



LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

**COUNCIL MEETING
12 AUGUST 2013**

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

Notice is hereby given that the Ordinary Meeting of the Launceston City Council will be held at the Council Chambers -

Date: 12 August 2013

Time: 1.00 pm

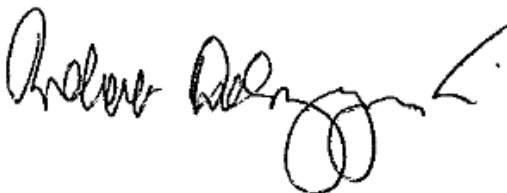
Section 65 Certificate of Qualified Advice

Background

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

Declaration

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



Robert Dobrzynski
General Manager

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Present: **Alderman** **A M van Zetten (Mayor)**
 A L Waddle
 A C Peck
 R L McKendrick
 R J Sands
 R L Armitage
 I S Norton
 R I Soward
 D H McKenzie
 J G Cox
 D C Gibson

In Attendance: **Mr R S Dobrzynski (General Manager)**
 Mr M Reynolds (Corporate Secretary)
 Mr D Gray (Committee Clerk/Admin Officer)

Apologies: **Alderman** **J B Ball (Deputy Mayor)**

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1pm.

Apology from Deputy Mayor

2 DECLARATION OF PECUNIARY INTERESTS

Ald D H McKenzie declared a Pecuniary Interest in Item 12.1 - (574 Meander Valley Road, Prospect...)

3 CONFIRMATION OF MINUTES

RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on 22 July 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 22 July 2013 in closed session be confirmed as a true and correct record.

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman J G Cox, seconded Alderman A C Peck

That Recommendation 1 be adopted.

CARRIED UNANIMOUSLY 11:0

RESOLUTION: (2):

Moved Alderman D H McKenzie, seconded Alderman R I Soward.

That Recommendation 2 be adopted.

CARRIED UNANIMOUSLY 11:0

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4 DEPUTATION

Nil

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5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
22 July 2013	9.1	<p>Alderman D C Gibson asked:</p> <p>With regard to Alderman Soward's question asked at a previous meeting regarding repairs to be undertaken to pathways after the NBN rollout, what is the understanding of Council Officers at this present time with returning pavements and the like to their original state after installation</p>	<p>This question was taken on notice.</p> <p>Response by Harry Galea (Director Infrastructure Services):</p> <p>The day following the Council meeting the contractor rolling out the NBN, Vision Stream, advised that they have finished 95% of the outstanding reinstatement for stage 1 works. Some reinstatements involved making a pavement safe with the intention to return soon to undertake saw-cutting and the like before applying the final surface. The repairs are subject to a hand-over inspection between Council and NBN (a lag time of 2-3 month) plus a 12 months defects liability period.</p> <p>Stage 1 roll-out is complete and involved the CBD, small part of East Launceston and large part of West Launceston. The next stage is Newstead and the total city would be under the roll-out of NBN over the next 5 years.</p>	Harry Galea

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6 PUBLIC QUESTION TIME

6.1 Mr Christopher (Gus) Green, Norwood - Waste Management

Public Question 1:

In respect of the community consultation survey regarding waste management, what is the input that Council is looking for from the community; and will there be consideration of ascertaining the information from a public forum rather than online?

The General Manager indicated that over a period of time it was Council's intention to consult with the community in respect of all its major services with a view to ascertaining feedback on the effectiveness of a service and whether or not the service was meeting the needs of the community.

He further indicated that online consultation was more effective than public meetings for collecting people's views. Currently there is in the order of 1000 Launceston residents registered for "Your Voice Your Launceston" through Council's website

Public Question 2:

Why do we have a garbage collection once a week instead of once every fortnight?

The Mayor suggested that he doubts Launceston residents would allow Council to revert to a fortnightly service in place of the weekly garbage collection service.

The question was also referred to the Acting Director Infrastructure Services for further comment.

