



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 22 AUGUST 2024
1.00PM**

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

Date: 22 August 2024

Time: {meeting-time}

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.



Sam Johnson
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 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
Deputy Mayor Councillor D H McKenzie
Councillor A E Dawkins
Councillor A G Harris
Councillor T G Walker
Councillor Prof G Razay
Councillor A J Palmer
Councillor S Cai
Councillor A J Britton

In Attendance:

Sam Johnson OAM (Chief Executive Officer)
Michael Newby (Chief Infrastructure Officer)
Chelsea van Riet (General Manager Community and Place Network)
Louise Foster (General Manager Organisational Services Network)
Nathan Williams (Chief Financial Officer)
Matt Morgan (Acting Governance Manager)
Leanne Purchase (Acting Manager Parks and Sustainability)
Duncan Campbell (Team Leader Legal Services)
Lorraine Wyatt (Council and Committees Officer)
Richard Jamieson (Manager City Development) (Item 11.1)
Iain More (Senior Town Planner Policy and Projects) (Item 11.2)

Apologies:

Councillor D C Gibson
Councillor L M McMahon
Councillor J J Pentridge

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor M K Garwood, opened the Meeting at 1.00pm and noted apologies from Councillor D C Gibson and Councillor L M McMahon.

2. MAYORAL ACKNOWLEDGEMENTS

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).

Deputy Mayor Councillor D H McKenzie, Declared an Interest in Agenda Item 19.1 Albert Hall Project Update and Booking Arrangements.

4. CONFIRMATION OF MINUTES

4.1. 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 8 August 2024 be confirmed as a true and correct record.

DECISION: 22 August 2024

MOTION

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

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 8 August 2024 be confirmed as a true and correct record.

CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, 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 Reports - 8 August 2024 and 15 August 2024

FILE NO: SF4401

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

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 8 August 2024:

Mona Foma

Councillors discussed the reallocation of the \$50,000 Memorandum of Understanding (MOU) funding from Mona Foma to the special event funding pool.

Future Direction - Public Electric Vehicle Chargers

Councillors received a presentation on the current State of Council-owned electric vehicle charging infrastructure.

In Attendance: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor Prof G Razay, Councillor J J Pentridge, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

Apologies: Councillor D C Gibson, Councillor T G Walker and Councillor A J Palmer

2. Workshop conducted on 15 August 2024:

University of Tasmania Update

Councillors were provided with an update by Professor Natalie Brown (Pro Vice Chancellor, University of Tasmania) on the Launceston Academy and International Students at University of Tasmania.

Residential Parking Policy

Councillors considered updates to the Residential Parking Permit Policy.

Road Reserves, Parks and Public Reserves Occupation Policy, Guidelines and Fee Capping

Councillors received a brief on draft Road Reserves, Parks and Public Reserves Occupation Policy, Guidelines and Permit Fee Structure.

Leases - Albert Hall Cafe, Gorge Restaurant and Cafe

Councillors provided feedback regarding proposed assessment criteria for the leases of the Basin Cafe and Gorge Restaurant, and Albert Hall Cafe.

Albert Hall Booking Arrangements

Councillors received a brief on the proposed booking and initial management arrangements for the Albert Hall.

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

DECISION: 22 August 2024

MOTION

Moved Councillor A E Dawkins, seconded Councillor A G Harris.

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

CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

No Councillors' Leave of Absence Applications were identified as part of these Minutes.

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 have been identified as part of these Minutes.

The Mayor, Councillor M K Garwood, advised that responses to Public Question on Notice that had not been answered in this Agenda had been circulated to the Elected Representatives.

Refer to Item 8.1.3. Public Questions on Notice - Ray Norman - Birchalls, Mesh, and Housing - 14 August 2024

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 - Tim Shaw - St Leonards Structure Plan and Infrastructure Funding Framework - 8 August 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 8 August 2024 by Tim Shaw, have been answered by Nathan Williams (Chief Financial Officer) and Rosanna Coombes (Strategic Projects Advisor).

Questions:

[Regarding Agenda item 17.1]

1. Why does it not say that Mesh, who are a Mainland company, failed to deliver on the South Prospect development?

Response:

Council officers are satisfied that Mesh Liveable Communities Pty Ltd. (Mesh) has met its contractual obligations regarding development south of Prospect, and do not concur with Mr. Shaw's opinions regarding Mesh's service provision.

Mesh has been involved with the feasibility and planning of development south of Prospect since the very early stages of the project. The initial contract included facilitation of an Enquiry by Design workshop (2019) with landowners, stakeholders, and Council officers, the preparation of an initial Strathroy Masterplan, investigation work, project management costs and framework development. The Enquiry by Design provided the initial scope and parameters for the project and established the framework for further feasibility studies to support the preparation of a Framework Plan. The Mesh contract was fully completed to the satisfaction of Council officers and participants.

Mesh was again contracted in 2022 to provide urban planning advice to Council officers during the feasibility assessment phase and prepare a Framework Plan and Narrative upon completion of all aspects of the feasibility assessment. To support the preparation of a framework plan, Council contracted specialist firms to prepare feasibility analysis including for example, traffic impact assessments, road and stormwater concept design, residential land supply and demand assessment, neighbourhood retail studies, and natural values assessments. During this period, Mesh completed on-site visits, held meetings with officers to provide on-going urban planning advice, prepared a number of iterations of framework plans based on a range of scenarios and multiple changes in direction from landowners, provided guidance and support on best practice planning for the activity centre, met with landowners to discuss planning scenarios and best planning practices, and provided a number of planning tools including but not limited to, cross-sections of road sections, bushland transition zones, and open space and active transportation alternatives. As various studies were completed during the feasibility phase, Mesh completed updated concept level plans for consideration by the landowners and Council officers. These services were provided as required, to the highest standards, and have met the expectations of Council officers.

In November 2023, prior to the completion of the feasibility phase, the landowners advised Council that they wished to disengage from the framework planning process and pursue their own property specific Planning Scheme amendments based on their own planning advice and consultant reports. Upon disengaging from the framework planning process, the landowners were advised by Council that they would be required to finalise and present the strategic justification (i.e. framework plan and narrative) for any planning scheme amendments they wished to submit. With written confirmation from the landowners that they would disengage and complete their own planning, Council suspended the framework planning process, acknowledged the services provided by Mesh to-date, and terminated the Mesh contract.

Council officers have no hesitation with recommending Mesh Liveable Communities Pty Ltd for the completion of the St. Leonards Structure Plan.

2. How much money in total has the City of Launceston paid to Mesh for the South Prospect?

Response:

Council has spent a total of \$183,431 with Mesh since the inception of the South Prospect/Strathroy project, dating back to 2018/2019.

\$97,106 was spent on the initial work involving the facilitation of an Enquiry by Design workshop, initial Strathroy Masterplan, investigation work, project management costs and framework development.

\$86,325 has been spent with Mesh since 2022 on the provision of urban planning advice and services to Council during the feasibility assessment phase (see response 1 for a list of services).

8.1.2. Public Questions on Notice - Robin Smith - Parking Promotion, Launceston Central Funding Variation - 8 August 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 8 August 2024 by Robin Smith, have been answered by David Mullinger (Manager Health and Compliance), Lee Simmons (Team Leader Parking) and Louise Foster (General Manager Organisational Services Network).

