



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 9 JULY 2020
1.00pm**

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held by video conference:

Date: 9 July 2020

Time: 1.00pm

Certificate of Qualified Advice

Background


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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

This Council Meeting will be streamed live to:
www.launceston.tas.gov.au/Council/Meetings/Listen .

PUBLIC ATTENDANCE AT THE COUNCIL MEETING.

It is important for you to stay at home to slow the spread of COVID-19. For this reason, public attendance at this Council Meeting is not permitted.

Do you wish to speak to an item in the Agenda of the Council Meeting?

- You are invited to speak to an item on the Agenda by e-mailing a statement of no more than 300 words. Your statement will be read aloud at the Meeting.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.

Do you have a question to ask during Public Question Time?

- You are invited to email up to three questions. If accepted, your questions will be read aloud at the Meeting and either answered or Taken on Notice. If your questions are not accepted, reasons will be given.

Questions or statements must be e-mailed to contactus@launceston.tas.gov.au by 11.00am, Thursday, 9 July 2020 and must include your name and a contact telephone number. If you cannot e-mail your questions or statement, please call our Customer Service Centre on 6323 3000 for assistance.

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.

9 April 2020

Mr Michael Stretton
Chief Executive Officer
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

Dear Michael

COUNCIL MEETING

In accordance with regulation 4 of the *Local Government (Meeting Procedures) Regulations 2015* (Tas) which states

- 4. Convening council meetings**
(1) *the mayor of a council may convene -*
(a) an ordinary meeting of the council; and
(b) a special meeting of council

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following Thursdays for 2020:

16 April	30 April	14 May	28 May
11 June	25 June	9 July	23 July
6 August	20 August	3 September	17 September
1 October	15 October	29 October	12 November
26 November	10 December		

commencing at 1.00pm and delivered by electronic communication in the same or similar manner to the meeting conducted on 2 April 2020.

These alternate arrangements are required as a result of the COVID-19 pandemic and associated developments.

Yours sincerely



Councillor A M van Zetten
MAYOR

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 MAYORAL ACKNOWLEDGEMENTS

3 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

4 CONFIRMATION OF MINUTES

Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 25 June 2020 be confirmed as a true and correct record.

5 DEPUTATIONS

No Deputations have been identified as part of this Agenda

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

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 registered with Council as part of this Agenda

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)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

No Public Questions on Notice have been identified as part of this Agenda

8.2 Public Questions Without Notice

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

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

9 PLANNING AUTHORITY

No Development Applications have been identified as part of this Agenda

10 ANNOUNCEMENTS BY THE MAYOR

10.1 Mayor's Announcements

FILE NO: SF2375

Friday 26 June 2020

- Launched Cancer Council Women's 5km Run

Sunday 28 June 2020

- Attended post Covid opening of Gallery Pejean

Friday 3 July 2020

- Attended Hazara Vigil in Civic Square

Monday 6 July 2020

- Launched ABCDE Youngtown Learning Site
-

11 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.)

12 QUESTIONS BY COUNCILLORS

12.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

No Councillor's Questions on Notice have been identified as part of this Agenda

12.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

13 COMMITTEE REPORTS**13.1 Sister City Committee Meeting Report - 4 June 2020****FILE NO:** SF0175**AUTHOR:** Elizabeth Clark (Civic Affairs Officer)**GENERAL MANAGER:** Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider and receive a report from the Sister City Committee.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council receives the report from the Sister City Committee Meeting held on the 4 June 2020.

REPORT:

The Sister Cities Committee (Deputy Mayor Danny Gibson, Councillor Rob Soward, Councillor Jim Cox and Miss Elizabeth Clark. Councillor Karina Stojansek - apology) together with Chief Executive Officer (CEO), Michael Stretton, James McKee (Manager Innovation and Performance) and Kelsey Hartland (Team Leader Governance) met via video conference on Thursday 4 June and the following items were discussed:

1. ELECTION OF CHAIRMAN

- Councillor Rob Soward elected as Chair

2. CONSIDERATION AND COMMENTS ON LAUNCESTON SISTER CITIES DISCUSSION PAPER

- CEO provided summary of review advising that the review was conducted to inform Councillors on history, current status and opportunities
 - Committee discussed how individual personal, education and business connections can impact the sustainability of sister city relationships once those individuals retire or leave the associated school/business
 - Committee members suggested that Council write to each sister city setting measurable objectives
-

- CEO, Team Leader Governance and Civic Affairs Officer will prepare correspondence for the sister cities

3. ENDORSE SISTER CITY COMMITTEE TERMS OF REFERENCE

- Committee endorsed the Terms of Reference

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy and foster creative and innovative people and industries.

Focus Areas:

1. To actively market the City and region and pursue investment.
2. To facilitate direct investment in the local economy to support its growth.
3. To provide an environment that is supportive to business and development within the municipality.
4. To promote tourism and the development of a quality tourism offering for Launceston.
5. To understand and support the establishment and growth of new and creative industries and businesses in Launceston.

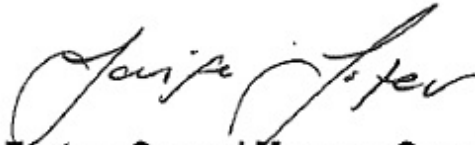
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

14 COUNCIL WORKSHOPS

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

14.1 Council Workshop Report

FILE NO: SF4401

AUTHOR: Lee Viney (Administration Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 2 July 2020:

Enterprize - Future Directions and the Creation of a Creative Precinct

Councillors held discussions concerning Enterprize and the creation of a broader creative precinct within the Launceston CBD.

Tomorrow Together Update

Councillors received a presentation on Tomorrow Together Theme Four - A Mobile and Accessible City.

UTAS Stadium Future Directions Report / AFL Licence Taskforce Business Plan

Councillors received the draft UTAS Stadium Future Directions Report.

Food Offering at QVMAG

Councillors were provided with information on short and medium term options for the food offering at QVMAG.

Overview of the Invitation for Proposal Process to Develop Council Owned Land - Cimitiere St Carpark

Councillors received a presentation regarding the proposed approach to seeking development opportunities for the Cimitiere Street Carpark.

REPORT:

Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshop held since the last Meeting.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

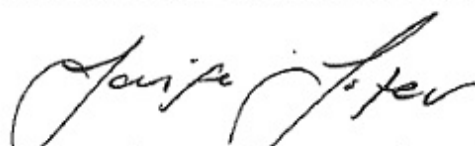
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

15 NOTICES OF MOTION

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

No Notices of Motion have been identified as part of this Agenda

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items have been identified as part of this Agenda

19 ORGANISATIONAL SERVICES NETWORK ITEMS

19.1 2019/2020 Budget - Budget Amendments

FILE NO: SF6641

AUTHOR: Paul Gimpl (Chief Financial Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider changes to the Council's 2019/2020 Statutory Estimates.

A decision for Recommendation 1 requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the Local Government Act 1993 (Tas) and by an absolute majority, approves the following changes to the 2019/20 Statutory Estimates:
 - a. Capital Works Expenditure
 - i. the increase in Council funded expenditure of \$17,244,143.
 2. notes that amendments from Recommendation 1 result in:
 - a. the capital budget being increased to \$46,777,019 for 2019/2020.
-

REPORT:

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to additional funds required to cover Capital project expenditure.

	Operations \$'000	Capital \$'000
Statutory Budget as at 1/07/2019	3,826	25,379
Adjustments approved by Council to 31/05/2020	<u>2,379</u>	<u>4,154</u>
Balance Previously Advised as at 31/05/2020	6,205	29,533
 <u>Amendments</u>		
Additional Capital Funds	0	17,244
Capital to Operations	0	0
Operations to Capital	0	0
External Funds	<u>0</u>	<u>0</u>
Statutory Budget as at 29/06/2020	<u>6,205</u>	<u>46,777</u>
 Deduct Capital Grants and Contributions	 <u>(8,237)</u>	
Underlying Operating Budget Surplus	<u>(2,032)</u>	

The table summarises all other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure. Details of the amendments are as follows:

1 a) The following two items have exceeded their budgets and require approval of the additional costs that were necessary to complete the projects.

Project Number	Project Description	Current Approved Amount	Additional Funds to Complete	New Budget
CP23708	UTAS Stadium Resurfacing and Turf Farm	\$5,378,741	\$834,926	\$6,213,667
CP20884	Riverbend Park	\$8,439,176	\$1,971,242	\$10,410,418
	Totals	\$13,817,917	\$2,806,168	\$16,624,085

UTAS Stadium Resurfacing and Turf Farm:

This project recognised at the design stage that the York Park subgrade would require stabilisation treatment due to soft silty clay. The traditional method of treatment of such soft material is to use cement and lime treatment and it was proposed to adopt this solution. During construction we encountered very soft subgrade material and ground water surcharge due to tidal effect from the North Esk River.

