



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 1 DECEMBER 2022  
1.00PM**

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

Date: 1 December 2022

Time: 1.00pm

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### Certificate of Qualified Advice

#### Background

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

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

#### Certification

I certify that:

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



**Michael Stretton**  
Chief Executive Officer

### **AUDIO of COUNCIL MEETINGS**

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

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

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

### **PUBLIC ATTENDANCE AT THE COUNCIL MEETING**

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

### **PUBLIC QUESTION TIME - AGENDA ITEM 8**

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

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

### **PUBLIC COMMENT ON AGENDA ITEMS**

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

### **LEGISLATIVE TERMINOLOGY - GENERAL MANAGER**

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

***Present:***

**Councillor D C Gibson (Mayor)**  
**Councillor M K Garwood (Deputy Mayor)**  
**Councillor D H McKenzie**  
**Councillor A E Dawkins**  
**Councillor A G Harris**  
**Councillor T G Walker**  
**Councillor J J Pentridge**  
**Councillor A J Palmer**  
**Councillor S Cai**  
**Councillor A J Britton**

***In Attendance:***

**Michael Stretton (Chief Executive Officer)**  
**Dan Ryan (General Manager Community and Place Network)**  
**Louise Foster (General Manager Organisational Services Network)**  
**Shane Eberhardt (General Manager Infrastructure and Assets Network)**  
**Catherine Mainsbridge (Senior Town Planner) (Agenda Item 9.1)**  
**Maria Chledowska (Town Planner) (Agenda Item 9.2)**  
**Richard Jamieson (Manager City Development (Agenda Items 9.1 and 9.2)**  
**Phillipa Glover (Team Leader Planning and Assessments (Agenda 9.1 and 9.2)**  
**Nathan Williams (Manager Finance) (Agenda Item 15.1)**  
**Leanne Purchase (Manager Governance) (Agenda Item 15.2)**  
**Simon Tennant (Team Leader Communications)**  
**Kelsey Hartland (Team Leader Governance)**  
**Anthea Rooney (Council and Committees Officer)**

***Apologies:***

**Councillor Dr G Razay**  
**Councillor L M McMahon**

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**ORDER OF BUSINESS**

<b>1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES.....</b>	<b>8</b>
<b>2. MAYORAL ACKNOWLEDGEMENTS .....</b>	<b>8</b>
<b>3. DECLARATIONS OF INTEREST .....</b>	<b>8</b>
<b>4. CONFIRMATION OF MINUTES.....</b>	<b>9</b>
<b>5. COUNCIL WORKSHOPS .....</b>	<b>10</b>
<b>5.1. Council Workshop Report - 24 November 2022 .....</b>	<b>10</b>
<b>6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS .....</b>	<b>12</b>
<b>7. COMMUNITY REPORTS .....</b>	<b>12</b>
<b>8. PUBLIC QUESTION TIME .....</b>	<b>12</b>
<b>8.1. Public Questions on Notice.....</b>	<b>12</b>
<b>8.2. Public Questions Without Notice.....</b>	<b>13</b>
<b>8.2.1. Public Questions Without Notice - Lynn van Emmerik - City of                 Launceston Christmas Decorations and Road Verges.....</b>	<b>13</b>
<b>9. PLANNING AUTHORITY .....</b>	<b>14</b>
<b>9.1. DA0562/2022 - 13 Flowers Court, Newstead - Residential - Construction of                 Two Additional Dwellings.....</b>	<b>14</b>
<b>9.2. DA0593/2022 - 74-78 Elphin Road, Newstead - Educational and Occasional                 Care - Construction of Two Buildings and Alterations and Additions to                 Existing Landscaping .....</b>	<b>21</b>
<b>10. ANNOUNCEMENTS BY THE MAYOR.....</b>	<b>26</b>
<b>10.1. Mayor's Announcements.....</b>	<b>26</b>
<b>11. COUNCILLORS' REPORTS .....</b>	<b>28</b>
<b>12. QUESTIONS BY COUNCILLORS .....</b>	<b>28</b>
<b>12.1. Councillors' Questions on Notice.....</b>	<b>28</b>
<b>12.2. Councillors' Questions Without Notice.....</b>	<b>29</b>
<b>13. COMMITTEE REPORTS .....</b>	<b>30</b>
<b>13.1. Audit Panel Meeting - 22 November 2022 .....</b>	<b>30</b>

<b>14. INFRASTRUCTURE AND ASSETS NETWORK.....</b>	<b>31</b>
14.1. Transport Committee - Appointment of Community Representatives.....	31
14.2. Launceston Flood Authority Quarterly Report.....	32
14.3. Launceston Flood Authority Annual Report as at 30 June 2022 .....	33
<b>15. ORGANISATIONAL SERVICES NETWORK .....</b>	<b>34</b>
15.1. 2022/2023 Budget - Budget Amendments - September 2022.....	34
15.2. Local Government Association of Tasmania - General Meeting - 8 December 2022 .....	36
<b>16. CHIEF EXECUTIVE OFFICER NETWORK .....</b>	<b>49</b>
16.1. Audit Panel Annual Report 2022.....	49
<b>17. CLOSED COUNCIL .....</b>	<b>50</b>
17.1. Confirmation of the Minutes.....	50
17.2. Councillors Leave of Absence .....	50
17.3. End of Closed Session .....	50
<b>18. MEETING CLOSURE.....</b>	<b>51</b>
<b>19. NEXT COUNCIL MEETING DATE.....</b>	<b>51</b>

**1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES**

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

The Mayor provided an Acknowledgement of Country.

