

COUNCIL MEETING
MONDAY 12 SEPTEMBER 2016
1.00pm

City of Launceston

COUNCIL MINUTES

Monday 12 September 2016

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

Date: 12 September 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**

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City of Launceston

COUNCIL MINUTES

Monday 12 September 2016

Present: Alderman A M van Zetten (Mayor)

R I Soward (Deputy Mayor)

R L McKendrick D H McKenzie

J G Cox D C Gibson J Finlay

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

In Attendance: Mr R S Dobrzynski (General Manager)

Mr M Tidey (Director Corporate Services)
Mr H Galea (Director Infrastructure Services)
Mrs L M Hurst (Director Development Services)
Mr R K Sweetnam (Director Facilities Management)
Mr R Mulvaney (Director Queen Victoria Museum

and Art Gallery)

Mr J A Davis (Manager Corporate Strategy)

Mrs A Rooney (Committee Clerk)

Apologies: Alderman R J Sands

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Alderman A M Van Zetten, opened the Meeting at 1.00pm and noted an apology from Alderman R J Sands.

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - Section 48

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

Alderman K P Stojansek declared an interest in Agenda Item 18.1 - Lease - Soldiers Memorial Hall.

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 22 August 2016 be confirmed as a true and correct record.

DECISION: 12 September 2016

MOTION

Moved Alderman K P Stojansek, 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

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 the 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.)

6.1 Metal Minds Robotics

Mr Jonathan Heathcote provided Council with an update on the Metal Minds Robotics 'First Tech Challenge'. The organisation received City of Launceston Community Grant funding to deliver the project and subsequently provide an opportunity to participate in national and international competitions.

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.)

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

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 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street

FILE NO: DA0250/2016

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:

There are no records available of previous Council decisions.

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 DA0250/2016 - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, café/restaurant and bar (including ancillary microbrewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street 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:

- Cover Page Drawing No. 1559_DA00 prepared by Jaws Architecture dated 11 August 2016;
- Location Plan Drawing No. 1559_DA01 prepared by Jaws Architecture dated 11 August 2016;

- 8.1 217B Invermay Road, Invermay And 1 Lytton Street, Invermay Community Meeting And Entertainment, Food Services, Hotel Industry Change Of Use Of Existing Building To A Theatre, Cafe/Restaurant And Bar (Including Ancillary Micro-Brewery); Alterations...(Cont'd)
- c. Site Plan Drawing No. 1559_DA02 prepared by Jaws Architecture dated 11 August 2016:
- d. Existing/Demolition Ground Floor Plan Drawing No. 1559_DA03 prepared by Jaws Architecture dated 11 August 2016;
- e. Proposed Ground Floor Plan Drawing No. 1559_DA04 prepared by Jaws Architecture dated 11 August 2016;
- f. Existing/Demolition First Floor Plan Drawing No. 1559_DA05 prepared by Jaws Architecture dated 11 August 2016;
- g. Proposed First Floor Plan Drawing No. 1559_DA06 prepared by Jaws Architecture dated 11 August 2016;
- h. North Elevation Plan Drawing No. 1559_DA07 prepared by Jaws Architecture dated 11 August 2016;
- East Elevation Plan Drawing No. 1559_DA08 prepared by Jaws Architecture dated 11 August 2016;
- South Elevation Plan Drawing No. 1559_DA09 prepared by Jaws Architecture dated 11 August 2016;
- k. West Elevation Plan Drawing No. 1559_DA10 prepared by Jaws Architecture dated 11 August 2016:
- Section A Plan Drawing No. 1559_DA11 prepared by Jaws Architecture dated 11 August 2016;
- m. Section B Plan Drawing No. 1559_DA12 prepared by Jaws Architecture dated 11 August 2016:
- n. 3D Views Plan Drawing No. 1559_DA13 prepared by Jaws Architecture dated 11 August 2016;
- o. Environmental Noise Assessment Report No. 421452-01prepared by Vipac Scientists and Engineers dated July 2016.