It was then acknowledged cement/lime stabilisation would not be successful in locations of very soft subgrade and ground water presence and an alternative subgrade treatment was required in these locations. Therefore the contract was varied to use geofabric, geogrid, 200mm ballast and 100mm cement stabilised crushed rock to treat the very soft subgrade. The additional cost was due to excavation and disposal of the very soft subgrade material and to treat it with geofabric, geogrid, 200mm ballast and 100mm cement stabilised crushed rock.

The additional work resulted in the project exceeding the budget by 15.5% which is within the generally accepted 20% contingency amount for a project of this nature and complexity.

Riverbend Park

This project was 60% funded by Federal and State grant funding. Grant funded projects are often opportunistic and as a result costings are often preliminary estimates and should have contingencies built in. The budget for this project was approved in 2015 and construction commenced in 2018 without any allowance for cost increases during that period or reductions in scope, nor was there any allowance for contingencies. The additional capital budget approval sought here is required to cover cost escalations and additional elements which were not included in the original scope but were deemed necessary to complete this iconic project to ensure it became a high quality and valuable asset addition for the City of Launceston for many years to come.

The original project also included the Seaport Pedestrian Bridge at a cost of \$3,600,000 and a combined Council approved budget of \$12,039,176. An appropriate contingency amount for the complexity, risk and size of this project is 20%, and the project has come in 17.8% above the budgeted amount.

An explanation of the various unfavourable variances is as follows:

Description	Reason	Value
Pedestrian Bridge budget overrun funded by reallocating from the Riverbend Park budget	Cost overrun	\$ 464,000
Additional Play Equipment Costs	Cost overrun	\$ 252,000
Pre-construction works	Cost overrun	\$ 370,000
Maintenance Shed	Not in original scope	\$ 192,000
Lawn Area (irrigation and topsoil)	Not in original scope	\$ 345,000
Sewer Connection	Not in original scope	\$ 129,000
Additional Court	Not in original scope	\$ 60,000
Additional Infrastructure/Lighting	Not in original scope	\$ 137,000
Additional Landscaping & Vandalism Repairs	Not in original scope	\$ 136,000
Aboriginal Artwork	Not in original scope	\$ 64,000
	Total	2,149,000

The budget increase requested is \$1,971,242 which is less than the unfavourable variances listed.

Summary Table

Additional Capital Budget Approval	Operations	Capital
UTAS Stadium Resurfacing and Turf Farm	-	\$834,926
Riverbend Park	-	\$1,971,242
TOTAL	-	\$2,806,168

1 b) The following items were approved in Closed Council, in accordance with regulations 15(2)(b) and 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015, and now require budget amendment approval to ratify previous Council decisions that have now been successfully transacted.

Project Number	Project Description	Additional Budget Required
CP24099	Birchalls Building Purchase	\$ 8,437,975
CP24099	Paterson Street Central Car Park Purchase	\$ 6,000,000
	Totals	\$14,437,975

The project scope of works:

As a result of the City Heart Project, these two properties were purchased by the Council after decisions were made in Closed Council. The City needs to provide a suitable bus interchange within the Launceston CBD and, after considering many different locations, the above option provided the best solution and will provide well-connected and sustainable public transport access within the City.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

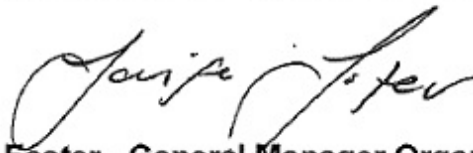
BUDGET & FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

19.2 Intention to Make Facilities and Local Highways By-Law No 1 of 2020

FILE NO: SF6763

AUTHOR: Duncan Campbell (Team Leader Legal Services)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider forming an intention to make the Facilities and Local Highways By-Law No 1 of 2020.

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 December 2017 - Agenda Item 20.1 - Facilities By-Law - Resolution to Make

RECOMMENDATION:

That Council

1. pursuant to section 156 of the *Local Government Act 1993* (Tas), resolves by absolute majority, that it intends to make a new by-law generally in the terms of the draft Facilities and Local Highways By-Law No 1 of 2020 as shown below (ECM Document Set ID 4327171):

LAUNCESTON CITY COUNCIL

FACILITIES AND HIGHWAYS BY-LAW NO. 1 of 2020

A by-law made under section 145 of the *Local Government Act 1993* (Tas) to control, regulate and protect facilities and local highways throughout the municipal area of the Launceston City Council.

PART 1 – PRELIMINARY

1 Short Title

This by-law may be cited as the Facilities and Highways By-Law Number 1/2020.

2 Application

This by-law applies to all Facilities and Local Highways in the municipal area of the Launceston City Council.

3 Interpretation

- (1) This by-law is not intended to interfere with the cultural activities of the Tasmanian Aboriginal community, nor with the cultural activities of any other peoples.
- (2) In this by-law, unless the contrary intention appears:

"Abandoned" means:

- (a) in relation to objects or material, any objects or materials that appear to an Authorised Officer to have been discarded by the owner and that, in the opinion of the Authorised Officer, have a negligible market value apart from scrap value;
- (b) in relation to a Vehicle, any Vehicle which:
 - (i) has been left parked or stationary at any Facility for a period in excess of 48 hours;
 - (ii) is unreasonably obstructing the public use of a Facility; or
 - (iii) is parked or used in breach of this by-law;

"Aquatic Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming related facility or building controlled or managed by the Council;

"Authorised Officer" means an employee of the Council authorised in writing by the Council for the purposes of this by-law;

"CCTV" means any visual surveillance and recording technology system with the capability to monitor environments and activities;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Closed Area" means any closed Facility or part of a Facility that has been closed under clause 17;

"Commercial Activity" means any activity which relates to the provision of goods and services and includes:

- (a) the promotion of an undertaking that provides goods and services;
 - (b) distributing or arranging to distribute or affixing to any Council property any type of advertisement, book, card, notice, pamphlet, print, paper, sign billboard or placard for any purpose;
-

- (c) organised instructing or coaching at an Aquatic Centre;
- (d) the placement of a skip bin;
- (e) the placement of security fencing, hoarding, shipping containers, site office or site amenities associated with the use of development of the adjacent land;

whether the person is remunerated or not;

"Council" means the Launceston City Council;

"Crossing" means a vehicular crossing or pedestrian path over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway that is intended primarily for ingress or egress from that land.

"Damage" includes:

- (a) to destroy, tamper with, remove, mark, write on, deface or in any other way injure;
- (b) collect or remove any wood or timber;
- (c) open or keep open an entrance to a Public Reserve; and
- (d) place or dump objects or materials;

without the permission of an Authorised Officer;

"Facility" means a Public Reserve, Aquatic Centre, or York Park Stadium;

"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

"Local Highway" has the same meaning as under the *Local Government (Highways) Act 1982 (Tas)* and includes a Mall as defined by this by-law;

"Mall" means the areas listed in Schedule 2;

"Nuisance" means:

- (a) causing Damage to a tree, shrub or otherwise;
- (b) climbing on to a roof or fence in a Facility;
- (c) lighting a fire other than in a fireplace provided by the Council for public use;

where the Council or an Authorised Officer has not given written approval for that activity to occur in a Facility.

"Parking Area" means an area at a Facility allocated by the Council for parking of Vehicles;

"Person" means an individual, corporation or other legal entity (other than the Crown);

"Permit" means:

- (a) a current permit or other written approval granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law, including a by-law which has been repealed, providing that:
 - (i) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
 - (ii) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

"Public Reserve" means a reserve, rockery, area of bushland, planted embankment, nature strip, median strip, plantation, sports ground, park, flood levee or garden usually open to the public and under the control and management of the Council;

"Polluting Substance" means in any Aquatic Centre:

- (a) blood;
- (b) faeces;
- (c) detergents;
- (d) food and beverages; or
- (e) urine;
- (f) vomit;
- (g) any other substance deemed to be a polluting substance by an Authorised Officer;

"Skip Bin" means any container that has a capacity in excess of 240 litres that is designed primarily for the collection and removal of waste or recyclable materials.

"Vehicle" means a vehicle as defined in section 3(1) of the *Traffic Act 1925* (Tas);

"University of Tasmania Stadium" means the area within the boundaries as marked on the map in Schedule 3.

PART 2 - USE OF FACILITIES

4 Driving of Vehicles

- (1) Subject to subclause (2) a person must not drive a Vehicle in a Facility.

Penalty: a fine not exceeding 5 penalty units.

- (2) A person does not commit an offence contrary to subclause (1) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:
- (a) by an emergency service;
 - (b) on a road, parking space, path or track provided for such Vehicles within a Facility, unless signs or notice boards indicate that such use is not allowed; or
 - (c) with the written permission of an Authorised Officer.

