



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
MONDAY 24 OCTOBER 2016  
1.00pm**

# City of Launceston

COUNCIL MINUTES

Monday 24 October 2016

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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: 24 October 2016

Time: 1.00pm

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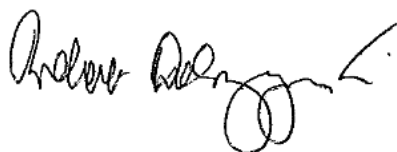
## Section 65 Certificate of Qualified Advice

### Background

Section 65 of the *Local Government Act 1993* requires the General Manager to certify that any advice, information or recommendation given to Council is provided by a person with appropriate qualifications or experience.

### Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the Minutes Items for this Meeting.



**Robert Dobrzynski**  
General Manager

# City of Launceston

COUNCIL MINUTES

Monday 24 October 2016

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**Present:**                    **Alderman**                    **A M van Zetten (Mayor)**  
**R I Soward (Deputy Mayor)**  
**R L McKendrick**  
**R J Sands**  
**D H McKenzie**  
**J G Cox**  
**D C Gibson**  
**J Finlay**  
**D W Alexander**  
**S R F Wood**  
**E K Williams**  
**K P Stojansek**

**In Attendance:**                    **Mr R S Dobrzynski (General Manager)**  
**Mr H P Galea (Director Infrastructure Services)**  
**Mrs L M Hurst (Director Development Services)**  
**Mr R K Sweetnam (Director Facilities Management)**  
**Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery)**  
**Mr M J Tidey (Director Corporate Services)**  
**Mr J A Davis (Manager Corporate Strategy)**  
**Mrs A Rooney (Committee Clerk)**

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

The Mayor, Alderman A M van Zetten, opened the Meeting at 1.00pm.

**2 DECLARATIONS OF INTEREST**

*Local Government Act 1993 - Section 48*

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

**Alderman K P Stojansek declared an interest in Agenda Item 5.1 - Proposed Tamar Valley Steiner School**

**3 CONFIRMATION OF MINUTES**

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 10 October 2016 be confirmed as a true and correct record.

**DECISION: 24 October 2016**

**MOTION**

**Moved Alderman J G Cox, seconded Alderman R L McKendrick.**

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

**CARRIED 12:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**

## 4 DEPUTATIONS

**No Deputations were identified as part of these Minutes**



**5 PETITIONS**

*Local Government Act 1993 - Sections 57 and 58*

**5.1 Petition - Proposed Tamar Valley Steiner School**

**FILE NO:** SF0097

**AUTHOR:** John Davis (Manager Corporate Strategy)

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a petition submitted by Ms Suzanne Swierc and Mr Henry Swierc objecting to the proposed development of the Tamar Valley Steiner School.

**RECOMMENDATION:**

That, pursuant to Section 58(2) of the *Local Government Act 1993*, Council receives the petition objecting to the proposed development of the Tamar Valley Steiner School, tabled by the General Manager and submitted by Ms Suzanne Swierc and Mr Henry Swierc.

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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.**

**Due to a declaration of interest in Agenda Item 5.1 - Petition - Proposed Tamar Valley Steiner School, Alderman K P Stojansek withdrew from the Meeting at 1.14pm.**

**DECISION: 24 October 2016**

**MOTION**

**Moved Alderman J Finlay, seconded Alderman R I Soward.**

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

**CARRIED 11:0**

**FOR VOTE:** Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

**ABSENT DUE to DECLARATION of INTEREST:** Alderman K P Stojansek

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**Alderman K P Stojansek re-attended the Meeting at 1.18pm.**

## **6 COMMUNITY REPORTS**

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

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

## **7 PUBLIC QUESTION TIME**

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

### **7.1 Public Questions on Notice**

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

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

**7.1.1 Public Questions on Notice - Mr Peter Cameron - Council Meeting - 10 October 2016****FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Robert Dobrzynski (General Manager)

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**QUESTION and RESPONSE:**

The following question was submitted to Council on 10 October 2016 by Mr Peter Cameron and has been answered by Mrs Leanne Hurst (Director Development Services).

Question:

What is the purpose of the Launceston Planning Scheme if it can not be enforced?

***Response:***

As the question does not provide a specific context, the answer provided will be necessarily general. However, any resident who is concerned about potential breaches of the Launceston Interim Planning Scheme is encouraged to contact the Planning Services Department to provide details of their particular concerns.

