



LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 28 OCTOBER 2013**

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 28 October 2013

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

Date: 28 October 2013

Time: 1.00 pm

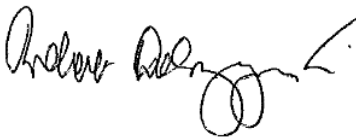
Section 65 Certificate of Qualified Advice

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 28 October 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
 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** **I S Norton**

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1pm and noted the apology of Alderman Norton.

2 DECLARATION OF PECUNIARY INTERESTS

Alderman McKenzie declared a pecuniary interest in item 13.2.

3 CONFIRMATION OF MINUTES

RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on 14 October 2013 be confirmed as a true and correct record.

RESOLUTION: (1):

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

That Recommendation 1 be adopted.

CARRIED UNANIMOUSLY 11:0

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
14 October 2013 9.1		<p>Aldermen's Question: Alderman D H McKenzie asked:</p> <p>Can the roof of the Princess Theatre be looked at as part of the maintenance budget?</p>	<p>This question was taken on notice at the meeting.</p> <p>Further reply - The leak in the roof of the Princess Theatre has been identified and will be fixed under maintenance. Pending fine weather the work will be completed within 4 weeks</p> <p>The additional leak caused through the north facing wall of the fly tower has also been identified and the work scoped and will be included in the 2014/15 Capital works program.</p>	Richard Mulvaney

6 PUBLIC QUESTION TIME

Nil

7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Tuesday 15 October

- Attended Launceston Competitions Annual General Meeting

Wednesday 16 October

- Chaired St Giles 75th Annual General Meeting

Thursday 17 October

- Attended LCCI Annual General Meeting

Friday 18 October

- Officiated at Reunion to celebrate the 50th Anniversary of 2Field Troop, Royal Australian Engineers (RAE) at Cenotaph followed by Reception at Town Hall
- Attended North Launceston Football Club Trophy Presentation evening

Saturday 19 October

- Officiated at Children's Expo in City Park
- Attended Take Flight Raising our Wings Gala Ball

Sunday 20 October

- Attended Migrant Resource Centre Inc (Northern Tas) AGM and Cultural Performances

Monday 21 October

- Officiated at private citizenship ceremony

Tuesday 22 October

- Officiated at Civic reception to honour the achievements of Lauren Perry

Wednesday 23 October

- Attended Northern Children's Network in partnership with UTAS Official Opening of Annual Children's Art Exhibition
-

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

Thursday 24 October

- Attended Netball Tas Official Launch of ANZ pre-season game
- Officiated at 2013 Launceston City Council and Playgroup Tasmania Children's Week Awards
- Attended Kings Meadows Lions Club - Spurr Wing Inc AGM and Dinner

Friday 25 October

- Officiated at St Giles Balfour Burn Official launch
- Attended St Lukes Health Foundation 33 event

Saturday 26 October

- Attended and presented at Launceston Chamber of Commerce Business Excellence Awards

Sunday 27 October

- Attended Launceston Eye Institute Cataract Gorge Challenge

The Mayor further added:

- **Tuesday 15 October attended Launceston Competitions Annual General Meeting.**
 - **Saturday 19 October attended the Children's expo in City Park. Noted positive comments received.**
 - **Sunday 20 October attended Migrant Resource Centre AGM and culture performance.**
 - **Friday 25 October attended St Giles AGM. Presented thank you certificate.**
 - **Sunday 27 October - Launceston Eye Institute Cataract Gorge Challenge. Congratulated Deputy Mayor on his performance in the challenge. Attendees were very thankful for support of the staff and ground maintenance.**
 - **Attended announcement from Environmental Minister Greg Hunt regarding the \$3 million dollar funding for the river clean up.**
-

8 ALDERMEN'S/DELEGATES' REPORTS

8.1 Alderman Ball - SEGRA Conference and C8 Summit

Alderman J D Ball reported:

Attended SEGRA (Sustainable Economic Growth Regional Australia) Conference along with Bruce Williams (Economic Development Officer). Noted full report of the conference to come to Council.

Friday 25 October attended C8 Summit at the Tailrace Centre. Noted attendance of 8 northern regional Councils.

