



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 13 JULY 2023
1.00PM**

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

Date: 13 July 2023

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 agenda item.



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting was streamed live to and can be accessed at:
www.launceston.tas.gov.au/Council/Meetings/Listen.

The following information was provided to members of the public in respect of attendance at the Council Meeting.

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

PUBLIC QUESTION TIME - AGENDA ITEM 8

Questions received in writing by close of business Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at contactus@launceston.tas.gov.au, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

PUBLIC COMMENT ON AGENDA ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

Present:

Mayor Councillor M K Garwood
Acting Deputy Mayor Councillor A E Dawkins
Councillor D C Gibson
Councillor D H McKenzie
Councillor A G Harris
Councillor T G Walker
Councillor Dr G Razay
Councillor J J Pentridge
Councillor A J Palmer
Councillor L M McMahon
Councillor S Cai
Councillor A J Britton

In Attendance:

Michael Stretton (Chief Executive Officer)
Dan Ryan (General Manager Community and Place Network)
Leanne Purchase (Acting General Manager Organisational Services Network)
Shane Eberhardt (General Manager Infrastructure and Assets Network)
Duncan Payton (Town Planner) (Agenda Item 9.1)
Iain More (Senior Town Planner Policy and Projects) (Agenda Item 10.1)
Rachael Huby (Town Planner) (Agenda Item 9.2)
Emily Bessell (Acting Manager City Development) (Agenda Items 9.1 - 9.2)
Simon Tennant (Team Leader Communications)
Kelsey Hartland (Team Leader Governance)
Anthea Rooney (Council and Committees Officer)

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor M K Garwood, opened the Meeting at 1.00pm.

2. MAYORAL ACKNOWLEDGEMENTS

There were no Mayoral Acknowledgements for this Meeting.

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

No Declarations of Interest were identified as part of these Minutes

4. 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 29 June 2023 be confirmed as a true and correct record.

DECISION: 13 July 2023

MOTION

Moved Councillor A G Harris, seconded Councillor A J Palmer.

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 29 June 2023 be confirmed as a true and correct record.

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

5. COUNCIL WORKSHOPS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

5.1. Council Workshop Report - 29 June and 6 July 2023

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

RECOMMENDATION:

That Council, pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, notes the Council Workshops conducted and attended since the last Council Meeting, for the purposes described:

1. pre-Council Workshop conducted on 29 June 2023:

Princess Theatre

Councillors were provided with information on the intended approach to the Princess Theatre and Earl Arts Centre refurbishment.

In Attendance: Acting Mayor Councillor, M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

2. Workshop conducted on 6 July 2023:

City of Gastronomy

Councillors were provided with an update from Launceston Gastronomy.

YMCA Proposal - St Vincent de Paul Society

St Vincent de Paul Society presented a proposal to Councillors regarding potential use of the old YMCA site at Kings Meadows.

Residential Leases - Rental Increases

Councillors were provided with information regarding Council-owned properties with residential leases and their administration.

Launceston Residential Land Review

Councillors discussed key findings for a recent Launceston Residential Land Review.

Child and Youth Safe Organisations Act 2023

Councillors received information in relation to the Council's obligations under the Child and Youth Safe Organisations Act 2023.

In Attendance: Acting Mayor Councillor, M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

DECISION: 13 July 2023

MOTION

Moved Councillor D C Gibson, seconded Councillor A G Harris.

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

Councillors' Leave of Absence Applications will be considered in Closed Council at Agenda Item 17.2 - Councillors' Leave of Absence.

7. 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 Agenda Items; that opportunity exists when that Agenda Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Councillors).

No Community Reports were registered with Council as part of these Minutes

8. PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1. Public Questions on Notice

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

8.1.1. Public Questions on Notice - Paul Richardson - St Leonards Picnic Ground - 29 June 2023

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following questions, asked at the Council Meeting on 29 June 2023 by Paul Richardson, have been answered by Dan Ryan (General Manager Community and Place Network).

Questions:

1. How come the on lead dog area at St Leonards Picnic Ground allows off leash dogs to take priority over my two dogs which are on leash 24/7?

Response:

Dogs that are off-lead do not take preference over dogs that are on-lead in public, on-lead areas. This site provides a fenced, off-lead dog exercise area with all other public areas requiring dogs to be on-lead. It is a requirement that all dog owners who utilise these areas ensure that their dogs are under effective control.

Effective control of a dog within a public place is defined within The Dog Control Act 2000 as the dog being secured and restrained by means of a lead not more than 2m held by hand by a person able to control the dog, or tethered to a fixed object by a lead not more than 2m long for a period not more than 30 minutes.

2. What proof does the Launceston City Council have in relation to alleged complaints of dog attacks where my dogs have been accused of attacking other dogs - for example photographs, veterinary bills, etc?

Response:

The City of Launceston has received multiple complaints of minor dog attacks from community members who utilise this area. Statements have been supported by photographs where relevant.

