



City of
LAUNCESTON

COUNCIL MINUTES

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

The Ordinary Meeting of the City of Launceston Council was held by video conference:

Date: 9 July 2020

Time: 1.00pm

Certificate of Qualified Advice

Background

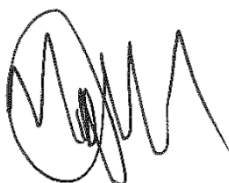
To comply with section 65 of the *Local Government Act 1993* (Tas):

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 minutes 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, was made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting was streamed live and can be accessed from: www.launceston.tas.gov.au/Council/Meetings/Listen for a minimum of six months after the date of the Meeting.

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

Public attendance at this Meeting was not permitted. Members of the public were requested to stay home to slow the spread of COVID-19 and the following information was provided for people wishing to speak to an item on the Agenda.

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 emailing a statement of no more than 300 words. Your statement will be read aloud at the Meeting.

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

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

Questions or statements e-mailed to contactus@launceston.tas.gov.au by 11.00am, Thursday, 9 July 2020 were read out by Council Officers at the appropriate item in the Agenda.

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.

City of Launceston

COUNCIL MINUTES

Thursday 9 July 2020

Present: **Councillor** **A M van Zetten (Mayor)**
 D C Gibson (Deputy Mayor)
 J Finlay
 D H McKenzie
 R I Soward
 J G Cox
 K P Stojansek
 A E Dawkins
 N D Daking
 P S Spencer
 A G Harris
 T G Walker

In Attendance: **Mr M Stretton (Chief Executive Officer)**
 Mr A McCarthy (Community and Place Network)
 Mr N Williams (Organisational Services Network)
 Mr S Eberhardt (Infrastructure and Assets Network)
 Mr D Ryan (Manager Community Relations)
 Mr L Scott (Acting Team Leader Communications)
 Mrs K Hartland (Team Leader Governance)
 Mrs L Viney (Administration Officer)

Apologies: **Councillor** **Nil**

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	MAYORAL ACKNOWLEDGEMENTS	1
3	DECLARATIONS OF INTEREST	1
4	CONFIRMATION OF MINUTES	2
5	DEPUTATIONS	2
	No Deputations were identified as part of these Minutes	2
6	PETITIONS	2
	No Petitions were identified as part of these Minutes	2
7	COMMUNITY REPORTS	3
	No Community Reports were registered with Council as part of these Minutes	3
8	PUBLIC QUESTION TIME	4
8.1	Public Questions on Notice	4
	No Public Questions on Notice were identified as part of these Minutes	4
8.2	Public Questions Without Notice	5
8.2.1	Ms Doreen Bowen - Major Projects	6
8.2.2	Mr Ian Routley - RMPAT Appeal 58/19P	7
8.2.3	Mr Ron Baines - Myer Car Park	8
8.2.4	Mr Ron Baines - Brisbane Street Mall Thylacine Statues	9

City of Launceston

COUNCIL MINUTES

Thursday 9 July 2020

8.2.5	Mr Ray Norman - Funding for Landfill Resource Recovery	10
8.2.6	Mr Ray Norman - Budget Projections for Birchalls Development	11
8.2.7	Mr Ray Norman - Removal of John Batman Acknowledgements	13
9	PLANNING AUTHORITY	14
	No Development Applications were identified as part of these Minutes	14
10	ANNOUNCEMENTS BY THE MAYOR	15
10.1	Mayor's Announcements	15
11	COUNCILLORS' REPORTS	16
	No Councillor Reports were identified as part of these Minutes	16
12	QUESTIONS BY COUNCILLORS	16
12.1	Questions on Notice	16
	No Councillor's Questions on Notice were identified as part of these Minutes	16
12.2	Questions Without Notice	17
12.2.1	Councillor P S Spencer - Riverbend Park Budget Amendment	18
12.2.2	Councillor J G Cox - Clarification of Grant Amount for Legacy	19
13	COMMITTEE REPORTS	20
13.1	Sister City Committee Meeting Report - 4 June 2020	20

