



**LAUNCESTON CITY COUNCIL**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
MONDAY 8 JULY 2013**

# LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 8 July 2013

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

Date: 8 July 2013

Time: 1.00 pm

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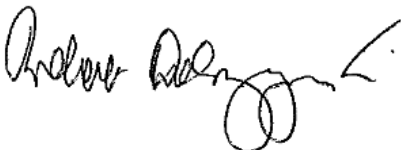
## Section 65 Certificate of Qualified Advice

### Background

Section 65 of the Local Government Act 1993 requires the General Manager to certify that any advice, information or recommendation given to council is provided by a person with appropriate qualifications or experience.

### Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the minutes items for this meeting.



**Robert Dobrzynski**  
General Manager

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# LAUNCESTON CITY COUNCIL

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**1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES**

The Acting Mayor opened the Meeting at 1.00pm.

Apology Mayor Alderman van Zetten

Acknowledgement of Country - Aunty Gloria Templar

"In the spirit of reconciliation, we the citizens of Launceston recognise that Launceston is situated on country of which the Tasmanian Aboriginal people have been owners for over 35,000 years and on which they have performed age-old ceremonies of celebration, initiation, and renewal. We acknowledge the Aboriginal Community of today, their living culture, and unique role in the life of this region and offer our deep appreciation of their on-going contribution to the community."

**2 DECLARATION OF PECUNIARY INTERESTS**

Alderman D C Gibson declared a pecuniary interest in Agenda Item 14.1.

**3 CONFIRMATION OF MINUTES****RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 24 June 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 24 June 2013 in closed session be confirmed as a true and correct record.
3. That the Minutes of the meeting of the Launceston City Council held on 27 May 2013 in closed session be confirmed as a true and correct record.
4. That the Minutes of the meeting of the Launceston City Council held on 11 June 2013 in closed session be confirmed as a true and correct record.

**DECISION: 08/07/2013****RESOLUTION: (1):**

Moved Alderman D H McKenzie, seconded Alderman D C Gibson.

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY 11:0**

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**4 DEPUTATION**

**4.1 Report from the Independent Chair of the Launceston City Council Audit Committee**

**FILE NO:** SF3611

**GENERAL MANAGER:** Robert Dobrzynski

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**DECISION STATEMENT:**

To receive a report from the independent Chair of the Launceston City Council Audit Committee.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That the Council receive the report presented by the independent Chair of the Launceston City Council Audit Committee, Mr Mark Scanlon.

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**Mr Mark Scanlon presented his Deputation at 1:03pm.**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY 11:0**

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**5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME**

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
24 June 2013	9.1	<p>Aldermen's Question: Alderman J D Ball asked:</p> <p>As part of Meet the Neighbours campaign, is it envisaged that we move to allow Meet The Streets and can we investigate what insurance cover is needed to implement that?</p>	<p>This question was taken on notice</p> <p>Further Reply:</p> <p>A street party kit is being developed and will be released later this year. The Street Party Kit and the Meet the Neighbours Projects are both elements of the Connected Communities (community resilience) Initiative that has been developed by the Community, Tourism and Events Department. The availability of suitable insurance options for organisers of street parties is being investigated as part of development of the street party kits.</p>	Michael Stretton
	9.2	<p>Aldermen's Question: Alderman R J Sands asked:</p> <p>Why are TasWater pumping a combined sewer and stormwater outlet at the junction of Esplanade and Tamar Street into the Tamar River?</p>	<p>This question was taken on notice</p> <p>Reply by Harry Galea (Director Infrastructure Services)</p> <p>Ben Lomond Water (BLW) has provided the following comments to the Aldermen's question raised at the 24 June meeting.</p> <p>BLW are currently upgrading the Tamar Street pump station which was originally constructed in the 1960's. Tamar Street is one of three stormwater pump stations along the Esplanade that discharge into the North Esk River.</p>	Harry Galea

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
			<p>Initially programmed for replacement by Launceston City Council in 2006, the project was put on hold pending the formation of the new Water Authorities (the project reached preliminary design stage before being deferred).</p> <p>Works were programmed due to a number of station defects including:</p> <ul style="list-style-type: none"> <li>• Lack of pump redundancy (only one pump).</li> <li>• Shearing of the impeller shaft due to ragging.</li> <li>• Issues with access for maintenance.</li> <li>• Tidal infiltration during high tides from poor sealing of tide flaps.</li> <li>• The pump motor tripping out on overload.</li> </ul> <p>The new design addresses these issues by:</p> <ul style="list-style-type: none"> <li>• Providing two submersible pumps in the wet well.</li> <li>• Installing rising mains over the top of the levee (thereby preventing tidal inflow).</li> <li>• Installation of a sump pump to pump any low flows back into the trunk sewer.</li> </ul> <p>Ben Lomond Water are currently mid-way through the construction period of the project with the works being undertaken by Shaw Contracting Pty Ltd.</p>	

