



City of  
**LAUNCESTON**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
THURSDAY 8 FEBRUARY 2024  
1.00PM**

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

Date: 8 February 2024

Time: 1.00pm

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### Certificate of Qualified Advice

#### Background

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

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

#### Certification

I certify that:

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



**Michael Stretton**  
Chief Executive Officer

### AUDIO of COUNCIL MEETINGS

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

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

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

### PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

### PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

## LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

***Present:***

**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 (from 1.01pm)**  
**Councillor Prof G Razay**  
**Councillor J J Pentridge (from 1.01pm)**  
**Councillor A J Palmer**  
**Councillor L M McMahon**  
**Councillor S Cai**  
**Councillor A J Britton**

***In Attendance:***

**Shane Eberhardt (Acting Chief Executive Officer)**  
**Michelle Ogulin (Acting General Manager Community and Place Network)**  
**Louise Foster (General Manager Organisational Services Network)**  
**Michael Newby (Acting General Manager Infrastructure and Assets Network)**  
**Shane Fitzgerald (General Manager Creative Arts and Cultural Services Network)**  
**Nindarra Wheatley (Community Development Officer - Inclusion) (Agenda Item 12.1)**  
**Michelle Grey (Properties and Legal Officer) (Agenda Item 14.1)**  
**Duncan Campbell (Team Leader Legal Services) (Agenda Item 15.1)**  
**Zara Dawtrey (Digital Marketing Officer)**  
**Esther Counsel (Team Leader Governance)**  
**Kelsey Hartland (Risk and Insurance Officer)**

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

The Mayor, Councillor M K Garwood, opened the Meeting at 1.00pm.

**2. MAYORAL ACKNOWLEDGEMENTS**

There were no Mayoral Acknowledgements identified as part of these Minutes

Councillor T G Walker and Councillor J J Pentridge attended the meeting at 1.01pm.

**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).*

**No Declarations of Interest were identified as part of these Minutes**



**4. CONFIRMATION OF MINUTES**

*Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)*

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 25 January 2024 be confirmed as a true and correct record.

**DECISION: 8 February 2024**

**MOTION**

**Moved Councillor A J Britton, seconded Councillor D C Gibson.**

**That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 25 January 2024 be confirmed as a true and correct record.**

**CARRIED 11:1**

**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 A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton**  
**AGAINST VOTE: Councillor J J Pentridge**

**5. COUNCIL WORKSHOPS**

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

**5.1. Council Workshop Report - 25 January 2024 and 1 February 2024**

**FILE NO:** SF4401

**AUTHOR:** Kelsey Hartland (Risk and Insurance Officer)

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

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**DECISION STATEMENT:**

To consider Council Workshops conducted since the last Council Meeting.

**RELEVANT LEGISLATION:**

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

**RECOMMENDATION:**

That Council, 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 25 January 2024 :

**QVMAG 2024 Exhibitions Schedule**

*Shane Fitzgerald (General Manager Creative Arts and Cultural Services Network) provided a presentation overview of the 2024 programmatic offerings at QVMAG.*

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

*Apologies:* Deputy Mayor Councillor D H McKenzie and Councillor Prof G Razay

2. Workshop conducted on 1 February 2024:

**Enterprize Works at Macquarie House**

*Councillors were provided with an update from the Chair of Enterprize on the organisation and its achievements and also Enterprize's desire to see the footprint of Macquarie House expanded.*

**Invermay ABCDE Learning Site Final Report**

*Councillors were provided with an overview of the Invermay ABCDE Learning Site.*

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**Customer Service Charter**

*Councillors were briefed on the updated Customer Service Charter (05-Plx-008) and the project underway to deliver improvements to our service delivery.*

**UTAS Stadium Redevelopment**

*Councillors were provided with an update from Infrastructure Tasmania and Stadiums Tasmania on the redevelopment options for UTAS Stadium which is funded by \$130M from the State and Federal Governments.*

**Stadiums Tasmania Discussion**

*James Avery (Chief Executive Officer, Stadiums Tasmania) provided Councillors with an update on the establishment and development of Stadiums Tasmania and answered questions in respect to the proposed transfer of York Park 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 A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton  
*Apologies:* Councillor Prof G Razay

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**DECISION: 8 February 2024**

**MOTION**

**Moved Councillor A J Palmer, seconded Councillor S Cai.**

**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**

**No Councillors' Leave of Absence Applications have been identified as part of these Minutes**

**7. COMMUNITY REPORTS**

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

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

**8. PUBLIC QUESTION TIME**

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

**8.1. Public Questions on Notice**

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

**8.1.1. Public Questions on Notice - Ron Baines - Victoria's Cafe, Albert Hall - 25 January 2024**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Risk and Insurance Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 25 January 2024 by Ron Baines, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

**Questions:**

1. Why did Council pay the former tenants of Victoria's Cafe to vacate early when virtually no work has been done for quite some time?

