



LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 15 APRIL 2013**

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 15 April 2013

Notice is hereby given that the Ordinary Meeting of the Launceston City Council will be held at the Council Chambers -

Date: 15 April 2013

Time: 1.00 pm

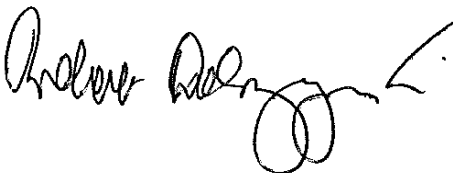
Section 65 Certificate of Qualified Advice

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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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1pm.

2 DECLARATION OF PECUNIARY INTERESTS

Nil

3 CONFIRMATION OF MINUTES

RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on 25 March 2013 be confirmed as a true and correct record.

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman D C Gibson.

That Recommendation 1 be adopted.

CARRIED UNANIMOUSLY 12:0

The General Manager advised Council that item 10.2 on the agenda should be listed as item 17.2 and vice versa. These items were dealt with in the correct order as advised.

4 DEPUTATION**4.1 Deputation - Mr John Fitzgerald, Chief Executive Officer of Tourism Tasmania****FILE NO:** SF0147 / SF0094**GENERAL MANAGER:** Robert Dobrzynski

DECISION STATEMENT:

To receive a deputation from Mr John Fitzgerald, Chief Executive Officer of Tourism Tasmania regarding the vision for Launceston, the Northern Region and Tasmania on the future of Tourism

PREVIOUS COUNCIL CONSIDERATION:

Item 13.1, Council Meeting 11th February 2013

RECOMMENDATION:

N/A

The Mayor welcomed Mr John Fitzgerald (CEO Tourism Tasmania) and Mr Chris Griffin (CEO Tourism North) to present their deputation to Council.

Key points mentioned from deputation:

- **Future tourism opportunities for Tasmania**
 - **Noted recent regional events**
 - **Previous CEO positions**
 - **Spending of visitors**
 - **Three consecutive quarters of growth within Tasmania after six quarters of decline**
 - **VFR (Visitors and Friends of Relatives) Market**
 - **Tasmania has high appeal to visitors**
 - **Overall, good position in a tough market**
 - **Itinerary programs for travel around Tasmania are being used extensively**
 - **Significant change within the organisation in the last 18 months**
 - **Incorporating new tourism/destination brand**
 - **"Go Behind The Scenery" launched - promoting Tasmania**
 - **Provided transport statistics to Tasmania via airlines/carriers**
 - **Campaigns being planned with airlines/carriers**
-

4.1 Deputation - Mr John Fitzgerald, Chief Executive Officer of Tourism Tasmania...(Cont'd)

Ald R I Soward withdrew from the meeting at 1:23pm.

Ald R I Soward re-attended the meeting at 1:27pm.

The deputation answered questions of the Aldermen.

The Mayor thanked John and Chris for their attendance and time.

The deputation withdrew from the meeting at 1:46pm.

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
25 March 2013	SF2375 SF0763	Aldermen's Question: Alderman A L Waddle asked: Have the three Welcome to Lilydale signs been painted? Noted that they don't look different.	Response provided at meeting: This question was taken on notice. Further reply: The Lilydale 'welcome' signs have not been re-painted at this stage. Arrangements have been made to have the signs re-painted and this will occur within the next few weeks.	Michael Stretton

6 PUBLIC QUESTION TIME

6.1 Kelvin Jowett - Historic Post Box

Public Question:

Is the historic red post box that was removed from the front of the Wellington Street Museum during refurbishment going to be replaced or put in another suitable location?

Mr R Mulvaney replied that the red post box will be displayed at the Inveresk precinct.

6.2 Kelvin Jowett - Bicycle Track Development

Public Question:

Are the bicycle track developments in the Kate Reed Park going to be separate to the walking tracks?

This question was taken on notice.

7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Monday 25 March

- Attended Theatre North's 1st Opening Performance of 2013 Subscription Season Show

Tuesday 26 March

- Officiated at private citizenship ceremony - Town Hall
- Met with Mayor of Flin Flon from Manitoba, Canada - George Fontaine
- Officiated at Book launch of "Rambling Rhymes" by Peacehaven residents

Wednesday 27 March

- Attended Northern Croquet Centre - Mayor's Challenge with Deputy Mayors of Meander Valley & West Tamar

Thursday 4 April

- Met with Service Clubs and other groups to determine future of Carols by Candlelight

Friday 5 April

- Presided at Public Citizenship Ceremony - Albert Hall
- Attended Lifestyle Choices North Variety Show

Saturday 6 April

- Attended Northern Tas Junior Soccer Association Season Opening Day and 40th Year Celebration
- Attended St Joe's Big Band Concert - Symphony of Swing

Monday 8 April

- Attended Ravenswood Action Group Meeting - Ravenswood Heights Primary
- Attended Launceston College Signing of MoU and Welcome of Thai delegation and students

Tuesday 9 April

- Officiated at Launch of Launceston Ten - Civic Square
 - Attended White Ribbon Event to meet Stephen Carter, Manager Ambassador & Research Programs
-

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

Wednesday 10 April

- Attended Launch of 2013 Vinnies CEO Sleepout - Aurora Stadium
- Attended Crime Stoppers Official Dinner

Thursday 11 April

- Attended Breakfast meeting with Launceston Businessmen
- Officiated at Science & Engineering Challenge - Elphin Sports Centre
- Attended Scholarship & Bursary Ceremony - Town Hall
- Attended function for Recent Release of 2012 Vintage of Devil's Corner Wines at QVMAG
- Attended NBN Tas Limited Board Dinner

Friday 12 April

- Officiated at Civic Reception to farewell Chief Justice Ewan Crawford
- Officially opened Laminex Group Building at Kings Meadows

Saturday 13 April

- Officially launched concert as part of National Youth Week

The Mayor further added:

- **Congratulated Julian Lambert from Scotch Oak Burn College on being awarded the Lions Youth of the Year award at the state final.**
 - **Congratulated Andrew Robinson on his win in the Stawell Gift.**
 - **Tuesday 26 March met with Mayor of Flin Flon, Canada, who was visiting Launceston. Advised all of the positive remarks received in regards to the City.**
 - **Noted letter of thanks received from Belinda Stevens of Lifestyle Choices North Varsity Show for Council's sponsorship. Noted the success of the show.**
 - **Saturday 6 April attended the Northern Tas Junior Soccer Association Season opening and 40th year celebration.**
 - **Saturday 6 April attended St Joe's Big Band Concert - Symphony of Swing along with Alderman McKenzie.**
-

