



**LAUNCESTON CITY COUNCIL**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
MONDAY 11 AUGUST 2014**

# LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 11 August 2014

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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: 11 August 2014

Time: 1.00 pm

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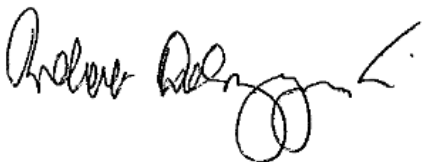
## Section 65 Certificate of Qualified Advice

### 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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Monday 11 August 2014

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

The Mayor opened the meeting at 1.00pm and noted apologies from Ald McKendrick, Ald Peck and Ald Armitage.

A one minute silence was observed for the passing of Mr Peter Sculthorpe AO OBE. The Mayor noted that we will fly the flags at half-mast on the day of Mr Sculthorpe's funeral.

**2 DECLARATION OF PECUNIARY INTERESTS**

Alderman A M van Zetten declared a pecuniary interest in Agenda Items 7.1 & 7.2.

Alderman J G Cox declared a pecuniary interest in Agenda Items 7.1 & 7.2.

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

1. That the Minutes of the meeting of the Launceston City Council held on 28 July 2014 be confirmed as a true and correct record subject to the deletion of the word "Craft Sessions" on Page 19, and the insertion of the words "Crowd Funding".

**DECISION: 11/08/2014****RESOLUTION: (1):**

Moved Alderman D H McKenzie, seconded Alderman J G Cox.

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY 9:0**

2. That the Minutes of the meeting of the Launceston City Council held on 28 July 2014 in closed session be confirmed as a true and correct record.

**RESOLUTION: (2):**

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

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY 9:0**

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**4 DEPUTATION**

Nil

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

Nil

**6 PUBLIC QUESTION TIME**

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 7.1 - 7.2.

## **7 PLANNING AUTHORITY**

### **7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings**

**FILE NO:** DA0210/2014

**AUTHOR:** Leon Murray

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

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#### **DECISION STATEMENT:**

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

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

N/A

#### **RECOMMENDATION:**

That Council approves DA0210/2004 for Residential - construct and use of two multiple dwellings at 13 Palmerston Avenue, Prospect subject to the following conditions:

#### **AMENDED PLANS REQUIRED**

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council and TasWater to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and TasWater and will then form part of the Permit. The amended plans must show:

- a. Confirmation that Unit 2 accords with the requirements of TasWater's Submission to Planning Authority Notice (SPAN) TWDA No. 14-155 - N for minimum clearance to the sewer main and location of footings in relation to the zone of influence for the sewer main. Should the current location of Unit 2 not accord with the requirements, it may need to be moved further away from the easement.
-



**7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**FRONT FENCE**

Any fence along the frontage must be constructed in accordance with the following requirements, otherwise planning approval is required:

- a. 1.2m if the fence is solid
- b. 1.8m, if any part of the fence has openings above a height of 1.2m which provide uniform transparency of not less than 30% (excluding any posts or uprights)

**LEGAL TITLE**

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

**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.

**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.

**TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 15-155 - N (attached to the Permit).

**MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
  - b. Each multiple dwelling must be provided with a minimum 6m exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
  - c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.
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**7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**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.

**WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742.

The explicit permission of Council's Roads & Hydraulics Department is required prior to undertaking works where the works:

- a. Requires a road or lane closure;
- b. Are in nominated high traffic locations;
- c. Involve opening or breaking trafficable surfaces; or
- d. Require occupation of the road reserve for more than one week at a particular location.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works must form the explicit approval.

All works that involve the opening or breaking of trafficable surfaces within the road reserve must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with Council as a "Registered Contractor".

**VEHICULAR CROSSINGS**

Before the commencement of the use, a new vehicular crossover must be provided to service this development. An application for such work must be lodged on the approved form. All unused crossovers and driveways must be removed prior to the occupation of the development.

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 Roads and Hydraulics Department.