Questions:

1. There is free parking in the City between 3.30pm and 5.30pm. Can you confirm if the driver is then charged the overnight fee from 5.30pm onward, or, what the charge is? Does this also apply to weekends and public holidays?

Response:

The free parking promotion is to encourage people to come into the city and take advantage of the free parking in our multi-story car parks between the hours of 3:30pm to 5:30pm Monday to Friday. This is a promotion in collaboration with Launceston Central. The free parking only applies to the hours nominated on the signage at the entrance to City of Launceston car parks. Members of the public entering before or after this time period will incur the nominated fee for the time they park, prior to or after, the free period has commenced or completed. Council have allotted a 30 minute grace period after the completion of the free period. Carpark users will not be charged until 6pm. This grace period is to allow appropriate time for carpark users to exit the carpark and account for circumstances of queuing at the exit.

The free parking period has existed since the car parks were updated to the current AMANO system and applies seven days per week. The current promotion however is to encourage re-engagement with the local economy on weekdays in the hours following school times.

Free Parking is also available all-day in metered zones on Sundays and public holidays.

2. Are the CCTV cameras in the Central Business District out of order and can you advise what outages have occurred in the past six months, including the duration of the outage?

Response:

There is one out of 77 cameras in the Central Business District (CBD) that is currently not operating. This is at the Charles/Elizabeth St intersection, which has been down for the past 12 months. This is due to the infrastructure used to support the camera's operation not being able to work over such a long cable span. Work to fix this is programmed to happen in conjunction with a nearby project.

One other camera in St John Street also failed between 27 June 2024 and 26 July 2024.

3. Item 20.4 Launceston Central Funding Variation includes Key Performance Indicators including a quantitative advocacy report detailing advocacy activities conducted throughout the year. As Launceston Central have been in existence for a couple of years, there would be documents received by Council that report on this. Would it be possible to get a copy so that I can see what issues the Council's receiving, and if not explicit in this document, is it possible for Council to provide to me an idea of the issues that are being brought to Council and the frequency?

Response:

The Launceston Central 2022/23 Annual Report submitted at the Council Meeting on 14 December 2023 outlines Launceston Central's role and mechanisms for advocacy on pages 5 and 6. Launceston Central report to Councillors biannually at Workshop.

Launceston Central, members of the Executive Leadership Team, and Council Officers meet to discuss and address various city issues and advocate for action. Matters have included:

- *anti-social behaviour in the CBD*
 - *active involvement in the City of Launceston's Safer Communities Partnership Group, addressing key challenges such as crime prevention and community safety initiatives.*
 - *on street dining opportunities and pavement depths*
 - *partnership and content development for events to support CBD businesses*
-

8.1.3. Public Questions on Notice - Ray Norman - Birchalls, Mesh, and Housing - 14 August 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

QUESTIONS and RESPONSES:

The following questions, as submitted to Council on 14 August 2024 by Ray Norman have been answered by Nathan Williams (Chief Financial Officer) and Chelsea van Riet (General Manager Community and Place Network).

Questions:

1. Given the backgrounding set out in the context to this question, will Councillors now commit to providing a full account of all the money expended on this Birchalls site and related project costs and have that reporting audited by an independent forensic accountant by Monday September 30?

Response:

Council has provided a full disclosure of monies expended at both 118 –122 and 124 Brisbane Street, (also known as the Birchalls and Katies buildings), on several occasions in response to questions from members of the public and the media.

Most recently, this was in response to a query from the Honourable Rosemary Armitage MLC, asked during Council's public consultation process regarding the 2024/2025 Annual Plan and Budget. The response was published in the Council meeting Agenda of 13 June 2024 at Item 19.3.

Costs to date can be summarised as;

Revenue foregone in rates since the purchase equated to \$193,776 at the end of 2023/2024, utilities costs of \$29,806; legal fees of \$35,999; consultancy and project management costs of \$192,823 including the development and running of an expression of interest process, architectural fees of \$2,500; security, safety and maintenance works of \$30,225 and \$6,984 on promotional and advertising activities relating the buildings. However, these costs have been effectively more than offset by approximately \$572,730 in interest earned from loan funds which have not been able to be drawn down on.

Council will continue to respond to requests for information as received.

2. Will Council publish the brief being provided to Mesh Planning prior to Council's next meeting and ensure that within it there is provision for expenditure to conduct an independent arm's length consultation process that enables any citizen who wishes is enabled to do so?

Response:

3. Will Council NOW take immediate steps to ensure the appointment of a qualified Convenor with the expertise and skill sets to:
1. Initiate a citizen's reference group to investigate the regulatory obstacles home makers are experiencing; and
 2. Facilitate the publication of information to aspiring homemakers thus enabling them to advance their cause using whatever resources they have available; and
 3. Accordingly, proactively seek funding to advance research – academic and citizen researchers – in the area of innovative housing opportunities; and
 4. Put in place proof of concept projects that provide useful references for home seekers and developers?

Response:

Council is currently scoping the development of a housing strategy as one of its Annual Plan Actions for 2024/2025. As part of this strategy we will bring an open mind to how we can do things differently or work with stakeholders and the community to address the issue of constrained housing supply in Launceston. Our population is going to grow and to house existing and new residents we need to be delivering approximately 320 homes per year, but our long term average hovers around 200 homes per year. There are many challenges and opportunities that City of Launceston will explore over the coming year and there will be an opportunity for community feedback on that strategy.

8.1.4. Public Questions on Notice - Robin Smith - Personal Mobility Device (E-scooter) Trial Evaluation - 14 August 2024

FILE NO: SF6381, SF7422

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 14 August 2024 by Robin Smith, have been answered by

Questions:

1. The City of Launceston e-scooter trial evaluation (appearing on council general meeting agenda 23rd February 2023) made a number of recommendations, one of which was:

8.3 Signage Changes

The existing signage that prohibits use of bicycles, skateboards, and non-motorised scooters on the footpaths of Charles Street, St John Street, George Street and Brisbane Street between 9am and 5pm, should be amended to also prohibit the use of PMDs.

What is the rationale behind the period being 9am to 5pm?

Response:

The prohibition on PMDs during the hours of 9 am to 5 pm in the CBD reflects the Council's approach to all other mobility devices, including bicycles and skate boards. The use of such devices is limited to outside business hours.

2. What is the principal legislation that PMDs will be regulated in the above mentioned areas, and for the use of that legislation, is there a requirement to use prescribed symbols and words?

Response:

The principle piece of law regulating the use of PMDs is Part 14, Division 3 of the Road Rules 2019 (the Rules).

Those provisions were implemented as a result of the Road Amendment (Personal Mobility Devices) Rules 2021, which also introduced relevant signs into the Rules, such as the 'no personal mobility devices sign' appearing at rule 244E.

3. As a road authority, can council declare (via notice published in the Gazette) that PMDs can be used on a particular bike lane?

Response:

Rule 244F prohibits the riding of PMDs on any road with a speed limit that is greater than 50 kilometres per hour. It also prohibits riding on a road that has a dividing line, median strip or any one way road with more than one lane, unless the road is a 'declared road'.

The Council has not made a declaration in respect of rule 244F, and therefore such riding is prohibited.

8.1.5. Public Questions on Notice - Robin Smith - Princes Square - Anti-social Behaviour and Facilities and Highways By-Law Number 1 of 2021 - 14 August 2024

FILE NO: SF6381, SF0138, SF0864, SF6763

AUTHOR: Kelsey Hartland (Team Leader Governance)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 14 August 2024 by Robin Smith, has been answered by Duncan Campbell (Team Leader Legal Services).