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

- **Monday 8 April attended Launceston College signing of MoU along with Alderman Soward - Noted scarf received from Launceston College. Congratulated Launceston College on the signing with Bangkok.**
 - **Friday 12 April attended opening of Laminex Group Building at Kings Meadows.**
 - **13 Saturday April officially launched concert as part of National Youth Week. Thanked Wendy Newton (Youth and Community Officer) and her team for their work.**
-

8 ALDERMEN'S/DELEGATES' REPORTS

8.1 Alderman Ball - Community Events

Alderman J D Ball reported:

- **Saturday 13 April attended a talk at the Northern Suburbs Community Centre - thank you received for Council's community grant.**
 - **Attended fundraiser for a former resident from Liberia, who is looking to go back to Liberia and make a documentary to bring back and show Launceston residents.**
-

8.2 Alderman Peck - Cityprom Board Meeting

Alderman A C Peck reported:

- **Tuesday 9 April attended Cityprom Board Meeting, noted installation of the butt bins is on hold as Council is undertaking a review of the area of where the smoking ban will take effect.**
 - **Noted the following:**
 - **Return of "How a Negative Equals a Positive" meetings**
 - **Wednesday 19 June - state conference of business mental services**
 - **"So you think you can busk?" was held in the Mall. Announced placements.**
 - **A Cityprom rebranding update meeting is being held on Tuesday 7 May**
 - **Thursday 23 May is Australia's Biggest Morning Tea**
 - **Noted new arrivals in the CBD - Zap Fitness, Tamar Valley Cake Studio and Tinnies Pies.**
-

8.3 Alderman Norton - Launceston College Meeting

Alderman I S Norton reported:

- Noted Keith Wenn is recovering from his accident.
 - Noted air conditioning issue at Launceston College is being pursued - inspection underway
 - Noted Greg Morgan as new acting principal for this semester
 - Noted successful celebrations of Launceston Centenary celebrations
 - Advised all that Kevin Rudd would be visiting Launceston College on 15 April at 2pm
 - Noted strategic plan for the next four years is being worked on.
-

8.4 Alderman Sands - Niche Market

Alderman R J Sands reported:

- **Noted successful running of the market on the weekend. Congratulated organizers. Advised all that a future market is being held at the Albert Hall in December.**
-

8.5 Alderman Gibson - Northern Safety Community Partnership

Alderman D C Gibson reported:

- Gave a verbal update on the Organisation's vision. Noted charter signing event to bring integrated organisations together will be held on 2 May at 10am.
-

8.6 Alderman Armitage - Successful Youth Events

Alderman R L Armitage reported:

- **Friday 12 April attended the Tasmanian Polytechnic Taste of Harvest Dinner, held by local students and showcasing Tasmania's local produce. Noted attendance of 100 people.**
 - **Saturday 13 April attended Youth Advisory Group open mic competition.**
-

8.7 Alderman McKenzie - Theatre North Annual General Meeting

Alderman D H McKenzie reported:

- **Attended the Theatre North Annual General Meeting. Announced David Rich was elected as the new president of Theatre North. Advised Greg Leong has slotted into his new role as CEO.**
-

8.8 Alderman McKendrick - York Park Inveresk Precinct Authority

Alderman R L McKendrick reported:

- **Reminded all of the AFL Round 4 match between Hawthorn and Fremantle at Aurora Stadium on Saturday 20 April.**
 - **Advised all that the issues regarding the bike trails are being discussed. Noted that the Tram Doors have been attended to and the issue regarding the sprinkler issue has been raised.**
-

9 QUESTIONS BY ALDERMEN

9.1 Alderman Soward - Rock left at Corin Street Car Park

Aldermen's Question: Alderman R I Soward asked:

Is Council aware of a large quantity of rock that has been left at Corin Street car park near Duck Reach? If so why is it there? If not why hasn't it been removed?

This question was taken on notice.

9.2 Alderman Ball - Update on Launceston's Chinese Narrative?

Aldermen's Question: Alderman J D Ball asked:

Can an update please be provided in regards to the Notice of Motion regarding Launceston's Chinese narrative?

This question was taken on notice

9.3 Alderman Ball - Update on MoU with Hydro Tasmania

Aldermen's Question: Alderman J D Ball asked:

Can an update please be provided regarding the MoU between Launceston City Council and Hydro Tasmania regarding Duck Reach and water supply?

This question was taken on notice.

DECISION: 15/04/2013

RESOLUTION: (1):

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

That the order of business be amended to now facilitate consideration of Item 12.1 and 12.2.

CARRIED UNANIMOUSLY 12:0

10 COMMITTEE REPORTS**10.1 Street Tree Advisory Committee 20 November 2012****FILE NO:** SF5726**AUTHOR:** Andrew Smith (Manager, Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Street Tree Advisory Committee.

RECOMMENDATION:

That the report from the Street Tree Advisory Committee meeting held on 20 November 2012 be received.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman J D Ball, seconded Alderman J G Cox.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

10.2 Launceston Road Safety Consultative Committee - 13 February and 18 March 2013**FILE NO:** SF5909**AUTHOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Launceston Road Safety Consultative Committee.

RECOMMENDATION:

That the reports from the Launceston Road Safety Consultative Committee meetings held on 13 February and 18 March be received.

This item was listed in the Agenda as item 17.2 on page 105. It was dealt with after item 10.1.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman J G Cox, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

10.3 QVMAG Museum Governance Advisory Board Meeting 20 February 2013**FILE NO:** SF2244**AUTHOR:** Leila Frohmader (Administration Officer)**DIRECTOR:** Richard Mulvaney (QVMAG Director)

DECISION STATEMENT:

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

RECOMMENDATION:

That the report from the QVMAG Museum Governance Advisory Board meeting held on 20 February 2013 be received.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman J D Ball, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

10.4 Heritage Advisory Committee Report 28 February 2013**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Designer and Heritage Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a report from the Heritage Advisory Committee's meeting held on 28 February 2013.