- (3) Subject to subclause (4) a person must not drive a Vehicle in a Mall.

Penalty: a fine not exceeding 5 penalty units.

- (4) A person does not commit an offence contrary to subclause (3) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:
- (a) by an emergency service;
 - (b) in accordance with any sign or notice board allowing such use; or
 - (c) with the written permission of an Authorised Officer.

5 Unsafe Driving in a Facility Activity

- (1) Except for emergency Vehicles, a person permitted to drive a Vehicle in a Facility must:
- (a) enter or leave by an access point identified by signage, or as otherwise directed by an Authorised Officer;
 - (b) not cause the Vehicle to enter or remain in a Parking Area closed pursuant to clause 17;
 - (c) drive at a safe speed not in excess of five kilometres per hour unless otherwise authorised by an Authorised Officer; and
 - (d) not abandon a Vehicle.
-

Penalty: a fine not exceeding 5 penalty units.

6 Unauthorised Commercial Activity

- (1) A person must not engage in Commercial Activity in a Facility or on a Local Highway without a Permit or other authorisation granted by the Council.

Penalty: a fine not exceeding 10 penalty units.

7 Unauthorised objects to facilitate Commercial Activity

- (1) A person must not cause or permit the installation of any furniture, building, booth or other structure that will facilitate Commercial Activity in a Facility or on a Local Highway except under the conditions of a Permit or as otherwise authorised.

Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.

8 Public speaking, concerts and similar activities

- (1) In a Facility or on a Local Highway, a person must not conduct, arrange, or participate in:

- (a) subject to clause 8(2), a function, party, reception, assembly, concert or informal social gathering;
- (b) an organised sport, contest, or game;
- (c) public speaking, including preaching; or
- (d) busking, selling raffle tickets or taking up collection of money;

without a Permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) Subject to clause 20, for the purpose of clause 8(1) a person may conduct, arrange or participate in an informal social gathering in a Public Reserve without written permission from an Authorised Officer if the gathering does not:

- (a) involve more than 50 people participating at any time;
 - (b) obstruct, or interfere with the passive, incidental use and enjoyment of the Public Reserve by other members of the public;
 - (c) use an area which is notified as, or indicated by signs and barriers to be, a reserved or Closed Area; and
-

- (d) involve the other activities referred to in clause 8(1)(b), (c) or (d).

9 Dogs and other animals

- (1) A person must not possess or have under his or her control an animal in a Facility, except:
 - (a) a dog in a Public Reserve being exercised in conformity with the *Dog Control Act 2000* (Tas);
 - (b) a horse being ridden in a Public Reserve area where Council notices or signs state that such use is allowed;
 - (c) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* (Tas) or an assistance animal as defined in the *Disability Discrimination Act 1992* (Cth); or
 - (d) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

10 Nuisance

- (1) A person must not create or cause a Nuisance in a Facility.

Penalty: a fine not exceeding 5 penalty units.

11 Misuse of change room and public toilet

- (1) A person must not in a Facility or Local Highway, if that person is over the age of ten years, enter a change room or public toilet reserved for the use of people of the opposite sex, except to help a child under that person's care, or someone who is injured, elderly or disabled.

Penalty: a fine not exceeding 10 penalty units.

12 Ground Invasion

- (1) A person must not enter onto the playing arena of York Park Stadium except:
 - (a) while participating in an organised activity where the Council approved event organisers have invited the person to enter the playing area;
 - (b) as part of that person's employment with Council; or
 - (c) with the written permission of an Authorised Officer.
-

Penalty: a fine not exceeding 20 penalty units.

13 Polluting Substance in an Aquatic Centre

- (1) A person must not put any Polluting Substance in a pool of an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

14 Infection or a contagious disease in an Aquatic Centre

- (1) A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

15 Objects on a Local Highway or Facility

- (1) A person must not deposit or allow to be deposited on a Local Highway or Facility any:

- (a) soil, gravel or other material;
- (b) structure; or
- (c) other object,

in a manner that an Authorised Officer determines may interfere with the amenity, comfort, convenience, or safety of the public.

Penalty: a fine not exceeding 5 penalty units.

PART 3 - POWERS OF AUTHORISED OFFICERS AND ENFORCEMENT

16 Occupying Facility or Local Highway without a Permit

- (1) A person must not occupy any part of a Facility or Local Highway unless the person is occupying the Local Highway in accordance with Permit or other authorisation granted by the Council for the relevant land.

Penalty: a fine not exceeding 5 penalty units.

17 Closure of Facility

- (1) An Authorised Officer may from time to time, and for such temporary period as he or she determines, close all or any part of a Facility, to members of the public.
-

18 Entering or remaining in a closed Facility

- (1) A person must not enter, or remain in, any Closed Area, without the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

19 Making Good

- (1) An Authorised Officer may take any reasonable measure to restore a Facility or Parking Area to its original condition after a breach of this by-law including:

- (a) remove any structure, sign, notice or other object;
- (b) require a person to undertake works to rectify any Council property which has been subject to Damage due to that person's acts or omissions; and
- (c) if the Authorised Officer is an employee of the Council, remove any Abandoned object or materials, or Abandoned Vehicle and:
 - (i) take it to a safe place and keep it there until the penalty, removal and storage charges have been paid; and
 - (ii) if the object or material, or Vehicle has not been collected for a period of 28 days, or if the owner of the Vehicle cannot be located after a period of 28 days, the object or material, or Vehicle may be disposed of in any manner the Council sees fit.

- (2) Where in the opinion of the Authorised Officer it appears likely that an Abandoned object may have been stolen the Authorised Officer must seek to contact Tasmania Police and seek further directions prior to disposal.

- (3) The Council may use the proceeds of disposal to pay any outstanding penalty, or removal or storage costs, but if the proceeds of disposal exceed the amount of the expenses, the Council must hold those balance proceeds for a period of six months from the date of disposal and, if not claimed by the owner during that period, then dispose of the balance as the Council sees fit.

- (4) In addition to a penalty imposed or remedy granted against a person in relation to a failure to comply with this by-law, any expense incurred by Council in consequence of that failure or contravention, including the costs of rectification work, is recoverable by Council as a debt payable by the person in contravention.

20 Refusal of admission and removal

- (1) If a person engages in conduct which is reasonably believed by the Authorised Officer to be in breach of this by-law, or a Nuisance, an Authorised Officer may either:
-

- (a) refuse to admit a person to a Facility;
 - (b) require a person to leave a Facility for a specified length of time;
 - (c) issue a prohibition notice banning a person from entering a Facility for the period of the ban; or
 - (d) if the Authorised Officer is an employee of the Council, remove any person from a Facility.
- (2) A person who has been banned from using a Facility for a period of time must not enter that Facility during that period.

Penalty: a fine not exceeding 5 penalty units.

- (3) A police officer may arrest without warrant a person who:
- (a) he or she believes on reasonable grounds to have committed an offence against this by-law; and
 - (b) is on land owned by, or under control of the Council.
- (4) The Council may prosecute a person for breach of this by-law if the person does not leave a Facility after having been requested to do so.

21 Closed Circuit Television

- (1) A person who enters a Facility or Local Highway may have their image recorded and disclosed for investigatory and management purposes.

22 Assistance of police officers

- (1) A Police Officer is authorised to:
- (a) assist an Authorised Officer to carry out an action under clause 20(1)(d) of this by-law;
 - (b) remove any person from a Facility whom the police officer reasonably believes has committed or is committing an offence under this by-law; and
 - (c) arrest any person who is in a Facility whom the police officer reasonably believes has committed or is committing an offence under this by-law.
-

PART 4 - PERMITS

23 Permits

- (1) Subject to Part 12 Division 1 of the *Local Government Act 1993* (Tas), the Chief Executive Officer may, grant, cancel or vary a Permit to temporarily occupy part of all of a Facility or Local Highway, on any terms and conditions that they may see fit to impose.
- (2) A permit cannot be issued under this by-law for any permit, licence, use, activity, hiring or occupation of a Facility or Local Highway for which there is already a fee set by Council pursuant to s 205 of the *Local Government Act 1993* (Tas).
- (3) An application for a Permit for Commercial Activity for the supply of food in a Facility or on a Local Highway cannot be refused solely on the grounds that the activity will compete with existing businesses.

24 Applications

- (1) Any application for a Permit pursuant to this by-law is to be:
 - (a) in accordance with any form approved by the Chief Executive Officer;
 - (b) accompanied by relevant prescribed fee per application, if any, set out in Schedule 4 to this by-law; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) approvals from relevant authorities;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the Chief Executive Officer may reasonably require.
 - (2) In deciding whether or not to grant a Permit pursuant to this by-law, the Chief Executive Officer may have regard to the following and any other relevant matters:
 - (a) the type of activity proposed;
 - (b) the location of that activity;
-

- (c) the impact of the proposed activity on public safety, the environment and amenity; and
 - (d) any comments made by any employee of the Council or by a Police Officer in relation to the application.
- (3) If an application for a Permit is refused, reasons are to be provided.

