was a revised application which was approved subject to conditions. That permit has not been acted upon.

The permit approved a two storey building located to the south of the existing arts building adjacent to the basketball court and extended over the grassed sports and play area.

The approval included a condition requiring the Manager of City Development to be consulted to assess any additional parking requirements prior to staff numbers increasing beyond the existing 77 FTE.

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Whilst not a condition (as the Broadland Drive site was not part of the application) considerable weight was given to the undertaking by the School, in good faith, to establish staff parking in Broadland Drive to reduce parking pressure on the surrounding streets.

Consistent with that undertaking, a sealed car park, line marked for 30 car parking spaces, has been created on the southern side of the junction of Dowling Street and Broadland Drive. As noted by representor's the take-up of these car parking spaces is poor.

**STANDARDS REQUIRING PLANNING DISCRETION:**

C2.5.1 P1.1 - Car parking numbers  
C2.5.3 P1 - Motor cycle parking numbers

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0055/2024 - Education and Occasional Care - construction of alterations and additions to a school; Subdivision - consolidation of two lots into one lot at 74-78 Elphin Road, Newstead, subject to the following conditions:

**1. ENDORSED PLANS & 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. Plan of subdivision, prepared by Cohen & Associates, reference 84-54, 74-78 Elphin Road, Newstead, revision 1, page 1, dated 05/03/2024
- b. Cover Sheet, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA000, dated 29/01/2024
- c. Site Plan - Existing & Demolition, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA001, dated 29/01/2024
- d. Site Plan - Proposed, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA002, dated 29/01/2024
- e. Floor Plan, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA003, dated 29/01/2024
- f. Roof Plan, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA004, dated 29/01/2024
- g. Building Elevations, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA005 dated 29/01/2024
- h. Sections, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA006, dated 29/01/2024
- i. Shadow Diagrams #1, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA007, dated 29/01/2024

- j. Shadow Diagrams #2, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision A, Page DA008, dated 29/01/2024
- k. Landscape Concept Plan, prepared by Lange Design, Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page 1, dated 24/01/2024
- l. Plant Species and Specification Notes, prepared by Lange Design, Environment Centre, 72-78 Elphin road, Newstead, Revision A, Page 2, dated 24/01/2024

## **2. FINAL PLAN OF SURVEY**

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

## **3. STAFF NUMBERS**

This permit is issued for the existing employee number of 77 FTE (including early learning). Prior to staff numbers increasing above 77 FTE. Scotch Oakburn College must inform the Manager City Development to ensure compliance with the planning scheme and to determine the need for additional parking.

## **4. LEGAL TITLE**

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

## **5. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Amended Submission to Planning Authority Notice, Reference No. TWDA 2024/00200-LCC, dated 13/03/2024 and attached to the permit.

## **6. HOURS OF CONSTRUCTION**

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

## **7. HERITAGE**

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 8367, dated 08 April 2024 and attached to the permit.

## **8. 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 and not removed, destroyed or lopped without the written consent of the Council.

### **9. NO FURTHER VEGETATION REMOVAL**

Tree and vegetation removal must be limited to those specifically notated on the approved plan(s).

No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

### **10. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council 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 Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

### **11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

### **12. SOIL AND WATER MANAGEMENT PLAN**

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

### **13. FACILITIES AND HIGHWAYS BY-LAW**

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

#### 14. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

#### 15. DEMOLITION

The developer must:

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

#### Notes

##### A. General

*This permit was issued based on the proposal documents submitted for DA0055/2024.*

*You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

##### B. Restrictive Covenants

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

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

**C. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & 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) <<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.*

**E. Staff Parking**

*Scotch Oakburn College is encouraged to promote the use of the off-site car park at Broadland Drive by school staff to ease the burden on the suburban streets immediately surrounding the school.*

**F. Operation of drop-off zones**

*Scotch Oakburn College is encouraged to regularly assess the resourcing and operation of the student drop-off zones to ensure their efficiency and effectiveness and their continued contribution towards the reduction in traffic and parking conflict in the surrounding suburban streets.*

**G. Building Act 2016 Requirements**

*Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.*

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**Deputy Mayor Councillor D H McKenzie withdrew from the Meeting at 4:58pm**  
**Deputy Mayor Councillor D H McKenzie re-attended the Meeting at 5:07pm**  
**Councillor L M McMahon withdrew from the Meeting at 5.05pm**  
**Councillor L M McMahon re-attended the Meeting at 5:07 pm**

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**DECISION:** 18 April 2024

**MOTION**

Moved Councillor D C Gibson, seconded Councillor T G Walker.