2. FLOOD MANAGEMENT PLAN

The endorsed flood hazard management plan, Hydrological Report and Emergency Management Plan contained within Response to Further Information letter LN15293 - Further Information - LCC DA0250/2016 prepared by Pitt and Sherry dated 9 August 2016, must be kept on premises at all times and displayed prominently. The plan must be issued to key staff and strictly adhered to.

3. LEGAL TITLE

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

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4. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/00795-LCC) (attached).

5. HERITAGE

The development must be undertaken in accordance with the conditions included within the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 5042 which is endorsed as part of this permit.

6. 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.

7. AMENDED PLANS REQUIRED

Prior to the commencement of any work amended plans must be submitted to show:

- a. The reconfiguration of the proposed car parking area to ensure that the fire exists are not obstructed by parked vehicles,
- b. Designation of the accessible parking space in accordance with the requirements of AS2890.6.

Once approved by the Planning Services, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

8. 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.

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - Change of Use of Existing Building to a Theatre, Cafe/Restaurant and Bar (Including Ancillary Micro-Brewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street ...(Cont'd)

9. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of 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.

10. 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.

11. HOURS OF OPERATION

The operation of the approved uses must be confined to 7:00am until 12:00am 7 days per week.

12. DELIVERY HOURS

Deliveries to and from the site (including waste collection) must only take place between:

- 7.00am and 5.00pm Monday to Friday
- 9.00am and 1.00pm Saturday
- 10.00am to 1.00pm Sunday

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - Change of Use of Existing Building to a Theatre, Cafe/Restaurant and Bar (Including Ancillary Micro-Brewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street ...(Cont'd)

13. MICROBREWERY

The operation of the microbrewery is limited to the following specifications:

- a. the majority of beer produced by the microbrewery, being no less than 70%, is to be sold onsite in associated with the bar, café/restaurant and theatre use;
- b. production of beer is limited to 40,000l per year;
- c. mechanical plant and equipment such as pumps and generators utilised in associated with the microbrewery are to be housed within the building;
- d. waste products associated with the brewing process must be securely stored onsite and disposed of regularly;
- e. any dust emissions associated with the milling process must be contained so as not to cause an environmental nuisance;
- f. all waste water is to be directed into the reticulated sewerage infrastructure.

14. ODOUR MANAGEMENT

Odour emissions produced from the operation of the kitchen must be managed by one of the following options:

- restricting the menu options to exclude any open top cooking or deep-frying activities; or
- providing a report from a suitably qualified person with recommendations for the installation of a suitable exhaust system that will control emissions of noise and cooking odours to an acceptable level so as not to cause an environmental nuisance. The report must be to the satisfaction of Council's Manager Environmental Services. In addition the proposed exhaust system must comply with AS1668.1 and AS1668.2:2012.

15. NOISE REPORT

Prior to the commencement of the approved use the recommendations contained within the Environmental Noise Assessment prepared by Vipac and dated July 2016 are to be complied with.

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

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - Change of Use of Existing Building to a Theatre, Cafe/Restaurant and Bar (Including Ancillary Micro-Brewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street ...(Cont'd)

17. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to adjoining sensitive uses. Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise from impacting on neighbouring properties.

Notes

A <u>Building Permit Required</u>

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 <u>Occupancy Permit Required</u>

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 DA0250/2016. 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.

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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.

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 Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

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.

Mr Benjamin Davis spoke for the item

Mr Owen Tilbury spoke for the item

8.1 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - Change of Use of Existing Building to a Theatre, Cafe/Restaurant and Bar (Including Ancillary Micro-Brewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street ...(Cont'd)

DECISION: 12 September 2016

MOTION

Moved Alderman D H McKenzie, 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

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

DECISION: 12 September 2016

MOTION

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

That Council move to discuss Agenda Item 18.1 - Lease - Soldiers Memorial Hall.

