



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
TUESDAY 14 JUNE 2016
1.00pm**

The Ordinary Meeting of the City of Launceston Council was held at the Council Chambers:

Date: 14 June 2016

Time: 1.00pm

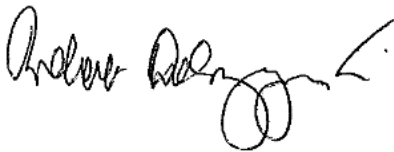
Section 65 Certificate of Qualified Advice

Background

Section 65 of the *Local Government Act 1993* requires the General Manager to certify that any advice, information or recommendation given to Council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the Minutes Items for this Meeting.



Robert Dobrzynski
General Manager

City of Launceston

COUNCIL MINUTES

Tuesday 14 June 2016

Present: **Alderman** **A M van Zetten (Mayor)**
R I Soward (Deputy Mayor)
R L McKendrick
D H McKenzie
J G Cox
D C Gibson
J Finlay
S R F Wood
E K Williams

In Attendance: **Mr R S Dobrzynski (General Manager)**
Mr S G Eberhardt (Acting Director Infrastructure Services)
Mrs L M Hurst (Director Development Services)
Mr R K Sweetnam (Director Facilities Management)
Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery)
Mr M J Tidey (Director Corporate Services)
Mr J Davis (Manager Corporate Strategy)
Mrs A Rooney (Committee Clerk)

Apologies: **Alderman** **R J Sands**
D W Alexander
K P Stojansek

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Alderman A M van Zetten, opened the Meeting at 1.00pm and noted apologies from Alderman R J Sands, Alderman D W Alexander and Alderman K P Stojansek.

The Chamber observed one minute's silence to mark the tragedy in Orlando, USA and to remember those lost their lives in the recent floods.

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - Section 48

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

Mayor, Alderman A M van Zetten, declared an interest in Agenda Item 18.2 - Concessional Entry to Council's Waste Disposal Facilities.

Alderman E K Williams, declared an interest in Agenda Item 18.2 - Concessional Entry to Council's Waste Disposal Facilities.

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 23 May 2016 be confirmed as a true and correct record.

DECISION: 14 June 2016

MOTION

Moved Alderman D C Gibson, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

4 DEPUTATIONS

No Deputations were identified as part of these Minutes

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

No Petitions were identified as part of these Minutes

6 COMMUNITY REPORTS

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

6.1 Starting Point Neighbourhood House

Mrs Mary Rummery and Ms Tamiika Wickham

'Growing Food, Growing Community' - an update of the work and activities at the Pioneer Community Garden, Ravenswood and activities at Starting Point Neighbourhood House.

Ms Tamiika Wickham provided information on the community garden project in Ravenswood and Waverley.

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

7.1.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 23 May 2016**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTIONS and RESPONSES:

The following questions were submitted to Council on 23 May 2016 by Mr Basil Fitch and have been answered by Mr Robert Dobrzynski (General Manager).

Questions:

I congratulate the Mayor in bringing Mayors of surrounding councils in the northern area to a MEMORANDUM OF UNDERSTANDING to support the proposed UTAs move to Inveresk and Willis Street.

1. *Will the Mayor and Aldermen now call on these councils to:*
 - *share the costs and outgoings associated with this proposed move by UTAs?*
 - *contribute to the purchase of the subject land at Willis Street and the Old Velodrome area at Inveresk (value \$5.3M)?*
 - *reimburse Launceston ratepayers the loss of \$88,000/annum currently earned from car parking?*
 - *contribute to the cost of the proposed footbridge over the North Esk River that is to unite the two campuses?*
 - *contribute to the cost of the separation of stormwater and sewerage infrastructure in the Inveresk area and the re-building/upgrading of the Ti-tree Bend Sewerage Treatment Plant to full tertiary treatment standards? (estimated cost \$600M - \$1B).*
 - *contribute to the cost of providing car parking for up to 12,000 students? (cost unknown).*
 - *contribute to the cost of preparing a Traffic Management Study of the area, and associated costs for new/upgraded road infrastructure? (cost unknown).*
 - *contribute to the cost of potentially having to relocate the Royal Launceston Showground and infrastructure? (cost unknown).*

Response:

The City of Launceston continues to be a strong proponent for one Council in the Launceston area to enable a consistent approach to planning for the city's future and fairness in contributing to the cost of services and facilities. The Council believes that the proposed University of Tasmania (UTAS) Inner City Campus project is an opportunity to rejuvenate the Launceston CBD that is intergenerational in nature and provides a unique opportunity for the city to:

**7.1.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 23 May 2016
...(Cont'd)**

- Consolidate the future of the UTAS Northern Campus in Launceston (currently losing \$25million per annum).
- Expand the participation rates of young Tasmanians in post-secondary education.
- Offer enormous opportunities for Tasmanians in the associate degree area.
- Provide skilled labour to meet new age industry demands which will propel the region's prosperous economy.
- Have a transformational impact on the local construction industry through a major capital investment of \$260million in the project.
- Provide increased employment and disposable income through expanded activities at the inner city campus.
- Establish a compelling demand model for private sector investment in the CBD to service consumer demand driven by the inner city campus locality adjacent the CBD as the major service centre.

Like all major developments of this order of magnitude, there are matters that will receive priority attention in considering the implementation of this project. Many of these matters are part of the project proposal that has been submitted to the Federal Government. The Council is also aware that the State Government has committed to significant capital funding as a partner in the project should Federal Government funding be achieved.

Many of the statements made in the dot points provided in the question are factually incorrect. These matters are corrected as follows:

- The value of the land at Willis Street and Inveresk is \$4.5million. This is an in kind contribution and not a direct cash contribution by the Council to the project.
- The proposed footbridge over the North Esk River has been included as part of the total project proposal submitted to the Federal Government and State Government for funding.
- Stormwater and sewerage arrangements will be part of the development application considerations within the planning process. The development will be required to meet all statutory requirements of TasWater regarding the disposal of sewerage and stormwater. It would be envisaged that stormwater disposal will be consistent with other arrangements at Inveresk, pumped directly into the North Esk River.
- The construction of a new sewerage treatment plant cannot conceivably be considered as part of this project and is a matter for TasWater to determine. There does not appear to be any science behind the estimated cost of the tertiary treatment plant indicated in the question.

As a former Alderman, Mr Fitch would be well aware that the Council has no legal capacity to require adjoining independent local government councils to contribute to any of the costs indicated.

**7.1.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 23 May 2016
...(Cont'd)**

2. *Will Launceston City Council ensure that the costs of all LCC staff time dealing with the UTAs relocation be charged on at a full-cost recovery basis? (cost unknown).*

Response:

The Council is delighted to be dealing with the complexities of a major \$260million rejuvenation project within the city boundaries. Whilst development of this magnitude comes with its complexities, the social and economic benefits are massive for the city and region. The City Council will ensure that appropriate resources are provided to plan an orderly development process in conjunction with other key stakeholders such as UTAS, Federal Government and State Government.

3. *As the present Inveresk Car park is fully utilised since the opening of the accommodation units, will council now need to relocate the remainder of QVMAG to the Wellington St site due to parking shortages for visitors at Inveresk?*

Response:

The Inveresk carpark is not fully utilised and contains significant unused capacity.

