



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 2 MAY 2024
1.00PM**

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

Date: 2 May 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 was streamed live to and can be accessed at:
www.launceston.tas.gov.au/Council/Meetings/Listen.

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

PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

Present:

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 Prof G Razay
Councillor J J Pentridge (from 1.02 pm)
Councillor A J Palmer
Councillor L M McMahon
Councillor S Cai
Councillor A J Britton

In Attendance:

Shane Eberhardt (Acting Chief Executive Officer)
Chelsea van Riet (General Manager Community and Place Network)
Louise Foster (General Manager Organisational Services Network)
Nathan Williams (Chief Financial Officer)
Philippa Lees (Manager Community Relations)
Zara Dawtrey (Team Leader Communications)
Duncan Campbell (Team Leader Legal Services) (Agenda item 13.1)
Michelle Grey (Properties and Legal Officer) (Agenda item 13.1)
Kelsey Hartland (Team Leader Governance)
Lorraine Wyatt (Council and Committees Officer)

Apologies:

Nil

ORDER OF BUSINESS

1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES.....	8
2. MAYORAL ACKNOWLEDGEMENTS	8
3. DECLARATIONS OF INTEREST	8
4. CONFIRMATION OF MINUTES.....	9
5. COUNCIL WORKSHOPS	10
5.1. Council Workshop 18 April 2024	10
6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS	12
7. COMMUNITY REPORTS	12
8. PUBLIC QUESTION TIME	13
8.1. Public Questions on Notice.....	13
8.1.1. Public Questions on Notice - Andrew Whitehead - The Mayors Cap - 17 April 2024.....	13
8.1.2. Public Questions on Notice - Ray Norman - Officers Answering Questions on Behalf of Council - 17 April 2024	14
8.1.3. Public Questions on Notice - Jeff Mitchell - Launceston Tool Library - 18 April 2024.....	16
8.1.4. Public Questions on Notice - Robin Smith - Parking Infringements - 24 April 2024.....	17
8.2. Public Questions Without Notice.....	18
8.2.1. Public Questions Without Notice - Kirsten Ritchie Representing Strike It Out - Sleep Pod Proposal - 2 May 2024	18
8.2.2. Public Questions Without Notice - The Honourable Rosemary Armitage MLC - Birchalls/Katies Building Sites and Budget Estimates - 2 May 2024.....	20
8.2.3. Public Questions on Notice - Robin Smith - Parking Infringements - 2 May 2024	22
9. ANNOUNCEMENTS BY THE MAYOR.....	23
9.1. Mayor's Announcements.....	23

10. COUNCILLORS' REPORTS	24
11. QUESTIONS BY COUNCILLORS	25
11.1. Councillors' Questions on Notice.....	25
11.1.1. Councillors' Questions on Notice - Councillor D G Gibson - Short- Term Accommodation - 11 April 2024.....	25
11.1.2. Councillors' Questions Without Notice - Councillor S Cai - Paul Davies Report - 18 April 2024	28
11.2. Councillors' Questions Without Notice.....	29
11.2.1. Councillors' Questions Without Notice - Councillor J J Pentridge - Mobile Sleep Pod - 2 May 2024	29
11.2.2. Councillors' Questions Without Notice - Equilibrium of Silt in the Tamar River - 2 May 2024	30
11.2.3. Councillors' Questions Without Notice - Councillor D G Gibson - Formalised Access For all Ability Toilets - 2 May 2024.....	31
12. INFRASTRUCTURE AND ASSETS NETWORK.....	32
12.1. Launceston Flood Authority Report.....	32
13. ORGANISATIONAL SERVICES NETWORK	33
13.1. Lease - East Launceston Croquet Club	33
14. CHIEF EXECUTIVE OFFICER NETWORK	35
14.1. Cataract Gorge Chairlift Renewal Request	35
15. CLOSED COUNCIL	37
15.1. Confirmation of the Minutes.....	38
15.2. CD045/2023 - Gatehouse Weighbridge Operator	38
15.3. Councillor's Leave of Absence	38
15.4. End of Closed Session	38
16. MEETING CLOSURE.....	39
17. NEXT COUNCIL MEETING DATE.....	39

1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor M K Garwood, opened the Meeting at 1.00pm and advised that Councillor J J Pentridge would be a late attendee to the Meeting.

