



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
TUESDAY 10 MARCH 2015**

City of Launceston

COUNCIL MINUTES

Tuesday 10 March 2015

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

Date: 10 March 2015

Time: 1.00 pm

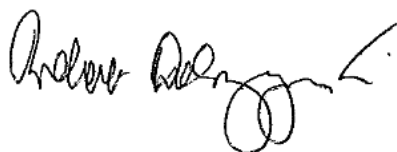
Section 65 Certificate of Qualified Advice

Background

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

Declaration

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



Robert Dobrzynski
General Manager

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1.00pm.

2 DECLARATION OF PECUNIARY INTERESTS

Alderman J Finlay declared a pecuniary interest in Agenda Item 7.4.

3 CONFIRMATION OF MINUTES**RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 23 February 2015 be confirmed as a true and correct record.

DECISION: 10/03/2015**RESOLUTION: (1):**

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

2. That the Minutes of the meeting of the Launceston City Council held on 23 February 2015 in closed session be confirmed as a true and correct record.

RESOLUTION: (2):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Nil

6 PUBLIC QUESTION TIME**6.1 Chris Penna - Cataract Gorge Management Plan**

Public Question - Chris Penna asked:

What is the status of the development standards in the Cataract Gorge Management Area Code in relation to the standards of the General Residential Zone and what is the Council's position towards the implementation of the Cataract Gorge Management Area Codes especially in relation to community values?

Mr R Jamieson (Manager Planning Services) stated that the Cataract Gorge Management Area Codes are in line with community values.

6.2 Mary O'Dowd - Development Applications Enforcement

Public Question - Mary O'Dowd asked:

What formal provisions and processes does the Council have in place to enforce development application conditions that must exist for the life of the development and what status do these have in law especially in relation to any other relevant Acts and Regulations, for example the Fencing Act?

Mr R Jamieson (Manager Planning Services) stated that the provisions to enforce development applications provisions are set out in the *Land Use Planning and Approvals Act 1993*.

Mr R Dobrzynski (General Manager) stated that the provisions of the Fencing Act should not be seen as separate from any provisions in terms of planning conditions imposed by the City of Launceston and that conditions should be mutually compatible rather than mutually exclusive.

6.3 Mark Brown - Motion Regarding Support for Marriage Equality

Public Question - Mark Brown asked:

Please describe the mission of the Council and how the marriage equality motion to be discussed today fits into their mission?

The Mayor stated that the mission statements, goals and outcomes are contained in a variety of Council publications. The powers and functions of Alderman are very broad and covered in the *Local Government Act 1993*.

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items 7.1 - 7.4.

7 PLANNING AUTHORITY

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings

FILE NO: DA0623/2014

AUTHOR: Jacqui Tyson (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

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:

It is recommended that in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2012, a permit be granted pursuant to a delegation from Council, for DA0623/2014 Residential - multiple dwellings; construction of one and use of two multiple dwellings at 22 Campbell Street, Newstead in accordance with the endorsed plans and subject to the following conditions.

1. ENDORSED PLANS & DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Council unless modified by a condition of the permit:

- a. Site Plan Proposed, Prepared by Prime Design, Drawing No.PD14216-0-02, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
 - b. Landscape Plan, Prepared by Prime Design, Drawing No.PD14216-0-05, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
 - c. Site section/Driveway, Prepared by Prime Design, Drawing No.PD14216-0-04, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
-

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)

- d. Demolition Plan, Prepared by Prime Design, Drawing No.PD14216-1-01, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- e. Floor Plan Unit 1, Prepared by Prime Design, Drawing No.PD14216-1-02, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- f. Elevations Unit 1, Prepared by Prime Design, Drawing No.PD14216-1-03, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- g. Floor Plan Unit 2, Prepared by Prime Design, Drawing No.PD14216-2-01, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- h. Elevations Unit 2, Prepared by Prime Design, Drawing No.PD14216-2-02, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- i. Elevations Unit 2, Prepared by Prime Design, Drawing No.PD14216-2-03, Proposed Unit Development 22 Campbell Street, Launceston, Revision No. 01, Dated 22/12/2014.
- j. Site Distance Report, Prepared by RK Consulting Engineers, 22 Campbell Street, Newstead, Dated December 2014.

2. LEGAL TITLE

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

3. 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.

4. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

5. SCHEDULE OF MATERIALS/COLOURS

Prior to the commencement of the works, a printed sample and schedule of external building materials, finishes and colours, including details of cladding and roofing materials, must be submitted for approval by Manager Planning Services. The colour schedule should be designed to achieve a coordinated appearance within the proposed development and harmonise with the existing streetscape and should include a painted or rendered finish for the foundation of the proposed dwelling. Once approved, the schedule will be endorsed to form part of the planning permit.

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2015/00032-LCC) attached.

7. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

- Monday to Friday - 7am and 6pm
- Saturday - 9am to 6pm
- Sundays and Public Holidays - 10am to 6pm

8. FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of at least:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m elsewhere when measured from the highest finished level on either side of the common boundaries.
- c. A further 500mm of lattice (or similar) of not more than 50% transparency is to be attached to the top of the north eastern boundary fence, from the northern corner of the site to the private open space area of the existing dwelling (unit 1).

9. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. Each 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.
- d. Each dwelling is to be provided with one (1) bicycle parking space in accordance with the requirements of the Launceston Interim Planning Scheme 2012 and the Australian Standard AS2890.3.

10. AMENDED PLANS REQUIRED

Before the use and or development commences, the endorsed plans shall be amended to show the following requirements:

- a. Plan view and long-section of the proposed driveway off Douglas Street to demonstrate compliance with Tasmanian Standard Drawings (TSD), in particular showing:
-

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)

- i. Any proposed alterations to the footpath, with the cross-fall maintained at 4% or less where it crosses the driveway;
- ii. The longitudinal gradient of the driveway outside the property boundary at 20% or less;
- iii. The parking area with a cross-fall of 5% or less;
- iv. A driveway crossover of an approved type (TSD-R16,R17).