RECOMMENDATION:

That the report from the Heritage Advisory Committee meeting on 28 February 2013 be received.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman J D Ball, seconded Alderman A C Peck.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

10.5 Tender Review Committee Meetings 18 and 25 March 2013**FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Tender Review Committee (a delegated authority committee).

RECOMMENDATION:

That the report from the Tender Review meetings held on 18 and 25 March 2013 be received.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman A C Peck, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

10.6 Strategic Planning and Policy Committee Meeting - 8 April 2013**FILE NO:** SF4401**AUTHOR:** Michael Tidey (Director Corporate Services)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Strategic Planning and Policy Committee.

RECOMMENDATION:

That the report from the Strategic Planning and Policy Committee meeting held on 8 April 2013 be received.

Ald R L McKendrick declared an interest in this item and withdrew from the meeting at 3:34pm.

DECISION: 15/04/2013**RESOLUTION: (1):**

Moved Alderman R L Armitage, seconded Alderman D C Gibson.

That the Recommendation be adopted.

ABSENT. DID NOT VOTE - Ald R L McKendrick

CARRIED UNANIMOUSLY 11:0

Ald R L McKendrick re-attended the meeting at 3:42pm.

11 PETITIONS

Nil

Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to items 12.1 - 12.2

12 PLANNING AUTHORITY

12.1 178-188 George Town Road, Newnham - Installation of a 25m high monopole and associated infrastructure

FILE NO: DA0049/2013

AUTHOR: Pip Glover (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for the installation of a 25m high monopole and associated infrastructure.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council approves DA0049/2013 for the installation of a 25m high monopole and associated infrastructure at 178-188 George Town Road, Newnham subject to the following:-

1. ENDORSED PLANS

The use must be carried out as shown on the endorsed plans to the satisfaction of the Planning Authority.

2. LEGAL TITLE

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

3. HOURS OF CONSTRUCTION

Construction works may be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

4. EXTERIOR MATERIALS

The exterior finish of the tower and associated above ground infrastructure must be of non-reflective materials in a muted colour scheme such as grey, green, brown or similar colour to the satisfaction of the Planning Authority.

12.1 178-188 George Town Road, Newnham - Installation of a 25m high monopole and associated infrastructure...(Cont'd)

5. RADIATION PROTECTION STANDARDS

The telecommunications facility must comply with the Radiation Protection Standard established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

6. NUISANCE CONTROL

During operation of this use, the best practicable means shall be taken to prevent nuisance or annoyance to any person not associated with the use. Air, noise and water pollution matters may be subject to provisions of the Environmental Management & Pollution Control Act 1994 and Regulations thereunder.

7. 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. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be undertaken by, or under the supervision of a tradesman/contractor who is registered with Council as a "Registered Contractor".

Prior to commencing any works the applicant must prepare a detailed traffic management plan specifying the following:

- a) The nature and the duration of the occupation and may include the placement of skips, building materials or scaffolding in the road reserve and time restrictions for the works,
- b) The traffic management works that are to be employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- c) Any temporary works required to maintain the serviceability of the road or footpath,
- d) Any remedial works required to repair damage to the road reserve resulting from the occupation.

The traffic management plan must be prepared in accordance with the relevant Australian Standard, codes of practice and guidelines. A copy of the traffic management plan must be maintained on the site and presented for inspection upon request by a Council officer.

12.1 178-188 George Town Road, Newnham - Installation of a 25m high monopole and associated infrastructure...(Cont'd)

9. 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.

Notes

Other Approvals

- A. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:*
- (a) *Building permit*
 - (b) *Plumbing permit*
 - (c) *License from the Australian Communications and Media Authority (ACMA)*

Restrictive Covenants

- B. *The granting of this permit takes no account of any covenants applicable to the land that contradict the Launceston Planning Scheme. 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.

Objections to Proposal

- C. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

- D. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*
-

12.1 178-188 George Town Road, Newnham - Installation of a 25m high monopole and associated infrastructure...(Cont'd)

A planning appeal may be instituted by lodging a notice of appeal with the Clerk 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.

Permit Commencement.

- E. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. 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.*
-

This item was dealt with after Aldermen's question time.

The Mayor announced that Council was acting as a Planning Authority.

Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of Agenda Items 12.1 – 12.2 inclusive.

Susannah Tait spoke to this item.

Miranda Gracie spoke against this item.

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman R I Soward, seconded Alderman A C Peck.

That the Recommendation be adopted.

FOR VOTE - Ald A M van Zetten, Ald R L McKendrick, , Ald J D Ball, Ald A C Peck, Ald R I Soward, Ald D H McKenzie, Ald J G Cox

AGAINST VOTE - Ald A L Waddle, Ald R L Armitage, Ald R J Sands, Ald I S Norton, Ald D C Gibson

CARRIED 7:5

COUNCIL MINUTES

Monday 15 April 2013

12.2 80 Belgrave Parade, Youngtown - Change of use from a temporary dwelling to a serviced apartment (visitor accommodation)

FILE NO: DA0009/2013

AUTHOR: Maria Chledowska (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for a change of use from a temporary dwelling to a serviced apartment (visitor accommodation).

PLANNING APPLICATION INFORMATION:

Applicant: PDS Planning Development Services
Property: 80 Belgrave Parade, Youngtown
Area of Site: 1.5ha
Zoning: Low Density Residential
Existing Uses: Single Dwelling
Classification: Visitor accommodation - (serviced apartment)
Date Received: 29 January 2013
Deemed Approval: 15 April 2013
Representations: Two

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0009/2013 for a change of use from a temporary dwelling to visitor accommodation - (serviced apartment) at 80 Belgrave Parade, Youngtown subject to the following:

1. ENDORSED PLANS

The use must be carried out generally as shown on the endorsed plans to the satisfaction of the Council. Any other proposed development will require a separate application to and assessment by the Council.

12.2 80 Belgrave Parade, Youngtown - Change of use from a temporary dwelling to a serviced apartment (visitor accommodation)...(Cont'd)

2. LEGAL TITLE

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

3. BUSHFIRE SAFETY

Prior occupation of the serviced apartment, the approved bushfire hazard management plan titled 'D & T Frost 80 Belgrave Parade Youngtown Serviced Apartment Drawing No 02 drawn by Kel Clark must be implemented. This includes the installation of water supply dedicated for fire fighting purposes; establishment and maintenance of the hazard management areas; maintenance of a safe egress route and any other requirements as specified by the plan.