8.2 Alderman Waddle - Time Capsule Opening

Alderman A L Waddle reported:

Advised all that on Thursday 27 November there will be the opening of the 25 year time capsule at Heritage Forest

8.3 Alderman Soward - ICTC Dynamic Cities Conference

Alderman R I Soward reported:

Attended ICTC Dynamic Cities Conference in Western Australia along with Alderman Armitage and Alderman Norton. Reported on activities held at the conference

8.4 Alderman Gibson - F1 in Schools Program

Alderman D C Gibson reported:

Judged the state finals of the F1 in schools program engineering challenge

Attended Launceston Chamber of Commerce Business Excellence awards and congratulated Nathalie Servant (Community Safety Officer) and her team in their recognition at the awards.

8.5 Alderman McKenzie - Chamber of Commerce awards

Alderman D H McKenzie reported:

Reported on the Launceston Chamber of Commerce Business Excellence awards and acknowledged the Hall of Fame award to Josef Chromy.

Noted attendance and reported on the C8 Summit at the Tailrace Centre

8.6 Alderman Peck - Cityprom

Alderman A C Peck reported:

Reported on the recent activities of Cityprom. Noted Christmas decorations being erected on Sunday 10 November around the City and the Cityprom AGM held on Tuesday 29 October.

Reported on Sister City visit to Napa.

8.7 Alderman Armitage - ICTC Dynamic Cities Conference

Alderman R L Armitage reported:

Attended and reported on the ICTC Dynamic Cities Conference in Western Australia

9 QUESTIONS BY ALDERMEN

9.1 Alderman Ball - Insurance for Street Parties

Aldermen's Question: Alderman J D Ball asked:

Can an update be provided regarding the sourcing of insurance to cover street parties?

This question was taken on notice.

10 COMMITTEE REPORTS**10.1 Street Tree Advisory Committee 13 August 2013****FILE NO:** SF5726**AUTHOR:** Andrew Smith (Manager, Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)**DECISION STATEMENT:**

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

RECOMMENDATION:

That the report from the Street Tree Advisory Committee meeting held on 13 August 2013 be received.

Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of Agenda Items 10.1 – 10.3 inclusive.

DECISION: 28/10/2013**RESOLUTION: (1):****Moved Alderman J G Cox, seconded Alderman J D Ball.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 11:0**

10.2 Tender Review Committee Meeting - 7 October 2013**FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That the report from the Tender Review Committee meeting held on 7 October 2013 be received.

DECISION: 28/10/2013**RESOLUTION: (1):****Moved Alderman D H McKenzie, seconded Alderman R L McKendrick.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 11:0**

10.3 Pedestrian & Bike Committee Meeting 14 October 2013**FILE NO:** SF0618**AUTHOR:** Julie Tyres (Administration Officer - Road Assets)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider reports from the Pedestrian & Bike Committee

RECOMMENDATION:

That the report from the Pedestrian & Bike Committee Meeting held on 10 September 2013 be received.

DECISION: 28/10/2013**RESOLUTION: (1):****Moved Alderman J D Ball, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****ABSENT. DID NOT VOTE - A C Peck, I S Norton****CARRIED UNANIMOUSLY 10:0**

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 - 12.4

12 PLANNING AUTHORITY

12.1 Application for dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D3/2013) at Wellington, Bathurst, York and Elizabeth Streets, Launceston

FILE NO: SF6003

AUTHOR: Damien Fitzgerald (Town Planner & Urban Designer)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider representations received during the public exhibition period for 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* at Wellington, Bathurst, York and Elizabeth Streets, Launceston.

PREVIOUS COUNCIL CONSIDERATION:

Council meeting 26 August 2013 - The Council resolved to support the application for dispensation at Wellington, Bathurst, York and Elizabeth Streets, Launceston (CT 16548/3; CT 198069/1; CT 199248/1, CT 221543/1; CT 54325; CT 54325/2; CT 54325/3; CT 54325/4; CT 54325/5; 54325/7; CT 61032/1; CT 16312/1; CT 16312/2) and provided a statement to this effect to the Tasmanian Planning Commission.