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**7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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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 (eg TasWater, Telstra, and 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.

**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.

**CAR PARKING CONSTRUCTION**

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

- a. Be designed to comply with the Australian 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,
- 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;

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

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**7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**PROTECTION OF PIPELINES**

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5 metres from the outer edge of the pipe,
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. There must be a minimum clear space between buildings or substantial structures of at least 3 metres in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the Director Infrastructure Services pursuant to Section 39 of the *Drains Act 1954*.

**AMENITY**

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

**Notes****Building Permit Required**

*Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

**Occupancy Permit Required**

*Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.*

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**7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**Plumbing Permit Required**

*Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

**General**

*This permit was issued based on the proposal documents submitted for DA0210/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.*

**Restrictive Covenants**

*The granting of this permit takes no account of any covenants applicable to the land. 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**

*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.*

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**7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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Appeal Provisions

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

*For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>*

Permit Commencement.

*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.*

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.*

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**The Mayor announced that Council is now acting as a Planning Authority.**

**The Mayor handed the Chair to the Deputy Mayor at 1.03pm.**

**Alderman A M van Zetten declared a pecuniary interest in Agenda Items 7.1 & 7.2 and withdrew from the meeting at 1.03pm.**

**Alderman J G Cox declared a pecuniary interest in Agenda Items 7.1 and 7.2 and withdrew from the meeting at 1.03pm.**

**Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of Agenda Items 7.1 – 7.2 inclusive.**

**Clayton Bevis spoke against item 7.1.**

**The Deputy Mayor handed the Chair to Ald Waddle at 1.21pm.**

**The Deputy Mayor resumed the Chair at 1.26pm.**

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7.1 13 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)

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**DECISION:** 11/08/2014

**RESOLUTION:** (1):

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

That the Recommendation be adopted.

**CARRIED 4:3**

**FOR VOTE - Ald D H McKenzie, Ald J D Ball, Ald R I Soward, Ald I S Norton**

**AGAINST VOTE - Ald A L Waddle, Ald R J Sands**

**ABSENT. DID NOT VOTE - Ald A M van Zetten, Ald R L McKendrick,  
Ald R L Armitage, Ald J G Cox, Ald A C Peck**

**ABSTAINED FROM VOTE - Ald D C Gibson**

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**7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings****FILE NO:** DA0211/2014**AUTHOR:** Leon Murray (Development Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

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**DECISION STATEMENT:**

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That Council approves DA0211/2014 for Residential - multiple dwelling; construction and use of two multiple dwellings at 15 Palmerston Avenue, Prospect subject to the following conditions:

**AMENDED PLANS REQUIRED**

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council and TasWater to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and TasWater and will then form part of the Permit. The amended plans must show:

- a. Confirmation that Unit 2 accords with the requirements of TasWater's Submission to Planning Authority Notice (SPAN) TWDA No. 14-156 - N for minimum clearance to the sewer main and location of footings in relation to the zone of influence for the sewer main. Should the current location of Unit 2 not accord with the requirements, it may need to be moved further away from the easement.

**FRONT FENCE**

Any fence along the frontage must be constructed in accordance with the following requirements, otherwise planning approval is required:

- a. 1.2m if the fence is solid
  - b. 1.8m, if any part of the fence has openings above a height of 1.2m which provide uniform transparency of not less than 30% (excluding any posts or uprights)
-



**7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**LEGAL TITLE**

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

**LAPSING OF PERMING**

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.

**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.

**TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 14-156 - N (as attached to the Permit).

**MULTIPLE DWELLINGS - SERVICE FACILITIES**

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

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

**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.

**WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742.

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## **7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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The explicit permission of Council's Roads & Hydraulics Department is required prior to undertaking works where the works:

- a. Requires a road or lane closure;
- b. Are in nominated high traffic locations;
- c. Involve opening or breaking trafficable surfaces; or
- d. Require occupation of the road reserve for more than one week at a particular location.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works must form the explicit approval.