4. EMERGENCY EVACUATION PLAN

Prior to the occupation of the serviced apartment, an emergency evacuation plan must be prepared under the guidelines and approved by the Tasmanian Fire Service. The plan must include designated emergency meeting points, which provide protection to fire fighters and evacuees; and information to staff, occupants and visitors on bushfire safety and evacuation procedures.

5. AMENITY

The amenity of the area must not be detrimentally affected by the use through the emission of noise and traffic movement, smoke, odour, dust and illumination.

6. EXTERNAL LIGHTING

External lighting must not not unreasonably impact on the amenity of adjoining land; and all direct light must be contained within the boundaries of the site.

7. USE LIMITATION (SERVICED APARTMENT)

This permit allows the use and development of a Serviced Apartment, categorised as Visitor Accommodation in the Interim Launceston Planning Scheme 2012. The use is limited to:

- a) The building shown on endorsed plan Drawing No 02 drawn by Kel Clark, dated Dec 2012;
- b) Must not be used as a separate dwelling (ie. Unit);
- c) Must not be strata titled separately from the main dwelling;
- d) No more than 90 days for a single occupancy; and
- e) No return occupancy within 30 days.

A new permit will be required to extend, substantially change or intensify the use on the site. If the use ceases, the building must be vacated and converted to garage or remote house extension.

12.2 80 Belgrave Parade, Youngtown - Change of use from a temporary dwelling to a serviced apartment (visitor accommodation)...(Cont'd)

8. LAPSING OF PERMIT

This permit will expire if the development and use is not commenced within two years of the date of granting of this Permit. The Planning Authority may extend periods referred to if a request is made in writing before this Permit expires.

Notes

Restrictive Covenants

- A. *Council does not enforce restrictive covenants that contradict the Interim Launceston Planning Scheme 2012. However, 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.*

Other Approvals

- B. *This permit does not imply that any other approval required under any other by-law or legislation has been granted.*

Representations to Proposal

- C. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

- D. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

A planning appeal shall be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

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

12.2 80 Belgrave Parade, Youngtown - Change of use from a temporary dwelling to a serviced apartment (visitor accommodation)...(Cont'd)

Richard Davey spoke against this item.

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

The Mayor adjourned 3:10pm for 15 minutes

The Mayor reconvened the meeting at 3:25pm (absent - nil).

The Mayor announced that Council was no longer acting as a Planning Authority.

13 NOTICES OF MOTION - FOR CONSIDERATION

13.1 Alderman Cox - Notice of Motion - Review of Aldermen Numbers

FILE NO: SF5547 / SF0326 / SF0081

AUTHOR: Alderman Cox

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Cox regarding Launceston City Council to be included in the 2013 Local Government Board review of Aldermanic numbers.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

N/A

NOTICE OF MOTION:

That the Council make submission to the Local Government Board seeking to be included in the 2013 Board program for review of Councillor numbers, in order to determine the most appropriate level of Aldermanic representation of Launceston City Council's residents and ratepayers.

13.1 Alderman Cox - Notice of Motion - Review of Aldermen Numbers...(Cont'd)

This item was dealt with after item 10.6 at 3.42pm.

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman J G Cox, seconded Alderman R I Soward.

That the Recommendation be adopted.

FOR VOTE - Ald A M van Zetten, Ald A L Waddle, Ald R I Soward, Ald I S Norton, Ald D C Gibson, Ald R L Armitage, Ald J D Ball, Ald R J Sands, Ald A C Peck, Ald D H McKenzie, Ald J G Cox

AGAINST VOTE - Ald R L McKendrick

CARRIED 11:1

13.2 Alderman Ball - Notice of Motion - Common-sense Compliance Workshop**FILE NO:** SF5547**AUTHOR:** Alderman Ball**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Ball regarding the establishment of a Common-sense Compliance Workshop

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

N/A

NOTICE OF MOTION:

That in recognition of the socio-economic contribution made by service clubs and other organisations through fundraising, events and other projects and in light of recent issues involving the complexity, cost, constraints and burden of compliance with regulatory regimes (local, state and federal) Council resolves to;

1. Convene a 'Common-sense Compliance' workshop, with assistance from the Department of Economic Development in order to address these issues in a practical and informed manner.
 2. Contact and invite key stakeholders, including but not limited to; relevant service clubs in the greater Launceston area, local government officers from the LCC, Meander Valley, West Tamar and George Town councils; representatives from key events and community groups, senior representatives and decision makers from the relevant state government departments, individuals with experience and expertise in relevant areas as well as pertinent organisations such as NTD, TCCI, Master Builders Association (MBA) Tourism Northern Tasmania etc., to invite them to participate in the workshop.
-

13.2 Alderman Ball - Notice of Motion - Common-sense Compliance Workshop...(Cont'd)

3. Draft a discussion paper prior to the workshop with input from invitees to define the challenges faced and matters of contention and also to provide case studies for the workshop to focus on; such as the Building Act requirement that Temporary Occupancy Permits are required for tents greater than 10 square metres which contain an ignitable fuel source (i.e. BBQ)
 4. Engage an independent facilitator to run the workshop, funded dollar for dollar by LCC and DED at an estimated cost of between \$750 and \$1000 for each party, to allow for a free and frank exchange of information, to ensure that issues are systematically worked through and that outcomes from the session are maximised.
-

Motion lapsed - Alderman Ball indicated he was withdrawing the motion.

DIRECTORATE MINUTES ITEMS**14 DEVELOPMENT SERVICES****14.1 Review of Public Event Fees**

FILE NO: SF4604, SF0069, SF0924, SF4382

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider the outcomes of a review of the Council's fees for public event approvals.

PREVIOUS COUNCIL CONSIDERATION:

2012/13 Fees and charges

RECOMMENDATION:

That the Council discontinue the charging of fees for Specific Event Place of Assembly Licences, Temporary Occupancy Permits and Temporary Food Business Licences for non-profit organisations.

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

Ald D H McKenzie declared an interest in this item and withdrew from the meeting at 3:52pm.