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

Council moved to discuss Agenda Item 18.1 - Lease - Soldiers Memorial Hall.

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COUNCIL MINUTES

18.1 Lease - Soldiers Memorial Hall

FILE NO: SF0381 / SF0382

AUTHOR: Tricia De Leon-Hillier (Parks Lease Management Officer)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a proposal from the Tamar Valley Steiner School (TVSS) to lease the Soldiers Memorial Hall situated at 14 Station Road St Leonards (PID 6909194). This decision requires an absolute majority of the Council.

RECOMMENDATION:

The pursuant to Section 179 of the *Local Government Act 1993*, the Council lease public land situated at 14 Station Road St Leonards (PID 6909194), known as the Soldiers Memorial Hall (<u>Attachment 1</u>) to the Tamar Valley Steiner School for 2 years subject to the following terms:

- the term shall be 1 + 1 year option if required commencing on 1 January 2017
- the lease amount shall be \$1,000 per month (paid monthly in advance)
- tenant to be responsible for:
 - energy costs
 - water usage costs
 - other service charges (if any)
- tenant shall continuously maintain:
 - building in good and reasonable order
 - public liability insurance of at least \$10 million
 - general maintenance of the hall and grounds

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

Due to a declaration of interest in Agenda Item 18.1 - Lease - Soldiers Memorial Hall, Alderman K P Stojansek withdrew from the Meeting at 1.19pm

Ms Caroline Sinclair spoke for the item

Monday 12 September 2016

18.1 Lease - Soldiers Memorial Hall ...(Cont'd)

DECISION: 12 September 2016

MOTION

Moved Alderman J Finlay, seconded Alderman D H McKenzie.

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

CARRIED 10:0

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 and Alderman E K Williams

ABSENT DUE to DECLARATION of INTEREST: Alderman K P Stojansek

Alderman K P Stojansek re-attended the Meeting at 1.25pm

9 ANNOUNCEMENTS BY THE MAYOR

9.1 Mayor's Announcements

FILE NO: SF2375

Monday 22 August 2016

Attended the Examiner Client Function at the Examiner's John West Room

Tuesday 23 August 2016

- Attended the Property Council of Australia Business Lunch with speaker Jeff Kennett at the Country Club Casino
- Attended the Launceston Floods Community Information Evening at the Tram Sheds, Invermay

Thursday 25 August 2016

- Officiated at the Launceston Lodge for Research Australian & New Zealand Biannual Conference at the Launceston Masonic Lodge
- Officiated at the Golden Key Event at the University of Tasmania at Newnham

Friday 26 August 2016

- Officiated at the Opening of the redeveloped Quadrant Mall in the Quadrant Mall
- Attended the NTJFA Best & Fairest Dinner at the Tailrace Centre

Saturday 27 August 2016

- Attended the City Park Radio AGM at Royal Oak Hotel
- Attended the Winter Wonderland Friendship Ball at the Hotel Grand Chancellor

Monday 29 August 2016

 Officiated at The City of Launceston's University Scholarship and Bursary Presentations at the Town Hall Reception Room

Tuesday 30 August 2016

 Attended the RACT Celebration Lunch of the 50 Year Gold Medallion Event at the Country Club Casino

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

Wednesday 31 August 2016

 Attended Scotch Oakburn College's production of "Alice" at Scotch Oakburn College

Thursday 1 September 2016

Attended Launceston College's production of "Rock of Ages" at the Princess
Theatre

Friday 2 September 2016

 Attended the opening of the 25 years of the Wood Collection Exhibition at Design Tasmania

Saturday 3 September 2016

 Attended the Northern Hockey Committee Annual Award Presentation at the Northern Hockey Centre, St Leonards