**Response:**

*The decision to bring about the end of the Victoria's Café tenancy was based upon the expected scheduling of works at that time. Due to numerous factors, the works did not proceed as initially planned.*

2. How much was paid in this transaction by Council?

**Response:**

*The terms of surrender of the agreements at the Albert Hall were considered in Closed Council on 4 November 2021 and are confidential. Accordingly, it is not appropriate that they are released publicly at this time.*

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**8.1.2. Public Questions on Notice - Ray Norman - York Park Citizen Assembly, Advisory Committees and Executive Qualifications - 30 January 2024**

**FILE NO:** SF6381

**AUTHOR:** Kelsey Hartland (Risk and Insurance Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 30 January 2024 by Ray Norman, have been answered by Michael Stretton (Chief Executive Officer).

**Questions:**

1. Given the injustice, the dystopia on display, and all the inequities invested in the gifting of York Park, will Council now initiate an independent, meaningful open and public consultation process via a Citizen's Assembly?

**Response:**

*Mr Norman's requests for the establishment of Citizen's Assemblies have been previously addressed by the Council. The Council intends to maintain its focus on existing engagement processes such as the Tomorrow Together program. Additionally, in this instance the Council has engaged directly with the stakeholders, users and employees at the stadium and have formerly considered and approved detailed rationale and strategic arguments for the reform.*

2. Given the evidence that often Councillors do not have access to critical advice all too often, will Council proactively review and restructure its advisory committees towards the attainment of more germane domain knowledge in their decision making?

**Response:**

*The City of Launceston Advisory Committees play an important role in providing the Council with alternative perspectives, access to expertise, advice and/or the insight that comes from lived experience as well as increased access to community sentiment in order to support the decision making process. A rolling review of the Council's Committees is currently underway and the outcomes will be considered formally as required.*

3. Given the increasing need for accountability in the public arena, will Council make it a condition of employment at Launceston's City Council that highly salaried executive staff et al openly publish their qualifications and competencies?

**Response:**

*The Council is responsible for the appointment of the role of Chief Executive Officer, not other executive roles within the organisation. There are no statutory requirements to require that employees of the Council publicly state their qualifications and as such, it is unlikely that the Council and/or the Executive would make such a requirement.*

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**8.2. Public Questions Without Notice**

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

**8.2.1. Public Questions Without Notice - Ron Baines - Elizabeth Gardens, Albert Hall Car Parking, 56 Frederick Street - 8 February 2024**

- 1. As Elizabeth Park was gifted to citizens of Launceston by Her Majesty Queen Elizabeth in perpetuity, how will Council reconcile this with giving it away to Stadiums Tasmania as it is part of York Park?**

The Mayor, Councillor M K Garwood, responded by saying that it is a part of the proposed transfer and we are working with Stadiums Tasmania with the understandings that Elizabeth Gardens will be enhanced.

- 2. Will Council restore the circular car park adjacent to the Albert Hall when refurbishment has been completed?**

The Mayor, Councillor M K Garwood, responded by saying that there will be car parking at the front, it will look different but will be reinstated.

- 3. Has any decision been made regarding the building once known as a kindergarten at 65 [56] Frederick Street?**

The Mayor, Councillor M K Garwood, responded by saying that we have been going through an extensive expression of interest process and it will be coming to Workshop for discussion in February, where we will discuss further those who have been successful in their application and asking for more information.



**8.2.2. Public Questions Without Notice - Jess Hoyle - Working with Vulnerable People Registration for Councillors - 8 February 2024**

- 1. Hands up which Councillors have a valid Working With Vulnerable People Card?**

The Mayor, Councillor M K Garwood, responded that this is not the opportunity to ask this sort of question. Questions Without Notice need to come through the Mayor and it goes outside of the realm of what we are able to do in this time. Under meeting procedures and legislation this is not a time or an opportunity for this question.

