



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 10 OCTOBER 2016
1.00pm**

City of Launceston

COUNCIL MINUTES

Monday 10 October 2016

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

Date: 10 October 2016

Time: 1.00pm

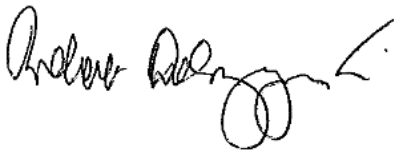
Section 65 Certificate of Qualified Advice

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 10 October 2016

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)**
Mrs L Foster (Asset Management and Delivery Manager)
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 J A Davis (Manager Corporate Strategy)
Mrs L Purchase (Governance and Planning Coordinator)
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.)

No Declarations of Interest were identified as part of these Minutes

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 26 September 2016 be confirmed as a true and correct record.

DECISION: 10 October 2016**MOTION**

Moved Alderman J Finlay, seconded Alderman J G Cox.

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

No Petitions were identified as part of these Minutes

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.)

No Public Questions on Notice were identified as part of these Minutes

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.)

7.2.1 Mr Peter Cameron - Launceston Interim Planning Scheme 2015

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

Mr Robert Dobrzynski (General Manager) indicated that, in order to provide appropriate information, it would be beneficial to know the specific details of the matter that prompted the question. Mrs L Hurst (Director Development Services) also stated that it was not solely the Launceston Interim Planning Scheme that was utilised when considering Development Applications.

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

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)

FILE NO: DA0383/2016

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine 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, a permit be granted, for DA0383/2016 Residential - single dwelling; subdivide land into two lots; multiple dwellings - construction and use of two multiple dwellings on proposed lot 2 (amended proposal) at 131 Elphin Road, Newstead subject to the following conditions:

1. ENDORSED PLANS

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

- a. Subdivision site plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 2/9, Revision No. 6, Scale 1:250 @A3, Dated 1/09/2016.
 - b. Site plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 3/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
 - c. Landscaping plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 4/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
 - d. Lower floor plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 6/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
 - e. Upper floor plan, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 7/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016.
 - f. Elevations, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 8/9, Revision No. 6, Scale 1:100 @A3, Dated 1/09/2016 - Plan to be amended.
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8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

- g. Elevations, Prepared by Meindert Van Der Molen, Drawing No. DAL0616 - 9/9, Revision No. 6, Scale 1:100, @A3, Dated 1/09/2016 - Plan to be amended.

2. AMENDED PLANS REQUIRED

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

- a. The maximum height of the southern elevation is to be 6m above the existing natural ground level.

3. FINAL PLAN OF SURVEY

The final plan of survey will not be sealed until all conditions have been complied with, or an agreement has been entered into providing for the completion of works at a later stage.

4. 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.

5. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/01252-LCC) (attached).

7. HOURS OF CONSTRUCTION

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

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

8. FENCING

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

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

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

9. DRIVEWAY 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.

10. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws 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 Technical Services is required prior to undertaking works where the works:

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

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

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. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/alterred, or to have a new connection installed, an application must be made using the Council's eServices web portal or on the approved form and accompanied by the prescribed fee. All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

13. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

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

All redundant crossovers and driveways must be removed prior to the occupation of the development.

All new works must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's cost.

14. 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.

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

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.

15. AMENITY

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

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. Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

C. Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing 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.

D. General

This permit was issued based on the proposal documents submitted for DA0383/2016. 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.*
-

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

- 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 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.

E. 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.

F. 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>>

G. 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.

H. Street addresses for Multiple Dwellings

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

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

<i>Dwelling No</i>	<i>Street Address</i>
<i>Proposed Unit 1</i>	<i>2/46 Olive Street</i>
<i>Proposed Unit 2</i>	<i>1/46 Olive Street</i>

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

Mrs L Hurst (Director Development Services) and Mrs C Mainsbridge (Senior Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr Rod Gardiner (on behalf of Mr Peter Schouten) spoke against the item

Ms Madeline Gardiner spoke against the item

Mr Terry Brain spoke against the item

Mr Rod Gardiner spoke against the item

DECISION: 10 October 2016

MOTION

Moved Alderman J Finlay, seconded Alderman D C Gibson.

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 - DA0383/2016 Residential - single dwelling; subdivide land into two lots; multiple dwellings - construction and use of two multiple dwellings on proposed lot 2 (amended proposal) at 131 Elphin Road, be refused on the following grounds:

Non-compliance with *Clause 10.4.1 A1.1 (a), Lot size and dimensions*, as proposed lot 2 has an area less than 500m² and does not meet the requirements of P1 (a), (b), (c), (f) and (g).

8.1 131 Elphin Road, Newstead - Residential - Single Dwelling; Subdivide Land Into Two Lots; Multiple Dwellings - Construction and Use of Two Multiple Dwellings on Proposed Lot 2 (Amended Proposal)...(Cont'd)

The proposed density for the proposed dwellings on lot 2 does not meet *Clause 10.4.1 A1 (a) Residential density for multiple dwellings* as the proposed density at 246m² per dwelling is well below the minimum of 325m² and is not considered to meet P1 (a), compatibility with density of surrounding development.

Non-compliance with *Clause 10.4.2 A3 (ii) Setbacks and building envelope*, for all dwellings, as the two storey sections of the proposed multiple dwellings extend into the building envelope on the southern side setback and is not considered able to comply with the requirements of P3 (a) and (b) particularly in respect of overshadowing, scale, bulk and proportion of dwellings and separation between buildings so as to be compatible with the surrounding area.

The application does not include a visitor space for the proposed dwellings as required by *Clause E6.5.1 A1 (b) Car parking numbers*, where 100% of the car parking numbers is required. The proposal requires five spaces but can only provide four spaces.

