



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 7 MARCH 2019
1.00pm**

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

Date: 7 March 2019

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
General Manager

City of Launceston

COUNCIL MINUTES

Thursday 7 March 2019

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

In Attendance: **Mr M Stretton (General Manager)**
Mr S G Eberhardt (Director Infrastructure Services)
Mrs L M Hurst (Director Development Services)
Mr B Maclsaac (Director Facilities Management)
Ms T Puklowski (Director Creative Arts and Cultural Services)
Ms L Foster (Director Corporate Services)
Mr P Gimpl (Chief Financial Officer)
Mrs A Rooney (Committee Clerk)

Apologies: **Councillor** **R I Soward**
J G Cox

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor A M van Zetten, opened the Meeting at 1.00pm and noted apologies from Councillor R I Soward and Councillor J G Cox.

2 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.)

No Declarations of Interest were identified as part of these Minutes

3 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 21 February 2019 be confirmed as a true and correct record.

DECISION: 7 March 2019

MOTION

Moved Councillor D C Gibson, seconded Councillor A E Dawkins.

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

CARRIED 10:0

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

4 DEPUTATIONS

No Deputations were identified as part of these Minutes

5 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions were identified as part of these Minutes

6 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.)

6.1 Mr Hayden Fox (Project Officer) - Active Launceston

Mr Fox, from Healthy Tasmania, addressed Council. Healthy Tasmania manages the Active Launceston initiative which is funded by the City of Launceston and is now in its 11th year. Mr Fox highlighted the success of the initiative and the positive impact the program has on peoples' lives.

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 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

7.2 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.)

7.2.1 Mr Robin Smith - Brisbane Street Mall**1. When did consultation take place regarding flags in the 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 21 March 2019.

2. In the City Heart document (Revision F on page 7) there is a legend indicated for four flag poles - do I read that correctly?

The Mayor, Councillor A M van Zetten, advised that an appropriate Council Officer would follow through and investigate the issue and provide the relevant information.

3. Why are there no green planters in the Mall? Can some be reinstated?

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 21 March 2019.

4. A report published nine years ago (the Gehl Study) provided statistics on visitations to the Mall. I conducted a recent visitation survey and noted reduced numbers since the Gehl Study. Is it possible that the City Heart project is responsible for the reduction in the number of visitations to the City 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 21 March 2019.

The Mayor, Councillor A M van Zetten, announced that 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 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers

FILE NO: DA0746/2018

AUTHOR: Luke Rogers (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

RECOMMENDATION:

In accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers at 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, Prepared by Prime Design, Prepared for Hotondo Homes, Project/Drawing No. PD18136-01, Revision No. 08, Dated 15/02/2018, Amended as per condition 2
 - b. Staging Plan, Prepared by Prime Design, Prepared for Hotondo Homes, Project/Drawing No. PD18136-02, Revision No. 08, Dated 15/02/2018, Amended as per condition 2
 - c. Site Landscaping Plan, Prepared by Prime Design, Prepared for Hotondo Homes, Project/Drawing No. PD18136-03, Revision No. 08, Dated 15/02/2018, Amended as per condition 2
 - d. Demolition Plan, Prepared by Prime Design, Prepared for Hotondo Homes, Project/Drawing No. PD18136-04, Revision No. 08, Dated 15/02/2018, Amended as per condition 2
-

8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers ...(Cont'd)

- e. Ground Floor Plan, Prepared by Prime Design, Prepared for Hotondo Homes, Project/Drawing No. PD18136-05, Revision No. 08, Dated 15/02/2018, Amended as per condition 2
- f. Elevations, Prepared by Prime Design, Prepared for Hotondo Homes, Project/Drawing No. PD18136-06, Revision No. 08, Dated 15/02/2018, Amended as per condition 2
- g. Response to Invermay/Inveresk Flood Inundation Area, Prepared by Slawek Misiun, Prepared on behalf of Prime Design, Re: Proposed Extensions & Alterations at 303-305 Invermay Road and Unit 3, 2 Hope Street, Mowbray, Dated 21/10/2018

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:

- a. The removal of the "wingwall" protrusion that extends from the facade of the building to the frontage along the northern boundary.

3. AMENDED PLANS

The plans required by condition 2. are marked as Revision No. 08 and form part of the endorsed plans of the Permit.

4. 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.

