



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 7 MARCH 2024
1.00PM**

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 7 March 2024

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



**Shane Eberhardt
Acting Chief Executive Officer**

AUDIO of COUNCIL MEETINGS

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

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

PUBLIC QUESTION TIME - AGENDA ITEM 8

A limit of three questions received in writing by 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, 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.

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2. MAYORAL ACKNOWLEDGEMENTS

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).

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 22 February 2024 be confirmed as a true and correct record.

5. COUNCIL WORKSHOPS

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

5.1. Council Workshop Report - 22 February 2024 and 29 February 2024

FILE NO: SF4401

AUTHOR: Kelsey Hartland (Team Leader Governance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

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

1. pre-Council Workshop conducted on 22 February 2022:

Expression of Interest Process - 56 Frederick St, Launceston

Councillors considered the Expressions of Interest received from Stage 2 of the process in relation to the future use of 56 Frederick St, Launceston.

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

Apologies: Councillor A E Dawkins

2. Workshop conducted on 29 February 2024:

Launceston Central Marketing Inc. Half Yearly Report

Councillors received a biannual progress report from representatives of Launceston Central Inc, updating them on developments since the last workshop presentation held on September 14, 2023.

2024/2025 Fees & Charges

A draft schedule of proposed 2024/2025 Fees and Charges was provided to the Councillors for discussion.

2024/2025 Budget and Annual Plan Update

Councillors received a briefing on the preparation of the 2024/2025 Budget and Annual Plan.

University of Tasmania Stadium Transfer

Councillors had the opportunity to provide advice on the expectations of the content Term Sheet for transfer and transition of the University of Tasmania Stadium to Stadiums Tasmania.

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

Apologies: Councillor Prof G Razay and Councillor A J Palmer

REPORT:

Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshops held since the last Meeting.

Attendance is recorded for noting and reporting in the Council's Annual Report.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

Councillors' Leave of Absence Applications will be considered in Closed Council at Agenda Items 15.2, 15.3 and 15.4 - 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).

7.1. Community Report - Mel Blake (Community Connection Program Manager) - Volunteering Tasmania

FILE NO: SF6368

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER APPROVAL: Shane Eberhardt

SUMMARY OF PRESENTATION

Volunteering is the largest industry in Tasmania and is a core part of Tasmania's culture. Volunteers are present and contribute their time across all aspects of community life. They provide food relief, mental health support, care for injured wildlife and increase adult literacy outcomes. They transport medical equipment, enable major cultural and sporting events, respond to disasters, and form critical points of connection between business and community. Volunteering has the unique potential to foster inclusion, participation, belonging, connection to people and place, community resilience and individual, collective, and environmental wellbeing. Despite Tasmania's strong volunteering culture, formal volunteer participation is in decline. Without immediate and strategic investment in the systems and structures that support the volunteer workforce, it is expected that by 2029 there will be a 42% gap between the demand for and supply of volunteers in Tasmania.

As the local volunteering peak body, Volunteering Tasmania advocate to decision makers to ensure the future of volunteering is safe and supported, informed by and on behalf of the volunteering industry. In conjunction with this, we support volunteering involving organisations by providing a range of specialised services with contemporary and innovative approaches designed to strengthen the Tasmanian volunteering sector.

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)

8.1.1. Public Questions on Notice - Robin Smith - Parking Infringements - 22 February 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question/questions, submitted to Council on 22 February 2024 by Robin Smith have been answered by David Mullenger (Manager Health and Compliance).

Questions:

1. With regard to paying parking fines online, there are 14 days before an increase in fees, which starts from the date of issue but the ticket cannot be paid on the date of issue because it takes overnight for them to load into the system. Can the time for making a payment start from the time when it can be paid rather than when it is issued?

Response:

The 14 day payment window commences the next calendar day after issue of infringement. For example if an infringement was issued on the 12th February, the final date on which payment could be made would in fact be the 26th February. This ensures that there is a full 14 days in which an alleged offender can pay the penalty, before it increases.

2. When an infringement is being reviewed by Council is it put on hold pending a decision and does this hold extended further if you elect for a court hearing?