It is important to note that dog attacks are defined by three categories. These are:

- *Minor attack (a dog rushing or charging at a person or animal)*
- *Attack causing minor injury*
- *Attack causing serious injury or death to a person or animal*

3. If I am to be evicted from the St Leonards Picnic Ground, where does the Council envisage I move to?

Response:

The Council has not acted to evict anyone from the St Leonards Picnic Ground, rather it has responded to complaints concerning minor dog attacks that have been occurring in the area. Decisions made by community members in regard to their housing arrangements are not within the remit of the Council. The City of Launceston does, however, work closely with local service providers who are best placed to support the accommodation needs of community members and these organisations are aware of your circumstances.

8.1.2. Public Questions on Notice - Jim Dickenson - SHAPE Australia

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, asked at the Council Meeting on 29 June 2023 by Jim Dickenson, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. SHAPE Australia was appointed to provide design and construct details for the Albert Hall. Specifically, what have they done in the last six months?

Response:

Since being engaged to provide consulting advice, SHAPE Australia has provided a range of inputs including: constructability of the design, construction risk identification/mitigation and insight into resourcing for the subcontractor trade market.

More specifically, SHAPE Australia has worked with the design team to simplify elements such as structural steel detailing, façade construction, electrical/mechanical items, glazing specifications and landscaping construction material options.

Since their involvement commenced, SHAPE Australia has contributed to a number of initiatives that have provided an additional \$1.2 million in value to the project through actual and further potential cost saving for consideration.

8.2. Public Questions Without Notice

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

9. PLANNING AUTHORITY

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 9 - Planning Authority.

9.1. DA0227/2023 - 1/7 Sarinda Close, Newnham - Visitor Accommodation - Change of Use to Short-Term Accommodation

FILE NO: DA0227/2023

AUTHOR: Rachael Huby (Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Angela Lyn Hodge
Property:	1/7 Sarinda Close, Newnham
Zoning:	General Residential
Receipt Date:	23/05/2023
Validity Date:	25/05/2023
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval (extension granted):	6/07/2023
Representations:	Three

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

STANDARDS REQUIRING PLANNING DISCRETION:

8.3.2 P2 Visitor Accommodation

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0227/2023 - Visitor Accommodation - Change of use to short-term accommodation at 1/7 Sarinda Close, Newnham, subject to the following conditions:

1. ENDORSED PLANS AND 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. SP Plan, Locality Plan, Prepared by Reg Green Drafting, Drawing No. 06014, Project name: Unit Development 7 Sarinda Close, Newnham, Page No 2 of 14, Dated 23/08/2007.
- b. Site Plan, Prepared by Reg Green Drafting, Drawing No. 06014, Project name Unit Development 7 Sarinda Close, Newnham, Page No 3 of 14, Dated 23/08/2007.
- c. Landscape Plan, Prepared by Reg Green Drafting, Drawing No. 06014, Project name: Unit Development 7 Sarinda Close, Newnham, Page No 4 of 14, Dated 23/08/2007.
- d. Ground Floor, First Floor, Prepared by Reg Green Drafting, Drawing No. 06014, Project name: Unit Development 7 Sarinda Close, Newnham, Page No 5 of 14, Dated 23/08/2007.
- f. Western Elevation, Eastern Elevation, Prepared by Reg Green Drafting, Drawing No. 06014, Project name: Unit Development 7 Sarinda Close, Newnham, Page No 6 of 14, Dated 23/08/2007.
- g. Northern Elevation, Southern Elevation, Prepared by Reg Green Drafting, Drawing No. 06014, Project name: Unit Development 7 Sarinda Close, Newnham, Page No 7 of 14, Dated 23/08/2007.
- h. Floor Finish Ground Floor, Floor Finish First Floor, Prepared by Reg Green Drafting, Drawing No. 06014, Project name: Unit Development 7 Sarinda Close, Newnham, Page No 12 of 14, Dated 23/08/2007.

2. LEGAL TITLE

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

3. CAR PARKING

At least one car parking space must be provided on the subject land to service the approved use.

4. AMENITY

Visitor Accommodation - the on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by the emission of noise, artificial light, vibration or any other source of nuisance.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0227/2023. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The 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 Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is 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 Tasmanian Civil and Administrative Tribunal (TASCAT).

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 Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>.

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

E. Sale of Food and Beverages

If food and/or beverages are to be sold to visitors, including with an inclusive charge for food and accommodation, the Food Act 2003 will apply and the operator must notify the council prior to operating the food business.

DECISION: 13 July 2023

MOTION

Moved Councillor S Cai, seconded Councillor J J Pentridge.