- 2. What are you, as Mayor, going to do to listen to the recommendations handed down late last year, and to bring in an up-to-date Council policy that all Councillors need a Working With Vulnerable People card?**

The Mayor, Councillor M K Garwood, responded by saying that the state government are looking into the recommendations and forming their own recommendations which they will bring to the down through the local government sector. This Council has sat down with the Minister of Local Government and at the moment it is not supported by state government or legislation that Councillors require valid Working with Vulnerable People registration. We will continue to look at recommendations and will work with the sector around those recommendations.

**8.2.3. Public Questions Without Notice - Ros Lewis - Inclusive Playgrounds - 8 February 2024**

- 1. What is the Council doing to consult with the users and families and to make it easy for them to contribute to providing safe play spaces for people with autism and dementia?**

**The Mayor, Councillor M K Garwood, acknowledged that Ros has a meeting arranged with Council Officers and he would follow up with officers following the meeting.**

**9. ANNOUNCEMENTS BY THE MAYOR**

**9.1. Mayor's Announcements**

**FILE NO:** SF2375

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**Saturday 27 January 2024**

- Attended the Launceston Greyhound Cup, Mowbray

**Tuesday 30 January 2024**

- Hosted a farewell function for outgoing Chief Executive Officer, Michael Stretton, Town Hall

**Wednesday 31 January 2024**

- Attended the Emergent Adulthood 18-25 Action Plan Roundtables (Youth Transitions Project), Launceston Conference Centre
- Hosted the City of Launceston Community Recognition Awards 2024, Town Hall

**Thursday 1 February 2024**

- Officiated at the Festivale 2024 Cocktail Party, City Park

**Friday 2 February 2024**

- Attended Festivale 2024, City Park

**Saturday 3 February 2024**

- Attended Supernats Motorsport Festival, Symmons Plains Raceway

**Sunday 4 February 2024**

- Attended the Magic Millions - 2 & 3 Year Old Classic, Mowbray
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**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).*

**No Councillors' Reports were identified as part of these Minutes**

## 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 - Launceston Tennis, Community and Events Centre

**FILE NO:** SF2375

**AUTHOR:** Kelsey Hartland (Risk and Insurance Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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### QUESTIONS AND RESPONSES:

The following question, submitted to Council on 29 January 2024 by Councillor D C Gibson, has been answered by Kevin Hutt (Building Projects Advisor).

#### **Question:**

1. Noting the \$3.5 million committed towards vital upgrades at this facility (\$2 million State, \$500,000 Federal, \$500,000 Tennis Tasmania and \$500,000 City of Launceston) and aware of the fact that I have personally lobbied and Council has lobbied for additional funds and/or changes to Tennis Tas' scope of the project for over 2 years - with the understanding of cost escalations and aware of other consultations occurring with regard to neighbouring sport and recreation facilities - can a status update be provided for this specific project?

#### **Response:**

*The re-scoped and re-designed new club house has been simplified, into a compact single storey building with an accessible first floor viewing deck. For the project re-design, the initial Quantity Surveying order of costs indicates a construction cost of \$2.75M. This is in alignment with the allocated Grant Funding budget and stakeholder project contribution allocations of \$3.5M.*

*An amended Development Application (DA) was submitted on 8 January 2024, which is presently being assessed for approval. Project construction documentation is currently being prepared by the professional team, including Building Application and Request For Tender documentation. Construction on the building is programmed to commence in May 2024 with a construction period of 7 months. Project completion is expected in late December 2024, permitting the return of the much loved Launceston*

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*International Tennis Tournament in January 2025. As a component of the masterplan, the club house and tennis centre with its upgraded facilities, will play a unique part, enhance and compliment the neighbouring sports, recreational and community focused hub of buildings at the NTCA.*

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**11.1.2. Councillors' Questions on Notice - Councillor J J Pentridge - Tasmanian Civil and Administrative Tribunal (TASCAT) Appeals - 29 January 2024**

**FILE NO:** SF2375 / SF2816

**AUTHOR:** Kelsey Hartland (Risk and Insurance Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following question, submitted to Council on 29 January 2024 by Councillor J J Pentridge, has been answered by Richard Jamieson (Manager City Development).