City of Launceston

COUNCIL MINUTES

Thursday 9 July 2020

14	COUNCIL WORKSHOPS	21
14.1	Council Workshop Report	21
15	NOTICES OF MOTION	23
	No Notices of Motion were identified as part of these Minutes	23
16	COMMUNITY AND PLACE NETWORK ITEMS	23
	No Items were identified as part of these Minutes	23
17	CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS	23
	No Items were identified as part of these Minutes	23
18	INFRASTRUCTURE AND ASSETS NETWORK ITEMS	23
	No Items were identified as part of these Minutes	23
19	ORGANISATIONAL SERVICES NETWORK ITEMS	24
19.1	2019/2020 Budget - Budget Amendments	24
19.2	Intention to Make Facilities and Local Highways By-Law No 1 of 2020	26
19.3	Lease - Northern Suburbs Community Centre Inc.	46
19.4	Licence - City Park Train	49
19.5	Sister City Committee Terms of Reference	51
19.6	Local Government Association of Tasmania General Meeting - 22 July 2020	54
19.7	Local Government Association of Tasmania - Annual General Meeting - 22 July 2020	59
20	CHIEF EXECUTIVE OFFICER NETWORK ITEMS	61
	No Items were identified as part of these Minutes	61

City of Launceston

COUNCIL MINUTES

Thursday 9 July 2020

21	CLOSED COUNCIL	61
	No Items were identified as part of these Minutes	61
22	MEETING CLOSURE	61

1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm.

The Mayor, Councillor A M van Zetten advised that Aunty Sharon Holbrook was invited to provide a Welcome to Country as NAIDOC week is usually held during this week in July. This year NAIDOC week has been postponed until November but as there are some people across Tasmania celebrating NAIDOC week, Council thought it appropriate to have the Welcome to Country.

Aboriginal elder, Aunty Sharon Holbrook, provided a Welcome to Country.

The Mayor, Councillor A M van Zetten, provided an Acknowledgement of Country: In the spirit of reconciliation, we the citizens of Launceston recognise that Launceston is situated on country of which the Tasmanian Aboriginal people have been owners for over 35,000 years and on which they have performed age-old ceremonies of celebration, initiation and renewal. We acknowledge the Aboriginal community of today, their living culture and unique role in the life of this region and offer our deep appreciation of their ongoing contribution to the community.

2 MAYORAL ACKNOWLEDGEMENTS

Congratulated staff and the general public for the Mobile Muster 2020 Top Recycling Award of Tasmania that has been received by the Council.

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.)

Councillor D H McKenzie declared an interest in Item 19.3 - Lease - Northern Suburbs Community Centre Inc.

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.

DECISION: 9 July 2020

MOTION

Moved Councillor J Finlay, seconded Councillor P S Spencer.

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

CARRIED 12:0

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

5 DEPUTATIONS

No Deputations were identified as part of these Minutes

6 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

7 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Minutes Items; that opportunity exists when that Minutes Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Councillors.)

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

8 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1 Public Questions on Notice

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

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

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

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.)

The following questions, submitted to Council on 9 July 2020, were read aloud by a Council Officer at the Council Meeting on 9 July 2020. Responses were read aloud by the Mayor, Councillor A M van Zetten.

8.2.1 Ms Doreen Bowen - Major Projects

Recently there have been several conflicting and confusing reports to do with the performance of the City of Launceston managing and mismanaging major public works projects in the city, will the Council now put all this fruitless and unhelpful community debate to one side by publishing a list of all major projects that have been carried out or completed in the life of this current council telling residents and ratepayer what major projects, that is all significant projects, that have been delivered on time and within allocated budgets and pointing out where there have or have not been any budget overruns or savings made?

The Mayor, Councillor A M van Zetten responded by saying that the City of Launceston spends between \$20 to \$30 million delivering in excess of 100 capital works annually. These projects are all publicly reported in the Council's annual plan and annual report each year. The overwhelming majority of these projects are delivered within scope and budget. It should be noted that Council has delivered underlying surpluses since 2015/16 and deliver cash and comprehensive surpluses every year.