2. MAYORAL ACKNOWLEDGEMENTS

There were no Mayoral Acknowledgements for this Meeting

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).

Mayor Councillor M K Garwood declared an interest in item 15.3 - Councillors Leave of Absence.

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 18 April 2024 be confirmed as a true and correct record.

DECISION: 2 May 2024

MOTION

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

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 18 April 2024 be confirmed as a true and correct record.

CARRIED 10:1

FOR VOTE: 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 Prof G Razay, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

ABSTAINED FROM VOTE: Councillor A J Palmer

ABSENT AT TIME OF VOTE: Councillor J J Pentridge

5. COUNCIL WORKSHOPS

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

5.1. Council Workshop 18 April 2024

FILE NO: SF4401

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

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 18 April 2024:

Events Strategy

Councillors received an overview of the draft Events Strategy and provided feedback on the new pillars.

124 Brisbane Street

Councillors received an update about this project.

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 Prof G Razay, Councillor J J Pentridge, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

Apologies: Councillor A J Palmer

Councillor J J Pentridge entered the Meeting at 1.02pm

DECISION: 2 May 2024

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor 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 Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

Councillors' Leave of Absence Applications will be considered in Closed Council at Agenda Item 15.3 - Councillors' Leave of Absence.

7. COMMUNITY REPORTS

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

No Community Reports have been identified as part of this Agenda

8. PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1. Public Questions on Notice

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

8.1.1. Public Questions on Notice - Andrew Whitehead - The Mayors Cap - 17 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 17 April 2024 by Andrew Whitehead, has been answered by Leanne Purchase (Manager Governance).

Questions:

1. Can I ask why the mayor appears on television wearing a NYC (New York City) cap?
Can he not afford a Launceston one?

Response:

This is not a matter on which it is appropriate for Council Officers to comment.

8.1.2. Public Questions on Notice - Ray Norman - Officers Answering Questions on Behalf of Council - 17 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, as submitted to Council on 17 April 2024 by Ray Norman, has been answered by Leanne Purchase (Manager Governance).

Question:

QUESTION 1

CONTEXT NOTE

Given that when a question related to a '**strategic and policy**' matter is put to the Mayor & ALL Councillors on notice.

- Demonstrably, it is answered by a Council Officer (*AKA The hired help & functionaries*) and thus by definitions by people to whom the question is NOT being addressed to and who do not have the domain knowledge nor the **DELEGATED** authority to provide an authoritative answer; and
- Reportedly, are not addressed in any way at Council's questionable pre-meeting workshops; and
- That do not get any attention in an Open Council Meeting; and thus.

Anyone asking their '**representatives**' for an explanation relative to a **POLICY** determination, because of management's **BUREAUCRATIC** obfuscation the issue is downplayed for **BUREAUCRATIC** convenience and comfort. An extraordinary situation relative to accountability and transparency in governance.

THE QUESTION

Given that Councillors have serially ignored the circumstance where Council Officers answer questions on their behalf which goes to their accountability will Council please advise their constituency how they can present their questions and submissions to Council and have them openly and appropriately addressed and considered by their elected representatives?

Response:

Regulation 8(1) of the Local Government (Meeting Procedures) Regulations 2015 requires the Chief Executive Officer to prepare an agenda for each Council meeting. Regulation 8(2) requires that there is a public question time item on each agenda.

Regulation 31 provides that a member of the public may give written notice of a question to be asked at a meeting. The City of Launceston lists such questions on notice at item 8.1 of the meeting agenda.

Regulation 31(2) provides that the Mayor (as the meeting's chairperson) may address a question on notice. This is consistent with the Mayor's function as the spokesperson of the Council by reason of section 27(1)(e) of the Local Government Act 1993 (Tas).

In practice, the Mayor can address a question on notice in several ways, including by referring to any management response in the corresponding agenda, or by adding to it, or by otherwise providing a response in place of the management response. Management responses are provided under the authority of the Chief Executive Officer, who is responsible for preparing the agenda by reason of regulation 8(1).