12.1 Application for dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D3/2013) at Wellington, Bathurst, York and Elizabeth Streets, Launceston...(Cont'd)

RECOMMENDATION:

That, pursuant to *Section 30Q* of the *Land Use Planning and Approvals Act 1993*, the Council has considered representations received in respect to the application for dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D3/2013) at Wellington, Bathurst, York and Elizabeth Streets, 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
GHD Pty Ltd	1. Wish to lodge a representation in support of the proposed dispensation on behalf of the client P.A. Williams & Associates.
	Discussion of Merit
	This representation accords with the Council's decision to support the application for dispensation.
	Recommended Modification
	No modifications are recommended.
Representation	Issues Raised
M Jones	1. Traffic concerns at the start and end of each day in relation to Sacred Heart School - Margaret, Bourke and York Streets as parents drop of and collect students.
	2. Traffic concerns directly onto Bathurst and Wellington Street with students who walk from school into the CBD across the surrounding streets.
	3. Numerous vehicle accidents and near misses of pedestrians hit by cars in Margaret and Elizabeth Streets - students crossing at lights.
	4. Potential concern to the increased traffic by the way of this development size of 3800m ² versus the speed limit of the streets and safety of students if this development is approved. What measures will be put in place to ensure the safety with the increased volumes of traffic as a result of the development.

12.1 Application for dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D3/2013) at Wellington, Bathurst, York and Elizabeth Streets, Launceston...(Cont'd)

	<p>Discussion of Merit</p> <p>The Council has previously considered the application for dispensation and determined that it accords with the purposes of the:</p> <ul style="list-style-type: none"> • Northern Regional Land Use Strategy; • Launceston Retail Audit and Activity Centres Strategy; • Interim Launceston Planning Scheme 2012; and • Interim Scheme's Urban Mixed Use Zone. <p>Accordingly, the application has a sound strategic basis and the representation does not question this fact.</p> <p>It should be noted that while the matters raised in the representation are valid, they are not matters which ought to be considered as part of this dispensation application. Rather, these matters must be considered as part of a development application for a supermarket on the site which may result following the dispensation application.</p> <p>The Launceston Interim Planning Scheme 2012 includes development standards which specifically address traffic, parking, connectivity and pedestrian safety issues. Indeed, in the preliminary pre-lodgement discussions that have occurred between Council Officers and the prospective supermarket proponent for the site, a great deal of focus has been applied to addressing all issues that would be presented from the traffic which would be generated by the development. The Council is confident that the matters raised would be suitably addressed in a future development application for the site.</p>
	<p>Recommended Modifications</p> <p>No modifications are recommended.</p>

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 – 12.4 inclusive.

12.1 Application for dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D3/2013) at Wellington, Bathurst, York and Elizabeth Streets, Launceston...(Cont'd)

DECISION: 28/10/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

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

ABSTAINED VOTE - Ald A L Waddle

ABSENT - DID NOT VOTE - Ald I S Norton

CARRIED 10:1

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

RECOMMENDATION:

That, 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:

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. 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.

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. Retain Scenic Management overlay. 2. No change. 3. No change.
<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 the 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 <i>Land Use Planning Approvals Act</i> 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>

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>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> <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 <i>Nature Conservation Act</i> and the <i>Threatened Species Protection Act</i> 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 <i>Section 30P of the Land Use Planning and Approvals Act</i>.</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 <i>Section 30P</i> of the <i>Land Use Planning and Approvals Act 1993</i>. 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 <i>Section 30P</i> of the <i>Land Use Planning and Approvals Act</i>.
	<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.

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.
	<p>Discussion of Merit</p> <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. 3. 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. 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 <i>Nature Conservation Act</i> and the <i>Threatened Species Protection Act</i> 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.
Representation	Issues Raised
PDS	<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.
	<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 access 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 Eureka 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 <i>Nature Conservation Act</i> and the <i>Threatened Species Protection Act</i> 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.

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>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.</p> <p>4. Boundary fencing is not a matter for this application.</p>
	<p>Recommended Alterations</p> <p>1. No change. 2. No change. 3. No change. 4. No change.</p>
Representation	Issues Raised
Don Wing	<p>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.</p> <p>Discussion of Merit</p> <p>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.</p> <p>Recommended Alterations</p> <p>1. No change. 2. No change.</p>

COUNCIL MINUTES

Monday 28 October 2013

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)

Mr Ian Abernathy - Spoke against this item.