5. USE LIMITATION

This permit allows for the use of the site as a showroom, defined as Bulky Goods Sales in the Launceston Interim Planning Scheme 2015. The use is limited to:

- a. The area shown as Stage 2 endorsed plan (b), and
- b. Three employees present on the site at any given time, and
- c. Further approvals will be required to commence a storage use on Lot 3 of CT104616/1.

6. HOURS OF CONSTRUCTION

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

7.00am to 6.00pm - Monday to Friday

8.00am to 5.00pm - Saturday

No works on Sunday or Public Holidays

8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers ...(Cont'd)

7. BUSINESS HOURS

The operation of the showroom must be confined to:

- a. 9:00am and 5:00pm - Monday to Friday
- b. 9:00am and 5:00pm - Saturdays
- c. Closed Sunday and Public Holidays

8. 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 Manager City Development.

9. SIGN MAINTENANCE

The signs must be constructed and maintained in good condition to the satisfaction of the Manager City Development.

10. DRIVEWAY AND PARKING AREA CONSTRUCTION

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must:

- a. Be properly constructed to such levels that they can be used in accordance with the plans;
- b. Be surfaced with an impervious all weather seal;
- c. Be adequately drained to prevent stormwater being discharged to neighbouring property;
- d. Be line-marked or otherwise delineated to indicate each car space and access lanes.

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

11. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers ...(Cont'd)

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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

13. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

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

All redundant crossovers and driveways must be removed prior to the occupation of the development.

All new works must be constructed to Council 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). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

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.

8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers ...(Cont'd)

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.

16. WASTE MATERIALS

All waste materials generated by the activity are to be disposed of at an approved refuse disposal facility or reclaimed/recycled if possible.

17. DEMOLITION

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia '*Demolition Work Code of Practice*' or any subsequent versions of the document;
- b. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- c. not undertake any burning of waste materials on site;
- d. remove all rubbish from the site for disposal at a licensed refuse disposal site;
- e. dispose of any asbestos found during demolition in accordance with the Safe Work Australia '*How to Safely Remove Asbestos Code of Practice*' or any subsequent versions of the document.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0746/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Resource Management and Planning Appeal Tribunal 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.*

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers ...(Cont'd)

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 enquires 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 Resource Management and Planning Appeal Tribunal.

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

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au <<http://www.rmpat.tas.gov.au>>

D. Permit Commencement

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

E. All plumbing work is to comply with the Building Act 2016 and the National Construction Code

Prior to acting on this permit, the risk category of any plumbing work must be determined using the Director of Building Control's Determination for Categories of Plumbing Work. It is recommended that a licensed building practitioner such as a plumbing surveyor or a plumber be consulted to determine the requirements for any such work under the Building Act 2016.

F. All building and demolition work is to comply with the Building Act 2016 and the National Construction Code

Prior to acting on this permit, the risk category of any building or demolition work must be determined using the Building Control's Determination for Categories of Building and Demolition Work. It is recommended that a licensed building practitioner such as a building surveyor or a building designer or a registered architect be consulted to determine the requirements for any such work under the Building Act 2016.

- 8.1 303-305 Invermay Road, Mowbray and 2-6 Hope Street, Mowbray - Bulky Goods Sales - Construction of Showroom Extensions, Signs and Modification of Crossovers ...(Cont'd)
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G. Occupancy Permit Required

Occupancy permit required for new or altered habitable buildings: Pursuant to section 216 of the Building Act 2016, it is recommended that a licensed building surveyor be consulted to determine if an occupancy permit is required for the building before the building or a part of the building can be, or can continue to be, occupied.

Mrs L Hurst (Director Development Services), Mr R Jamieson (Manager City Development) and Mr L Rogers (Town Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

Mr John Dykman spoke for the item

Mr Ian Abernethy, on behalf of nine representors, spoke against the item

DECISION: 7 March 2019

MOTION

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

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

CARRIED 10:0

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

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

9 ANNOUNCEMENTS BY THE MAYOR

9.1 Mayor's Announcements

FILE NO: SF2375

Saturday 23 February 2019

- Officiated at VIP pre-concert reception hosted by TSO and RACT
- Attended Symphony Under the Stars

Sunday 24 February 2019

- Attended Tasmanian Turf Club luncheon

Wednesday 27 February 2019

- Attended Official Launceston Cup luncheon

Friday 1 March 2019

- Attended QANTAS Tourism Awards in Cataract Gorge

Saturday 2 March 2019

- Officiated at RunforaWish
- Attended RSL Women's Auxiliary Conference dinner

Sunday 3 March 2019

- Welcomed delegates to 2019 International Farm Management Association Congress

Monday 4 March 2019

- Officiated at launch of Harmony Week
- Attended TasPorts new offices for catch up and tour

Wednesday 6 March 2019

- Attended International Women's Day Breakfast

Thursday 7 March 2019

- Attended 10th Anniversary Celebration, The Shed - Nunamina Avenue
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10 COUNCILLOR'S 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.)