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

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park

FILE NO: DA0309/2016

AUTHOR: Brian White (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine 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, a permit be granted for DA0309/2016 - Educational and occasional care - primary school: Demolition of the existing administration building and construction of a new administration building and car park at 31-37 Tudor Avenue, 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 Council unless modified by a condition of the Permit:

- a. Site Plan, Prepared by S Group, Drawing No. A1-001, Revision No. B, Dated 18/8/2016 (Amended Plan Required).
 - b. Demolition Plan, Prepared by S Group, Drawing No. A1-002, Revision No. B, Dated 18/8/2016.
 - c. Floor Plan, Prepared by S Group, Drawing No. A2-002, Revision No. B, Dated 18/8/2016.
 - d. Elevations, Prepared by S Group, Drawing No. A3-001, Revision No. B, Dated 18/8/2016.
 - e. Elevations, Prepared by S Group, Drawing No. A3-004, Revision No. B, Dated 18/8/2016.
 - f. Shadow diagrams, Elevations, Prepared by S Group, Drawing No. A4-001, Revision No. B, Dated 18/8/2016.
 - g. Shadow diagrams, Elevations, Prepared by S Group, Drawing No. A4-002, Revision No. B, Dated 18/8/2016.
 - h. Shadow diagrams, Elevations, Prepared by S Group, Drawing No. A4-005, Revision No. B, Dated 18/8/2016.
 - i. S Group Covering Letter, Prepared by S Group, Dated 19/7/2016.
 - j. Traffic Assessment, Prepared by Terry Eaton, Dated June 2016.
-

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park...(Cont'd)

2. SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan (site plan A1-001);
- b. Completed prior to the use commencing; and
- c. Maintained for the life of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

3. MECHANICAL PLANT

Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.

4. CAR PARKING

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.

5. 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.

6. USE LIMITATION

This permit allows the educational and occasional care use as defined in the Launceston Interim Planning Scheme 2015. The use is limited to 104 students and eight full-time equivalent (FTE) staff members. This number encompasses child care, kinder, prep, primary school and secondary school students. Any increase in student numbers and/or FTE staff numbers is subject to a further application and approval.

7. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and no works on Sunday or Public Holidays. It is expected that one concrete pour will occur outside of those times which is exempt from this condition.

8. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/01034-LCC).

9. NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park...(Cont'd)

10. DRIVEWAY 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.

11. AMENDED PLANS REQUIRED

Prior to the commencement of any work or use, the plan identified as 'Amended Plan Required' must be amended and submitted to show:

- a. The accessible parking space delineated in accordance with AS2890.6

Once approved by the Manager Development Planning, this amended plan will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

12. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

13. 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 Technical Services is required prior to undertaking works where the works:

- a. require a road or lane closure;
-

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park...(Cont'd)

- 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.

14. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

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

All redundant crossovers and driveways must be removed prior to the occupation of the development.

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

15. 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.

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park...(Cont'd)

16. DEMOLITION

The Developer must:

- (a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- (b) not undertake any burning of waste materials on site;
- (c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- (d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania 'How to Safely Remove Asbestos' Code of Practice 2012 or any subsequent versions of the document

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. Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

C. Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing 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.

D. General

This permit was issued based on the proposal documents submitted for DA0309/2016. 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.*
 - 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.*
-

8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park...(Cont'd)

This permit is valid for two 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.

E. 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>>

F. 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.

Mrs L Hurst (Director Development Services), Mrs C Mainsbridge (Senior Town Planner) and Mr B White (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr Marcel Ritchie spoke against the item

Alderman J Finlay withdrew from the Meeting at 1.24pm.

Alderman J Finlay re-attended the Meeting at 1.27pm.

- 8.2 31-37 Tudor Avenue, Newstead - Education and Occasional Care - Primary School; Demolition of the Existing Administration Building and Construction of a New Administration Building and Car Park...(Cont'd)**
-

DECISION: 10 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 10:2

FOR VOTE: Mayor Alderman A M van Zetten, 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

AGAINST VOTE: Deputy Mayor Alderman R I Soward and Alderman R J Sands

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles

FILE NO: DA0407/2016

AUTHOR: George Walker (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

Various planning permits have been issued for the titles that comprise the development site.

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, a permit be granted pursuant to a decision from Council, for DA0407/2016 Vehicle Parking - single and multi-storey car parks; demolition, construction and use of a ground level car park and consolidation of six land titles on land located at 16 and 18 Margaret Street, 268, 270 and 272 Brisbane Street and 123 and 125-133 Paterson 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 Council unless modified by a condition of the Permit:

- a) Existing Site Plan Project No. 16.235 Drawing No D00 prepared by 6ty° dated 8 September 2016;
 - b) Demolition Plan Project No. 16.235 Drawing No D01 prepared by 6ty° dated 8 September 2016;
 - c) Layout Plan Project No. 16.235 Drawing No D02 prepared by 6ty° dated 8 September 2016;
 - d) Turn Path B99 Vehicle Plan Project No. 16.235 Drawing No D03 prepared by 6ty° dated 8 September 2016;
 - e) Turn Path 24 Seat Bus Plan Project No. 16.235 Drawing No D04 prepared by 6ty° dated 8 September 2016;
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8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)

- f) Bus Stop Path MTT Bus and Typical Fence Elevation Plan Project No. 16.235 Drawing No D05 prepared by 6ty° dated 8 September 2016;
- g) Streetscape Visualisation Plan prepared by 6ty°;
- h) Planning Application Supporting Submission Project No. 16.235 Issue 3 prepared by 6ty° dated 8 September 2016;
- i) Flood Levels and Risk Management Report Project No. 16.235 Issue 1 prepared by 6ty° dated 12 September 2016;
- j) Environmental Site Assessment reference TG16170/1 - 01letter prepared by Tasman Geotechnics Pty Ltd dated 12 September 2016;
- k) Traffic Impact Assessment Project No. 16.235 Issue 1 prepared by 6ty° dated 12 September 2016;

2. FENCING

Prior to the commencement of the use of the car park the following fences must be constructed:

- a. a boundary fence between the consolidated lot that will contain the car park and all shared boundaries associated with the properties located at 22 Margaret Street and 264 Brisbane Street, Launceston. The fence is to be solid to a minimum height of 2.1m, be constructed of a colorbond material or similar and to be finished with dark muted tones; and
- b. A brick column and vertical steel bar fence along the Brisbane Street/West Tamar Road frontage in accordance with the Typical Fence Elevation Plan (Project No. 16.235 Drawing No D05 prepared by 6ty° dated 8 September 2016).