8.2.2 Mr Ian Routley - RMPAT Appeal 58/19P

In reference to DA0127/2019 dispute RMPAT appeal 58/19P and request for ex gratia payment to a small business - has all correspondence, including notes of representor's meeting 6 June 2019 been distributed to all Councillors in a formal manner as an agenda item or has the General Manager/CEO acted under section 62.2 Local Government Act?

The RMPAT considered the matter of costs during the appeal process for this development application and determined that all parties were to bear their own costs. It is important that the Council operates within the RMPAT framework for the payment of costs to ensure we provide procedural fairness and equity to all parties involved. Consideration of an ex gratia offer is an operational matter and it is neither appropriate, nor equitable for an ex gratia payment to be made in this instance.

8.2.3 Mr Ron Baines - Myer Car Park

Does the Council intend or has it already compulsorily acquired the area known as Myer Car Park?

The Mayor, Councillor A M van Zetten responded by saying that the Council has not and does not intend to compulsory acquire this site. It has been publicly reported that a contractual agreements has been negotiated to enable the Council to develop a bus interchange on the Paterson Central Car park site in association with the broader Creative Industries development which is being progressed by Creative Property Holdings Pty Ltd.

8.2.4 Mr Ron Baines - Brisbane Street Mall Thylacine Statues

Has the Council made a decision with regard to the dangerous metal animals in the Brisbane Street Mall?

The Mayor, Councillor A M van Zetten indicated that this question would be Taken on Notice and a response provided in the Council Agenda of 23 July 2020.

8.2.5 Mr Ray Norman - Funding for Landfill Resource Recovery

Given the recent Media Release 6 July 2020, put out by Federal Minister for the Environment, The Hon Sussan Ley MP announcing a \$1 billion Waste and Recycling Plan to transform waste industry saying that the Morrison Government will commit \$190 million to a new Recycling Modernisation Fund that will generate \$600 million of recycling investment and drive a billion-dollar transformation of Australia's waste and recycling capacity and the increasing number of reports relative to 'Launceston's Waste Management Centre' [WMC] the place where people deposit a great deal of 'RESOURCE' much of which is 'UP-CYCLEABLE' and that nonetheless finds its way to the 'TIP FACE' and into 'LANDFILL' and notably with large quantities of compostable organic material/resource being reported along with 'UP-CYCLEABLE' construction resource plus 'UP-CYCLEABLE' textile resource and in the context of the City of Launceston's much touted CLIMATE EMERGENCY POLICY and SINGLE USE PLASTICS POLICY unanimously supported by all Councillors and the need to generate 'NEW INDUSTRIES' in the wake of the national, indeed international COVID-19 Crisis and the ECONOMIC RECESSION that has befallen the Northern Tasmanian economy:

- is Council intending to be proactive in seeking funding to transform and reform Northern Tasmania's waste mismanagement into a stand-alone CORPORATISED RESOURCE RECOVERY OPERATION and specifically in the initial phase for the employment of 'a team of expert resource recovery operatives' at Launceston's WMC and in the wider community to ensure that ALL resources that are presented to WMC and disposal are not indeed 'wasted' and ultimately generate employment and income opportunities for local people 'employing, utilising and recovering' locally generated resource?

The Mayor, Councillor A M van Zetten responded by saying that no, at this stage we do not have anything that fits the criteria of this program. The City of Launceston do participate in and host the Northern Tasmanian Regional Waste Management group which is focused on improvements in waste management and diversion from landfill. Diversion initiatives at the Launceston Waste Centre include:

- Introduction of a FOGO kerbside collection and organics processing facility at LWC to divert organics from waste stream. This has been highly successful with FOGO registrations now over 10,000 properties, and the facility is processing FOGO collected from a number of other municipalities.
 - Waste transfer station for collection of recyclable material and drop off of re-usable items for resale at the Uptipity store.
 - Waste disposal by members of the public is captured and sorted at the Walking Floor where re-usable items are also separated for resale.
-