The amended plans must be drawn to scale with dimensions and four copies must be provided. When approved by the Manager Planning Services the plans will be endorsed and will then form part of the permit and shall supersede the original endorsed plans.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

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

12. 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 shall 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".

13. VEHICULAR CROSSINGS

Before the commencement of the use, a new vehicular crossover shall 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.

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)

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.

14. 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.

15. FILLING OF LAND

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

16. CONSTRUCTION OF RETAINING WALLS

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

17. 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.

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)

18. NO BURNING OF WASTES

No burning of solid wastes is to be carried out on the site in such a manner so as to become a proven environmental nuisance to the occupiers of properties nearby.

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 DA0623/2014. 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. An extension may be granted subject to the provisions of the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

7.1 22 Campbell Street, Newstead - Residential - multiple dwellings; construction of one and use of two multiple dwellings...(Cont'd)

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>>

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.

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of Agenda Items 7.1 – 7.4 inclusive.

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

DECISION: 10/03/2015

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED 11:1

AGAINST VOTE - Ald R L McKendrick.

COUNCIL MINUTES

Tuesday 10 March 2015

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works

FILE NO: DA0615/2014

AUTHOR: Leon Murray (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

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:

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted for DA0615/2014 Storage - subdivision - subdivide 2 lots into 16 lots plus road and roadworks on St Leonards Road at 42 St Leonards Road, St Leonards in accordance with the endorsed plans and subject to the following conditions.

1. ENDORSED PLANS & DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Council unless modified by a condition of the permit:

- a. Subdivision plan, prepared by Centrum Architects, drawing no. TP02, project name subdivision at 42 St Leonards Road, St Leonards, (Revision No. eg Rev 04), dated December 2014;
- b. Traffic impact assessment for 42 St Leonards Road, St Leonards, prepared by Midson Traffic Pty Ltd, dated December 2014;
- c. Traffic impact assessment for 42 St Leonards Road, St Leonards, prepared by Midson Traffic Pty Ltd, dated 17 December 2013;
- d. Traffic impact assessment - addendum to TIA for 42 St Leonards Road, St Leonards, prepared by Midson Traffic Pty Ltd, dated October 2013
- e. Traffic Impact Assessment for 42 St Leonards Road, St Leonards, prepared by GHD Pty Ltd, dated July 2013

2. 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

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

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.

3. 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.

4. 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.

5. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 2015-00130-LCC (attached).

6. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
- b. Such covenants or similar controls are expressly authorised by the consent in writing of the Council; or
- c. Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a plan of survey and associated title documentation is submitted to Council for sealing.

7. CERTIFICATION FROM BUILDING SURVEYOR

Prior to sealing the final plan, the applicant must submit the following to the planning authority:

- a. Certificate of Completion for Building &/or Plumbing Permits for the installation of the fire walls;
- b. Statement of certification signed by the appointed Building Surveyor confirming ALL required fire walls have been installed and compliant along the proposed boundary lines (fire source features) as shown on the final plan.

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.

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

9. 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".

10. ROAD CROSSINGS FOR SERVICE CONNECTIONS

Where it is required by a service provider (i.e. TasWater, Telstra, Aurora, etc) to upgrade, relocate or remove the existing connection or install a new connection, the developer must apply to Council's Roads and Hydraulics Manager for approval to install the connection across Roads 1, 2 and 3.

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

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

11. 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.

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

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

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

12. FILLING OF LAND

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the final plan being sealed, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

13. 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 will 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 their delegate pursuant to Section 13 of the *Urban Drainage Act 2013*.

14. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

15. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Electricity infrastructure including street lighting;
 - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network;
 - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- b. Be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. Be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. Be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

16. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the Director Infrastructure Services.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. Provision of a public drainage system, discharging to a natural drainage course or existing public system, to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve;
 - ii. The provision of a suitably sized connection to the lowest point of each lot;
 - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
 - b. St Leonards Road
 - i. Provision of a fully constructed road junction from St Leonards Road in accordance with the requirements of Department. Infrastructure, Energy and Resources including all pavement widening, drainage, line marking, signage and any other traffic management devices required;
 - ii. Provision of indented parking bays catering for not less than 6 cars on the eastern side of St Leonards Road to offset the loss of parking caused by (i) above;
-

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

- iii. Provision of a shared vehicular crossing designed for heavy vehicles for proposed Lots 14 and 15;
 - iv. Installation of KC type kerb along the St Leonards Road frontage of the site with a clear space behind the kerb of not less than 2.00m;
 - v. Provision of pedestrian kerb ramps and linking footpath from the internal footpaths to the footpath located on the eastern side of St Leonards Road.
- c. Road 1
- i. Provision of a fully constructed 11 metre wide road, measured face of kerb, for the full length of all the property frontages, complete with KC type kerb and channel and vehicular crossings designed for heavy vehicles for each lot having primary frontage to the road;
 - ii. Provision of a temporary gravel turning head at the end of the cul de sac with a diameter of 18.0 metres measured face of kerb;
 - iii. Provision of 1500 mm wide footpath on one side and all necessary pedestrian kerb ramps at intersections;
 - iv. Provision of all necessary signage, line marking and other traffic control devices.
- d. Road 2
- i. Provision of a fully constructed 11 metre wide road, measured face of kerb to face of kerb, for the full length of all the property frontages, complete with KC type kerb and channel and vehicular crossings designed for heavy vehicles for each lot having primary frontage to the road;
 - ii. Provision of a turning head at the end of the cul de sac with a diameter of 18.0 metres measured face of kerb to face of kerb;
 - iii. Provision of 1500 mm wide footpath on one side and all necessary pedestrian kerb ramps at intersections;
 - iv. Provision of all necessary signage, line marking and other traffic control devices.
- e. Road 3
- i. Provision of a fully constructed 11 metre wide road, measured face of kerb, for the full length of all the property frontages, complete with KC type kerb and channel and vehicular crossings designed for heavy vehicles for each lot having primary frontage to the road;
 - ii. Provision of a turning head at the end of the cul de sac with a diameter of 18.0 metres measured face of kerb to face of kerb;
 - iii. Provision of 1500 mm wide footpath on one side and all necessary pedestrian kerb ramps at intersections;
 - iv. Provision of all necessary signage, line marking and other traffic control devices.
-

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

- f. Electricity, Communications & Other Utilities
 - a. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Planning Authority;
 - b. An underground telecommunications system must be provided to service all lots and installed to the approval of the Planning Authority;
 - c. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure;
 - d. Provision of reticulated gas network to service all lots and installed to the approval of the Planning Authority.