**2. MAYORAL ACKNOWLEDGEMENTS**

The Mayor, Councillor D C Gibson announced the confirmation of reappointments of the City of Launceston's Municipal Management Coordinator, Shane Eberhardt and the Deputy Coordinator, Louise Foster. Confirmation of the two appointments were confirmed by the Honourable Felix Ellis MP, following an earlier recommendation from the Council. The Mayor presented both Shane and Louise with certificates and thanked them for their work in leading the City of Launceston's emergency management efforts.

Megan Brown (Strategic Community Engagement Advisor) and Lisa Granger (Engagement Facilitator) were also presented with the International Association for Public Participation Australasia's Core Values Award for the Council's community engagement program *Tomorrow Together*. In presenting the award, the Mayor noted that the judges had said that the *Tomorrow Together* program was *a most progressive and refreshing submission addressing a core problem facing many organisations. A creative and innovative approach creating win-win solutions, reducing engagement fatigue, using limited resources wisely and embedding an engagement culture in the process. A very commendable approach by an organisation that is clearly committed to community - fantastic work and should be widely shared.*

**3. DECLARATIONS OF INTEREST**

*Local Government Act 1993 (Tas) - section 48*

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

Councillor D H McKenzie declared an interest in Agenda Item 9.2 - DA0562/2022 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of Two Buildings and Alterations and Additions to Existing Landscaping.



**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 17 November 2022 be confirmed as a true and correct record.

**DECISION: 1 December 2022**

**MOTION**

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

**That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 17 November 2022 be confirmed as a true and correct record.**

**CARRIED 10:0**

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

**AGAINST VOTE: Nil**

**5. COUNCIL WORKSHOPS**

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

**5.1 Council Workshop Report - 24 November 2022**

**FILE NO:** SF4401

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council:

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

Workshops conducted on 24 November 2022:

**Mona Foma Presentation**

*Councillors received a briefing on the 2023 Mona Foma Festival in Launceston.*

**Relbia Scheme Amendment**

*Councillors were provided with an opportunity to discuss the proposed amendment and its continuing process.*

**Four Year Delivery Plan - Planning Session**

*Councillors provided input into proposed actions for the four year delivery plan.*

**Personal Micro-Mobility Device - e-Scooter Trial**

*Councillors received an overview of the 12-month trial of the ride share operation of Personal Micro-Mobility Devices (e-Scooters) in Launceston.*

**Stadiums Tasmania Update**

*Councillors received a briefing on matters relating to Stadiums Tasmania ahead of consideration of those matters at a Council Meeting.*

2. notes attendance at the Workshops conducted on 24 November 2022:

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

***Apologies:*** Councillor D H McKenzie

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**DECISION: 1 December 2022**

**MOTION**

**Moved Councillor T G Walker, seconded Councillor A J Palmer.**

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

**6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS**

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

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

**7. COMMUNITY REPORTS**

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

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

**8. PUBLIC QUESTION TIME**

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

**8.1 Public Questions on Notice**

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

**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)*

**8.2.1 Public Questions Without Notice - Lynn van Emmerik - City of Launceston  
Christmas Decorations and Road Verges**

- 1. I am saddened, and quite frankly dismayed, at the lack of Christmas/festive decorations in this City. Since returning from interstate several years ago, I have noticed a steady decline. This dampens the mood for shoppers and in particular children, who should be bright and full of excitement at this time of the year. If it is a case of lack of funds, perhaps you could speak with people at the Salvation Army store on Invermay Road, to see how they manage to beautifully decorate their store, with mostly recycled materials. There are a dozen or so mens' sheds in and around Launceston who would be more than willing to create a display. You have the Arts department of the University on your doorstep. Take a look at how Bendigo, Ballarat and Fremantle all manage to put on a magnificent display. The apathy shown by this Council to date has been appalling.**

**Is there a plan to improve things going forward?**

**The Mayor, Councillor D C Gibson, thanked Lynn for the question and suggestions and asked Dan Ryan (Manager Community and Place) to provide a response to the question. Dan noted that many of the previously used Christmas decorations have or are nearing their use by date. Investigations are occurring into the use of alternative options that we can put around the CBD to complement the Christmas Tree that has been erected already. The Council is working on improving the festive feeling throughout the CBD.**

- 2. Who is in charge of ensuring that the verges around East and South Launceston are kept neat and tidy? There are areas quite close to the City where verges are half a metre high with grass. This gives a poor impression as some of these roads are direct access to the City. It is not good enough to expect the general public to put in a complaint in order to get some action on this matter. If these areas were owned privately those property owners would have received an abatement notice.**

**Shane Eberhardt (General Manager Infrastructure and Assets Network) responded by saying it was difficult to provide an accurate response as without understanding the exact locations it is hard to understand the particular issue. Typically though, nature strips are managed by adjoining property owners. The Council does have programs in place where people, who for different reasons, are unable to maintain their own nature strip (for example slope, accessibility and the like), but without understanding the exact locations it is difficult to provide a specific answer.**

**The Mayor, Councillor D C Gibson, requested that Lynn provide specific details prior to leaving the Meeting in order to have the issue addressed.**

**9. PLANNING AUTHORITY**

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

**9.1 DA0562/2022 - 13 Flowers Court, Newstead - Residential - Construction of Two Additional Dwellings**

**FILE NO:** DA0562/2022

**AUTHOR:** Catherine Mainsbridge (Senior Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Kabraco Builders Pty Ltd
Property:	13 Flowers Court, Newstead
Zoning:	General Residential
Receipt Date:	14/09/2022
Validity Date:	13/10/2022
Further Information Request:	27/09/2022
Further Information Received:	13/10/2022
Deemed Approval:	1/12/2022
Representations:	Three

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

8.4.1 Residential density for multiple dwellings  
8.4.2 Setbacks and building envelope for all dwellings  
8.4.3 Site coverage and private open space  
8.4.6 Privacy for all dwellings  
C2.6.2 Design and layout of parking areas