DECISION: 28/10/2013

RESOLUTION: (1):

Moved Alderman J G Cox, seconded Alderman R L Armitage.

That the matter be deferred to enable further consideration of traffic and other matters.

CARRIED UNANIMOUSLY 11:0

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston**FILE NO:** DA0372/2013**AUTHOR:** Damien Fitzgerald (Town Planner & Urban Designer)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a development application to construct two and use three multiple dwellings at 4 Ashleigh Avenue, West Launceston.

PREVIOUS COUNCIL CONSIDERATION:

N/A.

RECOMMENDATION:

That the Council approves DA0372/2013 for the construction of two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston subject to the following conditions:

1. ENDORSED PLANS

The use and development must be carried out as shown on the Endorsed Plans and described in the endorsed documents to the satisfaction of the Planning Authority.

2. AMENDED PLAN REQUIRED

Before the building permit is issued, amended plans to the satisfaction of the planning authority must be submitted and approved by the planning authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided.

The plans must be modified as follows:

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

Site plan

- (a) Must provide a clearly identifiable footpath between dwellings unit 1 and 2 and dwellings unit 2 and 3 which is:
 - i) a minimum of 1.5 metre wide,
 - ii) compliant with the separation requirements set out in Table E6.5 of the Car Parking and Sustainable Transport Code of the planning scheme; and
- (b) The location of any retaining walls on the plan if required.

3. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except for the construction of the approved access-way from Ashleigh Avenue.

4. TAS WATER

The development is expected to comply with Tas Water Certificate of Consent Number TWDA13-226-N, which is attached to this permit.

5. DEMOLITION

The developer must protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary.

6. 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.

7. CONSTRUCTION OF RETAINING WALLS

All retaining walls located within 1.5 metres of the property boundaries must 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.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

8. FILLING OF LAND

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS 3798 "Guidelines on earthworks for commercial and residential developments" 2007. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance AS 3798 and the endorsed plan.

9. SITE LANDSCAPING PLAN

Before the Building Permit is issued and the commencement of works, a landscape plan must be prepared by a suitably qualified Landscape Architect or competent person and submitted to Planning Authority. The plan must be drawn to scale and two copies provided. The plan must:

- (a) Include at least 6 trees with a mature height of no less than 6m must be planted as part of the development. The species must be prepared in consultation with Council's Parks & Recreation department.

Once approved by the Planning Authority, the plan will be endorsed and will form part of the permit. The landscaping must be installed in accordance with the endorsed plan and:

- (b) Be installed within 3 months from the completion of the building works.
- (c) Be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all lawns and landscaped areas.
- (d) Be maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Planning Authority.

10. MULTIPLE DWELLINGS - 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.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

11. WASTE DISPOSAL BINS - DOMESTIC

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin and must provide:

- (a) Individual and common bin storage areas must be screen fenced so as not to be visible from any public road or thoroughfare.
- (b) Located in a convenient position that allows ease of access from the dwelling and moving the bin to the internal road on collection days.
- (c) The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Council and must not be used for any other purpose.

12. 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; and
- b) Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

13. NON REFLECTIVE EXTERIOR FINISH

All external cladding and roofing of the building hereby permitted must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Planning Authority.

14. PRIVACY SCREENS

Where privacy screens are used, the screens must be:

- (a) Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels; and
- (b) Permanent, fixed and durable.

15. PUBLIC, COMMUNAL AND PRIVATE AREAS

Prior to the sealing of the strata plan, a plan must be submitted to Council in accordance with the site plan identifying public, communal and private areas.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

16. 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.

17. 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 the commencement of 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 while works are being undertaken and all works must be in accordance with the plan. The Traffic Management Plan must be submitted to the Infrastructure Services Directorate for approval two weeks prior to the scheduled commencement of the works. No works may commence until the Traffic Management Plan has been approved.

18. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with Council specifications and standard drawing G-01 Trench reinstatement. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

19. VEHICULAR CROSSINGS

Before the commencement of the use, a new vehicular crossover must be provided to service this development. The design of the vehicular crossing must take into account the location of the access (i.e. abutting the speed hump located in Ashleigh Avenue) and further requires the relocation of the existing power pole. An application for such work must be lodged on the approved form.

No work must be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the prior approval of the works by the Council's Road Assets Department.