Response:

Infringements are put on hold if an infringed party submits an Application to Withdraw within 28 days of the date of issue. Once the Application has been assessed and if the Application to Withdraw is denied, the infringed party is informed of the decision and the infringement is taken off hold.

Should the Infringed party remain unsatisfied with City of Launceston's decision to deny the Application to Withdraw, they may elect to have the matter heard and determined by the court.

If proceedings are then commenced by the City of Launceston, the applicable penalty becomes a matter for the court.

8.2. Public Questions Without Notice

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

9. ANNOUNCEMENTS BY THE MAYOR

9.1. Mayor's Announcements

FILE NO: SF2375

Thursday 22 February 2024

- Attended the Engage for Change, Community Talk Series - Electric Vehicles and Sustainable Transport in Tasmania, Macquarie House, Launceston

Friday 23 February 2024

- Officiated at the Migrant Resource Centre (North) Revitalisation of Heritage Forest Community Garden, Heritage Forest, Invermay
- Officiated at the UTAS Workshop and Levee Studio Opening, UTAS Inveresk Campus

Saturday 24 February 2024

- Attended the New Horizons Awards Night, Country Club Ballroom, Prospect Vale

Sunday 25 February 2024

- Participated in the Soggy Bottom Regatta, First Basin, West Launceston
- Attended the Gold Sovereign and Tasmanian Oaks Races, Mowbray

Tuesday 27 February 2024

- Hosted a Civic Function to mark the 170th Anniversary of Launceston City Mission, Town Hall Reception Room, Launceston
- Attended Launceston Cup Eve Function, James Boag Brewery, Launceston

Wednesday 28 February 2024

- Attended Launceston Cup and presented a trophy, Mowbray

Thursday 29 February 2024

- Attended Launceston Chamber of Commerce State Election Event with CEO, Alina Bain, Boathouse Centre, Invermay

Friday 1 March 2024

- Attended opening of Commercial mealworm facility and installation of timber docking saw at Self Help Workplace, Youngtown
- Officiated at the Tamar NRM Sustainable Living Festival Business and Community Awards, Tramsheds Conference Centre, Invermay

Saturday 2 March 2024

- Opened the 2024 Tamar NRM 'Going Circular' Sustainable Living Festival, Inveresk Precinct
 - Attended The Gorge - Peacock Pass, Cataract Gorge, West Launceston
-

Sunday 3 March 2024

- Attended the Music and Wine in the Vines Event (Cape Hope Foundation), Bundaleera Vineyard, Relbia

Monday 4 March 2024

- Attended the National Premier League Tasmania 2024 Season Launch, UTAS Stadium, Invermay

Tuesday 5 March 2024

- Attended Child and Youth Safe Organisations Network event and met new Independent Regulator - Louise Coe, Tramsheds Function Centre, Invermay

Wednesday 6 March 2024

- Attended NAYBA Impact Audit Launch: Tasmania, Tailrace Centre, Riverside
-

10. 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. QUESTIONS BY COUNCILLORS

11.1. 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).

11.1.1. Councillors' Questions on Notice - Councillor D C Gibson - Status of Gorge Cottage - 19 February 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question/questions, submitted to Council on 19 February 2024 by Councillor D C Gibson, has been answered by Michael Newby (Acting General Manager Infrastructure and Assets Network).

Questions:

1. What is the status, current and future plans/opportunities for the iconic and previously much utilised* Gorge Cottage?
(*as an Artist in Residence accommodation base)

Response:

We are unable to continue to offer the artist in residence program due to the inability to meet the requirements of the Anti-Discrimination Act 1998, primarily due to access.

We are investigating alternative options for its use.

11.1.2. Councillors' Questions on Notice - Councillor J J Pentridge - Customer Service Requests - 22 February 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 22 February 2024 by Councillor J J Pentridge, has been answered by Michael Newby (Acting General Manager Infrastructure and Assets Network).

Questions:

1. Recently a customer reported untidy behaviour regarding blocks of land. This was referred onto an environmental agency and who then referred it back to Council, where the response was that we could not give out the name and address of the people who needed to be notified. Could we record things that happen on a regular basis and pass on details of complaints to have a history available to see if there is pattern and something we can do to save a bit of time?