8.2.6 Mr Ray Norman - Budget Projections for Birchalls Development

Given the growing community concerns regarding Council's purchase of Birchalls for a shopping/education precinct and intentions to convert the Paterson Street Central Carpark into a bus interchange that have been touted as an exciting \$90 million project that will "drive economic uplift, city vibrancy, education attainment and support for existing and emerging industries" and given that the former Launceston Chamber of Commerce and Industries executive officer Neil Grose being on record as saying that the Birchalls "transformation" actually gives an organisation like Foundry a really strong future and this is their expansion project, this is their growth" and given that success is always to be welcomed but as the project has attracted \$10 million in Building Better Regions Funding support from the Federal Government after the State Government withdrew its flagged \$6 million no-interest loan, and the City of Launceston has become the owner of the property in association with the new Creative Group to realise its vision to enliven the Brisbane Street Mall, there should be full transparency and disclosure of what will be the cost to and the return to ratepayers and given that in these uncertain socio-economic times as we emerge from the COVID-19 shutdown, prudent expenditure and risk assessments should be paramount, therefore:

- will/can the full Council please release a full profit and loss budget projections not only for the envisioned construction phase and also the ongoing operation of the proposed food court/shopping/education precinct and thus allowing ratepayers to be enlightened as to who will foot the utility bills on completion of the complex and at the same time will the Council also define the association between council personnel, Foundry, the New Creative Group and its very newly appointed board of directors?

The Mayor, Councillor A M van Zetten responded by saying, that for clarity, the Council has received a \$6m interest free loan from the State Government for this development.

In respect to the question, it is too early in the process to be able to release any financial information in respect to the re-development of the former Birchalls building. The Council will be running an Expression of Interest (EOI) process to identify suitable private industry developers to work with the Council to realise the opportunities presented by the building. Through this process the financial details of the re-development and longer-term future plans for the building will be publicly released.

Neither the Council, nor Council staff, have a direct association with the Foundry or Creative Property Holdings Pty Ltd. The only association occurring relates the contractual agreements which have been negotiated to enable the Council to develop a bus interchange on the Paterson Central Car

park site in association with the broader Creative Industries development which is being progressed by Creative Property Holdings Pty Ltd.

8.2.7 Mr Ray Norman - Removal of John Batman Acknowledgements

With the increased community concerns arising out of the **BLACK LIVES MATTER** activism locally, nationally and indeed internationally and the increasing awareness of John Batman's unfortunate blight upon Australia's, Tasmania's and indeed Launceston's colonial histories, the colonial aftermath, Batman's involvement in Tasmania's Black War, the frontier massacres Batman is associated with, and moves to have his name removed from the bridge that crosses the Kanamaluka / Tamar River between Whirlpool Reach, Hillwood in the light of the reported massacres Batman perpetrated upon the 'First Tasmanians' in the region of the City of Launceston and Aboriginal concerns that places like the 'Batman Bridge' where Batman's involvement in the "disposition of Indigenous people" is celebrated and that his part in Tasmania's/Launceston's histories is celebrated in the city's 'CIVIC SQUARE' and in the light of the recognition of and the acknowledgement of, the fact that Tasmania has a **BLACK HISTORY**:

- will Council remove all acknowledgements of, and celebrations of, John Batman's part in Launceston's more than unfortunate colonial histories and especially so in regard to 'place markers and place making' and moreover proactively seek to mark and acknowledge 'massacre sites' in the municipality by setting aside a significant budget, say \$5,000 to \$10,000, for the engagement of an appropriate 'independent researcher in residence' to identify the sites and histories relative to those 'places' and the 'placemaking' entirely dedicated to these purposes and publish a major essay on the 'colonial aftermath' relative to Launceston and Northern Tasmania?

The Mayor, Councillor A M van Zetten responded by saying that the Council is currently in the process of framing up its approach for developing a Reconciliation Action Plan and will consider issues pertaining to the naming of places and infrastructure as a part of this process.

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 were identified as part of these Minutes

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 were undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

No Councillor Reports were identified as part of these Minutes

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 were identified as part of these Minutes

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.)

12.2.1 Councillor P S Spencer - Riverbend Park Budget Amendment

1. Why was pump station repositioned after having all of the infrastructure, piping and cabling in place?
2. Why did we put 50mm conduit into every light pole with no cables installed in them?
3. Why was the toilet block purchased in kit form from Queensland when it could have been made here?