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
			<p>As the existing wet well is being utilised the construction works involve keeping the station operational throughout the construction period.</p> <p>You may have been noted a flexible discharge hose is currently placed over the top of the levee and into the river. This pipeline is connected to a submersible pump that dewateres the pump well due to infiltration during high tides (river water entering the wet well). As noted above one of the issues of the old outlet pipeline was the recirculation of the river during high tides when the tide flaps did not seal correctly. This is shortly to be abandoned thereby preventing this point of infiltration. The temporary discharge pump is not pumping sullage water but ground water which is highly coloured due to alluvial clays.</p>	

**6 PUBLIC QUESTION TIME**

**6.1 Mr Paul Bullock - Traffic Island - 110 Talbot Rd, Sth Launceston**

**Public Question:**

- **Would Council review the position of the Island outside of 110 Talbot Road, South Launceston?**

**The question was taken on notice.**

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**6.2 Mrs Christine Smart - 25 South Esk Road, Trevallyn****Public Questions:**

**1. Who wrote the attachment for item 19.1 Closure of part walkway adjacent to 25 South Esk Road, Trevallyn?**

**The GM responded that Mr Darryl Wright wrote the attachment**

**2. Are you allowed to change what is in the report?**

**The GM responded that he may require changes if not satisfied with a report. Noted the GM directs staff within the organization and ultimately approves the advice provided to the elected members.**

**3. Why does Darryl Wright say in a letter to me that he definitively can't say that the walkway is not a highway and yet in the attachment that is in the agenda today he says he refutes some information Mr McElwaine gave because he said the walkway is a local highway, it can't be one or the other?**

**The GM responded he believes the advice in the report is consistent. The report that indicates that Mr Wright cannot, with absolute certainty, determine whether or not the walkway is a public highway. He therefore entertains what the purpose of the Supreme Court would be in reviewing the Magistrates decision on this matter. The Supreme Court would look at whether the laneway is a highway on the balance of probability. What Mr Wright's research and the evidence noted in the report does suggest is that it is likely the Supreme Court would find, on the balance of probabilities, that the laneway is a 'highway'.**

**4. Why is it not your position to go to the Supreme Court and prove that your first decision was correct - that it was a highway?**

**The GM responded Mr Wright indicates in his report that either the Council or indeed the Smarts' may seek a review of the Magistrates decision in the Supreme Court. Mr Wright's report then goes on to say why he believes Council should not take the course of action of reviewing the Magistrates decision in the Supreme Court. One reason being that he believes the chances of success (ie the likelihood of the laneway not being determined as being a highway is remote). The Second would relate to cost.**

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**6.2 Mrs Christine Smart - 25 South Esk Road, Trevallyn...(Cont'd)**

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**5. Does that mean that if I make an application to the Supreme Court that Council would oppose it?**

The GM responded the Council's policy and position is to close the highway. The Council would have to determine what its position is in relation to its previous decision to close that walkway given the evidence that is now being revealed from our research. The Council could reaffirm its previous decision they took in 2009 or it could determine that given the changed circumstances (that is the additional information that is available and is contained within Mr Wright's report), the Council would not be pursuing its decision to close the highway.

**6. Have any of the objectors that appeared in Court contacted the Council to find out way the fence hasn't been removed?**

The GM responded that the objectors had not contacted him personally neither had anyone brought it to his attention. Presumably this is because the objectors were aware of the Magistrates Court's decision which the Council is obliged to comply with, and which is consistent with what Mr Wright says in the report.