25 Variation of Permit conditions

- (1) The Chief Executive Officer may vary the conditions of any Permit if they consider it is appropriate to do so.
- (2) If the conditions of any Permit are varied pursuant to clause 26(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
- (a) the conditions of the Permit are varied; and
 - (b) the reason or reasons for the variation of the Permit conditions.
- (3) The conditions of a Permit will be varied from the date of service of the notice of the variation.

26 Cancellation of Permits

- (1) The Council or the Chief Executive Officer may cancel any Permit if satisfied that:
- (a) a Permit holder has breached any of Council's by-laws; or
 - (b) a Permit holder has breached a term or condition of the Permit.
- (2) If a Permit is cancelled pursuant to clause 27(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
- (a) the Permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
- (3) Cancellation of any Permit is effective from the date of service of the notice of the cancellation.
- (4) Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any Permit if required due to the exercise or intended exercise of any local government function, power, right or duty.
-

27 Notices

- (1) For the purposes of clauses 26(3) and 27(3), a notice may be served in any of the following ways:
 - (a) on the holder of the Permit personally;
 - (b) by ordinary post to the last known address of the Permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Launceston City Council municipal area.

- (2) The date of service of a notice will be:
 - (a) if the holder of the Permit was served by ordinary post, five business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper; or
 - (c) if the holder of a Permit was served by email, the day after the email was sent.

PART 5 – INFRINGEMENT NOTICES**28 Infringement notices and fines**

- (1) An Authorised Officer may:
 - (a) issue an infringement notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence;
 - (b) issue one infringement notice in respect of more than one specified offence;
 - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.

 - (2) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 1 to this by-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence, unless otherwise specified.

 - (3) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action, the person issued with an infringement notice must either:
-

- (a) pay the total amount of the monetary penalty stated on the infringement notice to; or
 - (b) lodge a notice of election to have the offence heard by a Court with the Chief Executive Officer at the Town Hall, St John St Launceston within 28 days of the date of service of the notice.
 - (4) An infringement notice alleging that a Vehicle has been used in relation to a prescribed offence may be served by affixing it to that Vehicle.
 - (5) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this by-law.
-

Schedule 1 Infringement Notice Offences

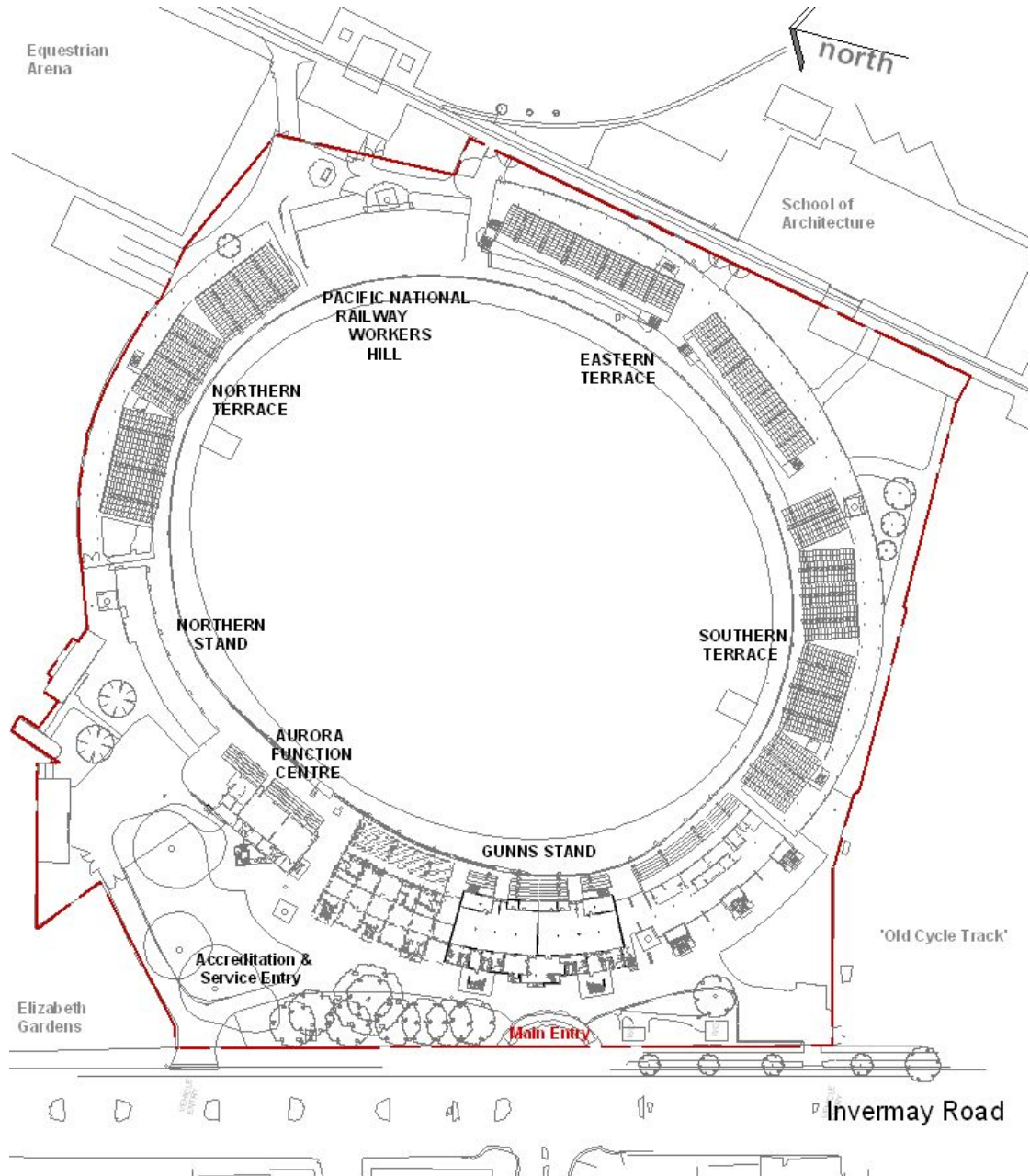
1: Clause	2: General Description of Offence	3: Penalty (Penalty Units)
4(1)	Driving a Vehicle in a Facility	1
4(3)	Driving a Vehicle in a Mall	1
5(1)	Unsafe Driving in a Facility	1
6(1)	Unauthorised Commercial Activity	2
7(1)	Unauthorised objects to facilitate Commercial Activity	2
8(1)	Engaging in unauthorised activity	1
9(1)	Unauthorised animals	1
10(1)	Nuisance	1
11(1)	Entering change rooms	2
12(1)	Ground Invasion	4
13(1)	Introduction of Polluting Substances into an Aquatic Centre	1
14(1)	Use of Pool with Infectious Disease	1
15(1)	Objects on a Local Highway or Facility	1
16(1)	Occupying a Local Highway or Facility without a Permit	1
18(1)	Entering or remaining in closed Facility	1
20(2)	Re-entering Facility	1

Schedule 2 - Malls in which the By-Law applies

- | | | |
|---|----------------------|---|
| 1 | Brisbane Street Mall | Between Charles and St John Streets. |
| 2 | The Quadrant Mall | The Quadrant between Brisbane Street and St John Street. |
| 3 | Civic Square | Cameron Street between Charles Street and St John Street. |
| 4 | The Avenue | The area from the shop front to the kerb edge of the widened footpath in Brisbane Street between St John Street and George Streets. |
| 5 | Charles Street | The area from the shop front to the kerb edge of the widened footpath in Charles Street between Paterson and York Streets. |
| 6 | St John Street | The area from the shop front to the kerb edge of the widened footpath in St John Street between Paterson and York Streets. |
-

Schedule 3

University of Tasmania Stadium



Schedule 4

Prescribed Fees

Number	Fee Name	Fee (Fee Units)

The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the xxx day of xxx 2020 in the presence of us:

.....
Albert Van Zetten
MAYOR

Certified as being made in accordance with *Local Government Act 1993* (Tas).

.....
Michael Stretton
CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by Council
pursuant to section 61 of the
Local Government Act 1993 (Tas)

Certified as being in accordance with the law.

.....
XXXXXXXXXXXX
LEGAL PRACTITIONER

2. requests the Chief Executive Officer or other appropriate officer to do anything necessary and convenient to implement Recommendation 1, including the preparation of the regulatory impact statement and the giving of notice of the proposed Facilities and Local Highways By-Law No 1 of 2020, to allow Council to make the by-law in accordance with the requirements of the *Local Government Act 1993* (Tas).
 3. notes, for the avoidance of doubt, the term 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).
-
-

REPORT:

On 4 December 2017, Council passed a resolution that it intended to make a by-law broadly in accordance with the by-law under consideration in this item. Since that time the makeup of Councillors has changed, and officers have identified improvements to the draft by-law. These improvements have been incorporated into the by-law mentioned in this item.