Tuesday 6 September 2016

- Officiated at the Independent Associated Seed Growers Conference at the Hotel Grand Chancellor
- Officiated at the Launceston Healing Rooms Opening at the Salvation Army in Elizabeth Street
- Attended the "Marriage of Figaro" performance at the Princess Theatre

Wednesday 7 September 2016

Attended the Junction Arts Opening Night Party in the Princess Square

Friday 9 September 2016

 Attended "Investiture" invited by Her Excellency Professor the Hon Kate Warner, Governor of Tasmania AM and Mr Warner at Government House in Hobart

Saturday 10 September 2016

- Attended the NTFA Grand Final Day Lunch at Windsor Park
- Attended the Yamaha National Band Championships Gala Concert at the Albert Hall

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

Sunday 11 September 2016

 Officiated at the Young Writers in the City live reading at Junction Arts Festival in the Princess Square

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 H McKenzie

 Attended the opening of the 25 years of the Wood Collection Exhibition at Design Tasmania

11 QUESTIONS BY ALDERMEN

11.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

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

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

No Aldermen's Questions without Notice were identified as part of these Minutes

12 COMMITTEE REPORTS

12.1 Heritage Advisory Committee Meeting - 25 August 2016

FILE NO: SF2965

AUTHOR: Fiona Ranson (Urban Design and Heritage Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee Meeting held on 25 August 2016.

RECOMMENDATION:

That Council receive the report from the Heritage Advisory Committee Meeting held on 25 August 2016.

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 September 2016

MOTION

Moved Alderman J Finlay, seconded Alderman K P Stojansek.

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

13 COUNCIL WORKSHOPS

Council Workshops conducted on 5 September 2016 were:

- Public Halls Review
- Community Consultation Feedback Survey Smoke Free CBD Zones
- Greater Launceston Metropolitan Passenger Transport Plan
- Hydro Tasmania

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COUNCIL MINUTES

14 NOTICES OF MOTION

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

14.1 Notice of Motion - School Starting Age

FILE NO: SF5547

AUTHOR: Tegan West (Committee Clerk)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Deputy Mayor Alderman R I Soward regarding the School Starting Age.

RECOMMENDATION:

That Council:

- 1. writes to the Education Minister to register our deep concern of reducing the starting age of Tasmanian school children to 3 years and 6 months.
- 2. holds a community forum in our municipality and invite the Minister to attend.

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

MOTION 1

Moved Alderman R I Soward, seconded Alderman E K Williams.

That Council:

- 1. writes to the Education Minister to register our deep concern of reducing the starting age of Tasmanian school children to 3 years and 6 months.
- 2. requests that the Minister hold and attend a community forum in our Municipality.

No Vote was Taken as an Amendment was put

Monday 12 September 2016

14.1 Notice of Motion - School Starting Age ...(Cont'd)

DECISION: 12 September 2016

AMENDMENT

Moved Alderman R L McKendrick, seconded Alderman S R F Wood.

That:

The City of Launceston urges the Minister for Education to convene a community forum to discuss concerns in relation to the proposed reduction in the starting age for Tasmanian school children to 3 years and 6 months.

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

The Amendment Becomes the Motion

DECISION: 12 September 2016

MOTION 2

Moved Alderman R L McKendrick, seconded Alderman S R F Wood.

That:

The City of Launceston urges the Minister for Education to convene a community forum to discuss concerns in relation to the proposed reduction in the starting age for Tasmanian school children to 3 years and 6 months.

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

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 consider the proposed expansion of the smoke-free zones in the Launceston Central Business District (CBD).

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 ref 3735352 - be submitted for public consultation.

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

RECOMMENDATION:

That Council determines the expansion of Smoke-Free Zone in the following manner:

- 1. the proposed expansion of the smoke-free zones to Brisbane Court, Centre Way Lane, Dicky Whites Lane, Claytons Lane in the Launceston Central Business District (CBD) be adopted.
- 2. the smoke-free Zones extension commence 1 January 2017.
- 3. 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.