The *Land Use Planning and Approvals Act 1993* provides remedies where planning schemes or conditions of planning permits are not complied with. In cases where an approved development is underway, officers will seek to work with the permit holder to ensure compliance with the permit conditions, particularly where it appears that compliance may not be achieved in accordance with endorsed plans. Enforcement action is initiated where developers fail to act within the permit conditions.

It should be noted that there is also provision within the Act to allow for applications for minor amendments. Whenever a valid application is received - for a permit, retrospective permit, minor amendment, for example - officers are required to assess that application against the provisions of the Launceston Interim Planning Scheme and in accordance with the Act.

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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.**

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**7.2 Public Questions without Notice**

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

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

**The Mayor, Alderman A M van Zetten, noted that Questions on Notice submitted in writing by Mr Basil Fitch on 24 October 2016 and responses to those questions will be included in the Council Agenda for 14 November 2016.**

**7.2.1 Mrs Catherine Hamilton - North Lilydale Road Maintenance**

1. **Will Council please resume maintenance of the full road connection between North Lilydale and the south end of the Wyena Valley, being an additional 3.9km of road above the existing 6km of road already maintained by Launceston and Dorset Councils?**

**Mr R Dobrzynski (General Manager) indicated that if further details concerning the question and contact details could be provided via email, Mr H Galea (Director Infrastructure Services) would provide a response.**

**Mr H Galea (Director Infrastructure Services) also noted a request had been received from Mr and Mrs Hamilton to 'resume' responsibilities to maintain the whole length of Snake Track. Mrs Hamilton undertook significant research and presented the information to ISD in support of the claim. ISD prepared a draft report and submitted a copy to Mr and Mrs Hamilton for comment by 30 October 2016 to consider in finalising a conclusive answer to the request. At this stage comments on the report have not been provided by Mr and Mrs Hamilton.**

## **7.2.2 Mr Basil Fitch - Naming Rights for Stadium and Willis Street Carpark**

**In Saturday's paper the Stadium name change was reported. Can you tell me:**

- 1. who made that decision?**
- 2. was it by full Council? and**
- 3. how much was involved in the sponsorship?**

**The Mayor, Alderman A M van Zetten, responded to the first questions by saying that the decision was made by the General Manager. Mr R Dobrzynski (General Manager) then noted that Mr Fitch has raised a whole range of various questions and advice is being sought on some matters, therefore the submitted questions would be Taken on Notice for the next Council Meeting.**

- 4. What section of the Act did you make that decision under? What power do you have to make the decision? Who gave you power to act in the manner in which you did?**

**Mr R Dobrzynski (General Manager) responded by saying that Section 62(h) of the *Local Government Act 1993* states that the General Manager has the power to manage the resources and assets of the Council and further under Part (2) of that Section it states, that the General Manager may do anything necessary or convenient to perform his or her functions under this or any other Act.**

- 5. Further in the Agenda today, regarding the name change, it states there will be sponsorship and then later it is stated that land is going to be given away - the Willis Street Carpark at a price of \$88,000 per annum. Is Council going to give the University the right over Willis Street once a decision has been made today?**

**Mr R Dobrzynski (General Manager) indicated that the recommendation on the Council Agenda refers to the transfer of land to the University of Tasmania and the process once a decision has been made. The Council will be able to continue to use Willis Street after the land is transferred prior to construction commencing on the site.**

**7.2.3 Mr Ronald Baines - Naming Rights for Stadium**

1. **Given that the Stadium is a huge part of Launceston, why haven't the public been consulted regarding the name change?**

**The Mayor, Alderman A M van Zetten, responded by saying that often matters are dealt with in confidence and this is the case with this issue. The Mayor also stated that the same process was followed when negotiations were conducted with Aurora for naming rights.**

2. **Has there been any consultation with any other organisations who may have been interested in being a sponsor or patron of our footy ground?**

**Mr R Dobrzynski (General Manager) responded by saying that similar to previous sponsorship of this Stadium, such as Aurora, it was the Council who approached the University of Tasmania seeking sponsorship of the Stadium following the decision by the Federal Government to fund the inner city campus project.**

**7.2.4 Mr Robin Smith - City Heart Timeline and Council Administration Issues**

1. In the light of the City Heart project works in the Brisbane Street Mall, what is the programmed timeline for the works to occur?

The Mayor, Alderman A M van Zetten, responded by saying that the timeline for the City Heart project is still being considered and finalised but once a decision is made a public consultation process will occur and those affected will be advised well in advance.

2. Regarding two particular issues with Council officers:

- (a) one regarding vehicle permit issue and access after hours; and
- (b) a health matter regarding potable water.

The Mayor, Alderman A M van Zetten, requested that these issues be provided in writing and a response will be provided to Mr Smith.

