



LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 25 MARCH 2013**

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 25 March 2013

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

Date: 25 March 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

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 25 March 2013

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES	1
2	DECLARATION OF PECUNIARY INTERESTS	1
3	CONFIRMATION OF MINUTES	1
4	DEPUTATION	2
5	ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME	2
6	PUBLIC QUESTION TIME	2
7	ANNOUNCEMENTS BY THE MAYOR	3
7.1	Mayor's Announcements	3
8	ALDERMEN'S/DELEGATES' REPORTS	5
8.1	Alderman Waddle - Heritage Forest Advisory Committee Meeting	5
8.2	Alderman McKendrick - Franklin House Fair and Launceston General Hospital Consumer Reference Group	6
8.3	Alderman Sands - Local Government Association Tasmania - General Meeting	7
8.4	Alderman Gibson - Community Development Events	8
8.5	Alderman Soward - Launceston College Centenary Celebrations	9
8.6	Alderman Norton - Cataract Gorge Advisory Committee and Launceston Tramway Society Committee	10

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 25 March 2013

Item No	Item	Page No
8.7	Alderman Ball - Tamar Renewal Project Working Group, Street Tree Advisory Committee Heritage Advisory Awards and Launceston Bike Committee	11
9	QUESTIONS BY ALDERMEN	12
9.1	Alderman Waddle - Welcome Signs at Lilydale	12
9.2	Alderman Norton - Wheelie Bin Delivery Improvement	13
9.3	Alderman Norton - Tramway Society Facility - Safety Issues	14
10	COMMITTEE REPORTS	16
10.1	Cataract Gorge Advisory Committee Meeting 13 February 2013	16
11	PETITIONS	17
12	PLANNING AUTHORITY	18
12.1	45 Boland Street, Launceston - Construction of a building for use as a take away food premises	18
12.2	55 Legges Crescent, Prospect -construction of two multiple dwellings	23
12.3	163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012	31
13	NOTICES OF MOTION - FOR CONSIDERATION	34
13.1	Alderman Sands - Notice of Motion - Recognition of National Highway Network	34
13.2	Alderman Norton - Notice of Motion - Mowbray Connector/Northern Outlet	35
13.3	Alderman Norton - Notice of Motion - School Zone Speed Signage around Launceston College	36

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 25 March 2013

Item No	Item	Page No
13.4	Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?	37
14	DEVELOPMENT SERVICES (No reports)	
15	FACILITY MANAGEMENT AND GOVERNANCE SERVICES	40
15.1	Introduction of Health & Fitness Programs at Launceston Aquatic	40
15.2	Review of Emergency Management Act 2006	43
15.3	Draft Launceston Flood Risk Management Bill	45
15.4	Junction Arts Festival - Lease of Albert Hall Western Vestibule	48
16	QUEEN VICTORIA MUSEUM AND ART GALLERY (No reports)	
17	INFRASTRUCTURE SERVICES (No reports)	
18	CORPORATE SERVICES (No reports)	
19	GENERAL MANAGER	50
19.1	Memorandum of Understanding for the Development and Enhancement of the Inveresk Precinct between Launceston City Council [Council] and University of Tasmania [UTAS]	50
20	URGENT BUSINESS	61
21	WORKSHOP REPORT(S)	62
21.1	Workshop Report	62
22	INFORMATION / MATTERS REQUIRING FURTHER ACTION	63

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 25 March 2013

Item No	Item	Page No
22.1	Information / matters requiring further action	63
23	ADVICE OF FUTURE NOTICES OF MOTION	64
23.1	Alderman McKenzie - Recognition for Tim Cogle	64
23.2	Alderman Cox - Submission to review of Alderman Numbers	65
23.3	Alderman Ball - Common Sense Compliance Workshop	66
24	REPORTS BY THE MAYOR	67
25	REPORTS BY THE GENERAL MANAGER	67
26	CLOSED COUNCIL ITEM(S)	67
27	MEETING CLOSURE	67

1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1pm and noted an apology from Alderman Peck.

2 DECLARATION OF PECUNIARY INTERESTS

Alderman Soward declared a pecuniary interest in item 13.3.

3 CONFIRMATION OF MINUTES

RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on 12 March 2013 be confirmed as a true and correct record.

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman D C Gibson, seconded Alderman J G Cox.

That Recommendation 1 be adopted

CARRIED UNANIMOUSLY 11:0

2. That the Minutes of the meeting of the Launceston City Council held on 12 March 2013 in closed session be confirmed as a true and correct record.

RESOLUTION: (1):

Moved Alderman A L Waddle, seconded Alderman D H McKenzie.

