

# **COUNCIL MINUTES**

# COUNCIL MEETING THURSDAY 3 OCTOBER 2019 1.00pm

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#### COUNCIL MINUTES

The Ordinary Meeting of the City of Launceston Council was held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 3 October 2019

Time: 1.00pm

#### **Certificate of Qualified Advice**

#### Background

To comply with section 65 of the Local Government Act 1993 (Tas):

- 1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- 2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
- (a) the general manager certifies, in writing -
  - (i) that such advice was obtained; and
  - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
- (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

#### Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the minutes item.

Michael Stretton General Manager

Present:	Councillor	A M van Zetten (Mayor) J Finlay A E Dawkins D H McKenzie K P Stojansek R I Soward P S Spencer J G Cox A G Harris
In Attendance:		Mr M Stretton (General Manager) Mr S G Eberhardt (Director Infrastructure Services) Mrs L M Hurst (Director Development Services and Acting Director Facilities Management) Mr P Gimpl (Acting Director Corporate Services) Mr D Campbell (Governance and Paralegal Officer) Mrs L Viney (Administration Officer)
Apologies:	Councillor	D C Gibson (Deputy Mayor) N D Daking T G Walker

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#### **COUNCIL MINUTES**

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

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm and noted apologies from the Deputy Mayor, Councillor D C Gibson, Councillor N D Daking and Councillor T G Walker.

#### 2 DECLARATIONS OF INTEREST

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.)

The Mayor, Councillor A M van Zetten, declared an interest in Agenda Item 8.3 - 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling.

Councillor K P Stojansek declared an interest in Agenda Item 18.2 - Lease - Soldiers Memorial Hall.

The Mayor, Councillor A M van Zetten, advised Agenda Item 8.2 - 233A Charles Street, Launceston - Sports and Recreation - Change of Use to Wellness Centre has been withdrawn from the Agenda.

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#### **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 19 September 2019 be confirmed as a true and correct record.

#### **DECISION: 3 October 2019**

#### MOTION

Moved Councillor R I Soward, seconded Councillor A G Harris.

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

#### CARRIED 9:0

FOR VOTE: Mayor Councillor A M van Zetten, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris

#### 4 **DEPUTATIONS**

No Deputations were identified as part of these Minutes

#### 5 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

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#### 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 Councillors.)

#### 6.1 Ms Amanda McEvoy (Member Engagement and Project Officer) - Cityprom Inc

Ms McEvoy provided Councillors with an overview of Cityprom Inc's news, activities and projects happening in central Launceston this spring. The *Winterlicious* campaign was a success with various events held and two events were attended by almost 3,000 people. During October, there will be a series of three off-street food and drink events being held in Yorktown Square, Earls Court and Brisbane Court. There are also amazing plans in place for upper St John Street to draw the public through our City to the precinct.

#### **COUNCIL 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.)

No Public Questions on Notice were identified as part of these Minutes

#### 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 cannot 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 Robin Smith - Shopping in the City Report

1. Where were the shoppers' surveys, as featured in the *Shopping in the City Report,* drawn from?

The Mayor, Councillor A M van Zetten, responded by saying that the Council does not have that information, as the survey was completed by Dr Louise Grimmer.

2. If the questionnaires were conducted through Council's online Your Voice, Your Launceston, would the results go to Council and then be handed on? Would they be disseminated by Council if they were able to go through that system?

The Mayor, Councillor A M van Zetten, responded by answering in the negative.

#### **COUNCIL MINUTES**

- 7.2.2 Mr Robin Smith Brisbane Street Mall
- 1. City Heart's previous projects incorporated into the works, fittings into the ground, such as umbrellas and sockets for banners etc. Why were the fittings not installed in the Brisbane Street Mall?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 17 October 2019.

#### COUNCIL MINUTES

- 7.2.3 Ms Rocelyn Ives Inclinator at the Gorge
- 1. Recently the Inclinator at the Gorge was closed over a number of days. I am aware of the expense for service work and the regular disruption to its operation over its lifetime. I was present at the Gorge regularly to support visitors when this occurred during recent years. I would like to ask what is Plan B?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 17 October 2019.

2. Recently I was responsible for numbers of school students and another time there were elders who were unable to use the steps. For me, with loads of equipment to carry from the carpark, it was exhausting. The carpark to the inclinator levelled walkway is a wonderful access path. Would CoL Council consider either committing to a once off payment for design modifications to overcome the issue of the door and operation faults of the Inclinator or provide more ramps where there are no alternatives to steps for access?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 17 October 2019.

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7.2.4 Mrs Ros Lewis - Declaration of Climate Emergency

In reference to the recent Declaration of Climate Emergency and the Sustainability Strategy Report which will be on the Agenda today:

1. Is there any update on the letters to the various Heads of Government and Members of Parliament and how they replied?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 17 October 2019.

2. Is there any update on where we've got to with our baseline greenhouse gas emissions?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 17 October 2019.

#### **COUNCIL MINUTES**

#### 7.2.5 Mr Andrew Bowen - Community Consultation

1. What level of community consultation is Council going to undertake in relation to future major capital works, infrastructure changes and policy changes?

The Mayor, Councillor A M van Zetten, responded by saying that the Council has policies on where community consultation will be utilised. For example, as part of the Capital Works program, the budget is available to the public for a number of months and people are able to provide feedback that will be considered before a final decision is made.

2. Where would I find that information currently?

Mr Michael Stretton (General Manager), responded that budget information is made available as part of the budget process and that public consultation is undertaken in the months leading up to the approval of the budget. Information is made available through *The Examiner* newspaper, our website and *Facebook* and other means.

3. What weight does public comment have on those matters? What about community events, such as moving dates?

The Mayor, Councillor A M van Zetten, responded by saying that public comment is quite significant, especially if there are a large number of comments. Council has changed the budget in past years because of comments received.

In relation to community events such as moving dates, Council will consider the suitability of community consultation if similar matters come up in future.

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Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 8 - Planning Authority.