## **RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0562/2022 Residential - Construction of two additional dwellings 13 Flowers Court, Newstead, subject to the following conditions:

### **1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Locality Plan, Prepared by Greg Scolyer, Scale 1:500, Rev C, Dated 11/10/2022.
- b. Site Plan, Prepared by Greg Scolyer, Scale 1:200, Sheet 2 of 11, A01 Rev C, Dated 11/10/2022.
- c. Landscape Plan and Section A, Prepared by Greg Scolyer, Scale 1:200 and 1:100, Sheet 3 of 11, A02 Rev C, Dated 11/10/2022.
- d. Ground Floor Plan, Prepared by Greg Scolyer, Scale 1:100, Sheet 5 of 11, A04 Rev C, Dated 11/10/2022.
- e. First Floor Plan, Prepared by Greg Scolyer, Scale 1:100, Sheet 6 of 11, A05 Rev C, Dated 11/10/2022.
- f. Elevations (1), Prepared by Greg Scolyer, Scale 1:100, Sheet 7 of 11, A06 Rev C, Dated 11/10/2022.
- g. Elevations (2), Prepared by Greg Scolyer, Scale 1:100, Sheet 8 of 11, A07 Rev C, Dated 11/10/2022.
- h. Existing - Floor Plan, Prepared by Greg Scolyer, Scale 1:100, Sheet 11 of 11, A10 Rev C, Dated 11/10/2022.

### **2. AMENDED PLANS REQUIRED**

Prior to the commencement of any development on site a supplementary car parking plan is to be provided to the satisfaction of the Manager City Development amending the proposed car parking layout forward of the existing dwelling. The supplementary plan must show:

- a. An increase in depth of the car parking and manoeuvring area to provide an aisle width of not less than 5.8m in accordance with Figure 2.2 of AS2890.1.

Once approved, these amended plans will be endorsed by the Council and will then form part of the Permit.

### **3. LEGAL TITLE**

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

### **4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01583-LCC dated 04/10/2022 and attached to the permit.

### **5. HOURS OF CONSTRUCTION**

Construction works must only be carried out between the hours of:

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

## **6. NO FURTHER VEGETATION REMOVAL**

Tree and vegetation removal must be limited to that shown on the approved plans. Landscaping along the frontage must be maintained to retain the character of the street.

## **7. FENCING**

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (ie. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of:

- a. 1.2m within 4.5m of the frontage; and
- b. 1.8m - 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

## **8. MULTIPLE DWELLINGS - SERVICE FACILITIES**

Prior to the commencement of the use, the following site facilities for multiple dwellings must be installed:

- a. mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. each multiple dwelling must be provided with a minimum 6m<sup>3</sup> exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.

## **9. GARAGE DOORS - UNITS 2 AND 3**

The garage door openings for Units 2 and 3 must have a minimum width of 5,500mm.

## **10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

## **11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of General Manager Infrastructure and Assets Network is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.



## **12. SINGLE STORMWATER CONNECTIONS**

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

## **13. APPLICATION TO ALTER A STORMWATER SERVICE**

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

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

## **14. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

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

## **15. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)**

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

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

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

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

## 16. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

## 17. STRATA LOT NUMBERS AND ADDRESSES FOR DWELLINGS

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

Dwelling No	Strata Lot No.	Street Address
Existing house	1	1/13 Flowers Court, Newstead
Unit 2	2	2/13 Flowers Court, Newstead
Unit 3	3	3/13 Flowers Court, Newstead

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

## 18. AMENITY

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

## 19. NO BURNING OF WASTE

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

## 20. DEMOLITION

The developer must:

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

## Notes

### A. General

*This permit was issued based on the proposal documents submitted for DA0562/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's Planning Staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

### B. Restrictive Covenants

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.*

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

### C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).*

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

*For more information see the Tasmanian Civil and Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>*

### D. Permit Commencement

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*

**E. Fixed Equipment Use**

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

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**Brady Demeijer (on behalf of Kabraco Builders Pty Ltd) spoke for the Recommendation**

**DECISION: 1 December 2022**

**MOTION**

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

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

**CARRIED 10:0**

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

**AGAINST VOTE: Nil**

**9.2 DA0593/2022 - 74-78 Elphin Road, Newstead - Educational and Occasional Care - Construction of Two Buildings and Alterations and Additions to Existing Landscaping**

**FILE NO:** DA0593/2022

**AUTHOR:** Maria Chledowska (Town Planner)

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

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**DECISION STATEMENT:**

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

**PLANNING APPLICATION INFORMATION:**

Applicant:	Scotch Oakburn College Inc.
Property:	74-78 Elphin Road, Newstead
Zoning:	Community Purpose
Receipt Date:	27/09/2022
Validity Date:	3/10/2022
Further Information Request:	10/10/2022
Further Information Received:	17/11/2022
Deemed Approval:	21/12/2022
Representations:	Six

**RELEVANT LEGISLATION:**

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

**STANDARDS REQUIRING PLANNING DISCRETION:**

27.4.2 Setback  
C2.5.1 Car parking numbers

**RECOMMENDATION:**

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme Launceston, a permit be granted for DA0593/2022 Educational and Occasional Care - Construction of two buildings and alterations and additions to existing landscaping at 74-78 Elphin Road, Newstead, subject to the following conditions:

**1. ENDORSED PLANS AND DOCUMENTS**

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

- a. Site Plan, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. A00-01, Dated 26/09/2022.
-

- b. Lower Ground Floor Plan, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. A01-01, Dated 26/09/2022.
- c. Upper Ground Floor Plan, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. A01-02, Dated 26/09/2022.
- d. Elevations, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. A03-01, Dated 26/09/2022.
- e. Elevations, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. A03-02, Dated 26/09/2022.
- f. Elevations, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. A03-02, Dated 26/09/2022.
- g. Claremont Gardens Pavillion Ground Plan, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. SD-07, Dated 26/09/2022.
- h. Claremont Gardens Pavillion Roof and Elevation, prepared by birrelli art + design + architecture, Project No. 21003, Drawing No. SD-08, Dated 26/09/2022.
- i. Planning Submission SOC - Inquiry and Environment Centre, prepared Rebecca Green & Associates.
- j. IEC Building, Elphin Campus Traffic Impact Statement, prepared by Midson Traffic Pty Ltd, dated August 2022.