Response:

Customer service requests are recorded in our Council corporate systems. This particular issue related to weed management on private land and upon review, it was deemed appropriate to share the contact details with the authorised officer at Department of Natural Resources and Environment directly.

Clarification regarding this occurrence has been provided to City of Launceston officers and an offer made to the Department of Natural Resources and Environment to meet to discuss roles and responsibilities with regard to weed management.

11.1.3. Councillors' Questions on Notice - Councillor S Cai - Representation Process for Development Applications - 22 February 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 22 February 2024 by Councillor S Cai, have been answered by Phillipa Glover (Team Leader Planning Assessments).

Question:

Regarding changes to the representation process for development applications where the full representations are not available to members of the public:

1. Is this change just Launceston or statewide?

Response:

The majority of Council's in Southern Tasmania follow the practice of not publishing representations received in respect of development applications.

Question:

2. Who authorised this change?

Response:

The change to publication was made by the previous Chief Executive Officer, Michael Stretton, following recommendations received from the Ombudsman in respect of a claim of a breach of the privacy of a representor.

Question:

3. Is there legislation implementing this change and if so, when was it implemented?

Response:

The Land Use Planning and Approvals Act 1993 does not require that representations be published as part of the Council agenda.

Legislation, including the Personal Information Protection Act 2004, limits the way in which representations can be published.

Question:

4. If implemented, can Councillors move a motion to revoke the change or what the process would be to allow for the full representation to be released to the public?

Response:

The decision to cease publishing representations and instead provide such representations to Councillors confidentially, seeks to ensure that Council is aware of representations in making its decision, whilst ensuring the Council meets its legal obligations to protect the privacy of representors.

Any member of the public is entitled to request a full or redacted copy of a representation, with that request to be assessed on a case by case basis.

11.1.4. Councillors' Questions on Notice - Councillor T G Walker - Cleaning of Civic Square Play Area - 22 February 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 22 February 2024 by Councillor T G Walker, has been answered by Leigh Handley (Manager Operations)

Questions:

1. How often is the play area in Civic Square cleaned?

Response:

The play area is routinely cleaned three times per week on Monday, Wednesday and Friday. It is deep cleaned with a high pressure wash annually, or more frequently, on demand, if required.

11.1.5. Councillors' Questions on Notice - Councillor T G Walker - Injured Wildlife in Reserves - 22 February 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 22 February 2022 by Councillor T G Walker has been answered by Caroline Elsner (Environmental Scientist - Water Team).

Questions:

1. What is Council's responsibility regarding injured wildlife around parks and reserves, especially the Havelock Street Reserve, if it is one of our reserves?

Response:

We are lucky enough to have a variety of green open spaces in and around the Launceston municipality, including many urban bushland reserves, which support native flora and fauna.

Unfortunately, vehicular traffic causes wildlife injuries and fatalities across our road network, both in residential and rural environments.

The most effective way to reduce the instances of wildlife injury and mortality on our roads is to limit, where possible, the amount of driving you undertake between dusk and dawn and also reduce the speed at which you travel during these times.

The installation of signage, virtual fencing or lighting is resource intensive and costly, with effectiveness varying. It is important to ensure that these improvements are targeted to ensure optimum effectiveness.

The City of Launceston is developing a roadkill management policy so that we can better manage our approach to roadkill reduction across our road network.

Our intention is that we will target areas where threatened and endangered species are being impacted by our road network. We want this to be a data-driven approach and will be looking to investigate roadkill removal data from our road crews and from community apps such as the 'Roadkill TAS App'. We encourage the community to report roadkill through this avenue so that we can target our interventions accordingly.

Havelock St Reserve is an urban bushland reserved, owned and managed by City of Launceston. There is a 'Care for our wildlife' sign on Peel St West to the east of the intersection with Havelock St to alert motorists of the potential for wildlife interactions.

There are also a number of road humps on Peel St West which have been installed to slow traffic to prevent crashes on either side of the 90 degree bend in the road. The reduced traffic speed would help to reduce impacts to wildlife, however it relies on drivers being alert and driving according to conditions.