That Recommendation 2 be adopted

CARRIED UNANIMOUSLY 11:0

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Nil

6 PUBLIC QUESTION TIME

Nil

7 ANNOUNCEMENTS BY THE MAYOR**7.1 Mayor's Announcements****FILE NO:** SF2375

Thursday 14 March

- Presided at Private Citizenship Ceremony - Town Hall
- Attended and welcomed artists from Ten Days on the Island Event - 1st Performance of 21 Circus Acts in Civic Square
- Officiated at Civic Reception to mark the centenary of Launceston College

Friday 15 March

- Presided at Private Citizenship Ceremony - Town Hall
- Officiated at Football Federation Tas Skills Acquisition Festival - Aurora Stadium
- Attended Encore Productions Opening Night of Grease

Saturday 16 March

- Officiated at Tamar NRM Launch and Signing of Strategy document
- Attended Lilydale Arts Opening Celebration of Lilydale Mural Painted Poles & the inaugural Lilydale Festival of Wood
- Attended Breast Cancer Network Australia - "Mini Field of Women " at City Park

Monday 18 March

- Officially welcomed participants of Tour de Kids Charity Bike Ride Across Tasmania

Tuesday 19 March

- Attended Tas Polytechnic Northern Graduation Ceremony - Celebration of achievements of 2012 Graduates

Wednesday 20 March

- Attended LGAT General Meeting, General Management Committee and Metropolitan Councils Group meetings
- Attended Study Tasmania Welcome Event for International Students

Thursday 21 March

- Attended LGAT Mayor's Workshop
- Attended and addressed Civic Reception to mark the 75th anniversary of St Giles

Friday 22 March

- Officiated at Launch of "Off the Wall" Anti-Graffiti Project
 - Attended Tas Honour Roll of Women Event with Minister Cassy O'Connor
 - Attended and addressed Harmony Day Celebration - UTAS
 - Officiated and welcomed visitors at SKAL National Conference and AGM
-

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

Saturday 23 March

- Attended Cityprom's Launch "So you think you can Busk"
- Officiated at Relay for Life Event
- Attended City Park Radio Harmony Day celebration and Official Opening of Studio D
- Attended Make-A-Wish Fairytale Ball - Hotel Grand Chancellor, Launceston

Sunday 24 March

- Attended Lions Club of Lilydale Teddy Bears Picnic - Hollybank Reserve

The Mayor further added:

- **Congratulated Alderman Waddle for being inducted into the Tasmanian Honour Roll of Women.**
 - **Noted 10 Days on the Island festival, acknowledged circus acts. Congratulated the organisers and members of the public for their support.**
 - **Friday 15 March Officiated at Football Federation Tas Skills Acquisition Festival soccer - Aurora Stadium. Acknowledged the positive comments received in regards to the condition of the ground.**
 - **Friday 15 March Attended the Encore production of Grease. Congratulated Alderman Gibson for his stage managing role and all involved with the production.**
 - **Monday 18 March Officially welcomed the participants in the Tour de Kids Charity Bike Ride Across Tasmania. Noted \$5,000 was raised for the Give Me Five For Kids Charity.**
 - **Officiated at Launch of "Off the Wall" Anti-Graffiti project. Congratulated Wendy Newton (Youth and Community Officer) and her team.**
 - **Noted the cancellation of the Lions Club of Lilydale Teddy Bears Picnic - Hollybank Reserve.**
-

8 ALDERMEN'S/DELEGATES' REPORTS

8.1 Alderman Waddle - Heritage Forest Advisory Committee Meeting

Alderman A L Waddle reported:

- Wednesday 13 March attended the Heritage Forest Advisory Committee Meeting. Noted the time capsule of 25 years will be opened on Thursday 7 November 2013. Advised that any entertainment ideas for the opening are welcome.
 - Noted the Tube Run Project (Council Minute No 17.1 of 25/02/2013) and draft Memorandum of Understanding between Launceston City Council and the Migrant Resource Centre.
 - Saturday 16 March attended the Lilydale Festival of Wood along with The Mayor and Alderman Norton.
-

8.2 Alderman McKendrick - Franklin House Fair and Launceston General Hospital Consumer Reference Group

Alderman R L McKendrick reported:

- **Advised all of the Success of Franklin House Fair, noted \$3,500 raised.**
 - **Acknowledged importance of volunteers at both Franklin House and Launceston General Hospital.**
-

8.3 Alderman Sands - Local Government Association Tasmania - General Meeting

Alderman R J Sands reported:

- **Expressed overall disappointment at the lack of debates and discussions that took place at the general meeting held on Wednesday 20 March 2013.**
-

8.4 Alderman Gibson - Community Development Events

Alderman D C Gibson reported:

- **Friday 22 March attended International Harmony Day held at UTAS, noted successful work of Jo Archer (UTAS Community Engagement Officer). Noted the success of the celebrations and the cultural diversity within Launceston.**
 - **Noted success of Relay for Life, Saturday 23 March - Sunday 24 March. Congratulated Charles Black (Chairman - Volunteer Committee - Cancer Council) on his work.**
 - **Sunday 24 March attended 10 Days on the Island Performance "On Your Marks" at Aurora Stadium. Noted the performance was staged by Stompin and congratulated them on the performance. Advised all that three 10 Days on the Island performances were developed by Launceston Companies.**
-

8.5 Alderman Soward - Launceston College Centenary Celebrations

Alderman R I Soward reported:

- Thursday 14 March attended the Civic Reception to mark the centenary of Launceston College. Noted 1,400 visitors. Thanked Elizabeth Clark (Civic Affairs Coordinator) and Debbie Picket (Executive Assistant - Mayor) for their work on behalf of Council.
-