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7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Tuesday 23 July

- Attended Business Update Indonesia Forum with Peter Craven and Consul-General, Irmawan Emir Wisnandar

Wednesday 24 July

- Attended LGAT General Meeting and AGM in Hobart

Thursday 25 July

- Met with Prime Minister, Hon Kevin Rudd MP
- Officiated at Public Citizenship Ceremony - Albert Hall
- Officiated at Junction Arts Festival VIP Launch
- Attended Fawltly Towers Opening Night - Earl Arts

Friday 26 July

- Attended Northern Hawks Netball Presentation Evening
- Attended Northern Suburbs Community Meeting at Northern Suburbs Community Centre, Rocherlea

Saturday 27 July

- Officiated at Operation Christmas Child Launch
- Attended Cystic Fibrosis Tas Gala Dinner & Charity Auction

Monday 29 July

- Attended North Eastern Tas Industry Innovation Precinct - Presentation by Peter Schultz, Chair of Food Innovation Australia

Wednesday 31 July

- Attended Beacon Foundation Business Event at Queechy High School

Thursday 1 August

- Attended LGAT Regional Referendum Workshop

Friday 2 August

- Officiated at civic reception to mark the 80th anniversary of Launceston Younger Set

Saturday 3 August

- Officially opened Tas Swimming Short Course State Championships and presented medals
- Attended Legacy Reception in presence of His Excellency the Hon Alan Blow, OAM Lieutenant-Governor of Tasmania
- Attended Villages of Life Ball

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

Monday 5 August

- Met with students from Ikeda, Japan

Tuesday 6 August

- Attended PCYC Youth Theatre Production Opening Night Performance of "The MusicMan"

Wednesday 7 August

- Attended St Patrick's College Official Opening by Geoff Lyons MHR of the Aquaculture Trade Training Centre

Friday 9 August

- Attended Uniting Care Tas Official Launch of the Teen Pregnancy Report
- Attended Red Rose Day in remembrance of Jessica Kupsch at Northern Suburbs Community Centre, Rocherlea
- Attended Launceston Players Society Opening Night Performance of "Emerald City"

Saturday 10 August

- Officiated at Tas Open Dance Sport Championships at Silverdome

The Mayor further added:

- **Congratulations to Launceston cyclist Lauren Perry for winning gold at the 2013 UCI Junior Track World Championships in Glasgow. A fantastic achievement for the state and Australia.**
- **Attended the opening night of Fawlty Towers. Noted it was a fantastic performance.**
- **Officiated at the opening of the Tas Swimming Short Course State Championships Thanked Launceston Aquatic staff for their hard work and support.**
- **Tuesday 6 August - attend the opening of PCYC Youth Theatre Production opening night performance of "The Music Man". Noted it was an absolutely fantastic show and congratulated Alderman Gibson for all his work.**
- **Friday 9 August - attended the launch of the Teen Pregnancy Report book. Noted Alderman Armitage was also in attendance.**
- **Saturday 10 August - attended the Tas Dance Sports Championships. Noted Alderman Gibson's attendance and hailed it as a great event. Thanked the Launceston City Council and other sponsors of the event for their support.**

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8 ALDERMEN'S/DELEGATES' REPORTS

8.1 Ald McKenzie - Pedestrian and Bike Committee

- Expression of Interest - Trails of Bike ways grant funds - Inveresk Trail, University Bike Trail

8.2 Ald Sands - Local Government Association of Tasmania Conference Hobart

- 26 July - attended the LGAT Conference held at Wrest Point in Hobart. Congratulated the Launceston City Council for winning the General Excellence Award for Excellence in Tourism Visitor Servicing.

8.3 Ald Peck - Cityprom update

- Reminded all that the Cityprom Service Excellence Awards Gala Dinner will be held on Saturday 24th of August.
- Cityprom are currently updating their website.
- Updated on the progress of the Development application for the mall kiosk.

8.4 Alderman McKendrick - Launceston General Hospital Consumer Reference Group

- Noted the Radiology Department is undergoing upgrades and new installations
- Updated brochures are now available

8.5 Ald McKenzie - Pink Ball and Tas Swimming Short Course State Championships

- Attended the Tas Swimming Short Course State Championships.
- Saturday 10th August - attended the Cancer Council's Think Pink Ball. Thanked the attendees for their generosity in donating to such a wonderful cause.

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8. ALDERMEN'S/DELEGATES' REPORTS ...(Cont'd)

8.6 Alderman Armitage - Tamar NRM and Sustainable August

- Noted the Sustainable August initiative organised by the Sustainable Living Working Group of Tamar NRM have in conjunction with the Launceston City Council with the planter boxes in the Mall. Thanked Mr Harry Galea and Mr Andrew Smith for their involvement and support.

8.7 Alderman Norton - Cataract Gorge Advisory Committee

- Acknowledged the efforts of those who work in the Volunteer Centre whom have contributed significantly to increased visitor numbers in 2013. Thanked Gus Green, Geoff Drake, Alison Moore, Bill Reynolds and Emma Williams for giving their time in allowing more people to enjoy Cataract Gorge.

