



LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 25 NOVEMBER 2013**

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 25 November 2013

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

Date: 25 November 2013

Time: 1.00 pm

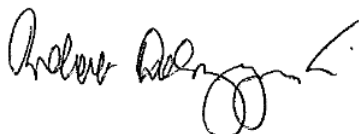
Section 65 Certificate of Qualified Advice

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 November 2013

Present: **Alderman** **A M van Zetten (Mayor)**
 J D Ball (Deputy Mayor)
 A L Waddle
 A C Peck
 R L McKendrick
 R J Sands
 R L Armitage
 I S Norton
 R I Soward
 D H McKenzie
 J G Cox
 D C Gibson

In Attendance: **Mr R S Dobrzynski (General Manager)**
 Mr J Davis (Manager Corporate Strategy)
 Mr D Gray (Committee Clerk/Admin Officer)

Apologies: **Alderman** **Nil.**

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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 11 November 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 11 November 2013 in closed session be confirmed as a true and correct record.

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

RESOLUTION: (2):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

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

Monday 11 November

Officiated at private Citizenship Ceremony

Officiated at Remembrance Day Ceremony

Attended Theatre North's production of "Bubblewrap & Boxes"

Tuesday 12 November

Officiated at Official Opening of the Honorary Consulate of Belgium in Launceston by his Excellency Jean-Luc Bodson, Ambassador of Belgium

Attended official dinner function for the Ambassador of Belgium

Wednesday 13 November

Attended Ambulance Tasmania - Regional Awards & Recognition Ceremony

Thursday 14 November

Launched 2013 Santa Run

Friday 15 November

Attended UTAS Memorandum of Understanding between UTAS and TasTAFE

Officiated at Cityprom Christmas Tree Lighting Ceremony

Saturday 16 November

Attended Simon's Prostate Cancer Ball

Monday 18 November

Officiated at Special Olympic Tas Event presentation of uniforms to Asia Pacific Games representatives

Tuesday 19 November

Officiated at Employee Recognition Event - Town Hall

Wednesday 20 November

Attended Quadrant Forum "Navigating through the noise ... it's not all about income"

Officiated at Launceston Historical Society Certificate presentation

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

Thursday 21 November

Attended HCC/LCC MoU Joint Working Party meeting in Hobart

Attended Official launch of Tasmania-Indonesia Business Council at Parliament House

Attended launch of the Big Picture, a major Tasmanian industry campaign by Bell Bay Aluminium, Grange Resources, Nystar and Norkse Skog

Attended Fresh New Look at 2014 Subscription Season for Theatre North

Friday 22 November

Attended LC Esk Band Extravaganza Concert

Saturday 23 November

Attended Salvation Army 130th Anniversary Concert

The Mayor further added:

- **Announced Community Road Safety, partner of DIER, has received an award for 10 year anniversary of the Community Road Safety Partnership. Congratulated Natalie Servant (Community Safety and Development Officer) for her award at the State Road Safety Awards.**
 - **Certificates of appreciation received from the Special Olympics and Simons Prostate Cancer Ball.**
 - **Tuesday 12 November welcomed ambassador of Belgium. First ambassador for a non-capital city in Australia.**
 - **Officiated at the Cityprom Christmas lighting ceremony in the Mall. Congratulated Cityprom.**
 - **Tuesday 12 November Officiated at the Employee Recognition Awards.**
 - **Thursday 21 November attended the Fresh New Look at 2013 Subscription season for Theatre North, along with Alderman Gibson and Alderman McKenzie. Congratulated Greg Leong.**
 - **Friday 22 November attended the Launceston College Esk Band Extravaganza Concert.**
 - **Saturday 23 November attended the 130 Years of Service Anniversary for the Salvation Army.**
-

8 ALDERMEN'S/DELEGATES' REPORTS

8.1 Alderman Peck - Cityprom

Alderman A C Peck reported:

Reported on the Christmas tree lighting and decorations within the CBD. Congratulated Cityprom. Noted upcoming Cityprom events.

8.2 Alderman Norton - Australian Volunteers International Meeting

Alderman I S Norton reported:

Reported on the Australian Volunteers International Meeting at the Grand Chancellor

Advised all that the Tramway Society will be presenting to Council on 2 December 2013 regarding the tram to Northbank proposal

8.3 Alderman Soward - Launceston College Esk Band

Alderman R I Soward reported:

Reported on the Launceston College's Esk Band

8.4 Alderman McKenzie - Upcoming Events

Alderman D H McKenzie reported:

Reported on the maintenance works at the Princess Theatre and commended staff for their work. Noted upcoming Theatre North events.

Noted upcoming Launceston Cycling Festival Friday 6 December through to Sunday 8 December

8.5 Alderman Ball - National Awards

Alderman J D Ball reported:

Reported on the National Creative Partnership Awards

8.6 Alderman Gibson - Awards

Alderman D C Gibson reported:

Reported on the State Road Safety Awards

Reported on the Tasmanian Community Achievement Awards

Congratulated the City of Launceston Choir Vox Harmony for raising over \$2,000 for local charity

8.7 Alderman McKendrick - Cricket Match at Aurora Stadium

Alderman R L McKendrick reported:

Noted first cricket Match at Aurora Stadium will be on Wednesday 27 November at 6pm, entry is free to all.

Acknowledged White Ribbon Day.

9 QUESTIONS BY ALDERMEN

9.1 Alderman Soward - Right hand turn at Howick St / Wellington St

Aldermen's Question: Alderman R I Soward asked:

Can Council investigate available options for installing a right hand turn on Howick Street to Wellington Street and Wellington St to Howick St?

This question was taken on notice.

10 COMMITTEE REPORTS

10.1 Tender Review Committee Meeting - 5 November 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 Committee meeting held on 5 November 2013 be received.

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

DECISION: 25/11/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

10.2 Sister Cities Committee Meeting - 11 November 2013

FILE NO: SF0175

AUTHOR: Elizabeth Clark (Civic Affairs Coordinator)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

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

RECOMMENDATION:

1. That the report from the Sister Cities committee meeting held on 11 November 2013 be received.
2. That the following recommendation/s from the meeting of the Sister Cities Committee held on 11 November 2013 be adopted by Council -

That the Mayor and Alderman Peck, together with other Aldermen to be selected by Council, lead a delegation on an official visit to Launceston's Sister City Napa from 25 July 2014 for six nights.

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

DECISION: 25/11/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman J G Cox.

That the Recommendation be adopted.

10.2 Sister Cities Committee Meeting - 11 November 2013...(Cont'd)

RESOLUTION: (2):

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

That an extension of time of 3 minutes be granted to Alderman R L McKendrick.