8.6 Alderman Norton - Cataract Gorge Advisory Committee and Launceston Tramway Society Committee

Alderman I S Norton reported:

- **Noted 5,600 people have visited the Gorge Volunteers Centre since 25 March 2012. Noted running successfully by the volunteers.**
 - **Tuesday 19 March attended the Launceston Tramway Society Committee Meeting, Trams in the City project is being pursued. Raised concerns regarding safety of facilities and possible fire incidents - See item 9.3.**
 - **Noted Focus on Nature event held at Queen Victoria Museum and Art Gallery on Saturday 23 March. Noted success of event. Thanked and congratulated Richard Mulvaney (Director Queen Victoria Museum and Art Gallery) and his team.**
 - **Congratulated Launceston College on their centenary celebrations. Thanked all involved.**
-

8.7 Alderman Ball - Tamar Renewal Project Working Group, Street Tree Advisory Committee Heritage Advisory Awards and Launceston Bike Committee

Alderman J D Ball reported:

- **Monday 4 March attended Upper Tamar River Renewal Project Working Group Meeting. Noted work is continuing on the strategic assessment document. Noted second project involves work around environment flow increases at the Cataract Gorge.**
 - **Tuesday 19 March attended Street Tree Advisory Committee Meeting. Noted Committee received a presentation regarding forward planning on street tree planting. Congratulated Neil Simpson and his team for their consultation work with the community and businesses. Also thanked Community representative, Mr Kevin Watkins, for organising presentations to various service clubs.**
 - **Advised all that nominations for Heritage Advisory Awards have opened.**
 - **Noted progress on the Bike Strategy, noted work of Ella Dixon.**
 - **Friday 22 March attended International Harmony Day celebrations at UTAS. Commended and congratulated UTAS for all their work. Thanked all for the support given to the celebrations.**
 - **Noted attendance at a 10 Days on the Island performance.**
-

9 QUESTIONS BY ALDERMEN

9.1 Alderman Waddle - Welcome Signs at Lilydale

Aldermen's Question: Alderman A L Waddle asked:

Have the three Welcome to Lilydale signs been painted? Noted that they don't look different.

This question was taken on notice.

9.2 Alderman Norton - Wheelie Bin Delivery Improvement

Aldermen's Question: Alderman I S Norton asked:

Could there be an improvement on the delivery timeframes of replacement wheelie bins?

This question was taken on notice and would be answer via the Aldermen's weekly bulletin.

9.3 Alderman Norton - Tramway Society Facility - Safety Issues

Aldermen's Question: Alderman I S Norton asked:

Earlier under Aldermen's/Delegates' Reports, Item 8.6, Aldermen Norton raised safety concerns relating to the Launceston Tramway Society facility, specifically:

- a) The size and weight of a main door for its corresponding hinges; and**
- b) The lack of fire _____ equipment**

He requested whether Council could investigate the safety issue of the Door and the installing of a fire hose and reel as a safety measure?

RESOLUTION: (1)

Moved Alderman J D Ball, seconded Alderman D C Gibson.

That the order of business be amended to now facilitate consideration of Item 13.4

FOR VOTE - Ald J D Ball, Ald D C Gibson

AGAINST VOTE - Ald A M van Zetten, Ald R L McKendrick, Ald A L Waddle, Ald R L Armitage, Ald I S Norton, Ald R J Sands Ald R I Soward, Ald D H McKenzie, Ald J G Cox

ABSENT. DID NOT VOTE - Ald A C Peck

LOST 2:9

10 COMMITTEE REPORTS**10.1 Cataract Gorge Advisory Committee Meeting 13 February 2013****FILE NO:** SF0839**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Cataract Gorge Advisory Committee.

RECOMMENDATION:

That the report from the Cataract Gorge Advisory Committee meeting held on 13 February 2013 be received.

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

DECISION: 25/03/2013**RESOLUTION: (1):****Moved Alderman I S Norton, seconded Alderman R L McKendrick.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 11:0**

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 - 12.3.

12 PLANNING AUTHORITY

12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises

FILE NO: DA0022/2013

AUTHOR: Leon Murray (Town Planner)

DIRECTOR: Michael Stretton (Development Services)

DECISION STATEMENT:

To consider an application for construction of a building for use as a take away food premises at 45 Boland Street, Launceston.

PREVIOUS COUNCIL CONSIDERATION:

N/A.

RECOMMENDATION:

That Council approves DA0022/2013 for construction of a building for use as a take away food shop at 45 Boland Street, subject to the following:

1. ENDORSED PLANS

The use and development must be carried out as shown on the endorsed plans (as amended in red) 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 approved access ways from Boland Street.

3. HOURS OF OPERATION

The takeaway food premises must only operate between 6.00am to 6.30pm seven days a week.

12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)

4. SEATING

Seating and tables within the take away food premises and on the property may be provided for customers waiting for orders. Sit down dining in the building or on the site is not permitted.

5. DELIVERY HOURS

Deliveries to and from the site (including waste collection) must only take place prior to 9am seven days a week.

6. LOADING AND UNLOADING

Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within loading bays or buildings as shown on the endorsed plans and be conducted so as to cause minimum interference with other vehicular traffic.