3. LIGHTING OF CAR PARK

The lighting of the car park area must be located and designed with suitable baffles so that no direct light is emitted outside the boundaries of the site.

4. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except for the works that are required within the Margaret Street and Brisbane Street/West Tamar Road Reserves as approved by this permit.

5. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and no works on Sunday or Public Holidays.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/01313-LCC2016/01313-LCC).

7. DEMOLITION

- a. All demolition works must ensure the protection of property and services which are to either remain on or adjacent to the site from interference or damage.
- b. Burning of waste materials must not be undertaken on site.
- c. All rubbish/debris must be removed from the site for disposal at a licensed refuse disposal site.

8. SITE LANDSCAPING PLAN

Prior to the commencement of the use of the car park, the landscaping identified within the endorsed plans including the Streetscape Visualisation plan must be installed and:

- a. must include plant species that reflect the approved Streetscape Visualisation plan;
- b. must be installed in the locations detailed within the approved plans;
- c. must be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all of the landscaped areas;
- d. must be maintained in a verdant and fecund state for the duration of the use of the car park and must not be removed, destroyed or lopped without written consent of the Council.

9. DRIVEWAY 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.

- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)**
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10. ON-SITE DETENTION

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 under the existing conditions. The on-site detention storage system is to be designed by a civil engineer eligible for membership of IE Aust or equivalent for storm event from 1/5 to 1/100 AEP.

Prior to the commencement of works, the plans and calculations must be submitted to the Director Infrastructure Services 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.

11. AMENDED PLANS REQUIRED

Prior to a Building Permit being issued for the development under the *Building Act 2000*, amended plans must be submitted to the satisfaction of the Council to replace the plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must show the following:

- a. Relocation of the proposed bike rails to a location with pedestrian access from the street; and
- b. Proposed signage prior to the entry boom gate indicating the presence of the boom gate at a location that allows traffic that is not intending to enter the car park to divert into the other lane.

12. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

13. 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.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)

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

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

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

14. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

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

All redundant crossovers and driveways must be removed prior to the occupation of the development.

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

15. 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.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)

The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

16. SEALING PLANS OF SUBDIVISION

Prior to the commencement of the use the Final Plan of Survey for the consolidated lot is to be sealed subject to the completion of the following matters to the satisfaction of the Manager Planning Services:

- a. The satisfactory completion of the public and private infrastructure works required by this permit with reticulated services and vehicular access in accordance the Council requirements.
- b. Any payment or other action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

17. 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.

18. NO BURNING OF WASTE

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

19. DEMOLITION

The Developer must:

- (a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- (b) not undertake any burning of waste materials on site;
- (c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- (d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania *'How to Safely Remove Asbestos' Code of Practice 2012* or any subsequent versions of the document.

20. CONTROL OF STORMWATER POLLUTION

Provide a Stormwater Management Plan at the BA stage to minimise stormwater pollution from the carpark/s.

8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)

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. Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing 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.

C. General

This permit was issued based on the proposal documents submitted for DA0407/2016. 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 withdrawn or determined; or.*

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.

D. 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.

- 8.3 16 & 18 Margaret Street, 268, 270 & 272 Brisbane Street, 123 & 125-133 Paterson Street, Launceston - Vehicle Parking - Single and Multi-Storey Car Parks; Demolition, Construction and Use of a Ground Level Car Park and Consolidation of Six Land Titles...(Cont'd)**
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Mrs L Hurst (Director Development Services), Mrs C Mainsbridge (Senior Town Planner) and Mr G Walker (Development Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mrs Joan Pentland spoke against the item

Mrs Susan Cai spoke to the item

Mr Dean Cocker spoke for the item

DECISION: 10 October 2016

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted with the addition of:

21. INSTALLATION OF INTERPRETIVE PANELS

That the Applicant provides detailed interpretive panels in consultation with the Council of the heritage of the dwellings removed from the site. The interpretive panels are to be placed on the site, in a position and of a character approved by the Manager Planning Services.

CARRIED 11:1

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 D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek

AGAINST VOTE: Alderman J Finlay

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

DECISION: 10 October 2016

MOTION

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

That Council move to discuss Agenda Item 18.1 - Kings Park Commemorative Precinct Policy and Agenda Item 18.2 - Polish Memorial in Kings Park.

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 discuss Agenda Item 18.1 - Kings Park Commemorative Precinct Policy.

18.1 Kings Park Commemorative Precinct Policy**FILE NO:** SF0859**DIRECTOR:** Harry Galea, Director Infrastructure Services

DECISION STATEMENT:

To consider a policy to centralise commemorative installations at Kings Park.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 17 March 2014 - Presentation of master plan to regulate location of commemorative installations

RECOMMENDATION:

That the Council adopt the Kings Park Commemorative Precinct Policy (26-PI-016) as follows:

'Kings Park Commemorative Precinct' Policy***PURPOSE:***

To advise Council's approach to the management of requests for commemorative installations in the City of Launceston, avoiding duplication and sustainable maintenance by centralising of the monument facilities.

To ensure:

- that single commemorative installations do not interfere with the intended purposes of the park, gardens, open spaces, pathways, trails, users or other installations*
- the placement of commemorative installations are centralised to focus the community's attention when visiting*
- that commemorative installations do not impact negatively on the future maintenance expenditure of the Council, and*
- the placement of any commemorative installations does not present a safety risk.*

SCOPE:

Requests are occasionally received by the City of Launceston from organisations, groups and clubs for permission to place commemorative installations within Council's Parks and Reserves. Kings Park will be the focus of commemorative installation which could consist of a commemorative garden, planting, landscape element, structure or a combination of two or more of these.