Mr Michael Stretton (Chief Executive Officer) advised that this question would be Taken on Notice. A response will be provided in the Council Agenda of 23 July 2020.

12.2.2 Councillor J G Cox - Clarification of Grant Amount for Legacy

Regarding a letter from Legacy from Russel Hogarth about the amount of a grant, can we get any clarification that it was actually the correct amount of grant, without going into the detail now?

Mr Michael Stretton (Chief Executive Officer) advised that this question would be Taken on Notice. A response will be provided in the Council Agenda of 23 July 2020.

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.

Mr M Stretton (Chief Executive Officer) and Miss E Clark (Civic Affairs Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

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

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

CARRIED 12:0

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

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.

Mr N Williams (Acting General Manager Organisational Services Network) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

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

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

CARRIED 12:0

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

15 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

16 COMMUNITY AND PLACE NETWORK ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES NETWORK ITEMS

No Items were identified as part of these Minutes

18 INFRASTRUCTURE AND ASSETS NETWORK ITEMS

No Items were identified as part of these Minutes

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.
-

Mr M Stretton (Chief Executive Officer), Mr N Williams (Acting General Manager Organisational Services Network) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

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

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

CARRIED BY ABSOLUTE MAJORITY 12:0

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

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

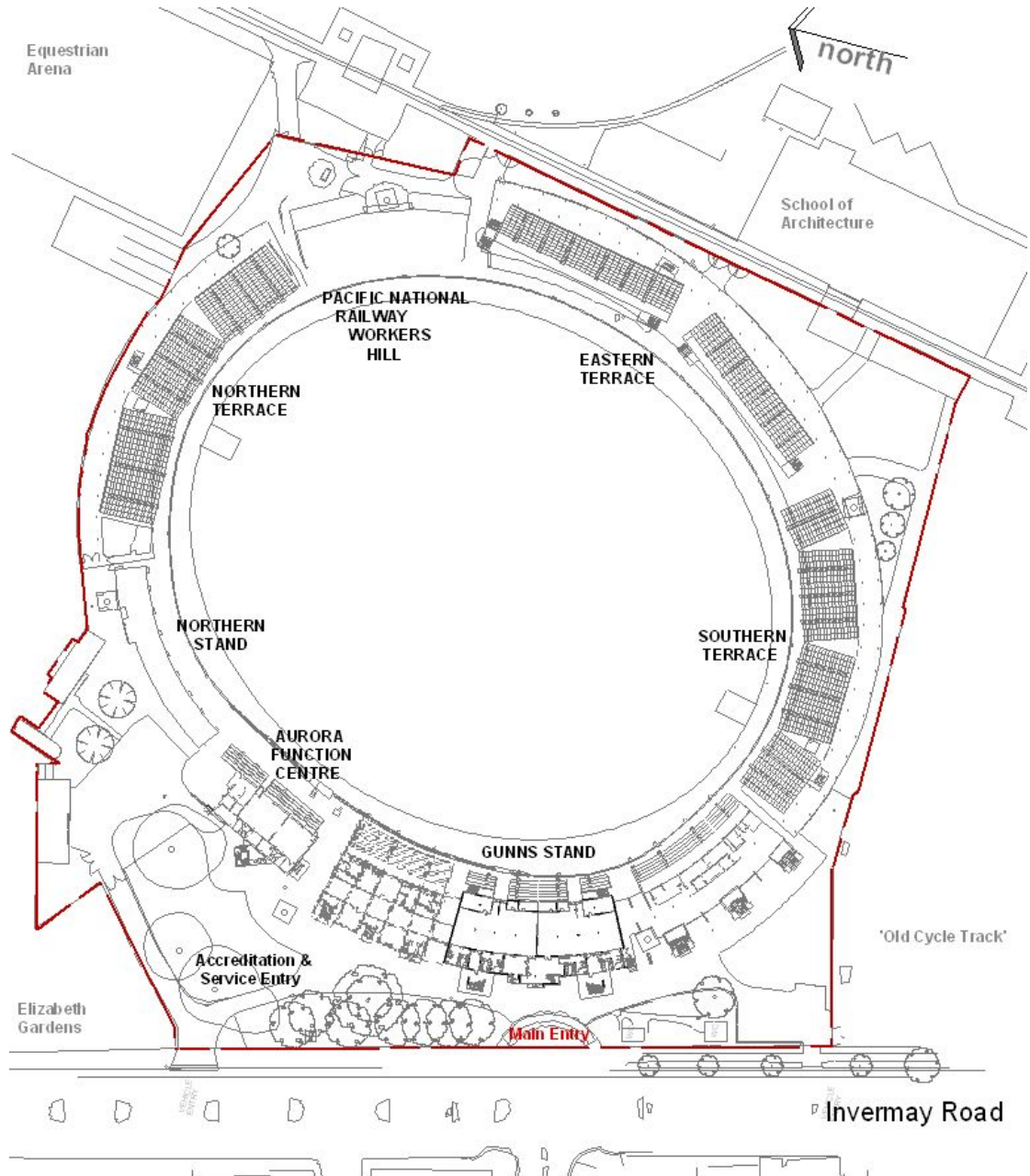
1: Clause	2: General Description of Offence	3: Penalty (Penalty Units)
4(1)	Driving a Vehicle in a Facility	1
4(3)	Driving a Vehicle in a Mall	1
5(1)	Unsafe Driving in a Facility	1
6(1)	Unauthorised Commercial Activity	2
7(1)	Unauthorised objects to facilitate Commercial Activity	2
8(1)	Engaging in unauthorised 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).
-
-