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman R I Soward.

That the Recommendation be adopted

CARRIED UNANIMOUSLY 11:0

Ald D H McKenzie re-attended the meeting at 4:10pm.

15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES**15.1 Junction Arts Festival - Lease of Albert Hall Western Vestibule****FILE NO:** SF0367, SF0369, SF0200**AUTHOR:** Matthew Skirving (Manager Architectural Services)**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

DECISION STATEMENT:

To consider the transfer and renewal of a Lease Agreement for the Western Vestibule of the Albert Hall.

PREVIOUS COUNCIL CONSIDERATION:

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

Item 13.3 - Council Meeting - 11 July 2011
Report: *Event Sponsorship (Round 1) 2011/12*

Item 14.1 - Council Meeting - 9 July 2012
Report: *Signature Event Sponsorship*

RECOMMENDATION:

That Council:

1. Transfer the current Lease agreement for the Western Vestibule at the Albert Hall from Tasmanian Regional Arts, to Junction Arts Festival Inc.
 2. At the conclusion of the current agreement, provide a new Lease to Junction Arts Festival Inc. for a further two year term at no cost.
-
-

15.1 Junction Arts Festival - Lease of Albert Hall Western Vestibule...(Cont'd)

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

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman J D Ball, seconded Alderman R I Soward.

That the Recommendation be adopted.

FOR VOTE - Ald A M van Zetten, Ald R L McKendrick, Ald R L Armitage, Ald J D Ball, Ald R I Soward, Ald I S Norton, Ald R J Sands, Ald A C Peck, Ald D H McKenzie, Ald J G Cox

AGAINST VOTE - Ald A L Waddle, Ald D C Gibson

CARRIED 10:2

17 INFRASTRUCTURE SERVICES**17.1 Coffee Van Licence - Civic Square****FILE NO:** SF0600**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the licence terms of a coffee van in Civic Square.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approve a licence to Scott D Freeburg for the operation of a mobile coffee van in Civic Square, subject to the following terms:

1. Applicant to meet planning and environmental services requirements
 2. The term shall be five (5) years commencing on 1 July 2013
 3. The licence amount shall be \$6,000.00 per annum plus GST linked to CPI
 4. For the term of the licence:
 - o tenant to be responsible for:
 - energy costs
 - volumetric charges for water
 - provide and service a rubbish bin in the immediate vicinity of the van
 - o tenant shall continuously maintain:
 - public liability insurance of at least \$10 million
-
-

17.1 Coffee Van Licence - Civic Square...(Cont'd)

Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of Agenda Items 17.1 – 17.5 inclusive.

Ald R L Armitage withdrew from meeting at 04:29 PM.

Ald R L Armitage has returned from temporary absence at 04:30 PM

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman R J Sands.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

17.2 Launceston Road Safety Scheme Program 2012/13**FILE NO:** SF5909 SF1264 SF1419 SF1549**AUTHOR:** Nigel Coates (Engineering Officer, Traffic)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To agree on the schemes to be included in the 2012/13 Launceston Road Safety Scheme Program.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council agree to the following schemes being included in the 2012/13 Launceston Road Safety Program:

- Lower Charles Street/Esplanade - Removal of left turn slip lane and introduction of pedestrian crossing to the north of the junction.
 - High Street/Howick Street - Widening of the central island to provide a staggered school crossing
-

This item was listed in the Agenda as item 10.2 on page 11. It was dealt with after item 17.1.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman D H McKenzie, seconded Alderman J G Cox.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

17.3 Launceston Interim Planning Scheme 2012 - Raglan Street Specific Area Plan**FILE NO:** SF1901 SF3854**AUTHOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To finalise the construction cost of the roundabout at the intersection of Raglan Street and Kings Meadows Connector and make the necessary adjustments within the Launceston Interim Planning Scheme 2012.

PREVIOUS COUNCIL CONSIDERATION:

Item 10.5 - 20 April 2009

Council initiated planning scheme amendment to include the Raglan Street Specific Area Plan.

RECOMMENDATION:

That Council, in respect to the construction of a roundabout and related road infrastructure at the intersection of Raglan Street, Connector Park Drive and Kings Meadows Connector, resolves to:

1. Endorse the final cost of the works, as submitted by the Director Infrastructure Services, at a cost of \$1,032,571.
-

17.3 Launceston Interim Planning Scheme 2012 - Raglan Street Specific Area Plan...(Cont'd)

2. Make a submission to the Tasmanian Planning Commission that the table at F3.3.2 A1 of the Launceston Interim Planning Scheme 2012 be changed as follows:

A1 Subdivision or multiple dwelling must not be approved until the infrastructure contribution for that land is paid as specified below or paid in amounts proportional to the stage of a subdivision prior to sealing of each particular stage. The contribution must be increased by the loan rate applicable from time to time calculated from 1 January 2012.

<i>Property (Title reference)</i>	<i>Area (ha)</i>	<i>Road Asset Contribution (As of 1 July 2009)</i>
24388/1	8.292	\$254,019
39931/1	1.101	33,728
24356/3	4.963	152,038
11240/1	5.358	164,139
131894/3	7.171	219,678
64608/1	0.224	6,863
CNV 22/263	4.280	131,114
TOTAL	31.389	\$961,579

3. Reimburse to RV Pty Ltd an amount of \$23,508.

17.3 Launceston Interim Planning Scheme 2012 - Raglan Street Specific Area Plan...(Cont'd)

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman J D Ball, seconded Alderman D H McKenzie.

That Council, in respect to the construction of a roundabout and related road infrastructure at the intersection of Raglan Street, Connector Park Drive and Kings Meadows Connector, resolves to:

1. Endorse the final cost of the works, as submitted by the Director Infrastructure Services, at a cost of \$1,032,571.
2. Make a submission to the Tasmanian Planning Commission that the table at F3.3.2 A1 of the Launceston Interim Planning Scheme 2012 be changed as follows:

A1 Subdivision or multiple dwelling must not be approved until the infrastructure contribution for that land is paid as specified below or paid in amounts proportional to the stage of a subdivision prior to sealing of each particular stage. The contribution must be increased by the loan rate applicable from time to time calculated from 1 January 2012.