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**6.3 Mrs Christine Smart - Trees along the Gorge walkway**

**Public Question:**

**In 2009 I commented about the trees along the Gorge walkway having broken branches that were being held up by ivy. What is happening with this?**

**The Director of Infrastructure Services, Mr Harry Galea responded that he was aware of the request, and that this would be followed up.**

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## 7 ANNOUNCEMENTS BY THE MAYOR

### 7.1 Mayor's Announcements

FILE NO: SF2375

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#### Tuesday 25 June

- Attended Employee Recognition Event - Length of Service Milestones and Significant Achievement
- Attended Southern Cross TV Telethon for Give me 5 for Kids

#### Wednesday 26 June

- Attended Friends of the Library Book Launch
- Attended Launceston College Opening Night Performance of Hairspray

#### Friday 28 June

- Officiated at launch of Road Safety Signage at Aurora Stadium
- Officiated at LCC and Business Events Tas function for Interstate Professional Conference Organisers & Associates
- Officially opened Relbia Lodge
- Attended Tamar Valley Wine Route Annual Awards at Design Centre

#### Sunday 30 June

- Attended Round 14 Hawthorn Football Match at Aurora

#### Monday 1 July

- Officiated at Civic Reception for Tim Coyle - Town Hall

#### Wednesday 3 July

- Presentation to Year 11 Students at Scotch Oakburn College

#### Thursday 4 July

- Officially opened "*Earth Sea & Sky*" Art Exhibition at Ravenswood Neighbourhood House

#### Saturday 6 July

- Attended South Launceston Football Club Match

#### Sunday 7 July

- Attended National Reserve Forces Day Parade and Review with Lord Mayor of Hobart at Kings Park Launceston
-



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

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### **Acting Mayor added**

- **Thursday 4 July - Attended a tour of the University of Tasmania along with Alderman McKenzie. Noted the University's new and interesting initiatives including the new Tasmanian College of Arts proposals around creative industries, a large building component for Hobart and prototype work in Inveresk. Also toured various departments including the School of Architecture and Design with its Director Steven Lu, the Australian School of Fine Furniture, School of Agriculture, the AMC and the School of Nursing paying particular accolades to Denise Fasset for her incredible work with enrolments. Hailed as a wonderful and exciting tour, notable attendees included representatives from Break O'Day, George Town, Meander Valley and Dorset Councils.**
  - **Thursday 4 July - Attended the launch of the "Earth, Sea and Sky" Art Exhibition at Ravenswood Neighbourhood House as part of their early celebrations for NAIDOC Week. Noted the talent of several emerging artists.**
  - **Monday 8 July - Attended the NAIDOC Flag Raising.**
  - **Monday 8 July - Acknowledged the 'switching on' of NBN as quite significant for Launceston and noted the opportunities that will arise.**
-

## 8 ALDERMEN'S/DELEGATES' REPORTS

### 8.1 Ald Soward - Launceston College 'Hairspray' Production

Alderman R I Soward reported:

- **Wednesday 26 June - Attended the Launceston College Opening Night Performance of Hairspray. Publically acknowledged and thanked all Council staff and Aldermen that attended and noted the production as a fantastic performance. Acknowledged the amount of community support and that very positive feedback has been received. Noted that every student who indicated their interest in being part of the production, all 180 students received the opportunity to participate no matter if they were centre stage or backstage.**
-

## 8.2 Ald Gibson - Launceston Safer Community Partnership

Alderman D C Gibson reported:

- **Wednesday 26 June - Attended Launceston College Opening Night Performance of Hairspray**
  - **Friday 28 June - Attended the Launceston Safer Communities Partnerships initiative, 'Get Home Safe' concept and signage launch at Aurora Stadium, an initiative supporting safe driving messages. The launch received great support from Hawthorne Football Club, Aurora Stadium staff and the media. Also in attendance for this launch was Minister David O'Byrne, Mayor van Zetten, Alderman McKenzie, Alderman Norton, Alderman Armitage and representatives from the Pedestrian Committee.**
  - **A positive news story on the 'Off the Wall' anti graffiti project - the Street Art competition is attracting a great number of entries not just from around Launceston but from America, Canada, Malaysia and indeed all over the world. The Street Art competition will encourage legal street art while helping to reduce tagging around our Municipality.**
  - **A congratulations to the team at QVMAG upon receiving \$44,000 from the Tasmanian Community Fund for their World War 1 Exhibition marking the 100<sup>th</sup> Anniversary of the War. The exhibition will be opening at the end of 2014 in Inveresk. QVMAG has also received \$25,000 from the Federal Government's program "Your Community History" for an exhibition and the publication of a book.**
-

**8.3 Ald McKenzie - Access Committee Meeting & tour of UTAS**

**Alderman D H McKenzie reported:**

- **Thursday 4 July - Attended a tour of the University of Tasmania along with Deputy Mayor Alderman Ball. Noted the size and scale of the university and its significant impact on our community particularly the AMC.**
  - **Tuesday July 2 - Attended the Access Committee meeting noting that access to facilities within and around the city relates to more than just disability access, it includes parents with young children needing access to facilities in town. Acknowledged the Committee has received over 30 nominations in the Cityprom Awards held in August 2013. The Committee has arranged a meeting with Metro to discuss access on Metro buses. Also noted the update of the Launceston Access Map and is available in hard copy with the possibility of an iPhone Application in development.**
-