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0055/2024 - Education and Occasional Care - construction of alterations and additions to a school; Subdivision - consolidation of two lots into one lot at 74-78 Elphin Road, Newstead, subject to the following conditions: Councillor L M McMahon withdrew from the Meeting at 5:05 pm

**1. ENDORSED PLANS & 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. Plan of subdivision, prepared by Cohen & Associates, reference 84-54, 74-78 Elphin Road, Newstead, revision 1, page 1, dated 05/03/2024
- b. Cover Sheet, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA000, dated 29/01/2024
- c. Site Plan - Existing & Demolition, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA001, dated 29/01/2024
- d. Site Plan - Proposed, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA002, dated 29/01/2024
- e. Floor Plan, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA003, dated 29/01/2024
- f. Roof Plan, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA004, dated 29/01/2024
- g. Building Elevations, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision C, Page DA005 dated 29/01/2024
- h. Sections, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page DA006, dated 29/01/2024
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- j. Shadow Diagrams #2, prepared by Philp Lighton Architects project no. 23.313, Elphin enquiry and Environment Centre, 72-78 Elphin road, Newstead, Revision A, Page DA008, dated 29/01/2024
- k. Landscape Concept Plan, prepared by Lange Design, Environment Centre, 72-78 Elphin road, Newstead, Revision B, Page 1, dated 24/01/2024
- l. Plant Species and Specification Notes, prepared by Lange Design, Environment Centre, 72-78 Elphin road, Newstead, Revision A, Page 2, dated 24/01/2024

## **2. FINAL PLAN OF SURVEY**

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

## **3. STAFF NUMBERS**

This permit is issued for the existing employee number of 77 FTE (including Early Learning).

- a. At the commencement of each school year, Scotch Oakburn College is to advise the Manager City Development, in writing, of the number of employees at the Elphin Campus. Such number is to be expressed in Full Time Equivalent.
- b. Prior to staff numbers increasing above 77 FTE, Scotch Oakburn College must inform the Manager City Development to ensure compliance with the Planning Scheme.

## **4. LEGAL TITLE**

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

## **5. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Amended Submission to Planning Authority Notice, Reference No. TWDA 2024/00200-LCC, dated 13/03/2024 and attached to the permit.

## **6. HOURS OF CONSTRUCTION**

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

## **7. HERITAGE**

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 8367, dated 08 April 2024 and attached to the permit.

## **8. 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 and not removed, destroyed or lopped without the written consent of the Council.

## **9. NO FURTHER VEGETATION REMOVAL**

Tree and vegetation removal must be limited to those specifically notated on the approved plan(s).



No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

#### **10. DAMAGE TO COUNCIL INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to Council 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 Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

#### **11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

#### **12. SOIL AND WATER MANAGEMENT PLAN**

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

#### **13. FACILITIES AND HIGHWAYS BY-LAW**

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required

prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

#### **14. AMENITY - COMMERCIAL/INDUSTRIAL USE**

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

#### **15. DEMOLITION**

The developer must:

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

#### **Notes**

##### **A. General**

*This permit was issued based on the proposal documents submitted for DA0055/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 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 (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.*

##### **B. Restrictive Covenants**

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

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*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.*

**Deputy Mayor Councillor D H McKenzie withdrew from the Meeting at 2:28 pm**

*For more information see the Tasmanian Civil & Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://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.*

**E. Staff Parking**

*Scotch Oakburn College is encouraged to promote the use of the off-site car park at Broadland Drive by school staff to ease the burden on the suburban streets immediately surrounding the school.*

**F. Operation of drop-off zones**

*Scotch Oakburn College is encouraged to regularly assess the resourcing and operation of the student drop-off zones to ensure their efficiency and effectiveness and their continued contribution towards the reduction in traffic and parking conflict in the surrounding suburban streets.*

**G. Building Act 2016 Requirements**

*Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.*

**CARRIED 8:0**

**FOR VOTE:** Mayor Councillor M K Garwood, Councillor D C Gibson, Councillor A E Dawkins, Councillor T G Walker, Councillor Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer and Councillor S Cai

**AGAINST VOTE:** Nil

**The Mayor, Councillor M K Garwood, announced that Council no longer sits as a Planning Authority.**

## 10. ANNOUNCEMENTS BY THE MAYOR

### 10.1. Mayor's Announcements

FILE NO: SF2375

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#### Thursday 4 April 2024

- Participated in the Commissioning of Ross Patterson, Scotch Oakburn College Principal, Launceston Conference Centre

#### Friday 5 April 2024

- Attended Negat-ve Distillery Espresso Liqueur Launch, Tatler Lane

#### Wednesday 10 April 2024

- Attended Boag's St George 3.5 Launch Party, Boags Brewery

#### Thursday 11 April 2024

- Spoke with Grade 11 Launceston Church Grammar students around leadership, Launceston Church Grammar
- Attended Volunteer Emergency Service Awards, Beaconsfield Ambulance Station

#### Friday 12 April 2024

- Conducted a Citizenship Ceremony, Tramsheds
-

**11. COUNCILLORS' REPORTS**

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

**Councillor D C Gibson**

- Reflected on the success of Mona Foma and Launceston's willingness to embrace new arts and experiences.