Questions:

1. I note the purpose of the Local Government Act 1993 is for making of by-laws enforceable by council officers and police. So then, has this divesting of powers (out of the by-law) lost both the ability of authorised Launceston Council Officers themselves to enforce the control of liquor consumption under a by-law and inadvertently Tasmania Police?

Response:

The Facilities and Highways By-Law No. 1 of 2021 does not prohibit the consumption of liquor, nor do any other of the Council's by-laws.

The consumption of liquor in public streets is controlled by section 25 of the Police Offences Act 1935. Relevant prohibitions extends to public places that are prescribed by regulation. At present, prescribed public places do not include areas within Launceston.

8.2. Public Questions Without Notice

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

8.2.1. Public Questions Without Notice - Ian Goninon - Flood Risks: Levy in Newstead, and Tamar River Silt - 22 August 2024

- 1. 2016 and 2022 were two memorable years in Launceston for the floods, and for people on the flood levy, the flood got to within four or five inches of going over. In Newstead in 2016 and 2022 the flood went over the netball courts and was just about to go into Newstead. I was perturbed when I saw thousands of tons of earth and fill put in a flood plain at Killafaddy, and I'm really concerned that Council has allowed this, and it will cause it to go over, certainly at Newstead. The amount of fill being placed will have a direct affect for those residents there.**

Secondly the Tamer River is filling up with silt and again when you've got an active flood plain like that filled with loose fill, lots of that will end up in the Tamer River.

Why has Council allowed it, and what precautions has Council put in place to prevent additional flooding and the silt from going down the Tamar River?

9. PETITIONS

No Petitions were identified as part of these Minutes.

10. DEPUTATIONS

No Deputations were identified as part of these Minutes.

11. 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.

11.1. DA0245/2024 - 22 Stone Street, West Launceston - Residential - Construction of an Additional Dwelling and an Additional Crossover

FILE NO: DA0245/2024

AUTHOR: Rachael Huby (Town Planner)

APPROVER: Chelsea van Riet (General Manager 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:	22 Stone Street, West Launceston
Zoning:	General Residential
Receipt Date:	12/06/2024
Validity Date:	28/06/2024
Further Information Request:	04/07/2024
Further Information Received:	10/07/2024
Deemed Approval:	23/08/2024
Representations:	7

RELEVANT LEGISLATION:

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

PREVIOUS COUNCIL CONSIDERATION:

Council - 25 January 2024 - Agenda Item 9.1 - DA0505/2023 - 22 Stone Street, West Launceston - Subdivision - Subdivide One Lot into two; Residential - Construction of a Dwelling on Proposed Lot 2 - refused

STANDARDS REQUIRING PLANNING DISCRETION:

8.4.2 General Residential Zone - P1 & P3 Setbacks and building envelope for all dwellings
8.4.6 General Residential Zone - P1 & P2 - Privacy for all dwellings
8.4.8 General Residential Zone – P1 8.4.8 Waste storage for multiple dwellings
C2.5.1 Parking and Sustainable Transport Code – P1.2 Car parking numbers
C2.6.3 Parking and Sustainable Transport Code – P1 Number of accesses for vehicles

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 DA0245/2024 Residential - Construction of an additional dwelling and an additional crossover at 22 Stone Street, West Launceston subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Cover Page, Prepared by Design to Live, Project name: Proposed Multiple Dwellings 22 Stone Street, West Launceston, Project Job Number: STNS22, Revision No. R3, Page No 1/15, Dated 13/5/2024.
- b. Site Survey Plan, Prepared by Design to Live, Project name: Proposed Multiple Dwellings 22 Stone Street, West Launceston, Project Job Number: STNS22, Revision No. R3, Page No 2/15, Dated 13/5/2024.
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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 and will then form part of the Permit. The amended plans must show:

- a) *The surface finish and the nominated private open space (POS) for Unit 2 has a gradient not steeper than 1 in 10*
- b) *Remove the guest parking from the Parking and Turning Plan.*

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 except construction of access from the street.

4. EXTERIOR AND SECURITY LIGHTING

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

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/00724-LCC, dated 26/06/2024 and attached to the permit.

6. 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 - 7 am to 6 pm; and
 - ii. Saturday - 8 am to 6 pm.
- b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

7. FENCING

The existing fence within 4.5m of the frontage must maintain a uniform transparency of at least 30% (excluding any posts or uprights) and not exceed a height of 1.8m.

8. PRIVACY SCREEN

A 1.7m high privacy screen must be erected along the north-western elevation of the deck area of Unit 2 to ensure reasonable privacy for the adjoining existing dwelling on the site.

9. 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 and maintained for the life of the development.

10. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)

Where required as a result of Advice to the Drainage Authority provided on a TasWater Submission to Planning Authority Notice (SPAN), issued for the development, On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager, Infrastructure and Assets Network for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to Council 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 Council 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.

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. 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.

13. 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 Council's stormwater mains.

14. 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 Council standards. All costs associated with these contractors are to be borne by the applicant.

15. VEHICULAR CROSSINGS (& 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 eServices web portal or on the approved hard copy form.

All new works must be constructed to Council 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 Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

16. 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.

17. 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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

18. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

The following number and addressing is to be assigned to the development consistent with the residential addressing standard: Australian Standard AS4819:

Dwelling	Strata Lot No.	Street Address
Existing	1	Unit 1/22 Stone Street
Proposed	2	Unit 2/22 Stone Street

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

19. AS CONSTRUCTED PLANS

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

20. AMENITY

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

21. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.

22. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the *Building Act 2016*.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0245/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Tasmanian Civil & 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 (2) 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 & 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 & Administrative Tribunal (TASCAT) website **Error! Hyperlink reference not valid.** <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 Council's Notice to Waive Right of Appeal is attached.

REPORT:

1. THE PROPOSAL

The proposal is for the construction of a two (2) bedroom dwelling with a deck extending from the living area and an attached double garage.

The dwelling is a modest slender design over two levels. The garage, porch and entry are on the upper level with the remainder of the dwelling on the lower level.

The dimensions of the building are 22.9m in overall length and width of 8.76m which then tapers to the deck area of 4.1m. The building footprint equates to 135.64m². The maximum building height above natural ground level is 7.539m

The access to the new dwelling will be facilitated with the construction of a new crossover from Frederick Street.

The proposal is a revision of a previous proposal (DA0505/2023) which was refused by at a Council meeting on 25/01/2024. The changes to the proposal include:

- the change from a subdivision proposal to a multiple dwelling development. This change introduces a different set of assessment criteria under the planning scheme.
- additional cladding to the exterior on the lower portion of the building and the provision of a nominated private open space area within the dwelling lot.
- a retaining wall that was proposed to delineate the boundary of previously proposed lots now includes stairs that enables access into an area of private open space.

The proposed new crossover is the same as the previous application.

There is no vegetation removal proposed to facilitate the development.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the lower section of the hillside just west of the central city. Stone Street extends off the northern side of Hillside Crescent with the site on its north western corner with Frederick Street. The existing dwelling is constructed adjoining the Stone Street frontage and is accessed at the south western corner off Frederick Street.

The site generally rises diagonally across the street from the south eastern front street corner, from 42m AHD to 55m AHD with a slope of approximately 26.6%.

