



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 12 OCTOBER 2015
1.00pm**

City of Launceston

COUNCIL MINUTES

Monday 12 October 2015

The Ordinary Meeting of the City of Launceston Council was held at the Council Chambers:

Date: 12 October 2015

Time: 1.00pm

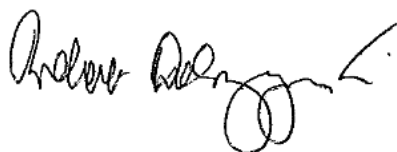
Section 65 Certificate of Qualified Advice

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

City of Launceston

COUNCIL MINUTES

Monday 12 October 2015

Present: **Alderman** **A M van Zetten (Mayor)**
R I Soward (Deputy Mayor)
R L McKendrick
R J Sands
D H McKenzie
J G Cox
D C Gibson
J Finlay
D W Alexander
S R F Wood
E K Williams

In Attendance: **Mr R S Dobrzynski (General Manager)**
Mr H P Galea (Director Infrastructure Services)
Mrs L M Hurst (Director Development Services)
Mr R K Sweetnam (Director Facilities Management)
**Mr M George (Collections and Research Manager
Queen Victoria Museum and Art Gallery)**
Mr P Gimpl (Manager Finance)
**Mrs L F Purchase (Governance and Planning
Coordinator)**
Mrs A Rooney (Committee Clerk)

Apologies: **Alderman** **K P Stojansek**

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	DECLARATION OF INTERESTS	1
3	CONFIRMATION OF MINUTES	2
4	DEPUTATIONS	2
	No Deputations have been identified as part of these Minutes	
5	PETITIONS	3
	No Petitions have been identified as part of these Minutes	
6	COMMUNITY REPORTS	3
	No Community Reports have been registered with Council as part of these Minutes	
7	PUBLIC QUESTION TIME	3
7.1	Public Questions On Notice	3
7.1.1	Public Questions on Notice - Mr Basil Fitch	4
7.2	Public Questions Without Notice	11
7.2.1	Mr Basil Fitch - Questions Without Notice	11
7.2.2	Mr Basil Fitch - Request to Attend SPPC Meeting	13
7.2.3	Mr Robert Williams - Development Application 0176/2015	14
7.2.4	Mr Denis Barker - Development Application 0176/2015	15

City of Launceston

COUNCIL MINUTES

Monday 12 October 2015

Item No	Item	Page No
8	PLANNING AUTHORITY	16
8.1	69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)	16
8.2	123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees	24
8.3	19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace	41
8.4	86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)	52
8.5	18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway	61
9	ANNOUNCEMENTS BY THE MAYOR	64
9.1	Mayor's Announcements	64
10	ALDERMEN'S REPORTS	66
10.1	Alderman R I Soward	66
10.2	Alderman D H McKenzie	66

City of Launceston

COUNCIL MINUTES

Monday 12 October 2015

Item No	Item	Page No
11	QUESTIONS BY ALDERMEN	66
11.1	Questions On Notice	66
11.2	Questions Without Notice	66
12	COMMITTEE REPORTS	68
12.1	Northern Youth Coordinating Committee Meeting - 3 September 2015	68
12.2	Tender Review Committee Meeting - 14 and 21 September 2015	69
12.3	Audit Panel Meeting - 24 September 2015	70
13	COUNCIL WORKSHOPS	71
14	NOTICES OF MOTION	71
	No Notices of Motion have been identified as part of these Minutes	
15	DEVELOPMENT SERVICES DIRECTORATE ITEMS	72
15.1	City of Launceston Representation on the Committee Directing the Every Child Succeeds Initiative	72
16	FACILITIES MANAGEMENT DIRECTORATE ITEMS	73
16.1	Appointment of YPIPA Community Members 2015	73
17	QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS	74
17.1	QVMAG Museum Governance Advisory Board	74
18	INFRASTRUCTURE SERVICES DIRECTORATE ITEMS	75
18.1	Prossers Forest Road - Petition on Traffic Speeding	75
18.2	Lease - Rocherlea Football Club	77
18.3	Lilydale War Memorial Cenotaph Proposal	79

City of Launceston

COUNCIL MINUTES

Monday 12 October 2015

Item No	Item	Page No
18.4	Launceston Cenotaph	80
19	CORPORATE SERVICES DIRECTORATE ITEMS	82
19.1	Annual Financial Statements for the Year Ended 30 June 2015	82
19.2	Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)	84
19.3	Rates and Charges Policy	92
19.4	Budget Amendments 2015/16 (24 September 2015)	101
20	GENERAL MANAGER'S DIRECTORATE ITEMS	103
	No Items have been identified as part of these Minutes	
21	URGENT BUSINESS	103
	No Urgent Items have been identified as part of these Minutes	
22	CLOSED COUNCIL	103
22.1	Confirmation of the Minutes	103
22.2	Rate Recovery Sales - Debts 1 - 22	103
22.3	Rate Debt 1	103
22.4	Rate Debt 2	103
22.5	Rate Debt 3	103
22.6	Rate Debt 4	103
22.7	Rate Debt 5	103
22.8	Rate Debt 6	103
22.9	Rate Debt 7	103
22.10	Rate Debt 8	103

City of Launceston

COUNCIL MINUTES

Monday 12 October 2015

Item No	Item	Page No
22.11	Rate Debt 9	103
22.12	Rate Debt 10	103
22.13	Rate Debt 11	104
22.14	Rate Debt 12	104
22.15	Rate Debt 13	104
22.16	Rate Debt 14	104
22.17	Rate Debt 15	104
22.18	Rate Debt 16	104
22.19	Rate Debt 17	104
22.20	Rate Debt 18	104
22.21	Rate Debt 19	104
22.22	Rate Debt 20	104
22.23	Rate Debt 21	104
22.24	Rate Debt 22	104
22.25	Audit Panel (Independent) Members - Annual Remuneration Indexation	104
22.26	Leave of Absence - Aldermen	105
23	CLOSE OF MEETING	105

1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Alderman A M van Zetten opened the Meeting at 1.00pm and noted an apology from Alderman K P Stojansek.

The Mayor, Alderman A M van Zetten, presented Ms Bev Allen with a Resilient Australia Award as a result of developing the Pet Pal Initiative. The award enables the City of Launceston to be recognised as a joint winner of the Government Award category. The award, presented annually as part of the Tasmanian Resilient Australia Awards, will be judged at the national Resilient Australia Awards later in the year.

2 DECLARATION OF INTERESTS

Local Government Act 1993 - Section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.)

Alderman D H McKenzie declared in interest in Agenda Item 8.3 - 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace

The Mayor, Alderman A M van Zetten, declared an interest in Agenda Item 18.2 - Lease Rocherlea Football Club

3 CONFIRMATION OF MINUTES

Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 28 September 2015 be confirmed as a true and correct record.

DECISION: 12 October 2015

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

4 DEPUTATIONS

No Deputations have been identified as part of these Minutes

Meeting - Public Speaking Protocol Statement (as read by the General Manager)

Only residents, ratepayers or people on the Electoral Roll of City of Launceston may address an item on the Minutes. Before commencing you will need to state your name and address. Generally speaking time is limited to two minutes. No extension of time is permitted. Comments and statements are not to be defamatory, offensive or abusive, or be designed to embarrass any person, including Aldermen or Officers. Statements are not to be repetitive of statements or points already made. Several people repeating a common position should nominate a single speaker on their behalf. The Mayor may ask a member of the gallery to cease speaking if the above procedures are not followed. You must speak for, or against the recommendation, not ask questions of Aldermen or Officers or attempt to enter into debate with Aldermen or Officers. Statements can only be made either directly relating to supporting the recommendation or arguing against it.

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

No Petitions have been identified as part of these Minutes

6 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Minutes Items; that opportunity exists when that Minutes Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Aldermen.)

No Community Reports have been registered with Council as part of these Minutes

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions On Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question On Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

7.1.1 Public Questions on Notice - Mr Basil Fitch**FILE NO:** SF6381/SF2385**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider Public Questions on Notice raised by Mr Basil Fitch in accordance with the requirements of Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

QUESTIONS AND RESPONSE:

Questions from Mr Basil Fitch (recorded as received) with responses from Council Officers.

1. Why hasn't the LCC called a public meeting to inform ratepayers and residents of UTAS's intentions and why does secrecy shroud this proposal?

It would be a very inattentive person who would not be aware of the proposal from the University of Tasmania (UTAS) to establish an inner city campus, with a preference from the University for location at Inveresk. There have been numerous articles and details provided in the Examiner and in a specific purpose on line web site established by UTAS that details the proposal and the strategic reasons why UTAS believe moving to an inner city campus location is the most viable business model for growing the University's Northern Campus into the future.

The City of Launceston is a signatory to a Memorandum of Understanding (MoU) with UTAS, the State Government and TasTAFE. In it the City of Launceston has committed to work with the other signatories to further the planning for an inner city UTAS Northern Campus.

UTAS is best positioned to undertake the community consultation, as UTAS have undertaken the detailed planning and discussions with both Federal and State Government regarding both the built form changes required for an inner city campus, the future prospects with the Australian Maritime College remaining at Newnham and occupying the student accommodation (as they currently do) and, importantly, the detailed planning required to establish the Associate Degree courses aimed at significantly increasing the percentage of Tasmanians participating in post-secondary education above the current lamentable figure of 7%.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

The City of Launceston has responsibility for the future planning of the Inveresk precinct as a multi-functional community hub. This involves the presence of a variety of educational, sporting, residential, cultural, tourism and recreational uses in the precinct. It is envisaged that the Inveresk precinct will continue to develop as a focal point for the community and an exciting dynamic experience for residents, visitors and students alike. It is not intended that Inveresk precinct be dominated by the inner city UTAS campus, but rather a range of complementary uses adding to the experience, community and tourism offering provided by the precinct.

2. Has LCC signed a Memorandum of Understanding with UTAS and if so, will it release such a document now, for perusal?

The Council has signed a Memorandum of Understanding with UTAS. This has been done publically and has been the subject of commentary within the media. The MOU signing occurred at a public ceremony held at Inveresk on Monday 18 May 2015. Media outlets also attended the signing, media releases were issued, interviews took place with the Premier, Vice-Chancellor and Mayor. The MoU signing featured prominently in television, radio and print media.

3. What size land at Inveresk has been sold to UTAS and what price did LCC receive from UTAS?

Land has been provided to UTAS for student accommodation (currently under construction) at the southern end of the Inveresk site. The area of this site is 3750m². UTAS provided \$500,000. Council used the funds for the Launceston Flood Authority to change their design of the levees in the area so as to make the land available for development.

4. A large number of units are being built at Inveresk. Do they comply with LCC Planning Scheme and Building Code, for size, fire rating, safety and amenity of museum?

The student accommodation was assessed under the provisions of the planning scheme and a planning permit has been issued. Plumbing and building permits have also been issued. The mandatory building inspections are being undertaken by a private Building Surveyor and the Council's Permit Authority will be notified once the project reaches occupancy. Additionally, Council's Plumbing Surveyors are conducting mandatory Plumbing Inspections at required stages of the building works.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

5. Numerous subjects and curriculums will move from the campus. What effect will this have on Northern Students?

Reference should be made to the UTAS website. It is not known where Mr Fitch has sourced his information that "numerous subjects and curriculums will move from the campus". Again, reference to the UTAS website <http://www.utas.edu.au/northern-expansion/home/nocache> indicates under ***Expanding our Teaching and Research***

"the University offers more than 190 degree programs from the Launceston campuses. Alongside these existing under graduate, post graduate and research programs, we aim to expand education opportunities.

We will add new industry - relevant degrees to help Tasmanian industries such as aged care, allied care, business, IT, smart manufacturing and agriculture and provide an affordable path into tertiary education. These will have strong pathways and connections with TasTAFE.