## **2. COMMERCIAL VEHICLES MOVEMENT**

Any commercial vehicles for the adding and unloading of any deliveries for the school will take place within the hours of 7am and 9pm Monday to Friday and 9am to 5pm Saturday, Sunday and public holidays.

## **3. STAFF NUMBERS**

This permit is issued for the existing employee number of 77 FTE (including early learning). Prior to staff numbers increasing above 77 FTE the College must inform the Manager City Development to ensure compliance with the planning scheme and to determine the need for additional parking.

## **4. EXTERNAL LIGHTING**

External lighting that operates with 50m of a General Residential zone must not operate between 9pm and 6am, excluding necessary security lighting.

## **5. NOISE GENERATING EQUIPMENT**

Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from the boundaries with the residential properties.

## **6. LEGAL TITLE**

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

## **7. HOURS OF CONSTRUCTION**

Construction works must only be carried out between the hours of:

7am to 6pm - Monday to Friday

8am to 5pm - Saturday

No works on Sunday or Public Holidays

## **8. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/01649-LCC, and attached to the permit.

## **9. HERITAGE**

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council *Notice of Heritage Decision* for THC Application No. 7997, dated 17 November 2022 and attached to the permit.

## **10. SITE LANDSCAPING**

The landscaping must be:

- a. installed in accordance with the endorsed plan; and
- b. completed prior to the use commencing; and
- c. maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.

## **11. NO FURTHER VEGETATION REMOVAL**

Tree and vegetation removal must be limited to those specifically notated on the approved plans as *tree to be removed*.

No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise willfully destroyed or removed, without the further written consent of the Council.

## **12. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)**

On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of one hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

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

## **13. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

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

#### 14. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

#### 15. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

#### Notes

##### A. General

*This permit was issued based on the proposal documents submitted for DA0593/2022. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's Planning Staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil and Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

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

##### B. Restrictive Covenants

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.*

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



C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal (TASCAT).*

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

*For more information see the Tasmanian Civil and Administrative Tribunal (TASCAT) website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au) <<http://www.tascat.tas.gov.au>>*

D. Permit Commencement

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*

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**Councillor D H McKenzie withdrew from the Meeting at 1.25pm**

**James Westwater spoke against the Recommendation**

**Franki Birrell spoke against the Recommendation**

**Andrew Birrell spoke against the Recommendation**

**James Westwater (on behalf of Julie Briggs) spoke against the Recommendation**

**DECISION: 1 December 2022**

**MOTION**

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

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

**CARRIED 7:2**

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

**AGAINST VOTE: Councillor T G Walker and Councillor S Cai**

**ABSENT DUE to DECLARATION of INTEREST: Councillor D H McKenzie**

**Councillor D H McKenzie re-attended the Meeting at 2.24pm**

**The Mayor, Councillor A M van Zetten, announced that Council no longer sits as a Planning Authority**

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## 10. ANNOUNCEMENTS BY THE MAYOR

### 10.1 Mayor's Announcements

FILE NO: SF2375

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#### **Sunday 13 November 2022**

- Attended Pastor Steve and Karen Fitzallen's farewell celebration at Door of Hope

#### **Monday 14 November 2022**

- Attended a Meet and Greet with Hawthorn Football Club's Acting President

#### **Tuesday 15 November 2022**

- Attended the THRIVE in the Light Grand Opening (Represented by Councillor A E Dawkins)

#### **Wednesday 16 November 2022**

- Participated in a Future of Local Government Review consultation meeting
- Officiated at the National Apology Day Event at the Aboriginal Elder's Council of Tasmania
- Officiated at two private Citizenship Ceremonies

#### **Thursday 17 November 2022**

- Officiated at the launch of Theatre North's 2023 Season at the Princess Theatre

#### **Friday 18 November 2022**

- Attended the Good Neighbour Council's Annual General Meeting at the Greek Community Hall
- Participated in the Launceston *Time Travel Challenge* for Grade 6 students (Represented by Councillor A G Harris)
- Attended the fundraising Art Exhibition by Jennifer at The Bruce Davidson Centre, Kings Meadows
- Attended the 60<sup>th</sup> Anniversary Self Help Workplace dinner

#### **Saturday 19 November 2022**

- Visited the Gem Show hosted by the Launceston Lapidary Club at Elphin Sports Centre
- Attended *Red - IO* Performance
- Officiated at *Stompin'* Dance Company's 30<sup>th</sup> Anniversary in Princes Square
- Attended the Vietnam Veterans Annual Christmas Dinner at the Launceston RSL

#### **Monday 21 November 2022**

- Attended the Migrant Resource Centre Aged Care Graduation Ceremony at Door of Hope

**Tuesday 22 November 2022**

- Visited members of GroWaverley to learn of their Community Co-Op

**Wednesday 23 November 2022**

- Attended the New Horizons Tasmania *You're Welcome* inclusivity campaign launch
- Attended the Heritage Snap Awards at Town Hall
- Attended Dance Fever: *IMPACT!* Launceston College Production