## 8.4 Ald Peck - Cityprom update

Alderman A C Peck reported:

- **Cityprom has increased their budget item for the Hawthorne Football Club promotions in the city. Talks are underway with the Launceston City Council, local business, LAFM and the Tourist Information Centre to encourage awareness of the Hawthorne presence in the city.**
  - **Monday July 1 - Cityprom was involved with officially welcoming the NBN to Launceston with festivities held in the mall. Cityprom is also in talks Telstra about becoming a champion of NBN in the city.**
  - **A new initiative is being considered where employers and employees in the city are given a members card providing deals from businesses for those who work in the city and buy from the city. The response so far to this initiative has been good.**
-

## 8.5 Ald Norton - Youth Advisory Committee Meeting

Alderman I S Norton reported:

- **Thursday June 27 - Attended the Youth Advisory Committee meeting. Anthony King from the Department of Premier and Cabinet was also in attendance along with United Nations Youth Representative for Australia Adam Pulford. Notable items discussed included children in Parliament - the idea of children advising on youth issues Ideas. Acknowledged the great work of all involved.**
-

**8.6 Ald McKendrick - Franklin House Committee**

**Alderman R L McKendrick reported:**

- **Franklin House Committee has concerns regarding the direction taken by the State Government with heritage properties, particularly in Tasmania. As it stands, the National Trust receives \$300,000 funding. This money is only to run the National Trust. It does not provide for example, maintenance on heritage buildings. Concerns that the State Government may not even be looking at contributing this amount in the future have been raised and it has been suggested that the National Trust should become more entrepreneurial. Where is this money going to come from?**
  - **There are also concerns around Mr Chris Tassel's resignation (current CEO of the National Trust in Launceston). With Mr Tassel's contract ending soon, if it's not continued there are concerns that the next appointment might not be in Launceston. Suggested writing to the National Trust and requesting a meeting to establish an idea of their future direction, in terms of where they are heading and what are their initiatives and proposed plans for the National Trust in Launceston.**
-

**8.7 Ald Armitage - National Reserve Forces Day Parade**

**Alderman R L Armitage reported:**

- **Sunday 7 July - Attended the National Reserve Forces Day Parade at Kings Park Launceston. Also in attendance were Mayor Alderman van Zetten and Lord Mayor of Hobart, Damon Thomas. Ald Armitage would like to publically commend the work of individuals Andrew Smith, Darryl Poke, Robert Terrence, Gareth Johns and Dennis Lee whose hard work in the maintenance and upkeep of City Park is extraordinary and contributes largely to City Park being recognised as the 9<sup>th</sup> best park in Australia.**
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## 9 QUESTIONS BY ALDERMEN

### 9.1 Ald Armitage - Cimitiere / Cameron Street Car park

Aldermen's Question: Alderman R L Armitage asked:

- Regarding the Cimitiere/Cameron Street Car park and the markets that take place there, are there any plans to put toilets in that area since there are some in City Park located within 100m from this car park? Given toilets at City Park could be used, does the Market still need to provide toilets?

The question was taken on notice.

Ald R I Soward withdrew from the meeting at 1.46pm.

Ald R I Soward returned to the meeting at 1.47pm.

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**10 COMMITTEE REPORTS****10.1 Street Tree Advisory Committee 14 May 2013****FILE NO:** SF5726**AUTHOR:** Andrew Smith (Manager, Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**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 14 May 2013 be received.

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**It was noted that Bathurst Street should read Wellington Street on the top of Page 10**

**DECISION: 08/07/2013****RESOLUTION: (1):****Moved Alderman J G Cox, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 11:0**

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**10.2 Heritage Forest Advisory Committee Report 12 June 2013****FILE NO:** SF0830**AUTHOR:** Andrew Smith (Manager Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**DECISION STATEMENT:**

To receive and consider a report from the Heritage Forest Advisory Committee.

**RECOMMENDATION:**

That the report from the Heritage Forest Advisory Committee meeting held on the 12 June 2013 be noted.