There have been no major amendments to the draft by-law considered on 4 December 2017. Minor amendments include:

- Clarification of definitions, including that of an "authorised officer". Whilst the by-law will allow Council officers to request the assistance of a police officer, only a council officer can be an authorised officer under the by-law.
- Clarification of how the by-law will apply in respect of the driving of vehicles in facilities and malls.
- The introduction of a permit framework in which permits not issued under existing powers can be issued under the by-law.

The new by-law will apply across the Council's facilities, including the Mall, UTAS Stadium and public reserves and parks.

The by-law will regulate various matters including commercial activities, public speaking, gatherings and nuisances. It also provides a framework for the issuing of permits.

The by-law making process requires Council to resolve an intention to make a by-law, prepare and get a Regulatory Impact Statement approved, seek public feedback on the by-law, consider the feedback and then resolve that the by-law be made.

Council Officers will undertake the necessary steps to allow Council to make the by-law, including obtaining a regulatory impact statement from the Director of Local Government and arranging for public notification of the intended by-law. Members of the public are entitled to make submissions in respect of the making of the by-law. Council must consider any submission received before making the by-law.

Any alterations that are required to obtain a regulatory impact statement or required to address matters raised by submissions will be considered by Council when it makes the by-law.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Priority Area 3 - We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-year Goal -To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Area -

2. To fairly and equitably discharge our statutory and governance obligations.

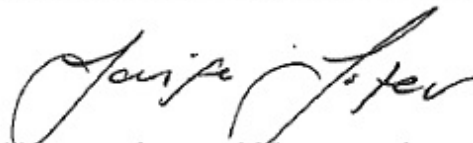
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

19.3 Lease - Northern Suburbs Community Centre Inc.

FILE NO: SF0376

AUTHOR: Tricia De Leon-Hillier (Lease and Licencing Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing an area of land situated at 23-41 Archer Street, Rocherlea (PID 6712519) known as the Rocherlea Hall to the Northern Suburbs Community Centre Inc.

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

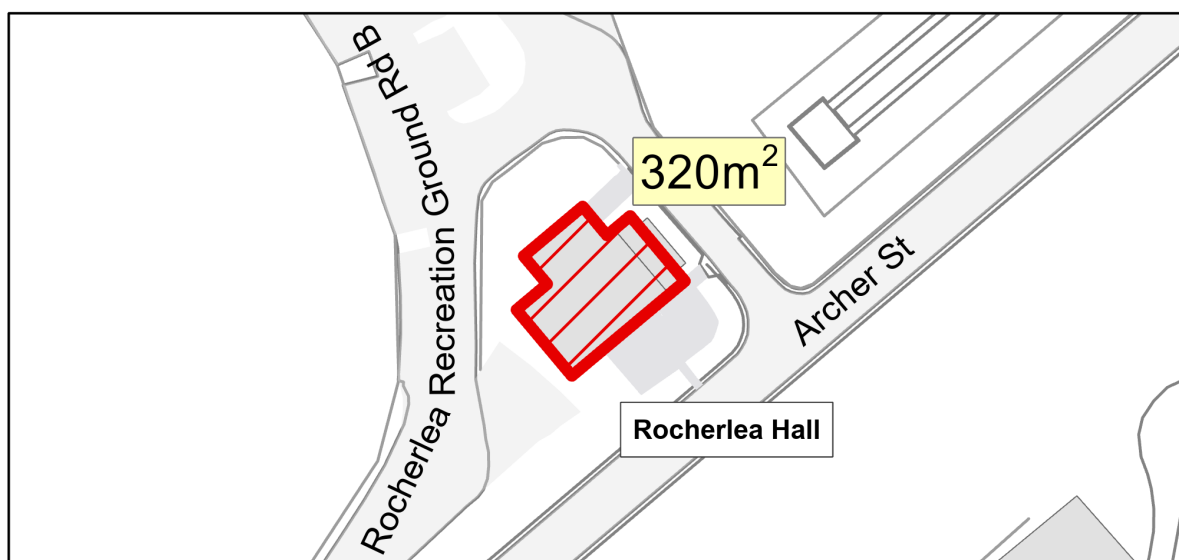
Council - 22 July 2013 - Agenda Item 17.1 - This item approved a two year lease

Council - 22 June 2015 - Agenda Item 18.2 - Lease Rocherlea Memorial Hall

RECOMMENDATION:

That Council, by absolute majority pursuant to section 179 of the *Local Government Act 1993* (Tas):

1. agrees to lease a parcel of land situated at 23-41 Archer Street, Rocherlea (PID 6712519) known as the Rocherlea Hall to the Northern Suburbs Community Centre Inc. as indicated on the plan below:



2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
 - the term shall be five years commencing on 1 October 2020;
 - the lease amount shall be \$1per annum if demanded;
 - tenant to be responsible for:
 - contents insurance;
 - energy costs;
 - volumetric and connection charges for water;
 - sewerage charges;
 - and other service charges if any
 - tenant shall continuously maintain:
 - any infrastructure or any infrastructure installed by the tenant or council in relation to the tenant's occupation;
 - the grounds to keep clear all noxious growth from premises;
 - building in good and reasonable order; and
 - public liability insurance of at least \$20 million.
 - all remaining terms to be determined by the Chief Executive Officer.
 - any right, option or discretion exercisable by Council under the lease may be exercised by the Chief Executive Officer.

 3. Notes, for the avoidance of doubt, 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)
-

REPORT:

The Northern Suburbs Community Centre (NSCC) was established in 1983 and provides a range of services to the communities of Rocherlea, Mayfield and Newnham. The aim of NSCC is to provide a friendly, relaxed meeting place for all members of the community, and to ensure that all users of the centre have the opportunity to grow personally, socially and educationally in a safe and supportive environment. One of their objectives is to provide programs which cater for the needs of individuals, counselling and referral services for the community. As well as to provide a location for community meetings that enable local residents with the opportunity to plan, administer and evaluate programs that affect their families and the community.

The NSCC has been leasing this site since 2013 and their current five year lease is due to expire at the beginning of October and they seek Council approval to re-lease the hall for a five year period from the 1 October 2020 (Attachment 1).

The NSCC is a non for profit organisation and receives funding from various sources throughout the year, however the majority of their funding comes from the Department of Health and Human Services.

Section 179 of the *Local Government Act 1993* (Tas) provides that the Council may lease public land for a period not exceeding five years without requiring the need for advertising.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

This project will have a positive social impact through improved facilities for use by the Northern suburbs community and the opportunity for current programs to continue and new programs to commence in the area.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of our community.

10-Year Goal: To offer access to services and spaces for all community members and to work in partnership with stakeholders to address the needs of vulnerable communities.

Focus Areas:

1. To plan for and provide services and facilities that recognises the changing demographics and needs of our community.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.
5. To promote and support active and healthy lifestyles of our community.

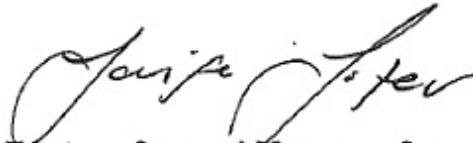
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. Letter of Proposal from Northern Suburbs Community Centre Inc.

Attachment 1 - Letter of Proposal from Northern Suburbs Community Centre Inc.

ALL VENUES

Postal Address:
P.O. Box 143
Mowbray 7248



ABN 95 017 450 530
Phone: (03) 63 265506

11th June 2020

To Whom It May Concern

The Northern Suburbs Community Centre Inc would like to renew the 5 year lease for the Rocherlea Community Hall in Archer Street, Rocherlea.

We appreciate the ongoing support from the City of Launceston with access to the hall as it provides a great space for community activities. We continue to see the hall utilized by many groups throughout the northern suburbs and wider Launceston

Once again, we thank City of Launceston for their ongoing support and we look forward to working together into the future.

Kind regards

Denise Delphin, OAM
General Manager

NSCC Mowbray
Dover St
Mowbray, Tas 7248
Phone: (03) 6326 6776

"ANCORA IMPARO"
I am still learning

The Shed (Rocherlea)
12 Kingbilly Crescent
Rocherlea (03) 63 26 5506

19.4 Licence - City Park Train

FILE NO: SF0836/SF2337

AUTHOR: Tricia De Leon-Hillier (Lease and Licencing Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider approving a licence agreement for the City Park Train.