10.1 Councillor D H McKenzie

- **Attended the first meeting of the Heritage Advisory Council since the local government election and was elected as Chair of the Committee with Councillor T G Walker elected as Deputy Chair. Councillor McKenzie acknowledged the work of the past Chair - Councillor J Finlay.**

10.2 Councillor T G Walker

- **Attended the first meeting of the Heritage Advisory Council Meeting and was elected Deputy Chair.**
- **Attended the first meeting of the Cataract Gorge Advisory Committee Meeting and was elected Chair. Councillor Walker acknowledged the work of past members - Councillor J Finlay and Alderman Emma Williams.**

10.1 Councillor D C Gibson

- **Noted that as part Youth Week activities in April, a local busking competition organised by the Youth Advisory Group is to be held in Tatler Arcade and advised that registration is now open to participants.**

10.2 Councillor J Finlay

- **Acknowledged the work of the Economic Development Group and noted that the first meeting of this newly formed group was very successful.**
-

11 QUESTIONS BY COUNCILLORS

11.1 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.)

11.1.1 Councillors' Questions on Notice - Councillor A E Dawkins - Inveresk-Rocherlea Cycling Trail - Council Meeting - 21 February 2019**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

At the Council Meeting of 21 February 2019, Councillor A E Dawkins asked the following question. A response has been provided by Michael Stretton (General Manager).

Question:

1. *Given the success of the new pedestrian bridge in attracting an unprecedented number of pedestrians and cyclists onto the river bend and surrounding trails via a build it and they will come approach, and also given the now very solid scientific evidence from around the world and in Australia of the incredible long term health, social and psychological benefits that regular cycling and walking can bring particularly in the area of cancer, heart disease and diabetes, can the General Manager provide an update on plans for completing the missing link behind the Mowbray race course in the Inveresk-Rocherlea trail - a project which has been talked about for many years and when completed would be a safe and accessible community resource that could have enormous social and health benefits for the northern suburbs and indeed the whole Launceston community?*

Response:*Michael Stretton (General Manager)*

The section of off-road trail is included in the Greater Launceston Plan and discussions have been underway with the Pedestrian and Bike Committee for some time to find a suitable route to connect the tracks. A proposed layout has been identified and stakeholders have indicated support for the proposal. However, the project is estimated to cost approximately \$250,000 and has not been yet been prioritised for inclusion in Council's capital budget. This will be a matter for the Council to consider in future budgets.

11.1.2 Councillor's Questions on Notice - Councillor T G Walker - Flags in the Mall - Council Meeting - 21 February 2019**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

At the Council Meeting of 21 February 2019, Councillor T G Walker asked the following question. A response has been provided by Barry Pickett (Natural Environment Manager).

Question:

- 1. Are there flags in our Mall at present - a Launceston, an Australian and an Aboriginal flag?*

Response:

Shane Eberhardt (Director Infrastructure Services)

The redevelopment of the Brisbane Street Mall did not include provision for flagpoles. Consultation on the design occurred with mall traders and elected members.

There are flags on the Town Hall building.

11.1.3 Councillors' Questions on Notice - Councillor D C Gibson - Mall Completion Project - Council Meeting - 21 February 2019**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

At the Council Meeting of 21 February 2019, Councillor D C Gibson asked the following question. A response has been provided by Matthew Skirving (Manager Major Projects).

Question:

1. *[With reference to Agenda Item 19.1 - Progress Against 2018/2019 Annual Plan Actions for Period Ending 31 January 2019 and to page 6 of the Attachment] - the final point to get the rating to 100 - may include the clock which is still to be installed, but does it include the children's play equipment in terms of the musical instruments, which were always part of the Mall design and Council endorsed plans, or was that one point the activation? What is that one point - all those three things together or is it something else?*

Response:

Shane Eberhardt (Director Infrastructure Services)

The clock was checked by the Launceston Lions Club and requires either replacement or refurbishment. Council officers are working with the Lions Club to achieve an outcome that is consistent with their position.