**Thursday 24 November 2022**

- Hosted a Civic Function to mark the 30<sup>th</sup> Anniversary of the *Clifford Craig Foundation* at the Town Hall

**Friday 25 November 2022**

- Officiated at the Lighting of the Christmas Tree in the Brisbane Street Mall

**Saturday 26 November 2022**

- Participated in the Local Government Association of Tasmania's Induction Day

**Sunday 27 November 2022**

- Officiated at the Thai Food and Cultural Festival in Civic Square (Represented by Councillor A E Dawkins)

**Monday 28 November 2022**

- Participated in the *16 Days of Action - Walk to End Violence Against Women* from Town Hall

**Tuesday 29 November 2022**

- Hosted a Civic Function to mark the 120<sup>th</sup> Anniversary of the *Launceston Competitions Association*

**Wednesday 30 November 2022**

- Attended the General Management Committee and Premier's Local Government Committee Meetings, Hobart

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**The Mayor announced that he did not attend New Horizons Tasmania *You're Welcome* inclusivity campaign launch on 23 November 2022.**

**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).*

**11.1 Councillor T G Walker**

- **Attended the *Preminghana petroglyphs* return journey ceremony at the Queen Victoria Museum and Art Gallery**

**11.2 Councillor A G Harris**

- **Attended the *Launceston Time Travel Challenge* event - a Greater Regional City Challenge**
- **Attended the Rotary Club of Youngtown and Kings Meadows Mens' *Shed Tool Library* launch**
- **Attended the AusCycling BMX National Championships**

**11.3 Councillor D H McKenzie**

- **Presented awards at the Heritage Advisory Committee's *Heritage Snap Awards - Young at Heart***

**11.4 Councillor A E Dawkins**

- **Attended the Launceston Women in Business Panel *Futures Isle* event**

**11.5 Councillor M K Garwood**

- **Attended the New Horizons Tasmania *You're Welcome* inclusivity campaign launch**
- **Attended the *Green Gala* fundraising event at the Country Club Casino**

**Councillor S Cai withdrew from the Meeting at 2.35pm**

**12. QUESTIONS BY COUNCILLORS**

**12.1 Councillors' Questions on Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 30*

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

**No Councillors' Questions on Notice have been identified as part of this Agenda**

**12.2 Councillors' Questions Without Notice**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 29*

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

**13. COMMITTEE REPORTS**

**13.1 Audit Panel Meeting - 22 November 2022**

**FILE NO:** SF3611

**AUTHOR:** Paul Gimpl (Chief Financial Officer)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To receive a report from the Audit Panel Meeting held on 22 November 2022

**RECOMMENDATION:**

That Council receives the report from the Audit Panel Meeting held on 22 November 2022.

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**Councillor S Cai re-attended the Meeting at 2.38pm**

**DECISION: 1 December 2022**

**MOTION**

**Moved Councillor McKenzie, seconded Councillor A G Harris.**

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

**14. INFRASTRUCTURE AND ASSETS NETWORK**

**14.1 Transport Committee - Appointment of Community Representatives**

**FILE NO:** SF0839

**AUTHOR:** Debbie Pickett (Personal Assistant - Infrastructure and Assets)

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

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**DECISION STATEMENT:**

To consider the appointment of two community representatives to the Transport Committee.

**RECOMMENDATION:**

That Council appoints Adam Sutton and Dale Goldsworthy as community representative members to the Transport Committee.

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**DECISION:** 1 December 2022

**MOTION**

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

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

## 14.2 Launceston Flood Authority Quarterly Report

**FILE NO:** SF4493

**AUTHOR:** Debbie Pickett (Infrastructure and Assets Network)

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

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### **DECISION STATEMENT:**

To receive the Launceston Flood Authority Quarterly Report - July to September 2022.

### **RELEVANT LEGISLATION:**

*Launceston Flood Authority Rules, April 2020*

### **RECOMMENDATION:**

That Council, in accordance with Rule 26 of the *Launceston Flood Authority Rules, April 2020*, receives the Launceston Flood Authority Quarterly Report, July to September 2022 (ECM Doc Set ID 4813687).

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### **DECISION: 1 December 2022**

#### **MOTION**

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

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil



**14.3 Launceston Flood Authority Annual Report as at 30 June 2022**

**FILE NO:** SF4493

**GENERAL MANAGER APPROVAL:** Shane Eberhardt (General Manager Infrastructure and Assets)

---

**DECISION STATEMENT:**

To receive the Launceston Flood Authority Annual Report for the 2021/2022 financial year.

**RECOMMENDATION:**

That Council receives the Launceston Flood Authority Annual Report for the year ended 30 June 2022 (ECM Doc Set ID 4816204).

---

**DECISION: 1 December 2022**

**MOTION**

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

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

**15. ORGANISATIONAL SERVICES NETWORK**

**15.1 2022/2023 Budget - Budget Amendments - September 2022**

**FILE NO:** SF7463/SF6939

**AUTHOR:** Nathan Williams (Manager Finance)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

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**DECISION STATEMENT:**

To consider:

1. changes to the Council's 2022/2023 Statutory Estimates; and
2. adjustments made during 1 September to 30 September 2022 by the Chief Executive Officer to the 2022/2023 Budget.