The Mayor, Alderman A M van Zetten, noted that Questions on Notice submitted in writing by Mr Basil Fitch on 24 October 2016 and responses to those questions will be included in the Council Agenda for 14 November 2016.



The Mayor, Alderman A M van Zetten, announced that 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 8 - Planning Authority.

## **8 PLANNING AUTHORITY**

### **8.1 28 Tasman Highway, Waverley - Residential - third party advertising signage; relocation of existing billboard sign (existing nonconforming use)**

**FILE NO:** DA0320/2016

**AUTHOR:** Marilyn Burns (Urban Design Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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#### **DECISION STATEMENT:**

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

#### **RECOMMENDATION:**

That, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015 - DA0320/2016 for relocation of existing billboard sign at 28 Tasman Highway, Waverley, be refused on the following grounds:

1. The Development Application does not comply with Clause 9.1.1 (a), (b) and (c) of the Launceston Interim Planning Scheme 2015 on the basis that the proposal would cause detrimental impact on adjoining uses, would cause detrimental impact on the amenity of the locality and includes substantial intensification of the existing non-conforming sign.
  2. The Development Application does not comply with Clause 10.4.14 P1 (a), (b), (d), (e), (f), (i), (k) and (m) of the Launceston Interim Planning Scheme 2015 on the basis that the proposal is not compatible with the form and scale of residential development and unreasonably impacts on the amenity of nearby sensitive uses in regards to negative visual impact, the character of the surrounding area and passive surveillance.
  3. The Development Application does not comply with Clause E18.5.2 P2 (b) and (d) of the Launceston Interim Planning scheme 2015 on the basis that the proposal results in an unreasonable loss of amenity to adjoining residential properties in regards to negative visual impact, the character of the surrounding area and passive surveillance.
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- 8.1 28 Tasman Highway, Waverley - Residential - Third Party Advertising Signage; Relocation of Existing Billboard Sign (Existing Nonconforming Use) ... (Cont'd)
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Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager Planning Services), Mrs C Mainsbridge (Senior Town Planner) and Ms M Burns (Urban Design Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Ms R Roberts spoke for the item.

Ms S Khan spoke against the item.

**DECISION:** 24 October 2016

## **MOTION**

Moved Alderman R J Sands, seconded Alderman R I Soward.

That, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for relocation of the existing billboard sign at 28 Tasman Highway.

## **ENDORSED PLANS & DOCUMENTS**

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

- a. Report, prepared by Planning Development Services, 28 Tasman Highway, Page No 1 - 4, undated.
- b. Statutory Declaration, prepared by Rachael Roberts, Existing Sign at 28 Tasman Highway, 08/09/2016.
- c. Site Plan, prepared by Matzin Capital Pty Ltd, Signage Panel, Page No 01, dated 14/07/2016.
- d. View: 1 - 4, prepared by Matzin Capital Pty Ltd, Signage Panel, Page No 02, dated 14/07/2016.

## **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.

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- 8.1 28 Tasman Highway, Waverley - Residential - Third Party Advertising Signage; Relocation of Existing Billboard Sign (Existing Nonconforming Use) ... (Cont'd)
- 

## HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am to 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

## SIGNAGE CONTENT

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

- a. The structure, location and size of the signage not changing.
- b. Compliance with the requirements of the planning scheme.

## NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

## SIGN MAINTENANCE

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

## 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.

## Notes

### A. Building Permit Required

*Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

### B. General

*This permit was issued based on the proposal documents submitted for DA0320/2016. 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.*

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- 8.1 28 Tasman Highway, Waverley - Residential - Third Party Advertising Signage; Relocation of Existing Billboard Sign (Existing Nonconforming Use) ... (Cont'd)
- 

*This permit takes effect after:*

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned 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.*

*This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.*

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement**

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

**CARRIED 8:4**

**FOR VOTE:** Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D W Alexander and Alderman S R F Wood  
**AGAINST VOTE:** Alderman D C Gibson, Alderman J Finlay, Alderman E K Williams and Alderman K P Stojansek

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**8.2 Amendment 30 - to Remove Forestry Area Specific Area Plan and Rural Resource - Subdivide Land Into Two Lots at 887 Lilydale Road, Underwood****FILE NO:** SF7040/DA0387/2016**AUTHOR:** Maria Chledowska (Town Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

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**DECISION STATEMENT:**

To consider and decide whether to initiate Amendment 30 to the Launceston Interim Planning Scheme 2015 to remove the Forestry Area Specific Plan overlay and determine a development application to subdivide land into two lots.