To attract students and provide the quality of education required by modern technology and industry, these causes need to be delivered in appropriate, up-to-date facilities of the kind we are proposing for a new Launceston campus."

6. Has LCC done an impact study of the effect on the Mowbray Shopping Centre services, should the Newnham campus close?

The City of Launceston has requested that the University undertake analysis of the impact of its inner city campus proposal on activity at the Mowbray shopping centre. It is also known that discussions have taken place on transport improvements from the Mowbray area to service an inner city campus. It is envisaged that students will have the ability to continue residing in the Mowbray area and travelling to the inner city campus location by using either public transport or cycling and walking pathways that exist. In addition, the City of Launceston, in conjunction with UTAS and the State Government, is developing a Northern Suburbs Revitalisation Strategy. One aspect of the strategy will be the determination of future purposeful uses for the Newnham campus, including residential and community use of facilities. It is understood that the UTAS proposal from inner city campus will mean that approximately half of the Newnham campus will be available for alternative beneficial uses and these are being jointly explored.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

7. Has there been an impact study done on what will happen to the hundreds of units that currently house students, around the campus?

The Australian Maritime College (AMC) will be retained at Newnham. Maritime College students currently occupy the vast majority (if not all) of student accommodation at Newnham. This will continue to be the case. The new business case envisages AMC capitalising upon its international reputation as being at the forefront of maritime education by expanding student placements and consequently the number of AMC students located at Newnham.

8. Is the LCC allowing the Inveresk site to become a cluttered mess of old and new buildings?

Any development that occurs at the Inveresk precinct will need to meet the Council's planning requirements for integration with the design character of heritage buildings currently located in the precinct in order to provide a harmonious, functional and well integrated series of developments in built form, with appropriate open space and landscaping to complement built features. The precinct is intended to continue its development as a community hub, which is envisaged to include activation of Invermay Road street frontages and the establishment of a **village environment** between Forster Street and Lindsay Street. Master planning of the precinct will ensure that heritage and cultural qualities that exist at Inveresk are protected and enhanced.

9. Has an impact study been done on the thousands of extra traffic movements on Invermay Road that would result from the move? (30,000 according to Mr Rathjen)

UTAS have commissioned a traffic consultancy to determine the traffic movements - vehicle, pedestrian, cycling and public transport. A preliminary report was prepared based on traffic experiences resulting from the Hobart CBD campuses consolidation as well as other information sourced interstate. A steering group has been formed consisting of the Department of State Growth, UTAS, City of Launceston and the consultant to ensure traffic increases (using all 4 modes of transport) are within acceptable Australian standards and practices.

10. Where will students attending Inveresk, park?

The master plan lists parking on the ground level of the 2 major buildings, at the Roundhouse and a future stage car park adjacent to the Roundhouse.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

11. Does the LCC or UTAS intend to use vacant land next to Aurora Stadium (old velodrome)? If so, what price was it sold for?

No decision has been made by the Council in regard to this matter. The Council is bound by the provisions of the *Local Government Act 1993* in regard to the disposal of land.

12. Will Aurora Stadium become like Bellerive oval in Hobart - great facility but no parking?

Again, access to the information provided on line by UTAS will reveal that in excess of 400 car parks are being proposed as part of the UTAS building work, located underneath the buildings proposed. The City of Launceston is also exploring the opportunity to provide additional car parking along Lindsay Street in the area between the roadway and the flood levees. It should be highlighted that UTAS have indicated publicly that car parks provided by UTAS will be available for community uses associated with the Inveresk precinct on weekends. Accordingly, the circumstances are in no way similar to Bellerive Oval.

13. Does LCC intend selling the Willis Street carpark? If so, what price?

The Council has made no decision in regard to this matter. However the Council is bound by the requirements of the *Local Government Act 1993* in regard to the disposal of the land.

14. If Willis Street carpark is sold, where are the 240 cars of the daily commuters going to park?

This study is identified as a necessary part of the approval process. We have undertaken a similar study for the Bridge Road tourism precinct and believe that options exist for those commuters displaced by the abandonment of the site as a public carpark.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

15. Many people fought to have the UTAS campus at Newnham - the late Ed Rouse, Chamber of Commerce, Northern dignitaries and the Public. Will their efforts be in vain?

Launceston is proud to be a University City and the massive positive economic and social impact of UTAS in the Launceston and Northern Tasmanian community is unquestionable. The Council, State Government, TasTAFE and UTAS have signed a MoU which seeks to consolidate the Northern UTAS campus in Launceston and to capitalise on its presence in the City by providing a contemporary location and student facility and grow the course content in an endeavour to increase the number of Tasmanians participating in post-secondary education and attract a growing number of international students to study in the city and provide economic impetus to the local economy. UTAS have indicated that upgrading the facilities at Newnham is not a cost effective option. Inner city campuses have been seen to rejuvenate city centres in a number of Australian cities and also internationally, adding vibrancy, dynamism to CBD centres and driving private sector investment to meet demand created by student numbers using the CBD as their natural service centre.

16. Why haven't all Northern Councils been involved in this process as it is their students who attend UTAS? The LCC seemingly want to amalgamate with some of these Councils, but keeps them in the dark affecting their ratepayers.

The City of Launceston understands that UTAS have made detailed presentations to other Northern Councils. The City Council also understands that UTAS have received representations from Councils on matters that are important to their constituents.

17. I am amused about the statements that the UTAS move will help the CBD. There are already a walkway and cycle-way behind the Units exists at the Kmart shopping centre. There currently is no supermarket in the CBD.

The above is more a statement than a question. As indicated above, an inner city campus will stimulate demand which would be anticipated to grow private sector investment in the city to meet demand created. The facilities and services provided within the CBD will be reflective of this demand and will inevitably grow as student numbers at the inner city campus increase.

7.1.1 Public Questions on Notice - Mr Basil Fitch...(Cont'd)

18. The closure of the Newnham Campus will cause a revolutionary change in the North Launceston area and beyond, and certainly not for the best interests of our ratepayers and residents. Has this been looked into?

As indicated above, the Council is engaging with the State Government, UTAS and key stakeholders in the Northern suburbs to develop a Northern Suburbs Revitalisation strategy which seeks to identify key priorities for the individual Northern suburbs, the synergies between the suburbs and a strategy for future development which raises the standard of amenities and facilities and therefore lifestyle for residents of the City's northern suburbs.

19. Breaking news Tuesday 22nd September - New Prime Minister Malcolm Turnbull to axe proposed student fees of up to \$1 00,000 and is looking at legislation in the Senate.

This is a statement rather than a question.

20. Is it premature under the present political turmoil to make rash decisions?

What is occurring is a detailed planning and consultation process which aims to appropriately consider the intergenerational nature of the UTAS proposal for an inner city campus and to appropriately plan for its location in the inner city from an urban planning perspective ensuring that design, vehicle movements, pedestrian movements, bicycle movements, improved public transport accessibility and integration with the CBD are appropriately planned and catered for with sensitively designed new capital infrastructure provided in partnership with UTAS, the State Government and the Federal Government. The proposal has been the subject of detailed community conversation over an extended period of time which will continue. No decision has been made by the Council except to participate as a signatory of the MOU in the planning of an inner city campus.

21. Should the LCC proceed with this 'shonkie' proposal, please convey to me the benefits for the ratepayers of Launceston.

Reference should be made to the UTAS website to gain an understanding of the strategic, social and economic benefits of the proposal, together with the view of UTAS that the proposed inner city campus development constitutes the future for a vital, dynamic and sustainable Northern UTAS campus which grows education offerings in the City and Northern Tasmania.

7.2 Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

(Members of the public who ask Questions Without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer can not be provided at the Meeting, the question will be treated as a Question On Notice. A response will be provided at the next Council Meeting.)

7.2.1 Mr Basil Fitch - Questions Without Notice

Mr Basil Fitch presented Council with written Questions Without Notice which will be treated as Questions on Notice at the next Council Meeting.

- 1. During the Launceston City Council meeting on Monday the 28th of September I put forward 21 questions in writing. As of Friday the 9th of October I have not received a reply. Why?**
 - 2. At the meeting at the Albert Hall on Thursday the 1st of October I asked meeting attendees should Council call a public meeting on all aspects of the proposed UTAS move to Inveresk. Unanimous support "yes" was received. I therefore call on Council to accede to the request and call a public meeting within 14 days at the Albert Hall at 7pm, with speakers allowed 5 minutes to put their thoughts.**
 - 3. Vice Chancellor Rathjen has stated it would cost \$50 million to upgrade facilities at the Newnham Campus. Deputy Vice Chancellor at the meeting stated it would be \$350 million. Who is correct?**
 - 4. Vice Chancellor Rathjen has continually stated a move to Inveresk would see an increase in students to 30,000. The Deputy Vice Chancellor states 10,000. Who is correct?**
 - 5. A count of cars at the Newnham Campus daily varies from 800 to 1,000. A move to Inveresk says 10,000 extra. Another 2,000 car movement daily; could Inveresk cope with traffic chaos?**
 - 6. A count of cars at Willis St of 240 at \$4 per day - \$960 per day. That's \$4,800 per week, and \$250,000 per year. Will the university reimburse ratepayers for this loss?**
-

7.2.1 Mr Basil Fitch - Questions Without Notice...(Cont'd)

7. Now stated that UTAS want all land for no charge. Willis Street value is \$10 million, old velodrome is \$10 million, show grounds is \$10 million. Surely Council will not let this happen?
 8. Will ratepayers money be used in relocating show society and market?
 9. As UTAS are changing their minds in detail daily; no money, no plans, no concrete proposal; would it not be more prudent for Council to put a moratorium on this "media hyped" suggestion for 5 years?
 10. Is Council aware that the 120 units at Inveresk are the same as those used at Manus Island Detention Centre and are called "crisis accommodation for refugees"?
 11. Already architects have named Inveresk units as Inveresk student/refugee accommodation?
 12. Are aldermen aware the size is 6 metres long, 3.5 metres wide, 20 feet long, 11.5 feet wide with shower, toilet, sink, bed, and bench. How depressing and degrades the original intent of the area.
 13. It is now quite clear that this proposal is politically motivated and supported by the Examiner and LAFM with Peter Gutwein MHA, Andrew Nikolic MHR and Senator Richard Colbeck, and the Property Council all singing from the same song sheet daily.
-

7.2.2 Mr Basil Fitch - Request to Attend SPPC Meeting

Mr Fitch asked for the opportunity to be able to present to a future SPPC Meeting to discuss issues surrounding the UTAS move to Inveresk.

7.2.3 Mr Robert Williams - Development Application 0176/2015

Mr Williams requested that the Council take action over cars racing in the Lilydale Road area near the proposed development.

7.2.4 Mr Denis Barker - Development Application 0176/2015

1. Are all materials stored on Lot 1A and Crown land to be processed through the batching plant - if not, vehicle movements are intensified considerably?
 2. Are the aggregate bays on Lot 1A and Crown land to be irrigated - if material is dry when it is tipped into the batching hopper a cloud of dust goes into the air to be carried over my house?
 3. Can I be notified when the street sweeper will be sweeping Lilydale Road in front of No. 70 so I can seal the house up before the dust cloud is blown over it?
-

The Mayor, Alderman A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Item 8 - Planning Authority.