**Questions:**

1. With the council having spent almost \$300,000 on appeals to TASCAT in the last two years, and developers likely to have spent at least as much, what mediation processes has the council in place to enable development funds to be spent on developments and not on legal fees?

**Response:**

*The vast majority of development applications are assessed without the need for formal dispute resolution. Council officers routinely negotiate with applicants and neighbours to help people understand the planning system and progress their development without issue. Sometimes though this is not possible. The reasons why parties disagree can be complex and inherently related to a particular development or a particular site. Human nature also plays a part. Council officers routinely advise developers to speak to their neighbours prior to conceiving a development to highlight any issues of concern prior to finalising designs.*

*Neighbours may have expectations of amenity beyond what the planning system can deliver, sometimes a developer may wish to push the envelope in search of greater profits. Often disputes are because issues can be complex and people see the desired outcome differently. In a recent decision, the Tribunal has noted that reasonable minds may differ. In some cases, a solution that keeps everyone happy is not possible and a decision needs to be made based on the planning scheme.*

*The planning system specifically provides an appeals process to resolve disputes. This is a normal part of the planning system and is sometimes unavoidable. The first stage of a planning appeal is always mediation. While this is not mandatory, experience suggests that many issues can be resolved at this stage. The Tribunal has the power to vary Councils' decisions by consent between the parties to facilitate resolutions. Only if the offer of mediation is rejected or if mediation fails do parties proceed to a full hearing where costs are incurred.*

**11.1.3. Councillors' Questions on Notice - Councillor J J Pentridge - Gilmore Street Flooding - 29 January 2024**

**FILE NO:** SF2375 / SF1475

**AUTHOR:** Kelsey Hartland (Risk and Insurance Officer)

**CHIEF EXECUTIVE OFFICER:** Michael Stretton

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**QUESTIONS AND RESPONSES:**

The following questions, submitted to Council on 29 January 2024 by Councillor J J Pentridge, have been answered by Richard Jamieson (Manager City Development) and Nick Browne (Manager Infrastructure and Engineering).

**Questions:**

Flooding in Gilmore Street will be an on-going problem until a solution is reached to alleviate the simplest of stormwater flooding. Given that this land is low lying and once known as a swamp then:

1. When was the land approved for development?

**Response:**

*The land to the south of Gilmore Street and to the East of Murphy Street including that which is now developed into Venture Court has been zoned for industrial development for at least 20 years, being zoned Industrial by the Launceston Planning Scheme 1996.*

2. Was the land approved for development when other swamp land was not allowed for development because it was too low-lying?

**Response:**

*The land to the west of Murphy Street has not been zoned for development remaining in a Rural zone. There are no available records of why it was not preferred for industrial development. It is, however, owned by the City of Launceston and used for settling ponds.*



3. What conditions were placed on these developments in respect of flooding?

**Response:**

*The site at Venture Court would not be subjected to riverine flooding in a 1% Annual Exceedance Probability (AEP) flood event although it would be isolated. DA0021/2007 for the subdivision of Venture Court responded to flooding by providing a dedicated lot to house the adjacent levee, providing some flood additional protection to the site. It also provided detailed conditions on infrastructure construction to ensure the integrity of the levees in the vicinity of the site.*

4. If Council approved the subdivision and developments, what is its obligation to the developers and present landholders?

**Response:**

*When Council assessed the development application it considered that the risk to the development from flooding was acceptable. This does not imply there is no risk, just that it was at a level sufficient to allow the development to proceed. The present land owners have an obligation to understand the risk of developing in Gilmore Street and make provisions to protect themselves to the extent necessary, should a flood of great enough magnitude to inundate the site occur. The situation on this site is no different to the balance of Invermay. Council has a number of initiatives to promote community resilience and preparedness.*

5. Was raising the land above a minimum flood level examined and what was the result?

**Response:**

*The Gilmore Street land is not subject to inundation in the 1% AEP riverine flood event. The documents on the file do not indicate that further raising of the land was considered at the time of assessing the development application.*

6. Did council investigate the cost of a pumping station to stop flooding? If so, when was that and what was the proposed cost?