18.1 Kings Park Commemorative Precinct Policy ...(Cont'd)

They are installed to commemorate an organisation, group or event that have had a positive impact in Launceston's history or of a military or peacetime nature to support the nearby cenotaph. They shall not be to commemorate an individual or notable person.

This Policy covers all commemorative installations in Council parks and reserves. Placement of other memorials such as plaques, commemorative trees, avenues and temporary road-side monuments on local government owned land are outside the scope of this policy.

OBJECTIVES:

- 1. To ensure that there is a clear and consistent method for assessing community requests for new commemorative installations in Kings Park.*
- 2. To ensure that the installation and ongoing management of new and existing commemorative installations in Kings Park is undertaken in an agreed manner and agreed responsibilities.*

POLICY:

- 1. Unless exceptional circumstances exist, all commemorative installation shall be centred at Kings Park.*
 - 2. Public open space areas are an important community resource and installations need to be carefully designed to ensure that they do not impact negatively on these spaces or park users.*
 - 3. It is recognised that Kings Park may become saturated with installations, and in that case, it would be appropriate to consider strict limitations or a moratorium of future installations at that location or area. The number of available sites is indicated on the King Park Commemorative Precinct Plan.*
 - 4. Requests for commemorative installations to City of Launceston will be considered on a case-by-case basis by the Director Infrastructure Services. Any refusal of an application will be reported to Aldermen in the event the Council seek to provide approval. Matters to be taken into account in the assessment include all matters listed in items 5 to 8 below.*
 - 5. Applications must be made in writing, addressing the criteria outlined in section 8 below and should include proposed text or images, concept design drawings and any other pertinent information.*
 - 6. An application will not be approved unless accompanied by a letter from the peak organisation in Tasmania (and if does not exist) then Australia which provides unqualified support for the installation.*
-

18.1 Kings Park Commemorative Precinct Policy ...(Cont'd)

7. *Applications should be addressed to:*
Manager Natural Environment
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

8. *Applications will be assessed against the following criteria:*

a. *The design of the installation is appropriate*

Design and wording of commemorative installations must be approved by the Council, and its proposed location must be wholly contained within the nominated sites as indicated on the Kings Park Commemorative Precinct Plan. In consultation with the Launceston Flood Authority certain civil works may be prohibited if they are considered to impact the flood levee system.

If applicable it must be in line with City of Launceston corporate protocols for use of the Council logo if used.

b. *Appropriate consultation is undertaken*

Applications should include evidence of community consultation on the installation's purpose and design, in the form of letters of support from relevant or affected interest groups and organisations.

c. *Sufficient Capital and maintenance funding is available*

The applicant must meet all the costs associated with design, manufacture, project management and installation of the monument. Applicants will be responsible for all Development Applications and building permits if applicable. Works must be undertaken in a timely manner. In some instances, a contribution toward maintenance may also be a condition of approval. Should the monument be lost, vandalised or wear and tear, repair and replacement costs would remain the responsibility of the donor. The installation will become the property of the City of Launceston and will be register as such in Council Asset Management System.

d. *The subject matter of the proposed installation is appropriate*

Subjects for installations will be considered appropriate if they fit the following criteria:

Installations commemorate an organisation, group, or event that has/had a positive impact on the Launceston Community or are of a military or peacetime nature and have significance to the region's history and development.

18.1 Kings Park Commemorative Precinct Policy ...(Cont'd)

No new installation will be considered which commemorates a person, event or occasion that is already the subject of a monument in the City of Launceston area unless there are exceptional circumstances.

- e. *The purpose of the commemorative installation*
The impact of the purpose of the subject group or event in Launceston's history or fabric of the society.

Installations that are likely to cause offense or that are of a political nature will not be considered.

9. Maintenance requirements

As it is recognised that some installations will have a limited lifespan, City of Launceston does not guarantee to retain an installation after a period of 15 years.

The City of Launceston may at any time temporarily remove the installation for works or maintenance of the park.

The installation may be permanently removed if the use of the site changes significantly. Where possible, City of Launceston will consult with the original proponent.

In the event the monument is damaged or requires repair or maintenance and the original proponent is not able to be contacted, the monument may be repaired and if the damage, repairs or maintenance is extensive, as determined by the Director Infrastructure Services, it will be removed. City of Launceston will undertake maintenance of soft infrastructure such as grass care and pruning of plants and shrubs and will also be responsible for graffiti removal. The proponent will be responsible to all other maintenance.

No changes or modifications shall be made to the installation without prior approval from the Director Infrastructure Services.

Following approval of an installation the applicant and the Council will enter into a MoU outlining maintenance responsibilities.

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

18.1 Kings Park Commemorative Precinct Policy ...(Cont'd)

DECISION: 10 October 2016**MOTION****Moved Alderman J Finlay, seconded Alderman K P Stojansek.****That the Item be deferred so it can be discussed at a Workshop.****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**

18.2 Polish Memorial in Kings Park**FILE NO:** SF0859**AUTHOR:** Barry Pickett (Acting Natural Environment Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

That Council, in its capacity as land owner, considers a request from the Polish Pioneers Foundation to install a Memorial at Kings Park to commemorate the contribution of the Polish Community in Tasmania.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 19 September 2016 - Agenda Item 4.2 - Report to consider details of Memorial
SPPC - 4 July 2016 - Agenda Item 4.1 - Polish Pioneers Deputation presenting proposal

RECOMMENDATION:

That Council provides consent to the Polish Pioneers Foundation to lodge a Development Application to install a Memorial at Kings Park subject to the following conditions:

- (a) Application to include the vertical column lighting on the basis that the operation of the lights is approved by the General Manager generally on special occasions and/or events related to the Polish community.
 - (b) In accordance with the 'Kings Park Commemorative Precinct' Policy (26-PI-016), that the ongoing maintenance responsibilities shall be:
 - Council responsibility - Condition 9 (weeds, soft infrastructure, power costs, graffiti removal);
 - Proponent responsibility - Condition 9 (damage, vandalism, wear and tear).
-