**PREVIOUS COUNCIL CONSIDERATION:**

DA0063/2014 - Resource development - subdivision: subdivide land into three lots at 659 Lilydale Road, Underwood

**RECOMMENDATION:**

That, pursuant to Section 33 of the *Land Use Planning and Approvals Act 1993 (the Act)*, Council:

1. Initiates Amendment 30 to the *Launceston Interim Planning Scheme 2015* to remove the Forestry Area Specific Area overlay from the property at 887 Lilydale Road, Underwood.
  2. Authorises Officers to prepare draft Amendments 30.
  3. In accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director of Development Services its functions under Section 35(1) of the Act.
  4. Pursuant to former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period of public exhibition to be 28 days.
  5. In accordance with Section 43A of the *Land Use Planning and Approval Act 1993*, approves DA0387/2016 for Rural Development - subdivision of land into two lots at 877 Lilydale Road, Underwood subject to the following conditions:
-

**8.2 Amendment 30 - To Remove Forestry Area Specific Area Plan and Rural Resource - Subdivide Land Into Two Lots at 887 Lilydale Road, Underwood ... (Cont'd)**

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**1. ENDORSED PLANS & DOCUMENTS**

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

- (a) Plan of Subdivision Ref: 27-73 (7228) prepared by Cohen and Associates Pty Ltd; Sheet 1 & 2;
- (b) Bushfire Site Assessment prepared by Cohen & Associates Pty Ltd dated 2 September 2016.

**2. LEGAL TITLE**

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

**3. COVENANTS ON SUBDIVISIONS**

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- (a) Such covenants or controls are expressly authorised by the terms of this permit; or
- (b) Such covenants or similar controls are expressly authorised by the consent in writing of the Council.
- (c) Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

*Notes*

*A. General*

*This permit was issued based on the proposal documents submitted for DA0387/2016. 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 Resource Management and Planning Appeal Tribunal is abandoned or determined; or.*

*This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least six weeks prior to the expiration date.*

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**8.2 Amendment 30 - To Remove Forestry Area Specific Area Plan and Rural Resource - Subdivide Land Into Two Lots at 887 Lilydale Road, Underwood ... (Cont'd)**

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**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 enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.*

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

**C. Appeal Provisions**

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

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

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

**D. Permit Commencement.**

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

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**Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager Planning Services), Mrs C Mainsbridge (Senior Town Planner) and Ms M Chledowska (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Alderman R J Sands withdrew from the Meeting at 1.36pm.**

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- 8.2 Amendment 30 - To Remove Forestry Area Specific Area Plan and Rural Resource - Subdivide Land Into Two Lots at 887 Lilydale Road, Underwood ... (Cont'd)**
- 

**DECISION: 24 October 2016**

**MOTION**

**Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.**

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

**CARRIED 11:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**  
**ABSENT at TIME of VOTE: Alderman R J Sands**

**The Mayor, Alderman A M van Zetten, announced that Council no longer acts as a Planning Authority.**

**DECISION: 24 October 2016**

**MOTION**

**Moved Alderman R L McKendrick, seconded Alderman R I Soward.**

**That Council move to discuss Agenda Item 20.1 - Cimitiere Street Carpark - Partial Sale and Agenda Item 20.2 - Proposed University of Tasmania Inner City Campus.**

**CARRIED 11:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**  
**ABSENT at TIME of VOTE: Alderman R J Sands**

**Alderman R J Sands re-attended the Meeting at 1.38pm.**

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**20.1 Cimitiere Street Carpark - Partial Sale****FILE NO:** SF2444**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider the sale of part of the Cimitiere Street carpark.

**PREVIOUS COUNCIL CONSIDERATION:**

SPPC - 16 May 2016 - Agenda Item No 6.2 - Deputation - Proposed Development

SPPC - 3 October 2016 - Agenda Item 6.3 - Asset Disposal Strategy

**RECOMMENDATION:**

That, pursuant to Section 177 of the *Local Government Act 1993*, Council resolves to sell to Stay Tasmania Pty Ltd Pty Ltd (or their agreed nominee) the land described as:

Part of the "Cimitiere Street carpark", an approximately 1,660m<sup>2</sup> portion consisting of the parcels Volume 206940 Folio 5, Volume 46020 Folio 1, Volume 46022 Folio 1, 67483 Folio 4, and part of Volume 206941 Folio 1, delineated on the attached map (Figure 1) described as "Indicative Purchase Area".