CARRIED UNANIMOUSLY 12:0

RESOLUTION: (3):

Amendment -

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

RECOMMENDATION:

1. That the report from the Sister Cities committee meeting held on 11 November 2013 be received.
2. That the following recommendation/s from the meeting of the Sister Cities Committee held on 11 November 2013 be adopted by Council -

That the Mayor and Aldermen lead a delegation on an official visit to Launceston's Sister City Napa from 25 July 2014 for six nights.

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

AGAINST VOTE - Ald J D Ball

ABSTAINED. DID NOT VOTE - Ald R J Sands

THE AMENDMENT WAS PUT AND CARRIED 10:2

11 PETITIONS**11.1 Petition - Dog Tap Lawrence Vale Road Dog Park****FILE NO:** SF0097 / SF0041

Petition received from residents / electors of the Launceston Municipal Area requesting the installation of a dog tap in the Lawrence Vale Road off Leash Dog Park.

There are 151 signatories to the petition.

RECOMMENDATION:

1. That the petition be received and forwarded to officers for report.
 2. That the Petitioner be advised Council staff will investigate the most cost effective way of providing a dog tap in the Park.
-

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

DECISION: 25/11/2013**RESOLUTION: (1):****Moved Alderman R L McKendrick, seconded Alderman R I Soward.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

COUNCIL MINUTES

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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 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning

FILE NO: DA0361/2013

AUTHOR: Stalley Briton (Urban Designer)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a proposal for building fascia signs, painting of corporate colour, wall signs, window signs and construction of a retractable awning.

PLANNING APPLICATION INFORMATION:

Applicant:	Administration and Marketing Solutions Pty Ltd
Property:	1-3 Innes Street, Launceston
Site area:	741 m ²
Zone:	Local Business
Existing use:	General Retail and Hire (Chemist)
Classification:	Signage
Date received:	19 September 2013
Application validity date:	23 October 2013
Further information request:	No
Deemed approval:	3 December 2013
Representations:	Nil

PREVIOUS COUNCIL CONSIDERATION:

Item 12.2 Council meeting 11 February 2013 - Approved DA0538/2012 for a change of use from bulky goods to general retail and hire at 1-3 Innes Street, Launceston. (NOTE: Development Application did not include additional signage).

12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)

RECOMMENDATION:

That the Council refuse the application DA0361/2013 for building fascia signs, painting of corporate colour, wall signs, window signs, and construction of a retractable awning because it is contrary to the following provision of the Interim Launceston Planning Scheme 2012:

- a) *20.1.3 Local Business Zone Purpose* - The proposed signage scheme does not improve the appearance of the surrounding area and is neither sympathetic to the setting nor compatible with the character of the area.
- b) *20.4.2 (P2) Active Ground Floors* - The proposal to blank out most of the windows on both elevations with signage and vinyl wrap will minimise the level of interaction between the street and the inside of the building.
- c) *E18.5.2 Design and Siting of Signage (P1 b, c, d, e and f)* - The proposed signs are not sympathetic to the architectural detailing of the building, are of inappropriate dimensions, are inharmonious in terms of colour scheme, are repetitive in their message and are considered to be cluttered.
- d) *E18.5.2 Design and Siting of Signage (P3 a and b)* - The signage proposal significantly increases the amount of signage in the street.

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.

Ald R J Sands withdrew from meeting at 01:59 PM.

Ald R J Sands has returned from temporary absence at 02:08 PM

12.1 1-3 Innes Street, Launceston - Building fascia signs, wall signs, window signs and construction of a retractable awning...(Cont'd)

DECISION: 25/11/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

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

CARRIED 9:3

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)

FILE NO: SF5990

AUTHOR: Julia Allen (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider the merits of representations received during the public consultation period for dispensation application (LAU D2/2013) and to determine whether the proposed dispensation requires modification in light of the representations received.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.4 SPPC - Monday 18 November 2013

Item 12.1 Council Monday 11 November 2013 - Item deferred

Item 12.2 Council Monday, 28 October 2013 - Item deferred.

Item 12.1 Council Monday, 26 August 2013 - Council resolved to support the proposal subject to retaining the Scenic Management area overlay.

RECOMMENDATION:

That the Council:

- 1) pursuant to *Section 30Q* of the *Land Use Planning and Approvals Act 1993*, the Council has considered the representations received in respect to the application for dispensation from a Local Provisions of the Launceston Interim Planning Scheme (LAU D2/2013) at 123 Westbury Road, South Launceston and provide the following statement to the Tasmanian Planning Commission as to the merit of each representation and any recommended modifications; and
-

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

- 2) notes that the application only relates to a dispensation from a local provision of the Launceston Interim Planning Scheme 2012 and does not include any future development application which may be lodged with Council for the site. Pending the outcome of this application for dispensation, a future development application for the site would be considered by the Council on its own merits against the provisions of the Launceston Interim Planning Scheme 2012, as modified by the dispensation. It is the Council's opinion that the site has a number of constraints that would need to be carefully addressed in a future development application including its high scenic amenity, access and traffic difficulties requiring new infrastructure and biodiversity value.