#### 8 PLANNING AUTHORITY

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building

FILE NO: DA0346/2019

AUTHOR: lain More (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*.

#### **RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0346/2019 - Educational and Occasional Care - Change of Use to a Child Care Centre; Alterations to an Existing Building at 2/31-43 Thistle 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 Manager City Development unless modified by a condition of the Permit:

- a. Site Context Plan, prepared by RD Raymond design, RD18011 02, issue C, dated 01/07/19;
- b. Overall Site Plan, prepared by RD Raymond design, RD18011 03, issue D, dated 05/07/19;
- c. Part Site Layout, prepared by RD Raymond design, RD18011 04, issue E, dated 19/07/19;
- d. Carparking Layout Plan, prepared by RD Raymond design, RD18011 05, issue D, dated 19/07/19;
- e. Concept Flood Plan, prepared by RD Raymond design, RD18011 06, issue D, dated 05/07/19;
- f. Elevations, prepared by RD Raymond design, RD18011 07, issue D, dated 05/07/19;
- g. Perspective View, prepared by RD Raymond design, RD18011 08, issue D, dated 05/07/19;

#### **COUNCIL MINUTES**

- 8.1 2/31-43 Thistle Street, South Launceston Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)
- h. Signage & Access Plan, prepared by RD Raymond design, RD18011 09, issue C, dated 01/07/19;
- i. Site & Fence Detail, prepared by RD Raymond design, RD18011 10, issue D, dated 05/07/19; and
- j. Traffic Impact Assessment, prepared by Pitt & Sherry, dated 8 August 2019.

#### 2. USE LIMITATIONS

The use must not exceed 16 staff (at any one time) and 94 students.

#### 3. LEGAL TITLE

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

#### 4. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of: Monday to Friday - 7.00am to 6.00pm Saturday - 8.00am to 5.00pm No works on Sunday or Public Holidays

#### 5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01054-LCC 2019/01054-LCC, and attached to the permit.

#### 6. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 6017, 12 September 2019 and attached to the permit.

#### 7. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

#### 8. NO SIGN ILLUMINATION

The sign(s) must not be floodlit or otherwise internally illuminated.

#### 9. SIGN MAINTENANCE

The sign(s) must be constructed and maintained in good condition to the satisfaction of the Council.

#### **COUNCIL MINUTES**

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

#### **10. BUSINESS HOURS**

The operation of for the child care centre must be confined to:

- a. Monday to Friday 6:00am and 6:00pm
- b. Closed Saturday, Sunday and Public Holidays

#### **11. DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

- a. Be properly constructed to such levels that they can be used in accordance with the plans;
- b. Be surfaced with an impervious all weather seal;
- c. Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

#### **12. DAMAGE TO COUNCIL INFRASTRUCTURE**

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

#### 13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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.

#### **COUNCIL MINUTES**

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

#### 14. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

#### 15. 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.

#### Notes

#### A. <u>General</u>

This permit was issued based on the proposal documents submitted for DA0346/2019. 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 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
- 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 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.

#### COUNCIL MINUTES

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

#### B. <u>Restrictive Covenants</u>

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 affected, 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 <a href="http://www.rmpat.tas.gov.au">http://www.rmpat.tas.gov.au</a>

#### D. 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.

#### E. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

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

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8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

Prior to debate the addition of Condition 16 was requested by Councillor A E Dawkins.

#### **16. ANIMAL WELFARE MANAGEMENT PLAN**

Prior to housing any animals within the proposed 'barnyard' an animal welfare management plan must be prepared and approved by the Manager of City Development. The management plan must detail:

- 1. The species and number of animals to be kept on the site;
- 2. How noise, smell and waste products will be dealt with to ensure no loss of amenity to the surrounding area; and
- 3. The methodology for compliance with all relevant animal health welfare requirements.

#### DECISION: 3 October 2019

MOTION

Moved Councillor A E Dawkins, seconded Councillor J Finlay.

That Council:

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 Manager City Development unless modified by a condition of the Permit:

- a. Site Context Plan, prepared by RD Raymond design, RD18011 02, issue C, dated 01/07/19;
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- j. Traffic Impact Assessment, prepared by Pitt & Sherry, dated 8 August 2019.

#### 2. USE LIMITATIONS

The use must not exceed 16 staff (at any one time) and 94 students.

#### 3. LEGAL TITLE

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

#### 4. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of: Monday to Friday - 7.00am to 6.00pm Saturday - 8.00am to 5.00pm No works on Sunday or Public Holidays

#### 5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. 2019/01054-LCC 2019/01054-LCC, and attached to the permit.

#### 6. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 6017, 12 September 2019 and attached to the permit.

#### 7. SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

#### 8. NO SIGN ILLUMINATION

The sign(s) must not be floodlit or otherwise internally illuminated.

#### **COUNCIL MINUTES**

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

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The sign(s) must be constructed and maintained in good condition to the satisfaction of the Council.

#### **10. BUSINESS HOURS**

The operation of for the child care centre must be confined to:

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- b. Closed Saturday, Sunday and Public Holidays

#### **11. DRIVEWAY AND PARKING AREA CONSTRUCTION**

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

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- c. Be adequately drained to prevent stormwater being discharged to neighbouring property;
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8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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.

#### 14. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

#### **15. 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.

#### 16. ANIMAL WELFARE MANAGEMENT PLAN

Prior to housing any animals within the proposed 'barnyard' an animal welfare management plan must be prepared and approved by the Manager of City Development. The management plan must detail:

- 1. The species and number of animals to be kept on the site;
- 2. How noise, smell and waste products will be dealt with to ensure no loss of amenity to the surrounding area; and
- 3. The methodology for compliance with all relevant animal health welfare requirements.