8 PLANNING AUTHORITY

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)**

FILE NO: DA0176/2015

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:

69 Lilydale Road

D19/93 - Development & use for light & general industry & directional sign (Light, General Industry & Miscellaneous) (Approved 24/3/93)

D46/96 - Use existing premises for a temporary permit for vehicle maintenance (Approved 24/4/96)

DA0176/2006 - Change of use to General Industry (Metal Fabrication Workshop) and Light Industry (Wood Kindling Manufacturer) (Retrospective Application) & staged construction of a workshop (Approved 25/5/06)

73-75 Lilydale Road

D227/94 - Use premises to manufacture Handmade Bricks (Service Industry) (Approved 30/8/94)

DA0127/2005 - Placement of a site office (Approved 1/4/05)

DA0586/2008 - Construction of a building - awning (Approved 31/10/08)

DA0284/2012 - Change of hours of operation for existing Storage Yard (Approved 17/7/12)

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)**
-

77-79 Lilydale Road

D226/94 - Store, display & sale of Handmade Bricks (Warehouse/Saleyard)
(Approved 30/8/94)

DA0083/2009 - Use as Level 1 Activity - offensive or hazardous industry (Concrete Batching Plant); Construction of a building (maximum height of silo 12.2m)
(Approved 24/4/09)

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 2015 a permit be granted for DA0176/2015 Manufacturing and Processing - batching plant; subdivision and consolidation of three lots with no new lots created; extension of batching plant operations to proposed Lot 1a and Crown land (CT125392/1) and Service Industry - change of use to automotive mechanic (CT16756/2) at 69, 73-75 and 77-79 Lilydale Road, Rocherlea subject to the following conditions:

1. ENDORSED PLANS

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. Plan of subdivision, Prepared by PDA Surveyors, Reference no: 114-15-P02, 69 Lilydale Road, Rocherlea, Dated 20 February 2015.

2. BUSINESS HOURS - PARKSIDE AUTOMOTIVE

The operation of the automotive mechanic must be confined to:

- a. 7:00am and 6:00pm Monday to Friday.
- b. 8:00am and 1:00pm Saturdays.
- c. Closed Sunday and Public Holidays.

3. BUSINESS HOURS - CONCRETE BATCHING PLANT

The operation of the concrete batching plant and associated activity must be confined to:

- a. 6:30am and 5:30pm Monday to Friday.
 - b. 7:00am and 1:00pm Saturdays.
 - c. Closed Sunday and Public Holidays.
-

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)**
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4. 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.

5. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No.2015/00556-LCC) (attached).

6. SITE LANDSCAPING

The existing landscaping on the site must be maintained in accordance with condition 6 of DA0176/2006. Any dead or dying trees are to be replaced within three (3) months of this permit. The landscaping must not be removed, destroyed or lopped without the written consent of the Council.

7. 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.
- 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.

8. 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.

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)**
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9. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall 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.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

10. AMENITY - COMMERCIAL/INDUSTRIAL USE

The on-going use on these sites must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

11. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

12. SPILL COLLECTION BUND

All environmentally hazardous materials including all chemicals, fuels and oils, held on the land must be stored and handled within a spill collection bund or spill trays which are designed to contain at least 110% of the volume of the largest storage vessel. The spill containment system must be constructed with materials that will prevent contamination of ground water and soil.

11. REPAIRS OF VEHICLES

- a. Any servicing, detailing and repairs of vehicles or vehicle parts must be conducted in a covered, bunded area.
 - b. No repairs of any sort may be carried out in the car parking or common areas.
-

- 8.1 **69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)**
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12. STORMWATER

No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.

13. NOISE - COMMERCIAL/INDUSTRIAL

The use must not cause unreasonable noise or interference to adjoining sensitive uses. Precautions must be taken to avoid nuisance to neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors, reversing beepers and the like.

14. SPILL KITS

Spill kits, appropriate for the types and volumes of materials handled on the land must be kept in appropriate locations and be appropriately maintained to assist with the containment of any spill of environmentally hazardous materials.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0176/2015. 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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)**
-

B. 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>>

C. TasRail Advice

Please note the advice below has been provided by TasRail in relation to the protection of their asset:

- **Access**
TasRail must retain access to the rail network via the Crown land road reserve (CT125392/4 and Ct154436/2). Any use or development within this Crown road reserve must not limit TasRail's ability to access the rail network.
 - **Night time noise**
Train operations are undertaken at any time of the day or night. This is not expected to change. Any development must take this into consideration.
 - **Vibration and noise**
Train operations create vibration and noise. Any new development must take this into consideration as it may impact on quality of life. Building structure design should consider these issues. We recommend that buildings are located as far as possible from the rail corridor. Please read the attached Environment Protection Authority (noise) Policy 2009. Part 4; transport infrastructure, public roads, railways, ports, & airports.
 - **Drainage**
Water creates major problems for rail formations and must be controlled within the rail corridor. As a result, a licence is required from TasRail for any proposed drainage onto the rail corridor from an adjoining property; In certain circumstances drainage from the rail corridor onto adjoining property is permitted and may impact the adjoining property.
 - **Line of sight**
From a safety perspective line of sight is important when operating a railway. New developments that are going to impact on the line of sight must be assessed by the rail operator. This can include proposed planting/growth of vegetation and building structures.
-

8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)

- *Level crossing*
Line of sight is critical for level crossings and must be maintained.
- *Safety issues are addressed*
Access to the rail corridor is limited to people with permission. A 3m safety exclusion zone exists along the railway line.
- *Traffic*
We would recommend that the council consider any changes to traffic volumes in regards to current crossing capacity and design within the locality of any development proposal.
- *Access to corridor*
Residents need to be aware that access to the rail corridor needs to be approved and that any use of the rail corridor needs to be licensed. This includes such issues as drainage, water pipes, electrical infrastructure, crossings or the like. It must also be stressed that there is, under all circumstances, a 3m safety exclusion zone exists from the edge of the nearest rail out each side; Access to the rail corridor requires relevant safety methods in place and subsequent approval by TasRail must be sought.
- *Access to property across the rail corridor*
All crossings must be licensed; conditions appropriate to the location will apply. It is illegal to build and access a private rail crossing without a licence.

D. Potentially Contaminated Site

There is a current 'potentially contaminated site' alert for this property and the source of the potential contamination is a scrap yard. The proposed subdivision does not require any further investigation at this time. However, if the use of this site changes to a more sensitive use e.g. residential premises OR the site is significantly developed (disturbance of more than 1m² of land) then an Environmental Site Assessment in accordance with the requirements of EMPCA will be required by council prior to the development commencing.

Mrs L Hurst (Director Development Services) and Ms J Tyson (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

**Scott Callow spoke for the item.
Robert Williams spoke against the item.**

- 8.1 69, 73-75 and 77-79 Lilydale Road, Rocherlea - Manufacturing and Processing - batching plant subdivision and consolidation of three lots with no new lots created, extension of batching plant to proposed Lot 1a and Crown land (CT 125392/1) and Service Industry - change of use to automotive mechanic (CT 16756/2)...(Cont'd)
-

DECISION: 12 October 2015

MOTION

Moved Alderman J Finlay, seconded Alderman D H McKenzie.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees**FILE NO:** DA0422/2015**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:

DA0380/2008 - Removal of vegetation - 11 trees (Scenic Protection; Heritage Listed Place) at 'Mt Pleasant' 9 Luxmore Place Prospect and 123 Westbury Road, South Launceston (Approved 25 August 2008).

Dispensation LAU D2/2013 - Launceston Interim Planning Scheme 2012 - Application dispense with the provisions of the Low Density Residential zone, Scenic Management Area overlay and Priority Habitat overlay and to apply General Residential zone (Refused by TPC 4 April 2014).

DA0574/2014 - Residential - tree removal; removal of four pine trees and four eucalyptus trees (Withdrawn 22 January 2015).

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 2015 a permit be granted for DA0422/2015 Natural and Cultural Values Management - vegetation removal; removal of 95 trees at 123 Westbury Road, South Launceston 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. Table 1 Summary of Arboriculture Assessment, Prepared by GHD, 123 Westbury Road - Tree Removal, Page No 3, Dated 25 August 2015.
 - b. Mt Pleasant Arboricultural Report 2015, Prepared by Arborimage Professional Tree Services, Arboricultural Report on health & safety of trees located at 123 Westbury Road, South Launceston, Dated 2015.
 - c. Flora and Fauna Assessment, Prepared by GHD, Mount Pleasant - Flora and Fauna Assessment, Dated April 2012.
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

- d. Audit of GHD Report, Prepared by Northbarker Ecosystem Services, Mt Pleasant - 123 Westbury Road, Launceston, Undated.

2. TREES NOT APPROVED FOR REMOVAL

The following trees are not approved for removal:

- Black Peppermint Gum (*Eucalyptus amygdalina*): #14 (5 trees) and #24
- White Gum (*Eucalyptus viminalis*): #10

The trees should be trimmed and managed in accordance with the alternative recommendations contained in the *Tree Health and Condition Survey* (Mt Pleasant Arboriculture Report 2015).

3. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during and after the tree removal. The management plan must include the following:

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
- c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. The estimated dates for the start and finish of the works.
- f. The erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. Timing of the site rehabilitation or landscaping program.
- i. Outline of the maintenance program for the erosion and sediment controls.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Manager Planning Services. The Plan must be implemented and maintained during tree removal works to ensure that soil erosion is to be appropriately managed.

4. 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.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

5. 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.

6. REPLANTING SCHEDULE

A replanting schedule must be submitted to the Manager Planning Services prior to works commencing. The replanting schedule should contain:

- a. Replanting of a minimum of nine (9) saplings including *Eucalyptus amygdalina* and *Eucalyptus viminalis* species to replace the native trees to be removed;
- b. The saplings are to be grown from local seed;
- c. The replanting should be arranged to join the two main areas of the vegetation community *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ) as identified in *Figure 1 - Vegetation Community, Threatened Flora and Weeds* (Audit of GHD Report, Prepared by Northbarker Ecosystem Services).
- d. The replanting must be maintained and protected. It must not be removed, destroyed or lopped without the written consent of the Council.

7. NO FURTHER TREE REMOVAL

Tree removal must be limited to those specifically notated on the approved plans as "*trees to be removed*".

No other tree is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

8. PROTECTION OF EXISTING TREES

Existing trees identified for retention on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected during works on site in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees*.

9. AMENITY

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

10. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

11. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

A General

This permit was issued based on the proposal documents submitted for DA0422/2015. 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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. 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.

C. 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.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

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>>

D. Forest Practices Plan

Prior to the commencement of any works requiring a Forest Practices Plan must be approved by the Forest Practices Authority (FPA) pursuant to the Forest Practices Act 1985. The FPA can be contacted on (03) 6265 4090.

E. Threatened species

This property contains threatened species. Permits are required under the Threatened Species Protection Act 1995 for any activities that may impact those species.

Information on applying for a permit, including application forms, can be found on the DPIPWE website at: <<http://dpiipwe.tas.gov.au/conservation/development-planning-conservation-assessment/guidelines>>

F. Weed management

This property contains several weed species that are declared weed under the Weed Management Act 1999. It is recommended that the DPIPWE (2015) 'Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania' be adhered to during any development activities to prevent the spread of any weeds and that any weeds present on the property be properly managed. The guidelines can be found at:

<http://dpiipwe.tas.gov.au/Documents/Weed%20%20Management%20and%20Hygiene%20Guidelines.pdf>

Mrs L Hurst (Director Development Services), Ms J Tyson (Town Planner) and Mr R Jamieson (Manager Planning Services) were in attendance to answer questions of Council in respect of this Agenda Item.

Garry O'Byrne spoke against the item.

Tania Geddes spoke against the item.

Ian Abernethy spoke to the item on behalf of Mr and Mrs Smith.

Chloe Lyne spoke for the item on behalf of Kreglinger Australia.

Bill Campbell-Smith spoke against the item.

Basil Fitch spoke against the item.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

MOTION

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

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015 a permit be granted for DA0422/2015 Natural and Cultural Values Management - vegetation removal; removal of 95 trees at 123 Westbury Road, South Launceston 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. Table 1 Summary of Arboriculture Assessment, Prepared by GHD, 123 Westbury Road - Tree Removal, Page No 3, Dated 25 August 2015.
- b. Mt Pleasant Arboricultural Report 2015, Prepared by Arborimage Professional Tree Services, Arboricultural Report on health & safety of trees located at 123 Westbury Road, South Launceston, Dated 2015.
- c. Flora and Fauna Assessment, Prepared by GHD, Mount Pleasant - Flora and Fauna Assessment, Dated April 2012.
- d. Audit of GHD Report, Prepared by Northbarker Ecosystem Services, Mt Pleasant - 123 Westbury Road, Launceston, Undated.