8.8 Alderman Gibson - Launceston Safer Community Partnership

- Launceston Safer Community Partnership's winter safety message is helping to improve safety outcomes for people in Launceston. The online safety message can be found on the Launceston City Council's website.
- Congratulated the great efforts of those involved with the Launceston Youth Advisory Committee for putting together such a strong campaign for Homelessness Week. Noted the campaigns mention during prime time television on Southern Cross and also in the Examiner.
- Thursday 25 July - attended the Launch of the 2013 Junction Arts Festival along with several other Aldermen. Junction Arts Festival takes place from Wednesday 4th to Sunday 8th of September.

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9 QUESTIONS BY ALDERMEN

Questions were asked by Alderman Soward and Alderman Gibson respectively regarding:

- The re-instatement of footpaths following the NBN rollout; and
- Car parking arrangements with institutions like UTAS.

The questions were answered at the meeting.

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10 COMMITTEE REPORTS

10.1 Cataract Gorge Advisory Committee Meeting 15 May 2013

FILE NO: SF0839

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

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a report from the Cataract Gorge Advisory Committee.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the report from the Cataract Gorge Advisory Committee meeting held on 15 May 2013 is received and that Council adopt a recommendation that:

- the elevated lookout along the Cataract Walkway at the Cataract Gorge be permanently closed off for public access due to the disrepair to the deck, high risk issues of the access path, negative environmental impacts to allow rehabilitation and reasonable alternative vistas exist at other lookouts.
-

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of Agenda Items 10.1 – 10.2 inclusive.

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman I S Norton, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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10.2 Pedestrian & Bike Committee Meeting 18 June 2013

FILE NO: SF0618

AUTHOR: Julie Tyres (Administration Officer - Road Assets)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider reports from the Pedestrian & Bike Committee.

RECOMMENDATION:

That the report from the Pedestrian & Bike Committee Meeting held on 18 June 2013 be received.

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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10.3 QVMAG Museum Governance Advisory Board Meeting 19 June 2013

FILE NO: SF2244

AUTHOR: Leila Wagner (Personal Assistant)

DIRECTOR: Richard Mulvaney (Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

RECOMMENDATION:

That the report from the QVMAG Museum Governance Advisory Board meeting held on 19 June 2013 be received.

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman J G Cox, seconded Alderman I S Norton.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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10.4 Strategic Planning and Policy Committee Report - 5 August 2013

FILE NO: SF4401

AUTHOR: Daniel Gray (Committee Clerk / Administration Officer)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Strategic Planning and Policy Committee.

RECOMMENDATION:

That the report from the Strategic Planning and Policy Committee Meeting held on 5 August 2013 be received.

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

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman I S Norton.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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11 PETITIONS

Nil

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Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to items 12.1 - 12.2.

12 PLANNING AUTHORITY

- 12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign

FILE NO: DA0143/2013

AUTHOR: Pip Glover (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a proposal for construction and use of a manufacturing and processing facility (concrete batching plant) and associated building, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign at 574 Meander Valley Road, Prospect.

PLANNING APPLICATION INFORMATION:

Applicant:	Bullock Consulting
Property:	574 Meander Valley Road, Prospect
Site area:	3700 m ² (Title area196.5ha)
Zone:	Rural Resource
Existing use:	Rural
Classification:	Manufacturing and processing; Signage
Date received:	12 April 2013
Further information request:	Yes
Deemed approval:	28 July 2013. An extension was granted to 12 August 2013
Representations:	One

PREVIOUS COUNCIL CONSIDERATION:

N/A.

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12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)

RECOMMENDATION:

That the Council approves DA0143/2013 for construction and use of a manufacturing and processing facility (concrete batching plant) and associated building, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign at 574 Meander Valley Road, Prospect subject to the following conditions:

1. ENDORSED PLANS

The use and development must be carried out as shown on the endorsed plans and described in the endorsed documents to the satisfaction of the Planning Authority.

2. AMENDED BUSHFIRE ASSESSMENT REQUIRED

An amended bushfire assessment is required to be submitted to correct the administrative error with the Bushfire Prone Areas Code clause numbers mentioned within the document. Once provided the bushfire assessment will be endorsed to form part of the planning permit.

3. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except for the construction of the approved accessway from Meander Valley Road.

4. HOURS OF CONSTRUCTION

Construction works may be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or public holidays.

5. OPERATION HOURS

The operation of must be confined to between 5:00am and 6:00pm Monday to Sunday

6. EXTERIOR AND SECURITY LIGHTING

Exterior lighting and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.

7. EXTERNAL FINISHES

The sections of the proposed development beyond 12m in height from natural ground level must be painted muted green in accordance with the recommendation in Appendix F: Visual Assessment endorsed as part of this permit.