The concept design did include a musical element in conjunction with the Tasmanian Tigers. This was removed from the scope when the project moved to detailed design.

A Workshop with Councillors is scheduled to review the outcomes of Civic Square and Brisbane Street Mall projects.

11.1.4 Councillors' Questions on Notice - Councillor D H McKenzie - Wayfinding Project - Council Meeting - 21 February 2019**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

At the Council Meeting of 21 February 2019, Councillor D H McKenzie asked the following question. A response has been provided by Mr Matthew Skirving (Manager Major Projects).

Question:

1. *When will the Wayfinding installations commence in Launceston?*

Response:

Matthew Skirving (Manager Major Projects)

Implementation of the CBD Wayfinding project will commence in the coming weeks, with the Brisbane Street Mall and Avenue precinct to be the first locations for the new signage to be installed. Following a review of this initial installation to enable fine-tuning of installation details, the City-side rollout will commence.

11.2 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.)

No Councillors' Questions Without Notice were identified as part of these Minutes

12 COMMITTEE REPORTS**12.1 Tender Review Committee Meeting - 7 February 2019****FILE NO:** SF0100/CD060/2018**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To receive a report from the Tender Review Committee (a delegated Authority Committee).

RECOMMENDATION:

That Council notes the tender submitted by Venarchie - A Division of Fulton Hogan Industries Pty Ltd for Wellington Street Pavement Rehabilitation, Contract No. CD060/2018 was accepted for \$250,258.07 (exclusive of GST).

Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019**MOTION**

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

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

CARRIED 10:0

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

12.2 Audit Panel Meeting - 13 February 2019**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Chief Financial Officer)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To receive a report from the Audit Panel following the Meeting held on 13 February 2019.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 13 February 2019.

Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019**MOTION**

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 10:0

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

13 COUNCIL WORKSHOPS**13.1 Council Workshop Report****FILE NO:** SF4401**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

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 28 February and 7 March 2019:

Draft Annual Plan and Fees and Charges 2019/2020

Councillors were briefed on the proposed Draft Annual Plan and Fees and Charges for 2019/2020.

Invermay Bowls Club Masterplan

External speakers Rebecca Van Asch (CEO Bowls Tasmania and Project Coordinator), Chris Lee (Director) and Vicky Quail (Secretary) (Invermay Bowls Club) presented Councillors with the Invermay Bowls Club Masterplan which sets out proposed future developments for the Club.

Albert Hall Draft Report

External speaker Madeline Gordon (Coordinator General's Office) provided Councillors with an update of the Albert Hall Renewal investigation allowing Councillors an opportunity to provide input into the report.

Draft Budget 2019/2020

Councillors were provided with draft documentation relating to the 2019/2020 budget allowing an opportunity for discussion and input.

Councillor Consultation Session - Organisational Alignment Project

External speakers Sandra Jerkovic (CEO) and Eleanor Howe (Associate and Team Leader) (CAPIRE) facilitated a Workshop with Councillors on the Organisational Alignment Project allowing an opportunity for discussion and input into the project.

13.1 Council Workshop Report ...(Cont'd)

Mona Foma

External speakers Brian Ritchie (Curator), Lee Cumberlidge (Executive Director) and Shelley McCuaig (Executive Producer and Program Manager) (Mona Foma) provided Councillors with an overview of the 2019 Mona Foma Festival and discussed the 2020 program proposals.

Great Regional City Challenge: Activating the Greater Launceston Community

External speakers Owen Tilbury (Director) and Peter Murden (Manager) (CLIP - Community Led Impact Partnerships) discussed the proposal and sought feedback from the Councillors.

Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019

MOTION

Moved Councillor J Finlay, seconded Councillor D C Gibson.

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

CARRIED 10:0

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

14 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items were identified as part of these Minutes

17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS**17.1 Cultural Strategy Progress Report****FILE NO:** SF3547**AUTHOR:** Tracy Puklowski (Director Creative Arts and Cultural Services)**DIRECTOR:** Michael Stretton (General Manager)

DECISION STATEMENT:

To consider the Cultural Strategy Progress report.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 5 December 2016 - City of Launceston Cultural Strategy

Council - 24 April 2017 - Agenda Item 21.1 - Towards a Cultural Strategy for Launceston

Workshop - 12 February 2017 - Towards a Cultural Strategy

Workshop - 25 June 2018 - QVMAG Feasibility Study presentation by Hirst Projects

RECOMMENDATION:

That Council receives the report.