**Response:**

*Council has not considered the installation of a pump station to prevent or minimise stormwater flooding in this area. The Council's Stormwater System Management Plan, adopted by Council 28 November 2019 outlines the management plan for stormwater and drainage related assets.*

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**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).*

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

## 12. COMMUNITY AND PLACE NETWORK

### 12.1. Homelessness: Statement of Commitment

**FILE NO:** SF7447

**AUTHOR:** Nindarra Wheatley (Community Development Officer Inclusion)

**ACTING GENERAL MANAGER APPROVAL:** Michelle Ogulin (Community and Place Network)

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#### **DECISION STATEMENT:**

To consider the Homelessness: Statement of commitment for endorsement for public consultation.

#### **RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)*

*Anti-discrimination Act 1998 (Tas)*

*Police Offences Act 1935 (Tas)*

#### **PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 18 January 2024 – Homelessness Strategy Presentation

#### **RECOMMENDATION:**

To consider the Homelessness: Statement of commitment for endorsement for public consultation.

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**DECISION:** 8 February 2024

#### **MOTION**

Moved Councillor T G Walker, seconded Councillor D C Gibson.

That Council approves the release of the Homelessness: Statement of commitment (ECM Doc Set ID Number 5023626) for a four-week public consultation period.

**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

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### 13. INFRASTRUCTURE AND ASSETS NETWORK

#### 13.1. Proposed New Street Name - Dogwood Crescent, Cassinia Street, Lomandra Street and Paperbark Street

**FILE NO:** DA0178/2022 / SF0621

**AUTHOR:** Jaclyn Galea (Infrastructure Development Officer)

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

#### **DECISION STATEMENT:**

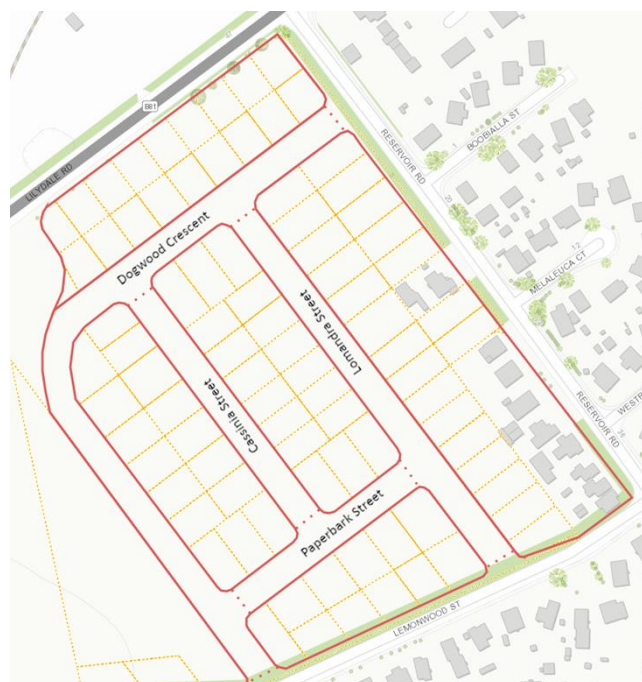
To consider approval for a new street names Dogwood Crescent, Cassinia Street, Lomandra Street and Paperbark Street for four streets resulting from a new subdivision located at 38-50 Lilydale Road, Rocherlea.

#### **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 names Dogwood Crescent, Cassinia Street, Lomandra Street and Paperbark Street for the streets at the corner of Reservoir Road and Lilydale Road.



**DECISION: 8 February 2024**

**MOTION**

**Moved Councillor A G Harris, seconded Councillor S Cai.**

**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**

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**13.2. Proposed New Street Name - Laimar Street**