4. *As LCC ratepayers bear the recurrent costs of providing Regional Facilities losing around \$8M annually, (Queen Victoria Museum and Art Gallery, Aurora Stadium, Launceston Aquatic Centre, Remount Road Tip, Princess Theatre, Albert Hall, Hobblers Bridge Road Netball Centre, St Leonards Athletics Centre), will these losses be passed on to the surrounding councils?*

Response:

The City of Launceston has continually raised with the State Government the inequity of City Council ratepayers being compelled to totally fund local contributions to major regional facilities and services utilised by the broader Launceston region. This is a fundamental aspect of the Council's advocacy for one Council within the Launceston area, to ensure equity of participation and contribution to the services and facilities provided by the City Council.

Whilst the Minister for Local Government has initiated a process for councils to engage in discussions on local government reform, the Council will continue to advocate for a fairer representation of State Government support to these regional facilities. The City Council has indicated to the State Government that the City of Launceston is unique in the range and extent of regional facilities funded by its ratepayers.

**7.1.1 Public Questions on Notice - Mr Basil Fitch - Council Meeting - 23 May 2016
...(Cont'd)**

As a former Alderman, Mr Fitch would be well aware that the City of Launceston has no legal authority to charge adjoining councils for a contribution towards the cost of such regional facilities.

5. *Will LCC now call on Minister for Local Government, Peter Gutwein to convene a meeting of these parties so as to achieve Municipal Amalgamation by November 2017?*

Response:

The Council is engaging with the process initiated by the Minister for Local Government to undertake discussions with adjoining councils on local government reform. The Council will participate in a project aimed at identifying cost savings and efficiencies in shared services as a starting point of considerations of local government reform, as this has been the majority position adopted by councils in the region.

Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

7.1.2 Public Questions on Notice - Mr Raymond Norman - 25 May 2016**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTIONS and RESPONSES:

The following questions were submitted to Council on 25 May 2016 by Mr Raymond Norman and have been answered by Mr Robert Dobrzynski (General Manager) and Mr Richard Mulvaney (Director, Queen Victoria Museum and Art Gallery).

Questions:

- A) *Given that it was nine months ago in August 2015 that Council approved five (5) recommendations in respect to the Queen Victoria Museum and Art Gallery being:*
1. *That QVMAG Strategic Plan 2012-2107, including its guiding vision, is reviewed to ensure best alignment with the Strategic Themes of the CoL Strategic Plan 2014 and the recommendations in this report.*

Response:

Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

Queen Victoria Museum and Art Gallery (QVMAG) staff continue to be guided by the Strategic Plan 2012-2017 with reference to the relevant sections of the City of Launceston Strategic Plan 2014-2024. In addition many of the actions have been incorporated into Council's Annual Corporate Plan and the QVMAG Directorate Plan.

2. *That beneficial alignments with other Tasmanian museums and galleries be explored in the interests of seeking overall efficiency and equity in use of State Government funds.*

Response:

Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

QVMAG continues to work collaboratively with several Tasmanian museums and galleries and in particular the Tasmanian Museum and Art Gallery to enable common opportunities and efficiencies.

The General Manager has instigated a review to establish a cultural strategy that reflects the higher value placed by the community on the city's cultural assets and develops a more coordinated and coherent approach to how these assets can be more effective strategically, economically and socially.

7.1.2 Public Questions on Notice - Mr Raymond Norman - 25 May 2016 ...(Cont'd)

3. *That an evaluation of QVMAG be commissioned that demonstrates its economic, social and environmental value to its community and the special contribution it makes to the education, intellectual, human, social and natural capital of its community.*

Response:

Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

QVMAG is the primary asset and its contribution to the education, intellectual, human, social and natural capital will be a significant part of the review.

4. *That options for establishment of an independent skills-based Board of Governance be investigated and the best option implemented.*
5. *That the organizational structure of CoL be reviewed and measures be implemented to more effectively leverage opportunities and pool resources across complementary business units.*

Therefore, will Council please provide an up to date report on the implementation of these five (5) recommendation and the details of progress thus far? Moreover, will council please provide all information relevant to the circumstances germane to:

- The apparent delay in implementing Council's recommendations of August 2015? and*
- The expected date upon which Council will receive the report/s? and*
- Any outcomes thus far relevant this overall review process?*

Response:

Robert Dobrzynski (General Manager)

Section 62 of the *Local Government Act 1993* indicates, under **Functions and powers of general manager** (inter alia), as follows:

- (c) to be responsible for the day-to-day operations and affairs of the Council,**
And thereafter
- (h) to manage the resources and assets of the Council.**

Section 62 also indicates under **(2)** as follows:

7.1.2 Public Questions on Notice - Mr Raymond Norman - 25 May 2016 ...(Cont'd)

The general manager may do anything necessary or convenient to perform his or her functions under this or any other Act.

The General Manager has operational and management responsibility of all assets and employees of the Queen Victoria Museum and Art Gallery pursuant to the authority vested in the General Manager under the provisions of Section 62 referred to above and also Section 63 of the *Local Government Act 1993* entitled **Employees**.

The Council cannot "delegate" or otherwise decide to transfer strategic and operational functions to a trust (or other management entity) unless that Trust reported to the General Manager who is responsible for day-to-day operations of council affairs, assets and employees.

The Aldermen of the City of Launceston (the Council) are empowered under the *Local Government Act 1993* to establish a trust.

Section 333 of the *Local Government Act 1993* indicates that the Council is able to sell and exchange the contents of the QVMAG but there is no provision for the Council to sell the QVMAG itself. Therefore, the only way for the Council to devolve responsibility for the QVMAG to a trust would be via legislative change at the State level.

B) *Given that there are variously substantiated reports that a high profile consultant has been commissioned to report on the QVMAG, will Council now:*

- 1. Identify the consultant; and*
- 2. Publish a copy of her/his brief;*

In the interest of openness and transparency relative to the governance and management of significant component of the City of Launceston's operation and budget?

Response:

Robert Dobrzynski (General Manager)

As indicated in the foregoing, Section 62 of the *Local Government Act 1993*, **Functions and powers of general manager** indicate that the General Manager has the authority and responsibility to:

- Be responsible for the day-to-day operations and affairs of the council,
 - Manage the resources and assets of the council,
-

7.1.2 Public Questions on Notice - Mr Raymond Norman - 25 May 2016 ...(Cont'd)

Section 62 (2) indicate that the general manager may do anything necessary or convenient to perform his or her functions under this or any other Act. This includes engaging external technical expertise in order to perform any of the general manager's functions and powers. These matters are operational and not policy bound.

C) *Will Council please provide:*

1. *A list of all the acquisitions made by the QVMAG for its collections thus in the current financial year; and*
2. *A list of all the items in the QVMAG's collections that have been disposed of or deaccessioned in the current financial year?*

Response:

Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

QVMAG provides a list of major acquisitions during the financial year in the Annual Report, which is tabled at a Council Meeting and AGM and the Tasmanian State Parliament. The Annual Report is also placed on the QVMAG website. Nevertheless a full list of acquisitions and any deaccessioned items for the financial year will be made available after 30 June 2016.

Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

7.2 Public Questions without Notice

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

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

No Public Questions without Notice were identified for this Meeting

The Mayor, Alderman A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone

FILE NO: SF6470

AUTHOR: Maria Chledowska (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission regarding a draft amendment to the Launceston Interim Planning Scheme 2015.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 15 March 2016 - Agenda Item 8.3 - Council resolved to initiate and publicly exhibit Amendment 24 to the Launceston Interim Planning Scheme 2015.