Ms T Puklowski (Director Creative Arts and Cultural Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019**MOTION**

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 10:0

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

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items were identified as part of these Minutes

19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Financial Report to Council - 31 December 2018****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Chief Financial Officer)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the Council's financial performance for the six months ended 31 December 2018.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 13 February 2019 - Agenda Item 9.4 - Financial Statements - Analysis and Commentary

RECOMMENDATION:

That Council adopts the financial report for the six months ended 31 December 2018 which shows an overall surplus of \$3.36m and an underlying surplus (after excluding capital grants) of \$1.722m.

Ms L Foster (Director Corporate Services) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019**MOTION**

Moved Councillor D H McKenzie, seconded Councillor J Finlay.

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

CARRIED 10:0

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

19.2 Budget Amendments 2018/2019**FILE NO:** SF6610**AUTHOR:** Paul Gimpl (Chief Financial Officer)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2018/2019 Statutory Estimates.

This decision requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993.

RECOMMENDATION:

That Council, by absolute majority, pursuant to section 82(4) of the *Local Government Act 1993*:

1. approves the following amendments to the 2018/2019 Statutory Estimates:
 - (a) Revenue
 - (i) the net increase in revenue from external grants and contributions of \$558,044.
 - (b) Expenses
 - (i) The net decrease in operations expenditure of \$300,220.
 - (c) Capital Works Expenditure
 - (i) the net increase in expenditure from external funds of \$558,044.
 - (ii) the increase in Capital expenditure of \$300,220.
 2. notes that amendments from item 1 result in:
 - (a) the operating surplus being amended to \$14,328,301 (including capital grants of \$16,305,467) for 2018/2019.
 - (b) the capital budget being increased to \$35,818,393 for 2018/2019.
-

Ms L Foster (Director Corporate Services) and Mr P Gimpl (Chief Financial Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

19.2 Budget Amendments 2018/2019 ...(Cont'd)

DECISION: 7 March 2019**MOTION****Moved Councillor D H McKenzie, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED BY AN ABSOLUTE MAJORITY 10:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker**

19.3 Policy for Acceptance of Gifts and Donations by Councillors**FILE NO:** SF2213**AUTHOR:** Leanne Purchase (Acting Manager Corporate Strategy)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of an amended Policy for Acceptance of Gifts and Donations by Councillors.

PREVIOUS COUNCIL CONSIDERATION:

Council - 22 September 2014 - Agenda Item 19.3 - Policy for Acceptance of Gifts and Benefits by Aldermen

RECOMMENDATION:

That Council adopts the Policy for Acceptance of Gifts and Donations by Councillors as set out below:

Policy for Acceptance of Gifts and Donations by Councillors***PURPOSE:***

The purpose of this policy is to define the City of Launceston's expectations of Councillors with regard to the acceptance and disclosure of gifts and donations, and the requirements of the General Manager to deal with the notification of such gifts and donations.

SCOPE:

This policy applies to Councillors of the City of Launceston.

POLICY:

In relation to the acceptance of gifts and benefits by Councillors of the City of Launceston:

1. Gifts or donations of \$50 or more in value must be disclosed to the General Manager.
 2. Gifts or donations that are part of a series of gifts or donations received by a Councillor from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50 or more, must be disclosed to the General Manager.
 3. Gifts and donations may include a meal and/or beverage, tickets to sporting or theatrical events, corporate hospitality at a corporate facility or at a sporting venue, discounted products for personal use, use of facilities such as gyms, use of holiday homes, free or discounted travel, free training excursions, a loan of money, and/or a loan of property.
-

19.3 Policy for Acceptance of Gifts and Donations by Councillors ...(Cont'd)

4. Where the City of Launceston issues tickets to Councillors to attend City of Launceston run or sponsored/funded events, the relevant Councillor must notify the General Manager of those tickets in the same manner as if the gift was received from a third party.
5. Gifts provided to the City of Launceston and presented to Councillors in fulfilling their civic and ceremonial roles are not received by Councillors. Accordingly, no notification is required. Instead, such gifts will be retained by the Council. The General Manager will arrange for the gift to be displayed within an appropriate area of the City of Launceston.