Representation	Issues Raised
Bill Campbell-Smith	<ol style="list-style-type: none"> 1. Overlays should remain because property is an iconic backdrop to city. 2. Property was gifted to Council but then sold with restrictions. Restrictions should remain. 3. Low density zone should remain because better fits with overlay requirements, and traffic and access issues.
	Discussion of Merit
	<ol style="list-style-type: none"> 1. Partially agree. See comments in part 3 of the report. 2. Council was presented with the offer to be gifted the land as a public park in 2004 however Council declined to accept the offer. Council has not applied any special restrictions. 3. Disagree. See comments in part 3 of the report.
	Recommended Alterations
	<ol style="list-style-type: none"> 1. No change. Retain Scenic Management overlay. 2. No change. 3. No change.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
Nigel and Linda Donachie	<ol style="list-style-type: none"> 1. Need for dispensation. 2. Issues with information in Traffic Report. Why leave Traffic Flow analysis until subdivision stage? 3. How will current users be affected by and who will pay for infrastructure upgrades, especially to the traffic network? 4. How will heavy vehicles be managed especially during construction and how will additional traffic arising from development of the land be managed? 5. How will safety of pedestrians and cyclists past the 'grand entrance' be accommodated, particularly during construction? 6. This site has historically been zoned Low Density Residential with Scenic Protection provisions applying. What has significantly changed? 7. If the Scenic Management and Biodiversity overlays are removed from the property, will they also be removed from adjacent properties that have similar attributes thereby giving those owners the same flexibility? 8. Concerns with the Landscape and Visual Assessment report including its downplaying of the visual impact of future subdivision, and the visual impact of clear felling of the site. 9. Concerns with the report supporting removal of Priority Habitat given there was a limited site assessment, uncertainty whether nocturnal site assessment was conducted to view presence of fauna, that site assessments were done outside of known flowering times for some threatened flora preventing identification or whether those species are present or not, errors in information records presented in report, and that raptor nests were not recorded in report when raptors do nest onsite. The Arborists Report does not include assessment of trees from protected section. 10. Incompatibility of the lot density under the General Residential zone with Scenic Management objectives. 11. Traffic Study - peak hour snapshots do not truly represent the concentrated traffic along Westbury and Normanstone Roads. Concerns that solution don't adequately deal with traffic banking up on Normanstone Road. The study doesn't consider the traffic issues around the Wellington Street and Westbury Road intersection.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>12. How will traffic be managed during the construction phase?</p> <p>13. Concerns with Council giving an opinion on the proposal prior to public consultation.</p>
	<p>Discussion of Merit</p>
	<p>1. The ability to apply for a dispensation is available under the Land Use Planning Approvals Act and is available to anyone whilst the scheme is an interim planning scheme.</p> <p>2. The development stage is when the full specific details of what's proposed and the extent of the proposal's implications will be considered. At this stage, it's sufficient to know that there are appropriate traffic engineering solution/s available to enable a development to proceed at a density that the zone allows for.</p> <p>3. Typically infrastructure upgrades and works required to service a new development are required to be paid for by the developer. This will be a matter for a future development application on the site.</p> <p>4. Full analysis of this issue is appropriate for consideration at the subdivision stage. A construction traffic management plan will be required then.</p> <p>5. See above comment.</p> <p>6. The site was zoned Low Density Residential with a Scenic Protection overlay under the Launceston Planning Scheme 1996. This has been translated into the current interim planning scheme. The applicant has analysed the site and believes there is sufficient evidence to support changing the provisions that apply to the land.</p> <p>7. Ideally this should be the case if the attributes are the same however, insufficient evidence has been submitted for adjacent properties and adjacent properties have not been included in this application.</p> <p>8. It is recommended that the Scenic Management overlay be retained on the subject land to enable consideration of the design in the context of its visual impact as well as during subdivision and construction and to also to have future development blend in appropriately with surrounding existing development.</p>

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>9. There is sufficient evidence submitted to indicate the nature values are sufficiently poor that the Biodiversity Code need not apply. This doesn't affect the requirements of other legislation such the provisions of the Nature Conservation Act and the Threatened Species Protection Act where a permit is usually required to remove priority habitat.</p> <p>10. The minimum lot size provided in the zone indicates the density appropriate to the zone in an ideal scenario. Where there are constraints, such as scenic values, lot sizes may have to be increased to address those issues. Also in terms of scenic considerations, lot size is only one aspect to consider, the shape, road location, development pattern and so on all affect the scenic outcome of the development. Where the General Residential zone applies, it becomes more important that where there are special values that require consideration that those relevant overlays do apply to ensure their consideration since the zone objectives and zone development standards do not provide scope to consider them.</p> <p>11. Based on traffic surveys over a longer period the figures quoted do represent peak traffic flow, although there are similarly high flows at other times during the day. The figures are appropriate for this submission but a fuller count will be required at subdivision stage. The traffic signals will help to improve traffic flow in Normanstone Road and balance this with Westbury Road.</p> <p>12. Full analysis of this issue is appropriate for consideration at subdivision stage. A construction traffic management plan will be required then.</p> <p>13. This is the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act.</p>
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12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	Recommended Alterations
	<ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. 4. No change. 5. No change. 6. No change. 7. No change. 8. No change. Retain scenic management overlay. 9. No change. 10. No change. 11. No change. 12. No change. 13. No change.
Representation	Issues Raised
Tanya Geddes	<ol style="list-style-type: none"> 1. Affected residents should have had access to these plans prior to the 9 September 2013 since the process appears to have commenced in December 2012. 2. Prior to purchase of home in February 2012, I was advised there would be no change to land at the rear of my property, yet we have this application. 3. Impact on the resale value of my property. 4. My property has covenant about a fence that was removed and would be replaced. That fence has not been replaced. 5. How the removal of the right hand turn into Normanstone Road affect road users and congestion. 6. Degradation of amenity from increased traffic, stormwater and noise from the increase in residential density proposed. 7. Concerned about snakes coming into my property with the loss of habitat. 8. Concerns about the process of assessment, why is the public only being notified now?

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. Council has followed the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act 1993. 2. That advice was correct at the time. The current application seeks to vary the land use which may or may not be successful. 3. Not a planning matter. 4. Not a matter for this application. Fencing covenants are a civil matter. 5. There appears to be a misunderstanding, the proposal is to remove the right turn out of Normanstone Road, not in. As the representation is from Caroline Street this restriction will have no impact. 6. Full analysis of this issue is appropriate for consideration at the subdivision stage. There is no evidence that, if correctly managed, any changes to the current stormwater situation will result in any loss of amenity to the neighbouring residents. A stormwater detention structure will be required as a result of the increase in impervious surfaces arising from a subsequent development however the capacity will be a function of the increase in impervious area and is not known at this time as there is no application for subdivision (although several potential layouts have been mooted). 7. This is not a planning issue. 8. This is the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act. <p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. 4. No change. 5. No change. 6. No change. 7. No change. 8. No change.
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12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
GHD	<ol style="list-style-type: none"> 1. Scenic Management Code - requires a discretionary application for the removal of all vegetation irrespective of the species or condition. The site contains mostly exotic vegetation in poor condition. 2. Scenic Management Code - All development and subdivision is discretionary unless in accordance with the Western Hillside Precinct Provisions. Those provisions have no specific assessment criteria leading to uncertainty for applicants. 3. Scenic Management Code - report submitted does assess the site within the areas context and concludes that the landscape sensitivity is medium to negligible. Vegetation is characterised by urban landscaping and street planting, which can occur over time by itself and does not need the overlay to achieve that.
Discussion of Merit	
<ol style="list-style-type: none"> 1. Agreed, the Scenic Management Code in its current incarnation is too broad scale with its application. An amended Scenic Management Code to refine its application is being prepared and will be considered as part of the Launceston Interim Scheme hearing process. This issue will be dealt with over time and in itself is not a sufficient argument to warrant its removal from the site. 2. Agreed, that the Scenic Management Code requires specific assessment criteria for each precinct. This issue is being considered and an amended code is prepared and will be considered as part of the Launceston Interim Scheme hearing process. This issue will be dealt with over time and in itself is not a sufficient argument to warrant its removal from the site. 4. The report does not adequately consider alternative planning solutions or the implications for removal of the scenic management area. See further comments in this report in part 3. 	
Recommended Alterations	
<ol style="list-style-type: none"> 5. No change. This issue is being considered as part of the Interim Planning Scheme hearing process. 6. No change. This issue is being considered as part of the Interim Planning Scheme hearing process. 7. No change. Retain Scenic Management Code. 	