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

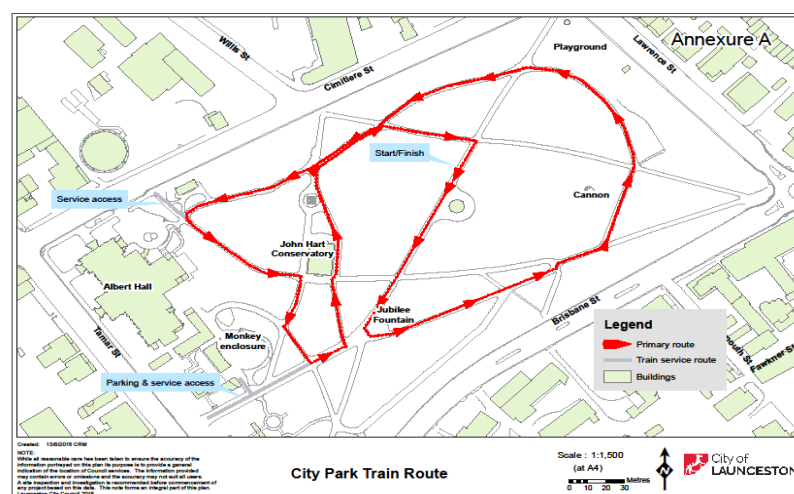
Council - 27 July 2015 - Item 18.1 - Licence City Park Train

Workshop - 6 July 2015 - Item 4.3 Consideration of terms of re-licencing the small train in City Park

RECOMMENDATION:

That Council, by absolute majority pursuant to the *Local Government Act 1993* (Tas):

1. agrees to approve a licence agreement to the current operator Quentin and Jacqueline Partis for the operation of the small train in City Park as per plan below:



2. authorises the Chief Executive Officer to enter into a formal licence under the following terms:

- the term shall be 5 years commencing on 1 July 2020;
 - the licence fee amount shall be \$3,029.40 per annum plus GST and adjusted annually as per CPI;
 - a parking spot for the storage of the train is included in the cost of the licence fee
 - tenant to be responsible for:
 - their own running costs of the train;
 - ensuring safe operation of the train; and
 - advising the CoL of any damage to the route
 - tenant shall continuously:
 - comply with all necessary legislation for operating the train; and
 - maintain public liability insurance of at least \$20 million
 - the terms of the licence shall be in accordance with usual commercial and industry considerations
 - other terms that may be relevant including terms relating to compliance with Public Health orders such as during the Covid-19 pandemic
-

REPORT:

Since 1960 there have been three different trains operating around the paths of the City Park giving rides to the children of Launceston. The train consisted of an engine and four carriages, brightly coloured and was known as Little Toot. City Park attracts many local, interstate and international visitors throughout the year, with its beautiful gardens, a conservatory, bandstand, duck pond, a Monkey Island and the historical City Park Train.

For over twenty-five years the Council has licensed the operation of a small train in City Park to business owners Quentin and Jacqueline Partis. With the current licensee having operated the train for the past fifteen years they have certainly been model tenants. The operation is hugely successful for both residents and visitors to the City of Launceston.

The current operator has written to Council (Attachment 1) requesting a new licence of five years. As they are the only business in Launceston with a small train, and considering its popularity, it is recommended that their licence be renewed. Ten years ago, when the license was reissued, Council advertised for potential train operators and the current operator was the only application received. The current licence fee is \$2,967.96 per annum plus GST with CPI applied annually.

The licence that Council provides for the train's operation includes provisions that the train must comply with all necessary legislation for operating the train, e.g. registration, risk assessment, structural engineering reports may be requested, and that the train will not operate during Festivale or at any other major event times.

It is recommended that Council re-license the operation of the small train in City Park to Quentin and Jacqueline Partis for a period of five years at \$3,029.40 per annum plus GST adjusted annually by CPI, commencing on July 1, 2020.

It is not necessary to obtain valuation advice in order for Council to provide a licence over public land, as a licence does not amount to a disposal. A licence value has been specified based upon a continuation of the fees and CPI increases from the previous licence.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

There is a positive social impact through enabling an important activity for children to continue in City Park.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 4: We value our City's unique identity by celebrating our special heritage and culture and building on our competitive advantages to be a place where people choose to live, work and visit.

10-Year Goal: To sustain and promote Launceston as a unique place to live, work, learn and play.

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.
2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.
4. To support the central business district (CBD) and commercial areas as activity places during day and night.

City of Launceston Strategic Plan 2014-2024

Priority Area 7 - A city that stimulates economic activity and vibrancy

Ten-year goal - To develop a strategic and dedicated approach to securing economic investment in Launceston

Key Directions -

1. To actively market the City and Region and pursue investment
2. To provide an environment that is conducive to business and development

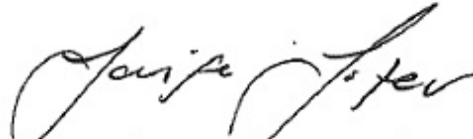
BUDGET & FINANCIAL ASPECTS:

\$3,029.40 per annum plus GST income Parks & Sustainability. Increased rental revenue.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. Letter of Proposal from Business Operator

Attachment 1 - Letter of Proposal from Business Operator

Quentin and Jacqueline Partis
17 Cormiston Road
RIVERSIDE TAS 7250
0407879889

FILE No.	SF0836				
EO	✓	OD		Box	✓
RCV'D 10 JUN 2020 COL					
Doc ID.					
	Action Officer	Noted	Replied		
	T. DE LEON-HILLIER				

22nd May 2020

To: Michael Stretton - CEO of City of Launceston

Dear Michael,

RE: City Park Train Licence - Renewal 2020

We would like to request renewal of our existing Licence to operate the tourist train rides in the Launceston City Park. The train has been operating in the City Park for some time and is now celebrating 60 years. Carrying both local and visitor passengers has become the perfect addition to the park, and affords tourists a 10 minute guided tour as well as a chance to discover other attractions in the City of Launceston.

We have held the Licence for nearly 25 years and have enjoyed the support of the Council and other local organisations during this time. Where possible we have been involved in events held in the Park, however some have outgrown us (Festivale, Carols by Candlelight etc.)

As part of Launceston's community events we are pleased to participate in the Christmas Parade and delivering Santa to light up the Mall Christmas Tree. The aim has always been to provide an affordable attraction and many locals are regulars. Our current fee is only \$2.50 per ride for children and adults alike.

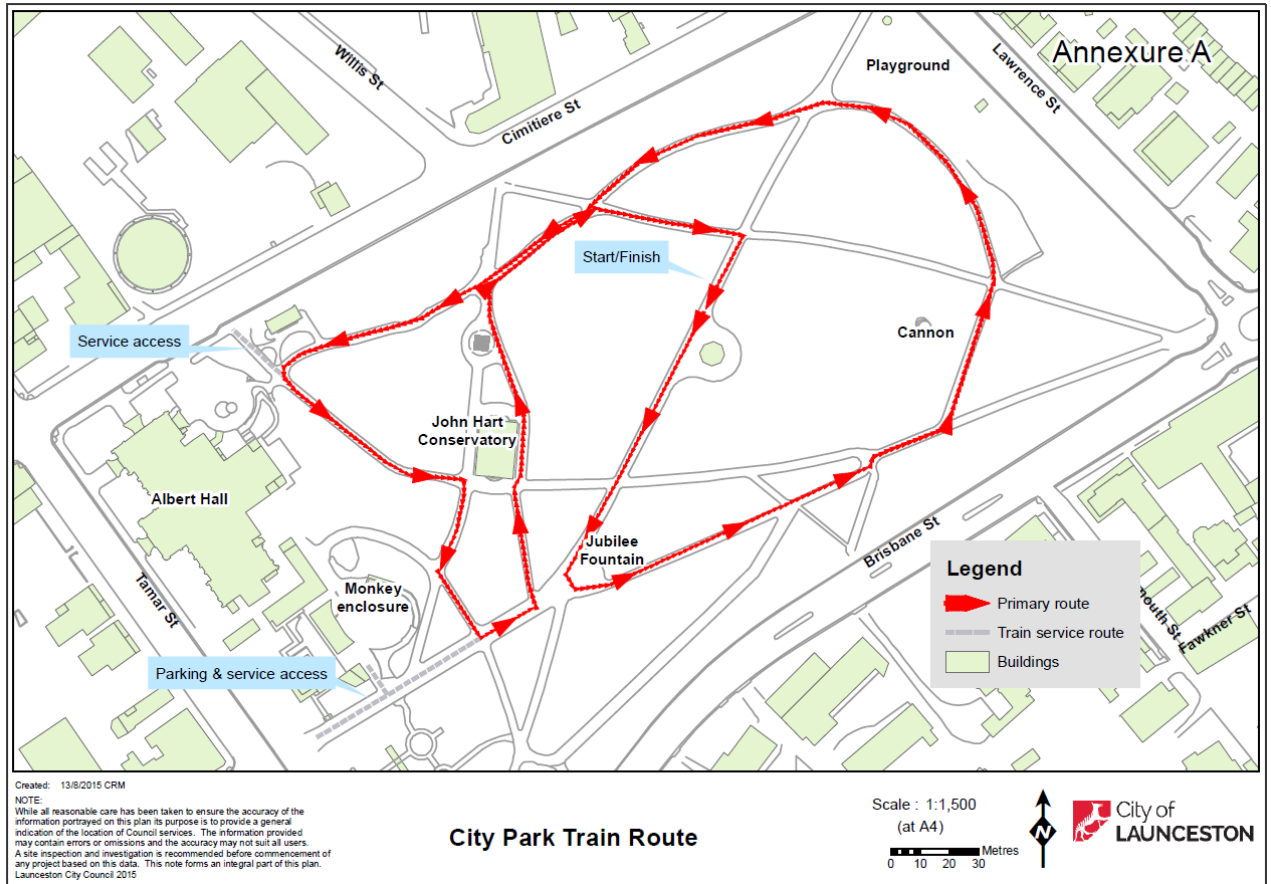
We would like to renew the licence for a further 5 years, with similar terms to the existing agreement. We always comply with standard regulations for operation with motor vehicle registration, including working with vulnerable people, and workers compensation cover. We also carry the necessary public liability insurance up to \$10 million dollars and have now negotiated an increase with our insurer to increase our public liability insurance to \$20 million.