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- 12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)**
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8. NUISANCE

During operation of this use, the best practicable means shall be taken to prevent nuisance or annoyance to any person not associated with the use. Air, noise and water pollution matters may be subject to provisions of the Environmental Management & Pollution Control Act 1994 and Regulations there under.

9. NO EXTERNAL PA SYSTEM

No public address or sound system must be used on the subject land except for one which is audible within the buildings on the land.

10. FLORA AND FAUNA

Prior to the operation commencing:

- a) A Threatened Species Permit from the Department of Primary Industries, Parks, Water and the Environment, must be obtained. A copy of the permit must be provided to Council.

All development must comply with any conditions specified in the Threatened Species Permit.

- b) Heads and branches from felled trees must be mulched and spread on site or taken to an approved waste management facility. Waste generated during the removal of vegetation must not be burned on site.

11. REVEGETATION OF DISTURBED AREAS

Within 3 months of the use commencing all disturbed surfaces on land resulting from the buildings and works authorised or required by this permit must be revegetated and stabilised to the satisfaction of the Council so as to prevent any erosion or siltation either on or adjacent to the land.

12. ENVIRONMENTAL IMPACT ASSESSMENT

The use and development approved under this permit must comply with all recommendations within the Environmental Impact Assessment (EIA) prepared by Bullocks Consulting on the 13 June 2013 and the associated documents detailed within the EIA. The environmental impact assessment and associated documents have been endorsed to form part of this planning permit.

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- 12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)**
-

13. SOLID WASTE

Waste bins must be positioned in a manner so they do not cause an environmental nuisance by attracting vermin or producing dust and odour. Waste generated during development and use of the site must not be burned on site.

14. NOISE EMISSIONS

The use approved under this permit must comply with all recommendations in the report designed by VIPAC Engineers & Scientists Ltd titled "Hazell Bros Prospect concrete batching plant environmental noise assessment", report reference number 421254-01, dated 12 June 2013. The noise assessment has been endorsed to form part of this planning permit.

A noise survey is required to be conducted within 3 months of the use commencing to determine compliance with the recommendations of the report, *Environmental Management and Pollution and Control Act 1994* and industry standards. The survey must include recommendations of appropriate mitigation measure to manage any noise and/or vibration problems identified. A copy of the survey and any recommendations must be provided to Council.

15. DUST AND FUMES

Dust and fumes generated by the process on site or transportation of goods or materials to and from the site must be suppressed by water, dust extractor or other effective means so as to minimise impact on the amenity of the locality. Soil loaded for removal must be damped down in dry conditions after loading of vehicles.

16. ACCESSING SITE

- a) Vehicles must only carry raw materials or concrete to or from the site between 6.00am and 6.00 pm.
- b) The cartage of material must not create a nuisance or obstruction to any roads, sewers, creeks, waterways, drains or drainage easements. Control must include the covering of loads, and removal of soil, sand, silt and the like from the body and tyres of vehicles leaving the site.

17. CARPARKING REQUIREMENTS

Prior to the use commencing, the access road, areas set aside for parking vehicles, loading and unloading as shown on the endorsed plans must;

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12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)

- a) Be designed to comply with Australian Standard AS 2890;
- b) Be properly constructed to such levels that they can be used in accordance with the plans,
- c) The access road must be provided with an all-weather surface on an appropriate base and treated to suppress dust,
- d) Be drained to Council's requirements,
- e) Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f) Where necessary, have exterior lights that are installed in such positions as to effectively illuminate all pathways, car parking areas and porch areas,
- g) Have appropriate signage to direct visitors to the car parking area

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

18 EROSION AND SEDIMENT CONTROL PLAN

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

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

Works must not begin prior to the approval of the Erosion and Sediment Control Plan by the planning authority and the plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

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- 12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)**
-

19. SIGNS NOT ALTERED

The location and size of the signs shown on the endorsed plans must not be altered except with the written approval of the Planning Authority.

20. SIGN MAINTENANCE

The signs permitted by this permit must be constructed and maintained in good condition to the satisfaction of the Planning Authority.

21. NO SIGN ILLUMINATION

The signs must not be floodlit or illuminated.