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
BD & LB Harper	<ol style="list-style-type: none"> 1. Ongoing loss of trees in the area 2. Stormwater issues existing in the area will be exacerbated by further development. 3. Traffic generation from denser development will exacerbate congestion around Eureka Street and traffic reporting has not adequately considered the stagnation of traffic in Normanstone Road.
	Discussion of Merit
	<ol style="list-style-type: none"> 1. Acknowledge tree decline is a problem in this area as well as other areas in Launceston. Retention of Scenic Management overlay and better enforcement would help address this issue. 2. Eureka Street is located at the top of the catchment and following the recent flooding while there were several reports of damage in this area they were categorised as overland flow. From the representation it appears that the complaint is actually referring to a problem with the neighbour and not a network failure. This should be referred to the Plumbing Department for review and action if warranted. 3. The density of development is not known at this point and the traffic management solution will be determined once this is established (through a future development application for subdivision). The proposed traffic signals will help to improve traffic flow in Normanstone Road and balance this with Westbury Road.
	Recommended Alterations
	<ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
Pitt & Sherry	<ol style="list-style-type: none"> 1. There is inadequate justification for the removal of the Priority Habitat overlay since threatened communities do exist. 2. The Low Density Residential zone is a better fit for the site since there are existing infrastructure and environmental constraints. 3. The Scenic Management Code is not prohibitive towards development instead it guides development to be appropriate for its context. Its removal would set a dangerous precedent for other hillside residential areas. 4. Concerned about the traffic impacts from increased density. Concerned about the disruptive impact on residents being denied the ability to turn right from Normanstone Road onto Westbury Road. 5. The proposal doesn't adequately address the Northern Regional Strategy Strategic Direction 6 & 8 which identifies that planning should be resilient to planning pressures of population growth and that the retention of threatened vegetation communities and high scenic values be protected. 6. Points a) and c) of Section 3.9 of the Objectives of the Launceston Interim Scheme concerning biodiversity and scenic values are not adequately addressed by the proposal.
	<p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. What is left is small, fragmented and would be difficult to maintain into the future. Removal can be covered by the provisions of the Nature Conservation Act and the Threatened Species Protection Act need to be followed by the landowners/developers and a permit is usually required to remove priority habitat. 2. Disagree, see part 3 of this report. 3. Agree. Retain Scenic Management code. 4. The removal of the right turn from Normanstone Road into Westbury Road will inconvenience the residents of 99-105 Normantone Road who are unable to turn right onto Normanstone Road. It may be possible for those properties that have a boundary with the development site to negotiate an alternative access. Otherwise residents will be able to use the new subdivision road to turn. 5. See part 3 of the report. 6. See part 3 of the report.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. Retain Scenic Management Code. 4. No change. 5. No change. 6. No change.
<p>Representation</p>	<p>Issues Raised</p>
<p>PDS</p>	<ol style="list-style-type: none"> 1. Traffic concerns - lack of consideration of a range of alternative options including potential for accesses other than Westbury Road. Lack of detail about access and junction design and lot access. 2. Traffic Impact - no traffic assessment against E4.0 has been provided. 3. Stormwater infrastructure - Eurella Street already experiences stormwater problems particularly during heavy rainfall. Concerned this proposal will exacerbate that issue. 4. Priority Habitat - reporting has not adequately surveyed the site to determine extent of presence of threatened flora. Priority habitat should not be removed until the full values of the vegetation and its habitat for fauna are investigated and analysed. 5. Scenic Management code - concerned removal will prevent adequate consideration of vegetation removal, earthworks and built form in this hillside location. 6. The Low Density Residential zone is a better fit since the site has infrastructure and environmental constraints.
	<p>Discussion of Merit</p>
	<ol style="list-style-type: none"> 1. Other options have been considered but have been regarded as impractical. The lot has sole frontage to Westbury Road which limits the ability to provide alternative accesses points. 2. The code does not apply as there is no application for subdivision. 3. Recent heavy rainfall have resulted in several CRMs being received from Eurella Street and were categorised as overland flow issues rather than system failures.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<ol style="list-style-type: none"> 4. Issues noted however what is left is small, fragmented and would be difficult to maintain into the future. Removal of the Priority Habitat overlay does not affect the application of the provisions of the Nature Conservation Act and the Threatened Species Protection Act where a permit is usually required to remove priority habitat. 5. Agree. Support retention of Scenic Management Code. 6. Consider constraints no sufficient enough to warrant retention of the zone. See part 3 of the report for further details. <p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. 4. No change. 5. No change. Retain Scenic Management Code. 6. No change.
Representation	Issues Raised
Michael Watkins	<ol style="list-style-type: none"> 1. Junction changes proposed are not clear as to the impacts of traffic entering/existing Caroline Street. 2. Want to be notified of building envelopes on development lots 3. What stormwater impact will there be to existing properties in Caroline Street. The documentation talks about Eureka Street properties but not Caroline Street. 4. Would like to see 2.1m colourbond fencing on the common boundary. <p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. The proposed access necessitates a right turn lane into the subdivision and the traffic signals at Normanstone Road which will also assist Caroline Street residents. 2. This is best considered in an application for subdivision. All subdivisions require a public notification period where adjoining owners are notified by mail. 3. Each lot applied for in a subdivision will need to be provided with a stormwater connection to the lowest part of the lot discharging to a suitably sized pipeline which will be taken over as a public asset once completed. The ultimate location of the main will be determined by the layout of the subdivision however it is reasonable to assume that such a pipeline would be located along the rear of the Caroline Street properties and Eureka Street properties. 4. Boundary fencing is not a matter for this application.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. 4. No change.
Representation	Issues Raised
Don Wing	<ol style="list-style-type: none"> 1. Minimum lot size would be better to be 800 or 900m2 for this area. 2. Traffic and safety concerns regarding the junction to Westbury Road. Concerned about the effects of traffic lights, and narrowing west bound lane on traffic congestion. Suggest an access via Caroline Street should be considered.
	Discussion of Merit
	<ol style="list-style-type: none"> 1. The zone sets the minimum lot size, anything above that is permissible in the zone. 800-900m2 is possible within the General Residential zone without a discretion being invoked. This lot range is more consistent with some adjacent existing residential areas bordering the site. 2. Other options have been considered but have been regarded as impractical. 1. The lot has sole frontage to Westbury Road which limits the ability to provide alternative accesses points.
	Recommended Alterations
	<ol style="list-style-type: none"> 1. No change. 2. No change.