Subject to compliance by Stay Tasmania Pty Ltd Pty Ltd (or their agreed nominee) with the following conditions:

1. That the land purchased from Council by Stay Tasmania Pty Ltd Pty Ltd (or their agreed nominee) shall be used for the development of a tourist hotel.
  2. That Stay Tasmania Pty Ltd Pty Ltd (or their agreed nominee) are to, within two years, gain development approval from the Council as the Planning Authority, for a development consistent with the design for the tourist hotel that has been proposed to Council.
  3. That if the development of the proposed tourist hotel is not, within five years from the date of the development approval issued by the Council as a Planning Authority, either substantially commenced or completed on the land, then the Council will have an option to buy back the land at the purchase price paid to Council by Stay Tasmania Pty Ltd Pty Ltd.
-

## 20.1 Cimitiere Street Carpark - Partial Sale ...(Cont'd)

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4. That Stay Tasmania Pty Ltd Pty Ltd (or their agreed nominee) are to grant the Council licenses that allow for the portion of Cimitiere Street carpark that is to be sold to continue to be used until building work commences by:
  - (a) Harvest Market, for conduct of the weekly market; and
  - (b) Council as a carparking facility.
5. The General Manager is authorised to negotiate:
  - (a) a contract price that is not less than the valuation advice obtained from a qualified valuer engaged by the Council, and
  - (b) such other contract terms and conditions that are consistent with the Council's decision.
6. Figure 1 - Indicative Purchase Area



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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.**

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## 20.1 Cimitiere Street Carpark - Partial Sale ...(Cont'd)

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Mr S Tucker spoke for the item

Mr B Fitch spoke against the item

Mr J Rowlings spoke for the item on behalf of the State Coordinator General - Mr J Perry

**DECISION:** 24 October 2016

### **MOTION**

Moved Alderman J Finlay, seconded Alderman R I Soward.

That, pursuant to Section 177 of the *Local Government Act 1993*, Council resolves to sell to Stay Tasmania Pty Ltd (or their agreed nominee) the land described as:

Part of the "Cimitiere Street carpark", an approximately 1,660m<sup>2</sup> portion consisting of the parcels Volume 206940 Folio 5, Volume 46020 Folio 1, Volume 46022 Folio 1, 67483 Folio 4, and part of Volume 206941 Folio 1, delineated on the attached map (Figure 1) described as "Indicative Purchase Area".

Subject to compliance by Stay Tasmania Pty Ltd (or their agreed nominee) with the following conditions:

1. That the land purchased from Council by Stay Tasmania Pty Ltd (or their agreed nominee) shall be used for the development of a tourist hotel.
  2. That Stay Tasmania Pty Ltd (or their agreed nominee) are to, within two years, gain development approval from the Council as the Planning Authority, for a development consistent with the design for the tourist hotel that has been proposed to Council.
  3. That, if the development of the proposed tourist hotel is not, within three years from the date of the development approval issued by the Council as a Planning Authority, substantially commenced, then the Council will have an option to buy back the land at the purchase price paid to Council by Stay Tasmania Pty Ltd.
  4. That Stay Tasmania Pty Ltd (or their agreed nominee) are to grant the Council licenses that allow for the portion of Cimitiere Street carpark that is to be sold to continue to be used until building work commences by:
    - (a) Harvest Market, for conduct of the weekly market; and
    - (b) Council as a carparking facility.
-

20.1 Cimitiere Street Carpark - Partial Sale ...(Cont'd)

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5. The General Manager is authorised to negotiate:
- (a) a contract price that is not less than the valuation advice obtained from a qualified valuer engaged by the Council, and
  - (b) such other contract terms and conditions that are consistent with the Council's decision.

6. Figure 1 - Indicative Purchase Area



**CARRIED 12:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**

**20.2 Proposed University of Tasmania Inner City Campus****FILE NO:** SF2385**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

Consideration of a decision by the Council to transfer land at Inveresk and Willis Street to the University of Tasmania subject to certain conditions.

**PREVIOUS COUNCIL CONSIDERATION:**

Council - 9 November 2015 - Agenda Item 20.1 - Proposed University of Tasmanian Inner City Campus

Workshop - 3 October 2016

**RECOMMENDATION:**

That, in specific reference to the proposal by the University of Tasmania to establish an inner city Northern campus on Council owned land at Inveresk and Willis Street, described as:

- a. Old Velodrome, a 11,523.8m<sup>2</sup> portion of the parcel Volume 169278 Folio 200, delineated on the attached map described as "*Inveresk 'Bike Track' proposed boundary 12/10/2015*"; and
- b. Willis Street Car Park, a 9,473.3m<sup>2</sup> portion of the parcel described as Volume 142013 Folio 1, delineated on the attached map described as "*Willis Street Car Park*"

and noting that the preconditions set out in the Council resolution at its Meeting of Monday, 9 November 2015 have been satisfied, including the securing of Commonwealth funding.