All works that involve the opening or breaking of trafficable surfaces within the road reserve must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with Council as a "Registered Contractor".

### **VEHICULAR CROSSINGS**

Before the commencement of the use, a new vehicular crossover must be provided to service this development. An application for such work must be lodged on the approved form. All unused crossovers and driveways must be removed prior to the occupation of the development.

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 Roads and Hydraulics 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 (eg TasWater, Telstra, and 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.

### **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.

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## **7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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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.

### **CAR PARKING CONSTRUCTION**

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

- a. Be designed to comply with the Australian 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,
- 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;

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

### **PROTECTION OF PIPELINES**

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5 metres from the outer edge of the pipe,
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. There must be a minimum clear space between buildings or substantial structures of at least 3 metres in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the General Manager or his delegate pursuant to Section 13 of the *Urban Drainage Act 2013*.

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**7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**AMENITY**

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

**Notes****Building Permit Required**

*Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

**Occupancy Permit Required**

*Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.*

**Plumbing Permit Required**

*Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.*

**General**

*This permit was issued based on the proposal documents submitted for DA0211/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
  - b. Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or*
  - c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
  - d. Any other required approvals under this or any other Act are granted.*
-

**7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

---

*This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.*

**Restrictive Covenants**

*The granting of this permit takes no account of any covenants applicable to the land. 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**

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

**Appeal Provisions**

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

*For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>*

**Permit Commencement.**

*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.*

**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.*

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**7.2 15 Palmerston Avenue, Prospect - Residential - multiple dwellings; construction and use of two multiple dwellings...(Cont'd)**

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**Clayton Bevis spoke against item 7.2.**

**DECISION: 11/08/2014**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED 4:3**

**FOR VOTE - Ald D H McKenzie, Ald J D Ball, Ald R I Soward, Ald I S Norton**

**AGAINST VOTE - Ald A L Waddle, Ald R J Sands**

**ABSENT. DID NOT VOTE - Ald A M van Zetten, Ald R L McKendrick,  
Ald R L Armitage, Ald J G Cox, Ald A C Peck**

**ABSTAINED FROM VOTE - Ald D C Gibson**

**Ald A M van Zetten re-attended the meeting and resumed the Chair at 1.37pm.**

**Ald J G Cox re-attended the meeting at 1.37pm.**

**Ald R J Sands withdrew from the meeting at 1.37pm.**

**Ald R I Soward withdrew from the meeting at 1.37pm.**

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

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## **8 ANNOUNCEMENTS BY THE MAYOR**

### **8.1 Mayor's Announcements**

**FILE NO:** SF2375

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#### **Tuesday 29 July**

- Attended UTAS Opening of the Exhibition Luminous World - Contemporary Art

#### **Wednesday 30 July**

- Officiated at Community Housing Official Opening of new Mowbray Office
- Attended CEO Tasmania Event

#### **Thursday 31 July**

- Attended Lady Gowrie 75 years birthday celebration

#### **Friday 1 August**

- Attended UTAS Asia Institute Networking Drinks

#### **Saturday 2 August**

- Officiated at Scottsdale Christian Business Mens' Community meeting

#### **Sunday 3 August**

- Attended AFL Hawthorn vs Western Bulldogs

#### **Monday 4 August**

- Officiated at Private citizenship ceremony
- Officially opened Art Exhibition by Debbie Tiffin

#### **Tuesday 5 August**

- Met with Ikeda visiting teachers and students
- Attended PCYC Opening Night performance of "CATS"

#### **Wednesday 6 August**

- Attended White Ribbon Ambassadors Breakfast event
- Officiated at Junction Arts Festival Launch

#### **Thursday 7 August**

- Attended TCCI Business event - "What is Bell Bay Aluminium's formula for success?"
  - Attended UTAS Fuse Magazine Launch
-