22. DIERACCESS REQUIREMENTS

The following requirements are required by Department of Infrastructure, Energy & Resources:

- a) The proposed access onto Meander Valley Road shall be designed to a BAL standard geometric layout (with a sealed widened shoulder) in accordance with Austroads – Guide to Road Design Part 4A – Figure 8.2
- b) The access will be required to be sealed between the edge of the Meander Valley Road seal to the property boundary.
- c) Prior to the commencement of any physical works within the State Road reserve the developer is required to submit an application for a DIER Works Permit along with detailed design plans of the proposed access works showing all necessary construction details (including any traffic management details that may be proposed) for review and approval as required under the *Roads and Jetties Act 1935* and the *Traffic Act 1925*. The application form and further details regarding this process can be found at the following link:
http://www.transport.tas.gov.au/road/new_or_altered_access_onto_a_road_eg_drive_way.

23. BUSHFIRE MANAGEMENT

The hazard management area is to be maintained in accordance with the bushfire hazard management plan endorsed as part of this permit. One provided the bushfire hazard management plan will be endorsed to form part of this planning permit.

24. BEN LOMOND WATER

The development is expected to comply with Ben Lomond Water Certificate of Consent Number BLWDA 13-094, which is attached to this permit.

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-

25. LAPSING OF PERMIT

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

Notes

Other Approvals

- A. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:*
- (a) *Building permit*
 - (b) *Plumbing permit*
 - (c) *Occupancy permit*
 - (d) *Special plumbing permit*
 - (e) *Threatened Species Permit from the Department of Primary Industries, Parks, Water and the Environment*

Restrictive Covenants

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

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

Access for People with a Disability

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

Dangerous substances and chemicals

- D. *The developer/occupant is to store hazardous materials in accordance with the Dangerous Goods Act 1998 and associated regulations.*

Vessels containing hydrocarbons, controlled wastes and dangerous goods must, as far as practicable, be located in areas that comply with the following requirements:

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)

- a) *An impervious floor and spill collection bund must be provided;*
- b) *The floor and spill collection bund must be constructed of materials that are chemically resistant to any goods stored within the bunds;*
- c) *The spill collection bund must be designed to contain at least 110 percent of the volume of the largest storage vessel, and at least 25% of the total volume of the vessels stored within the bund, whichever is the greater volume; and*
- d) *If a valve is provided within the bund wall for the recovery of spillages or discharge of uncontaminated stormwater, this valve must be capable of being isolated so that it can only be operated by authorised personnel.*

Cultural heritage

- E. *All Aboriginal heritage is protected under the Aboriginal Relics Act 1975. If at any time during works Aboriginal heritage is discovered, cease works immediately and contact Aboriginal Heritage Tasmania for advice.*

Objections to Proposal

- F. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

- G. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

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

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

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COUNCIL MINUTES

Monday 12 August 2013

- 12.1 574 Meander Valley Road, Prospect - Construction of a manufacturing and processing facility (concrete batching plant) and associated buildings, water tanks, modifications to the access, internal access road, and advertising signage - ground based sign...(Cont'd)
-

Permit Commencement.

H. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. 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.*

Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of Agenda Items 12.1 – 12.2 inclusive.

The Mayor announced that Council was acting as a Planning Authority.

Ald McKenzie declared a Pecuniary Interest in this item and withdrew from the meeting at 1:27pm.

Tim Shaw spoke against this item.

Rebecca Brown spoke against this item.

Geoffrey Hazell spoke for this item.

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman J G Cox.

That the Recommendation be adopted.

FOR VOTE - Ald A M van Zetten, Ald R L McKendrick, Ald R J Sands, Ald A C Peck, Ald J G Cox, Ald A L Waddle, Ald I S Norton.

AGAINST VOTE - Ald R L Armitage, Ald R I Soward, Ald D C Gibson.

ABSENT.DID NOT VOTE - Ald J B Ball, Ald D H McKenzie

CARRIED 7:3

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

12.2 226 Charles Street, Launceston - Change of use to food service - takeaway food premises

FILE NO: DA0236/2013

AUTHOR: Pip Glover (Town Planner) and Andrew Newton (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a proposal for a change of use to food service - takeaway food premises at 226 Charles Street, Launceston.

PLANNING APPLICATION INFORMATION:

Applicant:	Fortune Investments (TAS) Pty Ltd
Property:	226 Charles Street, Launceston
Site area:	139 m ²
Zone:	Local Business
Existing use:	Food Service - Cafe
Classification:	Food Service - takeaway
Date received:	25 June 2013
Further information request:	No
Deemed approval:	5 August 2013. An extension was granted to 12 August 2013
Representations:	One

PREVIOUS COUNCIL CONSIDERATION:

N/A.

RECOMMENDATION:

That the Council approves DA0236/2013 for a change of use to food service - takeaway food premises at 226 Charles Street, Launceston subject to the following conditions:

1. ENDORSED PLANS

The use and development must be carried out as shown on the endorsed plans to the satisfaction of the Planning Authority.