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

18.2 Polish Memorial in Kings Park ...(Cont'd)

DECISION: 10 October 2016**MOTION****Moved Alderman J Finlay, seconded Alderman D C Gibson.****That the Item be deferred and brought back to Council after the Kings Park Commemorative Precinct Policy has been determined.****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**

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

Monday 26 September 2016

- Attended New Horizon's "Picture Us All" Portrait Prize and Exhibition at Sawtooth Gallery, Launceston

Tuesday 27 September 2016

- Attended the Premier's Northern Tasmanian Economic Update Breakfast at Peppers Seaport Hotel, Launceston
- Officiated at the launch of the Spirit of Tasmania Cycling Tour of Tasmania at Stillwater Restaurant, Launceston followed by official luncheon
- Officiated at the Civic Reception to mark the 90th Anniversary for the Launceston Players at the Town Hall Reception Room

Friday 30 September 2016

- Attended the Tasmanian Poetry Festival for the "Meet the Guest Poet's Night" at the Penny Royal Complex
- Attended the launch of the Innovation Hub pop-up space in Paterson Street, Launceston

Saturday 1 October 2016

- Attended The Launceston Festival of Dance final evening at the Princess Theatre, Launceston

Sunday 2 October 2016

- Officiated and participated in the Clifford Craig Run/Walk at Aurora Stadium
- Attended the Launceston Male Choir performance at the City Baptist Church in Frederick Street, Launceston

Monday 3 October 2016

- Attended the Royal Launceston Show Cocktail Party at QVMAG in Wellington Street, Launceston
-

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

Tuesday 4 October 2016

- Attended the Royal Launceston Show Networking Function at the Sheep Pavilion at the Launceston Showgrounds

Wednesday 5 October 2016

- Attended the Official Opening of the Launceston Art Society 125th Anniversary Exhibition and Cocktail Party at QVMAG in Wellington Street, Launceston

Thursday 6 October 2016

- Attended the 2016 Royal Launceston Show Official Party to tour the Show on People's Day
- Attended the 2016 Royal Launceston Show Luncheon at the Northern Bombers Clubrooms at Aurora Stadium

Saturday 8 October 2016

- Officiated at the launch of the Community Housing Scholarship Program for 2016 at The Boathouse on Northbank
- Officiated at the MND Event in the Quadrant Mall
- Attended the 138th Official Opening of the Tamar Yacht Club season at the Clubhouse in Beauty Point

Sunday 9 October 2016

- Attended the Norwood Combined Probus Club Annual Church Parade at the Salvation Army Citadel in Elizabeth Street

Monday 10 October 2016

- Attended the Launch for FIFA Live your Goals in Tasmania at the East Launceston Primary School in East Launceston
-

Monday 3 October 2016

- **Noted that the Royal Launceston Show Cocktail Party was held at the Country Club Casino**
-

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 D C Gibson

- **Noted the commencement of Mental Health Week and highlighted the Minds Do Matter exhibition at the QVMAG**
- **Attended the Launceston Art Society 125th Anniversary Exhibition and Cocktail Party at the QVMAG**
- **Attended the Civic Reception for the Launceston Players 90th Year celebration at the Town Hall**

10.2 Alderman D H McKenzie

- **Attended the Spirit of Tasmania Tour of Tasmania prologue tour stage in Launceston and acted as starter for the Poatina stage of the tour**
- **Attended the TasWater Meeting in Launceston**

10.3 Alderman R L McKendrick

- **Attended the monthly Meeting of Franklin House and noted an increase in school visits to Franklin House**
- **Attended the Franklin Village Committee Meeting**

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.)

11.1.1 Aldermen's Questions on Notice - Council Meeting - 26 September 2016**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTION and RESPONSE:

Alderman D H McKenzie asked the following question with regard to 241-247 Hobart Road, Kings Meadows.

1. Because we now have some encroachment on the land reserve, just looking at the appropriateness of that being done as a delegation as opposed to coming back to the Council in regards to encroachment on the land reserves?

Response:

(Mr R Dobrzynski - General Manager)

In accordance with S21 *Local Government (Highways) Act 1982*, the Council has care, control and management of local highways maintainable by the Council. The section vests the local highway to the Council and makes no distinction on the title ownership. It is this section that Local Government uses to allow or undertake many activities within the road reservation. Some of these activities involve awnings within the road reservation (with or without supporting posts), advertising or directional signage, special events, and on-streets private uses such as dining or trading. In some instances where the private use is considered to be exclusive use and relatively permanent tenure then it may be necessary to consider formal leasing and in some cases closure and sale of the portion of the road reservation. An extract of S21 is provided below:

S21. General responsibility of corporations

(1) Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.

(2) For the purposes of the discharge of its duties under this section in respect of a highway, a corporation may carry out such works as it considers necessary for the maintenance or renewal of any bridge, embankment, or other work carrying, or otherwise associated with, the highway.

**11.1.1 Aldermen's Questions on Notice - Council Meeting - 26 September 2016
...(Cont'd)**

(3) The local highways in a municipality that are maintainable by the corporation vest in the corporation and, for the purpose of the exercise of its functions in respect of those highways, the corporation has, subject to the Traffic Act 1925 and the Vehicle and Traffic Act 1999, the care, control, and management of those highways.

(4) Except as otherwise provided in this Act, a corporation is not liable for any injury or loss arising from the condition of a highway unless that condition results from the improper carrying out of highway works that are carried out by, or at the direction of, the corporation.

In terms of the development at 241-247 Hobart Road, the development was assessed on two fronts - firstly if the legislation would allow erection/construction of a driveway providing egress to the bottle shop and accompanying awning structure and secondly the planning merits of the development. The second issue was dealt with as part of the Planning Assessment process. The first issue was considered to be allowable pursuant to S21 *Local Government (Highways) Act 1982*. Given that the bottle shop driveway is not considered exclusive private use (and not entirely dissimilar to driveways serving residential or commercial uses) then it was considered not necessary to explore leasing nor highway closure. This part of the development is treated in exactly the same way as other driveways and awning applications. It should be noted that the internal driveway at the south side of the building required access onto the road reservation. In this case it was considered exclusive and permanent occupation and hence the mechanism recommended was for formal highway closure and purchase of the land.