RECOMMENDATION:

That Council:

1. in accordance with Section 39(2) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period and that no modification is required to Amendment 24 to the Launceston Interim Planning Scheme 2015 to rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to the Rural Living Zone; and
 2. provides advice to the Tasmanian Planning Commission that Amendment 24 be approved as certified and exhibited.
-

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

- 8.1 Launceston Interim Planning Scheme 2015 - Amendment 24 - Rezone 88, 90, 91A, 92, 93A, 93B, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105 Abels Hill Road and 40631, 40675, 40673 and 40671 Tasman Highway, St Leonards to Rural Living Zone ...(Cont'd)**
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DECISION: 14 June 2016

MOTION

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

8.2 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston

FILE NO: SF6458/DA0080/2016

AUTHOR: Maria Chledowska (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To provide a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for a combined application for an amendment to the Launceston Interim Planning Scheme 2015 and associated development application.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 11 April 2016 - Agenda Item 8.1 - Council resolved to initiate Amendment 29 to the Launceston Interim Planning Scheme 2015 to rezone 8 Broadland Drive Launceston (CT 37781/3) from Light Industrial to Commercial, and approve DA0080/2016 for a Change of Use to Business and Professional Services (office) at 8 Broadland Drive, Launceston subject to conditions.

RECOMMENDATION:

That Council:

1. in accordance with Section 39(2) and 43F(6) of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment 29 to rezone 8 Broadland Drive Launceston from Light Industrial to Commercial and DA0080/2016 for Change of Use to Business and Professional Services - office; and
 2. provides advice to the Tasmanian Planning Commission that Amendment 29 be approved as certified and exhibited.
-

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

- 8.2 Launceston Interim Planning Scheme 2015 - Amendment 29 and DA0080/2016 - Business and Professional Services - Change of Use to Office - 8 Broadland Drive, Launceston ...(Cont'd)**
-

DECISION: 14 June 2016

MOTION

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

8.3 18a High Street, East Launceston - Sports and Recreation - Aquatic Centre; Realignment & Construction of a New Southern Perimeter Fence, Realignment & Extension of Pedestrian Pathways; Associated Works Including Relocation of Light Poles and Landscaping

FILE NO: DA0163/2016

AUTHOR: Ashley Brook (Consultant Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine a development application in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

Council acting as a Landowner and Applicant

Council Meeting – 8 February 2016 - Agenda Item 16.1

Council decided to proceed with a planning application for the proposed fence as currently presented (DA0163/2016).

Council acting as a Planning Authority

Council Meeting – 12 October 2015 – DA0331/2015 - Agenda Item 8.5

The application was withdrawn by the General Manager prior to consideration at the Meeting.

RECOMMENDATION:

That in accordance with Sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0163/2016 subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. 'Re-submission – Formerly DA0331/2015) Launceston Aquatic Security Fence' (Letter dated 21/03/2016 authored by Matthew Skirving, Manager Architectural Services).
 - b. Launceston Aquatic Perimeter Fence Design Concept, prepared by Karen Johnson Landscape Design, project number 01.01.04.15v1, including:
 - i. Proposed Site Plan; and
 - ii. Diagrammatic Site Plan.
-

8.3 18a High Street, East Launceston - Sports and Recreation - Aquatic Centre; Realignment & Construction of a New Southern Perimeter Fence, Realignment & Extension of Pedestrian Pathways; Associated Works Including Relocation of Light Poles and Landscaping...(Cont'd)

c. 'Securemax high security fencing' product description.

2. EXTERNAL FINISHES

All external materials, finishes and colours must be non-reflective and in muted natural tones.

3. AMENITY

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

Notes

A General

This permit was issued based on the proposal documents submitted for DA0331/2015.

This permit takes effect after:

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

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

B Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted.

C Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

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

- 8.3 18a High Street, East Launceston - Sports and Recreation - Aquatic Centre; Realignment & Construction of a New Southern Perimeter Fence, Realignment & Extension of Pedestrian Pathways; Associated Works Including Relocation of Light Poles and Landscaping...(Cont'd)**
-

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

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

DECISION: 14 June 2016

MOTION

Moved Alderman R L McKendrick, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective)

FILE NO: DA0122/2016

AUTHOR: Andrew Newton (Development Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council refuses development application DA0122/2016; Residential - single dwelling; construction of two carports, construct and use second crossover access, and construction of a roofed deck (retrospective); because it is contrary to the following provisions of the Launceston Interim Planning Scheme 2015:

- a) 10.4.2 - P2: The application proposes two carports providing three parking spaces within the front setback, which is not compatible with existing development within the street.
 - b) 10.4.5 - P1: The proposal increases the number of carport openings. This increases the potential for the openings of the carports to dominate the frontage, which is contrary to the requirements of the performance criteria and the objective of the clause.
 - c) 10.4.13 - P2 (a) & (d): The proposal is unable to demonstrate how the three proposed parking spaces will minimise the visual impact on the streetscape. The proposal is also inconsistent with the existing nature and character of the street.
-

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

Mr Roger Nicklason spoke against the item

- 8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)
-

DECISION: 14 June 2016

MOTION 1

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

LOST 3:6

FOR VOTE: Alderman D C Gibson, Alderman J Finlay and Alderman E K Williams

AGAINST VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox and Alderman S R F Wood

During the debate, an alternative motion was foreshadowed.

DECISION: 14 June 2016

MOTION 2

Moved Alderman S R F Wood, seconded Alderman R I Soward.

That the item lay on the table so Council Officers can conduct further discussions with the applicant to seek a suitable solution.

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

The item was laid on the table at 1:29pm.

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

- 8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)
-

Council moved to discuss Agenda Item 9.1 - Mayor's Announcements.

The Mayor, Alderman A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to item 8.4 - 13 Warragul Street, Norwood - Residential - single dwelling; construction of two carports, construct and use of second crossover access, and construction of a roofed deck (retrospective)

DECISION: 14 June 2016

MOTION 3

Moved Alderman S R F Wood, seconded Alderman J Finlay.

That the item no longer lay on the table.

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

The item was taken off the table at 2.30pm.

DECISION: 14 June 2016

MOTION 4

Moved Alderman R I Soward, seconded Alderman J G Cox.

That consideration on this matter be deferred until later in the Meeting.

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)

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

Council moved to discuss Agenda Item - 19.7 - Code of Conduct for Aldermen.

The item was reconsidered at 3.16pm.

The Mayor, Alderman A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to item 8.4 - 13 Warragul Street, Norwood - Residential - single dwelling; construction of two carports, construct and use of second crossover access, and construction of a roofed deck (retrospective)

DECISION: 14 June 2016

MOTION 5

Moved Alderman R L McKendrick, seconded Alderman J G Cox.

That in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted, for DA0122/2016; Residential - single dwelling; construction of two carports, construct and use second crossover access, and construction of a roofed deck (retrospective) at 13 Warragul Street, Norwood, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Site Plan, prepared by Engineering Plus, R & G Nicklason, Drawing No: 10016-A01, Rev: A, dated 2/02/16.
 - b. Details, prepared by Engineering Plus, R & G Nicklason, Drawing No: 10016-A02, Rev: A, dated 2/02/16.
 - c. North-West/South-East Elevations, prepared by Engineering Plus, R & G Nicklason, Drawing No: 10016-A03, Rev: A, dated 2/02/16.
 - d. North-East/South-West Elevations, prepared by Engineering Plus, R & G Nicklason, Drawing No: 10016-A04, Rev: A, dated 2/02/16.
-

- 8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)**
-

2. LEGAL TITLE

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

3. OUTBUILDINGS

The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.

4. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:
Monday to Friday - 7.00am and 6.00pm
Saturday - 9.00am to 6.00pm
Sundays and Public Holidays - 10.00am to 6.00pm

5. NO CARPORT DOORS

No solid doors or roller doors are permitted on the openings of the carports.

6. DAMAGE TO COUNCIL INFRASTRUCTURE

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

7. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of Council's Roads & Hydraulics Department is required prior to undertaking works where the works:

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

- 8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)**
-

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

8. VEHICULAR CROSSINGS

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

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

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

All new works must be constructed to Council standards by a contractor authorised to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels, upgrading trenches non trafficable trenches to trafficable standard and and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and TasNetworks, etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

9. AMENITY

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

10. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (e.g. Launceston Waste Centre).

- 8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)
-

11. STREET TREE REPLACEMENT

As the *Melaleuca styphelioides* street tree with Asset ID 421646 is located within the construction zone for the driveway crossover, the following applies:

- a. Tree removal is to be undertaken by a suitably qualified professional who holds appropriate insurances (ie public liability, minimum cover \$10 Million) and traffic management accreditation to undertake work within the road reserve. The stump is to be removed to below ground level and the area reinstated with grass to avoid creating a trip hazard.
- b. A mature replacement street tree is to be planted by City of Launceston within the nature strip at the owner's cost.

Notes

A General

This permit was issued based on the proposal documents submitted for DA0122/2016. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03) 6323 3000.

This permit takes effect after:

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

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

B Access for People with a Disability

This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

- 8.4 13 Warragul Street, Norwood - Residential - Single Dwelling; Construction of Two Carports, Construct and Use Second Crossover Access, and Construction of a Roofed Deck (Retrospective) ...(Cont'd)
-

C Building Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

D Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

E Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

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

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

F Permit Commencement

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

CARRIED 6:3

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox and Alderman S R F Wood

AGAINST VOTE: Alderman D C Gibson, Alderman J Finlay and Alderman E K Williams

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

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO:** SF2375

Wednesday 25 May 2016

- Officiated at the official opening of the Kings Meadows High School Oval and Detention Basin at Kings Meadows High School

Thursday 26 May 2016

- Attended Cancer Council Tasmania's Australia's Biggest Morning Tea at the Cancer Support Centre Launceston
- Attended the Crisp Bros & Haywards 20 Year Celebration at the UTAS Academy of Arts at Inveresk
- Attended the official opening of Henry's at 61 Cameron Street Launceston

Friday 27 May 2016

- Attended the 2016 Budget Lunch at the Country Club Casino
- Attended the Tasdance Production of Evolve at the Earl Arts Centre

Saturday 28 May 2016

- Attended the Launceston's Mayor's Peace Cup Charity Football Match at the Rocherlea Recreation Ground
- Attended the Northern Rangers Family Fun Day at the NTCA Grounds

Sunday 29 May 2016

- Attended the Vox Harmony Concert at the City Baptist Church Launceston

Wednesday 1 June 2016

- Attended the 2016 Winterlicious launch at the Penny Royal

Thursday 2 June 2016

- Officiated at the official launch of the Tasmanian Community Achievement Awards at the Town Hall
 - Attended the Pay What You Wish For Fundraiser - Give Me 5 For Kids at Cataract on Paterson Launceston
 - Attended the launch of the Tasmanian Perpetual Trustees Launceston Business Excellence Awards at the Penny Royal Launceston
-

9.1 Mayor's Announcements ...(Cont'd)

Friday 3 June 2016

- Assisted with trophy presentations at the Launceston Competitions at the Earl Arts Centre

Saturday 4 June 2016

- Attended the Riverside Lions Club Changeover Dinner at the Riverside Golf Club

Wednesday 8 June 2016

- Attended the St Patrick's College Schools Auction Final at St Patrick's College

Sunday 12 June 2016

- Officiated and participated in the Launceston Ten Signature Event

The Mayor noted that he did not attend the St Patrick's College School's Auction Final at St Patrick's College due to flood related commitments.

- **The Mayor mentioned recent floods in the State and noted the impact on the local community. The Mayor relayed the positive comments made towards Council staff with particular reference made to Mr Rod Sweetnam (Director Facilities Management). Comment was also made with regard to the success of the flood levy system and thanks and congratulations was extended to Mr Alan Birchmore, Chairman - Flood Authority and his team for their work. The Mayor also thanked staff for their continuing efforts with regards to the ongoing clean-up efforts following the floods.**
 - **Congratulations were extended to local recipients of Queen's Birthday Honours.**
 - **Particular mention was made regarding the many volunteers who assist with the Launceston Competitions. The Mayor thanked those who contribute to the success of the program and the development of the young people on an ongoing basis.**
 - **The Mayor made further comment on the Launceston Ten and congratulated Alderman J Finlay and Alderman D C Gibson for participating. The Mayor noted the strong community participation in the event.**
 - **The Mayor noted a Flood Recovery Coordinator has been appointed for the State**
 - **The Mayor also thanked Mr Shane Eberhardt (Acting Director Infrastructure Services) for his work during the recent flood crisis**
-

10 ALDERMEN'S REPORTS

(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

10.1 Alderman D H McKenzie

- **Acknowledged work of Council staff and emergency services personnel in relation to the recent floods**
- **Commented on the progress of the City Heart project - the Quadrant Mall.**
- **Attended the Heritage Forest Committee Meeting and inspected the change rooms and viewing platform area that have been constructed.**
- **Acknowledged speakers from Starting Point and noted the motivation and innovation of the local volunteers within the community**
- **Attended the Nunamara Hall Community Meeting and commented on the discussions conducted regarding the facility**
- **Congratulated the Vox Harmony City of Launceston Choir which participated in the Melbourne International Singers Festival**
- **Attended the Antiques Fair in Launceston and noted the number of community members in attendance**

10.2 Alderman D C Gibson

- **Mentioned the ABC *Catalyst* program airing tonight highlighting the Queen Victoria Museum and Art Gallery's (QVMAG) Sydney Cove exhibition and congratulated Director Richard Mulvaney and QVMAG staff**
 - **Thanked the Mayor for hosting the launch of the Tasmanian Community Achievement awards**
 - **Mentioned the *Winterlicious* month long event organised by the City Prom Committee which is being held in Launceston. Alderman Gibson commented on the strong community support for the *Beanies and Bubbles* event held at Dicky Whites Lane on Friday evening**
 - **Attended the relaunch of the Junction Arts Festival held at the Bartkevicius residence in West Launceston**
-

11 QUESTIONS BY ALDERMEN

11.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

No Questions on Notice were registered with Council as part of these Minutes

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

No Questions without Notice were registered with Council as part of these Minutes

12 COMMITTEE REPORTS**12.1 Audit Panel Meeting - 26 May 2016****FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive and consider a report from the Audit Panel following the meeting on 26 May 2016.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held 26 May 2016.

Mr M Tidey (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

12.2 Tender Review Committee - 23 May 2016**FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Projects Manager)**DIRECTOR:** Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Tender Review Committee (a delegated authority Committee).

RECOMMENDATION:

That Council receive the report from the Tender Review Committee meeting held on 23 May 2016.

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman J G Cox, seconded Alderman D H McKenzie.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

12.3 Heritage Advisory Committee Meeting - 28 April 2016**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design & Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee Meeting on 28 April 2016.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee Meeting held on 28 April 2016.

