



City of  
**LAUNCESTON**

# **SPECIAL COUNCIL MEETING MINUTES**

**WEDNESDAY 8 APRIL 2015**

**3.00PM**

Notice is hereby given that the Special Council Meeting of the Launceston City Council will be held at the Launceston City Council Chambers, Town Hall on Wednesday 8 April 2015 commencing at 3.00pm.

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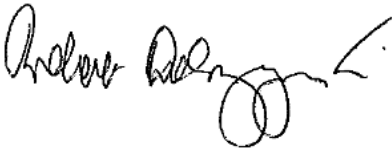
## **Section 65 Certificate of Qualified Advice**

### **Background**

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

### **Declaration**

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



**Robert Dobrzynski**  
**General Manager**

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# City of Launceston

**SPECIAL COUNCIL MEETING MINUTES**

**Wednesday 8 April 2015**

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

**In Attendance:**                      **Mr R S Dobrzynski (General Manager)**  
**Mr J Davis (Manager Corporate Strategy)**  
**Mrs Anthea Rooney (Committee Clerk)**

**Apologies:**                      **Alderman**              **D W Alexander**

## **ORDER OF BUSINESS**

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<b>3.1</b>	<b>86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage</b>	<b>2</b>
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**1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES**

The Mayor opened the meeting at 3.00pm and noted an apology from Alderman D W Alexander.

**2 DECLARATION OF PECUNIARY INTERESTS**

Nil

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Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to Item 3.1.

### **3 PLANNING AUTHORITY**

#### **3.1 86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage**

**FILE NO:** DA0023/2015, SF2346

**AUTHOR:** Leon Murray (Development Planner)

**DIRECTOR:** Leanne Hurst (Director Development Services)

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#### **DECISION STATEMENT:**

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

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

N/A

#### **RECOMMENDATION:**

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted, for DA0023/2015 Sports and Recreation; change of use to gym and signage at 86-96 Gleadow Street, Invermay in accordance with the endorsed plans and subject to the following conditions.

#### **1. ENDORSED PLANS & DOCUMENTS**

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

- a. Floor plan, page 4 of 6, prepared by T Baird, project name 86-96 Gleadow Street, Invermay dated 11/03/2015;
  - b. Elevations plan, page 5 of 6, prepared by T Baird, project name 86-96 Gleadow Street, Invermay dated 11/03/2015;
  - c. Photomontages plan, prepared by T Baird, project name 86-96 Gleadow Street, Invermay, dated 11/03/2015;
  - d. Heritage impact statement for 96 Gleadow Street, Invermay, prepared by David Denman & Associates, dated March 2015;
  - e. Traffic impact assessment (rev. b) for 96 Gleadow Street, Invermay, prepared by RJK Consulting Engineers, dated March 2015.
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**3.1 86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage...(Cont'd)**

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**2. TASMANIAN HERITAGE COUNCIL REQUIREMENTS**

The use and development must be undertaken in accordance with the requirements of the Tasmanian Heritage Council's Notice of Heritage Decision (attached) dated 5 March 2015.

**3. LEGAL TITLE**

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

**4. LAPSING OF PERMIT**

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

**5. 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. TASWATER**

The use and development must be in accordance with the Submission to Planning Authority Notice issued by TasWater TWDA No. 2015/00143 - LCC (attached).

**7. SITE LANDSCAPING**

The landscaping must be:

- a. Installed in accordance with the endorsed plan (as amended);
- b. Completed within 3 months of the use commencing;
- c. Maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

**8. 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 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 from the edge of the road pavement;
  - d. Be drained to Councils requirements;
  - e. Be line-marked or otherwise delineated to indicate each car space and access lanes;
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**3.1 86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage...(Cont'd)**

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- 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.

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

## **9. AMENDED PLANS REQUIRED**

Before the use and or development commences, the plans marked 'amended plans required' must be amended to show the following requirements:

- a. Construction of a new vehicular crossing and driveway located to be aligned with the aisle of the car park and the removal of the existing angled driveway;
- b. Parking bays designated as being for persons with a disability (accessible bays) are to comply with the dimensions set out in Australian Standard AS2890.6 2009;
- c. Relocation of the parking bays 9-17 to the north to maximise the width of the entry and exit lanes;
- d. Correct orientation of the wheelchair symbol within the accessible parking bays;
- e. Installation of the bollard and line marking associated with shared space for the accessible parking bays in accordance with the requirements of AS2890.6 2009.

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

## **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. VEHICULAR CROSSINGS**

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

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**3.1 86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage...(Cont'd)**

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

The new crossing must be constructed to Council standards by a contractor to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

**12. EXTERIOR LIGHTING**

Exterior Lighting and Security Lighting must comply with AS4282-1997 "Control of the obtrusive effects of outdoor lighting".

**13. NOISE NUISANCE**

No sound is to be emitted from any device or from any source or activity on the land so as to become an environmental nuisance to the occupiers or properties nearby.

Notes

Building Permit Required

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

Occupancy Permit Required

*Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to s93 of the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor.*

Plumbing Permit Required

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

General

*This permit was issued based on the proposal documents submitted for DA0023/2015. 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).*

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**3.1 86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage...(Cont'd)**

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*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.*

*Restrictive Covenants*

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

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

*Access for People with a Disability*

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

*Appeal Provisions*

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

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

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

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**3.1 86-96 Gleadow Street, Invermay - Sports and recreation - gymnasium and fitness centre; change of use to part of property and associated signage...(Cont'd)**

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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.*

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**Mrs Leanne Hurst (Director Development Services) and Mr Leon Murray (Development Planner) were in attendance to answer questions of Council in respect of this Agenda Item.**

**Mr Graeme Johnson spoke to the item  
Mr Thomas Baird spoke to the item**

**Alderman R J Sands was absent at the commencement of the meeting.**

**DECISION: 8 April 2015**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED 9:1**

**FOR VOTE - Alderman A M van Zetten, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman A E Dawkins, Alderman S R F Wood, Alderman E K Williams.**

**AGAINST VOTE - Alderman R I Soward.**

**ABSENT. DID NOT VOTE - Alderman R J Sands, Alderman D W Alexander.**

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

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## **4 MEETING CLOSURE**

**The Mayor closed the meeting at 3.15pm.**

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