#### **COUNCIL MINUTES**

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

#### Notes

A. <u>General</u>

This permit was issued based on the proposal documents submitted for DA0346/2019. 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 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
- 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 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 affected, 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 <a href="http://www.rmpat.tas.gov.au">http://www.rmpat.tas.gov.au</a>

#### COUNCIL MINUTES

Thursday 3 October 2019

8.1 2/31-43 Thistle Street, South Launceston - Educational and Occasional Care -Change of Use to a Child Care Centre; Alterations to an Existing Building ...(Cont'd)

#### D. <u>Permit Commencement</u>

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.

#### E. Food Premises

All Food Businesses must be registered with council in accordance with the Food Act 2003. Food Premises must comply with the National Construction Code TAS Part H102.

#### CARRIED 9:0

FOR VOTE: Mayor Councillor A M van Zetten, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris

#### **COUNCIL MINUTES**

Thursday 3 October 2019

# 8.2 233A Charles Street, Launceston - Sports and Recreation - Change of Use to Wellness Centre

FILE NO: DA0394/2019

AUTHOR: lain More (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:

DA0654/2017 - Business and Professional Services - consulting rooms; change of use, internal renovation, minor extension and signage - Approved 22 January 2018.

DA0288/2017 - Business and Professional Services - office; construction of a free standing signage structure including signs for multiple tenancies (re-advertised) - Approved 4 August 2018.

DA0116/2018 - Business and Professional Services - medical centre; consolidation of lots; change of use of 23 Canning Street to medical centre; demolish part of 23 Canning Street; construction of internal and external alterations; use right of ways over 233A Charles Street, 154 and 156 St John Street (re-advertised) - Approved 15 June 2018.

DA0341/2018 - Sports and Recreation - Change of use to fitness studio at 233A Charles Street, Launceston - withdrawn.

DA0748/2018 - Sports and Recreation - Change of use to fitness studio at 233A Charles Street, Launceston - refused.

#### **RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, DA0394/2019 - Sports and Recreation - Change of Use to Wellness Centre at 233A Charles Street, Launceston be refused on the following ground:

1. That the proposal does not meet performance criteria E6.5.1 Car Parking Numbers - performance Criteria P1.1. The application has provided insufficient car parking numbers to meet the reasonable needs of the use.

**COUNCIL MINUTES** 

Thursday 3 October 2019

8.2 233A Charles Street, Launceston - Sports and Recreation - Change of Use to Wellness Centre ...(Cont'd)

The Mayor, Councillor A M van Zetten, advised Agenda Item 8.2 - 233A Charles Street, Launceston - Sports and Recreation - Change of Use to Wellness Centre has been withdrawn from the Agenda.

#### COUNCIL MINUTES

#### 8.3 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling

FILE NO: DA0400/2019

**AUTHOR:** Laura Small (Graduate 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*.

#### **RECOMMENDATION:**

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0400/2019 Residential - Construction of a Dwelling at 83 Sanwae Drive, Swan Bay 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, Prepared by BVZ Designs, Drawing No. RAD0719 2/4, Project Name -Proposed Dwelling for A Kaveh Rad and M Maleki, Revision No. 04, Page No 02, Dated 17/08/2019, (Plan to be amended in accordance with condition 2 of this permit).
- Floor Plan, Prepared by BVZ Designs, Drawing No. RAD0719 3/4, Project Name -Proposed Dwelling for A Kaveh Rad and M Maleki, Revision No. 04, Page No 02, Dated 17/08/2019.
- c. Elevations, Prepared by BVZ Designs, Drawing No. RAD0719 4/4, Project Name -Proposed Dwelling for A Kaveh Rad and M Maleki, Revision No. 04, Page No 02, Dated 17/08/2019, (Plan to be amended in accordance with condition 2 of this permit).

#### 2. AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit. The amended plans must be generally in accordance with the advertised plans, but modified to show:

- a. A minimum setback of 11m to the south east boundary; and
- b. The floor level of the dwelling lowered by 0.5m and any consequential changes to cut and fill as a result.

#### 3. CAR PARKING AND ACCESS

Prior to the commencement of the use, areas set aside for parking vehicles together with the aisles and access lanes must be formed and paved to an appropriate standard.

#### **COUNCIL MINUTES**

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# 8.3 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling ....(Cont'd)

#### 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: Monday to Friday - 7.00am and 6.00pm Saturday - 9.00am to 6.00pm Sundays and Public Holidays - 10.00am to 6.00pm

#### 6. 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, by-laws and legislation relevant to the development activity on the site.

#### 7. 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.

#### 8. AMENITY - RESIDENTIAL

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.

#### 9. 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.

#### **COUNCIL MINUTES**

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8.3 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling ....(Cont'd)

#### Notes

A. <u>All building and demolition work is to comply with the Building Act 2016 and the</u> <u>National Construction Code</u> Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.

#### B. Occupancy Permit Required

Occupancy permit required for new or altered habitable buildings:- Pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.

C. <u>All plumbing work is to comply with the Building Act 2016 and the National</u> <u>Construction Code</u>

Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.

D. <u>General</u>

This permit was issued based on the proposal documents submitted for DA0400/2019. 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 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
- 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 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.

#### COUNCIL MINUTES

# 8.3 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling ....(Cont'd)

#### E. <u>Restrictive Covenants</u>

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 affected, 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. 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 <a href="http://www.rmpat.tas.gov.au">http://www.rmpat.tas.gov.au</a>

#### G. 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.

#### H. On-Site Disposal of Effluent

This permit does not give permission for the installation of an on-site waste water system on this site. The applicant will need to submit a design report (including site and soil evaluation in accordance with AS/NZS 1547:2012) as well as a Plumbing Application (for the on-site wastewater system) with the Building Application. Before occupation of the dwelling, the required system must be commissioned.

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

The Mayor, Councillor A M van Zetten, declared an interest in Agenda Item 8.3 - 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling.

#### **COUNCIL MINUTES**

Thursday 3 October 2019

8.3 83 Sanwae Drive, Swan Bay - Residential - Construction of a Dwelling ....(Cont'd)

The Mayor, Councillor A M van Zetten, handed the Chair to Councillor J Finlay at 1:27pm.

The Mayor, Councillor A M van Zetten, withdrew from the Meeting at 1:27pm.