11.2. 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).

12. NOTICES OF MOTION

12.1. Notice of Motion - Councillor A J Britton - Establish a Flood Mitigation Strategy - 28 February 2024

FILE NO: SF5547

AUTHOR: Kelsey Hartland (Team Leader Governance)

ACTING CHIEF EXECUTIVE OFFICER APPROVAL: Shane Eberhardt

DECISION STATEMENT:

To consider a Notice of Motion submitted by Councillor A J Britton regarding an independent inquiry to establish a comprehensive Flood Mitigation Strategy for Launceston.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council:

1. Acknowledges the urgent need for a comprehensive flood mitigation strategy that recognises the existential risks associated with major floods and addresses current and future vulnerabilities and risks associated with flooding in our City.
2. Directs the Chief Executive Officer to develop a scope and detailed project plan to deliver a comprehensive Flood Mitigation Report using all available research, flood modelling, economic analysis, and historic data, to provide an assessment of potential flood risk mitigation options and their relative costs and benefits within our jurisdiction.
3. The Report is to identify and evaluate these flood mitigation measures, including large scale infrastructure projects (e.g., levees, barrages, drainage improvements), natural solutions (e.g., wetland restoration, riparian buffers), and policy measures (e.g., zoning changes, building codes).
4. The project is to be considered as part of annual plan and budget discussions.
5. a. The Chief Executive Officer is to pursue external funding opportunities, including state and federal grants, to support the implementation of the flood mitigation strategy.
b. Prepare a briefing statement on flood risk – Immediately a briefing paper prepared is sent to all major parties prior to the coming state election asking for their support in the creation of this strategy.

6. The council will engage with community stakeholders, including residents, business owners, environmental groups, and indigenous communities, to gather input and ensure a collaborative approach.

REPORT:

Launceston experiences regular significant flooding events, leading to substantial economic, environmental, and social impacts on our community. The 2023 Launceston Council recovery exercise, developed in conjunction with Australian Institute for Disaster Relief, outlined the damage a 1/500-year annual exceedance probability (AEP) year flood event would bring to our city. A significant event such as this would take the region up to 10 years to recover.

The 2018 BMT report shows that a 1/200 AEP flood event will overtop the current height of the Levees. We know this could occur at any time. Climate change is increasing the severity of flood events (higher rainfall, bigger river floods and increasing sea level rise), posing an ongoing risk to the safety, wellbeing and prosperity of our residents.

We understand that proactive flood mitigation measures (infrastructure based) are essential to reducing the vulnerability of our community to future flood risks, protecting property, reducing economic loss, and ensuring the sustainable development of our region.

OFFICER COMMENTS:

Shane Eberhardt (Acting Chief Executive Officer)

As a result of changes in the climate system, we are seeing more extreme events. Bushfires, droughts, cyclones and floods are becoming more frequent and intense due to climate change. Sea level rises and extreme weather events are predicted to increase in the future and flooding is expected to change in the Launceston area as a result of the potentially unpredictable climate. With every degree of warming, the atmosphere holds 7% more moisture, leading to larger rain events and flooding. Flood modelling highlights that as a result of climate change leading to sea level rise and the intensification of flood events, the protection level of Launceston's levees is expected to lower.

Recent analysis of the levee protected areas indicates that the levee system protects approximately 6,000 residents, 2,300 dwellings and many hundreds of businesses. Additionally, many recreational spaces, major sporting facilities, educational and childcare facilities and meeting places are also protected by the levee system. Following the 2016 flood it was estimated that the levees provided \$216M of protection to assets in these areas, however, this estimate did not quantify the impact on medium to long term recovery for the community. Learnings and research from affected communities throughout Australia indicate that it is likely a large flood will have long term environmental, economic and social impacts. These include contamination to land, loss of places to do recreational sports, an increase in mental health issues, housing stress for those displaced, economic impacts on families due to job losses, frustrations from the community on the progress of rebuilding, and social isolation. The City of Launceston has recently undertaken an analysis of the impacts of a major flood in Launceston with the aim of raising awareness

across all levels of Government, business/industry and the community to encourage these stakeholders to come together and be a part of the recovery planning process.