Mr N Williams (Acting General Manager Organisational Services Network) and Mr D Campbell (Team Leader Legal Services) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

Moved Councillor P S Spencer, seconded Councillor D H McKenzie.

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

CARRIED BY ABSOLUTE MAJORITY 11:1

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

AGAINST VOTE: Councillor T G Walker

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:

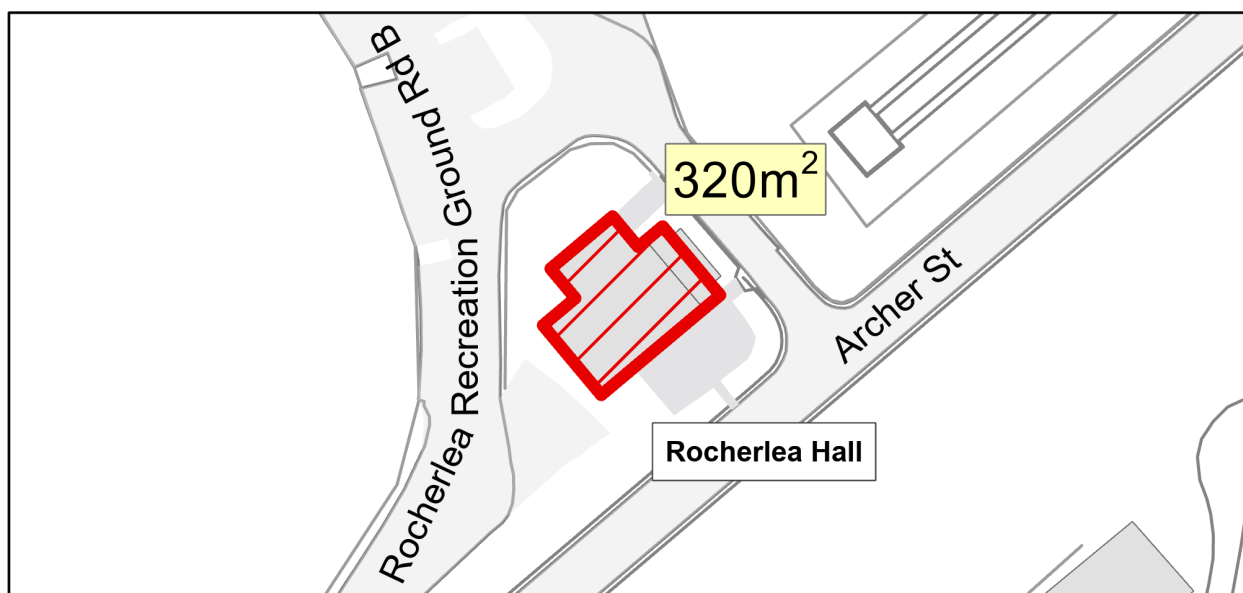
Council - 22 July 2013 - Agenda Item 17.1 - This item approved a two year lease

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)
-
-

Mr N Williams (Acting General Manager Organisational Services Network) and Mr D Campbell (Team Leader Legal Services) were in attendance to answer questions of Council in respect of this Agenda Item.