DECISION: 3 October 2019

MOTION

Moved Councillor D H McKenzie, seconded Councillor A G Harris.

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

#### CARRIED 8:0

FOR VOTE: Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris ABSENT DUE to DECLARATION of INTEREST: Mayor Councillor A M van Zetten

The Mayor, Councillor A M van Zetten, re-attended the Meeting at 1:29pm.

COUNCIL MINUTES

Thursday 3 October 2019

The Mayor, Councillor A M van Zetten, announced that Council no longer sits as a Planning Authority.

The Mayor, Councillor A M van Zetten, requested that Council move to discuss Agenda Item 20.1 - *Shopping in the City* Report.

DECISION: 3 October 2019

MOTION

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

That Council move to discuss Agenda Item 20.1 - Shopping in the City Report.

#### CARRIED 9:0

FOR VOTE: Mayor Councillor A M van Zetten, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris

#### **COUNCIL MINUTES**

#### 20.1 Shopping in the City Report

FILE NO: SF4089

AUTHOR: Bruce Williams (Senior Economic Advisor)

GENERAL MANAGER: Michael Stretton (General Manager)

#### **DECISION STATEMENT:**

To receive the *Shopping in the City* Report prepared by Louise Grimmer, Tasmanian School of Business and Economics, University of Tasmania.

#### PREVIOUS COUNCIL CONSIDERATION:

Workshop - 15 August 2019 - Shopping in the City Retail Report

#### **RECOMMENDATION:**

That Council receives the *Shopping in the City* Report, July 2019 (ECM Document Set ID 4142502) and agrees:

- to work with key stakeholder organisations to develop an integrated City marketing campaign to position the City as a speciality shopping destination as well as offering a range of experiences for visitors. The campaign should strongly promote the unique nature of the City; its stores, arcades, eateries and services and bring City businesses together in a collaborative and positive manner; and
- 2. to consider implementation of the following recommendations from the report:
  - a. a City-wide strategic approach to dealing with the visual aspect of empty shops which could include a public register of landlords who own empty shops and putting the onus on building owners to improve the appearance of empty stores.
  - b. working with real estate agents and landlords to encourage short-term retail leases for empty stores to encourage pop-up stores, the trial of new retail offerings or for short-term non-retail use.
  - c. developing a policy that sets out specific types of businesses that can lease premises in specific areas in the City (eg. Quadrant Mall) to ensure that the retail mix in particular areas within the CBD encourages footfall and vibrancy.
  - d. developing a policy that allows for multi-use of some retail tenancies (eg. a shop during the day, café/bar at night) and allows for complementary businesses to rent a single premise.
  - e. making specific improvements to the Brisbane Street Mall including increasing food options (eg. food vans), increasing existing seating options (including tables with chairs and single seating options), moving the information booth to the Mall, and in the longer-term installing an all-weather canopy.

#### COUNCIL MINUTES

Thursday 3 October 2019

#### 20.1 Shopping in the City Report ...(Cont'd)

f. providing a permanent Council-run pop-up space (this could be a booth-type structure in the Mall, perhaps as part of the Information Booth) for short-term lease by new or existing businesses to showcase new retail product or brand offerings and drive footfall to City centre and the Brisbane Street Mall specifically.

Mr M Stretton (General Manager) and Mr B Williams (Senior Advisor Economic Development) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr Steve Henty (on behalf of Cityprom Inc) spoke for the Recommendation Mr Robin Smith spoke to the Recommendation

DECISION: 3 October 2019

MOTION

Moved Councillor R I Soward, seconded Councillor A E Dawkins.

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

#### CARRIED 9:0

FOR VOTE: Mayor Councillor A M van Zetten, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris

Council resumed the published order of business at Agenda Item 9.1 - Mayor's Announcements

### **COUNCIL MINUTES**

### 9 ANNOUNCEMENTS BY THE MAYOR

### 9.1 Mayor's Announcements

### FILE NO: SF2375

### Thursday 19 September 2019

• Attended the 2019 Tasmanian Export Awards

### Friday 20 September 2019

- Attended dedication of 20 World War 1 Veterans' Headstones at Carr Villa
- Officiated for Spring Show Opening, Launceston Orchid Society at Glenara Lakes
- Welcomed Australian Conference for Neurodevelopmental Disorders delegates at Launceston Conference Centre
- Spoke at launch of *Launceston Revealed* at the Queen Victoria Museum and Art Gallery
- Officiated at the launch of *Blooming Tasmania 2019 Festival*.

### Saturday 21 September 2019

• Presentation of Game Day Ball for *The Blitz* at the Silverdome

### Monday 23 September 2019

• Attended the official opening of *Seven Rooms* at 2 Bridge Road

### Tuesday 24 September 2019

• Attended Tourism Northern Tasmania's Annual General Meeting

### Wednesday 25 September 2019

- Attended a *Global Shapers Hub* Meeting with Adam Mostogl
- Officiated at Singfest at the Albert Hall

### Friday 27 September 2019

• Attended the Regional Collaborative Framework Meeting convened by Northern Tasmanian Development Corporation

### Saturday 28 September 2019

• Officiated at the Scout Weekend event in City Park

### **COUNCIL MINUTES**

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

### Wednesday 2 October 2019

- Conducted a Public Citizenship Ceremony at the Albert Hall
- Attended *Builder Time* an ABCDE Learning Site Projects Information Session at New Horizons Tasmania
- Attended the Launceston Chamber of Commerce 170<sup>th</sup> Anniversary Celebration at Country Club
- Attended Scotch Oakburn College's production of Godspell

### **COUNCIL MINUTES**

### Thursday 3 October 2019

### 10 COUNCILLOR'S REPORTS

(This item provides an opportunity for Councillors 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** Councillor J Finlay