Surrounded by predominantly single dwellings constructed around 1900, commencing from the western side of Margaret Street, the area has an historic residential character.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Tasmanian Planning Scheme – Launceston is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2024/00724-LCC, dated 26/06/2024
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
TasNetworks	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 13 July 2024 to 29 July 2024. Seven (7) representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors within the Workshop Agenda dated 15 August 2024.

<p>Issue 1: Obstruction of city view: the new structure's height and location will block this view</p> <p><i>Response 1: The location of the dwelling is assessed in terms of its compliance with the site building envelope at clause 8.4.2 Setbacks and building envelope for all dwellings. The proposal does not trigger assessment of the Scenic Protection Code, and otherwise no other provisions in the Planning Scheme apply for assessment of city views.</i></p>
<p>Issue 2: The proposed development may result in increased traffic on Frederick Street. It is a narrow road with limited capacity for additional traffic.</p> <p><i>Response 2: It has been determined that the proposed development traffic generation will not exceed the number of allowable vehicle movements as prescribed in the Road and Railways Code Table C3.1. The application was also assessed by Council's Infrastructure and Assets Network team.</i></p>

Issue 3: The proposed development will pose an impact to adjoining landowners during construction. The construction phase of the new property will bring considerable disruption to the street due to access to the site, during construction and afterwards, with no public area for the inevitable equipment and vehicles that are needed during building works. With such steep terrain and the narrowness of Stone Street itself and no other vehicle access, congestion will be an issue.

Response 3: It is noted that the construction phase of a development is usually confined to a short period. A standard condition applied to the permit allows hours of construction from 7am and 6pm Monday to Friday, and 9am to 6pm Saturday, with no work to occur on Sundays or public holidays. This is consistent with the Environmental Management and Pollution Control Act 1994. Frederick and Stone Streets are public roads and therefore all vehicles are permitted to park within the road reserve subject to parking restrictions.

Issue 4: The proposed development is not in keeping with the previously identified heritage nature of the buildings in the street (Launceston Heritage Study). The proposal design is incompatible with the amenity and character of the area and does not consider the character of existing buildings.

Response 4: The Council acknowledge the historic qualities of the existing dwelling present at the site. However, the building and the site are not listed in either the state or local historic heritage registers. Similarly, there is not a precinct for this area included in the Local Provisions Schedule. The current Planning Scheme does not allow for interim protections for places of identified state or local significance. There is no scope under the Planning Scheme to refuse the proposed development due to the heritage value.

Issue 5: This land that the additional dwelling is proposed to be developed upon was formerly part of the Frederick Street road reserve but was amalgamated into the Title for 22 Stone Street 'to expand the garden area for the residence existing there'.

Response 5: It is acknowledged that the land was acquired to expand the available space for the existing dwelling. The current proposal is assessed on its capacity to comply with the planning scheme provisions, which provide a pathway for multiple dwelling development.

Issue 6: The proposed building has no setback from the frontage, which contravenes the Tasmanian Planning Scheme. This results in a visual intrusion that detracts from the cohesion and aesthetic of the neighbourhood. The second primary face of the property will also affect nearby residents, increasing the visual bulk and presence of the structure.

Response 6: The proposal has been assessed for compliance with Clause 8.4.2, which addresses setbacks and the building envelope. The proposed development is positioned on a site with dual frontages—Stone Street and Frederick Street. Stone Street, being the shorter dimension, is considered the primary frontage. The proposed unit has a setback similar to that of the existing dwelling (Unit 1) and does not extend closer to the primary frontage than the existing dwelling. Therefore, the primary frontage setback meets the acceptable solution. However, the development is set 2.078 metres from the secondary frontage boundary, falling short of the minimum 3m setback required for compliance with the acceptable solution. As a result, the secondary frontage requires assessment against the performance criteria. Further details on this assessment can be found in Section 8.4.2, which addresses setbacks and the building envelope for all dwellings.

<p>Issue 7: The proposed development poses safety concerns in terms of the increased congestion resulting from the new dwelling and including during the construction period. It could compromise the safety of residents and children in the area.</p>
<p><i>Response 7: The current Planning Scheme does not consider residential safety. It has been determined that the proposed traffic generation will not exceed the number of allowable vehicle movements as prescribed in the Road and Railways Code Table C3.1. The application was also assessed by Council's Infrastructure and Assets Network team.</i></p>
<p>Issue 8: The proposal has excessive site coverage.</p>
<p><i>Response 8: The multiple dwelling site coverage is assessed for appropriateness in terms of density and site coverage per clauses 8.4.1 Residential density for multiple dwellings and 8.4.3 Site coverage and private open space for all dwellings. The combined roofed area for both the existing dwelling and the proposed additional dwelling is 305.15m². The site area is 882.7m². The site coverage equates to 34.5%, which complies with the acceptable solution of not greater than 50%.</i></p>
<p>Issue 9: The nominated private open space (POS) is insufficient at only 51.7m² and the remainder relatively unusable.</p>
<p><i>Response 9: The multiple dwelling site coverage is assessed for appropriateness in terms of available private open space (POS) to service all dwellings at clause 8.4.3 Site coverage and private open space for all dwellings. The proposal complies with the nominated POS for each dwelling meets the minimum 24m². In addition, both dwellings have deck areas for use by residents.</i></p>
<p>Issue 10: There is no direct pedestrian access to the new dwelling and due to the site orientation is only accessible by vehicle.</p>
<p><i>Response 10: Dedicated pedestrian access is only required where there is a use on a site that requires 10 or more car parking spaces. The proposal only requires 5 parking spaces to be provided therefore the proposal complies with the acceptable solution at C2.6.5 Pedestrian access.</i></p>
<p>Issue 11: The DA would require considerable excavation and change to surface and underground water movement involved is in an area subject to landslip risk.</p>
<p><i>Response 11: The proposal is exempt from assessment of the Landslip Hazard Area Code as building authorisation is required for the works. This issue would be the responsibility of the building designer and/or suitably qualified professionals to address at the building application stage.</i></p>
<p>Issue 12: Floor level of unit 2 breaches the military crest of that proportion of West Launceston thereby dominating the view /elevation from Stone Street.</p>
<p><i>Response 12: The bulk and scale of the proposed dwelling has been assessed by Clause 8.4.2 Setbacks and building envelope for all dwellings.</i></p>

6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Tasmanian Planning Scheme - Launceston contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such the economic, environmental and social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

Richard Jamieson (Manager City Development) and Philippa Glover (Team Leader Planning) were in attendance to answer question in respect of this item.

George Walker spoke in support of the Recommendation.
Helen Tait spoke against the Recommendation.

DECISION: 22 August 2024

MOTION

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

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 DA0245/2024 Residential - Construction of an additional dwelling and an additional crossover at 22 Stone Street, West Launceston subject to the following conditions:

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- a. *The surface finish and gradient of the nominated private open space (POS) for Unit 2*
- b. *Remove the guest parking from the Parking and Turning Plan*

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.

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

5. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2024/00724-LCC, dated 26/06/2024 and attached to the permit.

6. 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 - 7 am to 6 pm; and
- ii. Saturday - 8 am to 6 pm.

b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

7. FENCING

The existing fence within 4.5m of the frontage must maintain a uniform transparency of at least 30% (excluding any posts or uprights) and not exceed a height of 1.8m.