The City of Launceston has been very progressive in managing flood risk within a national context with key achievements being:

- Upgrading of the flood protection system to provide improved protection and integrity.*
- Improvement of Council's emergency response capability.*
- We are one of a few councils that maintain their own sensor network. This network is currently being upgraded to obtain more data locations including investment in an early warning system. This data will become available to the community.*
- Council continues to fund the Launceston Flood Authority to ensure there is independent oversight of how the flood protection system is managed and maintained.*
- One of only a few councils to have a Specific Area Plan (SAP) to manage the development in the flood plain to ensure we do not increase the vulnerability of the community living on levee protected land. The SAP is currently undergoing a review.*
- In conjunction with the Department Premier and Cabinet and National Emergency Management Agency, leads one of the largest local community recovery exercises nationally.*
- Recently released the Emergency Management Hub to improve awareness of hazards and risk.*

Many of the mechanisms to reduce future riverine flood risk can also improve or exacerbate localised drainage issues, particularly within Invermay. Parts of Invermay are already below high tide and with further increases in sea level, the groundwater table will rise which will contribute to greater urban salinity issues and place more strain on the drainage system. With more intense rain events and the increasing sea level, the drainage system will also require substantial investment in infrastructure, policy and perhaps planning controls. The scope of this investigation should also consider the inter-relationship between the two sources (localised drainage and riverine) of flooding.

The value of such a study would likely be in the order of \$300,000 to \$500,000 and require significant investment of time across the organisation (flood modelling, emergency management, planning, community development and economic development) and therefore will need to be prioritised within our annual plan actions.

Scoping of the study would be undertaken in conjunction with the SES and Launceston Flood Authority.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Should the Notice of Motion succeed, a budget amendment would need to be made to accommodate the cost of the project.

DISCLOSURE OF INTERESTS:

The Author and Chief Executive Officer have no interests to declare in this matter.

ATTACHMENTS:

1. Notice of Motion - Councillor A J Britton - Flood Mitigation Strategy [12.1.1 - 2 pages]

CITY OF LAUNCESTON

MEMORANDUM

FILE NO: SF5547 / SF0030
KH
DATE: 28/02/2024

TO: Shane Eberhardt Acting Chief Executive Officer
c.c. Kelsey Hartland Team Leader Governance

FROM: Alex Britton Councillor

SUBJECT: Notice of Motion - Establishment of a comprehensive Flood Mitigation Strategy for Launceston

In accordance with Clause 16 (5) of the *Local Government (Meeting Procedures) Regulations 2015* please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on Thursday 7th March 2024.

Motion

That Council:

1. Acknowledges the urgent need for a comprehensive flood mitigation strategy that recognises the existential risks associated with major floods and addresses current and future vulnerabilities and risks associated with flooding in our City.
2. Directs the CEO to develop a scope and detailed project plan to deliver a comprehensive Flood Mitigation Report using all available research, flood modelling, economic analysis, and historic data, to provide an assessment of potential flood risk mitigation options and their relative costs and benefits within our jurisdiction.
3. The Report is to identify and evaluate these flood mitigation measures, including large scale infrastructure projects (e.g., levees, barrages, drainage improvements), natural solutions (e.g., wetland restoration, riparian buffers), and policy measures (e.g., zoning changes, building codes).
4. The project is to be considered as part of annual plan and budget discussions.
5. a. The CEO is to pursue external funding opportunities, including state and federal grants, to support the implementation of the flood mitigation strategy.
b. Prepare a briefing statement on flood risk – Immediately a briefing paper prepared is sent to all major parties prior to the coming state election asking for their support in the creation of this strategy.

CITY OF LAUNCESTON

MEMORANDUM

6. The council will engage with community stakeholders, including residents, business owners, environmental groups, and indigenous communities, to gather input and ensure a collaborative approach.