PRINCIPLES:

In deciding whether it is appropriate to accept a gift or benefit, Councillors should consider:

- the identity of the person who is giving the gift or donation, and their relationship to the Councillor/Council;
- whether the gift or donation being offered is intended to influence a decision or seek a return favour; and
- whether public knowledge of the acceptance of the gift or donation would diminish community trust.

Expectations of Councillors

Councillors who have received a gift or donation as described above must notify the General Manager of that gift or donation. The notice in writing must contain:

1. The name of the Councillor who received the gift or donation;
2. A description of the gift or donation;
3. The name of the donor, if known;
4. The Councillor's relationship to the donor, if known;
5. The suburb or locality where the donor resides, if known;
6. The date on which the gift or donation was received; and
7. The estimated monetary value of the gift or donation.

The notice must be provided to the General Manager within 14 days of receiving the gift or donation. However, if the gift or donation was received by a Councillor outside of Australia, the notification must be provided to the General Manager within 14 days of the Councillor returning to Australia.

Councillors must ensure that they:

1. Never accept an offer of money, regardless of the amount.
 2. Avoid situations in which it would appear to a reasonable person that the provision of a gift or benefit may secure (or be an attempt to secure) a favour from the Councillor or the Council.
 3. Notify the General Manager of any gift or donation received within the relevant timeframes.
-

19.3 Policy for Acceptance of Gifts and Donations by Councillors ...(Cont'd)

Register of gifts and donations

The General Manager is required to keep a register of the notifications of gifts and donations received from Councillors. The register is available for inspection at Town Hall during business hours, on City of Launceston's website and will be updated at least monthly.

Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019

MOTION

Moved Councillor J Finlay, seconded Councillor D C Gibson.

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

CARRIED 10:0

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

19.4 Code of Conduct for Councillors**FILE NO:** SF2213**AUTHOR:** Leanne Purchase (Acting Manager Corporate Strategy)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Model Code of Conduct for Councillors.

PREVIOUS COUNCIL CONSIDERATION:

Council - 14 June 2016 - Agenda Item 19.7 - Code of Conduct for Aldermen

RECOMMENDATION:

1. That Council, pursuant to section 28T of the *Local Government Act 1993* (Tas), adopts the Model Code of Conduct for Councillors as amended by the *Local Government (Model Code of Conduct) Amendment Order 2018*, without variation and as set out below:

MODEL CODE OF CONDUCT**Part 1 - Decision making**

1. A Councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A Councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a Councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A Councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

Part 2 - Conflict of interests that are not pecuniary

1. When carrying out his or her public duty, a Councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
 2. A Councillor must act openly and honestly in the public interest.
-

19.4 Code of Conduct for Councillors ...(Cont'd)

3. A Councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any Workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A Councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A Councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must:
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.

Part 3 - Use of Office

1. The actions of a Councillor must not bring the Council or the office of Councillor into disrepute.
2. A Councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a Councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

Part 4 - Use of resources

1. A Councillor must use Council resources appropriately in the course of his or her public duties.
 2. A Councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
-

19.4 Code of Conduct for Councillors ...(Cont'd)

3. A Councillor must not allow the misuse of Council resources by any other person or body.

4.

Part 5 - Use of information

1.

2. A Councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.

3.

4. A Councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Part 6 - Gifts and benefits

1. A Councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.

2. A Councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

3.

4.

5.

6.

7.

8.

Part 7 - Relationships with community, Councillors and Council employees

1. A Councillor:
(a) must treat all persons fairly; and
(b) must not cause any reasonable person offence or embarrassment; and
(c) must not bully or harass any person.

2. A Councillor must listen to, and respect, the views of other Councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

3.

19.4 Code of Conduct for Councillors ...(Cont'd)

4. A Councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A Councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

Part 8 - Representation

1. When giving information to the community, a Councillor must accurately represent the policies and decisions of the Council.
2. A Councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A Councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A Councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A Councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A Councillor must show respect when expressing personal views publicly.
7. The personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a Councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

Part 9 - Variation of Code of Conduct

1. Any variation of this model Code of Conduct is to be in accordance with section 28T of the Act.
-

19.4 Code of Conduct for Councillors ...(Cont'd)

2. That Council adopts additional information to support the Model Code of Conduct as set out below:

PURPOSE:

The Code of Conduct sets out the standards of behaviour expected of the Councillors of the City of Launceston, with respect to all aspects of their role. As leaders in the community, Councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each Councillor's primary goal of acting in the best interests of the community. Councillors, therefore, agree to conduct themselves in accordance with the standards of behaviour set out in the Model Code of Conduct.