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

9.2. DA0058/2023 - 53 Gorge Road Trevallyn - Demolition of an Existing Dwelling and Associated Outbuildings and Construction of a Childcare Centre

FILE NO: DA0058/2023

AUTHOR: Rachael Huby (Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	6ty° Pty Ltd
Property:	53 Gorge Road, Trevallyn
Zoning:	General Residential
Receipt Date:	7/02/2023
Validity Date:	23/02/2023
Further Information Request:	14/03/2023
Further Information Received:	24/05/2023
Deemed Approval (extension granted):	13/07/2023
Representations:	Three

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

STANDARDS REQUIRING PLANNING DISCRETION:

8.3.1 P1, P4 Discretionary uses
8.5.1 P2, P6 Non-dwelling development
C1.6.1 P1, P2, P3 Design and siting of signs
C2.5.1 P1.1 Car parking numbers
C2.6.5 P1 Pedestrian access
C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0058/2023 Demolition of an existing building and associated outbuildings and construction of a Childcare Centre at 53 Gorge Road, Trevallyn, subject to the following conditions:

1. ENDORSED PLANS AND 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. Cover Sheet, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL00, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 5, Dated 12/02/2023, **Plan to be amended.**
- b. Site Context Plan, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL01, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 4, Dated 7/02/2023, **Plan to be amended.**
- c. Design Response, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL02, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 5, Dated 12/02/2023, Plan to be amended.
- d. Existing Ground Floor Plan, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL03, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 4, Dated 7/02/2023, **Plan to be amended.**
- e. Proposed Ground Floor Plan, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL04, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 6, Dated 12/02/2023, **Plan to be amended.**
- f. Proposed First Floor Plan, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL05, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 5, Dated 12/02/2023, **Plan to be amended.**
- g. Proposed Roof Plan, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL06, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 5, Dated 12/02/2023, **Plan to be amended.**
- h. Proposed Elevations, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL07, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 5, Dated 12/02/2023, **Plan to be amended.**
- i. Proposed Sections, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL08, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 5, Dated 12/02/2023, **Plan to be amended.**
- j. Proposed Shadows Sheet 1, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL09, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 6, Dated 12/02/2023, **Plan to be amended.**
- k. Proposed Shadows Sheet 2, Prepared by Andrez Lopez Agency for Design Strategy & V.J Agosta & Associates, Drawing No.TPL010, Proposed Childcare Centre - 53 Gorge Road, Trevallyn, Job Number: 22032, Revision No. 6, Dated 12/02/2023, **Plan to be amended.**

- l. Traffic Impact Assessment - 53 Gorge Road, Trevallyn, Prepared by Richard Burk - Traffic and Civil Services, Dated 17 May 2023
- m. Environmental Noise Level Impact Assessment for Proposed Child Care Centre, 53 Gorge Road, Trevallyn, Tasmania, Prepared by David Moore & Associates Pty Ltd, Revision 1, Dated 11/05/2023.
- n. Aboricultural Report - 53 Gorge Road, Trevallyn, Prepared by Urban Forest Training & Consultancy, Site assessment date 4 July 2022.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and/or use, 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.

- a. The amended plans should reflect the update plans prepared by Andrez Lopez Agency for Design Strategy and V.J Agosta and Associates received by the Council on 28 June 2023 and indicate the following changes:
 - a portion of the eastern wall is setback 1.84m from the boundary to reduce the bulk and scale of the building
 - correct the natural ground level at the boundary of the property which revises the perceived building height as viewed from the adjoining property to the east.
 - the inclusion of an acoustic wall on the roof to mitigate noise emissions
- b. One parking bay deleted and designated as a turning bay for vehicles to exit the site in a forwards direction.
- c. Building Facia *Genius Childcare Centre* sign omitted from Proposed Elevations drawing TPL07.

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

3. LEGAL TITLE

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

4. BUSINESS HOURS

The operation of the Childcare Centre must be confined to:

- a. 7am and 7pm Monday to Friday; and
- b. Closed Saturdays, Sundays and Public Holidays.

5. EXTERIOR AND SECURITY LIGHTING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries and comply with the Australian Standard AS4282 Control of the obtrusive effects of outdoor lighting or any subsequent versions.

Other than security lighting, the operation of any building exterior lighting must be restricted to 7am to 7pm only.

6. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2023/00190-LCC, dated 23/02/2023 and attached to the permit.

7. HOURS OF CONSTRUCTION

- a. Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7am to 6pm; and
 - ii. Saturday - 8am to 6pm.
- b. Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed State-wide (Easter Tuesday excepted).

8. 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.

9. NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

10. SIGN MAINTENANCE

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

11. PEDESTRIAN AND PARKING AREA CONSTRUCTION

Pedestrian access to be aligned with the eastern boundary fence and constructed in accordance with TSD-R11-V3 with 1.2m minimum width, have curb with height minimum 100mm and be DDA compliant.

Before the use commences, areas set aside for pedestrian access and parking vehicles as shown on the amended 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.

Pedestrian access and parking areas must be kept available for these purposes at all times and maintained for the life of the development.

12. LANDSLIP HAZARD AREA REPORT REQUIRED

Prior to the commencement of construction, a Landslip Hazard Report must be submitted to the satisfaction of the Manager City Development and must demonstrate the proposal complies with clause C15.5.1 P1.1 and P4 of the scheme.

Once approved by the Manager City Development, this document will be endorsed and will then form part of the Permit.

13. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. 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.

14. 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 General Manager Infrastructure and Assets Network 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.

15. SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to the Council's stormwater mains.

16. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's eServices web portal, or on the approved form and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with the Council's standards. All costs associated with these contractors are to be borne by the applicant.

17. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

18. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, remove or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

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

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading non trafficable trenches to a trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc.). Where applicable, any redundant crossovers and driveways must be removed once the new driveway and/or crossover works have been completed and use has commenced.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by the Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

19. 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.

20. FILLING OF LAND

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

21. CONSTRUCTION OF RETAINING WALLS

All retaining walls, above 1m, located within 1.5m of the property boundaries are to be designed and certified by a suitably qualified person. The design must have regard to the installation of fencing atop the retaining wall and other imposed loading in addition to site conditions on adjoining properties.

22. PROTECTION OF THE COUNCIL OWNED LAND (DRAINAGE RESERVE)

The Council owned land is to be protected from damage during the construction works by ensuring that:

- a. prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Council owned land and the subject site.
- b. no building material, stockpiles, skip bins or machinery are to be stored on the Council owned land.
- d. no excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of the Council to maintain, the Council owned land.
- e. No access to the subject site is permitted via the Council owned land without express written consent from the General Manager Infrastructure and Asset Network.
- f. where permission is granted to access subject site via the Council owned land, any and all damage caused to the Council owned land is to be remediated within the timeframe specified in the written consent to access.

23. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

24. ACOUSTIC SCREENING

Proposed screening/wall for roof top plant area and boundaries of the childcare centre to be as per the acoustic report - *Environmental Noise Level Impact Assessment for Proposed Child Care Centre* by James Willson Arias Charry.

25. DEMOLITION

The developer must:

- a. protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b. not undertake any burning of waste materials or removed vegetation;
- c. remove all rubbish from the site for disposal at a licensed waste disposal site; and
- d. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *How to Safely Remove Asbestos: Code of Practice, July 2020*, or any subsequent versions of the document.

26. SCREENING VEGETATION PLAN

Prior to the commencement of works, a landscape plan must be prepared by a suitably qualified person and submitted to the Council. Once approved by the Council, it will form part of this permit. The approved landscaping of the site must:

- a. provide two *Eucalyptus leucoxylon* trees within the center of the road reserve at an average spacing of 8m. The trees are to be of 2.5m maturity (45L bag), free of pest and disease and true to form.
- b. have each tree provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal.
- c. be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.
- d. all costs associated with the landscaping will be at the developer's expense.

The applicant may elect to have the Council undertake the supply and installation of the trees as a commercial arrangement with the applicant being invoiced for the work.

Where the Council is engaged in writing to undertake the supply and installation of the planting, a Planting Plan is not required to be submitted for approval.

27. PROTECTION OF STREET TREES

Existing street trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970: Protection of Trees on Development Sites*. The protection works are to be installed prior to the commencement of any other works on the site and are to remain in place until the completion of all other works.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0058/2023. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The 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 Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) 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.*

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is 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 Tasmanian Civil and Administrative Tribunal (TASCAT).

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 Tasmanian Civil and Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>.

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

E. Food Businesses

All food businesses must be registered with council in accordance with the Food Act 2003 prior to commencing. Food premises fit out must comply with the National Construction Code TAS Part H102.0 or any subsequent versions of this document.

F. Fixed Equipment Use

Use of fixed equipment (eg. heat pumps, water pumps, swimming pool pumps) is subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or any subsequent versions of this regulation.

G. Recycling and Re-use of Demolished Building Materials

It is recommended that any heritage features and/or other serviceable materials ie. windows, doors, timbers, bricks, etc. are salvaged for re-use and/or recycled in an appropriate manner that contributes to a reduction in landfill and lessens the demand for manufacture of new materials.

Allison Stone spoke against the Recommendation

George Walker (on behalf of Applicants) spoke for the Recommendation

DECISION: 13 July 2023

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

10. COMMUNITY AND PLACE NETWORK

10.1. Amendment PSA-LLP0003 - Relbia Subdivision Specific Area Plan

FILE NO: PSA-LLP003

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission subsequent to the public exhibition period for a draft amendment to the Launceston Local Provisions Schedule.

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
State Policy on the Protection of Agricultural Land 2009

PREVIOUS COUNCIL CONSIDERATION:

Council - 6 April 2023 - Agenda Item 9.2 - Initiated Draft Amendment PSA-LLP0003 to the Launceston Local Provisions Schedule, to initiate Amendment PSA-LLP0003, to:

- a. remove LAU-S6.0 Relbia and Glenwood Road Specific Area Plan from the Launceston Local Provisions Schedule and replace with LAU-S6.0 Relbia Subdivision Specific Area Plan;
- b. rezone Rural Living B to Rural Living A over 16 properties;
- c. rezone Rural zoned land to Rural living B over 18 properties;
- d. rezone Agriculture land to Rural land over seven properties; and
- e. apply the priority vegetation overlay to land being rezoned from Agriculture to Rural

RECOMMENDATION:

That Council:

1. in accordance with sections 40K and 42 of the *Land Use Planning and Approvals Act 1993*, considers the merit of each of the representations received to Draft Amendment PSA-LLP0003;
2. amends LAU-S6.0 to include a revised map under Figure 6.1 and revised wording within clause LAU-S6.8.1 Lot size and dimensions;
3. amends Rural Living A instrument to remove duplicated title 14032/14 from *titles included* section;

4. amends Specific Area Plan map instrument to extend the boundary of the Specific Area Plan to include 144388/1, 144388/2, 144388/3, 24552/3, 32517/1, 6529/1, 130686/1, 130808/2, 181433/1 and 129968/2; and
5. recommends to the Tasmanian Planning Commission that Draft Amendment PSA-LLP002 and DA0439/2022 be approved with the recommended changes.