- Attended the premiere for Australia's Best Street Racer which was launched on YouTube from the Paterson Street East Carpark. Congratulated the makers, Dylan and Michael on a fantastic web-series which also shines the spotlight on Launceston and Tasmania. The web-series was supported by Screen Tasmania and Screen Australia and the series will be screened at Queen Victoria Museum and Art Gallery during October and the car featured in the series will also be on display.
- **10.2 Councillor A G Harris**
- Volunteered as Master of Ceremonies at the inaugural MS Fun Run and Walk that was held at Inveresk with 371 participants raising over \$22,000 at their very first attempt.
- **10.3 Councillor P S Spencer**
- Attended the Carr Villa Headstone Project and congratulated the organisers for recognising World War I Veterans.
- **10.4 Councillor D H McKenzie**
- Attended the launch of *Australia's Best Street Racer* and recommended viewing of the web-series.
- Attended Godspell.
- Attended City of Launceston Citizenship Ceremony congratulated and thanked Elizabeth Clark on her contribution to the event.
- Attended *Builder Time* as part of the ABCDE Mowbray program and recommends a visit to the gardens at New Horizons. Mentioned plans for an upcoming event at Dover Street Village Recreation Ground.
- Acknowledged Black Cow Restaurant for gaining its first Good Food Guide Hat Award and congratulated Stillwater Restaurant for retaining their Good Food Guide Hat Award.

### **COUNCIL MINUTES**

### 11 QUESTIONS BY COUNCILLORS

### 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.)

No Councillor's Questions on Notice were identified as part of these Minutes

### **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.)

### 11.2.1 Councillor A G Harris - Parking at Mowbray Marketplace Shopping Centre

1. How many staff parking spots were to be provided under the Development Application to build the Mowbray Marketplace shopping centre and the Target store?

The Mayor, Councillor A M van Zetten, indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 17 October 2019.

### **COUNCIL MINUTES**

### 12 COMMITTEE REPORTS

### 12.1 Heritage Advisory Committee Meeting - 29 August 2019

FILE NO: SF2965

AUTHOR: Fiona Ranson (Heritage Planner)

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

### **DECISION STATEMENT:**

To receive and consider a report from the Heritage Advisory Committee Meeting held on 29 August 2019.

### **RECOMMENDATION:**

That Council receives the report from the Heritage Advisory Committee meeting held on 29 August 2019.

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

DECISION: 3 October 2019

MOTION

Moved Councillor D H McKenzie, seconded Councillor A G Harris.

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

#### CARRIED 9:0

### COUNCIL MINUTES

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### 12.2 Northern Youth Coordinating Committee Meeting - 3 September 2019

FILE NO: SF0136

AUTHOR: Claudia Taylor (Youth Development Officer)

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

### **DECISION STATEMENT:**

To receive and consider a report from Northern Youth Coordinating Committee's regular Meeting held on 3 September 2019.

### **RECOMMENDATION:**

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 3 September 2019.

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

DECISION: 3 October 2019

MOTION

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

### CARRIED 9:0

### COUNCIL MINUTES

### 12.3 Pedestrian and Bike Committee Meeting - 12 September 2019

FILE NO: SF0618

**AUTHOR:** Cathy Williams (Built Environment Officer)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

### **DECISION STATEMENT:**

To consider a report from the Pedestrian and Bike Committee Meeting held on 12 September 2019.

### **RECOMMENDATION:**

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 12 September 2019.

Mr S G Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

**DECISION: 3 October 2019** 

MOTION

Moved Councillor A G Harris, seconded Councillor D H McKenzie.

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

#### CARRIED 9:0

### COUNCIL MINUTES

### 12.4 Tender Review Committee Meeting - 26 September 2019

FILE NO: SF0100/CD009/2019

**AUTHOR:** Anthea Rooney (Committee Clerk)

DIRECTOR: Paul Gimpl (Acting Director Corporate Services)

### **DECISION STATEMENT:**

To receive a report from the Tender Review Committee (a delegated Authority Committee).

### **RECOMMENDATION:**

That Council notes the decision of the Tender Review Committee to accept the tender submitted by The Baker Group (Tas) Pty Ltd for the UTAS Stadium Construction of New Turf Practice Wickets, Contract Number CD009/2019 for \$283,664.38 (exclusive of GST).

Mr P Gimpl (Acting Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 3 October 2019

### MOTION

Moved Councillor J G Cox, seconded Councillor P S Spencer.

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

#### CARRIED 9:0

### **COUNCIL MINUTES**

### 13 COUNCIL WORKSHOPS

13.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Anthea Rooney (Committee Clerk)

**GENERAL MANAGER:** Michael Stretton (General Manager)

### **DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

### **RECOMMENDATION:**

That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 26 September and 3 October 2019:

#### University of Tasmania and City of Launceston Working Party Update

Councillors received a briefing from the University of Tasmania regarding parking investigations surrounding the relocation to the Inveresk precinct.

#### **Cool Season Strategy Event**

Councillors received a briefing in support of a funding application for the event.

## City of Launceston and Northern Tasmanian Waste Management Group Submission to the State Government

Councillors received a briefing on the City of Launceston and Northern Tasmanian Waste Management Group's submission to the Tasmanian Draft Waste Action Plan 2019.

#### Local Government Legislation Review

Councillors provided feedback on the Reform Directions Paper for inclusion in a City of Launceston submission to the State Government.

#### Sustainability Strategy - Final Draft

Councillors were presented with the final draft of the Sustainability Strategy and the program development update.

#### **Great Regional Cities Challenge**

Councillors received a briefing on the progress of the Great Regional Cities Challenge.

### **COUNCIL MINUTES**

### Thursday 3 October 2019

### 13.1 Council Workshop Report ...(Cont'd)

### State of the City Report

Councillors discussed the State of the City Report and associated strategic priorities.

**Organisational Alignment Project Update** *Councillors received an update regarding the current status of the Organisational Alignment Project.* 

#### **Marinus Link Update**

Councillors received an update on the Marinus Link.

#### Northern Tasmanian Development Corporation

Councillors received an outline of NTDC's Bell Bay Export Hydrogen Hub project proposal.