The new crossing must be constructed to Council standards by a contractor 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 (e.g. TasWater, Telstra, Aurora etc). The construction of the new crossover and driveway, and removal of the unused crossover and driveway will be at the applicant's expense.

20. SOIL AND WATER MANAGEMENT PLAN

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

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

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.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

21. 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 following suite of Australian Standards AS 2890.1 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 (except in the case of residential use);
- 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;
- h) Parking areas and access lanes must be kept available for these purposes at all times.

22. 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. Restrictive Covenants**

Council does not enforce restrictive covenants that contradict the Launceston Interim Planning Scheme 2012. However, if the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

B. 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*
- (c) Occupancy permit*

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 Planning Authority serves notice of the decision on the applicant.

D. Nuisance

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

E. 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 withdrawn 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.

F. Access for People with a Disability

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.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

G. Strata Title Approval

The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.

H. Removal of Construction Waste

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

I. Blasting

Attention is directed to the Explosives Regulations 2012 (S.R. 2012, No. 128) which relates to blasting of rock on the subject land. These provisions should be consulted directly in accordance with Workplace Standards Tasmania.

DECISION: 28/10/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

12.3 Construct two and use of three multiple dwellings at 4 Ashleigh Avenue, West Launceston...(Cont'd)

RESOLUTION: (2):

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

**To add condition 23 to the Recommendation
23 Condition Assessment**

23(1) Prior to the issue of a Building Permit, a condition assessment be undertaken for the residential properties directly adjoining 4 Ashleigh Avenue, West Launceston.

(2) That the obligation to undertake such a condition assessment as indication in (1) above be subject to gaining the approval of the adjoining property owners

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

AGAINST VOTE - Ald R J Sands, Ald J G Cox

ABSENT - DID NOT VOTE - Ald I S Norton

CARRIED 9:2

THE AMENDED MOTION WAS PUT AND CARRIED 11:0

12.4 61 Cypress Street, Newstead - Change of Use to Animal Boarding and Training**FILE NO:** DA0350/2013**AUTHOR:** Julia Allen (Town Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for a change of use to a dog boarding and training centre.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0350/2013 to operate an Animal Boarding and Training Centre at 61 Cypress Street, Newstead, subject to the following conditions:

1. ENDORSED PLANS

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

2. HOURS OF OPERATION

The use is limited to the following opening hours:

- Monday to Friday 7.30am to 6pm
- Saturday 9am to 5pm
- Sundays and Public Holidays closed

3. DOGS KEPT ONSITE

No dogs are to be kept on the premises outside of opening hours.

12.4 61 Cypress Street, Newstead - Change of Use to Animal Boarding and Training...(Cont'd)

4. NOISE CONTROL

All practical and reasonable measures including building treatments, business practises and animal behavioural measures, are to be used to manage noise generated by the business.

No external address or sound system must be used by the business except one which is audible only from within the building/s.

5. SOLID WASTE

Waste bins must be positioned in a manner so they do not cause an environmental nuisance by attracting vermin or producing dust and odour. Waste bins must be emptied on a regular basis to ensure they do not cause an environmental nuisance.

6. OUTDOOR STORAGE

Storage of goods and waste outdoors must be sited or screened so that it is not visible from Cypress Street and stored in a manner that it will not cause an environmental nuisance by attracting vermin or producing dust or odour.

7. CAR PARKING AND ACCESS AREAS

Before the use commences, the car parking and access areas shall be upgraded (where required) and maintained to have:

- i. Car parking spaces and manoeuvring areas to Australian/New Zealand Standard AS/NZS 2890.1 2004 Off-street Car Parking
 - ii. Areas to be used by vehicles shall have an impervious surface (asphalt, bituminous seal, concrete or square edged pavers) constructed on a base as recommended by the manufacturers of the impervious surface.
 - iii. Stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) shall be connected into an underground stormwater drainage system which shall discharge directly to the Council underground public network. Kerbs, channels or spoon drains shall be constructed along the low side of paved and vehicle areas to collect and divert overland stormwater flow into the stormwater drainage system.
 - iv. Exterior lighting to illuminate pathways and car parking areas shall be controlled by a sensor and shielded to prevent direct light being emitted outside the site.
 - v. Measures must be undertaken to prevent damage by vehicles to fences or landscaped areas.
 - vi. Parking areas and access lanes must be kept available for these purposes at all times.
-

12.4 61 Cypress Street, Newstead - Change of Use to Animal Boarding and Training...(Cont'd)

8. SIGNAGE

The signs permitted must not be illuminated, flashing or animated and must be constructed and maintained in good condition to the satisfaction of the Planning Authority.

9. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the damage to Council infrastructure resulting from no 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 conditions, bylaws and legislation relevant to the development activity on the site.

10. LAPSING OF PERMIT

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

Notes**Other Approvals**

A. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences.*

(a) *Building permit*

Nuisance

B. *During the operation of the use, the best practical means shall be undertaken to prevent nuisance or annoyance to any person not associated with the use. Air (including odour), noise and water pollution matters will be subject to the provisions of the Environmental Management and Pollution Control Act 1994 and Regulations there under of the Dog Control Act 2000.*

12.4 61 Cypress Street, Newstead - Change of Use to Animal Boarding and Training...(Cont'd)

Objections to Proposal

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

Appeal Provisions

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

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 Planning Authority serves notice of the decision on the applicant.

Permit Commencement

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

12.4 61 Cypress Street, Newstead - Change of Use to Animal Boarding and Training...(Cont'd)

DECISION: 28/10/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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 Ball - Launceston - White Water Capital of Australia****FILE NO:** SF5547**AUTHOR:** Alderman Ball**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Ball in regards to exploring opportunities to hosting white water events at the Gorge.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council enter into discussions with Hydro Tasmania to explore the opportunities for the Gorge provided by the proposed automation of the Trevallyn Dam valve system, with specific reference to the economic, environmental, recreational and social opportunities presented by scheduled white water events occurring in the Gorge and engages with stakeholders to prepare a case outlining those opportunities in the lead-up to any discussions.

DECISION: 28/10/2013**RESOLUTION: (1):****Moved Alderman J D Ball, seconded Alderman R I Soward.**

That Council assists stakeholders in entering into discussions with Hydro Tasmania to explore the opportunities for the Gorge provided by the proposed automation of the Trevallyn Dam valve system, with specific reference to the economic, environmental, recreational and social opportunities presented by scheduled white water events occurring in the Gorge and engages with stakeholders to prepare a case outlining those opportunities in the lead-up to any discussions.

13.1 Notice of Motion - Alderman Ball - Launceston - White Water Capital of Australia...(Cont'd)

RESOLUTION: (2):

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

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

CARRIED UNANIMOUSLY 11:0

THE SUBSTANTIVE MOTION (Res 1) WAS PUT AND CARRIED UNANIMOUSLY 11:0

13.2 Notice of Motion - Alderman McKendrick - Third Party Advertising Signage**FILE NO:** SF5547 / SF3854**AUTHOR:** Alderman McKendrick**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman McKendrick for a review to be undertaken regarding third party advertising conditions in Launceston City Council's Interim Planning Scheme.

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

That a review of third party advertising conditions in our Interim Planning Scheme be undertaken by the Director and appropriate staff and to include two Alderman and consult with Launceston Chamber of Commerce and Cityprom and offer opportunity for Signwriters Organisation to submit suggestions.

Ald R I Soward withdrew from meeting at 2:15pm.**Ald D H McKenzie declared a pecuniary interest in this item and withdrew from the meeting at 2:15pm.****Ald R I Soward re-attended the meeting at 2:17pm.****Mr Rod Loone - spoke to this item**

13.2 Notice of Motion - Alderman McKendrick - Third Party Advertising Signage...(Cont'd)

DECISION: 28/10/2013

RESOLUTION: (1):

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

That a review of third party advertising conditions in our Interim Planning Scheme be undertaken by the Director and appropriate staff and to include Alderman McKendrick and Alderman Peck and consult with Launceston Chamber of Commerce, Cityprom and relevant stakeholders and offer opportunity for Signwriters Organisation to submit suggestions.

ABSENT - DID NOT VOTE - Ald D H McKenzie, Ald I S Norton

CARRIED UNANIMOUSLY 10:0

RESOLUTION: (1):

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

That the order of business be amended to now facilitate consideration of Item 19.1.