Ald R I Soward withdrew from meeting at 02:12 PM.

Ald R I Soward has returned from temporary absence at 02:14 PM

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

DECISION: 25/11/2013

RESOLUTION: (1):

Alternative Motion -

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

pursuant to *Section 30Q* of the *Land Use Planning and Approvals Act 1993*, the Council has considered the representations received in respect to the application for dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) at 123 Westbury Road, South Launceston and provide the following statement to the Tasmanian Planning Commission as to the merit of each representation and any recommended modifications:

Representation	Issues Raised
Bill Campbell-Smith	<ol style="list-style-type: none"> 1. Overlays should remain because property is an iconic backdrop to city. 2. Property was gifted to Council but then sold with restrictions. Restrictions should remain. 3. Low density zone should remain because better fits with overlay requirements, and traffic and access issues. <p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. Agree. The Council believes that the vegetation on this property provides an important visual role for the City. 2. Council was presented with the offer to be gifted the land as a public park in 2004 however Council declined to accept the offer. Council has not applied any special restrictions. 3. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. It is recommended that the Scenic Management overlay be retained. 2. No change. 3. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.
<p>Representation</p>	<p>Issues Raised</p>
<p>Nigel and Linda Donachie</p>	<ol style="list-style-type: none"> 1. Need for dispensation. 2. Issues with information in Traffic Report. Why leave Traffic Flow analysis until subdivision stage? 3. How will current users be affected by and who will pay for infrastructure upgrades, especially to the traffic network? 4. How will heavy vehicles be managed especially during construction and how will additional traffic arising from development of the land be managed? 5. How will safety of pedestrians and cyclists past the 'grand entrance' be accommodated, particularly during construction? 6. This site has historically been zoned Low Density Residential with Scenic Protection provisions applying. What has significantly changed? 7. If the Scenic Management and Biodiversity overlays are removed from the property, will they also be removed from adjacent properties that have similar attributes thereby giving those owners the same flexibility? 8. Concerns with the Landscape and Visual Assessment report including its downplaying of the visual impact of future subdivision, and the visual impact of clear felling of the site. 9. Concerns with the report supporting removal of Priority Habitat given there was a limited site assessment, uncertainty whether nocturnal site assessment was conducted to view presence of fauna, that site assessments were done outside of known flowering times for some threatened flora preventing identification or whether those species are present or not, errors in information records presented in report, and that raptor nests were not recorded in report when raptors do nest onsite. The Arborists Report does not include assessment of trees from protected section.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>10. Incompatibility of lot density under the General Residential zone with Scenic Management objectives.</p> <p>11. Traffic Study - peak hour snapshots do not truly represent the concentrated traffic along Westbury and Normanstone Roads. Concerns that solution don't adequately deal with traffic banking up on Normanstone Road. The study doesn't consider the traffic issues around the Wellington Street and Westbury Road intersection.</p> <p>12. How will traffic be managed during the construction phase?</p> <p>13. Concerns with Council giving an opinion on the proposal prior to public consultation.</p>
	<p>Discussion of Merit</p> <p>1. The ability to apply for a dispensation is available under the Land Use Planning Approvals Act and is available to anyone whilst the scheme is an interim planning scheme.</p> <p>2-5. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.</p> <p>6. The site was zoned Low Density Residential with a Scenic Protection overlay under the Launceston Planning Scheme 1996. This has been translated into the current interim planning scheme. The applicant has analysed the site and believes there is sufficient evidence to support changing the provisions that apply to the land.</p> <p>7. This matter would be addressed by the Council recommended modification that both the Scenic Management and Priority Habitat overlays be retained for the site.</p> <p>8. It is recommended that the Scenic Management overlay be retained on the subject land to enable consideration of the design in the context of its visual impact as well as during subdivision and construction and to also to have future development blend in appropriately with surrounding existing development.</p>

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>9. Agree. Having considered the matters raised in the representation the Council has formed the view that there is insufficient evidence submitted by the applicants to support the removal of the Priority Habitat overlay.</p> <p>10. Agree. The Council is concerned that a future General Residential subdivision of the site would result in a lot density which would exacerbate existing traffic problems in the area and which would impinge the scenic value that the property provides for the city.</p> <p>11. Agree. A more comprehensive traffic survey is required to demonstrate that a traffic management arrangement can be developed for the area which would adequately cater for the increased traffic generated by a future residential subdivision of the site.</p> <p>12. A construction traffic management plan would be required in any future application to subdivide this site.</p> <p>13. This is the statutory process as outlined in Section 30P of the <i>Land Use Planning and Approvals Act 1993</i>.</p>
	<p>Recommended Alterations</p>
	<p>1. No change.</p> <p>2-5. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.</p> <p>6. No change.</p> <p>7. No change.</p> <p>8. It is recommended that the Scenic Protection overlay be retained.</p> <p>9. It is recommended that the Priority Habitat overlay be retained.</p> <p>10. It is recommended that the Low Density zone be retained.</p> <p>11. Refer recommended alteration for issues 2-5.</p> <p>12. No change.</p> <p>13. No change.</p>

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
Tanya Geddes	<ol style="list-style-type: none"> 1. Affected residents should have had access to these plans prior to the 9 September 2013 since the process appears to have commenced in December 2012. 2. Prior to purchase of home in February 2012, I was advised there would be no change to land at the rear of my property, yet we have this application. 3. Impact on the resale value of my property. 4. My property has covenant about a fence that was removed and would be replaced. That fence has not been replaced. 5. How the removal of the right hand turn into Normanstone Road affect road users and congestion. 6. Degradation of amenity from increased traffic, stormwater and noise from the increase in residential density proposed. 7. Concerned about snakes coming into my property with the loss of habitat. 8. Concerns about the process of assessment, why is the public only being notified now?
	<p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. Council has followed the statutory process as outlined in Section 30P of the Land Use Planning and Approvals Act 1993. 2. That advice was correct at the time. The current application seeks to vary the land use which may or may not be successful. 3. Not a planning matter. 4. Not a matter for this application. Fencing covenants are a civil matter. 5-6. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. It is Council view that issues such as stormwater could be suitably managed. 7. This is not a planning issue. 8. This is the statutory process as outlined in Section 30P of the <i>Land Use Planning and Approvals Act 1993</i>.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. 4. No change. 5-6. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. 7. No change. 8. No change.
Representation	Issues Raised
GHD	<ol style="list-style-type: none"> 1. Scenic Management Code - requires a discretionary application for the removal of all vegetation irrespective of the species or condition. The site contains mostly exotic vegetation in poor condition. 2. Scenic Management Code - All development and subdivision is discretionary unless in accordance with the Western Hillside Precinct Provisions. Those provisions have no specific assessment criteria leading to uncertainty for applicants. 3. Scenic Management Code - report submitted does assess the site within the areas context and concludes that the landscape sensitivity is medium to negligible. Vegetation is characterised by urban landscaping and street planting, which can occur over time by itself and does not need the overlay to achieve that.
	Discussion of Merit