DECISION: 13 July 2023

MOTION

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

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

CARRIED 11:1

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Councillor Dr G Razay

10.2. Update on Impact of COVID-19 Pandemic on Events Sponsorship

FILE NO: SF7403/SF7404/SF7064/SF5892

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To consider a report recommending changes to the events facilitation and events sponsorship process to reflect the current manner in which COVID-19 is now planned for and managed at events.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government (Meeting Procedures) Regulations 2015

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

Council - 2 April 2020 - Agenda Item 21.1 - Notice of Motion - Councillor A M van Zetten - Community Care and Recovery Package

Council - 12 November 2020 - Agenda Item 16.1 - Update on Impact of COVID-19 Pandemic on Events Sponsorship

RECOMMENDATION:

That Council reverts to its pre-COVID-19 operational approach to event sponsorship in accordance with the Council's Events Sponsorship Policy (05-PI-012).

DECISION: 13 July 2023

MOTION

Moved Councillor D C Gibson, seconded Councillor A G Harris.

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

CARRIED BY ABSOLUTE MAJORITY 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

10.3. Special Events Sponsorship - 2023/2024 - ROOKE Productions Ltd

FILE NO: SF5892

AUTHOR: Stephanie Berns (Grants and Sponsorship Officer)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To consider special event sponsorship for *DEKOOR* (adjacent to *Tendrils*).

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 January 2019 - Agenda Item 15.2 - Event Sponsorship Policy Review (05-PI-012)

RECOMMENDATION:

That Council approves the following special event sponsorship application to receive the recommended sponsorship amount as detailed below:

Organisation	Event	Score	\$Request	\$Assess	\$Recom
ROOKE Productions Ltd	<i>DEKOOR</i> (adjacent to <i>Tendrils</i>)	60%	\$29,635	\$29,635	\$14,818
Total			\$29,635	\$29,635	\$14,818
2023/2024 Special Event Sponsorship Budget					\$20,000
Balance					\$5,182

DECISION: 13 July 2023

MOTION

Moved Councillor L M McMahon, seconded Councillor A J Palmer.

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

11. ANNOUNCEMENTS BY THE MAYOR

11.1. Mayor's Announcements

FILE NO: SF2375

Friday 30 June 2023

- Attended the Local Government Association of Tasmania General Meeting and Annual General Meeting, Hobart

Saturday 1 July 2023

- Attended the Elected Members Professional Development Day, Hobart
- Attended the Rotary Club of South Launceston Change Over Dinner at Stelo

Sunday 2 July 2023

- Attended the NAIDOC (National Aboriginals and Islanders Day Observance Committee) Week service at Salvation Army, Launceston
- Officiated at the opening of the *Artstart* exhibition at the Queen Victoria Art Gallery, Royal Park

Monday 3 July 2023

- Officiated at the NAIDOC Flag Raising ceremony, Tasmanian Aboriginal Centre

Tuesday 4 July 2023

- Attended *Launnie Can Dance* by Assembly 197, Princess Theatre

Wednesday 5 July 2023

- Conducted a Citizenship Ceremony, Tramsheds Function Centre

Friday 7 July 2023

- Officiated at the *Previous* exhibition launch at the Queen Victoria Museum and Art Gallery, Royal Park

Monday 10 July 2023

- Attended *The Voice* conversation

Wednesday 12 July 2023

- Attended the Launceston *Lively* magazine launch, Café on Elizabeth
-

The Mayor, Councillor M K Garwood, also noted he attended the 7 July 2023 NAIDOC Street March and the Launceston Tornadoes and North West Thunder match and presentation on 8 July 2023.

12. COUNCILLORS' 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).

1. Acting Deputy Mayor Councillor A E Dawkins

- Attended *Launnie Can Dance* by Assembly 197, Princess Theatre

2. Councillor A J Palmer

- Attended the New Horizons graduation event

3. Councillor S Cai

- Attended the NAIDOC Flag Raising ceremony, Tasmanian Aboriginal Centre
- Attended the Citizenship Ceremony, Tramsheds Function Centre

4. Councillor L M McMahon

- Attended *Launnie Can Dance* by Assembly 197, Princess Theatre
- Volunteered at the Northern Suburbs Community Kitchen event

5. Councillor D H McKenzie

- Chaired the Emergency Service Meeting

6. Councillor T G Walker

- Attended the NAIDOC Flag Raising ceremony, Tasmanian Aboriginal Centre

13. QUESTIONS BY COUNCILLORS

13.1. Councillors' 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 Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).