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman J Finlay, seconded Alderman R L McKendrick.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

12.4 Street Tree Advisory Committee Meeting - 26 May 2016**FILE NO:** SF5726**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Street Tree Advisory Committee.

RECOMMENDATION:

That Council receives the report from the Street Tree Advisory Committee Meeting held on 26 May 2016.

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman E K Williams, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

12.5 Pedestrian and Bike Committee Meetings - 22 March 2016 and 10 May 2016**FILE NO:** SF0618**AUTHOR:** Julie Tyres (Administration Officer - Roads & Hydraulics)**DIRECTOR:** Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider reports from the Meetings of the Pedestrian and Bike Committee held on 22 March 2016 and 10 May 2016.

RECOMMENDATION:

That the Council receives the report from the Pedestrian and Bike Committee meetings held on 22 March 2016 and 10 May 2016.

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman D H McKenzie, seconded Alderman E K Williams.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

12.6 Cataract Gorge Advisory Committee Report - 12 May 2016**FILE NO:** SF0839**AUTHOR:** Tricia De Leon-Hillier (Parks Lease Management Officer)**DIRECTOR:** Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Cataract Gorge Advisory Committee.

RECOMMENDATION:

That the Council receives the report from the Cataract Gorge Advisory Committee Meeting held on 12 May 2016.

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman J Finlay, seconded Alderman E K Williams.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

13 COUNCIL WORKSHOPS

Council Workshops conducted on 6 June 2016 were:

- Cimitiere Street Proposal
- Leisure & Aquatic Centre - Lane Hire for Swim Clubs
- Seagull Management - Old Launceston Seaport
- Lease Agreements - Albert Hall
- Fire Service Rates - Retirement Homes
- Rating of Independent Living Units (Retirement Homes)
- TasWater - Extension of Freeze on Distributions
- NTD - New Organisational Model
- Ten Days on the Island
- Commonwealth Games 2018

14 NOTICES OF MOTION

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

No Notices of Motion were identified as part of these Minutes

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Youth Engagement Framework****FILE NO:** SF0134**AUTHOR:** Claudia Garwood (Youth Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider the Youth Engagement Framework 2016-2018.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 8 September 2014 - Agenda Item 14.1 - Draft Youth Engagement Framework Public Consultation

RECOMMENDATION:

That Council endorses the Youth Engagement Framework 2016-2018 - Document No. 3776720.

Mrs L Hurst (Director Development Services) and Ms C Garwood (Youth Development Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman D C Gibson, seconded Alderman S R F Wood.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

15.2 Gold Coast Commonwealth Games 2018**FILE NO:** SF4186**AUTHOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider a report seeking Council agreement to participate in support activities associated with the 2018 Commonwealth Games.

RECOMMENDATION:

That Council agrees to participate in activities associated with supporting the Gold Coast Commonwealth Games in 2018 in accordance with the protocols and processes prescribed by the Organising Committee.

Mrs L Hurst (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman R I Soward, seconded Alderman D H McKenzie.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items were identified as part of these Minutes

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS

No Items were identified as part of these Minutes

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

18.1 102-106 Hobart Road - Acquisition of Pipeline Easement

FILE NO: 45890

AUTHOR: Robert Holmes (Property Coordinator)

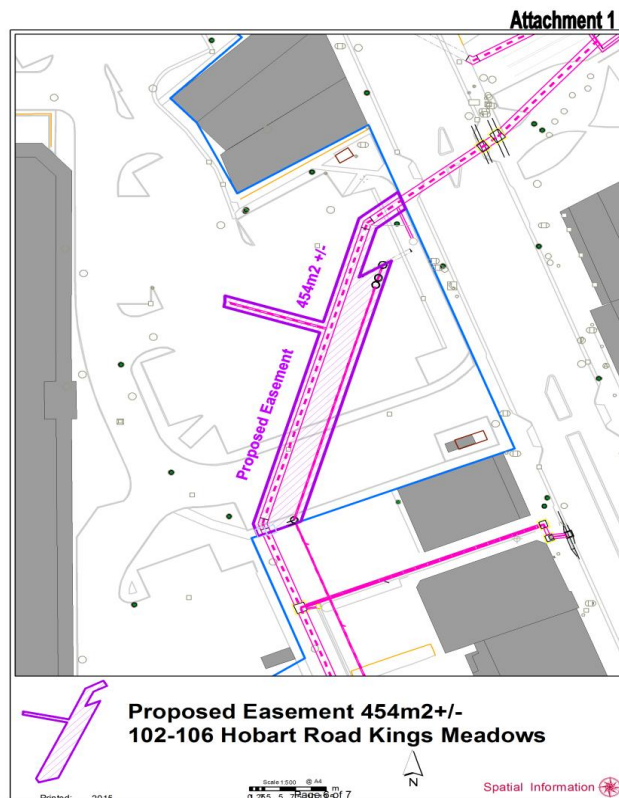
DIRECTOR: Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To consider acquiring a pipeline easement.

RECOMMENDATION:

That the Council acquires, by agreement in accordance with Section 9 of the *Land Acquisition Act 1993*, a pipeline easement over part of 102-106 Hobart Road, Kings Meadows. The easement is to have an area of approximately 425m² and the location is indicated on the plan below marked Attachment 1. Compensation payable for the transfer of easement is to be the sum of \$82,500 exclusive of GST.



18.1 102-106 Hobart Road - Acquisition of Pipeline Easement ...(Cont'd)

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016

MOTION

Moved Alderman J Finlay, seconded Alderman R L McKendrick.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

18.2 Concessional Entry to Council's Waste Disposal Facilities

FILE NO: SF0628

AUTHOR: Regan East (Waste Management Officer)

DIRECTOR: Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To determine the value of concessions to approved charitable organisations for waste disposal to the Launceston Waste Centre for the 2016/2017 financial year.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 22 June 2015 - Agenda Item 18.1 - to determine the value of concessions for 2015/2016

RECOMMENDATION:

That the Council, in respect of Clause 4(e) of the '*Concessional Entry to Council's Waste Disposal Facilities*' Policy (12-PI-014), approves the organisations and concessional entry values for the financial year 2016/2017, as shown in Table 1.

Table 1: Recommended concessional entry values, 2016/17

Organisation Name	2016/2017 \$
Cancer Council of Tasmania	0
Connections Op Shop Inc.	400
Door of Hope Christian Church	800
Launceston Benevolent Society Inc.	400
Launceston City Mission	19,000
Launceston Legacy Inc.	120
Lilydale Landcare	100
Lions Club of Kings Meadows	150
New Horizons Club Inc.	110
Northern Occupational Support Service - Bluegum	1,800
RSPCA Tasmania (Launceston Branch)	550
Salvos Store	1,300
Self Help Workplace	4,200
St Michaels Association	900
St Vincent de Paul Society	3,500

18.2 Concessional Entry to Council's Waste Disposal Facilities ...(Cont'd)

Organisation Name	2016/2017 \$
Veterans Support Group	500
Worldview Centre for Intercultural Studies	20
Zions Hill Community Care Inc	300
TOTAL	\$34,150

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

Due to a declaration of interest in Agenda Item 18.2 - Concessional Entry to Council's Waste Disposal Facilities, The Mayor, Alderman A M van Zetten, withdrew from the Meeting at 2.10pm.

Due to a declaration of interest in Agenda Item 18.2 - Concessional Entry to Council's Waste Disposal Facilities, Alderman E K Williams, withdrew from the Meeting at 2.10pm.

The Mayor, Alderman A M van Zetten, handed the Chair to the Deputy Mayor, Alderman R I Soward at 2.10pm.