2. TREES NOT APPROVED FOR REMOVAL

The following trees are not approved for removal:

- Black Peppermint Gum (*Eucalyptus amygdalina*): #14 (5 trees) and #24
- White Gum (*Eucalyptus viminalis*): #10

The trees should be trimmed and managed in accordance with the alternative recommendations contained in the *Tree Health and Condition Survey* (Mt Pleasant Arboriculture Report 2015).

3. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a Soil and Water Management Control Plan must be submitted detailing how soil and water must be managed on the site during and after the tree removal. The management plan must include the following:

- a. Site boundaries, contours, approximate grades of slope and directions of fall.
 - b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

- c. Location of all vegetation to be retained and removed.
- d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. The estimated dates for the start and finish of the works.
- f. The erosion control practices to be used during and after tree removal.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. Timing of the site rehabilitation or revegetation program.
- i. Outline of the maintenance program for the erosion and sediment controls.
- j. Intended method of disposal of the removed trees.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Manager Planning Services. The Plan must be implemented and maintained during tree removal works to ensure that soil erosion is to be appropriately managed.

4. 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.

5. 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.

6. REPLANTING SCHEDULE

A replanting schedule must be submitted to the Manager Planning Services prior to works commencing. The replanting schedule must be prepared by a suitably qualified person and should contain:

- a. Replanting of a minimum of ninety (90) trees and understorey shrubs. The trees should include *Eucalyptus amygdalina* and *Eucalyptus viminalis* species to replace the native trees to be removed;
 - b. The regions to be replanted must include a 15 metre wide buffer along the entire north eastern boundary and a section joining the two main areas of the vegetation community *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ) as identified in Figure 1 - Vegetation Community, Threatened Flora and Weeds (Audit of GHD Report, Prepared by Northbarker Ecosystem Services);
 - c. Consideration must be given to staging the tree removal and replanting schedule to best manage the establishment of the new plantings. Staging should be based on recommendations from the suitably qualified person;
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

- d. Revegetation works should occur as soon as possible after commencement of tree removal works and in accordance with recommendations from the qualified person. In any case replanting must be completed within nine (9) months of the date of approval;
- e. The tree saplings are to be grown from local seed;
- f. The replanting must be maintained and protected. Failed plantings must be replaced annually for a period five (5) years until established. The replanted vegetation must not be removed, destroyed or lopped without the written consent of the Council.

Works must not commence prior to the approval of the Replanting Schedule by the Manager Planning Services.

7. WEED MANAGEMENT PLAN

A Weed Management Plan must be submitted to the Manager Planning Services prior to works commencing. The Weed Management Plan must be prepared by a suitably qualified person and include the following:

- a. A detailed plan of how identified weeds will be managed on the site during and after tree removal;
- b. How regrowth of pine saplings will be managed;
- c. Details of measures to be adopted to limit the spread of weeds through soil or land disturbance, water management and machinery and vehicular hygiene.

Works must not commence prior to the approval of the Weed Management Plan by the Manager Planning Services.

8. NO FURTHER TREE REMOVAL

Tree removal must be limited to those specifically notated on the approved plans as "*trees to be removed*".

No other tree is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

9. PROTECTION OF EXISTING TREES

Existing trees identified for retention on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected during works on site in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

10. AMENITY

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

11. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

12. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

A. General

This permit was issued based on the proposal documents submitted for DA0422/2015. 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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. 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 enquiries as to whether the proposed development is effected, restricted or prohibited by any such covenant.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

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.

C. 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>>

D. Forest Practices Plan

Prior to the commencement of any works requiring a Forest Practices Plan must be approved by the Forest Practices Authority (FPA) pursuant to the Forest Practices Act 1985. The FPA can be contacted on (03) 6265 4090.

E. Threatened species

This property contains threatened species. Permits are required under the Threatened Species Protection Act 1995 for any activities that may impact those species.

Information on applying for a permit, including application forms, can be found on the DPIPWWE website at: <<http://dpipwwe.tas.gov.au/conservation/development-planning-conservation-assessment/guidelines>>

F. Weed management

This property contains several weed species that are declared weed under the Weed Management Act 1999. It is recommended that the DPIPWWE (2015) 'Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania' be adhered to during any development activities to prevent the spread of any weeds and that any weeds present on the property be properly managed. The guidelines can be found at:

<http://dpipwwe.tas.gov.au/Documents/Weed%20%20Management%20and%20Hygiene%20Guidelines.pdf>

No Vote was Taken as an Amendment was Put

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

DECISION: 12 October 2015

MOTION

Moved Alderman J G Cox, seconded Alderman D W Alexander.

That the item lay on the table to enable Council Officers to strengthen the conditions regarding the scenic amenity of the site.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

The item was laid on the Table at 2.08pm

DECISION: 12 October 2015

MOTION

Moved Alderman J Finlay, seconded Alderman R L McKendrick.

That the item no longer lay on the Table.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

The item was taken off the Table at 3.01pm

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

DECISION: 12 October 2015

AMENDMENT

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

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015 a permit be granted for DA0422/2015 Natural and Cultural Values Management - vegetation removal; removal of 95 trees at 123 Westbury Road, South Launceston 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. Table 1 Summary of Arboriculture Assessment, Prepared by GHD, 123 Westbury Road - Tree Removal, Page No 3, Dated 25 August 2015.
- b. Mt Pleasant Arboricultural Report 2015, Prepared by Arborimage Professional Tree Services, Arboricultural Report on health & safety of trees located at 123 Westbury Road, South Launceston, Dated 2015.
- c. Flora and Fauna Assessment, Prepared by GHD, Mount Pleasant - Flora and Fauna Assessment, Dated April 2012.
- d. Audit of GHD Report, Prepared by Northbarker Ecosystem Services, Mt Pleasant - 123 Westbury Road, Launceston, Undated.

2. TREES NOT APPROVED FOR REMOVAL

The following trees are not approved for removal:

- Black Peppermint Gum (*Eucalyptus amygdalina*): #14 (5 trees) and #24
- White Gum (*Eucalyptus viminalis*): #10

The trees should be trimmed and managed in accordance with the alternative recommendations contained in the *Tree Health and Condition Survey* (Mt Pleasant Arboriculture Report 2015).

3. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a Soil and Water Management Control Plan must be submitted detailing how soil and water must be managed on the site during and after the tree removal. The management plan must include the following:

- a. Site boundaries, contours, approximate grades of slope and directions of fall.
 - b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

- c. Location of all vegetation to be retained and removed.
- d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. The estimated dates for the start and finish of the works.
- f. The erosion control practices to be used during and after tree removal.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. Timing of the site rehabilitation or revegetation program.
- i. Outline of the maintenance program for the erosion and sediment controls.
- j. Intended method of disposal of the removed trees.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Manager Planning Services. The Plan must be implemented and maintained during tree removal works to ensure that soil erosion is to be appropriately managed.

4. 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.

5. 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.

6. REPLANTING SCHEDULE

A replanting schedule must be submitted to the Manager Planning Services prior to works commencing.

The replanting schedule must be prepared by a suitably qualified person and should contain:

- a. Replanting of a minimum of ninety (90) trees and understory shrubs. The trees must include *Eucalyptus amygdalina* and *Eucalyptus viminalis* species to replace the native trees to be removed;
 - b. The regions to be replanted must include a 15 metre wide buffer along the entire north eastern and south western side boundaries, a 15 metre wide buffer along the Westbury Road frontage other than a 20 metre section for access in the north western corner and a section joining the two main areas of the vegetation community *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ) as identified in Figure 1 - Vegetation Community, Threatened Flora and Weeds (Audit of GHD Report, prepared by Northbarker Ecosystem
-

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

- Services). The planting must be designed to achieve the reestablishment of a vegetated skyline when viewed from the central Launceston area;
- c. Consideration must be given to staging the tree removal and replanting schedule to best manage the establishment of the new plantings. Staging should be based on recommendations from the suitably qualified person;
 - d. Revegetation works should occur as soon as possible after commencement of tree removal works and in accordance with recommendations from the qualified person. In any case replanting must be completed within nine (9) months of the date of approval;
 - e. The tree saplings are to be grown from local seed;
 - f. The replanting must be maintained and protected. Failed plantings must be replaced annually for a period five (5) years until established. The replanted vegetation must not be removed, destroyed or lopped without the written consent of the Council.

Works must not commence prior to the approval of the Replanting Schedule by the Manager Planning Services.

7. WEED MANAGEMENT PLAN

A Weed Management Plan must be submitted to the Manager Planning Services prior to works commencing. The Weed Management Plan must be prepared by a suitably qualified person and include the following:

- a. A detailed plan of how identified weeds will be managed on the site during and after tree removal;
- b. How regrowth of pine saplings will be managed;
- c. Details of measures to be adopted to limit the spread of weeds through soil or land disturbance, water management and machinery and vehicular hygiene.

Works must not commence prior to the approval of the Weed Management Plan by the Manager Planning Services.

8. NO FURTHER TREE REMOVAL

Tree removal must be limited to those specifically notated on the approved plans as "*trees to be removed*".

No other tree is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

9. PROTECTION OF EXISTING TREES

Existing trees identified for retention on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the Council. Such trees must be satisfactorily protected during works on site in

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

accordance with Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.

10. AMENITY

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

11. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

12. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

A. General

This permit was issued based on the proposal documents submitted for DA0422/2015. 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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

B. 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.

C. 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>>

D. Forest Practices Plan

Prior to the commencement of any works requiring a Forest Practices Plan must be approved by the Forest Practices Authority (FPA) pursuant to the Forest Practices Act 1985. The FPA can be contacted on (03) 6265 4090.

E. Threatened species

This property contains threatened species. Permits are required under the Threatened Species Protection Act 1995 for any activities that may impact those species.

Information on applying for a permit, including application forms, can be found on the DPIPWE website at: <<http://dpiipwe.tas.gov.au/conservation/development-planning-conservation-assessment/guidelines>>

F. Weed management

This property contains several weed species that are declared weed under the Weed Management Act 1999. It is recommended that the DPIPWE (2015) 'Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania' be adhered to during any development activities to prevent the spread of any weeds and that any weeds present on the property be properly managed. The guidelines can be found at:

8.2 123 Westbury Road, South Launceston - Natural and Cultural Values Management - vegetation removal; removal of 95 trees...(Cont'd)

<http://dpi.pwe.tas.gov.au/Documents/Weed%20%20Management%20and%20Hygiene%20Guidelines.pdf>

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

The Amendment becomes the Motion

DECISION: 12 October 2015

MOTION

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

That the Motion be adopted.