All construction works must be undertaken in accordance with the document: Tasmanian Subdivision Guidelines (available from the Local Government Association of Tasmania website). These Guidelines specify:

- a. Construction requirements;
- b. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities;
- c. Construction Audit inspections;
- d. Practical Completion and after a 12 months defects liability period the Final Inspection & Hand-Over.

17. ACCESS OVER ADJACENT LAND

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- a. Advise Council 21 days before access is required onsite so that notices pursuant to the *Urban Drainage Act 2013* can be issued to the landowner; then
- b. Contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works; and
- c. Ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie legal, valuation, etc if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.

18. WORKS REQUIRED FOR EACH LOT IN A STAGE

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. Fully constructed public road along all frontages, including the secondary frontage where a corner lot;
-

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

- b. A sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition;
- c. A stormwater connection to the public drainage system;
- d. Access to underground electricity and communications infrastructure; and
- e. Where applicable, reticulated gas infrastructure.

19. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide Council with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure Services Directorate;
- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works;
- c. Compaction and soil test results for all earthworks or pavement works;
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

20. EASEMENTS

Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3 metres for Council (public) mains. A greater width will be required in line with the LCC document '*How close can I build to a Council Service?*' where the internal diameter of the pipe is greater than 475 mm or where the depth of the pipe exceeds 2.1 metres. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

21. SEALING PLANS OF SUBDIVISION

No plan of survey will be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements;
 - b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services;
 - c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.
-

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

Any other payment or action required by a planning permit condition to occur prior to the sealing of the final plan of survey.

22. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the Director Infrastructure Services, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

23. SEPARATION OF SERVICE CONNECTIONS

The applicant must locate and identify the existing service connections (water supply, sewer and stormwater) for the existing development of the land and complete the following work:

- a. Ensure that each new title has a single connection to a public stormwater main or kerb adaptor with all other connections being capped;
- b. Where required, reroute internal stormwater or sewer pipes within each lot so as to provide an independent system for each lot;
- c. Stormwater drains that do cross the new title boundary between lots must be upgraded to a public drain standard or where permitted must be subject to private easement;
- d. Ensure each lot has a water connection and meter in accordance with the requirements of TasWater.

The applicant must provide detailed construction plans of all proposed public works prepared by suitably qualified persons and complying with current Council standards and approved by Council's Director Infrastructure Services prior to any works commencing. A fee of 1.5% of the public works estimate (or a minimum of \$250) is payable for any public works. Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

24. AS CONSTRUCTED PLANS

An "as constructed" plan must be provided in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure Services Directorate.

Notes**General**

This permit was issued based on the proposal documents submitted for DA0615/2014. 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.

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

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.

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>>

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. A copy of Council's Notice to Waive Right of Appeal is attached.

Toni Rosier spoke to the item.

Jan Bingley spoke to the item.

Frank Nott spoke to the item.

7.2 42 St Leonards Road, St Leonards - Storage - subdivision - subdivide 2 lots into 16 lots plus road and road works...(Cont'd)

Alderman J Finlay withdrew from the meeting at 1.25pm.
Alderman J Finlay re-attended the meeting at 1.35pm.

DECISION: 10/03/2015

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

No voting took place.

RESOLUTION: (2):

Moved Alderman J G Cox, seconded Alderman R I Soward.

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

CARRIED UNANIMOUSLY 12:0

RESOLUTION: (3):

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

That the Recommendation be adopted and include the following condition - 16 Construction of Works (b)(i) St Leonards Road:

b. St Leonards Road

- i. Provision of a fully constructed road junction from St Leonards Road in accordance with the requirements of Department. Infrastructure, Energy and Resources including all pavement widening, drainage, line marking, signage and any other traffic management devices required; and in addition that a slip road be constructed for north bound traffic entering the development on the land owned by the developer and that the current road markings be moved back to original position consistent with an agreed Traffic Management Plan.***

CARRIED UNANIMOUSLY 12:0

COUNCIL MINUTES

Tuesday 10 March 2015

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling

FILE NO: DA0600/2014

AUTHOR: George Walker (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

There are no records of previous Council decisions for the subject property.

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2012, a permit be granted pursuant to a delegation from Council, for DA0600/2014 Residential - single dwelling; construction of a new dwelling on land located at 7 Highland Rise, Kings Meadows in accordance with the endorsed plans and subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans to the satisfaction of the Council unless modified by a condition of the Permit:

- a) Planning Information Job No. 15001 Drawing No. A01 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
 - b) Site and Drainage Plan Job No. 15001 Drawing No. A02 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
 - c) Concept Plan Job No. 15001 Drawing No. A03 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
 - d) Reflected Ceiling Plan Job No. 15001 Drawing No. A04 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
 - e) Roof and Ceiling Plan Job No. 15001 Drawing No. A05 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
 - f) Elevations Job No. 15001 Drawing No. A06 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
 - g) Floor Plan Job No. 15001 Drawing No. A07 Drawn By Martin J Mol Building Consultants Pty Ltd dated January 2015;
-

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and/or use, amended plans must be submitted to the satisfaction of the Council 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 will then form part of the Permit. The amended plans must show:

- a) the additional parking area identified by the blue shading on the Planning Information Plan (Job No 15001 Drawing No. A01) is to be removed and converted to site landscaping which is to be included in the site landscaping plan as required by this permit;
- b) notwithstanding condition 2(a) above, the main driveway area identified by the red shading on the Planning Information Plan (Job No 15001 Drawing No. A01) can be extended to allow vehicles to reverse out of the internal garage and manoeuvre onsite in order to exit the driveway in a forward direction. Accordingly, the amended plan must include a vehicle turn path for a standard B85 vehicle demonstrating the specified manoeuvre.

3. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land.

4. 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.

5. USE OF RESIDENTIAL DWELLING

The use of the dwelling, in particular the rooms annotated on the Concept Plan (Job No. 15001 Drawing No. A03) as 'lounge/meeting' and 'waiting', for non-residential uses is limited to the parameters of a home occupation which is defined as the use of a dwelling where:

- a) no more than 40m² of floor area of the dwelling is used for non-residential purposes;
 - b) the person conducting the home occupation normally uses the dwelling as their principle place of residence;
 - c) it does not involve employment of persons other than a resident;
 - d) there is no more than the occasional visitor to the site for non-residential purposes;
 - e) any load on a utility is no greater than for a domestic use;
 - f) there is no activity that causes electrical interference to other land;
 - g) there is, on the site, no storage of hazardous materials;
 - h) there is, on the site, no display of goods for sale;
-

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)

- i) there is, on the site, no advertising of the home occupation other than 1 sign (non-illuminated) not exceeding 0.2m² in area;
- j) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;
- k) nor more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and
- l) any vehicle used for non-residential purposes is parked on the site.

The use of the dwelling for a home based business or any other non-residential purposes is not authorised by this permit.

6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

- Monday to Friday - 7am and 6pm;
- Saturday - 9am to 6pm;
- Sundays and Public Holidays - 10am to 6pm.

7. SITE LANDSCAPING PLAN

Prior to the commencement of the works, a landscape plan must be submitted to the satisfaction of Council's Manager Planning Services. The plan must be drawn to scale and must include the following details:

- a) Major identifying site features such as building footprints, topography, contours existing vegetation and street boundaries.
- b) Show all proposed garden areas and plantings which must include local native species that occur within the area.
- c) Show all proposed garden beds, fences, retaining walls, lawn, sealed surfaces and pathways.

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

- a) Be provided with convenient taps or a fixed sprinkler system installed for the purpose of watering all lawns and landscaped areas. Redirection of down pipes, on site storage of overland flows and the like are encouraged. Grey water reuse can be used subject to compliance.
- b) Be installed within 3 months from the completion of the building works.
- c) Be maintained as part of the development. It must not be removed, destroyed or lopped without further written consent of the Council.

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.

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)

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. 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 shall 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.

10 VEHICULAR CROSSINGS

Alterations to the vehicular crossover may be required 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.

11. 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.

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)

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

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

12. FILLING OF LAND

Site filling that exceeds a depth of 300 mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance Australian Standard AS 3798 and the endorsed plan.

13. CONSTRUCTION OF RETAINING WALLS

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

14. 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.

15. No burning of wastes

No burning of solid wastes is to be carried out on the site in such a manner so as to become a proven environmental nuisance to the occupiers of properties nearby.

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.

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)

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 DA0600/2014. 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 withdrawn or determined.*

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.

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.

7.3 7 Highland Rise, Kings Meadows - Residential - single dwelling; construction of a new dwelling...(Cont'd)

For more information see the Resource Management and Planning Appeal Tribunal website 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. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION: 10/03/2015

RESOLUTION: (1):

Moved Alderman E K Williams, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)

FILE NO: DA0594/2014

AUTHOR: Leon Murray (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PREVIOUS COUNCIL CONSIDERATION:

Council approved the construction and use of two multiple dwellings by permit DA0629/2007.

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted, for Residential - multiple dwellings; construction and use of a second dwelling and construction of a retaining wall (retrospective) at 3 Denison Grove, West Launceston in accordance with the endorsed plans and subject to the following conditions.

1. AMENDED PLANS REQUIRED

Prior to the issue of a building permit, amended plans must be submitted to the satisfaction of the Manager Planning Services to replace plans annotated as "Amended Plans Required" and attached to the permit. Once approved, these amended plans will be endorsed by the Manager Planning Services and will then form part of the permit. The amended plans must be reviewed by a registered surveyor and be based on a site survey and LIDAR data (provided on attachment A). The plans must show:

- a. The maximum height of the dwelling being no greater than 8m above natural ground level. The building's height must be certified by a registered surveyor.;
 - b. A minimum distance of 3m from the western edge of the first floor deck to the western property boundary;
 - c. The location of the dwelling and retaining walls as they have been constructed;
 - d. Annotation on the plans the extent of 1.8m high fencing (required by the permit condition for fencing) for private open space areas within 3m of each side boundary.
-

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

2. LEGAL TITLE

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

3. 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.

4. WASTE DISPOSAL BINS - DOMESTIC

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

- a. Common storage areas must have minimum dimensions of 2.4m by 1.8m;
- b. Exterior individual and common storage areas must be screened so they are not visible from any public road or thoroughfare;
- c. Be located in a convenient position that allows ease of access from the building and moving the bin to the kerbside on collection days;
- d. Be provided prior to the commencement of the use, maintained and used for the duration of the use.

5. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 2014/01402-LCC (attached).

6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

- a. Monday to Friday - 7am and 6pm;
- b. Saturday - 9am to 6pm;
- c. Sundays and Public Holidays - 10am to 6pm.

7. SITE LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be submitted for approval by the Manager Planning Services. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- a. Landscaped (i.e. pervious) areas comprising a minimum 25% of the site area;
 - b. Planting of a strip of low-flammability screen planting for a distance of 5m north of where the retaining wall meets the eastern boundary. This screen planting must be semi-mature when planted and reach a height of 4m when mature;
-

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

- c. Planting of a minimum of three trees within the front setback of the dwelling. These trees must be low-flammability and reach a height of 4m when mature;
- d. Major site features such as building footprints, topography, contours existing vegetation and street boundaries;
- e. Existing and proposed garden areas and plantings (including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity);
- f. Any stabilisation works required as a result of tree or vegetation removal;
- g. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- h. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas.