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

**DECISION: 3 October 2019** 

#### MOTION

Moved Councillor J Finlay, seconded Councillor A G Harris.

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

#### CARRIED 9:0

### **COUNCIL MINUTES**

### **14 NOTICES OF MOTION** Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion were identified as part of these Minutes

### 15 DEVELOPMENT SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

### 16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items were identified as part of these Minutes

### 17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

### COUNCIL MINUTES

### 18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

### 18.1 Lease - Lebrina Equestrian Club Inc

FILE NO: SF0821/SF0395

**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

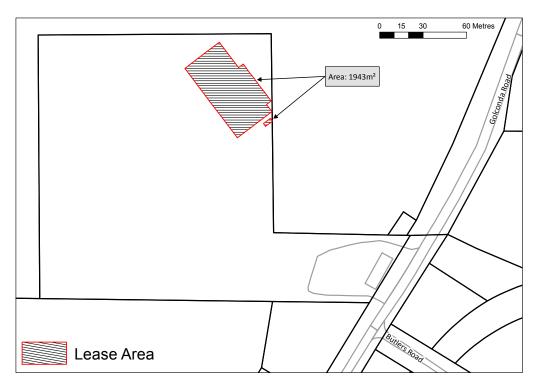
### **DECISION STATEMENT:**

To consider leasing an area of land situated at 905 Golconda Road, Lebrina (CT210903/1) known as the Lebrina Recreation Ground to the Lebrina Equestrian Club Inc. as marked on the plan below.

Under section 178(3) of the Local Government Act 1993 this decision is required to be passed by an absolute majority of Council.

### **RECOMMENDATION:**

 That Council, by absolute majority, in accordance with section 179 of the Local Government Act 1993 (Tas), agrees to lease an area of land situated at 905 Golconda Road, Lebrina (CT210903/1) known as the Lebrina Recreation Ground to the Lebrina Equestrian Club Inc. as indicated on the plan below, for the purposes of a community recreational area:



### **COUNCIL MINUTES**

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### 18.1 Lease - Lebrina Equestrian Club Inc ...(Cont'd)

- 2. The General Manager is authorised to enter into a formal lease under the following terms:
  - the term shall be five years commencing on 1 October 2019;
  - the lease amount shall be \$1per annum if demanded;
  - tenant to be responsible for:
    - energy costs;
    - volumetric and connection charges for water; and
    - sewerage charges
    - and other service charges if any
  - tenant shall continuously maintain:
    - any infrastructure or any infrastructure installed by the tenant or council in relation to the tenant's occupation;
    - building in good and reasonable order; and
    - public liability insurance of at least \$10 million

# Mr S G Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

### DECISION: 3 October 2019

### MOTION

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

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

#### CARRIED 9:0

### COUNCIL MINUTES

### 18.2 Lease - Soldiers Memorial Hall

FILE NO: SF0381/SF0382

AUTHOR: Tricia De Leon-Hillier (Parks Lease Management Officer)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

### **DECISION STATEMENT:**

To consider a proposal from the Tamar Valley Steiner School to lease the Soldiers Memorial Hall situated at 14 Station Road, St Leonards (CT 48389/6).

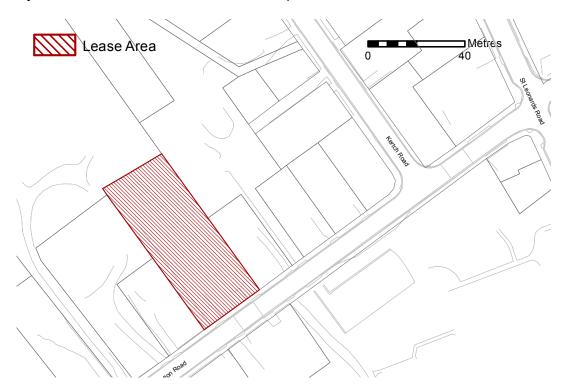
Under section 178(3) of the Local Government Act 1993 (Tas), this decision is required to be passed by an absolute majority of Council.

### **PREVIOUS COUNCIL CONSIDERATION:**

Council - 12 September 2016 - Agenda Item 18.1 - Lease of Soldiers Memorial Hall

### **RECOMMENDATION:**

 That Council, by absolute majority, in accordance with section 179 of the Local Government Act 1993 (Tas), agrees to lease an area of land situated at 14 Station Road, St Leonards (CT 48389/6) known as the Soldiers Memorial Hall to the Tamar Valley Steiner School as indicated on the plan below:



### **COUNCIL MINUTES**

### 18.2 Lease - Soldiers Memorial Hall ...(Cont'd)

- 2. The General Manager is authorised to enter into a formal lease under the following terms:
  - the term shall be two years commencing on 1 January 2020;
  - the lease amount shall be \$1,055 per month (paid monthly);
  - tenant to be responsible for:
    - energy costs;
    - volumetric and connection charges for water; and
    - sewerage charges
    - and other service charges if any
  - tenant shall continuously maintain:
    - any infrastructure or any infrastructure installed by the tenant or council in relation to the tenants occupation;
    - general maintenance of the hall grounds;
    - building in good and reasonable order; and
    - public liability insurance of at least \$10 million

Mr S G Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

Councillor K P Stojansek declared an interest in Agenda Item 18.2 - Lease - Soldiers Memorial Hall.

Councillor K P Stojansek withdrew from the Meeting at 2.07pm.

DECISION: 3 October 2019

MOTION

Moved Councillor A G Harris, seconded Councillor D H McKenzie.

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

#### CARRIED 8:0

FOR VOTE: Mayor Councillor A M van Zetten, , Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor R I Soward, Councillor P S Spencer, Councillor J G Cox and Councillor A G Harris ABSENT DUE to DECLARATION of INTEREST: Councillor K P Stojansek,

### Councillor K P Stojansek re-attended the Meeting at 2.08pm.

### COUNCIL MINUTES

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### 18.3 Sustainability Strategy Report

FILE NO: SF2675

AUTHOR: Emma Williams (Sustainability Officer)

DIRECTOR: Shane Eberhardt (Director Infrastructure Services)

### **DECISION STATEMENT:**

To consider the Draft Sustainability Strategy and key preliminary actions.