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<ol style="list-style-type: none"> 1. Agreed, the Scenic Management Code in its current incarnation is too broad scale with its application. An amended Scenic Management Code to refine its application is being prepared and will be considered as part of the Launceston Interim Scheme hearing process. This issue will be dealt with over time and in itself is not a sufficient argument to warrant its removal from the site. 2. Agreed, that the Scenic Management Code requires specific assessment criteria for each precinct. This issue is being considered and an amended code is prepared and will be considered as part of the Launceston Interim Scheme hearing process. This issue will be dealt with over time and in itself is not a sufficient argument to warrant its removal from the site. 4. The report does not adequately consider alternative planning solutions or the implications for removal of the scenic management area. See further comments in this report in part 3. <p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. This issue is being considered as part of the Interim Planning Scheme hearing process. 2. No change. This issue is being considered as part of the Interim Planning Scheme hearing process. 3. It is recommended that the Scenic Management Code be retained.
Representation	Issues Raised
BD & LB Harper	<ol style="list-style-type: none"> 1. Ongoing loss of trees in the area 2. Stormwater issues existing in the area will be exacerbated by further development. 3. Traffic generation from denser development will exacerbate congestion around Eureka Street and traffic reporting has not adequately considered the stagnation of traffic in Normanstone Road.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. Acknowledge tree decline is a problem in this area as well as other areas in Launceston. Retention of Scenic Management overlay and better enforcement would help address this issue. 2. Eureka Street is located at the top of the catchment and following the recent flooding while there were several reports of damage in this area they were categorised as overland flow. From the representation it appears that the complaint is actually referring to a problem with the neighbour and not a network failure. This should be referred to the Plumbing Department for review and action if warranted. 3. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. <p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.
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12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
Pitt & Sherry	<ol style="list-style-type: none"> 1. There is inadequate justification for the removal of the Priority Habitat overlay since threatened communities do exist. 2. The Low Density Residential zone is a better fit for the site since there are existing infrastructure and environmental constraints. 3. The Scenic Management Code is not prohibitive towards development instead it guides development to be appropriate for its context. Its removal would set a dangerous precedent for other hillside residential areas. 4. Concerned about the traffic impacts from increased density. Concerned about the disruptive impact on residents being denied the ability to turn right from Normanstone Road onto Westbury Road. 5. The proposal doesn't adequately address the Northern Regional Strategy Strategic Direction 6 & 8 which identifies that planning should be resilient to planning pressures of population growth and that the retention of threatened vegetation communities and high scenic values be protected. 6. Points a) and c) of Section 3.9 of the Objectives of the Launceston Interim Scheme concerning biodiversity and scenic values are not adequately addressed by the proposal.
	<p>Discussion of Merit</p> <ol style="list-style-type: none"> 1. Agree. Having considered the matters raised in the representation the Council has formed the view that there is insufficient evidence submitted by the applicants to support the removal of the Priority habitat overlay. 2. Agree. The Council is concerned that a future General Residential subdivision of the site would result in a lot density which would exacerbate existing traffic problems in the area and which would impinge the scenic value that the property provides to the city. 3. Agree. Retain Scenic Management Code. 4. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. 5. See part 3 of the report. 6. Refer point 3.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Recommended Alterations</p> <ol style="list-style-type: none"> 1. It is recommended that the Priority Habitat overlay be retained. 2. It is recommended that the Low Density Residential zone be retained. 3. It is recommended that the Scenic Management Code be retained. 4. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. 5. No change. 6. Refer to the recommended alteration for point 3.
<p>Representation</p>	<p>Issues Raised</p>
<p>PDS</p>	<ol style="list-style-type: none"> 1. Traffic concerns - lack of consideration of a range of alternative options including potential for accesses other than Westbury Road. Lack of detail about access and junction design and lot access. 2. Traffic Impact - no traffic assessment against E4.0 has been provided. 3. Stormwater infrastructure - Eureka Street already experiences stormwater problems particularly during heavy rainfall. Concerned this proposal will exacerbate that issue. 4. Priority Habitat - reporting has not adequately surveyed the site to determine extent of presence of threatened flora. Priority habitat should not be removed until the full values of the vegetation and its habitat for fauna are investigated and analysed. 5. Scenic Management code - concerned removal will prevent adequate consideration of vegetation removal, earthworks and built form in this hillside location. 6. The Low Density Residential zone is a better fit since the site has infrastructure and environmental constraints.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

	<p>Discussion of Merit</p> <p>1-2. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.</p> <p>3. Recent heavy rainfall has resulted in several stormwater complaints being received from Eurella Street residents. Upon investigation by Council officers the issues were categorised as overland flow issues rather than system failures.</p> <p>4. Agree. Having considered the matters raised in the representation the Council has formed the view that there is insufficient evidence submitted by the applicants to support the removal of the Priority Habitat overlay.</p> <p>5. Agree. Support retention of Scenic Management Code.</p> <p>6. Agree. The Council is concerned that a future General Residential subdivision of the site would result in a lot density which would exacerbate existing traffic problems in the area and which would impinge the scenic value that the property provides to the city.</p> <p>Recommended Alterations</p> <p>1-2. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.</p> <p>3. No change.</p> <p>4. Recommend that the Priority Habitat overlay be retained.</p> <p>5. Recommend that the Scenic Management Code be retained.</p> <p>6. Recommend that the Low Density Residential Zone be retained.</p>
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12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
Michael Watkins	<ol style="list-style-type: none"> 1. Junction changes proposed are not clear as to the impacts of traffic entering/existing Caroline Street. 2. Want to be notified of building envelopes on development lots 3. What stormwater impact will there be to existing properties in Caroline Street. The documentation talks about Eureka Street properties but not Caroline Street. 4. Would like to see 2.1m colourbond fencing on the common boundary.
	Discussion of Merit
	<ol style="list-style-type: none"> 1. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. 2. This would need to be considered in any future application for subdivision on the site. All subdivisions require a public notification period where adjoining owners are notified by mail. 3. Each lot applied for in a subdivision will need to be provided with a stormwater connection to the lowest part of the lot discharging to a suitably sized pipeline which will be taken over as a public asset once completed. The ultimate location of the main would be determined by the layout of the subdivision, however, it is reasonable to assume that such a pipeline would be located along the rear of the Caroline Street properties and Eureka Street properties. 4. Boundary fencing is not a matter for this application.
	Recommended Alterations
	<ol style="list-style-type: none"> 1. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. 2. No change. 3. No change. 4. No change.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D2/2013) - 123 Westbury Road, South Launceston (Mt Pleasant)...(Cont'd)