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.)

12 COMMITTEE REPORTS

12.1 Pedestrian and Bike Committee Meeting - 6 September 2016

FILE NO: SF0618

AUTHOR: Julie Tyres (Administration Officer - Technical Services)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Meeting of the Pedestrian and Bike Committee held on 6 September 2016.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 6 September 2016.

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 10 October 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

12.2 Heritage Forest Advisory Committee Meeting - 7 September 2016**FILE NO:** SF6371**AUTHOR:** Dannielle Denning (Parks Planner)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider and receive a report from the Heritage Forest Advisory Committee.

RECOMMENDATION:

That Council receives the report from the Heritage Forest Advisory Committee Meeting held on 7 September 2016.

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 10 October 2016**MOTION**

Moved Alderman R I Soward, seconded Alderman D H McKenzie.

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

12.3 Sister City Committee Meeting - 12 September 2016**FILE NO:** SF0175**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Sister City Committee.

RECOMMENDATION:

That Council receives the report from the Sister City Committee Meeting held on Monday, 12 September 2016.

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

DECISION: 10 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

13 COUNCIL WORKSHOPS

Council Workshops conducted on 3 October 2016 were:

- Duck Reach
- UTAS Inner City Campus Development
- Show Society
- City Deal/Smart Cities
- Northern Economic Stimulus Package Briefing
- C H Smith Site
- Rate Modelling

14 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 City Centre Smoke-free Zones****FILE NO:** SF3221**AUTHOR:** Debbie Fortuin (Manager Environmental Services)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To amend the wording of the resolution passed on 12 September 2016 regarding expansion of the smoke-free zones in the Launceston Central Business District (CBD) to reflect the area depicted on the map.

PREVIOUS COUNCIL CONSIDERATION:

Council - 20 September 2010 - Agenda Item 12.6

Council considered a Notice of Motion in relation to the State's proposed new smoking bans.

Council - 13 December 2010 - Agenda Item 12.5

Considered a Notice of Motion that Council determines as a matter of principle, to declare smoke-free areas in the following locations of the Launceston municipal area:

- Brisbane Street Mall.
- Quadrant Mall.
- Two bus interchange areas in St John Street.
- Requests the General Manager to provide a report, at the earliest opportunity, on the means by which the Council should proceed to implement its position and the manner in which such a declaration would be administered, with the report to investigate the use of the provisions of the *Public Health Act 1997*, as recently used by Hobart City Council to ban smoking within locations in the City of Hobart.
- Agrees to implement these smoking restrictions commencing at the earliest opportunity.

Council - 31 January 2011 - Agenda Item 3.1

A further report was presented to Council. The decision was that Council proceed with implementing the ban on smoking in the Brisbane Street Mall, Quadrant Street Mall and two bus interchanges as outlined.

Council - 11 April 2016 - Agenda item 15.1

Council resolved that the proposed extension of the smoke-free zones in the Launceston CBD as illustrated in Attachment 1- ECM Document Reference No 3735352 - be submitted for public consultation.

15.1 City Centre Smoke-Free Zones ...(Cont'd)

Council - 12 September 2016 - Agenda item 15.1

Council resolved:

1. That the proposed expansion of the smoke-free zones to Brisbane Court, Centre Way Lane, Part of Dicky Whites Lane, Claytons Lane in the Launceston Central Business District (CBD) be adopted.
2. That the Smoke-free Zones commence 1 January 2017.
3. That the amenity for smoking areas be determined and rolled out in line with City Heart Project Stage 1, major public realm projects, and City Heart project stage 2 design and implementation phase.

RECOMMENDATION:

1. That Council adopts the proposed expansion of the smoke-free zones to Brisbane Court, Centre Way Lane, part of Dicky Whites Lane, Claytons Lane, the Avenue and St John Street between York and Paterson Streets, in the Launceston Central Business District (CBD).
 2. That the Smoke-free Zones commence 1 January 2017.
-

Mrs L Hurst (Director Development Services) and Ms D Fortuin (Manager Environmental Services) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 10 October 2016**MOTION**

Moved Alderman R I Soward, seconded Alderman D C Gibson.

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

15.2 Community Grants (Round 2) 2016/2017

FILE NO: SF6238

AUTHOR: Eve Gibbons (Grants and Sponsorship Officer)

DIRECTOR: Leanne Hurst (Director of Development Services)

DECISION STATEMENT:

To consider requests for Community Grants received in Round 2 2016-2017

RECOMMENDATION:

1. That the following grant applications receive the recommended grant amounts:

No	Request	Details	Score	Requested	Recommend	Page #
1	Starting Point Neighborhood House	'Seeding the Future' October 2016 - March 2017	99%	\$5,000	\$5,000	45-60
2	Interweave Arts Association Inc.	'Feet to Street' November 2016 - February 2017	97%	\$5,000	\$5,000	112-133
3	Bhutanese Faces of Launceston Working Group (Auspiced by The Migrant Resource Centre)	'Bhutanese Faces of Launceston' 22 October 2016 - April 2017	95%	\$5,000	\$5,000	3-17
4	Australian Red Cross	'FoodREDI' February 2017 - June 2017	83%	\$5,000	\$5,000	147-161
5	Good Neighbour Council Launceston Inc.	'Easy Exercise' October 2016 - March 2017	64%	\$2,880	\$2,160	87-98
6	Sudanese Community Launceston	'Community Talents and Soccer Activities Program' 4 February - 25 March, 2017	60%	\$4,840	\$902	30-44
			TOTAL	\$27,720	\$23,062	

15.2 Community Grants (Round 2) 2016/2017 ...(Cont'd)

2. That the following grant application not be funded by Council as a result of the Round 2 2016/2017 budget allocation (ie. \$23,812) being fully expended:

No	Request	Details	Score	Requested	Recommend	Page #
7	Women's Friendship Group	'Self Esteem Through Creativity' 5 November, 2106 - 3 December, 2016	50%	\$5,000	\$0 Round 2 budget allocation expended	74-86

3. That the following grant applications not be funded by Council as they each received a score less than the recommended level for funding (i.e. < 50%):

No	Request	Details	Score	Requested	Recommend	Page #
8	The Launceston Players Society Inc.	'Launceston Players History Project' September 2016 - May 2017	44%	\$5,000	Not supported \$0	134-136
9	The Shepherd Centre for Deaf Children	'The Shepherd Centre Professional Development Workshop' January - October 2017	40%	\$5,000	Not supported \$0	61-73
10	Gastroparesis Launceston	'Gastroparesis Awareness Leaflet' November 2016	37%	\$5,000	Not supported \$0	98-111
11	Brave Foundation	'Parenting Teen Education Resource Packs and Scholarship' February 2017	29%	\$5,000	Not supported \$0	18-29

15.2 Community Grants (Round 2) 2016/2017 ...(Cont'd)

Mrs L Hurst (Director Development Services) and Mrs E Gibbons (Grants and Sponsorship Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

Alderman R J Sands withdrew from the Meeting at 2.32pm.

DECISION: 10 October 2016

MOTION

Moved Alderman D C Gibson, seconded Alderman E K Williams.

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 VOTING: Alderman R J Sands

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 Kings Park Commemorative Precinct Policy**

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 7 - Public Question Time on Page 28 of these Minutes.

18.2 Polish Memorial in Kings Park

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 7 - Public Question Time on Page 33 of these Minutes.

Council adjourned for a break at 1.59pm.

Council resumed following the break at 2.04pm.

18.3 Lease - Tasmanian Family History Society Inc**FILE NO:** SF2337**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a proposal from the Tasmanian Family History Society Inc to lease the City Park Stables at 45-55 Tamar Street (part of Certificate of Title Vol 50902 Folio 1). This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 15 December 2008 - Agenda Item 12.3 - City Park Stables - Lease approved
Council - 24 October 2011 - Agenda Item 16.3 - Lease Tasmanian Family History Society Inc - Lease approved

RECOMMENDATION:

That, in accordance with Section 178 of the *Local Government Act* 1993, Council resolves to lease public land situated at 45-55 Tamar Street (part of Certificate of Title Vol 50902 Folio 1) to the Tasmanian Family History Society Inc. under the following terms:

- the term shall be five (5) years commencing on 1 October 2016;
 - the lease amount shall be \$1,700 per annum plus GST and linked to CPI;
 - tenant to be responsible for:
 - energy costs;
 - volumetric and connection charges for water; and
 - other service charges (if any)
 - tenant shall continuously maintain:
 - building in good and reasonable order; and
 - public liability insurance of at least \$10 million
-

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

18.3 Lease - Tasmanian Family History Society Inc ...(Cont'd)

DECISION: 10 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 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 VOTING: Alderman R J Sands**

18.4 Tamar Bridge Club Lease**FILE NO:** SF0387**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider leasing an area of land at the St Leonards Sports Complex known as the St Leonards Memorial Hall (part of Certificate of Title Vol 103535 Folio 1) to the Tamar Bridge Club. This decision requires an absolute majority of Council.

RECOMMENDATION:

That, in accordance with Section 178 of the *Local Government Act 1993*, Council resolves to lease public land known as St Leonards Memorial Hall, situated at 240 St Leonards Road (part of Certificate of Title Vol 103535 Folio 1), to the Tamar Bridge Club under the following terms:

- the term shall be 2 years commencing on 1 October 2016;
 - the lease amount shall be \$2,805.39 plus GST and linked to CPI;
 - tenant to be responsible for:
 - energy costs;
 - volumetric and connection charges for water; and
 - sewerage charges
 - tenant shall continuously maintain:
 - building in good and reasonable order; and
 - public liability insurance of at least \$10 million
-

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

Aldermen were presented with an Amended Recommendation prior to the Meeting.

18.4 Tamar Bridge Club Lease ...(Cont'd)

DECISION: 10 October 2016

MOTION

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

That:

In accordance with Section 178 of the *Local Government Act 1993*, Council resolves to lease public land known as St Leonards Memorial Hall, situated at 240 St Leonards Road (part of Certificate of Title Vol 103535 Folio 1), to the Tamar Bridge Club under the following terms:

- the term shall be 2 years commencing on 1 October 2016;
- the lease amount shall be \$2,805.39 per annum plus GST and linked to CPI;
- tenant to be responsible for:
 - energy costs;
 - volumetric and connection charges for water; and
 - sewerage charges
- tenant shall continuously maintain:
 - building in good and reasonable order; and
 - public liability insurance of at least \$10 million.

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 VOTING: Alderman R J Sands

18.5 Proposed Street Name - Aquila Place**FILE NO:** SF0621; DA0669/2011**AUTHOR:** Sonia Smith (Infrastructure Development Liaison)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider approving a new street name of a rural road off Windermere Road.

RECOMMENDATION:

That, pursuant to the provisions of Section 54 of the *Local Government (Highways) Act 1982* and Section 20E of the *Survey Co-ordination Act 1944*, Council approves the name Aquila Place for the new road between No 3 Ardea Drive and No 1135 Windermere Road, Windermere.

Mrs L Foster (Asset Management and Delivery Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 10 October 2016**MOTION****Moved Alderman R L McKendrick, seconded Alderman J G Cox.****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 VOTING: Alderman R J Sands

Alderman R J Sands re-attended the Meeting at 2.36pm.