### PREVIOUS COUNCIL CONSIDERATION:

Council - 8 August 2019 - Agenda Item 14.1 - Notice of Motion - Councillor N D Daking - Climate Emergency

Workshop - 27 June 2019 - Sustainability Strategy

Workshop - 26 September 2019 - Sustainability Strategy - Final Draft

### **RECOMMENDATION:**

That Council:

- 1. endorses the Draft Sustainability Strategy (ECM Document Set ID 4144087) for adoption by Council; and
- 2. gives approval for the City of Launceston to participate in the Cities Power Partnership.

Mr S G Eberhardt (Director Infrastructure Services) and Ms E Williams (Sustainability Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

### COUNCIL MINUTES

Thursday 3 October 2019

18.3 Sustainability Strategy Report ...(Cont'd)

DECISION: 3 October 2019

MOTION

Moved Councillor A E Dawkins, seconded Councillor J Finlay.

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

### CARRIED 9:0

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# 18.4 City of Launceston Submission to Tasmanian State Government Draft Waste Action Plan 2019

FILE NO: SF5218

AUTHOR: Michael Attard (Waste Management Officer)

**DIRECTOR:** Shane Eberhardt (Director Infrastructure Services)

### **DECISION STATEMENT:**

To consider the City of Launceston and Northern Tasmanian Waste Management Group public submission towards the Tasmanian Government Draft Waste Action Plan 2019 released in June 2019.

### PREVIOUS COUNCIL CONSIDERATION:

Workshop - 26 September 2019- City of Launceston and Northern Tasmanian Waste Management Group Submissin to State Government

### **RECOMMENDATION:**

That Council approves the City of Launceston submission to the Tasmanian Government Draft Waste Action Plan 2019 (ECM Document Set ID 4144021).

Mr S G Eberhardt (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 3 October 2019

MOTION

Moved Councillor J Finlay, seconded Councillor D H McKenzie.

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

### CARRIED 9:0

### COUNCIL MINUTES

### **19 CORPORATE SERVICES DIRECTORATE ITEMS**

19.1 Local Government Legislation Framework Review - City of Launceston Submission on the Reform Directions Paper

FILE NO: SF0081

AUTHOR: Leanne Purchase (Acting Manager Corporate Strategy)

**DIRECTOR:** Michael Stretton (General Manager)

### **DECISION STATEMENT:**

To consider the content of City of Launceston's submission on the Local Government Legislation Framework Review - Reform Directions Paper.

### **PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 26 September 2019 - Local Government Legislation Review

Workshop - 17 September 2019 - Review of Tasmania's Local Government Legislative Framework - Development of City of Launceston Submission on the Reform Directions Paper

Council - 7 March 2019 - Agenda Item 19.5 - Local Government Legislation Framework Review

### **RECOMMENDATION:**

That Council endorses the following as the City of Launceston's submission in respect of the Local Government Legislative Framework Review - Reform Directions Paper:

### **COUNCIL MINUTES**

### Thursday 3 October 2019

# 19.1 Local Government Legislation Framework Review - City of Launceston Submission on the Reform Directions Paper ...(Cont'd)

Proposed reform	City of Launceston position
	ocratic Councils - Elections
5. Reform eligibility for the General Manager's Roll	Supported
6. Reform the voting franchise to reflect 'one person, one vote' principle in any one municipality	Supported
7. Simplify the election process for the positions of mayor and deputy mayor	City of Launceston supports the popular election of the Mayor as explained at 7C on page 15 of the Reform Directions Paper, recognising that the legislation will need to cater for a situation where the successful candidate does not wish to accept the office of Mayor. Additionally, City of Launceston's view is that this process should apply to the election of Deputy Mayor. City of Launceston does not support the 'around the table' election of Deputy Mayor as this under-values the role of Deputy Mayor
8. Make alternative voting methods available	Supported
9. Simplify the voting process to reduce informal voting rates	Supported
10. Introduce caretaker provisions to reduce major policy and contractual decisions that may bind an incoming council, and avoid the inappropriate use of ratepayer resources during an election	Supported in principle, with a particular interest in understanding the detail behind this eg. how it is proposed to manage urgent matters, and notices of motion
11. Move administration of the General Manager's Roll from councils to the Tasmanian Electoral Commission	Supported
12. Introduce a pre-nomination training package	Supported
13. Introduce a candidate nomination fee	Not supported
14. Require the disclosure of gifts and donations by all local government candidates received during the electoral period	Supported
15. Align eligibility requirements to nominate as a candidate with State eligibility requirements	Supported - City of Launceston suggests that there should be additional requirements such as a <i>Working With Vulnerable Children</i> accreditation
16. Remove the title of 'Alderman'	Supported, and in keeping with a previous decision of this Council

### COUNCIL MINUTES

### 19.1 Local Government Legislation Framework Review - City of Launceston Submission on the Reform Directions Paper ...(Cont'd)

	, ,	
	munities - community engagement	
17. All councils will develop and adopt a community engagement strategy	City of Launceston is very supportive of, and active in, community engagement. However, this reform is not supported because the prescription described in the detail on page 21 of the Reform Directions Paper - it is not clear how the reform would benefit Councils and communities that are already working together	
18. Removing prescriptive consultation requirements	Supported	
19. Remove requirements for public meetings and elector polls	Not supported - it is unclear how prescription around alternatives to existing processes could be reasonably included in a strategic document (ie. the Community Engagement Strategy)	
Responsible and effective Councils - ethics and standards		
20. Legislate the eight good governance principles	Cautiously supported - there is a need to understand how this would be managed and monitored in practice, how compliance is demonstrated, and how it operates with other reform initiatives eg. item 21 below	
21. Set high-level financial management principles that encourage efficiency and value for money in council service delivery	As above	
22. Establish core capability requirements for elected members	Supported - however, the City of Launceston questions the workability of this proposal	
23. Require councils to publicly report the core capability training that each elected member has completed annually	Supported	
24. Establish principles for all council staff that set minimum standards of behaviour	City of Launceston completely supports the setting of minimum standards of behaviour, but it is not clear how this reform would enhance what is currently achieved via employee codes of conduct, and it creates an opportunity for the creation of vexatious and frivolous complaints to be directed to Council officers	
25. Prescribe minimum standards for general manager recruitment, contracts, performance management and termination	Supported	
26. Include principles on complaints management in legislation	Cautiously supported - we are keen to understand the cost implications for independent reviews, and how the roles of existing agencies eg. Department of Premier and Cabinet, Integrity Commission, and the Ombudsman, may be clarified by the reform	