CARRIED 10:1

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams
AGAINST VOTE: Alderman D H McKenzie

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace**

FILE NO: DA0352/2015

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:

The following development applications have been considered by Council for the site:

- DA0315/2012 - Demolition of a building - demolish dwelling and ancillary derelict structures; Removal of vegetation - vegetation overgrowing dwelling (Scenic Protection) - application withdrawn;
- DA0346/2013 - Demolition of single dwelling and tree removal;

RECOMMENDATION:

In accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0352/2015 Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new accesses off Wattle Way and upgrading of existing access off Bain Terrace on land located at 19 Bain Terrace 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. Context Plan Project No. 1516 Drawing No. sk00 dated July 2015 prepared by Loop Architecture;
 - b. Site Plan Project No. 1516 Drawing No. sk01 dated July 2015 prepared by Loop Architecture;
-

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)

- c. New Residence Lower Floor Plan Project No. 1320 Drawing No. sk03 dated July 2015 prepared by Loop Architecture;
- d. New Residence Ground Floor Plan Project No. 1320 Drawing No. sk04 dated July 2015 prepared by Loop Architecture;
- e. New Residence Upper Floor Plan Project No. 1320 Drawing No. sk05 dated July 2015 prepared by Loop Architecture;
- f. New Residence Elevations 1 Plan Project No. 1320 Drawing No. sk06 dated July 2015 prepared by Loop Architecture;
- g. New Residence Elevation 2 Plan Project No. 1320 Drawing No. sk07 dated July 2015 prepared by Loop Architecture;
- h. Proposed Townhouses Lower Floor Plan Project No. 1516 Drawing No. sk01 dated July 2015 prepared by Loop Architecture;
- i. Proposed Townhouses Upper Floor Plan Project No. 1516 Drawing No. sk02 dated July 2015 prepared by Loop Architecture;
- j. Proposed Townhouses Elevations 1 Plan Project No. 1516 Drawing No. sk03 dated July 2015 prepared by Loop Architecture;
- k. Proposed Townhouses Elevations 2 Plan Project No. 1516 Drawing No. sk04 dated July 2015 prepared by Loop Architecture;
- l. Site Plan Context Plan Project No. 1516 Drawing No. RFI 1 dated August 2015 prepared by Loop Architecture;
- m. Site Sections Fence Elevations Project No. 1516 Drawing No. RFI 2 dated August 2015 prepared by Loop Architecture;
- n. Site Sections Fence Elevations Project No. 1516 Drawing No. RFI 3 dated August 2015 prepared by Loop Architecture;
- o. Earthworks Plan Project No. 1516 Drawing No. RFI 4 dated August 2015 prepared by Loop Architecture;
- p. Landscape Concept Plan Prepared by Lange Design.

2. CUT AND FILL BATTERS

- a. All faces of cut and fill created by the excavation work must be covered with approximately 100mm of top soil and re-vegetated to promote rapid regeneration of the site to its natural state.
 - b. All scarring or physical disturbance of the land surface during any excavation work must be restricted to only that which is shown on the approved plan as required for building or access purposes. All exposed faces around such scarred areas and spoil must be screened with trees and shrubs and planted with suitable ground covers to the satisfaction of Council within 3 months of the date of undertaking the excavation work.
 - c. No contaminated material, organic material (such as trees, roots or timber), building debris, metals or plastics must be used as fill.
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- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**
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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 the access from the Wattle Way and the upgrading of the existing access off Bain Terrace.

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. 2015/01190-LCC) (attached).

6. SITE LANDSCAPING

Prior to occupation 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, or where subdivision by strata is proposed, the landscaping must be completed before the strata plan is sealed;
- c. Be maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council; and
- d. Must include a minimum of four trees located within a suitable location of the private area of each dwelling and have the capacity to grow to a minimum height of 6m.

7. 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 1.8m from the highest finished level on either side of the common boundaries. All frontage fences adjoining Wattle Way and Bain Terrace must be constructed to a maximum height of 1.8m with the space between 1.2m and 1.8m to have a minimum transparency of 30% (excluding any posts or uprights).

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**
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8. MULTIPLE DWELLINGS - SERVICE FACILITIES

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

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

9. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the newly created lot that will contain the multiple dwellings as determined by a registered land valuer (at the time of sealing the Final Plan) procured at the developer's expense.

10. DRIVEWAY CONSTRUCTION

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

- a. Be designed to comply with the following suite of Australian Standards: AS 2890.1 Off-street car parking,
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be adequately drained to prevent stormwater from discharging to neighbouring properties or the Council road reserves and causing a nuisance,
- 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;
- 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.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace...(Cont'd)**
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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. APPLICATION TO ALTER A STORMWATER SERVICE

To have an existing service connection physically removed/relocated/alterd, or to have a new connection installed, application on the approved form and accompanied by the prescribed fee must be lodged with the Council. The applicant is required to engage a Contractor registered with Council to undertake such works and where necessary a plumbing contractor to undertake the works for the disconnection. All costs associated with these contractors are to be borne by the applicant.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)**
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14. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

15. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of the Council's Roads and Hydraulics Department.

An application for such work must be lodged electronically via the Council's eServices web portal or on the approved hard copy form.

All redundant crossovers and driveways must be removed prior to the occupation of the development.

All new works must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including alterations to the existing hand rail along Wattle Way, the reconstruction of the bluestone wall associated with the indented parking bay in Bain Terrace, lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks etc). The construction of the new crossover and driveway and removal of any unused crossover and driveway will be at the applicant's expense.

16. SOIL AND WATER MANAGEMENT

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) or into the stormwater. Any material that is deposited on the road reserve or into the stormwater system as a result of the development activity is to be removed by the applicant in a prompt manner.

8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)

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.

17. OCCUPATION OF ROAD RESERVE (COMPLEX)

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.

Application for the occupation must be made 14 days prior to date of the scheduled occupation or works and detailing (but not limited to);

- a. The nature, dates and duration of the occupation and/or works,
- b. The contractors name and registration number,
- c. The traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- d. Any alternative pedestrian routes to be provided where the existing footpath unavailable for use. Any temporary works required to maintain the serviceability of the road or footpath.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

The approval of a permit for the installation, removal or modification of a driveway or service connection does not of itself constitute an approval, nor does the approval of the Traffic Management Plan constitute approval to undertake the installation, removal or modification of a driveway or service connection.

18. 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.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)**
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19. 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.

20. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of the public and private infrastructure works to provide each lot in the subdivision with reticulated services and vehicular access in accordance the Council requirements.
- b. The provision of as constructed drawing information for the location of the reticulated service connections.
- c. Any payment or other action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

21. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

22. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

23. SWIMMING POOLS IN CLOSE PROXIMITY TO NEIGHBOURING PROPERTIES

- a. All electrical equipment, including pumps and filters installed in association with the swimming pool must be housed so as not to create a noise nuisance to neighbouring properties;
 - b. If an air conditioner (heat pump) is installed in association with the swimming pool it must operate in compliance with the *Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2014*, in particular, *Section 13 Noise emitted from air conditioners*; and
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8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)

- c. Pool treatment chemicals must be stored in a location that will ensure that they are kept dry.

Notes

A. 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.

B. 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.

C. 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.

D. General

This permit was issued based on the proposal documents submitted for DA0352/2015. 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; or.*

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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)**
-

E. 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.

F. 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.

Mrs L Hurst (Director Development Services), Mr G Walker (Development Planner) and Mr R Jamieson (Manager Planning Services) were in attendance to answer questions of Council in respect of this Agenda Item.

Due to a declaration of interest in Agenda Item 8.3 - 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way and upgrading of existing access off Bain Terrace, Alderman D H McKenzie withdrew from the Meeting at 2.09pm

**Alderman R L McKendrick withdrew from the Meeting at 2.13pm
Alderman R L McKendrick re-attended the Meeting at 2.16pm**

**Scott Anthony spoke for the item.
Rachael Anthony spoke for the item.
Sue McLaren spoke against the item.**

- 8.3 19 Bain Terrace, Trevallyn - Residential - single and multiple dwellings; construction and use single dwelling and of three multiple dwellings and associated earthworks; subdivision of one lot into two lots; construction of new access off Wattle Way an...(Cont'd)
-

DECISION: 12 October 2015

MOTION

Moved Alderman R I Soward, seconded Alderman J Finlay.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 10:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

ABSENT DUE to DECLARATION OF INTEREST: Alderman D H McKenzie

Alderman D H McKenzie re-attended the Meeting at 2.23pm

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)

FILE NO: DA0353/2015

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:

D479/97 - Caretakers Residence (Approved 1/12/97)

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 2015, a permit be granted for DA0353/2015 Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective) at 86 Glen Dhu Street, South Launceston 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 - Stage 1, Prepared by Design to Build, Project No: 157030, Drawing No: A03, Big4 Launceston Holiday Park, Revision No. 7, Dated 28/08/15.
 - b. Existing site survey, Prepared by Design to Build, Project No: 157030, Drawing No: A01, Big4 Launceston Holiday Park, Revision No. 3, Dated 15/07/15.
 - c. Site demolition plan, Prepared by Design to Build, Project No: 157030, Drawing No: A02, Big4 Launceston Holiday Park, Revision No. 6, Dated 28/08/15.
 - d. Floor plans and elevations, Prepared by Design to Build, Project No: 157030, Drawing No: A04, Big4 Launceston Holiday Park, Revision No. 3, Dated 15/07/15.
 - e. Civil master plan, Prepared by Engineering Edge, Job No: 24215, Drawing No: C01, Big4 Launceston Holiday Park, Revision A, Undated.
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

- f. Bushfire protection report, Prepared by Castellan Consulting, Report No: 15054, 86 Glen Dhu Street, South Launceston, Big4 Launceston Holiday Park, Dated 01/07/2015.
- g. Traffic Impact Assessment, Prepared by GHD, Big4 Launceston Holiday Park, Dated 16/07/15.

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.

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

3. NO STORAGE OUTSIDE BUILDING

All goods and packaging materials must be stored inside buildings. No external storage is permitted.

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. NON REFLECTIVE EXTERIOR FINISH

All external cladding and roofing of the building(s) must be of a non-reflective nature and must be finished in muted colours to the satisfaction to the Council.

6. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2015/01148-LCC) (attached).

7. SITE LANDSCAPING PLAN

Prior to the commencement of works, the landscaping plan must be modified and submitted for approval by 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. Major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
 - b. 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); and
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

- c. All proposed trees must be species that are native to Tasmania and preferably to the local area. Shrubs and ground covers may include other species as listed in the submitted list.
- d. Any stabilisation works required as a result of tree or vegetation removal; and
- e. All proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
- f. Suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas; and

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

- g. Installed in accordance with the endorsed plan; and
- h. Completed within 3 months of the date of this permit; and
- i. Maintained as part of the development. It must not be removed, destroyed or lopped without the written consent of the Council.

8. NO FURTHER VEGETATION REMOVAL

Tree and vegetation removal must be limited to those specifically notated on the approved plans as "*tree to be removed*".

No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Council.

9. DRIVEWAY 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 2890.3 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 line-marked or otherwise delineated to indicate each car space and access lanes,
-

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

- f. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;
- g. Have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas. Such lighting must be controlled by a time clock or sensor unit and shielded to prevent direct light being emitted outside the site,
- h. Have a discreetly directional sign of not more than 0.3m² must be provided at the entrance to the site indicating the availability of off-street visitor parking.

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

10. 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.

11. 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".

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

12. 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.

13. 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.

14. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

15. EXCAVATION.

No excavation to be carried out within close proximity, i.e. twenty (20) meters, of the location of any previously existing distillate tank.

16. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

Notes

A. 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.

B. 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.

C. 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.

D. General

This permit was issued based on the proposal documents submitted for DA0353/2015. 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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

E. 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.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

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.

F. Access for People with a Disability

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

G. 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>>

H. Aboriginal Heritage

If any Aboriginal relics are uncovered during works;

- a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,*
- b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania. Phone (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and*
- c. The relevant approval processes will apply with state and federal government agencies.*

I. Threatened species

This property contains threatened species. Permits are required under the Threatened Species Protection Act 1995 for any activities that may impact those species.

Information can be found from:

The Threatened Species unit of Tourism Arts & Environment website (www.dtae.tas.gov.au <<http://www.dtae.tas.gov.au>>) or phone 6233 8011; and Forest Practices Authority, web (www.fpa.tas.gov.au <<http://www.fpa.tas.gov.au>>) or phone 6336 5300.

8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)

J. Signage

Separate approval may be required for any signage proposed on the site.

K. Midland Highway - Advice from State Growth

The Department of State Growth will not be responsible for any future issues relating to current or further increases in traffic noise arising from the Midland Highway. This is inclusive of funding and / or providing any form of sound mitigation or attenuation treatments and signage.