7. NO STORAGE OUTSIDE BUILDING

No goods or packaging materials may be stored outside the building.

8. NOISE AND VIBRATION

Extractor fans, compressors and the like must be suitably shielded/baffled to ensure the business does not cause unreasonable noise or interference to adjoining occupations by way of noise or vibration.

9. BICYCLE PARKING

Bicycle parking spaces must have:

- a) Minimum dimensions of:
 - i) 1.7m in length; and
 - ii) 1.2m in height; and
 - iii) 0.7m in width at the handlebars; and
- b) Unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.

10. WASTE DISPOSAL BINS - COMMERCIAL

Provision must be made on site for the storage of trade waste disposal bins. The bins provided must not occupy or obstruct access to any car parking or loading area indicated on the endorsed plan and must be contained within the property boundaries unless approved otherwise.

12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)

11. 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.

12. BEN LOMOND WATER REQUIREMENTS

The development must be undertaken in accordance with Certificate of Consent 13-0015 which is attached to this permit.

13. 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.

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) *Registration of Food Business*

Nuisance

B. *During operation of this use, the best practicable means must 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 there under.*

Restrictive Covenants

C. *The granting of this permit takes no account of any covenants applicable to the land that contradict the Launceston Interim Planning Scheme 2012. 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.*

12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)

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.

Access for People with a Disability

- D. *This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.*

Appeal Provisions

- E. *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 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.

- F. *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.*
-

12.1 45 Boland Street, Launceston - Construction of a building for use as a take away food premises...(Cont'd)

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 – 12.3 inclusive.

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman R J Sands.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings**FILE NO:** DA0057/2013**AUTHOR:** Pip Glover (Town Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for the construction of two multiple dwellings.

PLANNING APPLICATION INFORMATION:

Applicant: Prime Design
Property: 55 Legges Crescent, Prospect
Area of Site: 722m²
Zoning: General Residential
Existing Uses: Vacant land
Classification: Residential - multiple dwellings
Date Received: 20 February 2013
Deemed Approval: 8 April 2013
Representations: One

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council approves DA0057/2013 for the construction of two multiple dwellings at 55 Legges Crescent, Prospect 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 Legges Crescent.

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

3. NO BURNING OFF

No burning of any waste materials generated by action on this approval to be undertaken on-site. Any such waste materials to be removed by a licensed refuse disposal facility (e.g. Remount Road Refuse Disposal Centre.)

4. 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.

5. AMENITY

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

6. MULTIPLE DWELLINGS - SERVICE FACILITIES

Prior to the commencement of the use, the following site facilities for multiple dwellings must be installed:

- a) Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b) Each multiple dwelling must be provided with a minimum 6 cubic metre exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c) Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

7. SITE LANDSCAPING

The landscaping must be installed in accordance with the endorsed plan and;

- a) Be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all lawns and landscaped areas. Redirection of down pipes, on site storage of overland flows and the like are encouraged. Grey water reuse can be used subject to compliance.
 - b) Be installed within 3 months from the completion of the building works, or where subdivision by strata is proposed, the landscaping must be completed before the strata plan is sealed.
 - c) Be maintained as part of the use. It must not be removed, destroyed or lopped without the written consent of the Planning Authority.
-

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

8. CONSTRUCTION OF RETAINING WALLS

All retaining walls, irrespective of height, located within 1.5 metres of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

9. FENCING

All side and rear boundaries, behind the building line, must be provided with a new, solid (ie no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed to a height of at least 1.8m when measured from the highest finished level on either side of the common boundaries at the developers cost.

10. DAMAGE TO COUNCIL INFRASTRUCTURE

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

11. UPGRADING OF SERVICE CONNECTIONS

Where it is required by a service provider (ie Ben Lomond Water, Telstra etc.) to upgrade, relocate or remove the existing connection or install a new connection the developer must apply to Council's Road Assets Manager for approval to install the connection across Legges Crescent.

The approved installation method is direction drilling/boring. Open trench installation will not be permitted except in EXCEPTIONAL circumstances and requires the written consent of the Road Assets Manager who will specify the required construction and reinstatement works.

No work is to commence for the installation, alteration or removal of the service connection until such time as the service crossing approval has been obtained.

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

12. SOIL AND WATER MANAGEMENT WORKS

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites.

No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant.

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

13. 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.

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

14. SIDE ENTRY PIT MODIFICATION

The existing side entry pit is to be converted to a stormwater manhole to facilitate the installation of a standard vehicular crossing with a 1 metre long transition wing.

A detailed plan showing the proposed modification works is to be submitted to Council's Infrastructure Services Directorate for approval, along with the engineering plan approval and inspection fee of \$250, with prior to commencing any works to modify the side entry pit.

All works are to be in accordance with Council's standard drawings and specifications. The process governing the installation, inspection and certification of the new work specified in the Council document Subdivision Guidelines is to be adhered to at all times.

All new work is to be inspected by Council's engineering officer prior to the backfilling of any trenches. All works associated with the stormwater infrastructure must be completed prior to the occupation of the development. All works are at the applicant's expense.