8. PRIVACY SCREEN

A 1.7m high privacy screen must be erected along the north-western elevation of the deck area of Unit 2 to ensure reasonable privacy for the adjoining existing dwelling on the site.

9. 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 and maintained for the life of the development.

10. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)

Where required as a result of Advice to the Drainage Authority provided on a TasWater Submission to Planning Authority Notice (SPAN), issued for the development, On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager, Infrastructure & Assets Network for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to Council 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 Council 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.

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. 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 & 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.

13. 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 Council's stormwater mains.

14. 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 Council standards. All costs associated with these contractors are to be borne by the applicant.

15. VEHICULAR CROSSINGS (& 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 eServices web portal or on the approved hard copy form.

All new works must be constructed to Council 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 Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

16. 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.

17. 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). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

18. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

The following number and addressing is to be assigned to the development consistent with the residential addressing standard: Australian Standard AS4819:

Dwelling	Strata Lot No.	Street Address
Existing	1	Unit 1/22 Stone Street
Proposed	2	Unit 2/22 Stone Street

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

19. AS CONSTRUCTED PLANS

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

20. AMENITY

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

21. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.

22. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0245/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Tasmanian Civil & 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 (2) 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 & 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 & 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 Council's Notice to Waive Right of Appeal is attached.

CARRIED 6:3

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor A J Palmer and Councillor A J Britton

AGAINST VOTE: Councillor T G Walker, Councillor Prof G Razay and Councillor S Cai

11.2. PSA-LLP0024 - 64 Robin Street, Newstead - Planning Scheme Amendment - Add 64 Robin Street, Newstead as a Local Heritage Place

FILE NO: PSA-LLP0024

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

APPROVER: Chelsea van Riet (General Manager 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
Address: 64 Robin Street, Newstead
Existing Zones: General Residential
Existing Use: Community Hall

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council, pursuant to:

1. Sections 37 and 38 of the *Land Use Planning and Approvals Act 1993*, agrees to, and initiates Amendment PSA-LLP0024 to:
 - a. Add 64 Robin Street, Newstead, local heritage listings within LAU-Table C6.1 Local Heritage Places;
 - b. Create one (1) new datasheet within Appendix A: Local Historic Heritage Code Datasheets; and
 - c. Add 64 Robin Street, Newstead into the local heritage listing place overlay map.
2. Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies Draft Amendment PSA-LLP0024 identified below and in Attachment 2.
3. Sections 40G and 40H of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.

TASMANIAN PLANNING SCHEME - LAUNCESTON LOCAL PROVISIONS SCHEDULE
Amendment PSA-LLP0024

Apply Heritage Overlay to the following property as shown:
Address: 64 Robin Street, Newstead
Title: 55051/1

Amend the Tasmanian Local Provisions Schedule maps as below

1:1,000

New Heritage Listing

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Date

Sam Johnson
Chief Executive Officer

Iain More (Senior Town Planner Policy and Projects) was in attendance to answer question in respect of this item.

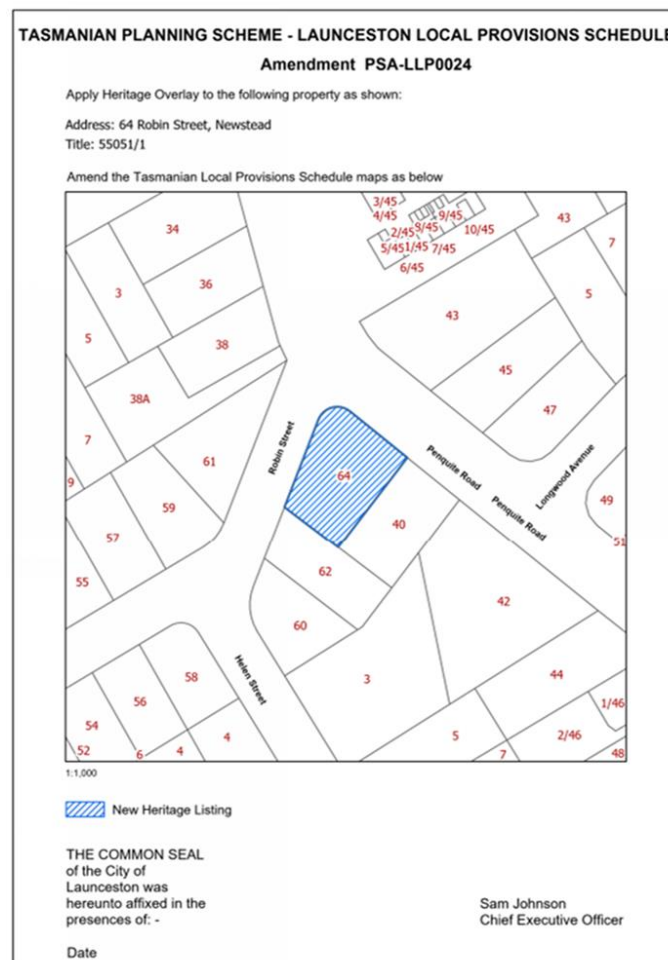
DECISION: 22 August 2024

MOTION

Moved Councillor A G Harris, seconded Councillor S Cai.

That Council, pursuant to:

1. Sections 37 and 38 of the *Land Use Planning and Approvals Act 1993*, agrees to, and initiates Amendment PSA-LLP0024 to:
 - a. Add 64 Robin Street, Newstead, local heritage listings within LAU-Table C6.1 Local Heritage Places;
 - b. Create one (1) new datasheet within Appendix A: Local Historic Heritage Code Datasheets; and
 - c. Add 64 Robin Street, Newstead into the local heritage listing place overlay map.
2. Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies Draft Amendment PSA-LLP0024 identified below and in Attachment 2.
3. Sections 40G and 40H of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.



CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

The Mayor, Councillor M K Garwood, announced that Council no longer sits as a Planning Authority.

12. ANNOUNCEMENTS BY THE MAYOR

12.1. Mayor's Announcements

FILE NO: SF2375

Saturday 10 August 2024

- Attended DanceSport, Silverdome

Tuesday 13 August 2024

- Toured Central Adelaide Waste and Recycling Authority, Kilburn, South Australia
- Toured Her Majesty's Theatre, Adelaide
- Joined a walk through of Central Market, Adelaide
- Met with the Mayor of the City of Port Adelaide Enfield, including attending a Council meeting

Wednesday 14 August 2024

- Met with Mayor and Chief Executive Officer City of Salisbury, South Australia
- Met with a grouping of mayors from with the greater Adelaide area
- Met with Lord Mayor, City of Adelaide

Thursday 15 August 2024

- Met with Mayor and Chief Executive Officer of Mount Barker
- Attended Local Government Housing Summit Reception, Adelaide Town Hall

Saturday 17 August 2024

- Toured Adelaide Oval, Adelaide
- Attended Adelaide v Port Power AFL Game, Adelaide Oval

Monday 19 August 2024

- Hosted a Civic Function for 50th Anniversary of Legal Aid in Tasmania, Town Hall

Wednesday 21 August 2024

- Attended New Horizons Thank you, Mowbray
-

The Mayor, Councillor M K Garwood, advised that he was unable to attend the New Horizons Thank You event that was scheduled to occur on Wednesday 21 August 2024, as reported in the Agenda.

13. 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).