The Mayor, Alderman A M van Zetten, resumed the Chair at 2.12pm.

DECISION: 14 June 2016

MOTION

Moved Alderman R L McKendrick, seconded Alderman D C Gibson.

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

CARRIED 7:0

FOR VOTE: Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay and Alderman S R F Wood

ABSENT DUE to DECLARATION of INTEREST: Mayor Alderman A M van Zetten and Alderman E K Williams

18.3 Policy for Delegation of Power to Acquire Land**FILE NO:** SF0081**AUTHOR:** Robert Holmes (Property Coordinator)**DIRECTOR:** Shane Eberhardt (Acting Director Infrastructure Services)

DECISION STATEMENT:

To consider establishing a policy for the delegation of power to acquire land on behalf of the Council.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 6 June 2016.

RECOMMENDATION:

That the Council approves the following Policy as set out below.

PURPOSE:

To establish a policy for the delegation of power to acquire land on behalf of the Council.

SCOPE:

To apply where land is acquired for a prescribed purpose and where Council valuation advice is that the purchase or compensation value is less than \$100,000.

POLICY:

1. That the Council delegates authority under Section 22 of the *Local Government Act 1993* to the General Manager to acquire land either by negotiation or compulsory process as described in Section 37 (b), (d), (e), (f), (g) and (h) of the *Local Government (General) Regulations 2015*. The authority is on the basis that the land is required for a prescribed purpose and the Council's initial valuation advice is that the purchase price or compensation is less than \$100,000.
 2. That Council delegates authority under Section 22 of the *Local Government Act 1993* to the General Manager to issue subdivision exemptions or approvals under Sections 83 and 102 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.
 3. That Council gives authority under Section 64 of the *Local Government Act 1993* to the General Manager to delegate this function to the Council Officers.
-

18.3 Policy for Delegation of Power to Acquire Land ...(Cont'd)

PRINCIPLES:

Not considered relevant to this report.

RELATED POLICIES & PROCEDURES:

Not considered relevant to this report.

RELATED LEGISLATION:

Local Government Act 1993

Local Government (General) Regulations 2015

Local Government (Building & Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1993

Urban Drainage Act 2013

Land Acquisition Act 1993

REFERENCES:

Not considered relevant to this report.

DEFINITIONS:

'Prescribed purpose' has the same meaning as *Section 37* of the *Local Government (General) Regulations 2015*.

REVIEW:

This policy will be reviewed no more than five years after date of approval version or more frequently if dictated by operational demands and with the Council's approval.

Mr S Eberhardt (Acting Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman J G Cox.

That the Policy for Delegation of Power to Acquire Land be adopted.

18.3 Policy for Delegation of Power to Acquire Land ...(Cont'd)

PURPOSE:

To establish a policy for the delegation of power to acquire land on behalf of the Council.

SCOPE:

To apply where land is acquired for a prescribed purpose and where Council valuation advice is that the purchase or compensation value is less than \$100,000.

POLICY:

1. That the Council delegates authority under Section 22 of the *Local Government Act 1993* to the General Manager to acquire land either by negotiation or compulsory process as described in Section 37 (b), (d), (e), (f), (g) and (h) of the *Local Government (General) Regulations 2015*. The authority is on the basis that the land is required for a prescribed purpose and the Council's initial valuation advice is that the purchase price or compensation is less than \$100,000.
2. That Council delegates authority under Section 22 of the *Local Government Act 1993* to the General Manager to issue subdivision exemptions or approvals under Sections 83 and 102 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.
3. That Council gives authority under Section 64 of the *Local Government Act 1993* to the General Manager to delegate this function to the Council Officers.
4. A report on the purchases made under this delegation be provided to Council annually.

PRINCIPLES:

Not considered relevant to this report.

RELATED POLICIES & PROCEDURES:

Not considered relevant to this report.

18.3 Policy for Delegation of Power to Acquire Land ...(Cont'd)

RELATED LEGISLATION:

Local Government Act 1993

Local Government (General) Regulations 2015

Local Government (Building & Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1993

Urban Drainage Act 2013

Land Acquisition Act 1993

REFERENCES:

Not considered relevant to this report.

DEFINITIONS:

'Prescribed purpose' has the same meaning as *Section 37* of the *Local Government (General) Regulations 2015*.

REVIEW:

This policy will be reviewed no more than five years after date of approval version or more frequently if dictated by operational demands and with the Council's approval.

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Budget 2016/2017 - City of Launceston Statutory Estimates****FILE NO:** SF6329**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Council's Statutory Estimates for the financial year ending 30 June 2017.

This decision, pursuant to section 82 of the *Local Government Act 1993* must be adopted by an absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

Considered annually.

RECOMMENDATION:

That Council

1. pursuant to Section 82(3)(a) of the *Local Government Act 1993* adopts the Proposed Statutory Estimates for the full financial year ending 30 June 2017. The Proposed Statutory Estimates are set out in full in Attachment 1; and
 2. pursuant to Section 82(2) of the *Local Government Act 1993* adopts:
 - a) Estimated Income \$107.63m
 - b) Estimated Expenditure
 - Operating \$99.61m
 - Capital \$24.49m
 - c) Estimated Borrowing
 - Loans \$NIL
 - Scheduled Repayments \$2.24m
 - d) Estimated Capital Works
 - Council Funded \$18.41m
 - Grant Funded \$6.08m
-

Mr M Tidey (Director Corporate Services), Mr P Gimpl (Manager Finance) and Mr S Eberhardt (Acting Director Infrastructure Services) were in attendance to answer questions of Council in respect of this Agenda Item.

19.1 Budget 2016/2017 - City of Launceston Statutory Estimates ...(Cont'd)

The Mayor, Alderman A M van Zetten, handed the Chair to the Deputy Mayor, Alderman R I Soward at 2.28pm.

The Mayor, Alderman A M van Zetten, resumed the Chair at 2.32pm.

DECISION: 14 June 2016

MOTION

Moved Alderman R I Soward, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

19.2 Budget 2016/2017 - City of Launceston Rating Framework

FILE NO: SF6329/SF0521

AUTHOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Council's Rating Framework for the financial year ending 30 June 2017.

This decision, pursuant to Part 9 of the *Local Government Act 1993*, must be adopted by absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

Considered annually.

RECOMMENDATION:

That Council pursuant to Part 9 of the *Local Government Act 1993* adopts the following Rating Framework for the financial year ending 30 June 2017.

Rating Resolution

1. General Rate:

1.1 Pursuant to Sections 90 and 91 of the *Local Government Act 1993*, the Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Launceston for the period commencing 1 July, 2016 and ending 30 June, 2017, which consists of two components as follows:

- (a) A rate of **7.4750** cents in the dollar on the assessed annual value of the land; and
- (b) A fixed charge of **\$250**.