**FILE NO:** DA0566/2021

**AUTHOR:** Jaclyn Galea (Infrastructure Development Officer)

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

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**DECISION STATEMENT:**

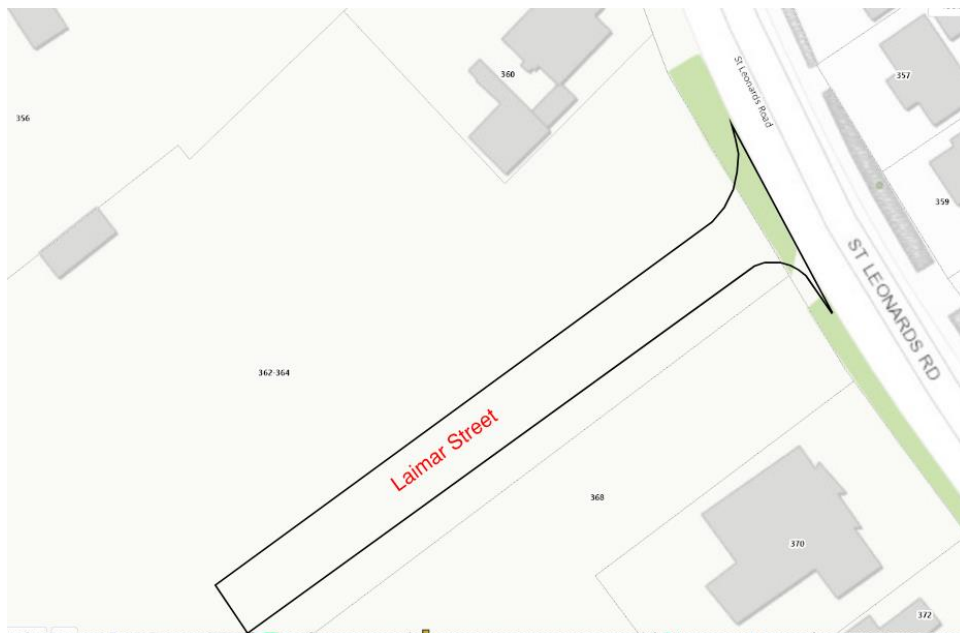
To consider approval for a new street name Laimar Street for a new road resulting from a new subdivision located at 362-364 St Leonards Road, St Leonards.

**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 Laimar Street for the street located between 368 and 360 St Leonards Road.



**DECISION: 8 February 2024**

**MOTION**

**Moved Councillor A G Harris, seconded Councillor S Cai.**

**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. ORGANISATIONAL SERVICES NETWORK

### 14.1. Lease - Birch Avenue Sports Ground

**FILE NO:** SF0900

**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 Birch Avenue Sports Ground (part of PID 7678404) to the Launceston Soccer & Sports Club Incorporated.

*This decision requires an absolute majority of Council.*

#### **RELEVANT LEGISLATION:**

Sections 177A and 179 *Local Government Act 1993* (Tas)

#### **PREVIOUS COUNCIL CONSIDERATION:**

Council - 5 June 2017 - Agenda Item 18.1 - Lease - Birch Avenue Sports Ground

#### **RECOMMENDATION:**

That Council:

1. by absolute majority, in accordance with section 179 of the *Local Government Act 1993*, agrees to lease an area of land situated at Birch Avenue Sports Ground (part of PID 7678404), shown in blue below (see Attachment 1 for Lease Area) to the Launceston Soccer & Sports Club Incorporated for the purposes of sport and recreational activities.





2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
  - a. the term shall be five years commencing on 1 February 2024;
  - b. the commencing rent shall be \$323.96 per annum based on 182 fee units;
  - c. tenant to be responsible for all outgoing costs such as:
    - i. energy costs;
    - ii. volumetric usage and service charges for water;
    - iii. fire service checks;
    - iv. security monitoring fees; and
    - v. all other service fees and charges associated with maintenance of the building.
  - d. tenant shall continuously maintain:
    - i. contents insurance
    - ii. public liability insurance of at least \$20 million.
  - e. 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).

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**DECISION: 8 February 2024**

**MOTION**

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

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

**CARRIED BY ABSOLUTE MAJORITY 12:0**

**FOR VOTE: Mayor Councillor 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. CHIEF EXECUTIVE OFFICER NETWORK**

**15.1. Transfer of York Park to Stadiums Tasmania**

**FILE NO:** SF7455

**CHIEF EXECUTIVE OFFICER APPROVAL:** Michael Stretton

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**DECISION STATEMENT:**

To consider the approval of transfer of York Park to Stadiums Tasmania.