It is recommended that the Developer considers the impacts from traffic noise including potential increases that may occur from future traffic volume growth. Provision and associated costs of any appropriate sound mitigation measures are the responsibility of the Developer and if undertaken, must be outside the State Road reserve boundary.

Stage 2 - Site Assessment

Please note that an Environmental Site Assessment prepared by a suitably qualified person addressing the Potentially Contaminated Land Code will be required for Stage Two of this project.

Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager Planning Services) and Ms J Tyson (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Alison Emery spoke against the item.

Trudi Quinn spoke against the item.

Claire Gregg spoke for the item on behalf of clients.

Russell Drayton spoke for the item.

- 8.4 86 Glen Dhu Street, South Launceston - Visitor accommodation - caravan park; alterations and additions including nine new cabins, shed and vegetation removal (retrospective)...(Cont'd)
-

DECISION: 12 October 2015

MOTION

Moved Alderman J Finlay, seconded Alderman D H McKenzie.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 10:1

FOR VOTE: Mayor Alderman A M van Zetten, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

AGAINST VOTE: Deputy Mayor Alderman R I Soward

8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway

FILE NO: DA0331/2015

AUTHOR: Ashley Brook (Consultant Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine a development application in accordance with Section 58 of the *Land Use Planning and Approvals Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

It is recommended that in accordance with Section 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, the application DA0331/2015 Sport and Recreation – Sports and Recreation – aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway at 18A High Street, East Launceston be approved subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

The development must be carried out in accordance with the following endorsed plans and documents to the satisfaction of the Planning Authority unless modified by a condition of the Permit:

- a. 'Additional Information – DA 0331/2015 Launceston Aquatic Security Fence' (Letter dated 07/09/2015 authorised by Matthew Skirving, Manager Architectural Services).
 - b. Launceston Aquatic Perimeter Fence Design Concept, prepared by Karen Johnson Landscape Design, project number 01.01.04.15v1, dated 28/05/2015.
 - c. 'Securamesh anti climb fence' product description.
 - d. 'ForeceField Security Fence Monitoring System' product description.
-

- 8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(Cont'd)**
-

2. EXTERNAL FINISHES

All external materials, finishes and colours must be non-reflective and in muted natural tones.

3. 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

A. General

This permit was issued based on the proposal documents submitted for DA0331/2015.

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.*

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 Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted.

C. 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.

- 8.5 18A High Street, East Launceston - Sport and Recreation - Sports and Recreation - aquatic centre; construction of new southern perimeter security fence, associated landscaping and realignment of pedestrian pathway...(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>>

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

Mr R Dobrzynski (General Manager) withdrew the application, which will be tabled at a Strategic Planning and Policy Committee Meeting to allow for discussion around the strategic merit of the development.

The Mayor, Alderman A M van Zetten, announced that the Council no longer acts as a Planning Authority.

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO: SF2375**

Monday 28 September

- Attended the Liviende Inc AGM

Tuesday 29 September

- Attended the Independent Living Centre's 25th Birthday followed by the AGM

Wednesday 30 September

- Launched the RIO 2016 Australian Olympic Team Appeal at the Grand Chancellor Hotel

Thursday 1 October

- Opened the revamped Stone Shelter Shed at the Cataract Gorge

Friday 2 October

- Attended the Artist and Collection Exhibition at QVMAG

Sunday 4 October

- Attended the Tamar Yacht Club 137th Official Opening of the Club Season at the Beauty Point Marina
- Welcomed and opened the 2015 AFL Masters Carnival at Aurora Stadium

Monday 5 October

- Attended the Royal Launceston Show Cocktail Party at the Country Club Casino

Wednesday 7 October

- Attended the Melbourne Cup Committee Dinner at the Racing Centre, Mowbray
-

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

Thursday 8 October

- Attended the Royal Launceston Show Official Lunch at Aurora Stadium

Sunday 11 October

- Unveiling of the 40th Anniversary Mall Plaque, Brisbane Street Mall

Monday 12 October

- Opened the 2015 Financial Counselling State Conference at Grindelwald
 - Opened the 2015 National Bowls Championships Conference at the North Launceston Bowls Club
-

10 ALDERMEN'S REPORTS

(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

10.1 Alderman R I Soward

- **Attended the Launceston-based stage of the Tour of Tasmania and passed on thanks from the Event Director for the support the event has received from the Council. Alderman Soward also noted the terrific number of volunteers supporting the event.**

10.2 Alderman D H McKenzie

- **Attended a stakeholder meeting of Launceston Airport Corporation and commented on completed and upcoming airport upgrades and a change in leadership at APAC with the appointment of a new Chairman replacing Chris Woodruff who did a great job in that role.**

11 QUESTIONS BY ALDERMEN**11.1 Questions On Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

11.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

DECISION: 12 October 2015

MOTION

Moved Alderman J Finlay, seconded Alderman R L McKendrick.

That the Council move to discuss Agenda Item 18.3 - Lilydale War Memorial Cenotaph Proposal.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

The Council moved to Agenda Item 18.3 - Lilydale War Memorial Cenotaph Proposal at 3.23pm

12 COMMITTEE REPORTS**12.1 Northern Youth Coordinating Committee Meeting - 3 September 2015****FILE NO:** SF0136**AUTHOR:** Tamara Clark (Youth Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee meeting held on 3 September 2015.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 3 September 2015.

Mrs L Hurst (Director Development Services) and Ms T Clark (Youth Development Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 October 2015**MOTION**

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

12.2 Tender Review Committee Meeting - 14 and 21 September 2015**FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council receives the reports from the Tender Review Committee Meetings held on 14 and 21 September 2015.

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

DECISION: 12 October 2015**MOTION****Moved Alderman R L McKendrick, seconded Alderman J G Cox.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0**

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

12.3 Audit Panel Meeting - 24 September 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 24 September 2015.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the report from the Audit Panel Meeting held on 24 September 2015 be received.

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

DECISION: 12 October 2015**MOTION**

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

13 COUNCIL WORKSHOPS

Council Workshops conducted on 5 October 2015 were:

- UTAS Inner City Campus
- Proposal for 2-way Traffic and Bus Stop Relocation
- Reimagining the Gorge Project

14 NOTICES OF MOTION

Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion have been identified as part of these Minutes

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 City of Launceston Representation on the Committee Directing the Every Child Succeeds Initiative****FILE NO:** SF2233**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider City of Launceston representation on the committee directing the Every Child Succeeds initiative.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the Council nominates Alderman Finlay and Alderman Wood to share representation on the Every Child Succeeds governing committee for a term consistent with other Council appointments to internal and external committees.

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 October 2015**MOTION****Moved Alderman R L McKendrick, seconded Alderman D W Alexander.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0**

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**16.1 Appointment of YPIPA Community Members 2015****FILE NO:** SF3246**AUTHOR:** Robert Groenewegen (Manager Inveresk Precinct)**DIRECTOR:** Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To consider the appointment of a Community Member to the York Park and Inveresk Precinct Authority.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council appoints Mr Adrian Wood as a Community Member on the York Park and Inveresk Precinct Authority for a four year term.

Mr R Sweetnam (Director Facilities Management) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 12 October 2015**MOTION**

Moved Alderman D H McKenzie, seconded Alderman D W Alexander.

That Council appoints Mr Adrian Wood as a Community Member on the York Park and Inveresk Precinct Authority until the conclusion of the term of the current Council.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS**17.1 QVMAG Museum Governance Advisory Board****FILE NO:** SF2244**DIRECTOR:** Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To consider extending the terms of Mr Neil MacKinnon, Ms Janine Healey and Mr Robin Holyman on the QVMAG Museum Governance Advisory Board.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 14 June 2011
Council Meeting 24 August 2015

RECOMMENDATION:

That Council extends the terms of Mr Neil MacKinnon, Ms Janine Healey and Mr Robin Holyman on the QVMAG Museum Governance Advisory Board by six months to 30 March 2016.

Mr M George (Manager Collections and Research) was in attendance to answer questions of Council in respect of this Agenda Item.

Alderman R J Sands withdrew from the Meeting at 3.35pm

DECISION: 12 October 2015

MOTION

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 10:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

ABSENT DURING VOTING: Alderman R J Sands

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS**18.1 Prossers Forest Road - Petition on Traffic Speeding****FILE NO:** SF0097/SF1890/SF0138**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider actions following a petition presented by Mr Robert Petty on providing a safe traffic environment along Prossers Forest Road, Ravenswood.

PREVIOUS COUNCIL CONSIDERATION:

Council Item 5.1 - 14 September 2015.
The Council received the petition.

RECOMMENDATION:

That Council, in respect to a petition presented by Mr Robert Petty on traffic speeds along Prossers Forest Road, resolves to inform the petition organiser that:

1. An analysis of traffic speed indicates that the vast majority of vehicles are within the legal speed limit and implementation of physical traffic management devices are not appropriate in this situation.
 2. The speed related information will be provided to Tasmania Police seeking a high degree of enforcement.
 3. A safety audit of the street indicates that the Prossers Forest Road meets appropriate standards, is in an appropriate condition and does not contribute to higher traffic speeds.
 4. An analysis of the crash records for the road indicates that of the 32 crashes over the past 15 years, only one was attributed to speed with the majority attributed to inattentiveness or failing to give way; and
 5. The core of the issue is a minority of irresponsible drivers which is best handled by enforcement and not altering the physical condition of the road.
-

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

18.1 Prossers Forest Road - Petition on Traffic Speeding...(Cont'd)

Alderman R J Sands re-attended the Meeting at 3:41pm

DECISION: 12 October 2015

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

18.2 Lease - Rocherlea Football Club**FILE NO:** SF0890**AUTHOR:** Andrew Smith (Parks and Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider leasing the building situated at 23-41 Archer Street (PID 2948348) part of Title 48922 Folio 2 adjacent to Rocherlea Recreation Ground as marked on the attached map to the Rocherlea Football Club. This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council Item 18.1 - 25 May 2015

Approved a five year lease with two further five year options subject to completing the advertising process as per Section 178 of the *Local Government Act 1993*.

RECOMMENDATION:

That Council, pursuant to the provisions of Section 177 *Local Government Act 1993*, agrees to lease the building situated at 23-41 Archer Street (PID 2948348) adjacent to the Rocherlea Recreation Ground as marked on the attached map to the Rocherlea Football Club for a period of fifteen years under the following terms:

- the term shall be five years commencing on 1 July 2015 with two five year options to the Rocherlea Football Club;
 - the lease rental shall be applied in the following scale plus GST and linked to CPI per annum after Year 5:
 - Year 1 - \$1,420.00
 - Year 2 - \$2,840.00
 - Year 3 - \$4,260.00
 - Year 4 - \$5,680.00
 - Year 5 - \$7,100.00
 - the fees in relation to Government taxes (land tax) and building insurance are to be on-charged to the tenant
 - tenant to be separately responsible for:
 - energy costs (if any)
 - volumetric and connection charges for water
 - sewer charges
 - trade waste
-

18.2 Lease - Rocherlea Football Club...(Cont'd)

- tenant shall continuously maintain:
 - building in good and reasonable order
 - contents insurance
 - public liability insurance of at least \$10 million.
-

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

Due to a Declaration of Interest in Agenda Item 18.2 - Lease Rocherlea Football Club the Mayor, Alderman A M van Zetten, handed the Chair to the Deputy Mayor, Alderman R I Soward and withdrew from the Meeting at 3.41pm

DECISION: 12 October 2015

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 10:0

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

ABSENT DUE to DECLARATION OF INTEREST: Mayor Alderman A M van Zetten

The Mayor, Alderman A M van Zetten, re-attended the Meeting and resumed the Chair at 3.43pm

18.3 Lilydale War Memorial Cenotaph Proposal**FILE NO:** 3904/3846**AUTHOR:** Dannielle Denning (Parks Planner)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a proposal for expanding the Lilydale War Memorial Cenotaph that includes the Council accepting a donation of land.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That the Council agrees to:

1. accept the donation of land and asset owner responsibilities;
 2. provide land owner consent for the lodgement of a combined Development Application for the subdivision and memorial redevelopment;
 3. pay out-of-pocket land transfer and development application fees provided the Lilydale RSL is responsible for surveying and legal processes; and
 4. support the construction of the memorial by the Lilydale RSL subject to all necessary permits.
-

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

DECISION: 12 October 2015**MOTION****Moved Alderman R I Soward, seconded Alderman J G Cox.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0**

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

18.4 Launceston Cenotaph**FILE NO:** SF0868/SF5547**AUTHOR:** Andrew Smith (Parks & Recreation Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a report on the location of the Launceston Cenotaph.