## 8.1 Mayor's Announcements...(Cont'd)

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### **Saturday 9 August**

- Attended Red Rose Day in Remembrance of Jessica Kupsch
- Officiated at Legacy Annual Changeover Luncheon
- Officially welcomed guests at Tasmanian Open DanceSport Championships

### **Sunday 10 August**

- Officiated at Door of Hope 130th Birthday Celebrations

**In addition to the above, the Mayor further noted:**

- **This week a Civic Reception for the Red Cross will be held to recognise and celebrate 100 years of service. The community appreciates all the work carried out by the Red Cross.**

**Ald R I Soward re-attended the meeting at 1.41pm.**

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## 9 ALDERMEN'S/DELEGATES' REPORTS

### 9.1 Ald Gibson - City Heart Project

Alderman D C Gibson reported:

- **Noted how fantastic it was to see the City Heart Project come to life. Along with some great media coverage, it was exciting to see the involvement of community members and businesses.**
  - **The Mayor noted a number of positive comments were received for this event.**
-

## 10 QUESTIONS BY ALDERMEN

### 10.1 Ald Soward - Re-instatement of work carried out by NBN

Aldermen's Question: **Alderman R I Soward** asked

**Could Aldermen please receive an update regarding the re-instatement of work carried out around the city by the NBN Network? Where are we at this stage?**

**This question was taken on notice.**

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## 11 COMMITTEE REPORTS

### 11.1 Heritage Advisory Committee

**FILE NO:** SF2965

**AUTHOR:** Fiona Ranson (Urban Design & Heritage Planner)

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

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#### **DECISION STATEMENT:**

To receive and consider a report from the Heritage Advisory Committee's meeting held on 26 June 2014.

#### **RECOMMENDATION:**

That Council receive the report from the Heritage Advisory Committee meeting held on 26 June 2014.

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

**DECISION: 11/08/2014**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY 8:0**

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

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

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**12    PETITIONS**

Nil

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**13 NOTICES OF MOTION - FOR CONSIDERATION****13.1 Notice of Motion - Alderman McKenzie - Civic Reception for Richie Porte****FILE NO:** SF5547 / SF0165**AUTHOR:** Alderman McKenzie**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a Notice of Motion from Alderman McKenzie.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That the Launceston City Council (subject to discussion and agreement with Richie Porte) holds a civic reception to recognise the significant achievements of Richie Porte.

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**Alderman D H McKenzie spoke to this item.**

**Ald R J Sands re-attended the meeting at 1.50pm.**

**DECISION: 11/08/2014**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY 9:0**

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## DIRECTORATE MINUTES ITEMS

14 DEVELOPMENT SERVICES  
Nil

15 FACILITY MANAGEMENT  
Nil

16 QUEEN VICTORIA MUSEUM AND ART GALLERY  
Nil

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**17 INFRASTRUCTURE SERVICES****17.1 Lease - South Launceston Football Club****FILE NO:** SF0899**AUTHOR:** Andrew Smith (Manager, Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**DECISION STATEMENT:**

That Council considers leasing the buildings situated at 21 Highgate Street (Folio 50364/1 and 22410/171) adjacent to Youngtown Oval as marked on the attached map to the South Launceston Football Club.

Pursuant to Section 178(3) of the *Local Government Act 1993* the lease of public land requires an absolute majority decision of Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Meeting Item 17.3 - 10 June 2014

**RECOMMENDATION:**

That Council, pursuant to the provisions of Section 177 *Local Government Act 1993*, agrees to lease the buildings situated at 21 Highgate Street (Folio 50364/1 and 22410/171) adjacent to Youngtown Oval as marked on the attached map to the South Launceston Football Club for a period of ten years under the following terms:

- the term shall be five years commencing on 1 July 2014 and extended a further five years if the South Launceston Football Club continue with the repayments of their debt as per the agreed repayment plan within the first five year period.
  - the lease rental shall be applied in the following scale plus GST and linked to CPI:
    - Year 1 - \$6,535
    - Year 2 - \$6,769
    - Year 3 - \$7,179
    - Year 4 - \$7,589
    - Year 5 - \$8,000 (and beyond)
  - the fees in relation to Government taxes (land tax), Council rates and building insurance are to be charged at 35% of the total annual amount for the term of the lease.
-