Deputy Mayor Councillor D H McKenzie

- **9 August 2024: Attended the Tasmanian Open DanceSport Championship**
- **15 August 2024: Represented Council at Consular Corps of Tasmania Dinner**
- **18 August 2024: Oofficiated on behalf of the Mayor at the Vietnam Veterans Day Service**
- **19 August 2024: Attended a Civic Function for 50th Anniversary of Legal Aid in Tasmania, Town Hall**

Councillor A G Harris

- **16 August 2024: Attended NTDC (Northern Tasmania Development Corporation) Regional Forum**
- **19 August 2024: Attended a Civic Function for 50th Anniversary of Legal Aid in Tasmania, Town Hall**

Councillor A J Palmer

- **18 August 2024: Attended the Vietnam Veterans Day Service**

14. QUESTIONS BY COUNCILLORS

14.1. 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).

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

14.2. 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).

Councillor Cai sought clarity about the difference between a community fridge located at Invermay on Russell Street and the one located in Princes Square?

Chelsea van Riet (General Manager Community and Place Network) advised that she was not aware of the one on Russell Street but would be happy to discuss and followup any concerns about community fridges.

15. NOTICES OF MOTION

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

15.1. Notice of Motion - Increase Housing Diversity in the Municipality - Mayor Councillor M K Garwood - 15 August 2024

FILE NO: SF5547 SF7447

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

DECISION STATEMENT:

To consider a Notice of Motion submitted by Mayor Councillor M K Garwood regarding community housing.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council explores an opportunity to increase housing diversity in the municipality by:

1. Investigating the use of a CBD carpark for the development of community housing as well as retaining public car parking facilities;
 2. Engage a Registered Community Housing Provider (CHP), following due process, to devise plans for the identified site that result in affordable housing at a high-density in line with desirable heights for the CBD; and
 3. Support the CHP to apply for funding in a future round of the Federal Government's Housing Australia Future Fund to develop the site for affordable housing.
-

The Mayor, Councillor M K Garwood, withdrew from the Chair to Deputy Mayor Councillor D H McKenzie at 2.27pm.

MOTION

That Council explores an opportunity to increase housing diversity in the municipality by:

1. Investigating the use of a CBD carpark for the development of community housing as well as retaining public car parking facilities;
2. Engage a Registered Community Housing Provider (CHP), following due process, to devise plans for the identified site that result in affordable housing at a high-density in line with desirable heights for the CBD; and
3. Support the CHP to apply for funding in a future round of the Federal Government's Housing Australia Future Fund to develop the site for affordable housing.

NO VOTE WAS TAKEN AS AN ALTERNATIVE MOTION WAS PUT

DECISION: 22 August 2024

ALTERNATE MOTION

Moved Mayor Councillor M K Garwood, seconded Councillor A G Harris.

That Council explores an opportunity to increase housing diversity in the municipality by:

- Investigating the use of a CBD or inner-city landholding for the development of community housing as well as retaining public car parking facilities;
- Engage a Registered Community Housing Provider (CHP) or a private developer with demonstrable experience partnering with the community housing sector, following due process, to devise plans for the identified site that result in affordable housing at a high-density in line with desirable heights for the CBD; and
- Support the proponent to apply for funding in a future round of the Federal Government's Housing Australia Future Fund to develop the site for affordable housing.

CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

The Mayor Councillor M K Garwood resumed the Chair at 2.42pm

16. COMMITTEE REPORTS

16.1. Transport Committee Meeting - 25 July 2024

FILE NO: SF7429

AUTHOR: Cathy Williams (Roads and Traffic Officer)

APPROVER: Shane Eberhardt (General Manager Infrastructure and Assets Network)

DECISION STATEMENT:

To receive a report from the Transport Committee after its meeting held 25 July 2024.

RECOMMENDATION:

That Council receives the report from the Transport Committee Meeting held on Thursday, 25 July 2024.

DECISION: 22 August 2024

MOTION

Moved Councillor A G Harris, seconded Councillor T G Walker.

That Council receives the report from the Transport Committee Meeting held on Thursday, 25 July 2024.

CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

17. COMMUNITY AND PLACE NETWORK

17.1. 213-215 and 217-229 Wellington Street, Launceston - Request to Waive Planning Permit Fees

FILE NO: SF2855

APPROVER: Chelsea van Riet (General Manager Community and Place Network)

DECISION STATEMENT:

To consider a request for a fee dispensation to waive the fees for two of three proposed Development Applications and to apply a single maximum fee pro rata across the three.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas) - Division 7, s205 and s207

Local Government (Meeting Procedures) Regulations 2015

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 27 July 2024 - Agenda Item Number 17.2. 213-215 & 217-229 Wellington Street, Launceston - Request to Waive Planning Permit Fees

Workshop - 1 August 2024 - Item 1.5. 213-215 and 217-229 Wellington Street, Launceston - Request to Waive Planning Permit Fees

RECOMMENDATION:

That Council refuses a request for a fee dispensation to apply a single maximum development fee to the proposed three separate applications for the development and use of the Launceston Private Hospital at 213-215 and 217-229 Wellington Street, Launceston.

MOTION

That Council refuses a request for a fee dispensation to apply a single maximum development fee to the proposed three separate applications for the development and use of the Launceston Private Hospital at 213-215 and 217-229 Wellington Street, Launceston.

NO VOTE WAS TAKEN AS AN ALTERNATIVE MOTION WAS PUT

DECISION: 22 August 2024

ALTERNATE MOTION

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

That Council determines to apply a 50% discount to the Development Fee for each of the three proposed separate applications for the development and use of the Launceston Private Hospital at 213-215 and 217-229 Wellington Street, Launceston. This discount does not apply to fees required for development advertising or planning scheme amendments that may also be necessary.

CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

Councillor A J Britton withdrew from the Meeting at 3:00 pm

18. CREATIVE ARTS AND CULTURAL SERVICES NETWORK

No items were identified as part of these Minutes.

19. INFRASTRUCTURE AND ASSETS NETWORK

19.1. Albert Hall Project Update and Booking Arrangements

FILE NO: SF6109, SF0367

AUTHOR: Debbie Pickett (Personal Assistant Infrastructure and Assets Network)

APPROVER: Shane Eberhardt (General Manager Infrastructure and Assets Network)

DECISION STATEMENT:

To consider booking and initial management arrangements for Albert Hall.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 May 2023 - Agenda Item Number 15.1 - Albert Hall Renewal Project

Workshop - 30 March 2023 - Albert Hall

Workshop - 2 February 2023 - Albert Hall Update

RECOMMENDATION:

That Council:

1. note the progress update for the Albert Hall project included in the report;
 2. pursuant to section 205 of the *Local Government Act 1993 (Tas)*, sets the fees as detailed in ECM Doc Set ID 5108860 which is Attachment 1 to this agenda item, for the financial year ending 30 June 2025;
 3. authorise the Chief Executive Officer to enter into a contract with Theatre North, if required, to provide a booking service from October 2024 until an operational contract is negotiated and executed.
-

The Mayor, Councillor M K Garwood, advised of an amendment to this item on page 60 of the Agenda which should be \$6,000 per month, not \$6,000 per quarter.

Due to a Declaration of Interest, Deputy Mayor Councillor D H McKenzie withdrew from the Meeting at 3:01 pm

Councillor A J Britton re-attended the Meeting at 3:02 pm

Councillor T G Walker withdrew from the Meeting at 3:03 pm

DECISION: 22 August 2024

MOTION

Moved Councillor A G Harris, seconded Councillor A E Dawkins.