Regulation 31(4) prohibits debate on a question asked and the answer provided. It is therefore not possible for Councillors to answer questions as part of the public question time process.

Members of the community who wish to have questions answered by Councillors should engage with Councillors outside of the public question time process. Members of the community who wish to present questions and submissions to Council have various avenues available to them, depending on the matter to which their questions and submissions relate.

An initial approach to Council by phone, email or in person is always welcome in the first instance, so advice tailored to specific circumstances may be provided.

8.1.3. Public Questions on Notice - Jeff Mitchell - Launceston Tool Library - 18 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 18 April 2024 by Jeff Mitchell, has been answered by Rachel Eberhardt (Waste and Environment Officer - Operations).

Questions:

1. A library could be run by Volunteers (myself included) in conjunction with the Repair Cafe and "How to" classes (for example, how to lay tiles; make a picture frame) Launceston Tool Library. Will the Council Place all items of the library into storage until a new iteration can be established?

Response:

The Tool Library was funded by the Tasmanian Community Funds. Council gifted some tools that were found by a Council employee.

A number of items were collected from the Tool Library for the first Repair Café Launceston that was held on 20 April 2024. The volunteer repairers will identify any additional tools required which will then be collected for the next repair café on the 18 May 2024. The remaining tools will be placed into council storage after 1 June 2024 until a decision is made moving forward.

The City of Launceston is keen to see the Tool Library reestablished at an appropriate location.

8.1.4. Public Questions on Notice - Robin Smith - Parking Infringements - 24 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question/questions, submitted to Council on 24 April 2024 by Robin Smith, has been answered by David Mullenger (Manager Health and Compliance, Community and Place).

Questions:

1. Following my question asked at the Council general meeting on 22 February 2024, the answer was that the 14 day payment window commences the next calendar day after issue of infringement.

Council has subsequently advised by saying that option listed HOW TO PAY online on the infringement cannot be made until as I mentioned in the initial question, it has been loaded at a later date. Therefore my question remains unanswered being:- "Can the time for making a payment start from the time when it can be paid rather than when it is issued"? This would ensure there is a full 14 days before it increases.

Response:

Infringements are required to be paid within 14 days of the date of issue as outlined on the back of the infringement notice. For example if an infringement was issued on the 12 February, the final date on which payment could be made is 26 February.

There is four payment options available including:

- *Online*
- *Pay By Phone*
- *In Person*
- *By Mail*

After 28 days, unpaid fines are referred to the Monetary Penalty Enforcement Service under the Monetary Penalties Enforcement Act 2005.

8.2. Public Questions Without Notice

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

8.2.1. Public Questions Without Notice - Kirsten Ritchie Representing Strike It Out - Sleep Pod Proposal - 2 May 2024

- 1. When are we going to receive a list of community buildings and spaces that are managed by the State and Local Government?**

Shane Eberhardt, Acting Chief Executive Officer advised this question will be Taken On Notice and a response will be provide din the Council Agenda of 16 May 2024.

- 2. Since the 19th June of 2019 our mobile sleep pod proposal has been submitted to Launceston City Council with no notifications of what we're lacking, what is required and what you are asking us for? What is missing from our proposal?**

The Mayor, Councillor M K Garwood, advised that the additional details primarily sits within an operating plan that provides:

- Clarity on the intended users, and how will they be referred/selected - this is important to ensure that conflicting groups aren't co-located
- Details on how the site will be managed and resourced
- Hours of operation and who will be responsible for oversight of the operation during these hours
- A comprehensive risk assessment and plans on how these risks will be mitigated with consideration to those who utilise the service, those who visit the service, and any neighbouring residents and/or businesses
- Methods of community consultation and how this process will be delivered
- Details of any additional service providers (if applicable) that will be involved in the operation and management of the site
- Additional services that will be provided on site e.g. toilets/showers
- Details on any potential environmental impact including consideration to noise and light created through the use of the site and how it may impact on neighbouring residents/businesses and or other user groups

Internal conversations include:

- November 2022: A Mobile Sleep Pod Proposal was received from Strike It Out although the Proposal was from Door of Hope at the time
- 22 March 2023: A request for a proposal to council
- 30 April 2023: Media release by Strike It Out
- June to September 2023 phone conversations between Dan Ryan [General Manager Community and Place at the time], and Kirsten about a potential use of the car park for the Sleep Pods in Park Street

- **November 2023: Strike It Out submits an Expression of Interest for the use of the Frederick Street site and were unsuccessful**
- **21 December 2023: Email from the Acting General Manager reiterating what was required to be provided to Council with no reply**

8.2.2. Public Questions Without Notice - The Honourable Rosemary Armitage MLC - Birchalls/Katies Building Sites and Budget Estimates - 2 May 2024

- 1. As our Mall should be our city heart, I am asking about the properties at 118 - 122 and 124 Brisbane Street, better known as the Burchalls and Katies Building. Can you please advise the current situation with regard to these properties, that is; are they unencumbered, without impediment, are they up for sale, are they up for tender, are they under consideration for Council to undertake the development themselves still, or, what is the Council proposing to do with the properties, and when will the community be advised?**

The Mayor, Councillor M K Garwood, responded by saying that the proposal and discussions about any options are being still considered.

- 2. Which options? Is the council looking to pass them on to sell them to someone to develop or is the council still looking to do the development themselves and if they are looking to sell is there an impediment to sale currently? Will Council wait for the new CEO?**

The Mayor, Councillor M K Garwood, advised there was no known impediment to sale currently, and Council is looking at all of the options. There is no set timeline at this particular moment and Council will have a further discussion around a timeline.

- 3. I've also been advised that provision for these properties has been included in the draft 24/25 proposed annual plan and budget. Can you please tell me where it is in there because I couldn't find it? What is the current budget allocation for?**

Shane Eberhardt, Acting Chief Executive Officer, confirmed there is an allocation of \$200,000 in the 2023/2024 budget which was allocated for Council to work through the planning and how it is progressing with the Birchalls building.

There is no allocation in the draft budget that was advertised however next year's budget will be considered in June.

4. Do the Councillors go through an estimates type of scrutiny, with a line by line breakdown, for example: the conservatory has an amount of \$1m next to it. Do councillors sit down with the managers and go through line by line to find out the cost of consultancy, who's doing the work, and what's included in that million dollars?

The Mayor, Councillor M K Garwood, confirmed that opportunities for Councillors to ask questions and talk through the budget, are available and generally done through workshops but in terms of the full breakdown, it is not provided at that level of detail. Councillors can, and do, request line items if required.

5. Can members of the public or members of parliament request certain items to be detailed or is that outside the purview?

Shane Eberhardt, Acting Chief Executive Officer, advised that Council has reported previously on consultancy costs and if anyone wants additional detail then they are welcome to ask.

8.2.3. Public Questions on Notice - Robin Smith - Parking Infringements - 2 May 2024

- 1. As Council do not upload infringements to the System until some time during the next business day, this does not provide a full 14 days. Despite three previous questions, Council doesn't appear to recognise this delay when answering 14 days.**

How can I ask this question again? Where am I going wrong with this line of questioning that the 14 days and what it actually means, is a true 14 days in which to pay, and they actually use the word, working days, not business days.

The Mayor, Councillor M K Garwood, advised that a meeting would be convened with Mr Smith to ensure that his concerns are getting voiced in a way that's understood and look where the 14 days fits into the uploading and application of that payment.

- 2. The Thylacines have been moved from the Mall and reinstalled in the Civic Square. Might I know what the cost for that process, the removal and the installation, was please?**

The Mayor, Councillor M K Garwood, advised the question would be Taken On Notice and a response provided in the 16 May 2024 Agenda.

- 3. One of the larger properties in the Brisbane Street Mall has a lot of graffiti on it and has had for several years now. There is quite a lot of graffiti on the front on the Brisbane Street side and also on the car park side.**

I understand there's a letter a template the council sends out to a landlord or a property owner that suggests to them that they might want to look at removing the graffiti. May I have a copy of that letter please?

The Mayor, Councillor M K Garwood responded by saying sure.