**Councillor A E Dawkins**

- Attended the City of Hobart Citizen's Assembly about Climate Change and considered that this might be something that the City of Launceston may like to emulate on this or other topics of interest to the community.

**Councillor S Cai**

- On Friday 12 April 2024, joined Councillor Harris and Mayor Garwood at the Tram Sheds to welcome 66 new Australian Citizens.
- On Saturday 13 April 2024 along with Councillor Palmer, attended a Cultural Parade and Nepali New Year - 2081 Celebration which showcases the Nepalese language, art and culture, promoting diversity and multiculturalism.

## 12. QUESTIONS BY COUNCILLORS

### 12.1. Councillors' Questions on Notice

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 30*

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

#### 12.1.1. Councillors' Questions on Notice - Councillor T G Walker - Liaison with AFL Tasmania - 4 April 2024

**FILE NO:** SF6381

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**ACTING CHIEF EXECUTIVE OFFICER:** Shane Eberhardt

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#### QUESTIONS AND RESPONSES:

The following question was submitted to Council on 4 April 2024 by Councillor T G Walker, has been answered by Justin Dale (Manager Business Enterprises, Community and Place).

#### **Questions:**

1. Will the Council directly engage with AFL Tasmania to get a clearer indication for the future of northern football?

#### **Response:**

*Earlier this year the Tasmanian State League (TSL) announced the 2024 season will be the final season, followed by a restructure of Tasmanian community football from 2025 with Premier League divisions established in the state's South, North and North West.*

*Following this in March 2024, AFL Tasmania announced the NTFA Premier League NTFA Premier League for men and women in 2025.*

*Whilst Council does support local football and works with AFL Tasmania in scheduling of numerous fixtures across the municipality, we are not involved in the development of the future structure nor the direction of the organisation.*

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**12.1.2. Councillors' Questions on Notice - Councillor J J Pentridge - Free Parking at Paterson Street Car Park - 4 April 2024**

**FILE NO:** SF6381

**AUTHOR:** Lorraine Wyatt (Council and Committees Officer)

**ACTING CHIEF EXECUTIVE OFFICER:** Shane Eberhardt

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**QUESTIONS AND RESPONSES:**

The following question was submitted to Council on 4 April 2024 by Councillor J J Pentridge, has been answered by Lee Simmons (Team Leader Parking).

**Questions:**

1. At what time does the boom gate at the Patterson Street car park get opened and what time does it close in the evening to allow the public access free of charge?

**Response:**

*The boom gates do not get opened for the free period. Operation of the carpark continues as normal. The user of the carpark is still required to take a ticket upon entering the carpark in order for the boom gate to allow access. The user is also required to enter a ticket in the exit for the boom gate to allow egress from the carpark.*

*If the carpark is entered after 3:30pm and is exited prior to 5:30pm the system simply does not issue charges.*

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**12.2. Councillors' Questions Without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 29*

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

- 1. Is there a way of fast tracking to adapt the Paul Davies report so we could encourage developers to design in sympathy with the streetscapes or surrounding areas?**

**The Mayor, Councillor M K Garwood, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 2 May 2024.**



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**13. ORGANISATIONAL SERVICES NETWORK**

**13.1. Representation at the Australian Local Government Association's 2024 National General Assembly Conference**

**FILE NO:** SF0121 / SF0325

**AUTHOR:** Liz Lynch (Personal Assistant - Councillor Rooms)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the attendance of Mayor Matthew Garwood, Councillor Danny Gibson and Councillor Andrew Palmer at the Australian Local Government Association 2024 National General Assembly Conference and Regional Forum in Canberra 2 – 4 July 2024.

**RECOMMENDATION:**

That Council approve the attendance of Mayor Matthew Garwood, Councillor Danny Gibson and Councillor Andrew Palmer to the Australian Local Government Association 2024 National General Assembly Conference and Regional Forum in Canberra 2 – 4 July 2024.