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**DECISION: 08/07/2013****RESOLUTION: (1):****Moved Alderman A L Waddle, seconded Alderman R L McKendrick.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 11:0**

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**10.3 Strategic Planning and Policy Committee Meeting - 1 July 2013****FILE NO:** SF4401**AUTHOR:** Daniel Gray (Committee Clerk / Administration Officer)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

That the report from the Strategic Planning and Policy Committee. meeting held on 1 July 2013 be received.

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**DECISION: 08/07/2013****RESOLUTION: (1):****Moved Alderman D H McKenzie, seconded Alderman D C Gibson.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 11:0**

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11 PETITIONS

Nil

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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 - 12.2.

## **12 PLANNING AUTHORITY**

### **12.1 15 Abbott Street, East Launceston - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012**

**FILE NO:** 6, 5069

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)

**DIRECTOR:** Michael Stretton (Director Development Services)

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#### **DECISION STATEMENT:**

To provide comments to the Tasmanian Planning Commission on an application for dispensation from a local provision of the Launceston Interim Planning Scheme under Section 30P of the Land Use Planning and Approvals Act 1993 to:

1. Set aside the provisions of the General Residential zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683) and
2. Apply the provisions of the Local Business zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683.)

#### **PREVIOUS COUNCIL CONSIDERATION:**

N/A

#### **RECOMMENDATION:**

That the Council advise the Tasmanian Planning Commission that it does not support the application for dispensation from a local provision of the Launceston Interim Planning Scheme under Section 30P of the Land Use Planning and Approvals Act 1993 to:

1. Set aside the provisions of the General Residential zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683); and
  2. Apply the provisions of the Local Business zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683); because the proposal does not accord with the Launceston Retail Strategy and would unnecessarily detract from an established residential area.
-

**12.1 15 Abbott Street, East Launceston - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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

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

**DECISION: 08/07/2013**

**RESOLUTION: (1):**

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

That the item lay on the table.

**CARRIED UNANIMOUSLY 11:0**

The Council returned to the item at 2.32.pm after consideration of item 12.2.

Ald J G Cox withdrew from the meeting at 2:33pm.

Ald J G Cox returned to the meeting at 2:35pm.

**RESOLUTION: (2):**

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

That the Council:

1. advise the Tasmanian Planning Commission that it does not support the application for dispensation from a local provision of the Launceston Interim Planning Scheme under Section 30P of the Land Use Planning and Approvals Act 1993 to:
-

**12.1 15 Abbott Street, East Launceston - Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012...(Cont'd)**

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- a. **Set aside the provisions of the General Residential zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683); and**
  - b. **Apply the provisions of the Local Business zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683);**  
**because the proposal does not accord with the Launceston Retail Strategy and would unnecessarily detract from an established residential area; and**
- 2. Seek legal advice on the range of General retail and hire uses that are allowable within the General Residential Zone under the local shop qualification and prepare a subsequent report to the Council on the benefits and/or need to amend the Launceston Interim Planning Scheme 2012 to allow 'craft shops' to be discretionary in the General Residential Zone."**

**FOR VOTE - Ald A L Waddle, Ald R I Soward, Ald R L McKendrick, Ald J D Ball, Ald R J Sands, Ald A C Peck, Ald D H McKenzie, Ald J G Cox, Ald D C Gibson**

**AGAINST VOTE - Ald R L Armitage, Ald I S Norton**

**ABSENT/DID NOT VOTE - Ald A M van Zetten**

**CARRIED 9:2**

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

**RESOLUTION: (1):**

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

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

**CARRIED UNANIMOUSLY 11:0**

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**12.2 80-82 Invermay Road & 1 Taylor Street, construct a shed for storage purposes****FILE NO:** DA0168/2013**AUTHOR:** Leon Murray (Town Planner)**DIRECTOR:** Michael Stretton (Development Services)

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**DECISION STATEMENT:**

To consider a development application to construct a shed for storage purposes associated with the existing bulky goods sales use and ancillary showroom.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A.

**RECOMMENDATION:**

That Council approves DA0168/2013 for construction of a shed for storage purposes at 80-82 Invermay Road and 1 Taylor Street subject to the following:

**1. ENDORSED PLANS**

The use and development must be carried out as shown on the endorsed plans to the satisfaction of the Planning Authority. Use of any land parcel for any use associated with the use (e.g. storage purposes, car parking etc.) other than Volume 101334 Folios 1 & 2 & Volume 24631 Folio 4 is not permitted.

**2. AMENDED PLANS REQUIRED**

Prior to the commencement of the works, amended plans must be submitted to and approved by the Council. 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 show:

- a. Relocation of car parks 6, 7 and 8 to be adjacent to car park 9.