Mrs L Hurst (Director Development Services) and Ms C Harding (Environmental Health Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 September 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

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

16.1 Deed of Variation - Junction Arts

FILE NO: SF0369

AUTHOR: Matthew Skirving (Manager Architectural Services)

DIRECTOR: Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To consider a new agreement providing accommodation to Junction Arts Festival at the Western Vestibule of the Albert Hall.

This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 14 February 2011 - Item 12.2 - Notice of Motion: Junction 2011 Funding & Support.

Council - 9 July 2012 - 14.1 - Signature Event Sponsorship.

Council - 15 April 2013 - Item 15.1 - Junction Arts Festival - Lease of Albert Hall Western Vestibule.

RECOMMENDATION:

That in accordance with Section 179 of the *Local Government Act 1993*, Council approve:

- 1. A Deed of Variation extending the use of the Western Vestibule at the Albert Hall, 45a Tamar Street Launceston, through until 31 January 2017.
- 2. That the agreement be offered on the same terms and conditions as the current Lease Agreement with Junction Arts Festival Inc.

Mr R Sweetnam (Director Facilities Management) and Mr M Skirving (Manager Architectural Services) were in attendance to answer questions of Council in respect of this Agenda item.

Monday 12 September 2016

16.1 Deed of Variation - Junction Arts ...(Cont'd)

DECISION: 12 September 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

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 Lease Soldiers Memorial Hall

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 8.1 - 217B Invermay Road, Invermay and 1 Lytton Street, Invermay - Community Meeting and Entertainment, Food Services, Hotel Industry - change of use of existing building to a theatre, cafe/restaurant and bar (including ancillary micro-brewery); alterations and modifications to existing building; construction of new boundary walls; construction of a new sign; with right of way over 1 Lytton Street, Invermay on page 12 of these Minutes.

18.2 Scouts Leases

FILE NO: SF0890 / SF2729

AUTHOR: Tricia De Leon-Hillier (Parks Lease Management Officer)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider leasing two areas of land to Scouts Australia, one situated at 23-41 Archer Street Rocherlea (PID 6712519) known as the Rocherlea Recreation Ground and second situated at 1-33 Nunamina Avenue (PID 2966626) known as Nunamina Park.

This decision requires an absolute majority of the Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 28 November 2011 - Item 16.2 - Lease 4th Launceston Scout Group Council - 24 October 2011 - Item 16.1 - Scouts Australia Leases

RECOMMENDATION:

That pursuant to Section 179 of the *Local Government Act* 1993, the Council lease public land situated at two locations, one situated at 23-41 Archer Street Rocherlea (PID 6712519) and the second situated at 1-33 Nunamina Avenue (PID 2966626) for five years subject to the following terms:

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

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

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18.2 Scouts Leases ...(Cont'd)

DECISION: 12 September 2016

MOTION

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

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

19 CORPORATE SERVICES DIRECTORATE ITEMS

19.1 Draft Code of Conduct for Members of Special Committees

FILE NO: SF0997

AUTHOR: John Davis (Manager Corporate Strategy)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Code of Conduct for Members of Special Committees.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 15 August 2016 - 4.3 - Draft Code of Conduct for Members of Special Committees

RECOMMENDATION:

That Council approves the following Code of Conduct for Special Committees:

PURPOSE

This Code of Conduct sets out the standards of behaviour expected of the Members of Special Committees convened by the City of Launceston under Section 24 of the *Local Government Act 1993 (Tas)*.

SCOPE

This Code of Conduct applies to Members of Special Committees, who are not Aldermen (as they are subject to a separate code of conduct), in relation to:

- 1. behaviour in Special Committee Meetings; and
- 2. the performance of work for or in connection with that Committee.