<i>Property (Title reference)</i>	<i>Area (ha)</i>	<i>Road Asset Contribution (As of 1 July 2009)</i>
24388/1	8.292	\$254,019
39931/1	1.101	33,728
24356/3	4.963	152,038
160981/2	5.358	164,139
131894/3	7.171	219,678
64608/1	0.224	6,863
CNV 22/263	4.280	131,114
TOTAL	31.389	\$961,579

3. Reimburse to RV Pty Ltd an amount of \$23,508.

CARRIED UNANIMOUSLY 12:0

17.4 Funding Commitments for the North Eastern Mountain Bike Development Project

FILE NO: SF3532

AUTHOR: Michael Tidey (Director Corporate Services) and Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the provision of both financial and in-kind commitment to the North Eastern Mountain Bike Development Project.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.1 - SPPC Meeting 6 November 2012

NTD submission on project seeking support to lodge a Regional Development Fund (RDA) Expression of Interest.

Item 4.4 - SPPC Meeting 8 April 2013

Discussion on project and funding required from Council.

RECOMMENDATION:

That the Council defers a decision on the request to provide support for the North Eastern Mountain Bike Development Project pending advice from:

1. Northern Tasmania Development on a number of outstanding matters.
 2. Council staff relating to the Council's ability to accommodate the requested funding within the Strategic Financial plan.
-

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman J D Ball, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

17.5 Proposed Street Name - Whisky Road**FILE NO:** SF0621; DA0109/2010**AUTHOR:** Sonia Smith (Engineering Officer - Development)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To approve a name for the new rural road constructed off Boomer Road as part of a subdivision.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approve the name Whisky Road for the new rural road constructed off Boomer Road.

DECISION: 15/04/2013**RESOLUTION: (1):****Moved Alderman R I Soward, seconded Alderman J D Ball.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

19 GENERAL MANAGER**19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]****FILE NO:** SF2385**AUTHOR:** Bruce Williams (Economic Development Officer)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

Approve and authorise the General Manager to sign the Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council and University of Tasmania.

PREVIOUS COUNCIL CONSIDERATION:

26.6 - 12 June 2012 Flood Levees at Inveresk (Closed Council Meeting)

089/2008 - MOU between LCC and UTAS (SF 3364)

2012 Draft Inveresk Precinct Plan (scheduled for Council Meeting but withdrawn 26 November 2012)

17 December 2012, Item 5.1

- Council agreed in principle to transfer to UTAS freehold title to four land areas at Inveresk for a nominal consideration.
 - Council agreed to enter into a Memorandum of Understanding [MOU] with UTAS
 - Council agreed to six conditions relating to the transfer of title and the development of the MOU
-

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

RECOMMENDATION:

That the Council:-

1. Approve the entering into a Memorandum of Understanding with the University of Tasmania in the terms indicated hereunder
2. Authorise the execution of the Memorandum of Understanding by the General Manager as follows and as per maps located under electronic attachment 1 (ECM document number: 2896829)

Parties

The Parties to this Memorandum of Understanding are:

Launceston City Council, pursuant to the provisions of the Local Government Act 1993, a body corporate and local authority of the State of Tasmania, of Town Hall, St. John Street, Launceston in Tasmania A.B.N. 73 149 070 625 (LCC)

And

University of Tasmania, an incorporated charitable institution and including its various faculties and institutes, of care of the Office of the Vice Chancellor, Private Mail Bag 51, Hobart in Tasmania A.B.N. 30 764 374 782. (UTAS)

1. Preamble

1.1 In 1996, the University of Tasmania (**UTAS**) and the Launceston City Council (**LCC**) entered into an agreement (the **1996 Agreement**) with the State Government (the **State**) further to which the parties would develop parts of the Inveresk Railyard Precinct (the **Inveresk Precinct**). The Inveresk Precinct was at that time owned by the State.

1.2 Further to the 1996 Agreement, UTAS expended approximately \$5 million to redevelop the building known as the Stone Building on the Inveresk Precinct.

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

- 1.3 In December 2000, UTAS entered a lease with the Inveresk Railyards Management Authority (a State instrumentality) in respect of the Stone Building for a period of 10 years (the **Stone Building Lease**). The UTAS School of Performing and Visual Arts currently operates out of the Stone Building.
- 1.4 The Inveresk Precinct was transferred from the State to LCC in 2003. Since taking ownership LCC has made significant investment in the precinct and provided community facilities including Queen Victoria Museum and Art Gallery, Aurora Stadium, boardwalks, and cycle and path ways.
- 1.5 Launceston City Council's Vision for the York Park and Inveresk Precinct is
- The Inveresk Precinct will be a well planned, vibrant multifunctional centre providing high class sporting, educational (including accommodation), entertainment and cultural facilities that contribute significantly to the City's high quality of life.
 - The Precinct will feature complimentary commercial development that services the needs of visitors and tenants.
 - Integrated planning, a high standard of contemporary urban design and a permeability of the site for pedestrian and bicycle movements are high priorities. The Precinct will establish strong linkages to the Launceston CBD area.
 - The Precinct will engage actively with the Invermay Road frontage and will form an important part of an iconic corridor route of tourist features incorporating Cataract Gorge, Kings Park, Seaport, North Bank and Inveresk.
 - Development of the Precinct will place a heavy emphasis on leveraging the advantages gained from integrated planning incorporating the adjacent features of the North Esk River, Willis Street and City Park.
-

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

UTAS is supportive of these aims.