**3. ACCESS OVER COUNCIL LAND**

Access over Council owned land other than the road reserve (e.g. Caledonian Square) for construction purposes will not be permitted.

**4. BUSINESS HOURS**

The operation of activities external to buildings such as deliveries, use of forklifts, waste receptacle servicing etc. must be confined to:

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- a. 6:00am and 10:00pm Monday to Friday
- b. 7:00am and 5:00pm Saturdays and Sundays

**5. NOISE LEVELS AT BOUNDARY**

Noise levels at the boundary of the site with any adjoining land must not exceed:

- a. 50dB(A) day time; and
- b. 40dB(A) night time.

**6. NOISE LEVELS AND SURROUNDING SENSITIVE USES**

- a. Noise levels generated by the use and development must not exceed 5dB(A) above background noise in habitable rooms of sensitive uses on properties surrounding the development site.

**7. HOURS OF CONSTRUCTION**

Construction works must only 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.

**8. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

**9. SOIL AND WATER MANAGEMENT WORKS**

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

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

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

**10. 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 the works, the developer must prepare a detailed Traffic Management Plan specifying the following:

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- a. The nature and the duration of the occupation and must 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. No works must commence until the traffic management plan has been approved.

## **11. CAR PARKING CONSTRUCTION**

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must;

- a. Comply with Australian Standard AS 2890.1, Off-street car parking and AS 2890.2 Off-street Commercial Vehicle Facilities;
- b. Be properly constructed to such levels that they can be used in accordance with the plans;
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers;
- d. Be drained to Councils requirements;
- e. Be line-marked or otherwise delineated to indicate each car space and access lanes;
- f. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Council 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 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; and
- h. Have a directional sign of not more than 0.3m<sup>2</sup> must be provided at the entrance to the site indicating the availability of off-street visitor parking.

Parking areas and access lanes must be kept available for these purposes at all times.

## **12. ADHESION OF TITLES**

Prior to the issuing of the Occupancy Certificate, all lots being Volume 101334 Folios 1 & 2 & Volume 24631 Folio 4 must be adhered into a single lot under the *Local Government (Building and Miscellaneous Provisions) Act 1993*. The plan must be certified by the Council and lodged with the Land Titles Office for approval.

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**13. 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.

NotesOther 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 are required before construction commences:*

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

Restrictive Covenants

B. *The granting of this permit takes no account of any covenants applicable to the land that contradict the Launceston Planning Scheme. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

Access for People with a Disability

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

Objections to Proposal

D. *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

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

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

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

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Permit Commencement.

F. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.*

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**DECISION: 08/07/2013**

**RESOLUTION: (1):**

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

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

**AGAINST VOTE - Ald A L Waddle, Ald R I Soward, Ald D C Gibson**

**ABSENT/DID NOT VOTE: Ald A M van Zetten**

**That the Recommendation be adopted.**

**CARRIED 8:3**

**The meeting returned to item 12.1 for consideration.**

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**13 NOTICES OF MOTION - FOR CONSIDERATION****13.1 Alderman Peck - Notice of Motion - Review of Economic Development Committee****FILE NO:** SF5547, SF0804**AUTHOR:** Alderman Peck**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Peck regarding the review of the Economic Development Committee

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

N/A

**NOTICE OF MOTION:**

Recommend a review of the Economic Development Committee Role and support a discussion paper to be prepared by Alderman Hugh McKenzie.

---

**DECISION: 08/07/2013****RESOLUTION: (1):****Moved Alderman A C Peck, seconded Alderman R L McKendrick.**

**Recommend a review of the Economic Development Committee Role and support a discussion paper to be prepared by Alderman Hugh McKenzie which is referred to a Strategic Planning and Policy Committee Meeting.**

**CARRIED UNANIMOUSLY 11:0**

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**13.2 Alderman Peck - Notice of Motion - Launceston as a City Profile****FILE NO:** SF5547, SF0804, SF0015**AUTHOR:** Alderman Peck**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Peck regarding the concept of Launceston being "Open for Business".

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

N/A

**NOTICE OF MOTION:**

Put forward a promotional concept that Launceston is "Open for Business", utilising the existing information adapted for the most appropriate mediums.