*Recommendation 1 requires an absolute majority of Council.*

**RELEVANT LEGISLATION:**

*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 2022/2023 Statutory Estimates:
    - (a) Revenue
      - i. the net decrease in revenue from external grants and contributions of \$114,553.
    - (b) Expenses
      - i. the net increase in operations expenditure of \$921,658.
    - (c) Capital Works Expenditure
      - i. the net decrease in expenditure from external funds of \$114,553.
      - ii. the decrease in the Council's funded expenditure of \$268,366.
  2. notes that amendments from Recommendation 1. result in:
    - (a) the operating surplus being amended to \$15,962,492 (including capital grants and contributions of \$23,367,793) for 2022/2023.
    - (b) the capital budget being decreased to \$38,283,592 for 2022/2023.
  3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2022/2023 budget for the period 1 September to 30 September 2022.
-

**DECISION: 1 December 2022**

**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 10:0**

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

**AGAINST VOTE: Nil**

**15.2 Local Government Association of Tasmania - General Meeting -  
8 December 2022**

**FILE NO:** SF0331

**AUTHOR:** Anthea Rooney (Council and Committees Officer)

**GENERAL MANAGER APPROVAL:** Louise Foster (Organisational Services Network)

**DECISION STATEMENT:**

To provide voting direction to the Council's delegate for the items listed for decision at the Local Government Association of Tasmania General Meeting to be held on 8 December 2022.

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 24 November 2022

**RECOMMENDATION:**

That, in respect of the items listed for decision at the Local Government Association of Tasmania's General Meeting on 8 December 2022, Council directs its delegate to vote as follows:

<b>Ag Item</b>	<b>Pg. No</b>	<b>Items for Decision</b>	<b>Submitting Body</b>	<b>City of Launceston Comment</b>
1.1	5	<b>Confirmation of Minutes</b> <i>That the Minutes of the Meeting held on 16 September 2022, as circulated, be confirmed.</i>	LGAT	Confirm
1.2	5	<b>Business Arising</b> <i>That Members note the information.</i>	LGAT	Note
1.3	6	<b>Confirmation of Agenda</b> <i>That consideration be given to the Agenda items and the order of business.</i>	LGAT	Confirm
1.4	6	<b>Follow Up of Motions</b> <i>That Members note the following report.</i>	LGAT	Note
1.5	6	<b>President's Report</b> <i>That Members note the report on the President's activity from 9 August to 18 November 2022.</i>	LGAT	Note

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
1.6	7	<b>Chief Executive Officer's Report</b> <i>That the Meeting note the report on the CEO's activity from 9 August to 18 November 2022.</i>	LGAT	Note
1.7	10	<b>Council Round Ups</b> <i>That Members noted there will not be a Council round up at this Meeting.</i>	LGAT	Note
2.1	11	<b>LGAT General Management Committee Casual Vacancy</b> <i>That Members endorse the extension of the term of the GMC representative from the Northwest electoral district (population greater than 20,000) from when elected until June 2025.</i>	LGAT	Endorse
2.2	12	<b>Workplace Health and Safety Review of Elected Representatives</b> <i>That Members endorse the recommendations contained in the Work Health and Safety Review - Elected Representatives.</i>	LGAT	<p><b>Officer Comment:</b> <i>Michael Stretton (Chief Executive Officer)</i></p> <p><b>Recommendation:</b> <b>Request that the Matter be Deferred</b></p> <p>The recommendation is seeking Council's endorsement of the recommendations contained in the Work Health and Safety Review - Elected members.</p> <p>This is problematic in that the timing of the release of the review has coincided with the Local Government election period, which has not provided sufficient time and opportunity for Councillors to work through the recommendations to form a position.</p>

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
				<p>I have completed an assessment of the review and believe that it is very sound work and that the recommendations make sense, would make a significant positive difference and could be supported. This said, however, there are some recommendations that would represent a significant change to the role of elected members and, therefore, they warrant further scrutiny.</p>
2.3	17	<p><b>Timing of Council Meetings</b>  <i>That LGAT adopt a policy position that ensures that Council Meeting and Workshop times occur at times that are conducive to and facilitate increased participation across a broader cross-section of community candidates, particularly bearing in mind time constraints and commitments that would apply to those working full-time, young people and those with caring responsibilities.</i></p>	Burnie City	<p><b>Officer Comment:</b>  <i>Michael Stretton (Chief Executive Officer)</i></p> <p><b>Recommendation:</b>  <b>Not Supported</b></p> <p>In today's age where there is increasing access to Council's processes through initiatives such as live streaming of meetings, it is considered appropriate that Council business may be conducted within normal business hours. This Council has structured as much Council business into a single day of the week, to enable the elected member roles to be accommodated along with other employment demands. It has been the Council's experience that employers have generally demonstrated flexibility in accommodating the needs of elected members.</p>

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
				<p>There can be no one-size fits all approach to delivering Local Government. Evening meetings may well be restrictive to the participation of different community members depending upon their individual family, sporting, social and employment needs.</p>
2.4	18	<p><b>Affordable Housing</b> That LGAT lobby the State Government to encourage the development of affordable housing, as a matter of urgency through: (a) measures that promote the efficient supply of well located, diverse housing; (b) promote the development of affordable housing with specific incentives for affordable housing enabled through planning schemes and policies; and (c) require the development of affordable housing with the use of mandatory provisions in appropriate locations (ie. a threshold that would require certain sized developments to provide a minimum percentage of affordable housing).</p>	Kingborough	<p><b>Officer Comment:</b> <i>Dan Ryan (General Manager Community and Place Network)</i></p> <p><b>Recommendation:</b> <b>Supported</b></p> <p>City of Launceston is keen to support advocacy around the matter of affordable housing, however we note that the Tasmanian Government's approach is articulated in Tasmania's Affordable Housing Strategy 2015-2025, which we understand is being driven by the Department of Communities Tasmania.</p>
2.5	20	<p><b>Review of Property Agents and Land Transactions Act 2016</b> That LGAT seek revisions to the Property and Agents Land Transactions Act 2016 to consider: (a) requiring a 337 Certificate prior to listing of a property and making it</p>	West Tamar	<p><b>Officer Comment:</b> <i>Leanne Purchase (Manager Governance)</i></p> <p><b>Recommendation:</b> <b>Not Supported</b></p>