**13.1.1. Councillors Questions on Notice - Councillor J J Pentridge -
Launceston Flood Authority**

FILE NO: SF2375

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, asked at the Council Meeting on 29 June 2023 by Councillor J J Pentridge, has been answered by Michael Stretton (Chief Executive Officer).

Questions:

1. What does the Flood Authority do? What has the Flood Authority done to mitigate against flooding especially in relation to the lack of dredging occurring?

Response:

The Launceston Flood Authority (LFA) is a single authority established by Council under section 30 of the Local Government Act 1993 (Tas) (the Act). It was established to take over management of the Invermay flood protection scheme, pursuant to commitments in agreements made in June 2007 and April 2008 between the Council and the State of Tasmania, being the Funding Agreement and the Launceston Flood Risk Management Deed (the Deed).

The Launceston Flood Risk Management Act 2015 provides the powers, function and rights of the LFA and the Council in mitigating both flood risk and flood duration. It also provides and confers requirements and powers in regard to emergency management, planning matters and enforcement and immunities. The functions of the LFA as defined under the Act are to:

- (a) to take action to reduce the likelihood, severity and duration of flooding in the flood-prone area, including (but not limited to including), if it thinks fit, dredging for such purposes;*
- (b) to provide advice to the Council as to whether levees, additional to any levee constructed before the commencement of this Act, may be required to reduce the likelihood, severity or duration of flooding in the flood-prone area;*
- (c) to take all reasonable steps to ensure that any levees constructed (whether before or after the commencement of this Act) for the purpose of preventing flooding in the flood-prone area -*
 - (i) are maintained; and*
 - (ii) are redesigned, or augmented, if it is desirable to do so in order to prevent, or to reduce the likelihood, severity or duration of, flooding in the flood-prone area.*

- (d) *to provide to the Council information to assist the Council to determine the advice that ought to be given by the Council to members of the public about the risk of flooding in the flood-prone area;*
- (e) *any other function specified in this Act.*

The Deed provides that the Crown will provide operational funding to the LFA on an annual basis with the Council to provide further operational funding as required to fulfil the LFA's function.

The Deed also stipulates that the Crown will provide funding annually for the cost of dredging in the upper reaches of the Tamar River, or at the discretion of the LFA, to reallocate this sum 'for the maintenance of other flood mitigation measures'.

In 2019, following a review of the sediment (silt) raking program which was a licence requirement of the State Government, a decision was made by the LFA to cease raking because the review found that the sediment raking trial had not achieved its primary goal of a net loss of sediment from the upper estuary for the purposes of flood defence. It also found the raking program had resulted in infilling of navigation channels in the upper estuary, and had resulted in poorer water quality outcomes downstream.

Through its role on the kanamaluka/Tamar Estuary Management Taskforce (TEMT), the LFA has participated in the development of the 10 year vision, which includes a range of initiatives to reduce the sediment load within the estuary. At this stage these initiatives do not include further dredging of the estuary, however, the State Government is currently exploring a range of limited dredging options to provide improved recreational access to the river.

Through the work undertaken with the TEMT and successive floods, it has been demonstrated that dredging does not reduce flood risk and therefore, is outside of the functions of the LFA specified by the Act.

Since its 2019 decision, in addition to its role on the TEMT, the LFA has been focused on the maintenance, redesign and/or augmentation of the levee system as well as the provision of advice to the Council on the flood risk.

The maintenance of the levee system is a vital necessity and in fulfilling this role the LFA is providing a valuable, but perhaps understated, contribution to the City.

It should be noted that the activities of the LFA are reported to Council on a quarterly basis.

13.2. Councillors' 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).

There were no Councillors' Questions Without Notice as part of these Minutes

14. COMMITTEE REPORTS

14.1. Tender Review Committee Meeting - 29 June 2023

FILE NO: SF0100/CD.017/2023

AUTHOR: Anthea Rooney (Council and Committees Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee.

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Gradco Pty Ltd for the Invermay Levee Reinstatement - Contract Number CD.017/2023 at a cost of \$594,056.19 (exclusive of GST).

DECISION: 13 July 2023

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahan, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

15. INFRASTRUCTURE AND ASSETS NETWORK

15.1. Petition Response - Alison Emery - Reinstall Sound Barrier - Car Park, Glen Dhu Street. South Launceston

FILE NO: SF0097/SF1536/DA0631/2016

AUTHOR: Nigel Coates (Engineering Officer Traffic)

GENERAL MANAGER APPROVAL: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the Petition received at the Council Meeting on 1 June 2023 regarding the installation of a sound barrier at the rear of the Glen Dhu Car Park, South Launceston.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 1 June 2023 - Agenda Item Number 9.1 - Petition - Alison Emery - Reinstall Sound Barrier - Car Park, Glen Dhu Street, South Launceston - 20 May 2023

RECOMMENDATION:

That Council notes:

1. the findings of this report.
 2. the actions taken by officers in relation to the concerns raised by the petitioners.
-

DECISION: 13 July 2023

MOTION

Moved Acting Deputy Mayor Councillor A E Dawkins, seconded Councillor D C Gibson.