**17.1 Lease - South Launceston Football Club...(Cont'd)**

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- tenant to be responsible for:
    - energy costs (if any)
    - volumetric and connection charges for water
    - sewer charges
  - tenant shall continuously maintain:
    - building in good and reasonable order
    - contents insurance
    - public liability insurance of at least \$10 million.
- 

**Mr S Eberhardt (Manager Technical Services) and Mr A Smith (Manager, Parks & Recreation) were in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 11/08/2014**

**RESOLUTION: (1):**

**Moved Alderman D H McKenzie, seconded Alderman J G Cox.**

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY 9:0**

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## COUNCIL MINUTES

Monday 11 August 2014

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### 18 CORPORATE SERVICES

#### 18.1 Audit Committee Policy (14-Plx-010)

**FILE NO:** SF3611

**AUTHOR:** Paul Gimpl (Manager Finance)

**DIRECTOR:** Michael Tidey (Director Corporate Services)

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#### **DECISION STATEMENT:**

To consider a revision of the Audit Committee Policy including a change of name to the Audit Committee Charter.

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

Item 4.3 - SPPC 2 April 2012 - *It was resolved that the policy go to the Council for a decision*

Item 18.1 - Council 28 May 2012 - *Council approved the update of the policy with significant changes*

Item 4.4 - SPPC 7 April 2014 - *It was resolved that the policy go to the Council for a decision*

Item 11.1 - Audit Committee 22 May 2014 - *It was resolved that the policy be reviewed further then go to the Council for a decision*

#### **RECOMMENDATION:**

That Council consider the draft Audit Committee Policy (14-Plx-010) as follows.

#### **Audit Committee Charter (14-Plx-010)**

##### ***PURPOSE:***

To set out the role, responsibilities, structure and processes of the Audit Committee.

##### ***SCOPE:***

Applies to the oversight of all Council's policies and processes (used in all the directorates and entities that are subject to Council control) that manage, administer or operate the systems of:

- a) Financial control and reporting, or
  - b) Audit, or
  - c) Risk
-

**18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)**

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***POLICY:*****Legislative Framework**

The Audit Committee is a special committee formed under Section 24 of the Local Government Act 1993.

**Objectives**

The Audit Committee is an advisory Committee of Council with delegated responsibilities as detailed in this policy. The key objectives of the Audit Committee are:

- a) To assist Council in the effective conduct of its financial reporting responsibilities,
- b) The management of risk,
- c) Maintaining a reliable system of internal controls, and
- d) Facilitating the conduct of the Council's activities in an ethical and responsible manner.

The Audit Committee is to:

- a) Assist with the coordination of the internal and external audit functions to achieve overall organisational objectives in an efficient and effective manner.
- b) Oversee changes to the Council estimates in accordance with Section 82 of the Local Government Act.

Outcomes sought for the Council and the community through the activities of the Audit Committee include:

- a) Enhanced internal and external financial reporting.
- b) Effective risk (financial and operational) management.
- c) Compliance with best practice guidelines, legislation and regulation.
- d) An effective internal audit function.
- e) Facilitation of effective communication between the auditors (internal and external), management and the Council.

**Role and Authority**

The Committee's role is to advise the Council, including recommendations, on matters relevant to the objectives and to make decisions on behalf of the Council through its delegated powers.

Subject to the specific delegations, the Audit Committee does not have authority to instruct management or authorise expenditure. However, the Committee can request management take action or provide information and as part of its reporting to Council, advise of any circumstances where these requests have not been agreed to.

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## **18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)**

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### **Responsibilities**

The Audit Committee is appointed by and responsible to the Council for the oversight of those activities necessary to progress and achieve its objectives.