POLICY

Expectations of Members

- 1. A Member of a Special Committee, through their participation in the Committee and their interaction with other Members, staff and the general public on matters related to the Committee:
 - (a) Is to treat all persons with courtesy, fairness, dignity and respect; and

19.1 Draft Code of Conduct for Members of Special Committees ... (Cont'd)

- (b) Are not to cause any person offence or embarrassment; and
- (c) Are not to bully or harass any person.
- 2. A Member is to listen to, and respect, the views of other participants in Committee Meetings and any other proceedings of the Committee, and endeavour to ensure that issues, not personalities, are the focus of debate.
- 3. When giving information to the community, a Member is to accurately represent the decisions of the Committee.
- 4. A Member is to clearly indicate when he or she is putting forward his or her personal views.
- 5. Members are to respect the authority of the Chairperson in the oversight of the Committee Meetings.
- 6. A Member is not to influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.
- 7. A Member is not to contact an employee of the Council in relation to Committee matters unless authorised by the Committee Chairperson, who will in turn seek the approval of the General Manager of the Council.
- 8. A Member is not to knowingly misrepresent information that he or she has obtained in the course of his or her duties as a Member of the Committee.
- 9. A Member is not to speak on behalf of the Committee unless specifically authorised or delegated by the Committee Chairperson.
- 10. A Member's personal views are not to be expressed in such a way as to undermine the decisions of the Committee or bring the Committee into disrepute.
- 11. The personal conduct of a Member is not to reflect, or have the potential to reflect, adversely on the reputation of the Committee or the Council.

Committee Operations

- 1. The meetings of the committees shall comply with the *Local Government (Meeting Procedures) Regulations 2015* where it is reasonably practical to do so.
- Where agenda material and minutes of the meeting are deemed confidential, committee members will ensure that confidentiality in regard to these matters is maintained.

19.1 Draft Code Of Conduct For Members Of Special Committees ... (Cont'd)

- 3. The Committee agenda shall include the Disclosure of Interests as a standing item to ensure an adequate disclosure of any conflict of interest that may arise from items in the agenda.
- 4. Agenda items that will subsequently be referred to the Council should be prepared on the basis of and comply with section 65 of the *Local Government Act 1993 (Tas)* relating to the provision of qualified advice to Council.

PRINCIPLES

By adopting this Code of Conduct, Members commit to the following principles:

- Equitable Provide all other Members with the opportunity to participate in the decision making process and treat all Members fairly.
- Participatory and inclusive Ensure that all Members of the committee have the opportunity to participate in the process for making that decision.
- Effective and efficient Implement decisions and follow processes that make the optimal use of the available people, resources and time, to ensure the best possible results for the community.
- Consensus oriented Take into account the different views and interests in the community, to reach a consensus on what is in the best interests of the whole community, and how it can be achieved.

CONTRAVENING THE CODE OF CONDUCT

If the Chairperson of the Committee believes a Member has contravened the Code of Conduct, they will, in the first instance, raise the matter with the Member, outlining:

- The provision in the above Code of Conduct that the Member may have contravened; and
- 2. The details of the behaviour of the Member that constitutes the possible contravention.

19.1 Draft Code Of Conduct For Members Of Special Committees ... (Cont'd)

There are four likely outcomes from the meeting, and the process for the Chairperson to follow for each of these is as follows:

- 1. If the Member accepts that he or she has contravened the Code of Conduct and this contravention can be resolved without recommending removal from the Committee, he or she may:
 - Receive a formal caution or reprimand from the Chairperson; and/or
 - Be required to apologise to any person(s) affected by the contravention.
- 2. If the Member refuses to accept that he or she has contravened the Code of Conduct and, in the opinion of the Chairperson, this contravention can be resolved without recommending removal from the Committee, the Chairperson will seek advice from the General Manager on how to proceed.
- 3. If the Member accepts that he or she has contravened the Code of Conduct and this alleged contravention is such that it would warrant removal from the Committee, he or she will be provided the opportunity to resign from the Committee.
- 4. If, on the other hand, the Member either accepts (and does not resign from the Committee), or refuses to accept, that he or she has contravened the Code of Conduct and this alleged contravention is such that it would warrant removal from the Committee, the Chair will write to the General Manager including in the correspondence:
 - The name of the Member;
 - The provision in the above Code of Conduct that the Member has allegedly contravened; and
 - The details of the behaviour of the Member that constitutes the alleged contravention.