9. ANNOUNCEMENTS BY THE MAYOR

9.1. Mayor's Announcements

FILE NO: SF2375

Friday 19 April 2024

- Met with Honorary Consular Representatives together with Launceston Chamber of Commerce, Town Hall

Saturday 20 April 2024

- Participated in welcome for the Australian DrillDance Championships 2024, Silverdome
- Joined Honorary Consular Representatives for a Winery Tour, Pipers Brook Vineyard
- Attended Tasmanian Symphony Orchestra and Wolfe Brothers concert, Princess Theatre

Sunday 21 April 2024

- Attended the 2024 Men's and Women's Tasmanian Open and Inclusive Championships presentation ceremony, Launceston Golf Club
- Officiated at the Brixhibition presentations, Launceston Conference Centre

Wednesday 24 April 2024

- Attended opening night of *The Pillowman*, Earl Arts Centre

Thursday 25 April 2024

- Officiated at the ANZAC Day Service, Launceston Cenotaph
- Laid a wreath at Nunamara ANZAC Day Service, Nunamara

Friday 26 April 2024

- Attended the Presentation Night dinner, Trevallyn Bowls and Community Club

Sunday 28 April 2024

- Attended International Workers' Day memorial, Elizabeth Gardens

Tuesday 30 April 2024

- Attended the opening of Engaged Support Services, Punchbowl Road
- Spoke with students about Local Government, Riverside Primary School Grade 5

Wednesday 1 May 2024

- Participated in the Joint Standing Committee Public Hearing on Education and Tourism, Launceston
-

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).

Councillor A J Palmer

- **Attended the Dawn Service at the Launceston Cenotaph**
- **Attended 11.00am Anzac Day Service in Lilydale and congratulated to the Lilydale RSL Sub-branch for all that they do for the community and acknowledged the passing of their former President Lyndsay Godfrey**

Councillor S Cai

- **Attended the Dawn Service at the Launceston Cenotaph**

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 G Gibson - Short-Term Accommodation - 11 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council by Councillor D C Gibson, has been answered by Nathan Williams (Chief Financial Officer).

Questions:

1. I note the latest media interest in short-term accommodation and also the work of the former CEO, as part of the Tasmanian Housing Reference Group. Noting the considerations from the Working Group were noted in a report at the Local Government Association Meeting held on 14 March, what is Council doing in this space and in consideration of the five Sector Positions?

Response:

The City of Launceston through its former Chief Executive Officer, and current Chief Financial Officer, have been engaged as part the Working Group and provided input into the positions formed by the Local Government Association of Tasmania (LGAT). Council will continue to form part of the Working Group and advocate for each of the five sectoral positions, with more specific detail provided below for each position where relevant.

Council considered the Review of the Impacts of Short Stay Accommodation on the Rental Market in the City of Launceston at its Ordinary Meeting on 23 March 2023; this has formed much of the basis of the sectoral position adopted by LGAT.

- **Proposed Sector Position (1): that measures to manage the impacts of short stay accommodation on housing should:**
 - **Target the impacts of commercially let residences on residential areas.**
 - **Avoid targeting short stay accommodation in non-residential areas, and true home sharing.**
-

Council acknowledges the difference between home sharing/short term accommodation in non-residential areas and the issues around short-term accommodation in predominantly residential areas.

Much of this detail was provided in the report to Council on 23 March 2023, which showed that approximately 600-650 or 2% of private dwellings were listed as short-term accommodation. For context, the report found that 8,743 properties were rental properties. There was a total of 31,274 private dwellings as part of the Launceston Local Government Area in the 2021 census.

Per this report, the majority of short-term accommodation offerings were in, or close to, the Central Business District or surrounding suburbs.

- ***Proposed Sector Position (2): that the Tasmanian Government:***
- ***properly enforce the data reporting requirements of the Short Stay Accommodation Act 2019 and resolve gaps in the data collection to support better management of the impacts of residential short stay accommodation.***
- ***develop a consolidated dashboard of housing related data for Tasmania to assist planning and housing responses.***

Data is provided by the Tasmanian Government to Councils on a quarterly basis. Currently, there are shortcomings within the data, which make the practical application of any potential changes such as differential rating challenging. Having a consolidated dashboard would assist greatly in enabling Council to make better informed decisions with respect to initiatives it can pursue from a planning, rating and (dis)incentivisation perspective.