Councillor D H McKenzie withdrew from the debate due to a declaration of interest.

DECISION: 9 July 2020

MOTION

Moved Councillor D C Gibson, seconded Councillor R I Soward.

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

CARRIED BY ABSOLUTE MAJORITY 11:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor R I Soward, Councillor J G Cox, Councillor K P Stojansek, Councillor A E Dawkins, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker

DID NOTE VOTE due to **DECLARATION OF INTEREST:** Councillor D H McKenzie,

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:

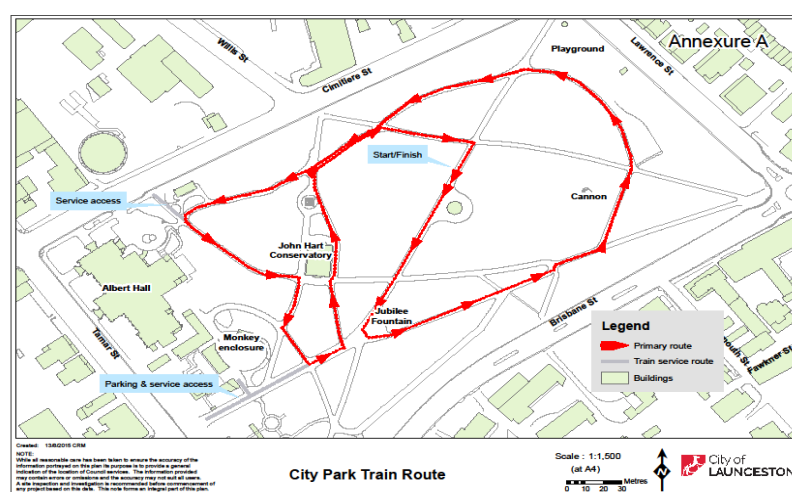
Council - 27 July 2015 - Item 18.1 - Licence City Park Train

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
-

Mr N Williams (Acting General Manager Organisational Services Network) and Mr D Campbell (Team Leader Legal Services) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

Moved Councillor R I Soward, seconded Councillor D C Gibson.

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

CARRIED BY ABSOLUTE MAJORITY 12:0

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

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
-
-

Mr M Stretton (Chief Executive Officer) and Miss E Clark (Civic Affairs Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

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

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

CARRIED 12:0

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

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 Motion - Burnie City Council 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) 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 That Members note the report on the review of Local Government Legislation</p>	LGAT	<p>Recommendation: Note</p>
3.2	14	<p>Waste Management That Members note the update on Waste Management</p>	LGAT	<p>Recommendation: Note</p>
3.3	16	<p>Planning - 'Red Tape Reduction' That Members note the following update on red tape reduction reforms</p>	LGAT	<p>Recommendation: Note</p>
3.4	17	<p>COVID-19 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 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	Stormwater and Urban Drainage That Members note the report on stormwater and urban drainage	LGAT	Recommendation: Note
3.7	23	Development Standards Documentation That Members note the report on development standards documentation	LGAT	Recommendation: Note
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

Mr M Stretton (Chief Executive Officer) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

Moved Councillor D H McKenzie, seconded Councillor P S Spencer.

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

CARRIED 12:0

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

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

Mr M Stretton (Chief Executive Officer) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 9 July 2020

MOTION

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

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

CARRIED 12:0

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

20 CHIEF EXECUTIVE OFFICER NETWORK ITEMS

No Items were identified as part of these Minutes

21 CLOSED COUNCIL

No Items were identified as part of these Minutes

22 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 2.11pm.