Background

(Launceston experiences regular significant flooding events, leading to substantial economic, environmental, and social impacts on our community. The 2023 Launceston Council recovery exercise, developed in conjunction with Australian Institute for Disaster Relief, outlined the damage a 1/500-year annual exceedance probability (AEP) year flood event would bring to our city. A significant event such as this would take the region up to 10 years to recover.

The 2018 BMT report shows that a 1/200 AEP flood event will overtop the current height of the Levees. We know this could occur at any time. Climate change is increasing the severity of flood events (higher rainfall, bigger river floods and increasing sea level rise), posing an ongoing risk to the safety, wellbeing and prosperity of our residents.

We understand that proactive flood mitigation measures (infrastructure based) are essential to reducing the vulnerability of our community to future flood risks, protecting property, reducing economic loss, and ensuring the sustainable development of our region.



Councillor Alex Britton

13. INFRASTRUCTURE AND ASSETS NETWORK

13.1. New Street Names - Bellwether Street and Coopworth Street

FILE NO: DA0537/2021 / SF0621

AUTHOR: Jaclyn Galea (Infrastructure Development Officer)

ACTING GENERAL MANAGER APPROVAL: Michael Newby (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider approval for the new street names Bellwether Street and Coopworth Street for two streets resulting from a new subdivision located at 11-45 Abels Hill Road, St Leonards.

RELEVANT LEGISLATION:

Local Government (Highways) Act 1982
Survey Co-ordination Act 1944

RECOMMENDATION:

That Council, pursuant to the provisions of section 54 of the *Local Government (Highways) Act 1982* and section 20E of the *Survey Co-ordination Act 1944*, approves the name Bellwether and Coopworth Streets accessing off Abels Hill Road



REPORT:

The proposed street names, Bellwether and Coopworth, have been provided by the developer. Bellwether is in reference to an old English practice of placing a bell around the neck of the lead male sheep. The shepherd could note the movements of the animals even when the flock were out of sight. Coopworth refers to a breed of sheep and is in keeping with the shepherd theme chosen for the development.

There are no instances of the name Bellwether or Coopworth being used in the north of Tasmania for any streets or roads recorded in the state-wide database administered by the State Government.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14. ORGANISATIONAL SERVICES NETWORK

14.1. Determination Report - Code of Conduct Complaint - Councillor J J Pentridge

FILE NO: SF2213

AUTHOR: Kelsey Hartland (Team Leader Governance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider a Code of Conduct Determination Report.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council, pursuant to section 28ZK(7) of the Local Government Act 1993 (Tas), receives the Code of Conduct Panel Determination Report dated 26 February 2024 (ECM Doc Set ID 5032062) in relation to a complaint against Councillor Joe Pentridge.

REPORT:

Section 28ZK(7) of the Local Government Act 1993 (Tas) requires the Chief Executive Officer to table the Determination Report at the first Open Meeting of the Council at which it is practicable to do so.

RISK IMPLICATIONS:

It is a legislative requirement that the Determination Report is tabled.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Costs associated with the Code of Conduct Panel in relation to this matter were not available at the time of writing. Total costs met by the Council in relation to Code of Conduct complaints in the 2024/2025 financial year will be published in the 2024/2025 Annual Report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. Determination Report - Code of Conduct complaint - Launceston City Council - Mr Michael Stretton [14.1.1 - 4 pages]

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Local Government Act 1993

**CODE OF CONDUCT PANEL DETERMINATION REPORT
LAUNCESTON CITY COUNCIL CODE OF CONDUCT**

Complaint brought by Mr Michael Stretton against Councillor Joe Pentridge

Code of Conduct Panel

- Jill Taylor (Chairperson),
- Liz Gillam (Local Government Member)
- Graeme Jones (Legal Member)

Date of Determination: 26 February 2024

Content Manager Reference: C31267

Summary of the complaint

A Code of Conduct complaint was submitted by Mr Michael Stretton the General Manager of the Launceston City Council on 20 September 2023.

The complaint alleges that Councillor (Cr) Joe Pentridge breached the following parts of the Code of Conduct for Aldermen, approved by the Launceston City Council on 25 January 2023.

Part 3 - Use of Office

1. The actions of a Councillor must not bring the Council or the office of Councillor into disrepute.

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.