Representation	Issues Raised
Don Wing	<ol style="list-style-type: none"> 1. Minimum lot size would be better to be 800 or 900m² for this area. 2. Traffic and safety concerns regarding the junction to Westbury Road. Concerned about the effects of traffic lights, and narrowing west bound lane on traffic congestion. Suggest an access via Caroline Street should be considered.
	Discussion of Merit
	<ol style="list-style-type: none"> 1. The zone sets the minimum lot size, anything above that is permissible in the zone. 800-900m² is possible within the General Residential zone without a discretion being invoked. This lot range is more consistent with some adjacent existing residential areas bordering the site. 2. Agree. Upon considering the matters raised in the representation the Council has formed the view that it would be inappropriate to apply the General Residential Zone to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site.
	Recommended Alterations
<ol style="list-style-type: none"> 1. No change. 2. It is recommended that the General Residential Zone not be applied to this site until a traffic management arrangement can be developed for the area which is agreed by the Council and which would adequately cater for the increased traffic generated by a future residential subdivision of the site. 	

CARRIED UNANIMOUSLY 12:0

12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road

FILE NO: SF6001

AUTHOR: Leon Murray (Town Planner)

DIRECTOR: Michael Stretton (Development Services)

DECISION STATEMENT:

To consider, and provide a statement to the Tasmanian Planning Commission on an application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under Section 30P of the *Land Use Planning and Approvals Act 1993* (the Act).

PREVIOUS COUNCIL CONSIDERATION:

N/A.

RECOMMENDATION:

That the Council pursuant to Section 30P of the *Land Use Planning and Approvals Act 1993*:

1. Support the application to set aside the provisions of the Open Space zone for the subject site, and apply the provisions of Clause 34 Particular Purpose Zone - Seaport (as amended) to allow:
 - a. New Local Area Objectives and Desired Future Character Statements within the zone to refer to the subject site to be known as the Silos Precinct;
 - b. Hotel Industry in the Use Table as a discretionary use;
 - c. Amended Development Standards in Clause 34 to allow a future development application to be lodged for adaptive re-use of the disused silos.
 2. Pursuant to s30P(5) of the *Land Use Planning and Approvals Act 1993*, provide the following statement in respect of the application to the Tasmanian Planning Commission:
-

12.3 Application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 (LAU D6/2013) - 87-89 Lindsay Street, Invermay and un-granted section of reserved road...(Cont'd)

"It is the opinion of the Planning Authority that the application for dispensation (LAU D6/2013) to set aside the Open Space zoning for the land subject to the dispensation and to apply modified Local Area Objectives, Desired Future Character Statements, Use Table and Development Standards for the Particular Purpose Zone 3 - Seaport should be supported by the Tasmanian Planning Commission (subject to amendments) as it is consistent with the Northern Regional Land Use Strategy, Draft North Bank Master Plan, Draft North Bank Land Use Study, Launceston Interim Planning Scheme 2012 and the purpose of the Interim Scheme's Particular Purpose Zone 3 - Seaport."

The recommended amendment is:

- Altering the wording of proposed A1.1 to read:

A1.1 Building height (including new freestanding buildings or new buildings attached to the silos by external walkways, hallways and the like) must not exceed:

- a) 10m; or
- b) the average of the building heights on immediately adjoining titles.

DECISION: 25/11/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman R L McKendrick.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

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

13 NOTICES OF MOTION - FOR CONSIDERATION**13.1 Notice of Motion - Alderman Soward - Public Liability****FILE NO:** SF5547**AUTHOR:** Alderman Soward**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Soward in regards to Public liability

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

1. The Launceston City Council seeks current legal advice on parameters that apply to public liability as affects the council with particular reference to members of the public accessing council owned or operated spaces. This advice should ascertain whether members of the public can access council owned or operated spaces at their own risk without ramification for council.
 2. The Launceston City council writes to LGAT asking them to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
 3. The Launceston City council writes to ALGA asking them to actively lobby all spheres of government to ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
-

13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)

4. The Launceston City council writes to the State Government immediately after the 2014 election asking them to actively ensure that public liability legislative reform remains a priority to ensure a fair and equitable balance between the protection of the community and the effective prohibition of activities or excessive risk management of council owned and operated facilities. The onus for the reform should be on the balance between protection of the community and personal responsibility of the individual.
-

Ald J G Cox withdrew from the meeting at 2:32pm.

Ald J G Cox re-attended the meeting at 2:36pm.

DECISION: 25/11/2013

RESOLUTION: (1):

Moved Alderman R I Soward, seconded Alderman I S Norton.

That the Recommendation be adopted.

RESOLUTION: (2):

Moved Alderman A C Peck, seconded Alderman J D Ball.

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

CARRIED UNANIMOUSLY 12:0

13.1 Notice of Motion - Alderman Soward - Public Liability...(Cont'd)

RESOLUTION: (3):

Moved Alderman R I Soward, seconded Alderman I S Norton.

That the item be withdrawn with consent of Council

CARRIED UNANIMOUSLY 12:0

COUNCIL MINUTES

Monday 25 November 2013

15 QUEEN VICTORIA MUSEUM AND ART GALLERY

15.1 Launceston Mechanic's Institute and Meston Library Collections

FILE NO: SF0283

AUTHOR: Andrew Parsons (Library Coordinator Queen Victoria Museum and Art Gallery)

DIRECTOR: Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To consider a report regarding the future placement of the former Launceston Mechanics Institute Library.

PREVIOUS COUNCIL CONSIDERATION:

Strategic Policy and Planning Committee meeting 18 November 2013.

RECOMMENDATION(S):

That the following recommendations be adopted by Council;

1. The majority of the collection of the Launceston Mechanics' Institute will be returned to the Council by LINC Tasmania, with ownership transferred by the Council to the Friends of the Launceston Mechanics' Institute.

Ownership of a much small number of historically and culturally important items will be transferred by the Council to LINC Tasmania.