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**DECISION: 08/07/2013****RESOLUTION: (1):****Moved Alderman A C Peck, seconded Alderman R L McKendrick.**

**Put forward a promotional concept that Launceston is "Open for Business", utilising the existing information adapted for the most appropriate mediums to be discussed at a Strategic Planning and Policy Committee Meeting.**

**CARRIED UNANIMOUSLY 11:0**

**Ald A L Waddle took the chair at 4.13pm.  
The Acting Mayor resumed chair at 4.13pm.**

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## DIRECTORATE MINUTES ITEMS

### 14 DEVELOPMENT SERVICES

#### 14.1 Event Sponsorship - Round 1 2013/2014

**FILE NO:** SF5898

**AUTHOR:** Angie Walsh (Grants & Sponsorship Officer)

**DIRECTOR:** Michael Stretton (Director Development Services)

#### DECISION STATEMENT:

To respond to requests for event sponsorship.

#### PREVIOUS COUNCIL CONSIDERATION:

N/A

#### RECOMMENDATION:

That the following event sponsorship applications receive the recommended sponsorship amounts:

No	Request	Details	Score	Requested	Recommend	SPL	Page
1	Launceston Players	David Williamson's "Emerald City" - 9-17 August	98%	\$5,000	\$5,000	1	3 - 13
2	Make-A-Wish® Australia	Run For A Wish Fun Run/Walk - 19 October	98%	\$5,000	\$5,000	1	14 - 26
3	DanceSport Tasmania	2013 anderson morgan Tasmanian Open DanceSport Championships - 9-10 August	97%	\$10,000	\$10,000	2	27 - 41
4	Zions Hill Church	CultureFest - 5 December	96%	\$5,000	\$5,000	1	42 - 52
5	Launceston Cataract Challenge	Launceston Cataract Challenge - 27 October	92%	\$10,000	\$10,000	2	53 - 66
6	Encore Theatre Company Inc.	'ANNIE' - 8-16 November	92%	\$15,000	\$10,000	2	67 - 78
7	Launceston Environment Centre	Sustainable Living Festival Mobile Phone Film Finale - 3 November	90%	\$5,000	\$5,000	1	79 - 88
8	BOFA	The Tasmanian Breath of Fresh Air film Festival - 7-10 November	87%	\$20,000	\$15,000	3	89 - 102



## 14.1 Event Sponsorship - Round 1 2013/2014...(Cont'd)

No	Request	Details	Score	Requested	Recommend	SPL	Page
9	Simons Prostate Cancer Ball	Simons Prostate Cancer Ball - 16 November	84%	\$5,000	\$5,000	1	103-111
10	The Rotary Club of Central Launceston	"Sally's Ride Tamar Valley Cycle Challenge" - 17 November	84%	\$10,000	\$10,000	2	112-124
11	Anglicare Tasmania	Communities for Children Expo 2013 - 19 October	82%	\$10,000	\$2,437	1	125-134
12	Fusion Australia	Launceston Advent Pageant - 29 November	82%	\$5,000	\$2,437	1	135-146

That the following event sponsorship applications not be funded by Council:

No	Request	Details	Score	Requested	Recommend	Page #
13	Blue Sky Ball Inc.	Blue Sky Ball - 5 October	80%	\$5,000	Not Supported \$0	147-157
14	St Giles Society	Walk With Me/Kidfest 2012 - 1 September	72%	\$5,000	Not Supported \$0	158-167
15	Launceston Scale Model Club Inc.	2013 Scale Model Expo - 26 October	72%	\$2,500	Not Supported \$0	168-177
16	Tasmanian Poetry Festival	2013 Tasmanian Poetry Festival - 4-6 October	65%	\$4,800	Not Supported \$0	178-187
17	Tasmanian Centre for Global Learning (TCGL)	A Fairer World Festival - 2-3 September	55%	\$5,000	Not Supported \$0	188-198
18	Octagon	Launceston Adventure Run - 24 November	26%	\$10,000	Not Supported \$0	199-208

**Ald D C Gibson declared a pecuniary interest in item 14.1, items 1 & 6 and withdrew from the meeting at 4.15pm.**

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

**DECISION: 08/07/2013**

**RESOLUTION: (1):**

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

**That the Recommendation for Item 1 and 6 be adopted.**

**CARRIED 10:0**

**Ald D C Gibson returned to the meeting at 4.17pm.**

**14.1 Event Sponsorship - Round 1 2013/2014...(Cont'd)**

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**DECISION: 08/07/2013****RESOLUTION: (2):****Moved Alderman R L McKendrick, seconded Alderman R I Soward.****That the Recommendation for items 2, 3, 4, 5, 7-12 (funding approved) and 13-18 (not funded) be adopted.****CARRIED UNANIMOUSLY 11:0**

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**19 GENERAL MANAGER****19.1 Closure of part of walkway adjacent to 25 South Esk Road, Trevallyn****FILE NO:** 20446 / 20447**AUTHOR:** Darryl Wright (Legal Advisor)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To determine appropriate course of action following decision of Magistrates Court and subsequent developments.