Once approved by the Manager Planning Services the plan will be endorsed and will form part of the permit. The landscaping must be:

- i. Have suitable soil provided as a growth medium to ensure the vegetation's long term viability;
- j. Installed in accordance with the endorsed plan;
- k. Completed prior to the use commencing;
- l. Maintained for the life of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

8. SCREEN PLANTING

A dense screen of trees or shrubs must be planted north of the retaining wall to a point 5m north of the retaining wall to ensure reasonable privacy for the adjoining property. The plant screen must be of low flammability species that obtain a minimum growth height of at least 4 metres when mature. This screen planting must be semi-mature when planted and maintained for the life of the development.

9. FENCING

Prior to the commencement of the use, all side boundaries must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and meet the following requirements:

- a. Be 1.8m high when measured from the as constructed ground level on the retaining wall;
 - b. Be maintained for the life of the development by the applicant or any subsequent owner of the dwelling approved by this permit.
-

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

Prior to the commencement of the use, all other private open space with a height greater than 1m above natural ground level must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a minimum height of 1.8m where it is within 3m of a side boundary. The colour of the fence along the northern edge of the retaining wall must be dark brown or dark green.

10. CONSENT FOR ELEVATED WALKWAY

Consent for the proposed elevated walkway to be partially located within the road reserve of Denison Road is granted by the Director Infrastructure Services on behalf of the Road Authority subject to the following conditions

- a. The walkway must be manufactured so as to be fully removable from the road reserve and must be designed with dedicated lifting points to allow removal by mechanical lifting.
- b. No part of the structure will be permitted with 300mm of the continuation of a line projected from the rear edge of the existing footpath in Denison Road.
- c. The deck of the elevated walkway where it is grounded in the road reserves must be not greater than 200mm above the edge of seal on Denison Road.
- d. The elevated walkway structure must be free from sharp edges and metal burrs.

The road authority will not maintain the elevated walkway. Should it fall into disrepair or become unsightly or unmaintained then Council may remove the walkway at the owner's cost and will not be liable for any replacement.

11. CAR PARKING CONSTRUCTION

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

- a. Be designed to comply with the following suite of Australian Standards AS 2890.1 Off-street car parking, AS 2890.2 Off-street commercial vehicle facilities (*where applicable*), AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities;
 - 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 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; and
-

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

- f. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site.

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

12. 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.

13. 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.

14. 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.

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

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 and the maintenance of all culverts, pipes and open drains within the road reserve.

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.

15. 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.

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

General

This permit was issued based on the proposal documents submitted for (insert application reference). 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.

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.

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

For more information see the Resource Management and Planning Appeal Tribunal website 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. A copy of Council's Notice to Waive Right of Appeal is attached.

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.

Street addresses for Multiple Dwellings

Residential addressing is undertaken in accordance with Australian Standard AS4819. The development has been assessed according to the standard and the following addresses allocated:

<i>Dwelling No</i>	<i>Street Address</i>
<i>Unit 1</i>	<i>3 Denison Grove</i>
<i>2</i>	<i>32 Denison Road</i>
<i>Body Corporate</i>	<i>3 Denison Grove</i>

The above addresses are to be adhered to when identifying the dwellings and their associated letterboxes.

Alderman J Finlay declared a pecuniary interest in Agenda Item 7.4 and withdrew from the meeting at 2.08pm.

Chris Penna spoke to the item.

Mary O'Dowd spoke to the item.

Lez Penzes spoke to the item.

7.4 3 Denison Grove, West Launceston - Residential - multiple dwellings; construction and use of second dwelling and construction of retaining wall (retrospective)...(Cont'd)

DECISION: 10/03/2015

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED 9:2

FOR VOTE - Alderman A M van Zetten, Alderman R I Soward, Alderman R J Sands, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D W Alexander, Alderman S R F Wood, Alderman E K Williams.

AGAINST VOTE - Alderman D C Gibson, Alderman A E Dawkins.

ABSENT. DID NOT VOTE - Alderman J Finlay

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

Alderman J Finlay re-attended the meeting at 2.24pm.

RESOLUTION: (2):

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

That the order of business be amended to facilitate consideration of Agenda Item 14.2 at 2.24pm.

CARRIED UNANIMOUSLY 12:0

8 ANNOUNCEMENTS BY THE MAYOR**8.1 Mayor's Announcements****FILE NO:** SF2375

Tuesday 24 February

- Attended Cataract Gorge Challenge launch
- Attended Tamar River Odyssey Dinner Cruise with Governor of Tasmania, Her Excellency Professor The Honourable Kate Warner AM and Mr Warner and members of the Tasmanian Legislative Council

Wednesday 25 February

- Attended Launceston Cup Official Luncheon and presented trophy to City of Launceston Race winner

Thursday 26 February

- Attended AFL Hawthorn v Collingwood NAB Cup Match

Friday 27 February

- Attended Local Government Regional Breakfast Series
- Officiated at Trevallyn Primary School Student Leaders function
- Officiated at UTAS Annual Student Welcome
- Attended Launceston Tamar Valley Tourism Association Seaport Twilight Market
- Attended New Horizons Club Awards Night

Saturday 28 February

- Attended Cricket Match on Big Screen in Civic Square

Sunday 1 March

- Officiated at Women's 5K Race

Wednesday 4 March

- Officiated at Peace Garden and Community Festival for Peace

Friday 6 March

- Officiated at Football Federation Tas Welcome BBQ
 - Attended Encore Theatre Company Opening Night performance of EVITA
-

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

Saturday 7 March

- Officially opened National Jaguar Rally
-

9 ALDERMEN'S/DELEGATES' REPORTS**9.1 Ald McKenzie - Pacific Airports Launceston Corporation**

Alderman D H McKenzie reported:

- **Board meeting at end of month and discussions with CEO regarding lengthy security line checks and provision of a second line.**