SCOPE:

This Code of Conduct applies to a Councillor whenever they:

- conduct Council business, whether at or outside a meeting;
- conduct the business of their office (which may be that of Mayor, Deputy Mayor or Councillor); and/or
- act as a representative of the Council.

A complaint of failure to comply with the provisions of the Code of Conduct may be made where a Councillor fails to meet the standard of conduct specified in the Model Code of Conduct.

PRINCIPLES:

By adopting the Model Code of Conduct, Councillors commit to the overarching principles of good governance by being:

- Accountable – explain, and be answerable for, the consequences of decisions made on behalf of the community
 - Transparent – ensure decision making processes can be clearly followed and understood by the community
 - Law-abiding – ensure decisions are consistent with relevant legislation or common law, and within the powers of local government
 - Responsive – represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner
 - Equitable – provide all groups with the opportunity to participate in the decision making process and treat all groups equally
 - Participatory and inclusive – ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision
 - Effective and efficient – implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community
 - Consensus oriented – take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved
-

19.4 Code of Conduct for Councillors ...(Cont'd)

ADDITIONAL INFORMATION:**Making a code of conduct complaint**

A person may make a Code of Conduct complaint against one Councillor in relation to the contravention by the Councillor of the Model Code of Conduct.

A person may make a complaint against more than one Councillor if the complaint relates to the same behaviour and the same Model Code of Conduct contravention.

Code of conduct complaints are lodged with the General Manager, City of Launceston and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A Code of Conduct complaint is to:

- be in writing;
- state the name and address of the complainant;
- state the name of each Councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the Councillor has allegedly contravened;
- contain details of the behaviour of each Councillor that constitutes the alleged contravention;
- be lodged with the General Manager within six months after the Councillor or Councillors against whom the complaint is made allegedly committed the contravention of the code of conduct;
- be accompanied by a statutory declaration, signed by the complainant or by each complainant, verifying the accuracy of the information contained in the complaint;
- contain details of all efforts made by the complainant to resolve the issue that is the subject of the complaint; and
- be accompanied by the Code of Conduct complaint lodgement fee.

Once satisfied that the Code of Conduct complaint meets prescribed requirements, the General Manager will forward the complaint to the Code of Conduct Panel or to the Director of Local Government, as appropriate.

Code of Conduct complaint lodgement fee

The Code of Conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$79.00 in 2018/2019).

FURTHER ASSISTANCE:**Councillor dispute resolution**

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

19.4 Code of Conduct for Councillors ...(Cont'd)

Prior to commencing a formal code of conduct complaint, Councillors who are party to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A Councillor who is party to any disagreement should request the Mayor or the General Manager to assist that Councillor in resolving the disagreement informally.

If informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, Councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal Code of Conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another Councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints under the *Local Government Act 1993 (Tas)* (the Act)

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a council, Councillor or General Manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002 (Tas)*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

19.4 Code of Conduct for Councillors ...(Cont'd)

Key contacts

Department of Premier and Cabinet's Local Government Division
Level 5, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6173 0257
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania
326 Macquarie Street, HOBART TAS 7000
GPO Box 1521, HOBART TAS 7001
Phone: (03) 6233 5966
Email: admin@lgat.tas.gov.au
Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000
GPO Box 822, HOBART TAS 7001
Phone: 1300 720 289
Email: integritycommission@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

Ombudsman Tasmania
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000
GPO Box 960, HOBART TAS 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

19.4 Code of Conduct for Councillors ...(Cont'd)

DECISION: 7 March 2019**MOTION****Moved Councillor D H McKenzie, seconded Councillor J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 10:0****FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor J Finlay, Councillor A E Dawkins, Councillor N D Daking, Councillor D H McKenzie, Councillor K P Stojansek, Councillor P S Spencer, Councillor A G Harris and Councillor T G Walker**

19.5 Local Government Legislation Framework Review

FILE NO: SF0081

AUTHOR: Leanne Purchase (Acting Manager Corporate Strategy)

DIRECTOR: Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider the content of the City of Launceston's submission on the broad principles and topics covered by the Local Government Legislative Framework Review Discussion Paper.