LAUNCESTON CITY COUNCIL

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Monday 12 August 2013

12.2 226 Charles Street, Launceston - Change of use to food service - takeaway food premises...(Cont'd)

2. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except for the construction of the approved accessways.

3. BUSINESS HOURS

The operation of the takeaway food premises must be confined to:

- 11:00am and 8:00pm Monday to Saturday
- 11:00am and 4:00pm Sunday
- Closed Public Holidays

4. DELIVERY HOURS

Deliveries to and from the site (including waste collection) must only occur between:

- 6:00 am and 10:00 pm Monday to Friday
- 7:00 am and 5:00 pm Saturday and Sunday

5. AMENITY

The development must not affect the amenity of the area as a result of any of the following:-

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any buildings, works or materials;
- c) Emission of noise, dust, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

6. NO SIGN ILLUMINATION

Signage must not be floodlit or illuminated.

7. WASTE

The developer is not to undertake any burning of waste materials on site. The developer is to remove all rubbish from the site for disposal at a licensed refuse disposal site.

8. LAPSING OF PERMIT

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

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

12.2 226 Charles Street, Launceston - Change of use to food service - takeaway food premises...(Cont'd)

Notes

Other Approvals

A. *This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:*

- (a) Building permit*
- (b) Plumbing permit*

Restrictive Covenants

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

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

Nuisance

C. *In view of the location of the proposed food business and the proximity to residential premises, it is noted that on occasions the amenity of the area may be impacted on by nuisance odour(s) as a result of the use of the premises and which will be required to be addressed, so that environmental nuisance does not occur.*

Access for People with a Disability

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

Objections to Proposal

E. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

12.2 226 Charles Street, Launceston - Change of use to food service - takeaway food premises...(Cont'd)

Appeal Provisions

F. Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

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

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

Permit Commencement.

G. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. 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.

Ald McKenzie re-attended the meeting at 1.56pm.

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman R I Soward

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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

RESOLUTION: (2):

Moved Alderman A C Peck, seconded Alderman R L McKendrick.

That Item 15.1 be dealt with at 2.00pm.

CARRIED UNANIMOUSLY 11:0

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Monday 12 August 2013

13 NOTICES OF MOTION - FOR CONSIDERATION

13.1 Alderman Sands - Notice of Motion - State of the Tamar River

FILE NO: SF5547, SF0696

AUTHOR: Alderman Sands

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion regarding funding for a tertiary level treatment plant at Ti Tree Bend.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

N/A

NOTICE OF MOTION:

That Launceston City Council correspond with Tas Water, David O'Byrne Minister for Infrastructure and Geoff Lyons Federal Labor Member for Bass, seeking a priority meeting to discuss urgent funding through the National Building Fund to finance a tertiary level treatment plant at Ti Tree Bend.

Item dealt with 2.05pm after Item 15.1

Alderman A L Waddle took the Chair

Alderman A L Waddle returned the Chair to the Mayor

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

13.1 Alderman Sands - Notice of Motion - State of the Tamar River...(Cont'd)

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman R J Sands, seconded Alderman A C Peck.

That Launceston City Council correspond with Tas Water, David O'Byrne the State Minister for Infrastructure and all Bass Federal candidates seeking a priority meeting to discuss urgent funding through the National Building Fund to finance a tertiary level treatment plant at Ti Tree Bend.

CARRIED UNANIMOUSLY 11:0

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

DIRECTORATE AGENDA ITEMS

14 DEVELOPMENT SERVICES

14.1 General retail or hire (Local shop) in the General Residential Zone

FILE NO: SF3854

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider whether to amend the Launceston Interim Planning Scheme 2012 to allow General retail and hire uses, such as craft shops, in the General Residential Zone.

PREVIOUS COUNCIL CONSIDERATION:

In respect to the application for a dispensation from the Launceston Interim Planning Scheme 2013 for 15 Abbott Street, East Launceston, the Council, at its meeting held on Monday 8 July 2013, resolved to undertake the following:

1. advise the Tasmanian Planning Commission that it does not support the application for dispensation from a local provision of the Launceston Interim Planning Scheme under Section 30P of the Land Use Planning and Approvals Act 1993 to:
 - a. Set aside the provisions of the General Residential zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683); and
 - b. Apply the provisions of the Local Business zone contained in the Interim Planning Scheme 2012 as they relate to 15 Abbott Street, East Launceston (title D41683); because the proposal does not accord with the Launceston Retail Strategy and would unnecessarily detract from an established residential area; and
2. Seek legal advice on the range of General retail and hire uses that are allowable within the General Residential Zone under the local shop qualification and prepare a subsequent report to the Council on the benefits and/or need to amend the Launceston Interim Planning Scheme 2012 to allow 'craft shops' to be discretionary in the General Residential Zone.