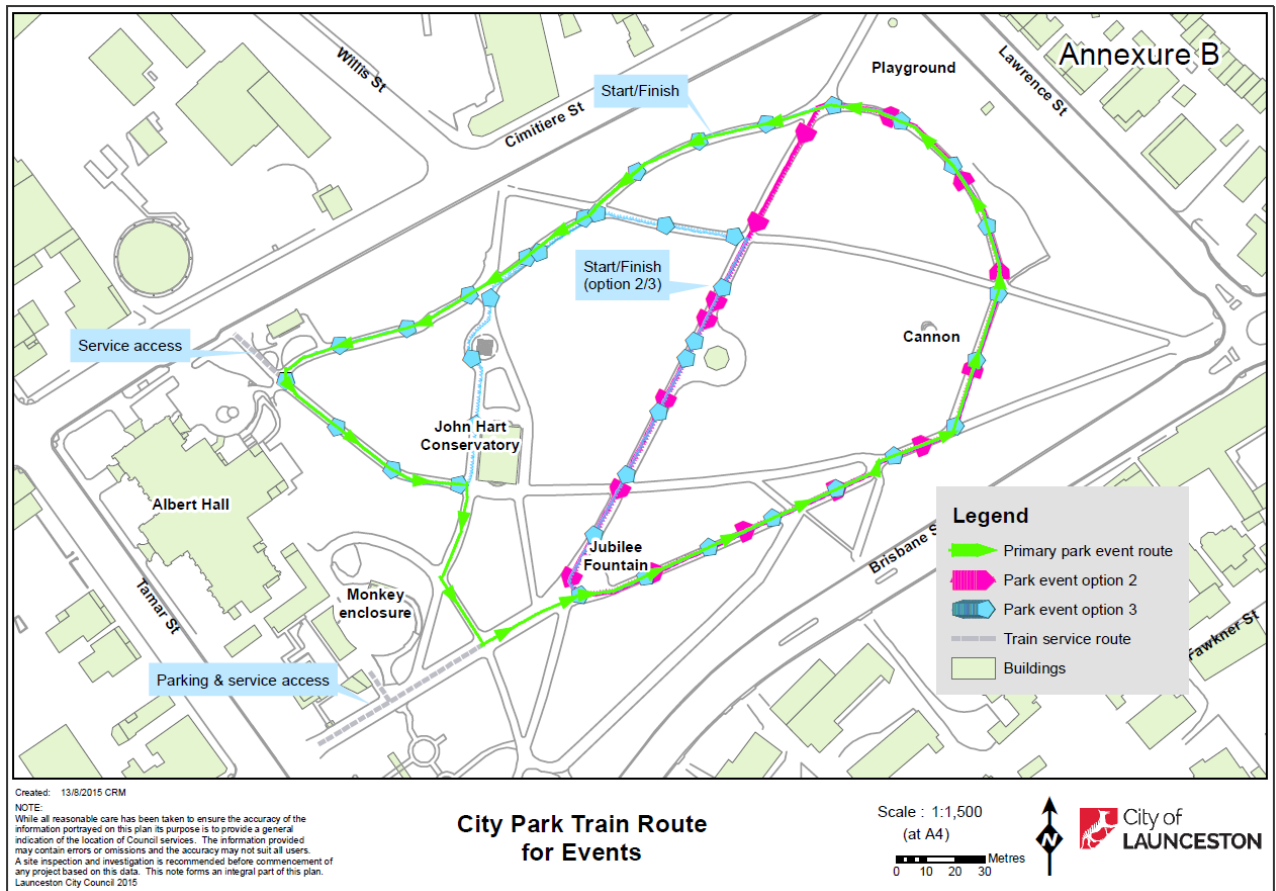
We have recently used the time when we were not operating during Festivale to complete a major engine overhaul and refit, as well as the usual structural and safety maintenance and inspections. We ask that after your consideration alongside the current contract, that this be put to the Councillors for approval.

Yours sincerely,

Quentin H. Partis and Jacqueline R. Partis

cc. Phil Bonney Manager Parks and Sustainability, Infrastructure & assets Network.
cc. Tricia De Leon -Hillier Lease and Licensing officer, Organisational Services Network.





19.5 Sister City Committee Terms of Reference

FILE NO: SF0175

AUTHOR: Elizabeth Clark (Civic Affairs Officer)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the Sister City Committee Terms of Reference (05-Plx-020).

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves the Sister City Committee Terms of Reference (05-Plx-020 - ECM Document Set ID 4304842) as set out below:

Sister City Committee - Terms of Reference (05-Plx-020)

The Sister City Committee is a Special Committee of Council as defined in the *Local Government Act (TAS) 1993, section 24*.

PURPOSE:

The purpose of the Sister City Committee is to discuss sister cities matters and provide advice to Council on the maintenance of sister city relationships. The Committee is convened and resourced by Civic Affairs.

ROLE:

The role of the Sister City Committee is purely advisory and it may not commit Council resources, and may not commit the City to any form of relationship with any other City; rather, it may only make recommendations to Council on matters pertaining to established sister city relationships.

MEMBERSHIP:

Members of the Sister City Committee will include:

- Four City of Launceston Councillors (one of whom is nominated the Chair)
 - Civic Affairs Officer (Convenor and Administration)
-

MEETING ARRANGEMENTS:

- The Committee will meet as a minimum twice a year and more frequently as the need arises.
- Agendas will be forwarded to members at least four working days prior to each meeting.
- Minutes of the meetings will be circulated to all members within ten working days of each meeting.
- Minutes will be stored in the Council's ECM.

CODE OF CONDUCT:

All members must adhere to the Code of Conduct for Committees. Councillors and Council Officers must also adhere to their own relevant Code of Conduct.

RESOURCES:

The Civic Affairs Officer will organise meetings, take minutes and distribute follow up actions.

REVIEW:

The Terms of Reference will be reviewed no more than five years after the date of approval (version) or more frequently, if dictated by operational demands and with the Council's approval.

SCOPE:

- To apply to the Sister City Committee

RELATED POLICIES & PROCEDURES:

- N/A
-

REPORT:

The Sister City Committee Terms of Reference (05-Plx-020) has been written as a result of a decision to review all of the City of Launceston's Special Committees' Terms of Reference.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy and foster creative and innovative people and industries.

Focus Areas:

1. To actively market the City and region and pursue investment.
2. To facilitate direct investment in the local economy to support its growth.
3. To provide an environment that is supportive to business and development within the municipality.
4. To promote tourism and the development of a quality tourism offering for Launceston.
5. To understand and support the establishment and growth of new and creative industries and businesses in Launceston.

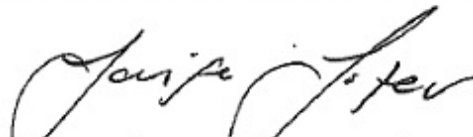
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

19.6 Local Government Association of Tasmania General Meeting - 22 July 2020

FILE NO: SF0331/SF2217

AUTHOR: Kelsey Hartland (Team Leader Governance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To provide voting direction to the Council delegate for the items listed for decision at the Local Government Association of Tasmania General on 22 July 2020.

PREVIOUS COUNCIL CONSIDERATION:

Local Government Association of Tasmania General Meeting Agendas are discussed in a Workshop or considered by Council, time permitting, ahead of each quarterly Local Government Association of Tasmania General Meeting.