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
		<p><i>available as part of the sale process; and (b) requiring full disclosure for properties as part of the listing process.</i></p>		<p>Prospective purchasers are already able to obtain 337 Certificates prior to purchasing a property. Additionally, property disclosure statements are provided by REIT as part of the standard contract. While property disclosure statements are not a requirement, a prospective purchaser does have the ability to write in a condition of the contract that a disclosure statement is to be provided.</p> <p>Practical considerations, such as how long would a Council guarantee validity of information provided in a 337 Certificate if it is issued prior to the listing of the property, will need to be worked through. There is also potentially a higher burden on local government in relation to resourcing and increased liability in terms of reliance on the information by purchasers.</p> <p>The aspects contained in this motion need to be considered holistically in terms of the basis of caveat emptor and the way property is bought and sold in Tasmania. If this is the desired direction further consideration needs to be given to how this is to occur.</p>
4.1	23	<p><b>Future of Local Government Review - Update</b> <i>That Members note the update on the Future of Local Government Review.</i></p>	LGAT	Note



Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
4.2	25	<b>Planning Reform Update</b> <i>That Members note the update on the progress of planning reforms.</i>	LGAT	Note
4.3	26	<b>Infrastructure Contributions</b> <i>That Members note the update on infrastructure contributions advocacy.</i>	LGAT	Note
4.4	29	<b>Housing</b> <i>That Members note the update on housing policy matters.</i>	LGAT	Note
4.5	32	<b>Emergency Management</b> <i>That Members note the update on emergency management.</i>	LGAT	Note
4.6	33	<b>Elected Member Induction and Learning Development</b> <i>That Members note the report on elected member induction and learning and development.</i>	LGAT	Note
4.7	34	<b>Local Government Election Campaign</b> <i>That Members note the success of the local government election campaign in 2022.</i>	LGAT	Note
4.8	36	<b>State Budget 2023/2024 LGAT Priority Statement</b> <i>That Members note the report on LGAT's State Budget 2023/2024 Priority Statement.</i>	LGAT	Note
4.9	37	<b>Procurement Update</b> <i>That Members note the following update on procurement support for Councils.</i>	LGAT	Note
4.10	38	<b>Community Health and Wellbeing Project</b> <i>That Members note the update on the community health and wellbeing project.</i>	LGAT	Note

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
4.11	39	<b>ALGA 2022 National Local Roads and Transport Congress</b> <i>That Members note the report on the ALGA's 2022 National Local Roads and Transport Congress.</i>	LGAT	Note
4.12	41	<b>Policy Update</b> <i>That Members note the submissions and various policy matters.</i>	LGAT	Note
4.13	42	<b>Regional Towns CCTV Project</b> <i>That Members note the update on the Regional Towns CCTC Project.</i>	LGAT	Note
4.14	43	<b>LGAT Events Update</b> <i>That the Committee note the report on LGAT events.</i>	LGAT	Note
4.15	45	<b>Annual Plan</b> <i>That Members note the report against the Annual Plan.</i>	LGAT	Note

**DECISION: 1 December 2022**

**MOTION**

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

That Council:

1. in respect of the items listed for decision at the Local Government Association of Tasmania's General Meeting on 8 December 2022, Council directs its delegate to vote as follows:

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
1.1	5	<b>Confirmation of Minutes</b> <i>That the Minutes of the Meeting held on 16 September 2022, as circulated, be confirmed.</i>	LGAT	Confirm
1.2	5	<b>Business Arising</b> <i>That Members note the information.</i>	LGAT	Note

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
1.3	6	<b>Confirmation of Agenda</b> <i>That consideration be given to the Agenda items and the order of business.</i>	LGAT	Confirm
1.4	6	<b>Follow Up of Motions</b> <i>That Members note the following report.</i>	LGAT	Note
1.5	6	<b>President's Report</b> <i>That Members note the report on the President's activity from 9 August to 18 November 2022.</i>	LGAT	Note
1.6	7	<b>Chief Executive Officer's Report</b> <i>That the Meeting note the report on the CEO's activity from 9 August to 18 November 2022.</i>	LGAT	Note
1.7	10	<b>Council Round Ups</b> <i>That Members noted there will not be a Council round up at this Meeting.</i>	LGAT	Note
2.1	11	<b>LGAT General Management Committee Casual Vacancy</b> <i>That Members endorse the extension of the term of the GMC representative from the Northwest electoral district (population greater than 20,000) from when elected until June 2025.</i>	LGAT	Endorse
2.2	12	<b>Workplace Health and Safety Review of Elected Representatives</b> <i>That Members receive and note the Work Place Health and Safety Review - Elected Representatives and that the General Management Committee will review the recommendations and prepare an implementation plan for consideration at</i>	LGAT	<b>Officer Comment:</b> <i>Michael Stretton (Chief Executive Officer)</i>  <b>Recommendation:</b> <i>Support</i>

Ag Item	Pg. No	Items for Decision	Submitting Body	City of Launceston Comment
		<i>the General Meeting in March 2023.</i>		
2.3	17	<p><b><i>Timing of Council Meetings</i></b>  <b><i>That LGAT adopt a policy position that ensures that Council Meeting and Workshop times occur at times that are conducive to and facilitate increased participation across a broader cross-section of community candidates, particularly bearing in mind time constraints and commitments that would apply to those working full-time, young people and those with caring responsibilities.</i></b></p>	Burnie City	<p><b><i>Officer Comment:</i></b>  <b><i>Michael Stretton (Chief Executive Officer)</i></b></p> <p><b><i>Recommendation:</i></b>  <b><i>Not Supported</i></b></p> <p><b>In today's age where there is increasing access to Council's processes through initiatives such as live streaming of meetings, it is considered appropriate that Council business may be conducted within normal business hours. This Council has structured as much Council business into a single day of the week, to enable the elected member roles to be accommodated along with other employment demands. It has been the Council's experience that employers have generally demonstrated flexibility in accommodating the needs of elected members.</b></p> <p><b>There can be no one-size fits all approach to delivering Local Government. Evening meetings may well be restrictive to the participation of different community members depending upon their individual family, sporting, social and employment needs.</b></p>