9.2 Ald Finlay - Integrity Commission's Speak-up Campaign and Heritage Committee

Alderman J Finlay reported:

- **Monday 2 March - attended an excellent workshop with the Integrity Commission and at a recent Council 'Did you Hear' session it was noted that Council has signed up to this campaign**
- **The Heritage Committee met recently - an invitation will be circulated for Aldermen to meet with the Heritage Committee to discuss heritage matters.**

9.3 Ald Dawkins - A Festival Called Panama 2015

Alderman A E Dawkins reported:

- **March 7 & 8 - attended 'A Festival Called Panama 2015' - promoted through ABC Radio and Triple J, this music and arts festival enlists local, national and international acts and incorporates a zero waste policy. Congratulations to organisers Tim Carol and Dan Rooke.**

9.4 Ald McKendrick - Franklin House Fair

Alderman R L McKendrick reported:

- **A reminder that the annual Franklin House Fair will be held on Sunday 15 March 2015.**
-

9.5 Ald Gibson - Launceston Safer Community Partnership and Northern Youth Coordinating Committee

Alderman D C Gibson reported:

- **Unfortunately due to state budget cuts Launceston Safer Community Partnership has farewelled David McIntee**
 - **Thursday 5 March - attended a special meeting of the Northern Youth Coordinating Committee in preparation for National Youth Week**
 - **The next Tasmanian Youth Forum will be held at Launceston Door of Hope on Friday 20 March. All Alderman are invited to attend.**
-

10 QUESTIONS BY ALDERMEN**10.1 Ald Sands - Lindsay Street Levee**

Alderman R J Sands asked:

- 1. By how much has the earth levee on Lindsay Street subsided?**
- 2. What is the engineer calculated weight of the Lindsay Street levee?**
- 3. What is the estimated cost to repair this levee when the height and safety levels are compromised?**
- 4. What is the cost to reinstate the walkways after the remediation work is completed?**

These questions were taken on notice.

10.2 Ald Wood - Australia Post Two Day Letter Delay

Alderman S R F Wood asked:

Australia Post is proposing a two-day letter delay. Will this affect the Council's 14 day period of notification for Development Applications? Can we investigate extending this period to 21 days?

Mrs L Hurst (Director Development Services) stated that this proposal will cut into timelines to process deemed approvals. Under legislation, the City of Launceston is not empowered to change current timelines.

10.3 Ald Gibson - Winter Period Events Timetable

Alderman D C Gibson asked:

With a recent forum conducted for those interested in events in Launceston during the winter period, where does Council presently stand on this matter and what are the next steps in this process?

Will Council stay in contact with the members of this forum?

Mr R Dobrzynski (General Manager) stated that the next step to further progress this matter will be to bring two presentations to the Strategic Planning and Policy Committee meeting in April, one on behalf of the General Manager outlining major cultural events and one on behalf of Mrs L Hurst (Director Development Services) regarding the events policy and its implementation to selected events. Mr R Dobrzynski (General Manager) noted that it will be necessary to keep in contact with forum participants.

10.4 Ald Gibson - Smoke Free CBD Areas within Launceston

Alderman D C Gibson asked:

What is the current status of the:

- **Smoke free legislation**
- **Working group that former Director Development Services Mr M Stretton and Cityprom were working on collaboratively regarding the expansion of boundaries**
- **Smoke free legislation with regard to enforcement?**

Mrs L Hurst (Director Development Services) provided a response to this question in Agenda Item 10.5.

10.5 Ald Soward - Smoke Free CBD Areas

Alderman R I Soward asked:

Can Aldermen please receive an update on the situation regarding smoke free areas in the Launceston and Council's implementation of motions passed by Council on the matter?

Mrs Leanne Hurst (Director Development Services) responded that previous decisions of Council on smoke free areas have included:

- **Council - 20 September 2010 Item 12.6 - that Council writes to the State Government to seek funding for the implementation costs associated with a ban on smoking in public places.**
 - **SPPC - 11 October 2010 Item 6.4 - Council considered the State's proposed new smoking bans.**
 - **Council - 13 December 2010 Item 12.5 - that Council:**
 - **determines as a matter of principle to declare smoke free areas in the following locations of the Launceston municipal area:**
 - **Brisbane Street Mall**
 - **Quadrant Mall**
 - **Two bus interchange areas in St John Street.**
 - **Requests the General Manager to provide a report, at the earliest opportunity, on the means by which the Council should proceed to implement its position and the manner in which such a declaration would be administered, with the report to investigate the use of the provisions of the *Public Health Act 1997*, as recently used by Hobart City Council to ban smoking within locations in the City of Hobart.**
 - **Agrees to implement these smoking restrictions commencing at the earliest opportunity.**
 - **Council - 31 January 2011**

A further report was presented to Council. The decision was that Council proceed with implementing the ban on smoking in the Brisbane Street Mall, Quadrant Street Mall and two bus interchanges as outlined. [Refer to Agenda Item 3.1 of 31 January 2011 Council Meeting.]
-

10.5 Ald Soward - Smoke Free CBD Areas...(Cont'd)

Mrs L Hurst reported that the progress of implementation was as follows:

- Council officers implemented this decision, signage/street markings were erected and a public education campaign commenced.
- In September 2013 the Department of Health and Human Services advised that the ability of Council to declare smoke-free areas did not extend to public streets and that such declaration required the making of specific regulations under the *Public Health Act 1997*.
- In 2014 the State Government passed regulations to define the smoke-free pedestrian malls within the state and that established smoking bans for:
 - Brisbane Street Mall
 - Quadrant Mall
 - two bus stops in St John Street
 - Civic Square.

The previous Director of Development Services commenced a review of the Council's No Smoking Policy and further work has been undertaken to review that policy in the past month.

It is anticipated that a report and recommendations will be brought to Council in the next two months. The intention is to align the Council policy more closely with section 67B of the *Public Health Act 1997* where 'smoke free area' is defined.