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

14.1 General retail or hire (Local shop) in the General Residential Zone...(Cont'd)

RECOMMENDATION:

Further to legal advice presented to the Council, that the Council determine not to initiate any amendment of the Launceston Interim Planning Scheme 2012 to allow General retail and hire uses, such as craft shops, in the General Residential Zone because it would be contrary to the purpose of the General Residential zone and the objectives of the Launceston Interim Planning Scheme 2012

Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of Agenda Items 14.1 – 14.2 inclusive.

DECISION: 12/08/2013

RESOLUTION: (1):

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

That the Recommendation be adopted.

FOR VOTE - Ald A M van Zetten, Ald R L McKendrick, Ald R I Soward, Ald R J Sands, Ald A C Peck, Ald J G Cox, Ald D H McKenzie, Ald D C Gibson

AGAINST VOTE - Ald A L Waddle, Ald R L Armitage, Ald I S Norton

ABSENT.DID NOT VOTE - Ald J B Ball

CARRIED 8:3

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

14.2 Launceston Strategic Tourism Plan

FILE NO: SF4930, SF4931

AUTHOR: Eamonn Seddon (Tourism Manager)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To adopt the Launceston Strategic Tourism Plan along with the updated implementation plan

PREVIOUS COUNCIL CONSIDERATION:

At its meeting held 30 January 2012 Council received the draft Strategic Tourism Plan prepared by the Stafford Group and endorsed the document to be made available for public consultation.

RECOMMENDATION:

That the Council adopt:

1. the Draft Launceston Strategic Tourism Plan dated February 2012 (Doc ID number 2973556) which includes the following strategies:
 1. Development of a Council Tourism Advisory Forum;
 2. Feasibility studies for product development;
 3. Development of a primary tourism precinct;
 4. Development of a secondary tourism precinct;
 5. Development of an Art trail linking QVMAG to Albert Hall via Cameron Street;
 6. Development of Heritage trails;
 7. A Community tourism awareness program;
 8. A Brand development program including profiling of brand Launceston with industry product;
 9. Development of a Launceston smart phone application;
 10. Further development of Walking trails of greater Launceston; and

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

14.2 Launceston Strategic Tourism Plan...(Cont'd)

2. the Tourism Strategy Implementation Plan dated July 2013 (Doc ID number 2973565).
-

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman R L McKendrick.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 11:0

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15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES

15.1 Livestock Market Operations

FILE NO: SF0403

AUTHOR: Matthew Skirving (Manager Architectural Services)

DIRECTOR: Rod Sweetnam (Director Facility Management & Governance Services)

DECISION STATEMENT:

That Council consider the future subsidised operation of the Killafaddy Livestock Market. Resolution 3 requires an Absolute Majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

SPPC Monday 17th June 2013.

6.1 Livestock Market Operations (Closed Workshop Presentation)

RECOMMENDATION:

1. That in recognition of the following factors:

- Changes in livestock market conditions, sales methods, including Over the Hook and direct agency on-farm sales methods.
- The resulting significant reduction in stock throughput at Killafaddy Livestock market over recent years.
- The relevance of Council's ongoing subsidised operation of a livestock market facility.
- The increasing net operating deficit at the facility in excess of \$124,000 for the 2012/13 financial year, and a cumulative total in excess of \$436,000 over the past seven years.
- The anticipated significant ongoing capital investment required to maintain the facility to contemporary standards.

The Council determine that it:

- a) Advise its intention to cease Council operation of the Killafaddy Livestock Markets following the final stock sale held in December 2013.
- b) Adopt the communications and consultation strategy outlined in this report, to inform the current users of the facility as to the alternate options available for livestock sale, and to seek written submissions regarding Council's intended cessation of operations over a four week period.

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

15.1 Livestock Market Operations...(Cont'd)

- c) That Council offer the existing land and improvements associated with the current operations for sale (as a going concern, or otherwise) via a public Expression of Interest process.
 2. At the conclusion of the consultation and Expression of Interest processes, a subsequent report be provided to Council summarising the written submissions received, and options for sale of the facility and associated assets.
-

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

Dealt with item at 2.00pm after item 12.2

Mr Colin Cook spoke against this item

RESOLUTION: (1):

Moved Alderman R L Armitage, seconded Alderman R L McKendrick.