15. VEHICULAR CROSSING

Installation of the new crossing in accordance with Council's standard drawing R-08 requires the relocation of the existing side entry pit and stormwater manhole located in the road reserve. All works associated with the driveway and the stormwater side entry pit and manhole relocation must be completed prior to the occupation of the development. All works are at the applicant's expense.

No work shall be undertaken to relocate the stormwater side entry pit or manhole to construct the new vehicular crossing outside the property boundary without the prior approval of the works by the Council's Infrastructure Services Directorate. An application for such work must be lodged on the approved form.

The new crossing and relocated stormwater pit and manhole must be constructed to Council standards by a contractor registered under Bylaw 002 of 2000 **Private Works on Roads Bylaw** to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg Ben Lomond Water, Telstra, and Aurora etc).

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

16. CAR PARKING CONSTRUCTION

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

- a) Be designed to comply with the Australian Standard AS 2890 Off-street car parking,
- b) Be properly constructed to such levels that they can be used in accordance with the plans,
- c) Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d) Be drained to Councils requirements,
- e) Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f) Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- g) Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site.

17. STRATA SUBDIVISION

The proposal may be Strata titled. Prior to the Strata being certified and released, the following must be complied with:

- (i) all conditions on the permit and works shown on the endorsed plan and documents have been completed to the satisfaction of the Manager Planning and Building
- (ii) the distribution of reticulated water and provision of water meters within the development site meet the Council Policy or Procedure applicable at the date of the issue of the statement, and
- (iii) Payment of Council's prescribed fee

If this is to be staged the Strata plan must be accompanied by a Disclosure Statement and Master Plan.

12.2 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

18. BEN LOMOND WATER

The development must comply with requirements of Certificate of Consent DA 13-049.

19. 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

A. Other Approvals

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:

- (a) *Building permit*
- (b) *Plumbing permit*

B. Restrictive Covenants

Council does not enforce restrictive covenants that contradict the Launceston Planning Scheme 1996. 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.

C. Appeal Provisions

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 55 Legges Crescent, Prospect -construction of two multiple dwellings...(Cont'd)

D. Permit Commencement

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 53(1b) 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.

Darren Searle - spoke against this item.

John Morwood - spoke to this item.

DECISION: 25/03/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

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

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

ABSENT. DID NOT VOTE - Ald A C Peck

CARRIED 7:4

12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012**FILE NO:** SF5824**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider representations received during the public consultation period for the application for dispensation from local provisions to:

1. Set aside the whole provisions of the Open Space zone as they relate to title 164558/1, except for the area of land to be set aside for public open space; and
2. Set aside the whole of the provision within this title of the Particular Purpose Zone 1 - Techno Park as they relate to the land connecting Techno Park Drive to title 164558/1.
3. Apply the provisions of the Low Density Residential zone contained in the Interim Planning Scheme 2012 to the part of the land not set aside for public open space on title 164558/1.

and determine whether the proposed dispensation requires modification in light of the representations received.

PREVIOUS COUNCIL CONSIDERATION:

Item number 12.5 Council meeting 10 December 2012 resolved to initiate the application for dispensation at 163 Poplar Parade, Youngtown (Volume 164558 Folio 1).

RECOMMENDATION:

That Council:

1. Considers all the representations received for the application for dispensation at 163 Poplar Parade, Youngtown (Volume 164558 Folio 1) pursuant to Section 30Q Land Use Planning and Approval Act 1993 (the Act); and
-

12.3 163 Poplar Parade and Techno Park Drive, Youngtown - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)

2. Recommends to the Tasmanian Planning Commission that the application for dispensation at 163 Poplar Parade Youngtown (CT Volume 164558 Folio 1) be supported, subject to the retained Open Space zone having a minimum width of 50 metres, and covering the full length of the proposed linear park reserve connection between the Youngtown Memorial Park, Youngtown Regional Park and Poplar Parade; and
 3. Continues to withhold judgement on the subdivision proposed as it is not part of the application currently being assessed by the Tasmanian Planning Commission and recommend to the Commission that the subdivision be assessed as a planning application pursuant to Section 57 of the Act, if the dispensation is approved.
-

DECISION: 25/03/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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

RESOLUTION: (1)

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

That the order of business be amended to now facilitate consideration of Item 13.4.

CARRIED UNANIMOUSLY 11:0

13 NOTICES OF MOTION - FOR CONSIDERATION**13.1 Alderman Sands - Notice of Motion - Recognition of National Highway Network****FILE NO:** SF5547**AUTHOR:** Alderman Sands**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Sands regarding the National Highway Network.

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

The Launceston City Council support Andrew Wilkie MHR motion that the House acknowledge that Bass Strait should be part of the National Highway network.

And secondly that Launceston City Council encourages all Tasmanian Councils to support the motion that will be before the House of Representatives.