That Council agrees to the transfer of title for the Council owned land described above subject to the following requirements being incorporated into the contract of sale:

1. The development shall be undertaken by University of Tasmania in a manner consistent with the commitments and undertakings provided by University of Tasmania in their document signed by the Vice Chancellor dated 4 November 2015, unless subsequently varied with the agreement of the Council.
-

**20.2 Proposed University of Tasmania Inner City Campus ...(Cont'd)**

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2. If the relocation is not completed on the land by University of Tasmania within five years from the date of the Development Approval issued by the Council as a Planning Authority, or in the event that the land ceases to be used by University of Tasmania for education purposes, University of Tasmania shall be liable to pay to the Council an amount representing the value of the land, as assessed by a suitably qualified valuer agreed by the Council and University of Tasmania, or in the absence of agreement nominated by the Valuer General.

Provided that, if the relocation has not been completed or has not been undertaken by the University within the five year period to such an extent that the land is effectively excised by the development for University use precluding further public use, the Council may, at its discretion, seek the return of the undeveloped land by the University to Council ownership.

3. The development and operations on the land shall be undertaken by University of Tasmania in a manner consistent with the shared objectives agreed between the University of Tasmania and the Tasmanian Government that are attached to the letter from the Treasurer to the Vice Chancellor dated 2 September 2016.

And further, that the University of Tasmania agrees, prior to lodgement of applications for planning and building approval, in good faith discussions will take place with the Council on major design elements, to include siting, visual appearance, materials and colours.

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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr B Fitch spoke against the item.**

**Prof M Calford spoke for the item.**

**Mr J Rowlings spoke for the item on behalf of the State Coordinator General Mr J Perry.**

**During debate a further motion was foreshadowed.**

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**20.2 Proposed University of Tasmania Inner City Campus ...(Cont'd)**

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**DECISION: 24 October 2016**

**MOTION 1**

**Moved Alderman J Finlay, seconded Alderman R I Soward.**

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

**CARRIED 12:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**

**DECISION: 24 October 2016**

**SUPPLEMENTARY MOTION**

**Moved Alderman J Finlay, seconded Alderman D H McKenzie.**

**That Council enter into an agreement with the University of Tasmania to ensure that the City of Launceston has continued use and management, including the right to receive fees from the land known as Willis Street Carpark and the Old Velodrome land, until such time as the University of Tasmania requires access to the land to commence construction.**

**CARRIED 12:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**

**Council adjourned for a break at 2.16pm.**

**Council resumed following the break at 2.22pm.**

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**9 ANNOUNCEMENTS BY THE MAYOR****9.1 Mayor's Announcements****FILE NO:** SF2375

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**Tuesday 11 October 2016**

- Attended the Louise Allerton, Artist in Residence's Exhibition, opening at the University of Tasmania's College of the Arts at Inveresk
- Officiated at the Launceston Competition's Annual General Meeting in Youngtown

**Wednesday 12 October 2016**

- Officiated at the Australian Youth Climate Coalition at their Launceston Leadership Day at Launceston College

**Thursday 13 October 2016**

- Officiated at the Seniors' Morning Tea at the Town Hall Reception Room
- Attended the Sally's Ride 2016 Event Sponsor's luncheon at The Sebel
- Attended the CBM Sustainability Group new premises opening at 51 York Street, Launceston

**Saturday 15 October 2016**

- Officiated and participated in the Run For A Wish Run/Walk at Aurora Stadium
- Attended the RSL Women's Auxiliary 80<sup>th</sup> Birthday Celebration Masquerade Dinner at the Launceston RSL

**Sunday 16 October 2016**

- Officiated at "Step Up" for Down Syndrome 2016 at Royal Park

**Tuesday 18 October 2016**

- Officiated at the Civic Welcome for Their Excellences, Governor General and Lady Cosgrove at QVMAG in Wellington Street

**Wednesday 19 October 2016**

- Attended the Vinnies BBQ in the Civic Square for Anti Poverty Week
  - Attended numerous visits around Northern Tasmania with the Governor General's official party
-



**9.1 Mayor's Announcements ...(Cont'd)**

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**Thursday 20 October 2016**

- Officiated at the Order of Australia Reception at the Town Hall Reception Room
- Launched the Launceston Cycling Festival at the Launceston BMW Dealership Showroom in Bathurst Street
- Attended Mudlark Theatre's "I am A Lake" by Cameron Hindrum at The Old Lolly Factory on Invermay Road