**PREVIOUS COUNCIL CONSIDERATION:**

On 21 September, 2009 in closed Council, Council determined to close part of the walkway leading from and adjacent to South Esk Road.

**RECOMMENDATION:**

1. That the General Manager, absent any declaration by the Supreme Court that the walkway adjacent to 25 South Esk Road, Trevallyn is not a local highway within the meaning of The Local Government (Highways) Act 1982, take necessary action to enforce effective compliance with the decision of the Magistrates Court of 21 September, 2009.
  2. That the General Manager invite the neighbouring landowners to the walkway, Mr and Mrs Smart to make the necessary application to the Supreme Court seeking a declaration from the Court that the walkway is not a local highway.
  3. That Council not initiate any action to seek any declaration or order from the Supreme Court on the matter.
  4. That Mr and Mrs Smart be given 3 months to bring such application, and in the event that Mr and Mrs Smart fail to obtain the declaration referred to in paragraph 1, then time allowed to Mr and Mrs Smart to remove the fence and other material from the walkway, be a matter for the discretion of the General Manager.
- 

**Ald R I Soward withdrew from the meeting at 2:53pm.**

**Ald R L McKendrick withdrew from the meeting at 2:53pm.**

**Ald R L McKendrick re-attended the meeting at 2:54pm.**

**Ald R I Soward re-attended the meeting at 2:54pm.**

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**19.1 Closure of part of walkway adjacent to 25 South Esk Road, Trevallyn...(Cont'd)**

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This item was dealt with following consideration of item 12.1.

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

Mrs Christine Smart - spoke to this item.

Ald A C Peck withdrew from the meeting at 3:00pm.  
Ald A C Peck re-attended the meeting at 3:04pm.

Ald R I Soward withdrew from the meeting at 3:07pm.  
Ald R I Soward re-attended the meeting at 3:09pm.

Ald R L Armitage withdrew from the meeting at 3:41pm.  
Ald R L Armitage re-attended the meeting at 3:43pm.

**DECISION: 08/07/2013**

**RESOLUTION: (1):**

Moved Alderman R L McKendrick, seconded Alderman R J Sands.

That the item be deferred to the next Council Meeting to allow the General Manager time to gather further information regarding Council's options for dealing with this matter.

**CARRIED UNANIMOUSLY 11:0**

The Acting Mayor convened the meeting at 3.47pm.  
The Acting Mayor resumed the meeting at 4.00pm.

The meeting reverted to item 13.1.

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**20 URGENT BUSINESS**

**That Council pursuant to Clause 8(6) of the Local Government (Meeting Procedures) Regulations 2005,**

**Nil**

**21 WORKSHOP REPORT(S)**

**Nil**

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

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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.

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**The report was noted.**

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**23    ADVICE OF FUTURE NOTICES OF MOTION**

**Nil**

**24    REPORTS BY THE MAYOR**

**Nil**

**25    REPORTS BY THE GENERAL MANAGER**

**Nil**

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## 26 CLOSED COUNCIL ITEM(S)

Ald A L Waddle took the chair at 4.20pm.  
Acting Mayor resumed chair at 4.20pm.

### RECOMMENDATION:

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:

(e) as it concerns proposals for Council to acquire land or an interest in land, or for the disposal of land.

**DECISION: 08/07/2013**

**RESOLUTION: (1):**

Moved Alderman R I Soward, seconded Alderman A L Waddle.

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY 11:0**

Council moved into Closed Session at 4.21pm.

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## 26.1 Acquisition of Embankment Easement

**FILE NO:** 24443

**AUTHOR:** Robert Holmes (Property Coordinator)

**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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### **DECISION STATEMENT:**

To decide to compulsorily acquire an embankment easement.

### **PREVIOUS COUNCIL CONSIDERATION:**

N/A

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**THIS ITEM WAS DEALT WITH IN CLOSED COUNCIL.**

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**RESOLUTION: (2):**

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

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY 11:0**

**Council moved out of Closed Session at 4.23pm**

**27 MEETING CLOSURE**

**The Mayor closed the meeting at 4.23pm.**

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