- 1.6 In March 2006, UTAS and LCC entered into a Heads of Agreement (the **2006 HOA**) further to which LCC would lease the Exhibition Building to UTAS at a rent of \$1 for a 49 year term, with a 49 year option (the **Exhibition Building Lease**). In return for this commitment, UTAS expended significant funds to fully redevelop the Exhibition Building. The UTAS School of Architecture now operates out of the Exhibition Building.
 - 1.7 In mid-2007, UTAS and LCC entered into negotiations for UTAS to relocate the Australian School of Fine Furniture to the Inveresk Precinct. To facilitate this, UTAS constructed a new building on an area adjacent to the Exhibition Building (the **Fine Furniture Building**).
 - 1.8 The parties have been engaged in negotiations regarding leases for the Stone Building, Fine Furniture Building and Exhibition Building (referred to collectively hereafter as the **Existing Buildings**) for some time. In addition, UTAS and LCC are currently engaged in discussions relating to the novation of the lease of the Powerhouse Building between LCC and the Tasmanian University Union Inc (**TUU**) to UTAS.
 - 1.9 UTAS and LCC have a joint commitment to achieve the shared vision of "Launceston – City of Learning and innovation, open to the world". This shared vision was articulated in the Memorandum of Understanding entered into by LCC and UTAS on 11 September 2008 (the **2008 MOU**). Its purpose was *"for the development and implementation of collaborative programs, the sharing of expertise, and other activities that enrich the economic and social wellbeing of the Launceston region and the University of Tasmania"*. One of its specific objectives of the 2008 MOU was for UTAS and LCC to build the "City of Learning" profile by *"working together to promote the "liveability" attributes of Launceston to attract more domestic and international students to Launceston"*
 - 1.10 The Inveresk Precinct with its concentration of major facilities already:
 - a) operates as a vibrant cultural centre for entertainment, education and recreation for the northern region of Tasmania;
-

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

- b) provides a focus for many community activities; and
- c) is of great importance to the vitality of the city of Launceston.

1.11 The intention of this memorandum of understanding (**MOU**) is to further the 2008 MOU by developing and enhancing the status of the Inveresk Precinct as a Higher Education Precinct, such development and enhancement to occur consistent with the pursuit of the vision of LCC for the Precinct as set out in Clause 1.5.

1.12 In the short term, UTAS proposes to develop part of the Inveresk Precinct for use as student accommodation to be delivered under the National Rental Affordability Scheme (**NRAS Accommodation**). It is estimated that this development (the **NRAS Development**) will cost UTAS in the vicinity of \$18 million. This will be additional to the \$25 million already expended by UTAS on the redevelopment or construction of the Existing Buildings. LCC is fully supportive of locating the NRAS Accommodation on the Inveresk Precinct.

1.13 The parties agree that the previous financial contributions by UTAS to the Inveresk Precinct combined with a commitment by UTAS to develop the NRAS Accommodation and to contribute \$500,000 to Council towards the construction of a concrete flood protection levee on the site, warrants the transfer of freehold title for peppercorn consideration of the portions of the land on which:

- a) the Existing Buildings are located;
- b) the NRAS Accommodation will be sited.

(together referred to as the **Education Precinct**).

1.14 At its meeting on 17 December, 2012, LCC by decision of its elected representatives sitting as Council, agreed in principle to the transfer for the Education Precinct to UTAS. Minutes of the decision of such Council meeting are now reproduced:

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

1. *That Council agree in principle to transfer for nominal consideration to the University of Tasmania (UTAS) freehold title to the land areas at Inveresk as indicated below and in Site Map 1 (Attachment 1) and Site Map 2 (Attachment 2), subject to the conditions detailed in 2, below:*
 - i. *Part of the Stone Building as indicated in the Site Map 1,*
 - ii. *The Exhibition Building/School of Architecture as indicated in the Site Map 1,*
 - iii. *Fine Furniture Building as indicated in the Site Map 1,*
 - iv. *That portion of land for student accommodation as indicated in hatched form in Site Map 2, UTAS Inveresk Residences Site Plan,*
 2. *That the Council enter into a Memorandum of Understanding with UTAS which reflects (inter alia) the legal advice obtained from Temple Smith Partners, together with the matters indicated within 1. above and 3. below.*
 3. *The conditions relating to the agreement in 1 above are:*
 - i. *UTAS shall agree to construct no less than 120 student accommodation units at Inveresk at an agreed location;*
 - ii. *UTAS shall agree that the land transferred from the Launceston City Council shall be used at all times for education purposes;*
 - iii. *UTAS shall agree that if at any time it is intended by UTAS to sell, lease or licence the land transferred from the Launceston City Council or any part of it so that the land or any part of it is not intended to be used at all times for education purposes, then the Launceston City Council shall be entitled to claim from UTAS compensation equivalent to the assessed value of the land by licensed valuation at the time of sale, lease or licence;*
 - iv. *UTAS bear all costs associated with the subdivision and transfer of land within the intent of this resolution, with each party bearing its own legal costs;*
-

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

- v. UTAS shall agree that it will transfer the land indicated in 1.iv above back to Council if the student accommodation development at the site has not substantially been completed by 30 June 2016;*
- vi. UTAS shall make a payment of \$500,000 to Council as a contribution to meeting the additional capital investment of \$1.3 million made by the Council in constructing a concrete flood protection levee on the site which, in part, is proposed for construction of student accommodation.*

1.15 The transfer to UTAS of freehold title in the Education Precinct will:

- a) provide greater certainty for UTAS at the Inveresk Precinct;
- b) deliver the capacity for UTAS to further develop and invest in the Education Precinct in response to changing educational needs;
- c) strengthen the ability and flexibility of UTAS in mobilising resources for further strategic investments in the north of Tasmania; and
- d) meet the objectives of clause 1.2 of the 2008 MOU.

2. Agreement for transfer of land to UTAS

2.1 As soon as practicable after the date of this MOU, the parties will negotiate the terms of, and enter into an agreement. The terms of such agreement include:

- A. LCC will cause to be created titles to:
 - a) the land on which the Existing Buildings are located, and being more or less the land shaded on the attached plan; and
 - b) the land on which the NRAS Accommodation will be sited, the position and dimensions of such land not presently ascertainable, but being an area located adjacent to the south of the existing footpath and otherwise more or less as marked on the attached aerial photograph.
-

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

Such titles shall be created through subdivision either under the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993, or the Strata Titles Act 1998.

B. When created, LCC will transfer to UTAS unencumbered title to each lot (except for any encumbrances now registered on the existing title, and registration of the agreement referred to in paragraph G).

C. Provision for continuing access to all such sites across the land of LCC;

D. A term or terms to grant to UTAS the right to use land for car parking;

E. There be no monetary consideration for such transfers; provided however that UTAS will pay to LCC the contribution to levy construction costs of \$500,000 referred to in clause 1.13 prior to transfer.