RECOMMENDATION:

That Council endorses the following as the City of Launceston's submission in respect of the Local Government Legislative Framework Review Discussion Paper:

Overview of Local Government

- Community planning must be an essential component of long term planning and sustainability of councils. The City of Launceston would like to see community planning on a regional basis.
- The City of Launceston believes that level of service planning and sectoral consistency in the approach to level of service planning, is critical to sustainable local government in Tasmania.
- Strategic planning by Councils should consider regional outcomes, eg. regional land use strategy, regional infrastructure plan, regional recreation plan, regional stormwater management plan, regional transport network plan, regional waste management plan and regional dog management plan.

Council Governance and Powers

- Thinking about various legislated plans, eg. long term financial plan, strategic plan and stormwater management plans, the City of Launceston would like to see:
 - a framework that demonstrates the way the plans are intended to work together.
 - consistency in the level of detail required in each of the plans.
 - rigour around the timing of reviews to complement the local government election cycle.
 - end of term reporting and four-year delivery plans to complement the local government election cycle.
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19.5 Local Government Legislation Framework Review ...(Cont'd)

Democracy and Engagement

- Around local government elections, the City of Launceston asks for consideration around the following:
 - The method of voting should be contemporised - the time, cost and energy that goes into printing booklets is perhaps not the best use of resources or the most effective way of engaging voters.
 - A shortened voting period (eg. one day like State and Federal elections) to give more certainty to candidates and the community.
 - A caretaker convention for election periods would keep decisions on policy and strategic direction moving in the lead up to elections - a review of delegations made to the General Manager during this period would also be useful (eg. to remit fees and charges).
 - Provision for the runner-up in the Mayoral candidacy to become the Deputy Mayor.
 - Eligibility for inclusion in the General Manager's Electoral Roll should be reviewed.
- General flexibility is required to allow Councils to be able to respond effectively to community views on key directions and strategic matters.
- Persistent references to 'electors' in the *Local Government Act 1993* (Tas) diminishes the role and influence of members of the community who are not electors, eg. people under 18 years of age.

Council Revenue and Expenditure

- Increased rigour around the content, use, consistency and auditability of key documents like the long term financial plan and strategic asset management plan would improve the value these documents add to decision making.
 - The State Grants Commission needs to be cognisant of the impact and cost that some Councils bear to provide regional services; a mechanism to attach a weight to regional services may be a fairer approach to funding distribution.
 - The City of Launceston would like to see sectoral consistency in the costs for services that are passed on to rate payers, eg. 100% of stormwater and waste management costs should be passed on to rate payers.
 - Rate capping is not a solution to financial sustainability - Councils should be self-regulating and if there is a determined and equitable approach to the content, review and engagement on, eg. the long term financial plan and strategic asset management plan, Councils are then regulated by the community and planning constructs.
 - The City of Launceston would like to see some of the more prescriptive elements in current legislation relaxed:
 - Prescription around cost recovery when Councils act against a nuisance, and the length of time it takes to recover costs, impact a Council's appetite to act, or limits a Council's ability to work in the community to resolve some nuisances - this is often seen as a failure by Councils to act.
 - Prescription around rate recovery sales is problematic because auction is no longer a preferred model for most real estate agents.
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19.5 Local Government Legislation Framework Review ...(Cont'd)

- The City of Launceston would like to see less prescription around the leasing of land for a public purpose by making certain land transactions not referable to Council, eg. term extensions for leases and licenses of less than 10 years to any not for profit group; transfer of easements to government owned or controlled entities for the purposes of providing utility services to the public.

Performance Transparency and Accountability

- Community indicators for each municipal area, that are focussed on outcomes rather than outputs, should be determined so as to:
 - drive performance and change.
 - inform the annual planning cycle.
 - be reported in the Annual Report.
 - Community indicators should be based on environmental, cultural, social and economic well-being.
 - Indicators may be required by legislation but should not be the same for each municipal area - what should be measured in a small rural council would be different to an urban council.
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Ms L Foster (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 7 March 2019

MOTION

Moved Councillor J Finlay, seconded Councillor A G Harris.

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

CARRIED 10:0

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

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items were identified as part of these Minutes

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Minutes.

No Urgent Items were identified as part of these Minutes

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(1); Regulation 32(1)(c) and Regulation 34(1)(b)

No Closed Items were identified as part of these Minutes

23 MEETING CLOSURE

The Mayor, Councillor A M van Zetten, closed the Meeting at 1.40pm.