The following are some of the duties of the Committee related to the key objectives.

### Financial and Management Reporting

- a) Review the Council's draft annual financial report, including:
  - Accounting policies and practices (including changes),
  - The process used to make significant accounting estimates,
  - Significant adjustments (if any) arising from audit process,
  - Compliance with reporting requirements.
  - Significant variances from estimates or prior years.
- b) Recommend adoption of the annual financial statements to the Council.
- c) Review draft quarterly reports and recommend their adoption to the Council.
- d) Review any business unit or special financial reports.

### Risk Management

- a) Monitor any significant issues relating to risk management, management's response and the actions taken as a result.
- b) Monitor the risk exposure of the Council by determining if management has appropriate risk management processes and adequate management information systems.

### Internal Audit

- a) Review and approve the scope of the internal audit plan and program and the effectiveness of the function. The review should consider whether the plan systematically addresses
    - Internal controls over significant areas of risk.
    - Internal controls over revenue, expenditure, assets and liability processes.
    - 'Value for money' of significant Council programs.
    - Compliance with legislation, policies and contractual terms.
  - b) Review the appropriateness of special internal audit assignments.
  - c) Review internal audit reports and monitor the performance of management in responding to recommendations.
  - d) Facilitate the interaction between the internal and external auditor to achieve optimal audit efficiency.
  - e) Monitor ethical standards and any related party transactions to determine whether the systems of control are adequate.
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**18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)**

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External Audit

- a) Review and approve the scope and planning of the external audit with the auditor.
- b) Discuss any issues including those raised in the management letter and authorise the final resolution.

Other

- a) Review tendering arrangements and advise the Council.
- b) Review issues relating to national competition policy.
- c) Review performance indicators.
- d) Consider any performance audit reports presented by the Auditor General and the implications for the Council.
- e) Identify or oversee the investigation (including issues referred by the Council or the General Manager) and reporting of any areas or issues requiring review.
- f) Oversee the investigation of any suspected cases of fraud.
- g) Monitor any major claims or lawsuits by or against Council.
- h) Report to the Council after each meeting and as necessary on the issues considered and the Committee's performance indicators.

**Membership and Remuneration**

The membership of the Committee will be:

- a) Two aldermen appointed through the process for Council committees, and
- b) At least two external independent members one of whom will be the Chair of the Committee. Additional members may be approved by the Council.

The Council's Community Appointments to Advisory Committees Policy (14-Plx-029) provides a framework for the appointments of members of the public to committees.

In regard to this policy these provisions are extended as follows:

- a) The Chair is required to have relevant business or commercial experience and preferably qualifications,
  - b) The Chair must meet requirements commonly referred to as the 'fit and proper person test',
  - c) The Chair must not have any conflict of interest or conflict of duty in the matters that are likely to be considered by the Committee,
  - d) The Chair must be available to attend meetings subject to the usual meeting schedule, as determined by the Committee from time to time,
  - e) Remuneration will be paid to each external member of the Committee on a set fee per annum, or another basis as appropriate.
  - f) The evaluation of any external persons will be undertaken by the Mayor and General Manager with a recommendation for appointment then to be made to the Council.
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**18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)**

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- g) Appointments of external persons are for a period of three years, subject to a maximum term of six years.
- h) If the Council proposes to remove a member of the Committee it must give written notice to the member and provide that member with the opportunity to be heard at a Council meeting which is open to the public.

**Meetings**

- a) The Committee shall meet at least quarterly, to coincide with reporting requirements. (Given the responsibilities of the Committee it is expected that there will be six to eight meetings per annum.)
- b) Additional meetings shall be convened at the discretion of the Chairperson or the written request of:
  - Mayor
  - General Manager
  - Committee Member
  - Auditor
- c) An external member of the Audit Committee shall be appointed as Chair. In the absence of the Chair, the Committee members will appoint an acting Chair for the meeting.
- d) A quorum shall be two.
- e) The General Manager or his delegate and the internal auditor should attend all meetings, except where the full Committee chooses to meet in camera.
- f) Council staff and aldermen may be invited to attend at the discretion of the Committee.
- g) Secretarial and administrative support shall be provided through the Corporate Services Directorate.
- h) Meetings shall be minuted and an agenda prepared and distributed at least 4 days prior to the meeting. The agenda will be structured around the functional areas of responsibility, i.e. reporting, audit and risk.
- i) The agenda will be available to all aldermen, directors and staff involved in the meeting.