1.2 That pursuant to Section 107(1) and (2) of the *Local Government Act 1993*, by reason of:

- (a) the use or non-use of any land which is within the municipal area; and
- (b) the locality of the land;

Council declares, by absolute majority, that component 1.1(a) of the General Rate is varied for the financial year as follows:

19.2 Budget 2016/2017 - City of Launceston Rating Framework...(Cont'd)

- (i) For land used for commercial purposes, that is not located within the area known as the CBD Rate Variation Locality, the rate is varied by **increasing** it by **0.5250** cents in the dollar to **8.0000** cents in the dollar;
- (ii) For land used for commercial purposes and which is located within the area known as the CBD Rate Variation Locality, the rate is varied by **increasing** it by **2.1170** cents in the dollar to **9.5920** cents in the dollar;
- (iii) For land used for industrial purposes, the rate is varied by **increasing** it by **0.5250** cents in the dollar to **8.0000** cents in the dollar;
- (iv) For land used for public purposes, the rate is varied by **increasing** it by **0.5250** cents in the dollar to **8.0000** cents in the dollar;
- (v) For land used for primary production purposes, the rate is varied by **increasing** it by **0.5250** cents in the dollar to **8.0000** cents in the dollar;
- (vi) For land used for sporting or recreation facilities, the rate is varied by **increasing** it by **0.5250** cents in the dollar **8.0000** cents in the dollar;
- (vii) For land used for quarrying and mining, the rate is varied by **increasing** it by **0.5250** cents in the dollar to **8.0000** cents in the dollar; and
- (viii) For land which is vacant land, the rate is varied by **decreasing** it by **0.7750** cents in the dollar to **6.7000** cents in the dollar

Definition CBD Rate Variation Locality

1.3 That pursuant to Section 107(1)(c) of the *Local Government Act 1993*, by reason of the location of any land which is within the following parts of the municipal area, namely:

- (a) That portion of the City of Launceston as is bounded by Wellington, Cameron, George and York Streets;
 - (b) Those properties having a frontage on the Eastern side of George Street from numbers 37 to 115 (both inclusive);
 - (c) Those properties having a frontage on the Southern side of York Street from numbers 45 to 123 (both inclusive);
 - (d) Those properties having a frontage on the Northern side of Cameron Street from numbers 44 to 70 (both inclusive) and on the Southern side of that Street from numbers 41 to 93 (both inclusive);
 - (e) Those properties having a frontage on the Eastern side of St John Street from numbers 119 to 153 (both inclusive) and on the Western side of that Street from numbers 116 to 128 (both inclusive);
 - (f) Those properties having a frontage on the Eastern side of Charles Street from numbers 179 to 205 (both inclusive) and on the Western side of that Street from numbers 126 to 156 (both inclusive); and
-

19.2 Budget 2016/2017 - City of Launceston Rating Framework...(Cont'd)

- (g) Those properties having a frontage on the Northern side of Brisbane Street from numbers 36 to 60 (both inclusive) and those having a frontage on the Southern side of that Street from numbers 43 to 65 (both inclusive),

the Council declares this area to be defined as the **CBD Rate Variation Locality** for the purposes of clause 1.2.

Maximum Percentage Increase

- 1.4 Pursuant to section 88A of the Act, the Council, by absolute majority sets the following maximum percentage increase in component (a) of the general rate in clause 1.1 of 200% and then declares by absolute majority that the maximum percentage is varied under section 107 of the Act according to the use or predominate use of land, by decreasing the maximum percentage to **20%** for all land which is used or is predominately used for residential purposes.

2. Service Charges – Waste Management Service:

Pursuant to Section 94, of the *Local Government Act 1993*, the Council makes the following service charges on all rateable land within the municipal area of Launceston (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which the Council does not supply any of the following services) for the period commencing 1 July, 2016 and ending on 30 June, 2017, namely:

- 2.1 Service charges for waste management in respect of all land to which the Council supplies different waste management services comprising:

- (i) The supply of mobile garbage bins;
- (ii) The supply of a recycling service;
- (iii) The collection of garbage bags purchased by owners or occupiers of land from the Council;

as follows:

- (a)
 - (i) **\$102** for an existing 85 litre mobile garbage bin and 1 recycle bin;
 - (ii) **\$102** for a 140 litre mobile garbage bin and 1 recycle bin;
 - (iii) **\$215** for a 240 litre mobile garbage bin and 1 recycle bin; and
 - (b) **\$2.50** per bag for the collection of prepaid garbage bags purchased by owners or occupiers from the Council for collection within the area that this service is supplied to.
-

19.2 Budget 2016/2017 - City Of Launceston Rating Framework ...(Cont'd)

2.2 Pursuant to Section 94(3) of the *Local Government Act 1993*, and by absolute majority, the Council varies each of the charges at clause 3.1(a) within different parts of the municipal area for land used or predominantly used for commercial or industrial purposes, public purposes, primary production, sporting or recreation facilities and/or quarrying and mining purposes as follows:

- (i) **\$102** for an existing 85 litre mobile garbage bin;
- (ii) **\$102** for a 140 litre mobile garbage bin;
- (iii) **\$215** for a 240 litre mobile garbage bin.

2.3 In respect of the service charges for waste management:

- (a) If any land to which the waste management service is supplied is the subject of separate rights of occupation which are separately valued in the valuation list prepared under the *Valuation of Land Act 2001*, then the charge applies to each such separate occupation;
- (b) Pursuant to Section 94(3) of the *Local Government Act 1993* and by absolute majority, the Council declares that the service charge varies within different parts of the municipal area by reference to the use or predominant use of land as follows:
 - (i) For all land used for residential purposes where there is more than 1 separate right of occupation which is separately valued in the valuation list prepared under the *Valuation of Land Act 2001* and where the rate payer has elected by notice in writing delivered to the General Manager on or before the 1st day of July 2016 not to have a waste management service, then the service charge is varied to **Nil**;
 - (ii) For all land which is used or predominantly used for commercial or industrial purposes, public purposes, primary production, sporting or recreation facilities, quarrying and mining purposes and where the rate payer in respect of that land elects by notice in writing delivered to the General Manager on or before the 1st day of July 2016 not to have a waste management service, then the service charge is varied to **Nil**;

3. Service Rates - Fire Service:

3.1 Pursuant to Section 93A of the *Local Government Act 1993* the Council makes the following service rates in respect of the fire service contributions it must collect under the *Fire Service Act 1979* for the rateable parcels of land within the municipal area for the period commencing 1 July, 2016 and ending on 30 June, 2017, as follows:

19.2 Budget 2016/2017 - City of Launceston Rating Framework...(Cont'd)

District	Cents in the dollar of Assessed Annual Value
Launceston Permanent Brigade Rating District	1.3730
Lilydale Volunteer Brigade Rating District	0.4041
General Land	0.3466

3.2 Pursuant to Section 93(3) of the *Local Government Act 1993*, the Council sets a minimum amount payable in respect of this service rate of **\$38.00**.

4. Separate Land:

4.1 Except where it is expressly provided to the contrary, for the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

5. Adjusted Values:

5.1 For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the *Local Government Act 1993*.

6. Instalment Payment:

6.1 Pursuant to Section 124 of the *Local Government Act 1993*, the Council:

- (a) Decides that all rates are payable by all rate payers by four instalments which must be of approximately equal amounts.
- (b) Determines that the dates by which instalments are to be paid shall be as follows:
 - (i) The first instalment on or before 31 August, 2016;
 - (ii) The second instalment on or before 30 November, 2016;
 - (iii) The third instalment on or before 31 January, 2017; and
 - (iv) The fourth instalment on or before 30 April, 2017.
- (c) If a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

7. Penalty and Interest:

7.1 Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid on or before the date it falls due then:

- (a) There is payable a penalty of **3.0%** of the unpaid rate or instalment; and
- (b) There is payable a daily interest charge of **0.02054795%** (**7.5%** per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

19.2 Budget 2016/2017 - City of Launceston Rating Framework...(Cont'd)

8. Words and Expressions:

Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

Mr M Tidey (Director Corporate Services) and Mr P Gimpl (Manager Finance) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

19.3 Budget Amendments 2015/2016 - 26 May 2016**FILE NO:** SF3611/SF6183**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2015/2016 Statutory Estimates.