- ***Proposed Sector Position (3): that councils monitor the outcome of the City of Hobart's LPS and, if successful, utilise it as a model for managing commercially let residences.***

City of Launceston continues to monitor and have discussions with the City of Hobart on this matter.

- ***Proposed Sector Position (4): that to support the conversion of existing lawful commercially let residences back to residential use, councils implement, where appropriate, and advocate for economic measures, such as a coordinated incentivisation and disincentivisation regime, such as land tax, stamp duty, capital gains tax, and negative gearing. LGAT Position Paper – Managing the Impacts of Short Stay Accommodation – February 2024 16***

City of Launceston supports the sectoral position on this matter, noting that much of the relevant legislation will need to be applied by the State and Australian Government.

- ***Proposed Sector Position (5): that councils investigate and, where appropriate, apply a differential rating regime for commercially let residences in residential areas.***

Preliminary work and discussions have occurred on modelling a differential rate, however issues with the data provided presents some challenges regarding the potential application.

The Valuer-General is required to reclassify a property as R7 - Short Stay Visitor Accommodation following notification by Council, before a differential rate can be applied by Council. This presents a challenge if a property is not used for short-term accommodation permanently, as the property type classification therefore cannot be applied. Only truly permanent short-term accommodation properties can be reclassified as R7 property types.

11.1.2. Councillors' Questions Without Notice - Councillor S Cai - Paul Davies Report - 18 April 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

ACTING CHIEF EXECUTIVE OFFICER: Shane Eberhardt

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 18 April 2024 by Councillor S Cai, has been answered by Shane Eberhardt (Acting Chief Executive Officer).

Questions:

1. Is there a way of fast tracking to adapt the Paul Davies Report so we could encourage developers to design in sympathy with the streetscapes or surrounding areas?

Response:

Council officers are working through engagement of a consultant to finalise the building bulk and massing study.

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).

11.2.1. Councillors' Questions Without Notice - Councillor J J Pentridge - Mobile Sleep Pod - 2 May 2024

Can Council consider putting the Mobile Sleep Pod at Royal Park on the car park temporarily to alleviate this issue, rather than the facility, that has cost a lot of money, sitting inside the warehouse somewhere?

The Mayor, Councillor M K Garwood, advised this question would be Taken on Notice and a response provided in the Council Agenda of 16 May 2024.

**11.2.2. Councillors' Questions Without Notice - Councillor J J Pentridge -
Equilibrium of Silt in the Tamar River - 2 May 2024**

Regarding the silt that has accumulated around the area of Rupert and Hound. We have previously been advised that the silt would reach equilibrium. How high is the equilibrium going to get because it is getting higher and higher and someone needs to address it, otherwise it's going to get to the stage where we are not going to be able to fix it in a cost-effective matter?

The Mayor, Councillor M K Garwood, advised this question would be Taken on Notice and a response provided in the Council Agenda of 16 May 2024.

11.2.3. Councillors' Questions Without Notice - Councillor D G Gibson - Formalised Access For all Ability Toilets - 2 May 2024

Could the inclusion of the formalised access for all ability toilets, be an Annex to the East Launceston Croquet Club lease, and the responsibility of Council to ensure that that's provided rather than the two tenants themselves needing to strike that arrangement?

At the request of Councillor D G Gibson, the Mayor, Councillor M K Garwood, advised this question would be Taken on Notice and a response provided in the Council Agenda of 16 May 2024.

12. INFRASTRUCTURE AND ASSETS NETWORK

12.1. Launceston Flood Authority Report

FILE NO: SF4493

AUTHOR: Debbie Pickett (Personal Assistant Infrastructure and Assets Network)

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

DECISION STATEMENT:

To receive the Launceston Flood Authority Report - October 2023 to March 2024.

RELEVANT LEGISLATION:

Launceston Flood Authority Rules, April 2020

RECOMMENDATION:

That Council, in accordance with Rule 26 of the *Launceston Flood Authority Rules, April 2020*, receives the Launceston Flood Authority Report, October 2023 to March 2024 (ECM Document Set ID 5056630).