Part 8 – Representation

7. The personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.

Initial assessment

Following receipt of the complaint, the Chairperson conducted an initial assessment of the complaint in accordance with the requirements of section 28ZA of the Act.

Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that:

- part of the complaint, namely Part 8.7 of the Code be dismissed in accordance with section 28ZB (1) (b) on the basis that this Part of the Code does not substantially relate to a contravention of the Code as Cr Pentridge was not representing Council as a councillor.
- the balance of the complaint should not be dismissed on the grounds that it was frivolous, vexatious or trivial. The reasons for this conclusion were that the correspondence by Cr Pentridge contained rude and offensive comments. Furthermore, Cr Pentridge was not treating the recipient of his correspondence with respect and the recipient may have found that offensive.

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- the complainant had made a reasonable effort to resolve the complaint. The Chairperson arrived at this conclusion having regard to Mr Stretton's statement that Cr Pentridge undertook extensive education on the Code of Conduct and that since his election Council officers have engaged with him in a respectful and consistent manner.
- the balance of the complaint substantially related to a contravention of the Launceston City Council's Code of Conduct for Elected Aldermen, approved on 25 January 2023 namely Parts 3.1 and 7.1 (a) and (b).
- the complaint does not disclose that an offence may have been committed or that it should more appropriately be dealt with by another person or authority.
- having made enquiries of the Code of Conduct Executive Officer, there was no relevant direction under section 28ZB(2) or 28ZI of the Act that would apply to the complainant and the complaint.¹

On this basis, the Chairperson determined to investigate Parts 3.1, 7.1 (a) and (b) of Mr Stretton's complaint.

The complainant, respondent councillor and the Acting General Manager were notified of the outcome of the outcome of the initial assessment by letter dated 7 November 2023.

Investigation

In accordance with section 28ZE of the Act, the Code of Conduct Panel (the Panel) investigated the complaint.

Material considered by the Panel

The following documents have been presented to the Panel to consider as evidence in this matter:

- Mr Stretton's complaint against Cr Pentridge submitted under cover of a statutory declaration dated 20 September 2023.
- Letter from Cr Pentridge, Director, Holly Pty Ltd dated 15 August 2023.
- A response from Cr Pentridge by statutory declaration dated 5 December 2023 covering a letter from his legal representative, Mr Chris Groves dated 5 December 2023.
- Launceston City Council's Code of Conduct for Elected Aldermen approved on 25 January 2023.
- A copy of a letter to Mr Stretton from Ms Kate Hanslow, Simmons Wolfhagen, dated 22 August 2023.
- A copy of a letter from Mr Chris Groves, Dobson, Mitchell and Allport dated 22 January 2024.

By letters dated 18 December 2023, the complainant and respondent councillor were notified of the Panel's intention to proceed to determine the complaint without a hearing. Both parties were invited to provide any objection in writing within 14 days of date of advice as well as the opportunity to make any additional submissions. On 2 January 2024, Mr Stretton responded and attached a copy of a letter he had received from Ms Hanslow dated 22 August 2023 which he had received prior to the lodgement of his complaint. On 10 January 2024, Mr Stretton advised that he agreed to not having a hearing. In his letter of 5 December 2023, responding to Mr Stretton's complaint, Mr Groves stated that Cr Pentridge had advised him that the complaint could be determined without a hearing. However, when Cr Pentridge was formally advised that the matter would not go to a hearing, he indicated that he wanted to consult with Mr Groves in relation to a further submission and whether to conduct a hearing. Owing to Mr Groves being on annual leave, Cr Pentridge requested an extension, which was granted for a further 7 days. The letter from Mr Groves dated 22 January 2024 was sent as Cr Pentridge's final submission which also advised he agreed that a hearing was not required. A copy of Mr Groves' letter was sent to Mr Stretton who advised that he did not wish to make any further comment.

Determination

The Panel met by teleconference on 30 January 2024 to consider the evidence as listed above.

¹ Section 28ZB(2) and 28ZI of the Act enable the Chairperson or the Panel (as applicable) to issue a direction to a complainant in prescribed circumstances not to make a further complaint in relation to the same matter unless the complainant provides substantive new information in the further complaint.