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

16. CHIEF EXECUTIVE OFFICER NETWORK

16.1. The Future of Local Government Review - Tamar Valley Community Catchment Information Pack

FILE NO: SF7432

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider and make a submission on the Future of Local Government Review Stage 3 Tamar Valley Community Catchment Information Pack.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 31 March 2022 - Local Government Reform

Council - 5 May 2022 - Agenda Item 17.1 - Local Government Board Review

Workshop - 1 September 2022 - Future of Local Government Review - City of Launceston

Workshop - 1 February 2023 - Future of Local Government Review

Workshop - 18 May 2023 - Future of Local Government - Review Stage 2 Interim Report

Workshop - 22 June 2023 - Future of Local Government - Tamar Valley Community Catchment Information Pack

RECOMMENDATION:

That Council provides the following submission to the Local Government Board in respect to the Tamar Valley Community Catchment Information Pack released on 29 May 2023:

1. The Council is supportive of a future scenario which would result in the creation of a new Tamar Valley Council which should not be mistaken for any form of take-over or expansion of an existing Council, including the City of Launceston.
 2. Any suggestions made in respect to proposed adjustments to the scenarios do not in any way imply that the Council does not value the townships and localities that are currently located within the City of Launceston. Suggested adjustments are made in consideration of achieving the best future State for Local Government within Northern Tasmania.
 3. Within any future state for Local Government, it is vital that effective mechanisms are implemented to maintain or enhance place-based local community representation.
 4. In consideration of points 1 to 3, the Council offers the following responses to the Local Government Board's questions relating to the four scenarios which it has developed:
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Tamar Valley: Scenario 1



Scenario 1 establishes one council for a large proportion of the Tamar Valley Catchment area, capturing the existing West Tamar, George Town and Launceston LGAs, extending to incorporate Prospect Vale and Blackstone Heights as continuously connected suburbs of Launceston.

2021 Population - 108,835
% Growth 2011-21 - 10.2%

What are the strengths?

- Sufficient population to appropriately fund the regional assets and create funding equity across the region.
- Includes most urban growth areas in a single Municipal Area which would facilitate more effective planning.
- Includes the Bell Bay Industrial Zone which would facilitate effective regional planning, particularly relating to land use and transport.
- Sufficient size to facilitate effective and integrated regional land use and transport planning.
- Would enable more consistent and integrated management of the *kanamaluka* Tamar Estuary.

What are the weaknesses or challenges?

- This scenario does not include the Launceston Airport or Translink Industrial Area which would be an impediment to effective regional planning as both have intrinsic connections to the Launceston city.
- The larger Municipal Area would make the achievement of effective place-based local community representation more challenging.
- The scenario includes a significant component of rural land, which may not provide synergies with the needs of the metropolitan component of the Municipal area.

Are there any adjustments that could be made to maximise the strengths and minimise the weaknesses?

- The area could be extended to include the Launceston Airport and Translink Industrial Area to enable effective regional planning.
- The area of Lilydale through to Blessington could be considered for the proposed North Eastern Municipal area as the needs of these communities may be more commensurate with the focus of the future Council.

Tamar Valley: Scenario 2



Scenario 2 establishes one council capturing a large proportion of the Tamar Valley catchment area, but with alternate boundaries to Scenario 1. The Council would encompass the existing West Tamar and Launceston LGAs but, unlike Scenario 1, does not include George Town.

2021 Population - 94,605
% Growth 2011-21 - 10.7%

What are the strengths?

- Sufficient population to appropriately fund the regional assets and create funding equity across the region.
- Includes most urban growth areas in a single Municipal Area which would facilitate more effective planning.
- Includes the Launceston Airport and Translink Industrial Zone which would facilitate effective regional planning, particularly relating to land use and transport.
- Sufficient size to facilitate effective and integrated regional land use and transport planning.

What are the weaknesses or challenges?

- The area does not include the Bell Bay Industrial Zone which would be an impediment to effective regional planning.
- The larger Municipal Area would make the achievement of effective place-based local community representation more challenging.
- Includes a significant component of rural land, which may not provide synergies with the needs of the metropolitan component of the Municipal area.

Are there any adjustments that could be made to maximise the strengths and minimise the weaknesses?

- The area of Lilydale through to Blessington could be considered for the proposed North Eastern Municipal area as the needs of these communities would be more commensurate with the focus of the future Council.

Tamar Valley: Scenario 3



Scenario 3, like the other scenarios in this catchment, creates one council area. It combines the existing West Tamar, George Town and Launceston LGAs with Launceston's major commuting townships of Hadspen, Carrick, Longford, Perth, Evandale and their immediate surrounds.

2021 Population - 122,360
% Growth 2011-21 - 10.8%

What are the strengths?

- Sufficient population to appropriately fund the regional assets and create funding equity across the region.
- Includes most urban growth areas in a single Municipal Area which would facilitate more effective planning.
- Includes the Bell Bay Industrial Zone which would facilitate effective regional planning, particularly relating to land use and transport.
- Includes the Launceston Airport and Translink Industrial Area which would facilitate effective regional planning, particularly relating to land use and transport.
- Sufficient size to facilitate effective and integrated regional land use and transport planning.
- Would enable more consistent and integrated management of the kanamaluka Tamar estuary.