That the item be deferred to receive further information.

6:5 Carried

FOR VOTE - Ald R L Armitage, Ald R L McKendrick, Ald A C Peck, Ald D H McKenzie, Ald A L Waddle, Ald I S Norton

AGAINST VOTE - Ald A M van Zetten, Ald J G Cox, Ald R J Sands, Ald R I Soward, Ald D C Gibson

ABSENT.DID NOT VOTE - Ald J B Ball

Returned to Item 13.1 at 2.04pm.

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Monday 12 August 2013

19 GENERAL MANAGER

Nil

20 URGENT BUSINESS

That Council pursuant to Clause 8(6) of the Local Government (Meeting Procedures) Regulations 2005,

Nil

21 WORKSHOP REPORT(S)

Nil

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

22.1 Information / matters requiring further action

FILE NO: SF3168

AUTHOR: Leisa Hilkmann (Committee Clerk / Administration Officer)

This report outlines requests for information by Aldermen when a report or agenda item will be put before Council or a memorandum circulated to Aldermen.

It will be updated each Agenda, with items removed when a report has been given.

The report was noted.

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

23 ADVICE OF FUTURE NOTICES OF MOTION

23.1 Alderman Sands - Launceston City Council hold a Civic Reception to recognize achievements of Lauren Perry

23.2 Alderman Sands - Launceston City Council correspond with LGAT with a view to hold the 2014 LGAT Conference here in Launceston.

24 REPORTS BY THE MAYOR

Nil

25 REPORTS BY THE GENERAL MANAGER

Nil

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

26 CLOSED COUNCIL ITEM(S)

RECOMMENDATION:

That pursuant to the provisions of Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2005, Council move into Closed Session to discuss those items nominated as Closed Session items, for the following reasons:

15(2)(a) as it concerns personnel matters.

15(2)(b) as it concerns industrial matters relating to a person/company.

15(2)(d) as it concerns the security of property of Council.

15(2)(e) as it concerns proposals for Council to acquire land or an interest in land, or for the disposal of land.

15(2)(i) as it concerns, application by an elected member for leave of absence.

15(2)(j) as it concerns the personal affairs of a person/company

DECISION: 12/08/2013

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie

That the Recommendation be adopted.

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 11:0

The Council moved into Closed Session at 2.39pm.

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 12 August 2013

26.1 Livestock Market Operations

FILE NO: SF0403

AUTHOR: Matthew Skirving (Manager Architectural Services)

DIRECTOR: Rod Sweetnam (Director Facility Management & Governance Services)

DECISION STATEMENT:

That Council consider the future subsidised operation of the Killafaddy Livestock Market.

PREVIOUS COUNCIL CONSIDERATION:

SPPC Monday 17th June 2013.

6.1 Livestock Market Operations (Closed Workshop Presentation)

THIS ITEM WAS DEALT WITH IN CLOSED COUNCIL.

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Monday 12 August 2013

26.2 Key to the City

FILE NO: SF0202

AUTHOR: Albert van Zetten (Mayor)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To approve the honour of presenting the Key to the City to Mr Peter Sculthorpe AO OBE.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 5 August 2013 - Item 7.1

THIS ITEM WAS DEALT WITH IN CLOSED COUNCIL.

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Monday 12 August 2013

26.3 Leave of Absence Application - Alderman

FILE NO: SF4240

AUTHOR: Liz Lynch (Administration Officer General Manager)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To seek leave of absence from Council for an Alderman pursuant to S39 of Local Government (Meeting Procedures) Regulations 2005.

PREVIOUS COUNCIL CONSIDERATION:

N/A

THIS ITEM WAS DEALT WITH IN CLOSED COUNCIL.

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COUNCIL MINUTES

Monday 12 August 2013

26.4 Leave of Absence Application - Alderman

FILE NO: SF4240

AUTHOR: Liz Lynch (Administration Officer General Manager)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To seek leave of absence from Council for an Alderman pursuant to S39 of Local Government (Meeting Procedures) Regulations 2005.

PREVIOUS COUNCIL CONSIDERATION:

N/A

THIS ITEM WAS DEALT WITH IN CLOSED COUNCIL.

LAUNCESTON CITY COUNCIL

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Monday 12 August 2013

RESOLUTION: (2):

Moved Alderman A L Waddle, seconded Alderman R L McKendrick.

That Council move out of Closed Session and endorse those decisions taken while in Closed Session.

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 11:0

The Council moved out of Closed Session at 2.57pm.

27 MEETING CLOSURE

The Mayor closed the meeting at 2:58pm.