This will allow for a further review of the extent of no-smoking areas within the Launceston CBD (as now defined in the Act) to enable Aldermen to determine a position regarding any further extensions desired as a basis for representation to State Government if it wishes to seek further amendments.

Ald Gibson further enquired:

When the subsequent report returns can you please address the topic of enforcement?

Mrs L Hurst (Director Development Services) responded that further policy amendments and issues of enforcement would be investigated.

10.6 Ald Alexander - Civic Square

Alderman D W Alexander asked:

Who was responsible for the cricket event recently held in Civic Square and were residents notified regarding access to their property on the day of this event?

The question was taken on notice.

10.7 Ald McKenzie - Tender for Macquarie House Project

Alderman D H McKenzie asked:

What is the progress of the Macquarie House upgrade tender?

Mr R Dobrzynski (General Manager) stated that the Council is currently working through the requirements of the Australian Government.

Mr R Sweetnam (Director Facilities Management) stated that the General Manager has set out the scope of works required by the Australian Government before funds will be released for the project. As the Macquarie House Committee does not have the funds to carry out the work, the Australian Government has agreed to fund this work ahead of Council applying for full funding on behalf of the Committee.

The advertisement in the paper seeks applications from consultants who are able to carry out the planning and design work required.

10.8 Ald Alexander - Committee Meeting Date

Alderman D W Alexander asked:

Do we know when the last Macquarie House Committee meeting was held?

Mr R Dobrzynski (General Manager) responded that this information was not at hand.

11 COMMITTEE REPORTS**11.1 Tender Review Committee Meetings - 9 & 16 February 2015****FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider reports from the Tender Review Committee (a delegated authority committee).

RECOMMENDATION:

That Council receive the reports from the Tender Review Committee meetings held on 9 and 16 February 2015.

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

DECISION: 10/03/2015**RESOLUTION: (1):****Moved Alderman D H McKenzie, seconded Alderman J G Cox.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 12:0**

COUNCIL MINUTES

Tuesday 10 March 2015

11.2 QVMAG Museum Governance Advisory Board Committee Meeting 18 February 2015

FILE NO: SF2244

AUTHOR: Leila Wagner (Personal Assistant)

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

DECISION STATEMENT:

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

RECOMMENDATION:

That Council receive the report from the QVMAG Museum Governance Advisory Board meeting held on 18 February 2015.

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

DECISION: 10/03/2015

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

11.3 Audit Panel Meeting 20 February 2015**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive and consider a report from the Audit Panel following the meeting on 20 February 2015.

RECOMMENDATION:

That the report from the Audit Panel meeting held on 20 February 2015 be received.

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

DECISION: 10/03/2015**RESOLUTION:** (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

12 COUNCIL WORKSHOPS

The following Council Workshops were held on Monday 2 March 2015:

- Cityprom Parking Requests
 - Managing Ethical Risks at Council
 - Carr Villa.
-

13 PETITIONS

Nil

14 NOTICES OF MOTION - FOR CONSIDERATION**14.1 Notice of Motion - Mayor Alderman van Zetten - Amalgamations****FILE NO:** SF5547**AUTHOR:** Mayor Alderman van Zetten**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Mayor Alderman van Zetten in regards to voluntary amalgamation.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council:

1. In light of the process proposed by the Minister for Local Government aiming to initiate a conversation on voluntary amalgamation, the City of Launceston write to the Mayors of adjoining Councils seeking to initiate such discussions; and
 2. Indicate interest in understanding what benefits voluntary amalgamations could provide for ratepayers.
-

The Mayor handed the Chair to the Deputy Mayor at 4.20pm.**Mayor Alderman van Zetten spoke to the item.**

14.1 Notice of Motion - Mayor Alderman van Zetten - Amalgamations...(Cont'd)

DECISION: 10/03/2015**RESOLUTION: (1):****Moved Alderman A M van Zetten, seconded Alderman R L McKendrick.****That the Recommendation be adopted as amended to read:**

- 1. In light of the process proposed by the Minister for Local Government aiming to initiate a conversation on voluntary amalgamation and shared services the City of Launceston write to the Mayors of adjoining Councils seeking to initiate such discussions; and***
- 2. Indicate interest in understanding what benefits voluntary amalgamations could provide for ratepayers.***

CARRIED UNANIMOUSLY 12:0**The Mayor resumed the Chair at 4.33pm.**

14.2 Notice of Motion - Alderman Williams - Marriage Equality**FILE NO:** SF5547**AUTHOR:** Alderman Williams**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Williams in regards to marriage equality.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council:

1. Publicly support marriage equality irrespective of sex, sexual orientation or gender identity.
 2. Writes to Tasmania's Federal Members of Parliament and the Commonwealth Human Rights and Equal Opportunity Commission advising them of council's support; and
 3. Writes to all political parties with representation in the Federal Parliament encouraging them to prioritise debating changes to the Marriage Act and allow a conscience vote on marriage equality.
-

Mark Brown spoke to the item.

Christine Bassett spoke to the item.

Peter John Ferrall spoke to the item.

Frank Nott spoke to the item.

Michael Vos spoke to the item.

Jonathan Targett spoke to the item.

Mikealeen Andrews spoke to the item.

Alderman Williams spoke to the item.

14.2 Notice of Motion - Alderman Williams - Marriage Equality...(Cont'd)

DECISION: 10/03/2015**RESOLUTION: (1):****Moved Alderman E K Williams, seconded Alderman A E Dawkins.****That the Recommendation be adopted.****Lost 3:9****FOR VOTE - Ald J Finlay, Ald A Dawkins, Ald E Williams.****AGAINST VOTE - Ald A van Zetten, Ald R Soward, Ald R Sands, Ald R McKendrick, Ald D McKenzie, Ald J Cox, Ald D Alexander, Ald S Wood.****ABSTAINED - Ald D Gibson.****RESOLUTION: (2):****Moved Alderman R L McKendrick, seconded Alderman J G Cox.****That an extension of speaking time of 3 minutes be granted to Alderman R I Soward.****CARRIED UNANIMOUSLY 12:0****RESOLUTION: (3):****Moved Alderman R L McKendrick, seconded Alderman R I Soward.****That an extension of speaking time of 3 minutes be granted to Alderman J Finlay.****CARRIED UNANIMOUSLY 12:0****The Mayor handed the Chair to the Deputy Mayor at 3.26pm.****The Mayor resumed the Chair at 3.30pm.****The Mayor adjourned the meeting at 3.37pm for a break.****The Mayor reconvened the Meeting at 3.50pm.**

RESOLUTION: (4):

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

That Council return to consider item 8.1 at 3.50pm.