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**Mayor Councillor M K Garwood handed the Chair to Deputy Mayor Councillor D H McKenzie and withdrew from the Meeting at 5:12 pm**

**Mayor Councillor M K Garwood re-attended the Meeting and resumed the Chair at 5:13 pm**

**DECISION: 18 April 2024**

**MOTION**

**Moved Councillor A E Dawkins, seconded Councillor J J Pentridge.**

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

**CARRIED 9:0**

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

**AGAINST VOTE:** Nil

**ABSENT AT THE TIME OF VOTE:** Mayor Councillor M K Garwood

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### 13.2. Delegation of Power to Accept Electricity Supply Contract

**FILE NO:** SF3379

**AUTHOR:** Duncan Campbell (Team Leader Legal Services)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the delegation of powers to accept the preferred contractor for electricity supply contract no. CD008/2024.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop – 11 April 2024 – Energy Supply Renewal

**RECOMMENDATION:**

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, delegates the power to select and enter into a contract with the preferred tenderer for electricity supply contract no. CD008/2024, to the position of Chief Executive Officer.
  2. Pursuant to section 23AA(2)(b), authorises the Mayor to evidence the delegation effected by this decision with a signed instrument of delegation, reproducing the terms or substance of this delegation as appropriate.
  3. Notes, for the avoidance of doubt, that the term Chief Executive Officer is a term of reference for the General Manager within the meaning of the *Local Government Act 1993 (Tas)*.
-

**DECISION: 18 April 2024**

**MOTION**

**Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor L M McMahon.**

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

**CARRIED 10:0**

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

**AGAINST VOTE: Nil**

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**13.3. 2023/2024 Budget - Budget Amendments**

**FILE NO:** SF6940 / SF7558

**AUTHOR:** Samuel Kelty (Manager Finance)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

For Council to:

1. consider changes to the Council's 2023/2024 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 March to 31 March 2024 by the Chief Executive Officer to the 2023/2024 Budget.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2023/2024 Statutory Estimates:
    - (a) Expenses
      - i. the net increase in operations expenditure of \$79,480.
    - (b) Capital Works Expenditure
      - i. the decrease in the Council's funded expenditure of \$79,480.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the operating surplus being amended to \$13,471,812 (including capital grants of \$18,581,404) for 2023/2024.
    - (b) the capital budget being decreased to \$43,228,715 for 2023/2024.
  3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2023/2024 budget for the period 1 March to 31 March 2024.
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**Sam Kelty (Manager Finance) was in attendance to answer questions in respect to this item.**

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**DECISION:** 18 April 2024

**MOTION**

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

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

**CARRIED BY ABSOLUTE MAJORITY 10:0**

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

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**13.4. Representation at the UNESCO Creative Cities of Gastronomy Annual Conference 2024**

**FILE NO:** SF0121

**AUTHOR:** Alison Flood (Executive Assistant to Mayor)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider the attendance of Mayor M K Garwood at the UNESCO Creative Cities of Gastronomy Annual Conference 2024 in Phuket, 9-12 May 2024.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**RECOMMENDATION:**

That Council approves the attendance of Mayor M K Garwood at the UNESCO Creative Cities of Gastronomy Annual Conference 2024 in Phuket 9-12 May 2024.

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**Mayor Councillor M K Garwood handed the Chair to Deputy Mayor Councillor D H McKenzie and withdrew from the Meeting at 5:18 pm  
Mayor Councillor M K Garwood re-attended the Meeting and resumed the Chair at 5:23 pm**

**DECISION: 18 April 2024**

**MOTION**

**Moved Councillor A J Palmer, seconded Councillor J J Pentridge.**

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

**CARRIED 9:0**

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

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**14. CLOSED COUNCIL**

*This decision requires an absolute majority of Council*

**RECOMMENDATION:**

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

**14.1 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.

**14.2 Development of 118-122 and 124 Brisbane Street, Launceston**

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:

- (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.
- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

**14.3 Launceston CBD Bus Interchange**

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:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

**14.4 End of Closed Session**

**DECISION:** 18 April 2024

**MOTION**

**Moved Councillor L M McMahon, seconded Councillor S Cai.**

**That Council moves into Closed Session.**

**CARRIED BY ABSOLUTE MAJORITY 10:0**

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

**AGAINST VOTE:** Nil

**Council moved into Closed Session at 5.24pm.**

**Council returned to Open Session at 6.14pm.**



#### 14.4 END OF CLOSED SESSION

#### RECOMMENDATION:

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

Agenda Item	Matter	Brief Description
14.1	<i>Closed Council Minutes – 4 April 2024</i>	<i>The Closed Meeting of the City of Launceston Council held on 4 April 2024.</i>
14.2	<i>Development of 118-122 and 124 Brisbane Street, Launceston</i>	<i>Council received an update on the progress of 118–122 and 124 Brisbane Street, Launceston.</i>
14.3	<i>Launceston CBD Bus Interchange</i>	<i>Council considered a progress report on the proposed purchase and development of the Paterson Street Central Car Park, Launceston as a bus interchange and mixed use development.</i>

**DECISION:** 18 April 2024

#### MOTION

Moved Councillor A J Palmer, seconded Councillor S Cai.

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

**15. MEETING CLOSURE**

The Mayor, Councillor M K Garwood, closed the Meeting at 6.15pm.

**16. NEXT COUNCIL MEETING DATE**

The next Ordinary Meeting of Council will be held at 1.00pm on 2 May 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.