PREVIOUS COUNCIL CONSIDERATION:

Item 14.1 Notice of Motion by Mayor Albert van Zetten - Council meeting 10 August 2015.

The Council determined to seek a report on suitability of the current venue to accommodate increased attendance at the ANZAC Day commemorations.

RECOMMENDATION:

That the Council, in respect to the Launceston Cenotaph at the current Royal Park location, resolves to:

- support that the site is suitable for the annual ANZAC Day commemorations;
 - provide assistance to the Launceston branch of the Returned Services League to stage services on ANZAC Day at the Launceston Cenotaph; and
 - continue to explore opportunities to improve facilities at the Launceston Cenotaph to support the ANZAC Day services.
-

Mr H Galea (Director Infrastructure Services) and Mr A Smith (Parks and Recreation Manager) were in attendance to answer questions of Council in respect of this Agenda Item.

18.4 Launceston Cenotaph...(Cont'd)

DECISION: 12 October 2015**MOTION****Moved Alderman J Finlay, seconded Alderman R I Soward.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams**

19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Annual Financial Statements for the Year Ended 30 June 2015****FILE NO:** SF2633**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the annual financial statements for the year ended 30 June 2015.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel 24 September 2015 - *the Panel authorised the General Manager to sign Management Representation letter and Financial Statements declaration*

RECOMMENDATION:

1. The Council, pursuant to Section 84(4) of the *Local Government Act 1993*, receives the audited Financial Statements for the year ended 30 June 2015 and note that
 - a) The General Manager has certified the Financial Statements in accordance with Section 84(3); and
 - b) The Financial Statements have been audited by the Auditor General in accordance with Section 84(1) and the statements have received an unqualified audit opinion.
 2. The Council further notes that pursuant to Section 72 of the *Local Government Act 1993* the Financial Statements will be included in the Annual report.
-

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

The Mayor, Alderman A M van Zetten, handed the Chair to the Deputy Mayor, Alderman R I Soward at 3.52pm

The Mayor, Alderman A M van Zetten, resumed the Chair at 3.54pm

19.1 Annual Financial Statements for the Year Ended 30 June 2015...(Cont'd)

DECISION: 12 October 2015

MOTION

Moved Alderman J Finlay, seconded Alderman D H McKenzie.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)

FILE NO: SF3611

AUTHOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the requirements of the *Local Government (Audit Panels) Order 2014* and the Council's Audit Panel Charter (14-Plx-010) to identify what if any changes need to be made to the Charter.

PREVIOUS COUNCIL CONSIDERATION:

Item 12.2 - Audit Panel 24 September 2015 - *It was resolved that the Audit Panel Charter be revised.*

RECOMMENDATION:

That Council approves the revised Audit Panel Charter (14-Plx-010) as set out below.

Audit Panel Charter (14-Plx-010)

PURPOSE:

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

SCOPE:

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

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

POLICY:

Legislative Framework

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

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

Local Government (Audit Panel) Order 2014

The Order includes the following clauses:

3. Interpretation
4. Functions of audit panel
5. Membership of audit panel
6. Chairperson of audit panel
7. Terms and conditions of appointment of audit panel members
8. Notification of appointment of members of audit panel
9. Charter of audit panel
10. Annual work plan
11. Meetings of audit panel
12. Recommendation of audit panel
13. Resources of audit panel

Objectives

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

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

The Audit Panel is to:

- a) Assist with the coordination of the internal and external audit functions to achieve overall organisational objectives in an efficient and effective manner.
- b) Oversee changes to the Council estimates in accordance with Section 82 of the *Local Government Act (1993)*.

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

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

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

Role and Authority

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

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

Responsibilities

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

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

Financial and Management Reporting

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

Risk Management

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

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

Internal Audit

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

External Audit

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

Other

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

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

Membership and Remuneration

The membership of the Panel will be consistent with the requirements of clause 5 of the *Local Government (Audit Panels) Order 2014* in particular:

- a) Minimum of 3 and a maximum of 5 members (clause 5(1))
- b) Requirements for independent members
- c) Eligibility for membership

The membership of the Panel will be:

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

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

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

- a) The Chair is required to have relevant business or commercial experience and preferably qualifications,
- b) The Chair must meet requirements commonly referred to as the 'fit and proper person test',
- c) The Chair must not have any conflict of interest or conflict of duty in the matters that are likely to be considered by the Panel,
- d) The Chair must be available to attend meetings subject to the usual meeting schedule, as determined by the Panel from time to time,
- e) Remuneration will be paid to each external member of the Panel on a set fee per annum, or another basis as appropriate.
- f) The evaluation of any external persons will be undertaken by the Mayor and General Manager with a recommendation for appointment then to be made to the Council.
- g) Appointments of external persons are for a period of up to four years, subject to a maximum term of eight years.
- h) If the Council proposes to remove a member of the Panel it must give written notice to the member and provide that member with the opportunity to be heard at a Council meeting which is open to the public.

Meetings

- a) The Panel shall meet at least (minimum of four meetings per year clause 11(2) *Local Government (Audit Panels) Order*) quarterly, to coincide with reporting requirements. (Given the responsibilities of the Panel it is expected that there will be six to eight meetings per annum.)
-

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

- b) Additional meetings shall be convened at the discretion of the Chairperson or the written request of:
 - Mayor
 - General Manager
 - Panel Member
 - Auditor
- c) An external member of the Audit Panel shall be appointed as Chair (clause 6 *Local Government (Audit Panels) Order*). In the absence of the Chair, the Panel members will appoint an acting Chair for the meeting.
- d) A quorum shall be consistent with the requirements of clause 11(3) and (4) namely:
 - i. Majority of the total number of members, and
 - ii. All independent members.
- e) The General Manager, or his delegate, and the internal auditor should attend all meetings, except where the full Panel chooses to meet in camera.
- f) Council staff and aldermen may be invited to attend at the discretion of the Panel.
- g) Secretarial and administrative support shall be provided through the Corporate Services Directorate.
- h) Meetings shall be minuted and an agenda prepared and distributed at least 4 days prior to the meeting. The agenda will be structured around the functional areas of responsibility, i.e. reporting, audit and risk.
- i) The agenda will be available to all aldermen, directors and staff involved in the meeting.

DELEGATIONS:

The Council authorises the Audit Panel, in accordance with the provisions of Sections 22 (Delegations) and 82 (Estimates) of the *Local Government Act 1993* to determine the following matters:

- a) Minor budget adjustments up to \$500,000 (approximately 1 percent of the total rate revenue) to individual items within any estimate referred to in Section 82(2). (See policy definition section for explanation)
 - b) Changes to the Council's risk register.
 - c) Approve internal and external audit plan.
 - d) Authorise the final resolution of issues raised in management letters from audits.
 - e) Make recommendations to the Council on matters reasonably within the responsibilities of the Panel.
-

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

PRINCIPLES:

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

RELATED POLICIES & PROCEDURES:

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

RELATED LEGISLATION:

Section 22 of Local Government Act (Delegations)
Section 24 of Local Government Act (Special Committees)
Section 82 of Local Government Act (Estimates)
Audit Act 2008
Local Government (Audit Panels) Order 2014

REFERENCES:

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

DEFINITIONS:

Estimates (Section 82 of *Local Government Act 1993*)

- (2) Estimates are to contain details of the following:
 - (a) the estimated revenue of the council;
 - (b) the estimated expenditure of the council;
 - (c) the estimated borrowings by the council;
 - (d) the estimated capital works of the council;
 - (e) any other detail required by the Minister.
 - (4) A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.
 - (5) A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered.
-

19.2 Local Government (Audit Panels) Orders and Audit Panel Charter (14-Plx-010)...(Cont'd)

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

Delegations (Section 22 of *Local Government Act 1993*)

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

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

Fit and Proper Person Test

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

REVIEW:

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

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

DECISION: 12 October 2015

MOTION

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

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

19.3 Rates and Charges Policy

FILE NO: SF0521

AUTHOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the review of the Rates and Charges Policy (23-Plx-010).

PREVIOUS COUNCIL CONSIDERATION:

SPPC Workshop 21 September 2015 - *Changes to the Rates and Charges Policy were discussed*

RECOMMENDATION:

That pursuant to Sections 86A and 86B of the *Local Government Act 1993* Council adopts the updated Rates and Charges Policy (23-Plx-010) as set out below.

Rates and Charges Policy (23-Plx-010)

PURPOSE:

This policy provides the rating framework that the Council has adopted for rates and charges.

This policy is prepared in accordance with Section 86B of the Local Government Act (1993) and provides an overview of the rating framework that the Council has adopted.

The policy reflects the fundamental premise as set out in Section 86A (LGA 1993) that:

- a) rates are a tax and not a fee for service; and
- b) the value of land is an indicator of the capacity to pay.

The Council through the application of this policy primarily levies rates based on property values with a contribution through fixed and service charges. The policy also outlines the Council's approach to the provision of remissions and the management of the rate debt.

SCOPE:

The policy sets out the Council's rates and charges (taxation) objectives in regard to:

- a) Statutory compliance; and
 - b) Discretionary matters.
-

19.3 Rates and Charges Policy...(Cont'd)

The policy is a statement of policy and intent, it does not supersede or overrule the specific rating resolutions and policies that are determined by resolution of the Council.

PRINCIPLES:

The Council's rating policies are formed within a framework that includes:

- a) The Local Government Act 1993;
- b) Established taxation principles;
- c) Organisational Values;
- d) The Council's Strategic Financial Plan; and
- e) The Council's Rating Resolution.

POLICY:

Rating Objectives

To maintain an appropriate distribution of rates and charges consistent with the principles stated in this policy with the objectives of:

- a) Consistent and equitable treatment of all residents and ratepayers;
- b) Achieving an appropriate mix and distribution of taxation from
 - i. rates based on property values, fixed and service charges and revenue from other sources; and
 - ii. different sectors (including land use categories and localities) within the municipality.
- c) Managing the impact on ratepayers of changes in
 - i. the Council's funding requirements; and
 - ii. property valuations as reflected in municipal revaluations.
- d) Using rate settings to support the achievement of strategic objectives.

Rating Strategies and Methodologies

The strategies and methodologies that have been developed consistent with the principles and rating objectives are as follows.

The valuation methodology is based on assessed annual value.

The inclusion of a general fixed charge (that is not based on a property's value) as a component of the general rate.

The use of service charges for waste management (collection) and onsite (waste water) disposal systems based on the capacity of the service and facility.

Transitional arrangements through the capping of rate increases for residential ratepayers when municipal revaluations occur.

19.3 Rates and Charges Policy...(Cont'd)

Debt management policies and disincentives intended to encourage the timely payment of rates.

The minimisation of rate remissions to support equitable outcomes for all ratepayers and for the remissions to be strategically targeted to address unintended consequences of legislation and policy.

Exemptions based solely on the legislative provisions of Section 87 (LGA 1993).

Valuation Methodologies

The Council has determined to use assessed annual value as the basis of rates (Section 89A(2), LGA 1993) within the municipality. Valuations are arranged by the Office of the Valuer General. Municipal valuations occur on a six yearly cycle, with indexation adjustments made over two years.