That Council:

1. note the progress update for the Albert Hall project included in the report;
2. pursuant to section 205 of the *Local Government Act 1993 (Tas)*, sets the fees as detailed in ECM Doc Set ID 5108860 which is Attachment 1 to this agenda item, for the financial year ending 30 June 2025;
3. authorise the Chief Executive Officer to enter into a contract with Theatre North, if required, to provide a booking service from October 2024 until an operational contract is negotiated and executed.

CARRIED 7:0

FOR VOTE: Mayor Councillor M K Garwood, Councillor A E Dawkins, Councillor A G Harris, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

Deputy Mayor Councillor D H McKenzie re-attended the Meeting at 3:04 pm

20. ORGANISATIONAL SERVICES NETWORK

20.1. Fees and Charges 2024/2025

FILE NO: SF2968

AUTHOR: Nathan Williams (Chief Financial Officer)

APPROVER: Chelsea van Riet (General Manager Community and Place)

DECISION STATEMENT:

To consider amendments to the adopted 2024/2025 Fees and Charges.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 April 2024 - Agenda Item 15.3 - Fees and Charges 2024/2025

RECOMMENDATION:

That Council, pursuant to section 2015 of the *Local Government Act 1993 (Tas)*, approves the below fees which will change the previously adopted Fees and Charges for 2024/2025 as listed below:

Line No.	Fee Name	GST Status	2024/2025 Fee
	COMMUNITY AND PLACE		
	Car Parks		
New	Paterson Street East Overnight Parking Fee	Taxable	\$2.00
New	Paterson Street West Overnight Parking Fee	Taxable	\$2.00
New	Multi Story Carpark After Hours Let Out Fee	Taxable	\$50.00
	COMMUNITY AND PLACE		
	Launceston Aquatic		
332	Complete Health and Fitness Single Visit	Taxable	\$21.65
409	Complete Health & Fitness 10 Visit Pass	Taxable	\$194.85
410	Complete Health & Fitness 10 Visit Pass Concession	Taxable	\$155.70

Deputy Mayor Councillor D H McKenzie re-attended the Meeting at 3:04 pm

DECISION: 22 August 2024

MOTION

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

That Council, pursuant to section 2015 of the *Local Government Act 1993 (Tas)*, approves the below fees which will change the previously adopted Fees and Charges for 2024/2025 as listed below:

Line No.	Fee Name	GST Status	2024/2025 Fee
	COMMUNITY AND PLACE		
	Car Parks		
New	Paterson Street East Overnight Parking Fee	Taxable	\$2.00
New	Paterson Street West Overnight Parking Fee	Taxable	\$2.00
New	Multi Story Carpark After Hours Let Out Fee	Taxable	\$50.00
	COMMUNITY AND PLACE		
	Launceston Aquatic		
332	Complete Health and Fitness Single Visit	Taxable	\$21.65
409	Complete Health & Fitness 10 Visit Pass	Taxable	\$194.85
410	Complete Health & Fitness 10 Visit Pass Concession	Taxable	\$155.70

CARRIED 8:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

Councillor T G Walker re-attended the Meeting at 3:06 pm

20.2. Consultation on Draft Amendments to the Local Government (General) Regulations 2015 and Draft Local Government Code of Conduct Order

FILE NO: SF0291

AUTHOR: Leanne Purchase (Manager Governance)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider amendments to the *Local Government (General) Regulations 2015* and a new *Local Government (Code of Conduct) Order*.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. notes the correspondence from the Hon. Nic Street MP, Minister for Local Government, which explains proposed amendments to the *Local Government (General) Regulations 2015* and a new *Local Government (Code of Conduct) Order* (attachment 1 – Doc Set ID 5110739); and
 2. requests the Chief Executive Officer provides feedback by email to the Office of Local Government indicating the City of Launceston's support for the proposed amendments.
-

DECISION: 22 August 2024

MOTION

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor A J Britton.

That Council:

- 1. notes the correspondence from the Hon. Nic Street MP, Minister for Local Government, which explains proposed amendments to the *Local Government (General) Regulations 2015* and a new *Local Government (Code of Conduct) Order* (attachment 1 – Doc Set ID 5110739); and**
- 2. requests the Chief Executive Officer provides feedback by email to the Office of Local Government indicating the City of Launceston’s support for the proposed amendments.**

CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

20.3. Local Government Association of Tasmania - Voting Directions for General Meeting 4 September 2024

FILE NO: SF2218, SF2217

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider voting directions to be provided to the City of Launceston's delegate at the Local Government Association of Tasmania's 2024 General Meeting to be held on 4 September 2024.

RECOMMENDATION:

That Council in respect of the Local Government Association of Tasmania's General Meeting to be held on 4 September 2024, directs its delegate to vote as follows for the matters listed below:

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
1.1	5	Confirmation of Minutes <i>That the Minutes of the meeting held on 26 July 2024, as circulated, be confirmed.</i>	LGAT	Confirm
1.2	5	Business Arising <i>That Members note the information. (Attachment 1.2 can be found on page 45)</i>	LGAT	Note
1.3	6	Confirmation of Agenda <i>That consideration be given to the Agenda items and the order of business.</i>	LGAT	Confirm
1.4	6	Follow Up of Motions <i>That Members note the following report. (Attachment 1.4 can be found on page 46)</i>	LGAT	Note
1.5	6	President's Report <i>That Members note the report on the President's activity from 3 July 2024 to 5 August 2024.</i>	LGAT	Note
1.6	7	Chief Executive Officer's Report	LGAT	Note

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
		<i>That the Meeting note the report on the CEO's activity 29 September 2023 to 23 February 2024.</i>		
1.7	9	Annual Plan Update <i>That Members note the report against the Annual Plan.</i>	LGAT	Note
1.8	12	Council Round Ups <i>That Members note that City of Hobart will provide a round up.</i>	LGAT	Note
2.1	12	Motion - Psychosocial Safety Insurance for Elected Members <i>That LGAT:</i> <i>1. Lobby the State Government as a priority, to introduce legislation that mandates the need to have workers' compensation insurance (or equivalent) made available to councillors, to support recent legislative changes regarding psychosocial safety; and</i> <i>2. The State Government work with the insurance industry to introduce the insurance framework as a priority.</i>	Burnie City Council	Officer Comments: Supported, although it would seem appropriate to consider the application of workers' compensation insurance generally rather than specifically in relation to psychosocial safety. We note that by extension, changes to the legislation to accommodate this request would likely require Councils to meet other obligations around, for example, return to work, which would necessitate complementary changes to the <i>Local Government Act 1993 (Tas)</i> .
2.2	14	Motion - Working with Vulnerable People Card – Eligibility criteria for Councillor Nominees <i>That LGAT request the State Government legislate, that eligibility for nomination as Councillor requires a person to hold a Working with Vulnerable People Card.</i>	Devonport City Council	Officer Comments: Supported In 2022, Council wrote to the Local Government Office requesting that the Tasmanian Government reviews the eligibility criteria for Councillors to include a requirement for a mandatory police check, provision of criminal history and Working With Vulnerable People registration. This position was restated earlier in 2024 following a question