RECOMMENDATION:

That, in respect of the items listed for decision at the Local Government Association of Tasmania's General Meeting on 22 July 2020, Council directs the Council delegate to vote as follows:

Ag Item	Pg. No	Items for Noting/Decision	Submitting Body	City of Launceston Comment
1.1	5	Minutes That the minutes of the General Meeting held on 27 March and 26 June 2020 as circulated, be confirmed	LGAT	Recommendation: Agree
1.2	5	Confirmation of Agenda and Order of Business That the agenda and order of business be confirmed	LGAT	Recommendation: Agree
1.3	6	President's Report That the Meeting note the report on the President's activity from 6 March to 12 June 2020	LGAT	Recommendation: Note
1.4	7	CEO's Report That the Meeting note the report on the CEO's activity from 6 March to 12 June 2020	LGAT	Recommendation: Note

1.5	9	Business Arising That Members note the following information on business arising	LGAT	Recommendation: Note
1.6	9	Follow Up of Motions That the meeting note the report detailing progress of motions passed at previous meetings and not covered in Business Arising	LGAT	Recommendation: Note
1.7	9	Council Round Ups That Members note there will be no Council Round Up presentation given the General Meeting is to be held via Webinar	LGAT	Recommendation: Note
2.1	10	Head Works Motion - Brighton Council That LGAT advocate to the State Government and TasWater for the ceasing of the 'headworks holiday' for sewer and water infrastructure	Brighton	Shane Eberhardt (General Manager - Infrastructure and Assets) Recommendation: Support the motion. Head works charges are a mechanism to recover costs of upgrades required to support new development. The current arrangements of not charging head works charges does the opposite of what is intended, it creates an inequity for the developer that moves first. New developments often require treatment and/or hydraulic capacity upgrades to support the additional load a development will create. The purpose of a head works is to spread this cost across all developments that may occur as opposed to the current arrangements that results in the first developer paying all upgrade costs and therefore providing a barrier to development.

2.2	12	<p>Five Year Financial Management Strategy for Local Government</p> <p>Motion - Burnie City Council</p> <p>That LGAT request the State Government to endorse a five-year financial management strategy for Local Government rather than ten years</p>	Burnie	<p>Louise Foster (General Manager Organisational Services)</p> <p>Recommendation: Disagree.</p> <p>The City of Launceston finds value in documenting a proposed long term view of the organisations financial position. This informs our annual planning and budget cycle to aid in setting budget parameters, considering ongoing risks and being mindful of elements that impact our financial sustainability. This is of immense value in planning to manage the impacts of COVID19. The City of Launceston will continue to plan with a 10 year horizon in mind whilst reviewing it on an annual basis.</p>
3.1	13	<p>Review of Local Government Legislation</p> <p>That Members note the report on the review of Local Government Legislation</p>	LGAT	<p>Recommendation: Note</p>
3.2	14	<p>Waste Management</p> <p>That Members note the update on Waste Management</p>	LGAT	<p>Recommendation: Note</p>
3.3	16	<p>Planning - 'Red Tape Reduction'</p> <p>That Members note the following update on red tape reduction reforms</p>	LGAT	<p>Recommendation: Note</p>
3.4	17	<p>COVID-19</p> <p>That Members note the significant activity undertaken in supporting councils to navigate the COVID-19 pandemic</p>	LGAT	<p>Recommendation: Note</p>
3.5	19	<p>Economic and Social Recovery after COVID 19</p> <p>That the Meeting note the paper on the Premier's Economic and Social Recovery Advisory Council</p>	LGAT	<p>Recommendation: Note</p>
3.6	21	<p>Stormwater and Urban Drainage</p> <p>That Members note the report on stormwater and urban drainage</p>	LGAT	<p>Recommendation: Note</p>
3.7	23	<p>Development Standards Documentation</p> <p>That Members note the report on development standards documentation</p>	LGAT	<p>Recommendation: Note</p>

3.8	24	Emergency Management That Members note the report on emergency management activities	LGAT	Recommendation: Note
3.9	26	Energy That Members note the report on energy policy and projects	LGAT	Recommendation: Note
3.10	28	Environmental Health Officer Workforce Strategy Project That Members note progress of the Environmental Health Officer (EHO) Workforce Development Project	LGAT	Recommendation: Note
3.11	29	National Local Government Agenda That Members note the report on national advocacy	LGAT	Recommendation: Note
3.12	31	LGAT Procurement That Members note the following update on procurement support for Councils	LGAT	Recommendation: Note
3.13	34	Health and Wellbeing Project That Members note the two-year extension of funding for the LGAT Community Health and Wellbeing Project	LGAT	Recommendation: Note
3.14	35	Communication, Events and Professional Development That Members note the update which provides an overview on LGAT's communications and professional development activities for the reporting period	LGAT	Recommendation: Note
4.1	39	Life Membership of LGAT That Members note the President's advice on the awarding of LGAT Life Memberships	LGAT	Recommendation: Note

REPORT:

A Local Government Association of Tasmania (LGAT) General Meeting will be held by webinar on 22 July 2020, immediately following LGAT's 2020 Annual General Meeting. An outline of the General Meeting's Agenda Items, with recommended voting direction for consideration of Councillors, is included in this report's Recommendation.

The full General Meeting Agenda is provided as Attachment 1. The Minutes of the General Meeting held on 27 March 2020 are included in Attachment 2.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To Communicate and engage consistently and effectively with our community and stakeholders

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. LGAT General Meeting Agenda 22 July 2020 (*distributed electronically*)
 2. LGAT General Meeting Agenda 22 July 2020 - All Attachments - Including Minutes of the General Meeting on 27 March 2020 (*distributed electronically*)
-

19.7 Local Government Association of Tasmania - Annual General Meeting - 22 July 2020

FILE NO: SF0331/SF2218

AUTHOR: Kelsey Hartland (Team Leader Governance)

GENERAL MANAGER: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To provide voting direction to the Council delegate for the items listed for decision at the Local Government Association of Tasmania Annual General Meeting on 22 July 2020.

PREVIOUS COUNCIL CONSIDERATION:

Considered annually.

RECOMMENDATION:

That, in respect of items listed for decision at the Local Government Association of Tasmania's Annual General Meeting on 22 July 2020, Council directs the Council delegate to vote as follows:

Ag Item	Pg. No	Items for Noting/Decision	Submitting Body	City of Launceston Comment
1	4	Minutes That the Minutes of the 107 th Annual General Meeting, held 3 July 2019 be confirmed	LGAT	Recommendation: Agree
2	4	President's Report That the President's report be received	LGAT	Recommendation: Agree
3	5	Financial Statements to 30 June 2019 That the Financial Statements for the period 1 July 2018 to 30 June 2019 be received and adopted	LGAT	Recommendation: Agree
4	6	2020/2021 LGAT Budget and Subscriptions That the Meeting endorse the adoption of the 2020-2021 LGAT Budget and Subscriptions	LGAT	Recommendation: Agree

5	8	President and Vice President Honorariums That the President's and Vice President's allowance for the period 1 July 2020 to 30 June 2021 be adjusted in accordance with the movement in the Wages Price Index	LGAT	Recommendation: Agree
6	8	LGAT Annual Plan That Members note the report against the LGAT Annual Plan	LGAT	Recommendation: Note
7	9	Reports from Board Representatives (a) That the reports from representatives on various bodies be received and noted (b) That Members acknowledge the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.	LGAT	Recommendation: (a) Note (b) Acknowledge

REPORT:

The Local Government Association of Tasmania (LGAT) Annual General Meeting (AGM) will be held via webinar on 22 July 2020. An outline of the AGM's Agenda Items, with recommended voting direction for consideration of Councillors, is included in this report's Recommendation.

The full AGM Agenda is provided as Attachment 1. The Minutes of the 2019 AGM, and all Attachments to the 2020 Agenda, are included in Attachment 2.

The purpose of this report is to provide Councillors with an opportunity to comment on these items and to direct the vote of the City of Launceston's delegate at the AGM.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To Communicate and engage consistently and effectively with our community and stakeholders

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

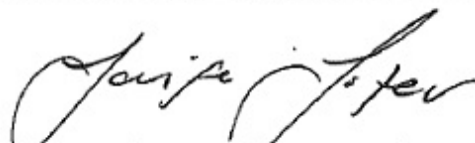
BUDGET & FINANCIAL ASPECTS:

The proposed 2020/2021 subscription is accommodated in the City of Launceston's 2020/2021 budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster - General Manager Organisational Services Network

ATTACHMENTS:

1. LGAT AGM Agenda 22 July 2020 (*distributed electronically*)
 2. LGAT AGM Agenda 22 July 2020 - All Attachments - Including Minutes of the 2019 AGM (*distributed electronically*)
-

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items have been identified as part of this Agenda

21 CLOSED COUNCIL

No Items have been identified as part of this Agenda

22 MEETING CLOSURE