**DELEGATIONS:**

The Council authorises the Audit Committee, in accordance with the provisions of Sections 22 (Delegations) and 82 (Estimates) of the Local Government Act to determine the following matters:

- a) Minor budget adjustments up to \$500,000 (approximately 1 percent of the total rate revenue) to individual items within any estimate referred to in Section 82(2)). (See policy definition section for explanation)
  - b) Changes to the Council's risk register.
  - c) Approve internal and external audit plan.
-

**18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)**

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- d) Authorise the final resolution of issues raised in management letters from audits.
- e) Make recommendations to the Council on matters reasonably within the responsibilities of the Committee.

**PRINCIPLES:**

- The Committee is to be and act independently of management and the Council.
- The Committee has delegated decision making power within the scope of its role and expertise to assist with the effective governance of the Council. Management are required to ensure that all reasonable requests are complied with and that reasonable financial resources are provided, within the budget framework.
- The Committee will discharge its role in a constructive way that improves the operation of the Council in the area of Committee responsibility.

**RELATED POLICIES & PROCEDURES:**

14-PI-004 Governance Arrangements Policy  
12-PI-001 Budget Management Policy  
14-HLPr-003 Committee Representation Details  
11-PI-002 Tender Review Committee Policy  
14-Plx-029 Community Appointments to Advisory Committees Policy  
11-PI-001 Procurement Policy

**RELATED LEGISLATION:**

Section 22 of Local Government Act (Delegations)  
Section 24 of Local Government Act (Special Committees)  
Section 82 of Local Government Act (Estimates)  
Audit Act 2008

**REFERENCES:**

Audit Committees - A Guide to Good Practice ISBN 978-1-876604-03-05 (AICD)

**DEFINITIONS:**

Estimates (Section 82 of Local Government Act)

- (2) Estimates are to contain details of the following:
    - (a) the estimated revenue of the council;
    - (b) the estimated expenditure of the council;
    - (c) the estimated borrowings by the council;
    - (d) the estimated capital works of the council;
    - (e) any other detail required by the Minister.
  - (4) A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.
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**18.1 Audit Committee Policy (14-Plx-010)...(Cont'd)**

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- (5) A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered.
- (6) A council, by absolute majority, may authorise the general manager to make minor adjustments up to specified amounts to individual items within any estimate referred to in subsection (2) so long as the total amount of the estimate is not altered.
- (7) The general manager is to report any adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.

**Delegations (Section 22 of Local Government Act)**

- (3) A council must not delegate any of its powers relating to the following:
  - (d) the revision of the budget or financial estimates of the council.

The critical concept is 'estimate', this is a total or high level summary of revenue or expenditure (etc) it is not the individual or detailed item. Thus the legislation provides considerable scope for the delegation of authority to manage day to day budget changes.

**Fit and Proper Person Test**

Refers to assessing the capability of a person in terms of their qualifications and experience (Fit) and ethical standards (Proper).

***REVIEW:***

This policy will be reviewed no more than 2 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

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**Mr P Gimpl (Manager Finance) was in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION: 11/08/2014**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY 9:0**

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**19 GENERAL MANAGER**  
Nil

**20 URGENT BUSINESS**  
Nil

**21 INFORMATION / MATTERS REQUIRING FURTHER ACTION**  
Nil

**22 CLOSED COUNCIL**  
Nil

**23 MEETING CLOSURE**

**The Mayor closed the meeting at 2.00pm.**

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