What are the weaknesses or challenges?

- The municipal Area is large and would include a significant component of rural land, which may not provide synergies with the needs of the metropolitan component of the Municipal area.
- The larger Municipal Area would make the achievement of effective place-based local community representation more challenging.

Are there any adjustments that could be made to maximise the strengths and minimise the weaknesses?

- The area of Lilydale through to Blessington could be considered for the proposed North Eastern Municipal area as the needs of these communities would be more commensurate with the focus of the future Council of that area.
- The same consideration would be needed for the townships of Hadspen, Carrick, Longford, Perth and Evandale in respect to the proposed Central and Midlands Community Catchment.

Tamar Valley: Scenario 4



Scenario 4 also creates one new council area combining West Tamar, George Town, and Launceston existing LGA. It also encompasses the agricultural land to the west of the Tamar Valley, including the townships of Westbury and Deloraine.

2021 Population - 123,051
% Growth 2011-21 - 10.2%

What are the strengths?

- Appropriate area with sufficient population to appropriately fund the regional assets and create more funding equity across the region.
- Includes most urban growth areas in a single Municipal Area.
- Includes the Bell Bay Industrial Zone which would facilitate effective regional planning, particularly relating to land use and transport.
- Includes the Launceston Airport and Translink Industrial Zone which would facilitate effective regional planning, particularly relating to land use and transport.
- Sufficient size to facilitate effective and integrated regional land use and transport planning.
- Would enable more consistent and integrated management of the *kanamaluka/* Tamar estuary.

What are the weaknesses or challenges?

- This proposed Municipal Area is too large and would include a significant component of rural land, which would not provide synergies with the needs of the metropolitan component of the Municipal Area.
- The larger Municipal Area would make the achievement of effective place-based local community representation more challenging.

Are there any adjustments that could be made to maximise the strengths and minimise the weaknesses?

- The area of Lilydale through to Blessington could be considered for the proposed North Eastern Municipal area as the needs of these communities would be more commensurate with the focus of the future Council.
- The same consideration would be needed for the townships of Hadspen, Carrick, Longford, Perth and Evandale in respect to the proposed Central and Midlands Community Catchment.
- The western townships of Westbury and Deloraine are not necessarily suited to being included in a metropolitan Municipal Area and would be better provided for in a more regional focused Municipal area. The inclusion of these townships creates difficulties in terms of synergies and servicing as they not necessarily compatible in what would be a more metropolitan based Council. This could consider either the Central and Midlands Community Catchment and/or the Cradle Coast Community Catchment.

Are there any other entirely different scenarios the Board should consider, which would still deliver against the Board's criteria and structural reform principles?

- The Council is not suggesting any entirely different scenarios, rather, there is potential for one of the four scenarios to be acceptable if the suggested adjustments are made to maximise strengths and minimise weaknesses.

Information Pack Supporting paper - Shared Service Models

- There is merit in a hybrid approach being applied to Local Government reform within the state whereby the larger, more urban Councils are required to offer services for the regional Councils which often struggle to attract and maintain professional staff, particularly in areas such as Town Planning, Engineering, Project Managers and Environmental Health etc. Resource sharing could also extend to back of house services.
- Any proposal for Councils to devolve services (such as Land Use Planning) to State-wide or regional bodies is not supported as it would undermine the role of Councils and would create unnecessary complexities in the planning and development of local places and would cause a disconnect between local elected members and land use decision making. From the Council perspective it is considered vital that Local Government retain its ability to deliver local services and make strategic and statutory land use planning decisions to enable authentic, placed-based planning to continue within communities.

DECISION: 13 July 2023

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahan, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

17. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

17.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

17.2 Councillor's Leave of Absence

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:
(h) applications by councillors for a leave of absence.

17.3 Lease - 1C Georgetown Road, Newnham

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:
(b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.
(f) proposals for the council to acquire land or an interest in land or for the disposal of land.

17.4 End of Closed Session

To be determined in Closed Council.

DECISION: 13 July 2023

MOTION

Moved Councillor A G Harris, seconded Councillor A J Britton.

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

Council moved into Closed Session at 2.41pm
Council returned to Open Session at 2.51pm

17.4 End of Closed Session

RECOMMENDATION:

That, pursuant to Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, resolves to report in Open Session that it has considered the following matters in Closed Session.

Agenda Item	Matter	Brief Description
17.1	<i>Closed Council Minutes - 29 June 2023</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 29 June 2023.</i>
17.2	<i>Councillor's Leave of Absence</i>	<i>Councillors endorsed a personal leave request.</i>
17.3	<i>Lease - 1C George Town Road, Newnham</i>	<i>Councillors endorsed terms for the lease of 1C George Town Road, Newnham.</i>

DECISION: 13 July 2023

MOTION

Moved Councillor A G Harris, seconded Councillor A J Palmer.

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahan, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

18. MEETING CLOSURE

The Mayor, Councillor M K Garwood, closed the Meeting at 2.52pm.

19. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 27 July 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.