Custody of the archival records of the Launceston Mechanics' Institute will be granted to QVMAG by LINC Tasmania. The Museum will also receive an assortment of objects, as well as a selection of books that once were part of the Evandale Subscription Library (est. 1847).

2. Ownership of the Meston Collection will be transferred by the Council to LINC Tasmania.

Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery) was in attendance to answer questions of Council in respect of this Agenda Item.

15.1 Launceston Mechanic's Institute and Meston Library Collections...(Cont'd)

DECISION: 25/11/2013

RESOLUTION: (1):

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

That the following recommendations be adopted by Council;

- 1. The majority of the collection of the Launceston Mechanics' Institute will be returned to the Council by LINC Tasmania, with ownership transferred by the Council to the Friends of the Launceston Mechanics' Institute, subject to the charter of the friends of the Launceston mechanics institute having a suitable clause which offers the collection back to the Launceston City Council or gives it right of first refusal In the event of the wind up of the Launceston Mechanics Institute.**

Ownership of a much small number of historically and culturally important items will be transferred by the Council to LINC Tasmania.

Custody of the archival records of the Launceston Mechanics' Institute will be granted to QVMAG by LINC Tasmania. The Museum will also receive an assortment of objects, as well as a selection of books that once were part of the Evandale Subscription Library (est. 1847).

- 2. Ownership of the Meston Collection will be transferred by the Council to LINC Tasmania.**

CARRIED UNANIMOUSLY 12:0

18 CORPORATE SERVICES**18.1 Asset Management and Financial Management Reforms (Draft Ministerial Orders)****FILE NO:** SF0081**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Draft Ministerial Orders on Asset Management and Financial Management Reforms and determine any comments.

PREVIOUS COUNCIL CONSIDERATION:

Item 18.2 - Council 9 September 2013 - *The Council resolved to make a submission on the wording of the legislation*

Item 13.3 - Audit Committee 14 November 2013 - *The Committee noted that the item will go to the Council for a decision*

RECOMMENDATION:

That the Council endorse the following comments on the Draft Ministerial Orders on Asset Management and Financial Management Reforms.

1. Point 1(b) Long-term Financial Management Plan - refers to "*expected revenues and expenses...including asset management requirements*". It should also refer to capital expenditure (ie not just expenses) related to asset renewal and upgrade.
 2. Point 2(b) - the requirements in regard to a statement of comprehensive income including "*...operating surplus/(deficit), net surplus/(deficit) and comprehensive result*" should be simplified to ensure the information is understandable. The accounting items such as asset revaluation increases or decreases and actuarial gains or losses which are applied to a surplus or deficit to turn it into a comprehensive result are unlikely to be:
 - a) able to be forecast in a meaningful way; or
 - b) readily understood by the majority of users; or
 - c) an element that will be directly influenced by one of the financial strategies.
 3. Point 2(d)(a) Long-term Financial Plan - the wording should say renewal/upgrade as upgrades must relate to an existing asset rather than a new asset.
 4. Point 4 Long-term Strategic Asset Management Plans - should be regularly reviewed and updated however a requirement for an annual update seems a little at odds with a long-term plan.
-

18.1 Asset Management and Financial Management Reforms (Draft Ministerial Orders)...(Cont'd)

5. Point 2(a) Asset Management Strategy - refers to *"an outline of current assets and the services provided by those assets"*. Should refer to existing assets rather than current assets.
 6. Points (1 - 4) Financial Management Indicators - income is described as:
 - a) day-to-day income;
 - b) general and other rate income and operating grants;
 - c) operating income.The intention should be to refer to the same amount.
 7. Point (3) Financial Management Indicator - *"net financial liabilities are defined as the entity owed..."*. This needs to be reworded to be clear and understandable.
 8. Point (3) Asset Renewal Funding Ratio - the benefit of using net present value calculations in this ratio should be assessed as it is not widely understood and may be distorted by fluctuations in discount rates.
 9. Point (7) - the Mayor should be able to be a member of the Audit Panel.
-

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

DECISION: 25/11/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

19 GENERAL MANAGER**19.1 LGAT General Meeting - Form View on Motions Submitted****FILE NO:** SF2217**AUTHOR:** John Davis (Manager Corporate Strategy)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider and form a view on the Local Government Association of Tasmania (LGAT) Agenda items for the Association's General Meeting scheduled for 4 December 2013.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

1. That Council's representative to the LGAT General Meeting vote accordingly to the below motions:

Ag Item	Motion	LCC Comment
2.1	Decision Sought That the Meeting consider the issues raised at the recent Jobs Forum in respect of what it is anticipated could occur within Local Government to stimulate job creation and economic activity in the state and provide the Association with guidance in responding to the matters.	Support

19.1 LGAT General Meeting - Form View on Motions Submitted...(Cont'd)

Ag Item	Motion	LCC Comment
2.2	<p>Decision Sought</p> <p>That the Local Government Association of Tasmania corresponds to</p> <ul style="list-style-type: none"> • CEO of NBN Co, Dr Ziggy Switkowski • Premier of Tasmania, Lara Giddings • Federal Minister for Communication, Malcolm Turnbull • Federal Shadow Minister for Communications, Jason Clare • State Minister for Infrastructure and Development, David O'Byrne • State Shadow Minister for Infrastructure, Rene Hidding <p>requesting their support for the remainder of Tasmanian towns and cities without a construction order in place for the NBN roll-out, to enjoy and utilise, as soon as possible, the same access and opportunity as currently the 70% Tasmanian businesses and households already having access or access being built, that being fibre to direct to all businesses and households.</p>	<p>With the correction deleting word "CEO" and substituting "Chairman"</p> <p>Delete "requesting" substitute with seeking. Delete second last "to", to read <i>...being fibre direct to all...</i></p> <p>Support</p>

19.1 LGAT General Meeting - Form View on Motions Submitted...(Cont'd)

Ag Item	Motion	LCC Comment
2.3	Decision Sought That the Meeting revisit the motion from 2011 pertaining to amendments to the Tasmanian Constitution and advise LGAT if this remains a priority.	Support

Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of Agenda Items 19.1 – 19.2 inclusive.

DECISION: 25/11/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

19.2 Local Government Board - Review of Councillor Numbers**FILE NO:** SF0326**AUTHOR:** John Davis (Manager Corporate Strategy)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive the report and recommendations put forward by the Local Government Board in regard to their review of Councillor numbers.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council

1. Receives the report undertaken by the Local Government Board and notes there is no recommended change to the number of Councillors at Launceston City Council; and
 2. Not make a submission in regards to the report.
-

DECISION: 25/11/2013**RESOLUTION: (1):****Moved Alderman D H McKenzie, seconded Alderman R I Soward.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

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 2:59pm.