### COUNCIL MINUTES

### Thursday 3 October 2019

### 19.1 Local Government Legislation Framework Review - City of Launceston Submission on the Reform Directions Paper ...(Cont'd)

Responsible and effective Councils -	transparency and flexibility in budget
mana	gement
27. Ensure council rating policies consider taxation principles and align with their budget and planning documents	Not supported - further information is required to understand how taxation principles can be applied in the municipal context
28. Introduce more flexibility for councils to easily transition from one rating approach to another, to manage rating impacts on ratepayers	Supported
29. Establish an independent rates oversight mechanism	Not supported - this is cost burden to Councils, the value of which is questioned given the non-binding nature of the outcomes
30. Set principles or guidelines for setting fees and charges	Cautiously supported - but it must be recognised that it is not realistic for fees and charges to be reflective of the cost of the service being delivered. Councils require the ability to subsidise some fees and charges with income from particular revenue streams
31. Provide for a more autonomous and less prescriptive budget process	Cautiously supported - City of Launceston is keen to understand how this process works with current audit requirements
32. Clarify significant business activities	Supported, with interest in understanding how this operates in practice eg. with the exercise of enterprise powers as currently defined in the legislation
Responsible and effective Councils - Council decision-making	
33. Require electronic recording of council meetings to be publicly available	Supported
34. Simplify what is a conflict of interest	Supported
35. Enhance the integrity of council decisions made when exercising statutory powers	Supported, and interested to understand other examples (ie. outside development applications) where this may be applicable

### **COUNCIL MINUTES**

### 19.1 Local Government Legislation Framework Review - City of Launceston Submission on the Reform Directions Paper ...(Cont'd)

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43. Simplify the complaints' framework Supported Responsible and effective Councils - Council performance reporting	
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### COUNCIL MINUTES

# 19.1 Local Government Legislation Framework Review - City of Launceston Submission on the Reform Directions Paper ...(Cont'd)

Adaptable Councils - collaboration	
47. Introduce provisions that support efficient and high-quality council operations and collaborative shared service opportunities	Supported
48. Introduce the option to create Regional	Not supported - City of Launceston is of the
Councils	view that better outcomes could be
	achieved by amalgamation
Adaptable Councils - model by-laws	
49. Create model by-laws for common issues, with streamlined administrative processes	Supported
Strategic reviews - Local Government Board	
50. Strategic reviews of councils	Supported
51. Voluntary amalgamation	It is the City of Launceston's view that the
	State Government needs to take a lead in
	delivering an amalgamation process which
	is not contingent upon voluntary support

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

DECISION: 3 October 2019

MOTION

Moved Councillor J Finlay, seconded Councillor A G Harris.

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

#### CARRIED 9:0

### COUNCIL MINUTES

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### **19.2 Great Regional Cities Challenge**

FILE NO: SF0135

GENERAL MANAGER: Michael Stretton (General Manager)

### **DECISION STATEMENT:**

To consider a funding request from Community Led Impact Partnerships Pty Ltd for the *Great Regional City Challenge Trial* until 30 June 2021.

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

Workshop - 26 September 2019 - Great Regional Cities Challenge

Council - 4 April 2019 - Great Regional City Challenge Project Proposal

Workshop - 14 February 2019 - Great Regional City Challenge

### **RECOMMENDATION:**

That Council agrees:

- 1. to provide a financial contribution of \$20,440 to Community Led Impact Partnerships Pty Ltd for the delivery of a *Great Regional City Challenge* trial until 30 June 2021;
- 2. that Community Led Impact Partnerships Pty Ltd will need to provide a comprehensive report to funding partners at the completion of the trial fully outlining the details of the challenge and assessing whether the project objectives have been achieved; and
- 3. that the funding of any future funding rounds of *Great Regional City Challenge* will be made following receipt of the project report.

Mr M Stretton (General Manager) and Mrs L Hurst (Director Development Services) were in attendance to answer questions of Council in respect of this Agenda Item.

During debate it was confirmed by Mrs L Hurst (Director Development Services) that there is a typographical error in *The Great Regional Cities Challenge* Report, noting the incorrect amount of \$2 - \$10,000 should read \$2,000 - \$10,000.

### COUNCIL MINUTES

Thursday 3 October 2019

19.2 Great Regional Cities Challenge ...(Cont'd)

DECISION: 3 October 2019

MOTION

Moved Councillor J Finlay, seconded Councillor A G Harris.

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

CARRIED 8:1

FOR VOTE: Mayor Councillor A M van Zetten, Councillor J Finlay, Councillor A E Dawkins, Councillor D H McKenzie, Councillor K P Stojansek, Councillor R I Soward, Councillor J G Cox and Councillor A G Harris AGAINST: Councillor P S Spencer

### **COUNCIL MINUTES**

### 20 GENERAL MANAGER'S DIRECTORATE ITEMS

20.1 Shopping In the City Report

A motion was passed to bring this item forward in the Agenda. It was considered after Agenda Item 8.3 - 83 Sanwae Drive, Swan Bay - Residential -Construction of a Dwelling on page 28 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 were identified as part of these Minutes

### 22 CLOSED COUNCIL

No Closed Items were identified as part of these Minutes

### 23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 2.33pm.