This item was dealt with after item 15.1 at 4:18pm.**Ald R I Soward withdrew from the meeting at 4:19pm.****Ald R I Soward re-attended the meeting at 4:20pm.****DECISION: 25/03/2013****RESOLUTION: (1):****Moved Alderman R J Sands, seconded Alderman J D Ball.****That the Motion be adopted.****CARRIED UNANIMOUSLY 11:0**

13.2 Alderman Norton - Notice of Motion - Mowbray Connector/Northern Outlet**FILE NO:** SF5547 / SF5619 / SF1390**AUTHOR:** Alderman Norton**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Norton in regards to the Mowbray Connector/Northern Outlet

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

That the Launceston City Council makes urgent representations to the Premier, Minister for Transport and Department of Infrastructure, Energy and Resources demanding that immediate steps be taken to address the fatal traffic safety design flaws at the Mowbray Connector on the Northern Outlet.

Ald J D Ball withdrew from the meeting at 4:28pm.

Ald R L Armitage withdrew from the meeting at 4:31pm.

Ald R L Armitage re-attended the meeting at 4:34pm.

Ald R I Soward withdrew from the meeting at 4:37pm.

Ald R I Soward re-attended the meeting at 4:40pm.

Ald J D Ball re-attended the meeting at 4:40pm.

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman I S Norton, seconded Alderman R L McKendrick.

That the Motion be adopted.

CARRIED UNANIMOUSLY 11:0

COUNCIL MINUTES

Monday 25 March 2013

13.3 Alderman Norton - Notice of Motion - School Zone Speed Signage around Launceston College

FILE NO: SF5547 / SF2345

AUTHOR: Alderman Norton

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Norton regarding speed signage around Launceston College.

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

The Launceston City Council writes to DIER requesting that in line with its policy of making school zones 40km areas during specific times correlating with school commencement and conclusion that it includes the Launceston College precinct along Paterson St from Margaret St to Wellington St, along Brisbane Street from Margaret Street to Wellington St and along Margaret Street from Paterson Street to York Street.

Ald R I Soward declared a pecuniary interest in this item and withdrew from the meeting at 4:44pm.

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman I S Norton, seconded Alderman D H McKenzie.

That the Motion be adopted.

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

AGAINST VOTE - Ald J G Cox

ABSENT. DID NOT VOTE - Ald R I Soward, Ald A C Peck

CARRIED 9:1

13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?**FILE NO:** SF5547 / SF2916 / SF0135 / SF3804**AUTHOR:** Alderman Ball**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Ball regarding Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.1 - Strategic Planning and Policy Committee - 4 March 2013 - *Received a Deputation from Anglicare Tasmania Inc. on the Child Friendly Cities Concept.*

NOTICE OF MOTION:

That Council;

1. Gives in-principle support to Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status as recognised by UNICEF.
 2. Identifies and works with key partners to convene a Child Friendly City Working Group to develop a strategic pathway to achieving Child Friendly City status and identify the resources and organisational commitment necessary from all stakeholders to successfully embark on the process most likely to achieve this end.
 3. Provides sufficient resources in the 2013/14 budget to initiate the above process.
-

This item was dealt with after item 12.3 at 2.33pm.

Elizabeth Daily - spoke to this item.

Mr M Stretton (Director Development Services) and Ms L Hurst (Manager Community, Tourism and Events) were in attendance to answer questions of Council in respect of this Agenda Item.

Ald R L Armitage withdrew from the meeting at 2:42pm.

Ald R L Armitage re-attended the meeting at 2:43pm.

13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?...(Cont'd)

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman J D Ball, seconded Alderman D C Gibson.

That the Motion be adopted.

RESOLUTION: (2):

Moved Alderman R L McKendrick, seconded Alderman R L Armitage.

That an extension of time of 3 minutes be granted to Alderman R I Soward.

CARRIED UNANIMOUSLY 11:0

The Deputy Mayor took the Chair

Alderman Waddle took the Chair

13.4 Alderman Ball - Notice of Motion - Launceston - Tasmania's first Child Friendly City?...(Cont'd)

Amendment

RESOLUTION: (3):

Moved Alderman A M van Zetten, seconded Alderman R L McKendrick.

That Council request that officers provide a report considering:

1. In-principle support to Launceston becoming the first Child Friendly City in Tasmania through achieving Child Friendly City status as recognised by UNICEF.
2. Identifies and works with key partners to convene a Child Friendly City Working Group to develop a strategic pathway to achieving Child Friendly City status and identify the resources and organisational commitment necessary from all stakeholders to successfully embark on the process most likely to achieve this end.
3. Reviewing the impact on other activities of Council.

THE AMENDMENT WAS PUT AND DEFEATED THE MOTION 11:0

THE AMENDMENT SUBSEQUENTLY BECAME THE SUBSTANTIVE MOTION, WAS PUT AND CARRIED UNANIMOUSLY 11:0

The Mayor resumed the chair.

The Mayor adjourned the meeting at 3.05pm for 15 minutes.

The Mayor reconvened the meeting at 3.20pm.

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman I S Norton.

That the order of business be amended to now facilitate consideration of Item 15.1.

DIRECTORATE MINUTES ITEMS**15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES****15.1 Introduction of Health & Fitness Programs at Launceston Aquatic****FILE NO:** SF4201**AUTHOR:** Rod Sweetnam (Facility Management & Governance Services) and Melissa Carlton (Manager, Launceston Aquatic)**DIRECTOR:** Rod Sweetnam (Facility Management & Governance Services)

DECISION STATEMENT:

To obtain approval for the introduction of health and fitness programs at Launceston Aquatic.