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
				<p>asking during public question time at a Council Meeting.</p> <p>We note the Tasmanian Government response to this notice of motion from Devonport City Council and acknowledge the shortcomings of the current Working With Vulnerable People legislative framework. However, given the desire and obligation that Council has to be a safe place for children and youth, any advocacy for legislative change is welcome.</p> <p>We also note the Tasmanian Government's statements on page 15 of the agenda papers that the <i>Local Government Act 1993 (Tas) prevents people with criminal convictions to stand for elected office in local government, and that Councils have within their existing authority the ability to impose additional eligibility criteria on councillor nominees.</i> We would welcome further information on both these points, as neither is supported by our reading of the <i>Local Government Act 1993 (Tas).</i></p>
2.3	16	<p>Motion – Amendment of Local Government Act 1993, Schedule 5 Councillor Allowances</p> <p><i>1. That LGAT calls on the Tasmanian Government to amend Schedule 5 of the Local Government Act 1993, mandating the</i></p>	George Town Council	<p>Officer Comments: Not supported. Regulation 43(c) of the <i>Local Government (General) Regulations 2015</i> makes provision for the reimbursement of reasonable expenses in relation to the care of any</p>

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
		<p><i>requirement for councils to have a provision for reimbursement of costs associated with the care of a dependent/s incurred while a councillor is undertaking their duties; and 2. Calling on the Tasmanian Government to draft a model clause for use by councils in allowance policies for the reimbursement of costs for care, to ensure consistent approaches across the sector and to encourage greater diversity in candidates considering becoming elected representatives.</i></p>		<p>person who is dependent on a councillor.</p>
2.4	19	<p>Motion – Substantial Commencement of Work <i>That LGAT engages in dialogue with the State Planning Office to seek legislative amendment to permit individual councils to define ‘substantial commencement of work’ in the context of local Planning Permit Approvals.</i></p>	Circular Head	<p>Officer Comments: Conditional support</p> <p>The principle of clarifying the term 'substantial commencement of work' is supported, however we would prefer LGAT consult with the State Planning Office to develop a statewide approach to assessing 'substantial commencement of work'. This is preferable as it would avoid inconsistent interpretation across different Council areas.</p>
2.5	23	<p>Motion - Legislative Reform to Effectively Manage the Environmental and Economic Risks Posed by Wild and Nuisance Pigs <i>That the Local Government Association of Tasmania lobby the Tasmanian State</i></p>	Central Coast Council	<p>Officer Comments: As this is not a matter on which City of Launceston Officers can comment, it is recommended that our delegate listen to the discussion/debate and vote as thought appropriate at the meeting.</p>

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
		<i>Government for legislative reform to enable state and local government to manage and control the environmental and economic risks posed by wild and nuisance pigs more effectively.</i>		
3.1	27	Safeguarding Children <i>That Members note the update and member discussion on safeguarding children and child safe organisations.</i>	LGAT	Officer Comments: Note
4.1	31	Procurement Update <i>That members note the following update on procurement support for councils.</i>	LGAT	Note
4.2	32	Planning Update <i>That Members note the update on planning policy matters.</i>	LGAT	Note
4.3	33	LGAT Housing Position Statement <i>That Members note the LGAT Housing Position Statement.</i>	LGAT	Note
4.4	34	Emergency Management and Recovery Update <i>That Members note the update on emergency management and recovery.</i>	LGAT	Note
4.5	35	Climate Change <i>That Members note the update on climate change activities.</i>	LGAT	Note
4.6	36	Regional towns CCTV Project <i>That Members note the update on the Regional Towns CCTV project.</i>	LGAT	Note
4.7	37	Open Spaces Grants Program Update <i>That Members note the update on the Open Spaces Grants Program.</i>	LGAT	Note

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
4.8	38	Events and Professional Development overview <i>That Members note the report on events and professional development.</i>	LGAT	Note
4.9	40	Policy update <i>That Members note the update on various policy matters.</i>	LGAT	Note

DECISION: 22 August 2024

MOTION

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

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1.6	7	Chief Executive Officer's Report <i>That the Meeting note the report on the CEO's activity 29 September 2023 to 23 February 2024.</i>	LGAT	Note
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2.2	14	<p><i>Motion - Working with Vulnerable People Card – Eligibility criteria for Councillor Nominees That LGAT request the State Government legislate, that eligibility for nomination as Councillor requires a person to hold a Working with Vulnerable People Card.</i></p>	<p>Devonport City Council</p>	<p>Officer Comments: Supported In 2022, Council wrote to the Local Government Office requesting that the Tasmanian Government reviews the eligibility criteria for Councillors to include a requirement for a mandatory police check, provision of criminal history and Working With Vulnerable People registration. This position was restated earlier in 2024 following a question asking during public question time at a Council Meeting. We note the Tasmanian Government response to this notice of motion from Devonport City Council and acknowledge the shortcomings of the current Working With Vulnerable People legislative framework. However, given the desire and obligation that Council has to be a safe place for children and youth, any advocacy for legislative change is welcome. We also note the Tasmanian Government's statements on page 15 of the agenda papers that the <i>Local Government Act 1993 (Tas) prevents people with criminal convictions to stand for elected office in local government, and that Councils have within their existing authority</i></p>
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				<i>the ability to impose additional eligibility criteria on councillor nominees. We would welcome further information on both these points, as neither is supported by our reading of the Local Government Act 1993 (Tas).</i>
2.3	16	<i>Motion – Amendment of Local Government Act 1993, Schedule 5 Councillor Allowances 1. That LGAT calls on the Tasmanian Government to amend Schedule 5 of the Local Government Act 1993, mandating the requirement for councils to have a provision for reimbursement of costs associated with the care of a dependent/s incurred while a councillor is undertaking their duties; and 2. Calling on the Tasmanian Government to draft a model clause for use by councils in allowance policies for the reimbursement of costs for care, to ensure consistent approaches across the sector and to encourage greater diversity in candidates considering becoming elected representatives.</i>	George Town Council	Officer Comments: Not supported. Regulation 43(c) of the <i>Local Government (General) Regulations 2015</i> makes provision for the reimbursement of reasonable expenses in relation to the care of any person who is dependent on a councillor.
2.4	19	<i>Motion – Substantial Commencement of Work That LGAT engages in dialogue with the State Planning Office to seek legislative amendment to permit individual councils to define 'substantial</i>	Circular Head	Officer Comments: Conditional support The principle of clarifying the term 'substantial commencement of work' is supported, however we would prefer LGAT

		<i>commencement of work' in the context of local Planning Permit Approvals.</i>		consult with the State Planning Office to develop a statewide approach to assessing 'substantial commencement of work'. This is preferable as it would avoid inconsistent interpretation across different Council areas.
2.5	23	<i>Motion - Legislative Reform to Effectively Manage the Environmental and Economic Risks Posed by Wild and Nuisance Pigs That the Local Government Association of Tasmania lobby the Tasmanian State Government for legislative reform to enable state and local government to manage and control the environmental and economic risks posed by wild and nuisance pigs more effectively.</i>	Central Coast Council	Officer Comments: As this is not a matter on which City of Launceston Officers can comment, it is recommended that our delegate listen to the discussion/debate and vote as thought appropriate at the meeting.
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CARRIED 9:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor A J Palmer, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

21. CHIEF EXECUTIVE OFFICER NETWORK

No items have been identified as part of these Minutes.

22. LATE ITEMS

No items have been identified as part of these Minutes.

23. CLOSED COUNCIL

No items have been identified as part of these Minutes.

24. MEETING CLOSURE

The Mayor, Councillor M K Garwood, closed the Meeting at 3.13pm.

25. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 5 September 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.