19 CORPORATE SERVICES DIRECTORATE ITEMS

19.1 Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*

FILE NO: SF6203/SF2841/SF0113

AUTHOR: Leanne Purchase (Governance and Planning Coordinator)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to the General Manager of particular powers under the *Traffic Act 1925 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate to the holder of the position of General Manager, Council's powers and functions under:
Traffic Act 1925 (Tas) - section 43- Removal of things obstructing public streets.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegation at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegation described in the instrument.
-

Mr J Davis (Manager Corporate Strategy) and Mrs L Purchase (Governance and Planning Coordinator) were in attendance to answer questions of Council in respect of this Agenda Item.

**19.1 Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*
...(Cont'd)**

DECISION: 10 October 2016

MOTION

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

That Agenda Item 19.1 - Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*; Agenda Item 19.2 - Delegation from Council to General Manager - *Malls By-Law*; Agenda Item 19.3 - Delegation from Council to General Manager - *Litter Act 2007 (Tas)* and Agenda Item 19.4 - Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)*, as per the Recommendations 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

19.2 Delegation from Council to General Manager - Malls By-Law**FILE NO:** SF0066/SF0113/SF6203**AUTHOR:** Michael Jacques (Senior Corporate Legal Adviser)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to General Manager of particular powers under the *Malls By-Law No. 1 of 2010* ("*Malls By-Law*").

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the powers and functions it holds (primarily to deal with miscellaneous activities permits in the malls) under the *Malls By-Law* to the General Manager.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the General Manager to delegate the powers and functions described to an employee or employees of the Council.
 3. Notes that, if resolved in the affirmative, the delegation at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, Council's delegations register will be updated to reflect the delegation described in the instrument.
-

Mr J Davis (Manager Corporate Strategy) and Mrs L Purchase (Governance and Planning Coordinator) were in attendance to answer questions of Council in respect of this Agenda Item.

19.2 Delegation from Council to General Manager - Malls By-Law ...(Cont'd)

DECISION: 10 October 2016**MOTION****Moved Alderman R L McKendrick, seconded Alderman R I Soward.****That Agenda Item 19.1 - Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*; Agenda Item 19.2 - Delegation from Council to General Manager - Malls By-Law; Agenda Item 19.3 - Delegation from Council to General Manager - *Litter Act 2007 (Tas)* and Agenda Item 19.4 - Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)*, as per the Recommendations 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**

19.3 Delegation from Council to General Manager - *Litter Act 2007 (Tas)***FILE NO:** SF6203/SF3394/SF0113**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to the General Manager of particular powers under the *Litter Act 2007 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the following powers and functions to the holder of the position of General Manager:

Litter Act 2007 (Tas) - section 38 Recovery of costs arising from litter abatement notices.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegation at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegation described in the instrument.
-

Mr J Davis (Manager Corporate Strategy) and Mrs L Purchase (Governance and Planning Coordinator) were in attendance to answer questions of Council in respect of this Agenda Item.

19.3 Delegation from Council to General Manager - *Litter Act 2007 (Tas)* ...(Cont'd)

DECISION: 10 October 2016**MOTION****Moved Alderman R L McKendrick, seconded Alderman R I Soward.****That Agenda Item 19.1 - Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*; Agenda Item 19.2 - Delegation from Council to General Manager - *Malls By-Law*; Agenda Item 19.3 - Delegation from Council to General Manager - *Litter Act 2007 (Tas)* and Agenda Item 19.4 - Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)*, as per the Recommendations 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**

19.4 Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)***FILE NO:** SF6203/SF0113/SF0079**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to General Manager of particular powers under the *Dog Control Act 2000 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate the following powers and functions under the *Dog Control Act 2000 (Tas)* to the holder of the position of General Manager:
 - a. section 24 Public notice of intention to declare areas
 - b. section 25 Date and period of declaration
 - c. section 27 Signs.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegations at 1. will be effected by an instrument of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegations described in the instrument.
-

Mr J Davis (Manager Corporate Strategy) and Mrs L Purchase (Governance and Planning Coordinator) were in attendance to answer questions of Council in respect of this Agenda Item.

**19.4 Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)*
...(Cont'd)**

DECISION: 10 October 2016

MOTION

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

That Agenda Item 19.1 - Delegation from Council to General Manager - *Traffic Act 1925 (Tas)*; Agenda Item 19.2 - Delegation from Council to General Manager - *Malls By-Law*; Agenda Item 19.3 - Delegation from Council to General Manager - *Litter Act 2007 (Tas)* and Agenda Item 19.4 - Delegation from Council to General Manager - *Dog Control Act 2000 (Tas)*, as per the Recommendations 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

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items were identified as part of these Minutes

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 Rate Debt Summary**22.3 Rate Debt 1****22.4 Rate Debt 2****22.5 Rate Debt 3****22.6 Rate Debt 4****22.7 Rate Debt 5****22.8 Rate Debt 6****22.9 Rate Debt 7****22.10 Rate Debt 8****22.11 Rate Debt 9**

22.12 Rate Debt 10**22.13 Rate Debt 11****22.14 Rate Debt 12****22.15 Rate Debt 13****22.16 Rate Debt 14****22.17 Rate Debt 15****22.18 Rate Debt 16****22.19 Rate Debt 17****22.20 Rate Debt 18****22.21 Rate Debt 19****22.22 Rate Debt 20****22.23 Rate Debt 21**

That Minutes Items 22.2 - Rate Debt Summary and Minutes Items 22.3 - 22.23 - Rate Debts 1 - 21 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(j) 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)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.

22.24 Rate Remission

That Minutes Item 22.24 - Rate Remission be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(j) 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)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.
-

DECISION: 10 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, Agenda Item 22.2 - Rate Debt Summary, Agenda Items 22.3 - 22.23 - Rate Debts 1 - 21 and Agenda Item 22.24 - Rate Remission.

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 D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek
ABSENT at TIME of VOTING: Alderman J Finlay**

Alderman J Finlay withdrew from the Meeting at 2.35pm.

Council moved to Closed Session at 2.35pm.

Council returned to Open Session at 2.44pm.

23 MEETING CLOSURE

The Mayor, Alderman A M van Zetten, closed the Meeting at 2.44pm.