Upon receiving the correspondence, the General Manager will refer the matter, including any other relevant information, to Council for decision.

RELATIONSHIP BETWEEN THIS POLICY AND A SPECIAL COMMITTEE'S TERMS OF REFERENCE OR CHARTER

If a provision in this Code of Conduct is inconsistent with a provision made in any Special Committee's Terms of Reference or Charter the provision in this Code of Conduct prevails.

19.1 Draft Code Of Conduct For Members Of Special Committees ... (Cont'd)

RELATED POLICIES & PROCEDURES

14-HLPr-012 Committee Representation Details.

RELATED LEGISLATION

N/A

REFERENCES

N/A

DEFINITIONS

Special Committee: Special committees are convened under Section 24 of the *Local Government Act 1993 (Tas)*. This includes Specific Purpose Internal Committees listed in ECM Document Number 14-HLPr-012 Committee Representation Details.

Special Committee Member: a representative with voting rights on any of these committees. This excludes Aldermen, who are bound by their own Code of Conduct under the *Local Government Act 1993*.

REVIEW

This policy will be reviewed no more than four years after the date of approval to broadly align with the Local Government electoral cycle or more frequently, if dictated by operational demands and with Council's approval.

Mr M Tidey (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 September 2016

MOTION

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

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

CARRIED 11:0

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

19.2 Delegation from Council to General Manager - Local Government Act 1993 (Tas)

FILE NO: SF6203/SF011/SF0081

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 *Local Government Act 1993 (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 *Local Government Act 1993 (Tas)* to the holder of the position of General Manager
 - a. section 193 Establishment of pounds
 - b. section 196 Fees, costs and charges
 - noting that this section refers to fees, costs and charges incurred by Council, and recovery of same - it does not refer to the setting of fees, costs and charges
 - c. section 197 Sale or destruction of unclaimed animals
 - d. section 198A Operation of private pounds.
- 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 M Tidey (Director Corporate Services) and Mrs L Purchase (Governance and Planning Coordinator) were in attendance to answer questions of Council in respect of this Agenda Item.

Monday 12 September 2016

19.2 Delegation From Council To General Manager - Local Government Act 1993 (Tas) ...(Cont'd)

DECISION: 12 September 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

Monday 12 September 2016

19.3 UTAS Relocation - Northern Campus Engagement and Advisory Group

FILE NO: SF3364

AUTHOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To determine the two Council representatives for the UTAS Northern Campus Engagement and Advisory Group.

RECOMMENDATION:

That Council appoint the Mayor and the General Manager as the Council's representatives on the UTAS Northern Campus Engagement and Advisory Group.

Mr M Tidey (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 September 2016

MOTION

Moved Alderman J Finlay, seconded Alderman R L McKendrick.

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

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

DECISION STATEMENT:

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 Confidential Matter - Committee Membership

That Minutes Item 22.2 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(g) 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)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

Monday 12 September 2016

DECISION: 12 September 2016

MOTION

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

That Council move into Closed Session to consider Agenda Items 22.1 - Confirmation of the Minutes and 22.2 - Confidential Matter - Committee Membership.

CARRIED 10:0

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 D W Alexander, Alderman S R F Wood, Alderman E K Williams and Alderman K P Stojansek ABSENT DUE to DECLARATION OF INTEREST: Alderman J Finlay

Council moved to Closed Session at 1.55pm.

Council returned to Open Session at 2.19pm.

23 MEETING CLOSURE

The Mayor, Alderman A M van Zetten, closed the Meeting at 2.19pm.