PREVIOUS COUNCIL CONSIDERATION:**Item 14.1** - Council - 12 December 2011

It was resolved that Council develops an in-house managed dry programs area (including gymnasium) based on the financial model provided in the 'Aquatic Recreation Victoria' Operational Review and approves the commencement of the second stage of the implementation plan, including completion of detailed design and capital works scoping, with the proposal to come back to Council for approval prior to implementation.

Item - 15.1 - Council - 13 August 2012

It was resolved that the matter be deferred to allow further modelling by Council staff.

29 October 2012

Aldermen's briefing with Simply Great Leisure (SGL)

Item - 4.6 - SPP - 18 February 2013

Consultant's progress report on operational efficiencies and presentation on introduction of dry programs at Launceston Aquatic

RECOMMENDATION:

1. That health and fitness facilities (including gymnasium facilities) be established at Launceston Aquatic to be owned and operated by Launceston City Council.
 2. That \$460,000 be allocated in the 2013/14 budget for the provision of capital works at Launceston Aquatic
-
-

15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)

This item was dealt with at 3:20pm after the adjournment.

Mr Rod Ascui - spoke against this item.

Mr R Sweetnam (Director Facility Management and Governance Services) was in attendance to answer questions of Council in respect of Agenda Items 15.1 – 15.4 inclusive.

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman R J Sands, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

RESOLUTION: (2):

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

That an extension of time of 3 minutes be granted to Alderman R I Soward.

CARRIED UNANIMOUSLY 11:0

15.1 Introduction of Health & Fitness Programs at Launceston Aquatic...(Cont'd)

RESOLUTION: (3):

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

That an extension of time of 3 minutes be granted to Alderman J D Ball.

CARRIED UNANIMOUSLY 11:0

The Deputy Mayor took the Chair

The Mayor resumed the Chair

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

AGAINST VOTE - Ald R L Armitage, Ald J D Ball, Ald R I Soward

ABSENT. DID NOT VOTE - Ald A C Peck

THE SUBSTANTIVE MOTION (RES 1) WAS PUT AND CARRIED 8:3

RESOLUTION: (4):

Moved Alderman R L McKendrick, seconded Alderman I S Norton.

That the General Manager work with Simply Great Leisure (SGL) to develop a strategy for implementing a reciprocal rights arrangement between Launceston Aquatic Centre and other gyms in Launceston for report back to Council at the earliest occasion

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

AGAINST VOTE - Ald R I Soward

ABSENT. DID NOT VOTE - Ald A C Peck

CARRIED UNANIMOUSLY 10:1

15.2 Review of Emergency Management Act 2006**FILE NO:** SF3177 / SF0031 / SF2653**AUTHOR:** Bev Allen (Emergency Management Officer)**DIRECTOR:** Rod Sweetnam (Director Facility Management & Governance Services)

DECISION STATEMENT:

To resolve recommendations so as to provide feedback on a review of the Emergency Management Act 2006

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That in response to a request for recommendations to a review of the Emergency Management Act 2006, Council provide the following responses to the State Government and the Local Government Association of Tasmania.

1. The Emergency Management Act should include provisions for the Municipal Emergency Management Committees (MEMC)s to establish subcommittees. The majority of MEMCs already have subcommittees for example Recovery subcommittees. These committees should have the same cover/protection for decision making as MEMCs
 2. If the Act is to include provisions for the Premier to declare a 'Natural Disaster Area' the definition must be clear so as not to be confused with a declaration of a 'State of Emergency'. The provision should only be included if it doesn't limit access to relief funding and does not disadvantage individuals/councils or the State.
-

15.2 Review of Emergency Management Act 2006...(Cont'd)

3. Responsibility and liability provisions for Nearby Safer Places (NSP) and Community Fire Refuges (CFR) should be included in Tasmanian legislation. The most appropriate legislation is the Fire Services Act as these locations will only be used for bushfire. The Act should specify who is responsible for identifying reviewing and maintaining NSPs and CFRs, and liability for death and injury at these locations. This must be legislated to ensure that there is no ambiguity regarding responsibility. As with the NSW Rural Fires Amendment Act 2010 the CROWN should be liable and responsible for NSPs and CFRs in Tasmania.
 4. Currently Councils have responsibility for identifying and approving locations for Evacuation and Recovery Centres and this responsibility should remain as is.
 5. Councils should not have to directly bear the cost and responsibility for the establishment and maintenance of municipal volunteer SES units. The SES should be centrally funded and controlled by the State. Funding for SES services could be through an increase in the fire levy to be broaden so as to include the SES
-

This item was dealt with after item 13.3 at 4.46pm.

Ald R I Soward re-attended the meeting at 4:46m.