The Launceston City Council, unlike many other Councils contains a schedule attached to its Code, namely *SCHEDULE 1 - Additional Information to Support the Model Code of Conduct*. Included in the schedule is a description of the scope of the Code which states: -

SCOPE:

Application of code of conduct

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.*

The Panel notes the following:

- the letter from Council dated 10 August 2023 was directed to a corporate entity in its capacity as owner of land and Mr Pentridge was a director of that company;
- the correspondence between the parties related to a driveway crossover;
- the correspondence between the parties was of a private nature between the Council and a ratepayer;
- at all material times Mr Pentridge was acting in his capacity as a director of a private company;
- the publication of the letter (dated 15 August 2023) the subject of complaint, was between Mr Pentridge and the Council representative;
- at no time was Mr Pentridge acting in his capacity as a Councillor, nor was he conducting Council business or acting as a representative of Council.

Mr Stretton's legal representative cited two precedents where an elected members has been found to have breached their Council's Code of Conduct whilst declaring their actions were those of a private individual. The Panel had regard to these precedents and concluded the following –

1 Determination Report dated 12 August 2022, Waratah Wynyard Councillor Code of Conduct, complaints brought against Councillor Darren Fairbrother: Determination-Report-12-August-2022-Waratah-Wynyard-Council-Complaint-by-Mr-Mathew-Healey, -Cr-Mary-Duniam,-Cr-Andrea-Courtney,-Cr-Kevin-Hyland,-Cr-Celisa-Edwards-against-Fairbrother-Upheld-Tabled-15-August-2022.pdf (dpac.tas.gov.au)

In this instance the councillor concerned had been the subject of a criminal charge and was well-known in his community as a long-standing councillor. His behaviour and resulting charges, despite not performing in his role as councillor, were of such seriousness that the complaint was upheld.

2 Similar observations were made in the Code of Conduct Panel Determination Report dated 8 June 2020, Huon Valley Council Code of Conduct, complaint against Councillor Michael Newell: Determination_Report_8_June_2020_-_Huon_Valley_Council_-_Complaint_by_Mr_G_Swan_against_Cr_M_Newell_-_Partially_Upheld_-_Tabled_24_June_2020.PDF (dpac.tas.gov.au)

In this instance the councillor was a radio announcer, well known in his community as an elected member and the Panel determined that there was no clear line of delineation in comments he made in the public arena as an elected member or private citizen.

In the case of this complaint against Cr Pentridge, the Panel acknowledges the tone of Mr Pentridge's letter was robust in expression and bordering on being rude and offensive in part. Furthermore, the Panel is of the view that any elected member when communicating with their Council on all matters, even those not directly attributed to their role as a councillor should be aware of the health and safety impact such a communication may have on Council employees.

In the final analysis, however, by writing the letter dated 15 August 2023 to Mr Eberhardt, General Manager, Infrastructure and Assets as a private citizen and business owner this action was not covered within the scope outlined above.

The Panel therefore concludes that the Launceston City Council's Code of Conduct has no application in this matter and dismisses the complaint as the Panel has no power to deal with it.

Timing of the Determination

In accordance with section 28ZD (1) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's determination that the complaint is to be investigated.

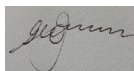
The Panel has been unable to determine the complaint within 90 days, owing to requests by the respondent to consult with his legal representative and the Christmas/New Year period intervening with some Panel members unavailable for periods of time.

Right to review

A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination. In accordance with section 17 of the *Magistrates Court (Administrative Appeals Division) Act 2001*, an appeal must be lodged within 28 days of the date of receipt of this determination.



Jill Taylor
Chairperson



Graeme Jones
Legal Member



Liz Gillam
Member

Date: 26 February 2024

15. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 CD020/2023 Sea Scout Pontoon Repair - Separable Portion No. 1

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:
(d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

15.6 CD043/2023 Launceston Pump Track

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:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

15.7 End of Closed Session

To be determined in Closed Council.

16. MEETING CLOSURE

17. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 21 March 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.