*The decision for Recommendation 3. requires an absolute majority of Council.*

**RELEVANT LEGISLATION:**

*Local Government Act 1993 (Tas)  
Stadiums Tasmania Act 2022 (Tas)*

**PREVIOUS COUNCIL CONSIDERATION:**

Workshop - 1 February 2024 - Item 1.5 - Stadiums Tasmania Discussion  
Council - 15 December 2022 - Item 16.3 - Intention to Dispose of York Park and Associated Land to Stadiums Tasmania

**RECOMMENDATION:**

That Council:

1. notes the intention that it formed on 15 December 2022 to transfer York Park and associated land and assets at 2 Invermay Road, Invermay to Stadiums Tasmania for nominal consideration.
2. considers each of the three objections appearing at Attachments 1, 2 and 3, received as part of the public advertising process commencing on 18 November 2023, noting the officer response to each of the three objections as documented as part of the report to this agenda item.
3. by absolute majority, pursuant to section 178 of the Local Government Act 1993, approves the transfer of York Park and associated land and assets at 2 Invermay Road, Invermay to Stadiums Tasmania for nominal consideration, with the dimensions of that land being set out at Attachment 4 and the following plan.



4. notes that the transfer of the land pursuant to these Recommendations, will not occur until each of the following events has occurred:
  - a) where an appeal is made by an objector to the Tasmanian Civil and Administrative Appeals Tribunal, the determination of such appeal; and,
  - b) a planning permit has been issued by the Council in its capacity as Planning Authority to subdivide the relevant land; and,
  - c) the exact dimensions of the land have been confirmed by way of final survey.
5. requests the Chief Executive Officer to determine the exact dimensions and parameters of the land and assets to be transferred and to exercise Council's powers in respect of the *Local Government Act 1993* and the *Stadiums Tasmania Act 2022* in order to facilitate the transfer to Stadiums Tasmania.
6. Requests the Chief Executive Officer to negotiate a term sheet with Stadiums Tasmania which is consistent with the letter of intent received on 2 February 2024 and attached to this report (ECM Doc Set ID 5020948), which will require a further specific decision of the Council.
7. notes that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*.

**DECISION: 8 February 2024**

**MOTION 1**

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

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

**CARRIED BY ABSOLUTE MAJORITY 8:4**

**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 A J Palmer, Councillor L M McMahon and Councillor A J Britton**  
**AGAINST VOTE: Councillor T G Walker, Councillor Prof G Razay, Councillor J J Pentridge and Councillor S Cai**

**DECISION: 8 February 2024**

**MOTION 2**

Moved Councillor D C Gibson, seconded Councillor A J Britton.

That Deputy Mayor, Councillor D H McKenzie, be granted an additional three minutes speaking time.

**CARRIED 11:1**

**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 A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton**  
**AGAINST VOTE: Councillor J J Pentridge**

**DECISION: 8 February 2024**

**MOTION 3**

Moved Councillor A J Britton, seconded Councillor J J Pentridge.

That Councillor T G Walker be granted an additional three minutes speaking time.

**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**

**DECISION: 8 February 2024**

**MOTION 4**

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

**That Councillor D C Gibson be granted an additional three minutes speaking time.**

**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**

**16. CLOSED COUNCIL**

*This decision requires an absolute majority of Council*

**RECOMMENDATION:**

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

**16.1 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.

**16.2 Gravel, Sand and Aggregates - Contract No. CD016/2023**

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.

**16.3 End of Closed Session**

*To be determined in Closed Council.*

**Councillor S Cai withdrew from the Meeting at 2:36pm**

**DECISION: 8 February 2024**

**MOTION**

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

**That Council moves into Closed Session.**

**CARRIED BY ABSOLUTE MAJORITY 11:0**

**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 and Councillor A J Britton  
**ABSENT AT TIME OF VOTE:** Councillor S Cai

**Council moved into Closed Session at 2.37pm.  
Council returned to Open Session at 2.46pm.**

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16.3. End of Closed Session

**RECOMMENDATION:**

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

Agenda Item	Matter	Brief Description
16.1	<i>Closed Council Minutes – 25 January 2024</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 25 January 2024.</i>
16.2	<i>CD016/2023 - Gravel, Sand and Aggregates</i>	<i>Councillors approved the appointment of four suppliers to form a panel of suppliers for Contract Number CD016/2023 - Gravel, Sand and Aggregates.</i>  <i>The names of the successful tenderers will be published to <a href="http://www.launceston.tas.gov.au">www.launceston.tas.gov.au</a> once both the successful and unsuccessful tenderers have been notified of the decision.</i>

**DECISION:** 8 February 2024

**MOTION**

Moved Councillor L M McMahon, 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

**17. MEETING CLOSURE**

**18. NEXT COUNCIL MEETING DATE**

**The next Ordinary Meeting of Council will be held at 1.00pm on 22 February 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.**