**Friday 21 October 2016**

- Attended the official opening of Nest Energy Pty Ltd on the corner of Tamar and Cimitiere Streets
- Attended the Benevolent Society Ball at the Country Club Casino

**Saturday 22 October 2016**

- Attended the Annual Legacy luncheon at Legacy House in York Street
- Attended the 2016 Business Excellence Awards at the Hotel Grand Chancellor

**Sunday 23 October 2016**

- Officiated at the Australian Forest Growers' National Conference and Welcome Function at the Hotel Grand Chancellor
- 

**The Mayor, Alderman A M van Zetten noted the following comments and amendments to his schedule:**

**Tuesday 11 October 2016**

- **Whilst attending the Launceston Competition's Annual General Meeting, the Mayor was asked to convey thanks to Council and Council staff for their continued assistance with the event**

**Wednesday 19 October 2016**

- **Whilst attending functions with the Governor General, The Mayor requested that thanks be conveyed to Council Staff , with particular reference to Elizabeth Clark, for the organisation of the visit**
  - **Launched Sally's Ride 2016 at Launceston Mazda**
-

**9.1 Mayor's Announcements ...(Cont'd)**

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**Thursday 20 October 2016**

- **Attended (not launched) the Launceston Cycling Festival at the Launceston BMW Dealership Showroom**

**Saturday 22 October 2016**

- **Whilst attending the Annual Legacy luncheon at Legacy House it was requested that The Mayor convey thanks to Council and Staff for the ongoing support received by their organisation**

**Sunday 23 October 2016**

- **Attended and officiated at the Australian Forest Growers' National Conference and Welcome Function at the QVMAG, Wellington Street (not at the Hotel Grand Chancellor)**

**Finally, The Mayor thanked the General Manager for his work regarding the recently publicised sponsorship arrangements for the Stadium at York Park noting the positivity of the announcement for the City.**

**10 ALDERMEN'S REPORTS**

*(This item provides an opportunity for Aldermen 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.)*

**10.1 Alderman R I Soward**

- **Attended a Special Meeting of the Heritage Forest Committee to commence the process of reviewing the current plan**

**10.2 Alderman D C Gibson**

- **Attended and chaired the 182<sup>nd</sup> Annual General Meeting of the Launceston Benevolent Society**

**10.3 Alderman S R F Wood**

- **Noted the re-commencement of the York Town Square Night Market on Friday this week**
- **Noted the rescheduled Fiesta on George for this Saturday**

**10.4 Alderman D H McKenzie**

- **Noted public attendance and participation in events held in the City of Launceston and made special mention of the recently held Chamber of Commerce Awards**

**10.5 Alderman K P Stojansek**

- **Noted the Communities for Children Conference event being held at the Door of Hope and encouraged Aldermen and those listening to attend**

**10.6 Alderman J Finlay**

- **Discussed activities related to the Heritage Advisory Committee**

**11 QUESTIONS BY ALDERMEN****11.1 Questions on Notice**

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

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

**No Aldermen's Questions on Notice were identified as part of these Minutes**

**11.2 Questions without Notice**

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

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

## 11.2.1 Alderman D C Gibson - University of Tasmania Sponsorship Deal

**Alderman D C Gibson prefaced his questions by stating: Noting the General Manager's opinion that entering into an agreement with UTAS is an operational matter, however, given the clear strategic context, I ask the following questions and respectfully request that those which are commercial-in-confidence, at least be provided in writing to the Members of the York Park Precinct Authority and Aldermen.**

- 1. What is the University of Tasmania 5-year sponsorship deal worth?**
- 2. Is the sponsorship deal cash?**
- 3. How does this compare with the Aurora deal?**
- 4. Did the Council engage with other potential sponsors to ensure we are getting the best deal?**
- 5. Given community expectations around transparency and good governance, why were Aldermen not briefed on the operational outcomes of the new York Park sponsorship deal, before the media?**
- 6. What was the rationale in not informing the community's elected representatives, other than via e-mail, *after* interviews and photographs had been undertaken with The Examiner and The Mercury?**
- 7. Was this an oversight or a deliberate strategy?**
- 8. If Aldermen are not informed of important steps with the UTAS project, what message does this send to the community around trust, pertaining to the project generally?**

**Mr R Dobrzynski (General Manager) advised that these questions would be Taken on Notice and responses will be provided for the next Council Meeting scheduled for 14 November 2016.**

## 12 COMMITTEE REPORTS

**No Committee Reports were identified as part of these Minutes**

## 13 COUNCIL WORKSHOPS

Council Workshops conducted on 17 October 2016 were:

- Greater Launceston Metropolitan Transport Plan
- University Cities
- Events Strategy Update
- Draft Events Sponsorship Policy

**14 NOTICES OF MOTION**

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

**14.1 Notice of Motion - Park Name Change to Trevallyn ANZAC Park**

**FILE NO:** SF5547

**AUTHOR:** Deputy Mayor Alderman R I Soward

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Deputy Mayor Alderman R I Soward regarding a name change for the Trevallyn Reserve.