Supplementary valuations occur when additions or significant alterations are made to a property. The values are determined as though the alterations existed at the date of the last municipal revaluation.

Rating Structures and Different Rates

The Council uses the power provided by Section 107 (LGA 1993) to levy a different rate for properties within a defined area of the city centre to raise an additional rate for promotional activities within this area.

Contribution Methodology

Assessed annual value is a differential valuation system that varies with the use and capital value of the property. Through this differential valuation system the contribution from sectors of the municipality varies with changes in property values. The use of assessed annual value is consistent with the rating principles contained in Section 86A (LGA 1993).

Fixed Charge

The Council has resolved to impose a fixed charge (Section 91, LGA 1993) on each rateable property or tenancy, consistent with the legislation a minimum rate is not also levied. The application of a fixed charge recognises that all rateable properties should make a fixed contribution to the cost of the Council's operations and services. The application of a fixed charge reduces the rates that are raised based on property values. The Council recognises the regressive taxation effect of fixed charges and so limits the amount of the fixed charge.

19.3 Rates and Charges Policy...(Cont'd)

Service Charges

The Council imposes a service charge (Section 93(1)(d) LGA 1993) for waste management services. The Council believes that waste management (the collection of waste and recycling materials) is a defined service for which a pay for use charge is appropriate.

Private operators provide specific services to a limited number of organisations where for operational reasons it is not practical or efficient to provide the Council managed service. These organisations are able to opt out of the Council arranged service.

The Council varies or applies different charges based on the capacity of the bin selected, this pricing strategy is intended to provide incentives to reduce waste, encourage recycling and reflect the cost of waste disposal.

The Council also imposes a service charge for the maintenance of onsite waste water disposal systems for a small number of properties based on the category of service provided and a representative cost within each of the categories.

Residential Rate Cap (Transitional Arrangements)

The Council supports the fundamental principle, subject to any differential rating structures, that properties with the same value (in the same category) should pay the same rate.

The Council recognises that the municipal revaluation may produce circumstances where the rates on individual properties increase significantly. In order to assist residential ratepayers to transition to the new rating levels the Council has determined to cap the amount that the general rate can increase at 20 percent per annum following a municipal revaluation.

Debt Management

The Council recognises that some members of the community will not pay the applicable rates and charges either because

- a) they choose not to, or
- b) they are unable to due to financial difficulties.

The Council provides financial disincentives through interest and penalty charges and undertakes commercial debt collection practices to ensure that the payment of rates and charges is given appropriate priority.

19.3 Rates and Charges Policy...(Cont'd)

The Council seeks to assist those members of the community in genuine financial difficulty through payment arrangements. It also understands that the failure to take appropriate and timely action can actually have a greater adverse consequence for the ratepayer than the debt collection action.

Unpaid Council rates and charges are a debt that is secured (similarly to a mortgage) against the property (Section 119 LGA 1993). Thus any debt must be repaid when the property is sold. The Council has the power to sell a property when debts are outstanding for more than three years (Section 137 LGA 1993).

Postponement of Payments

Section 125 (LGA 1993) provides the power for the Council to defer or postpone the payment of rates on the grounds of hardship, the Council has determined that it will not offer this long term debt management facility as there are other commercial facilities that should be used in these circumstances. The Council provides short term payment arrangements.

Rate Remissions

The Council has the capacity under Section 129 (LGA 1993) to provide discretionary rating remissions in specific circumstances. The Council is required to exempt under Section 87 (LGA 1993) some properties from rates.

The Council has resolved to provide rating remissions under Section 129 in the following situations.

- Residential retirement home units
- Crown leases/licences for jetties and slipways (Policy 23-PI-008)
- Charitable organisations (Policy 23-PI-002)
- Small balances (Policy 23-PI-006)

Other Rates

CBD Promotional Rate

Council, based on the request of the effected businesses, applies a differential rate to fund promotional activities within the central business area (details are specified in the annual rates resolution).

The delivery of the promotional outcomes is provided by Cityprom Ltd under a service agreement with the Council.

State Government Departments and Business Enterprises

State Government properties, with some exceptions related to parks and infrastructure, are subject to rates and charges on the same basis as other properties (Section 87(1)(b) LGA 1993).

19.3 Rates and Charges Policy...(Cont'd)

Construction Rates

Construction rates can be levied (Sections 97 and 98 LGA 1993) related to drainage infrastructure works. The Council uses developer contribution arrangements in preference to construction rates due to limitations contained in Section 98 regarding the amount that can be charged.

Separate Rates

Separate rates can be levied (Section 100 LGS 1993) where the Council believes the services provided are of particular benefit to the "affected land; or the owners or occupiers of that land".

There are currently no separate rates.

Fire Service Rates

The Council as required by legislation raises rates on behalf of the State Fire Commission (Section 93A LGA 1993). The amount of the rate revenue is determined by the State Fire Commission. The Council pays the amount to the Commission less an administrative fee that the Council receives for the provision of the service.

Payments

The Council has spread the payment dates across the year with the instalments due.

- Instalment 1 - 30 August
- Instalment 2 - 30 November
- Instalment 3 - 31 January
- Instalment 4 - 30 April

Penalty charges apply when instalments are not paid by the due date, interest applies on unpaid balances.

Rates can be paid in full, by four instalments or by more frequent payments so long as the instalments are paid by the due date, penalty and interest will not be incurred.

Payment Methods

The Council provides a range of payment facilities that include the use of modern technologies and in person.

The use of a surcharge for the use of credit cards is subject to ongoing review. The surcharge if adopted would recover some of the costs (merchant fees) of providing the facility.

19.3 Rates and Charges Policy...(Cont'd)

Discounts

The Council does not provide payment discounts (Section 130 LGA 1993) due to the additional cost imposed on those who are unable to take advantage of such a facility. (The estimated cost of discount significantly exceeds the additional interest earnings that would result from the take up of the discount.)

Application of Payments

Payments are applied to outstanding debts in accordance with the sequence prescribed in the legislation (Section 131 LGA 1993).

Objection

Objections to rates notices can only be made based on the grounds specified in Section 123 (LGA 1993). The grounds broadly relate to factual or calculation errors.

Objections to valuation can be made under Section 28 (VLA 2001) only on the grounds specified and within 60 days of the date of notice issue. Application can be made for the correction of errors of fact at any time.

Disclaimer

This policy is a general statement of Council intent it is not a statement of legislative compliance. The policy provisions do not provide a legal basis for a challenge or objection to any rating matters. The policy is updated from time to time.

RELATED POLICIES & PROCEDURES:

23-PI-008 Rating Exemptions and Remissions for Crown Lease Jetties and Slipways
23-PI-006 Property Debt (Small Charge) Remission Policy
23-PI-003 Rating Exemptions and Remissions for Charitable Organisations

RELATED LEGISLATION:

Local Government Act 1993 (Part 9 - Rates and Charges) (LGA)
Valuation of Land Act 2001 (VLA)

REFERENCES:

Knox City Council Rating Related Policies and Proposed Budget 2011-12
Access Economics/Henry Review (www.taxreview.treasury.gov.au)
Taxation Policy Criteria (Oakes Committee April 1990)

- Equity or Fairness
 - Simplicity and Efficiency
 - Accountability or Visibility
 - Acceptability
 - Benefits Derived
 - Capacity to Pay
-

19.3 Rates and Charges Policy...(Cont'd)

Local Government Rates and Charges - Guidance paper for policy development
April 2012

DEFINITIONS:

Economic Efficiency

- Does the rating methodology distort property ownership and development decisions in a way that results in significant efficiency costs?

Simplicity

- Is the system practical and cost-effective to administer?
- Is the system simple to understand and comply with?

Equity

- Does the tax burden fall appropriately across different classes of ratepayers?

Capacity to Pay (is the tax progressive or regressive?)

- Those with a greater capacity contribute more.

Benefit Principle

- Should those who benefit more, contribute more?

Sustainability

- Does the system generate sustainable and reliable revenues?
- Is it durable and flexible in changing conditions?

Cross-border Competitiveness

- Does the rating system undermine the Council as a business location?

REVIEW:

This policy will be reviewed no more than 18 months after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

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

19.3 Rates and Charges Policy...(Cont'd)

DECISION: 12 October 2015

MOTION

Moved Alderman J Finlay, seconded Alderman E K Williams.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED 7:4

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman D H McKenzie, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

AGAINST VOTE: Alderman R L McKendrick, Alderman R J Sands, Alderman J G Cox and Alderman D W Alexander

19.4 Budget Amendments 2015/16 (24 September 2015)**FILE NO:** SF3611 / SF6183**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2015/16 Statutory Estimates.

The decision requires an absolute majority vote of Council in accordance with Section 82(4) of the *Local Government Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

Item 9.1 - Audit Panel 24 September 2015 - *It was resolved that the item go to the Council for a decision*

RECOMMENDATION:

1. That pursuant to Section 82(4) of the *Local Government Act 1993* that Council approves the following amendments to the Statutory Estimates:
 - a) Revenue
 - i. The increase in revenue from external grants of \$60,000
 - ii. The increase in revenue of \$7,700,000 from grants initially expected to be received in 2014/15.
 - b) Operating Expenditure
 - i. The net reduction in expenses from transfers to Capital of \$8,500.
 - c) Capital Works Expenditure
 - ii. The net increase in expenditure from transfers from Operations of \$8,500.
 - iii. The net increase from capital grants of \$7,760,000.
 2. That Council notes the amendments from Point 1 result in:
 - a) the operating surplus (including \$13.956m in capital grants) being amended to \$14.018m; and
 - b) the capital budget being increased to \$32.419m.
-

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

19.4 Budget Amendments 2015/16 (24 September 2015)...(Cont'd)

DECISION: 12 October 2015**MOTION****Moved Alderman D H McKenzie, seconded Alderman R L McKendrick.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 11:0****FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams**

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of these Minutes

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Minutes.

No Urgent Items have been identified as part of these Minutes

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

22.1 Confirmation of the Minutes

The *Local Government (Meeting Procedures) Regulations 2015 - Regulation 34(6)* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

22.2 Rate Recovery Sales - Debts 1 - 22**22.3 Rate Debt 1****22.4 Rate Debt 2****22.5 Rate Debt 3****22.6 Rate Debt 4****22.7 Rate Debt 5****22.8 Rate Debt 6****22.9 Rate Debt 7****22.10 Rate Debt 8****22.11 Rate Debt 9****22.12 Rate Debt 10**

22.13 Rate Debt 11

22.14 Rate Debt 12

22.15 Rate Debt 13

22.16 Rate Debt 14

22.17 Rate Debt 15

22.18 Rate Debt 16

22.19 Rate Debt 17

22.20 Rate Debt 18

22.21 Rate Debt 19

22.22 Rate Debt 20

22.23 Rate Debt 21

22.24 Rate Debt 22

That Items 22.2 - 22.24 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

15(2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

22.25 Audit Panel (Independent) Members - Annual Remuneration Indexation

That Item 22.25 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

15(2)(a) personnel matters, including complaints against an employee of the council and industrial relations matters.

22.26 Leave of Absence - Aldermen

That Item 22.2 be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

15(2)(h) applications by councillors for a leave of absence

DECISION: 12 October 2015**MOTION**

Moved Alderman R I Soward, seconded Alderman D W Alexander.

That Council move into Closed Session to consider Items 22.1 - Confirmation of the Minutes, 22.2 - Rate Recovery Sales - Rate Debts 1 - 22, 22.3 - 22.24 - Rate Debts 1 - 22, 22.25 - Audit Panel (Independent) Members - Annual Remuneration Indexation and 22.26 - Aldermen's Leave of Absence.

CARRIED 11:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander, Alderman S R F Wood and Alderman E K Williams

**The Council moved into Closed Session at 4.06pm
The Council returned to Open Session at 4.13pm**

23 CLOSE OF MEETING

The Mayor, Alderman A M van Zetten, closed the Meeting at 4.13pm