DECISION: 25/03/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

15.3 Draft Launceston Flood Risk Management Bill

FILE NO: SF4668/SF0030

AUTHOR: Louise Foster (Manager Corporate Strategy)

DIRECTOR: Rod Sweetnam (Director Facility Management and Governance Services)

DECISION STATEMENT:

To resolve a response to the State regarding the Draft Launceston Flood Risk Management Bill

PREVIOUS COUNCIL CONSIDERATION:

18 July 2011 - the Strategic Planning and Policy Committee received a presentation from Brooke Craven (Manager - Policy Branch - PPG - Department of Primary Industries, Parks, Water and Environment) regarding the Draft Launceston Flood Management Bill.

15.3 Draft Launceston Flood Risk Management Bill...(Cont'd)

RECOMMENDATION:

That the Council make a submission in regard to the Draft Flood Risk Management Bill 2013 Version 24 in the following terms:

Section	Clause Description	Comment
Page 5	Purpose of Bill	The purpose of the Bill is not only for the "Invermay area" but also the city side levees.
S5(1)(d)	Powers and Functions of Authority generally	Inconsistent with Deed - Council's role is to coordinate the advice given to its residents/ratepayers. Reword clause to require the Authority to provide information to Council regarding the risk of flooding in the flood prone area.
S10	Winding up of Authority	An additional subsection is needed to state that should the Authority be wound up then Council assumes the roles and responsibilities as stated in the Act. e.g if the Authority is wound up the rights and liabilities vest in the council which wound it up.
S10(4)	Emergency Management Act Minister approval required before winding up Authority	Delete as the Launceston Flood Authority has no emergency response function. This is consistent with the request to amend S5(1)(d).
S20	Appeals to RMPAT	Delete s.20(2) as it gives greater benefits to the Launceston Flood Authority than any other entity and it places all discretionary applications in flood prone areas in limbo even though no written representations have been received.
S26	Municipal Committee to consult with Authority	Delete as the Launceston Flood Authority has no emergency response function. This is consistent with the request to amend S5(1)(d).
S27	Powers of Council in event of flood or imminent flood	Amend S27(1) (c), (d) and (f) to include reference to the Water and Sewerage Corporation <i>e.g if the Authority, or the Water and Sewerage Corporation, has ...</i>

15.3 Draft Launceston Flood Risk Management Bill...(Cont'd)

DECISION: 25/03/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

15.4 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.
 3. Advise Junction Arts Festival Inc. that future applications for Signature Event Sponsorship are required to include all in-kind funding provided by Council within their grant application Budget.
 4. Increases the grant to Junction Arts Festival Inc. to \$60,000 and charges an annual rental of \$25,000 for the 2 year term of the extended agreement.
-
-

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

DECISION: 25/03/2013

RESOLUTION: (1):

Moved Alderman J D Ball, seconded Alderman R L McKendrick.

That the item be deferred to allow consultation between Council officers and representations of Junction Arts Festival Committee regarding the report and recommendation.

CARRIED UNANIMOUSLY 11:0

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

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 ATTACHMENT.
-

Memorandum of Understanding

for the

Development and Enhancement of

the Inveresk Precinct

between

Launceston City Council

and

University of Tasmania

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.

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.
-

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;
 - 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:

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;*
 - 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.

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.

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.

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 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.

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
UTA**

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)

Ald R L McKendrick declared a pecuniary interest in this item and withdrew from the meeting at 4:52pm.

Ald R J Sands withdrew from the meeting at 4.48pm.

DECISION: 25/03/2013

RESOLUTION: (1):

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

That the item be deferred for further consideration at the next SPPC meeting.

ABSENT. DID NOT VOTE - Ald R L McKendrick, Ald A C Peck, Ald R J Sands

CARRIED UNANIMOUSLY 9:0

Ald R L McKendrick and Ald R J Sands re-attended the meeting at 4:52pm.

20 URGENT BUSINESS

Nil

21 WORKSHOP REPORT(S)**21.1 Workshop Report****FILE NO:** SF4401**AUTHOR:** Michael Tidey (Director Corporate Services)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a report on any Council workshop held since the last meeting in accordance with Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2005.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council notes the workshops as outlined in the table below:

Date		Purpose
18 March 2013	Strategic Planning & Policy	<ul style="list-style-type: none">• Received Deputation regarding<ul style="list-style-type: none">○ Land in Murphy Street○ City of Learning• Received information on<ul style="list-style-type: none">○ Review of Emergency Management Act 2006○ Launceston Flood Risk Management Bill

DECISION: 25/03/2013**RESOLUTION: (1):****Moved Alderman R L McKendrick, seconded Alderman I S Norton.****That the Recommendation be adopted.**

CARRIED UNANIMOUSLY 11:0

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

his 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

23.1 Alderman McKenzie - Recognition for Tim Cogle

Advice of future Notice of Motion: Alderman D H McKenzie that Council:

Consider giving recognition for Tim Cogle, Retiring Coach of Tasmanian Cricket.

23.2 Alderman Cox - Submission to review of Alderman Numbers

Advice of future Notice of Motion: Alderman J G Cox that Council:

Make submission to the Local Government Board to be included in the 2013 Board Program Review of Alderman numbers, in order to determine the most appropriate level of representation of Launceston City Council.

23.3 Alderman Ball - Common Sense Compliance Workshop

Advice of future Notice of Motion: Alderman J D Ball

Noted a future Notion of Motion regarding a common sense compliance workshop.

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.