**RECOMMENDATION:**

That, in view of the matters recently raised by the community in relation to the need for improvements to the Trevallyn Reserve (bordered by South Esk, South Bank and North Bank Roads), that the park space be renamed Trevallyn ANZAC Park in deference to its historical connection to those who served in World War One.

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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.**

**The Notice of Motion was withdrawn by the proposer - Deputy Mayor Alderman R I Soward.**

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**15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

**16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**

**17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**

**No Items were identified as part of these Minutes**



**18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS****18.1 Leasing and Licensing Policy****FILE NO:** SF5617**AUTHOR:** Michael Jacques (Senior Corporate Legal Advisor)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**DECISION STATEMENT:**

That Council approves the distribution of the proposed Leasing and Licensing Policy, for the purposes of public consultation.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 19 September 2016 - to present the proposed policy and discuss a public consultation process

**RECOMMENDATION:**

That Council approves the distribution of the proposed Policy for a public consultation period of three months.

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**Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.**

**Alexander D W Alexander withdrew from the Meeting at 2.46pm.**

**DECISION: 24 October 2016**

**MOTION**

**Moved Alderman R L McKendrick, seconded Alderman R I Soward.**

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

**CARRIED 11:0**

**FOR VOTE:** Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek  
**ABSENT at TIME of VOTE:** Alderman D W Alexander

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**19 CORPORATE SERVICES DIRECTORATE ITEMS**

No Items were identified as part of these Minutes

**20 GENERAL MANAGER'S DIRECTORATE ITEMS****20.1 Cimitiere Street Carpark Partial Sale**

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 8.2 - Amendment 30 - to Remove Forestry Area Specific Area Plan and Rural Resource - Subdivide Land into Two Lots at 887 Lilydale Road, Underwood on Page 19 of these Minutes.

**20.2 Proposed University of Tasmania Inner Street Campus**

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 20.1 - Cimitiere Street Carpark Partial Sale on Page 23 of these Minutes.

**20.3 Re-appointment of Dr Owen Ingles as a Director of the Launceston Flood Authority****FILE NO:** SF4493**AUTHOR:** John Davis (Manager Corporate Strategy)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider the re-appointment of Dr Owen Ingles as a Director of the Launceston Flood Authority.

**RECOMMENDATION:**

That, pursuant to the provision of clause 12.1 and 12.4 of the Launceston Flood Authority Rules, Council re-appoint Dr Owen Ingles to the Board of Directors of the Launceston Flood Authority for a further term of one year to 30 September 2017.

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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.**

**Alderman D W Alexander re-attended the Meeting at 2.48pm.**

**DECISION: 24 October 2016**

**MOTION**

**Moved Alderman R I Soward, seconded Alderman R L McKendrick.**

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

**CARRIED 12:0**

**FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek**

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**21 URGENT BUSINESS**

*Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Minutes.*

**No Urgent Items were identified as part of these Minutes**

**22 CLOSED COUNCIL**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)*

**22.1 Confirmation of the Minutes**

The *Local Government (Meeting Procedures) Regulations 2015 - Regulation 34(6)* 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.

**22.2 Alderman's Leave of Absence****RECOMMENDATION:**

That Minutes Item 22.2 - Alderman's Leave of Absence be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

15(2) (h) applications by councillors for a leave of absence.

## 22.2 Alderman's Leave Of Absence ...(Cont'd)

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**DECISION:** 24 October 2016

### **MOTION**

Moved Alderman R L McKendrick, seconded Alderman R I Soward.

That Council move into Closed Session to consider Agenda Item 22.1 - Confirmation of the Minutes and Agenda Item 22.2 - Alderman's Leave of Absence.

**CARRIED 12:0**

**FOR VOTE:** Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

Council moved to Closed Session at 2.51pm.

Council returned to Open Session at 2.52pm.

## **23 MEETING CLOSURE**

The Mayor, Alderman A M van Zetten, closed the Meeting at 2.52pm.