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2.4	18	<p><b>Affordable Housing</b>  <b>That LGAT lobby the State Government to encourage the development of affordable housing, as a matter of urgency through:</b>  <b>(a) measures that promote the efficient supply of well located, diverse housing;</b>  <b>(b) promote the development of affordable housing with specific incentives for affordable housing enabled through planning schemes and policies; and</b>  <b>(c) require the development of affordable housing with the use of mandatory provisions in appropriate locations (ie. a threshold that would require certain sized developments to provide a minimum percentage of affordable housing).</b></p>	Kingborough	<p><b>Officer Comment:</b>  <b>Dan Ryan (General Manager Community and Place Network)</b></p> <p><b>Recommendation:</b>  <b>Supported</b></p> <p>City of Launceston is keen to support advocacy around the matter of affordable housing, however we note that the Tasmanian Government's approach is articulated in Tasmania's Affordable Housing Strategy 2015-2025, which we understand is being driven by the Department of Communities Tasmania.</p>
2.5	20	<p><b>Review of Property Agents and Land Transactions Act 2016</b>  <b>That LGAT seek revisions to the Property and Agents Land Transactions Act 2016 to consider:</b>  <b>(a) requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and</b>  <b>(b) requiring full disclosure for properties as part of the listing process.</b></p>	West Tamar	<p><b>Officer Comment:</b>  <b>Leanne Purchase (Manager Governance)</b></p> <p><b>Recommendation:</b>  <b>Not Supported</b></p> <p>Prospective purchasers are already able to obtain 337 Certificates prior to purchasing a property. Additionally, property disclosure statements are provided by REIT as part of the standard contract. While property disclosure statements are not a requirement, a prospective purchaser does have the ability to write in a condition of the</p>

				<p>contract that a disclosure statement is to be provided.</p> <p>Practical considerations, such as how long would a Council guarantee validity of information provided in a 337 Certificate if it is issued prior to the listing of the property, will need to be worked through. There is also potentially a higher burden on local government in relation to resourcing and increased liability in terms of reliance on the information by purchasers.</p> <p>The aspects contained in this motion need to be considered holistically in terms of the basis of caveat emptor and the way property is bought and sold in Tasmania. If this is the desired direction further consideration needs to be given to how this is to occur.</p>
4.1	23	<i>Future of Local Government Review - Update That Members note the update on the Future of Local Government Review.</i>	LGAT	Note
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4.8	36	<b>State Budget 2023/2024 LGAT Priority Statement</b> <i>That Members note the report on LGAT's State Budget 2023/2024 Priority Statement.</i>	LGAT	Note
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4.14	43	<i>LGAT Events Update That the Committee note the report on LGAT events.</i>	LGAT	Note
4.15	45	<i>Annual Plan That Members note the report against the Annual Plan.</i>	LGAT	Note

2. appoints Leanne Purchase (Manager Governance) as its Voting Representative (delegate) for the Local Government Association of Tasmania's General Meeting on 8 December 2022 due to Mayor Danny Gibson and Deputy Mayor Matthew Garwood being unavailable because of Council Workshops.

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil



**16. CHIEF EXECUTIVE OFFICER NETWORK**

**16.1 Audit Panel Annual Report 2022**

**FILE NO:** SF3611

**CHIEF EXECUTIVE OFFICER APPROVAL:** Michael Stretton

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**DECISION STATEMENT:**

To consider the 2022 Audit Panel's Annual Report.

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Audit Panel - 22 November 2022 - Agenda Item 12.2 - *2022 Audit Panel Annual Report*

**RECOMMENDATION:**

That Council receives the *2022 Audit Panel Annual Report* (ECM Doc Set ID 4817915).

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**DECISION: 1 December 2022**

**MOTION**

**Moved Councillor D H McKenzie, seconded Councillor T G Walker.**

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

**17. CLOSED COUNCIL**

*This decision requires an absolute majority of Council*

**RECOMMENDATION:**

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

**17.1 Confirmation of the Minutes**

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

**17.2 Councillor's Leave of Absence**

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (h) applications by councillors for a leave of absence.

**17.3 End of Closed Session**

*To be determined in Closed Council.*

**DECISION: 1 December 2022**

**MOTION**

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

**That Council moves into Closed Session.**

**CARRIED BY ABSOLUTE MAJORITY 10:0**

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

**AGAINST VOTE: Nil**

**Council moved into Closed Session at 3.01pm  
Council returned to Open Session at 3.04pm**

17.3 End of Closed Session

**RECOMMENDATION:**

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

Agenda Item	Matter	Brief Description
17.1	<i>Closed Council Minutes - 20 October 2022</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 20 October 2022.</i>
17.2	<i>Councillors' Leave of Absence</i>	<i>Councillors endorsed a personal leave of absence request.</i>

**DECISION:** 1 December 2022

**MOTION**

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

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

**CARRIED 10:0**

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

**AGAINST VOTE:** Nil

18. **MEETING CLOSURE**

The Mayor, Councillor D C Gibson, closed the Meeting at 3.04pm

19. **NEXT COUNCIL MEETING DATE**

The City of Launceston's Annual General Meeting will be held at 5.30pm on 1 December 2022 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.

The next Ordinary Meeting of Council will be held at 1.00pm on 15 December 2022 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.