CARRIED 7:0

FOR VOTE - Ald A van Zetten, Ald R Soward, Ald J Finlay, Ald A Dawkins, Ald E Williams, Ald R McKendrick, Ald D McKenzie.

ABSENT. DID NOT VOTE - Ald R Sands, Ald J Cox, Ald D Gibson, Ald D Alexander, Ald S Wood.

DIRECTORATE MINUTES ITEMS

15 DEVELOPMENT SERVICES

Nil

16 FACILITIES MANAGEMENT

Nil

17 QUEEN VICTORIA MUSEUM AND ART GALLERY

Nil

18 INFRASTRUCTURE SERVICES**18.1 Annual Grant Payment for Conservation Covenants in the City of Launceston****FILE NO:** SF2666/SF0523**AUTHOR:** Chris Moore (Parks Strategy Planner)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a report on the continuation of Council's support for Conservation Covenants in the Launceston municipal area through a grant scheme.

PREVIOUS COUNCIL CONSIDERATION:

Item 16.1 - Council Meeting 15 November 2010

This report determined that Council would support Conservation Covenants through a grant scheme for the next 5 years.

Item 10.2 Council Meeting 3 October 2005

This report determined that Council would also support Protected Areas on Private Land (PAPL) Covenants concurrently with the Private Forest Reserve Program Covenants.

RECOMMENDATION:

That Council resolves to:

1. continue to support Conservation Covenants, through a grant scheme, for a further 5 year period within the City of Launceston municipality, for covenants prepared pursuant to Section 34 of the *Nature Conservation Act* 2002 and bound to title pursuant to Section 102 Land Titles Act 1980, and
 2. determine to restrict grant support for all existing and future covenants to the first ten years of the covenant.
-

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

18.1 Annual Grant Payment for Conservation Covenants in the City of Launceston...(Cont'd)

DECISION: 10/03/2015

RESOLUTION: (1):

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

That the Recommendation be adopted with the following addition:

3. Communicate to all current and future covenant holders regarding the policy.

CARRIED UNANIMOUSLY 12:0

19 CORPORATE SERVICES**19.1 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008)****FILE NO:** SF0523**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008).

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approve the Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008) as set out below.

PURPOSE:

To set out the manner of rating certain leased/ licensed jetties and slipways.

SCOPE:

This policy applies to the General rate levied under the Local Government Act 1993. Applies to individual's private use only.

POLICY:

To provide a remission of 100% of all Council Rates and charges to those ratepayers (the lessees/licensees) holding current Crown leases/licences for jetties and slipways subject to the following criteria:

1. the lessee/licensee must be a ratepayer of the City of Launceston area; and
2. the land subject to the lease/licence must adjoin the lessee's/licensee's land; and
3. the land subject to the lease/licence must be for the purpose of a jetty/slipway and solely used for private recreational purposes pertaining to the lessee.

PRINCIPLES:

City of Launceston's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:N/A

19.1 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways Policy (23-PI-008)...(Cont'd)

RELATED LEGISLATION:

Local Government Act 1993, Section 129 (Remission of Rates)
Valuation of Land Act 2001

REFERENCES:

N/A

DEFINITIONS:

N/A

REVIEW:

This policy will be reviewed no more than five years after the date of approval.

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

DECISION: 10/03/2015

RESOLUTION: (1):

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

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

19.2 Annual Plan 2014-2015 Progress to 31 January 2015**FILE NO:** SF6088 / SF5652**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the report on progress against Council's 2014-2015 Annual Plan Actions for the period ending 31 January 2015.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 - Strategic Planning & Policy Committee - 1 December 2014 - *Progress against proposed 2014/15 Annual Plan Actions*

Item 19.1 - Council - 8 December 2014 - *Proposed City of Launceston 2014/15 Annual Plan*

Item 4.5 - Strategic Planning & Policy Committee - 2 March 2015 - *Progress against 2014/15 Annual Plan Actions*

RECOMMENDATION:

That Council:

1. Accepts the report on progress against Annual Plan 2014-2015 Actions for the period ending 31 January 2015.
 2. Accepts a revised completion date of 30 April 2015 for the Action *Paterson Street East Car Park toilet facility - Complete the replacement and upgrade of the public toilet facility at the Paterson Street East Car Park*
 3. Accepts a revised completion date of 31 May 2015 for the Action *Seaport boardwalk renewal - Renew decking from the Seaport business area to Home Point by resurfacing the existing timber deck with synthetic boards and upgrading derelict poles*
-

Mr M Tidey (Director Corporate Services) & Mrs L Purchase (Corporate Planning Administration Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

19.2 Annual Plan 2014-2015 Progress to 31 January 2015...(Cont'd)

DECISION: 10/03/2015

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 12:0

20 GENERAL MANAGER

Nil

21 URGENT BUSINESS

Nil

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

Nil

23 CLOSED COUNCIL**23.1 Report from Mayor Alderman Albert van Zetten****RECOMMENDATION:**

That Agenda Item 23.1 be considered within closed Council Pursuant to the authority contained within regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2005*, which permits the meeting to be closed to the public for business relating to the following:

15(2)(a) as it concerns personnel matters.

DECISION: 10/03/2015**RESOLUTION: (1):**

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY 12:0

Council moved into closed session at 4.45pm.

24 MEETING CLOSURE

The Mayor closed the meeting at 5.25pm.