F. UTAS will meet all necessary survey costs, fees and costs of any utility service provider e.g. Ben Lomond Water, the cost of any building work necessary to permit subdivision of the Stone Building, registration fees and stamp duty, it being the intention of the parties that UTAS should meet all costs, except for legal costs, each party bearing their own legal costs;

G. A condition that the use of the existing buildings transferred shall continue to be for educational purposes as defined in clause 3.2, that the land transferred for NRAS accommodation continue to be used for student accommodation, and that such continuing uses be secured by registration on all relevant titles of an agreement under Part 5 of Land Use Planning and Approvals Act 1993 (LUPA), entered into by the parties.

H. If any part of the existing buildings, or any part of the NRAS accommodation shall at any time cease to be used for educational purposes, then UTAS shall, on demand, pay to LCC:

- (a) in respect of the existing buildings, the then value of the land comprised in the title or titles of which the building or buildings not used for educational purposes forms part; and
 - (b) in respect of the NRAS accommodation, the then value of the land transferred by LCC to UTAS.
-

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

Such valuation shall be made in respect of the value of the land without including the value of the building or buildings on the land, and shall be determined by a registered valuer appointed for that purpose by LCC.

I. All necessary applications to LCC for planning approvals to give effect to terms of the agreement shall be prepared by and at the expense of UTAS. LCC through its General Manager will as required by Section 52(1B) of LUPA, give written permission to the making of the applications.

UTAS acknowledges that LCC in its capacity as planning authority must determine such applications considering only those matters as prescribed by law, and particularly as prescribed in Division 2 of Part 4 of LUPA.

2.2 Such agreement shall also incorporate any further conditions necessary to give effect to the decision of LCC set out in preamble Clause 1.14.

3. Use of Existing Buildings

3.1 UTAS will be entitled to lease or licence parts of the Existing Buildings to third parties (and the land on which they are located) provided they continue to be used for educational purposes.

3.2 For the purposes of this MOU, "educational purposes" includes the provision of core educational services as well as the provision of services necessary or ancillary to the provision of core educational services, including the provision of accommodation, small scale retail or catering services for students and/or staff.

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

4. NRAS Development

4.1 UTAS proposes to construct NRAS Accommodation on the Inveresk Precinct:

- a) in the form of 120 student dwellings;
- b) consisting of four floors of apartments above parking with a building footprint of approximately 2,500 sq m and a site area of approximately 3,750 sq m; and
- c) to be located on that land identified as outlined in blue on the attached aerial photograph (the **NRAS Site**).

4.2 UTAS will use its best endeavours to ensure that construction of the NRAS Accommodation will be completed no later than 30 June 2016 to meet the requirements of the NRAS program.

4.3 The NRAS accommodation should generally accord with the principle of the parapet height reflected in the existing Stone building at Inveresk, that is, a height up to 13m to the parapet.

4.4 If the NRAS Development has not substantially been completed by 30 June 2016 then the NRAS Site will be transferred back to LCC for nil consideration.

5. Powerhouse Building

5.1 UTAS and LCC will finalise the lease arrangements in respect of the Powerhouse Building as soon as practicable after the date of this MOU on the basis that UTAS will continue to enjoy the rights formerly enjoyed by the TUU as tenant of that building (including in relation to the rent concession made available to the TUU).

6. Further developments on and relating to the Inveresk Precinct

6.1 LCC recognises UTAS as a foundation occupant at Inveresk, with rights of consultation for any future development of the Inveresk Precinct.

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

6.2 LCC acknowledges that UTAS requires sufficient space to grow the Education Precinct through future additional developments.

6.3 LCC and UTAS will work cooperatively to further develop sustainable and safe transport links to ensure easy and safe access for students between the Newnham and Inveresk Campuses through a mix of bike or walking tracks or public bus services.

6.4 LCC and UTAS will work towards establishing consultative mechanisms aimed at the strategic development of the Inveresk Precinct and the multiplicity of functions that it delivers to the Launceston community with sufficient resources to effectively support any mechanisms put in place.

7. Miscellaneous

7.1 In light of the tight timeframes associated with the NRAS program, LCC agrees to take steps to formalise the arrangements envisaged in this MOU by instructing its solicitors to draft any documents it considers necessary to give it effect without delay.

7.2 LCC agrees that until the arrangements in this MOU are formalised, UTAS will not be disadvantaged in terms of its current occupancy rights on the Inveresk Precinct.

Dated: **2013**

Signed

**General Manager
Robert Dobrzynski
Launceston City Council**

**Vice-Chancellor
Professor Peter Rathjen
UTAS**

19.1 Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]...(Cont'd)

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

Ald R L McKendrick declared an interest in this item and withdrew from the meeting at 04:47 PM.

DECISION: 15/04/2013

RESOLUTION: (1):

Moved Alderman J D Ball, seconded Alderman R J Sands.

That the Recommendation be adopted subject to amendment to sub-section 4.1 on page 62 of the agenda, to read:

4. NRAS Development

4.1 UTAS proposes to construct NRAS Accommodation on the Inveresk Precinct:

- a) in the form of 120 student dwellings;
- b) with a building footprint of approximately 2,500 sq m and a site area of approximately 3,750 sq m; and
- c) to be located on that land identified as outlined in blue on the attached aerial photograph (the NRAS Site).

FOR VOTE - Ald A M van Zetten, Ald R L Armitage, Ald J D Ball, Ald R I Soward, Ald I S Norton, Ald R J Sands, Ald A C Peck, Ald D H McKenzie, Ald J G Cox, Ald D C Gibson

AGAINST VOTE - Ald A L Waddle

ABSENT. DID NOT VOTE - Ald R L McKendrick

CARRIED 10:1

Alderman McKendrick re-attended the meeting at 4.52pm.

20 URGENT BUSINESS

Nil

21 WORKSHOP REPORT(S)

Nil

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION**22.1 Information / matters requiring further action****FILE NO:** SF3168**AUTHOR:** Daniel Gray (Committee Clerk / Administration Officer)

This report outlines requests for information by Aldermen when a report or agenda item will be put before Council or a memorandum circulated to Aldermen.

It will be updated each Agenda, with items removed when a report has been given.

The report was noted

23 ADVICE OF FUTURE NOTICES OF MOTION

Nil

24 REPORTS BY THE MAYOR

Nil

25 REPORTS BY THE GENERAL MANAGER

Nil

26 CLOSED COUNCIL ITEM(S)

Nil

27 MEETING CLOSURE

The Mayor closed the meeting at 4:54pm.