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

AGAINST VOTE - Ald A L Waddle

ABSENT - DID NOT VOTE - Ald D H McKenzie, Ald I S Norton

CARRIED 9:1

13.3 Notice of Motion - Alderman McKendrick - Deputation by John Kirwan**FILE NO:** SF5547 / SF0125**AUTHOR:** Alderman McKendrick**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman McKendrick to invite Mr John Kirwan to SPPC of 18 November 2013 at 10am

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

That Mr John Kirwan be invited to attend and present an update of Launceston General Hospital health care situation including current capital works and proposed future needs for Launceston General Hospital, 18 November 2013, 10.00 am.

Ald D H McKenzie re-attended the meeting at 2:27pm.**DECISION: 28/10/2013****RESOLUTION: (1):****Moved Alderman R L McKendrick, seconded Alderman A C Peck.****That the Motion be adopted.****CARRIED UNANIMOUSLY 11:0**

DIRECTORATE MINUTES ITEMS

14 DEVELOPMENT SERVICES

14.1 Northbank Land Use Study

FILE NO: SF5950, SF30689

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To endorse in principle the Northbank Land Use Study for the purpose of release for public consultation.

PREVIOUS COUNCIL CONSIDERATION:

Workshop Presentations - 13 May 2013 & 2 September 2013.
SPPC - 21 October 2013

RECOMMENDATION:

That the Council endorse in principle the Northbank Land Use Study, dated October 2013 (ECM Reference 3029818) and release for a period of public consultation.

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

DECISION: 28/10/2013

RESOLUTION: (1):

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

That the Council receives in principle the Northbank Land Use Study, dated October 2013 (ECM Reference 3029818) and release for a period of public consultation.

CARRIED UNANIMOUSLY 11:0

19 GENERAL MANAGER**19.1 Tamar Lake Inc. Proposal****FILE NO:** SF5732 / SF0696 / SF4493**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To discuss the request for assistance from Tamar Lake Inc.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council respond to the correspondence from the President of Tamar Inc. in the following manner:

1. The implications of the Launceston City Council indicating its support for the proposed \$200m Tamar Barrage proposal are significant. In effect, due to the \$200m capital cost, the Council would be communicating to the Federal and State Government that this project is a priority above all other projects in the region and will continue to be so for many years.
 2. The legal responsibility for the Tamar River lies with the Tasmanian State Government. Accordingly, from a strategic, policy and financial perspective the Council would not be able to consider the proposal from Tamar Inc. further without advice of a formal commitment to the project by the Tasmanian State Government.
 3. Notwithstanding the matters raised in (1) and (2) above, the Council does not have before it sufficient information upon which to rigorously consider the proposal by Tamar Inc. for a \$200m barrage project, in particular relating to:
 - i. The business case for the proposed project based on clearly defined financial parameters including the benefit / cost ratio.
 - ii. The environmental impact of the proposed project.
-

19.1 Tamar Lake Inc. Proposal...(Cont'd)

- iii. The scale and source of Government funding required.
 - iv. The responsibility, cost and source of funding to maintain the proposed project following completion.
 - v. Advice from the Launceston Flood Authority on the implications of the barrage project proposal on management of the Council's \$62m flood protection levees and on the level of silt in the river systems.
 - vi. An independent peer review by recognised technical experts reviewing the research, data, analysis, conclusions and costings upon which the project proposal is based, in order to independently assess the project's economic, environmental and technical viability.
4. In light of the foregoing the Council cannot agree to the request from Tamar Inc. for grant funding of \$500,000 to be directed by the Council to the proposal.
-

The General Manager advised the meeting that this item had been withdrawn.

The meeting then returned to item 13.3

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)

RESOLUTION: (1):

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

That pursuant to the provisions of Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2005, Council move into Closed Session to discuss those items nominated as Closed Session items, for the following reasons:

(j) as it concerns the personal affairs of a person/company.

CARRIED UNANIMOUSLY 11:0

26.1 Rate Recovery Sales - Debts 1 - 37**FILE NO:** SF3161**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider whether to formally authorise commence of Rate Recovery proceedings against property owners.

PREVIOUS COUNCIL CONSIDERATION:N/A

THIS ITEM WAS DEALT WITH IN CLOSED COUNCIL

27 MEETING CLOSURE