DECISION: 2 May 2024

MOTION

Moved Councillor T G Walker, seconded Councillor A J Britton.

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

CARRIED 12:0

FOR VOTE: 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 Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

13. ORGANISATIONAL SERVICES NETWORK

13.1. Lease - East Launceston Croquet Club

FILE NO: SF2967/SF0879

AUTHOR: Michelle Grey (Properties and Legal Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing an area of land at 22-28 Adelaide Street, East Launceston (part of C/T 246404/1) to the East Launceston Croquet Club Inc. as marked on the plan below.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 2 May 2019 - Agenda Item 18.2 - Lease - East Launceston Croquet Club

RECOMMENDATION:

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

1. agrees to lease an area of land situated at 22-28 Adelaide Street, East Launceston (part of C/T 246404/1) to the East Launceston Croquet Club Inc. as marked on the plan below, for the purposes of community recreation.



2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
 - the term shall be five (5) years commencing 1 May 2024 or as determined by the Chief Executive Officer.
 - the lease amount for the first year shall be \$323.96 per annum (as per the Lease and Licence Policy);
 - tenant to be responsible for:
 - energy costs;
 - volumetric and connection charges for water;
 - contents insurance; and
 - other service charges if any.
 - tenant shall continuously maintain:
 - building in good and reasonable order;
 - and keep clear all noxious growth from premises;
 - hold public liability insurance of at least \$20 million.
 - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

Duncan Campbell (Team Leader Legal Services) and Michelle Grey (Properties and Legal Officer) were in attendance to answer questions in respect of this Agenda item.

DECISION: 2 May 2024

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor 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 Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

14. CHIEF EXECUTIVE OFFICER NETWORK

14.1. Cataract Gorge Chairlift Renewal Request

FILE NO: SF0842

ACTING CHIEF EXECUTIVE OFFICER APPROVAL: Shane Eberhardt

DECISION STATEMENT:

To provide in principle support for the renewal of the Gorge Chairlift.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. Provides in principle support for the renewal of the Gorge Chairlift and welcomes the proponents to work with the Council to obtain:
 - a. Disposal of an interest in land under section 178 of the *Local Government Act 1993*.
 - b. A new licence or easement for operation of the site.
 - c. Provision of consent under section 52(1B)(b) of the *Land Use Planning and Approval Act 1993* to lodge a development application on Council managed land.
 2. Notes the land owner consent, disposal of an interest in land and licence all require separate decisions of Council.
-

Councillor J J Pentridge withdrew from the Meeting at 1.34 pm

Councillor J J Pentridge re-attended the Meeting at 1.36 pm

Rocelyn Ives (Vice President of the Launceston Cataract Gorge Protection Association also known as Hands Off Our Gorge) spoke for the Recommendation

DECISION: 2 May 2024

MOTION

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

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

CARRIED 12:0

FOR VOTE: Mayor Councillor 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 Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

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 CD045/2023 - Gatehouse Weighbridge Operator

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.

15.3 Councillor 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 End of Closed Session

To be determined in Closed Council.

DECISION: 2 May 2024

MOTION

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

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 12:0

FOR VOTE: 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 Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahan, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

Council moved into Closed Session at 1.49 pm.
Council returned to Open Session at 2.27 pm.

15.4 End of Closed Session

RECOMMENDATION:

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

Minutes Item	Matter	Brief Description
15.1	<i>Closed Council Minutes – 18 April 2024</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held 18 April 2024.</i>
15.2	<i>CD045/2023 - Gatehouse Weighbridge Operator</i>	<i>The Councillors approved the tender submitted for CD045/2023 - Gatehouse Weighbridge Operator.</i> <i>The name of the successful tenderer will be published to www.launceston.tas.gov.au once both the successful and unsuccessful tenderers have been notified of the decision.</i>
15.3	<i>Councillor's Leave of Absence</i>	<i>Councillors endorsed a personal leave request.</i>

DECISION: 2 May 2024

MOTION

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

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

CARRIED 12:0

FOR VOTE: 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 Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahan, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

16. MEETING CLOSURE

The Mayor, Councillor M K Garwood, closed the Meeting at 2.28 pm.

17. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 16 May 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.