This decision, pursuant to Section 82(4) of the *Local Government Act 1993*, must be adopted by an absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 26 May 2016 - Agenda Item 9.2 - *the budget amendments were reviewed by the Audit Panel and it was recommend that it go to Council without change.*

RECOMMENDATION:

1. That, pursuant to Section 82(4) of the *Local Government Act 1993*, Council approves the following amendments to the Statutory Estimates:
 - a) Revenue
 - i. The increase in revenue from external grants of \$171,600.
 - ii. The increase in funding from the Waste Reserve of \$1,000,000.
 - b) Operating Expenditure
 - i. The net increase in expenses from transfers from Capital of \$27,515.
 - ii. The decrease in expenses from transfers to Capital of \$141,315.
 - c) Capital Works Expenditure
 - i. The net decrease in expenditure from transfers to Operations of \$27,515.
 - ii. Reclassification of Operations Grants funds to Capital Grants funds of \$50,000.
 - iii. The net increase from transfers from Operations to Capital of \$141,315.
 - iv. Reallocate Waste Reserve funds to Capital of \$1,000,000.
 - v. The net increase in External Grant funds of \$174,800.
 2. That Council notes the amendments from Point 1 result in:
 - a) the operating surplus (including \$14.275m in capital grants) being amended to \$14.135m; and
 - b) the capital budget being increased to \$33.695m.
-

Mr M Tidey (Director Corporate Services) and Mr P Gimpl (Manager Finance) were in attendance to answer questions of Council in respect of this Agenda Item.

19.3 Budget Amendments 2015/2016 - 26 May 2016 ...(Cont'd)

Aldermen were presented with an Amended Recommendation prior to the Meeting.

DECISION: 14 June 2016

MOTION

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That Council approve the Recommendation, as set out below.

1. That, pursuant to Section 82(4) of the *Local Government Act 1993*, Council approves the following amendments to the Statutory Estimates:
 - a) Revenue
 - i. The increase in revenue from external grants of \$171,600.
 - ii. The increase in funding from the Waste Reserve of \$1,000,000.
 - b) Operating Expenditure
 - i. The net increase in expenses from transfers from Capital of \$27,515.
 - ii. The decrease in expenses from transfers to Capital of \$141,315.
 - c) Capital Works Expenditure
 - i. The net decrease in expenditure from transfers to Operations of \$27,515.
 - ii. Reclassification of Operations Grants funds to Capital Grants funds of \$50,000.
 - iii. The net increase from transfers from Operations to Capital of \$141,315.
 - iv. Reallocate Waste Reserve funds to Capital of \$1,000,000.
 - v. The net increase in External Grant funds of \$174,800.
2. That Council notes the amendments from Point 1 result in:
 - a) the operating surplus (including \$14.275m in capital grants) being amended to \$14.241m; and
 - b) the capital budget being increased to \$33.695m.

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

19.4 Quarterly Financial Report to Council - 31 March 2016

FILE NO: SF6183/SF3611

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Council's financial performance for the quarter ended 31 March 2016.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 26 May 2016 - *The financial review for the quarter ended 31 March 2016 was noted*

RECOMMENDATION:

That Council adopts the financial report for the quarter ended 31 March 2016 which discloses:

	Actual	Budget	Variance
	\$'000	\$'000	Fav/(Unfav)
	\$'000	\$'000	\$'000
Revenue			
Rates	46,729	46,332	397
Fees	15,936	15,368	568
Capital Grants and Contributions	3,033	2,893	140
Financial Assistance Grants	1,530	3,714	(2,184)
Revenue Operations Grants	3,074	3,153	(79)
Interest (Revenue)	1,637	1,330	307
Asset Disposal Revenue	436	-	436
Distributions	2,596	2,900	(304)
Other Revenues	1,802	1,948	(146)
Total Revenue	76,773	77,638	(865)

19.4 Quarterly Financial Report to Council - 31 March 2016 ...(Cont'd)

	Actual \$'000	Budget \$'000	Variance Fav/(Unfav) \$'000
Expenses			
Labour	26,288	27,721	1,433
Materials and Services	24,042	24,674	632
Bad Debts Provision	158	71	(87)
Interest Expense (Loans)	178	218	40
Provision for Rehabilitation	266	266	-
Depreciation	14,402	14,665	263
Asset Disposal Losses	426	-	(426)
Levies	5,027	5,027	-
Remissions and Abatements	911	725	(186)
Other	312	190	(122)
Total Expenses	72,010	73,557	1,547
Surplus/(Deficit)	4,763	4,081	682
Remove			
Capital Grants and Contributions	(3,033)	(2,893)	(140)
Committed Interest (Capital)	(24)	(5)	(19)
Financial Assistance Grants	2,098	-	2,098
Underlying Result Surplus/(Deficit)	3,804	1,183	2,621

Note: The budget of \$1.183m is year to date (31 March 2016). The full year estimate is an underlying deficit of \$34,000 as indicated in the Budget Amendments agenda item.

Mr M Tidey (Director Corporate Services) and Mr P Gimpl (Manager Finance) were in attendance to answer questions of Council in respect of this Agenda Item.

19.4 Quarterly Financial Report to Council - 31 March 2016 ...(Cont'd)

DECISION: 14 June 2016**MOTION****Moved Alderman R L McKendrick, seconded Alderman J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 9:0****FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams**

19.5 Unrecoverable Debt Write-Off Policy**FILE NO:** SF0519/SF0520**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider a new policy that allows for the write-off of unrecoverable debts.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 16 April 2012 - Agenda Item 18.2 - *MPES and Unrecoverable Parking Debt Write Off Policy (12-PI-017)*

RECOMMENDATION:

That Council:

1. Rescinds the *MPES and Unrecoverable Parking Debt Write Off Policy (12-PI-017)*; and
2. Adopts, in place of the rescinded *MPES and Unrecoverable Parking Debt Write Off Policy (12-PI-017)*, the new policy *Unrecoverable Debt Write-Off Policy (12-PI-024)* as follows:

Unrecoverable Debt Write-Off Policy (12-PI-024)**PURPOSE:**

To define the circumstances under which Council will write-off debts.

SCOPE:

This policy applies to parking, health, animal, vandalism, building and planning infringements, and any other fines or debts handed by Council to the Monetary Penalties Enforcement Service (MPES) for collection.

This policy does not apply to the correction of calculation or processing errors.

POLICY:**Background**

Council imposes penalties on parking, health, animal, vandalism, building, planning and other infringements. These charges are raised on a daily basis.

19.5 Unrecoverable Debt Write-Off Policy ...(Cont'd)

Over time, these charges are either paid in full, or default and have further penalties applied if possible. If an amount owing to Council is not paid within four (4) months, the debt is handed to MPES for further collection activity.

Parameters

When MPES notifies Council that debts are not collectable (e.g. due to sine die or community service performed in lieu of payment), such amounts will be written-off by the General Manager.

Minor infringement penalties that are incurred by interstate and overseas visitors and are not economic to pursue will be written-off by the General Manager after six (6) months.

Write-offs made under this policy will be presented, at least annually, to the Audit Panel for their scrutiny.

Delegations

To effect this policy, the General Manager requires a delegation of power from Council of Section 22(2)(ba) of the *Local Government Act 1993 (Tas)*. This delegation will be conditional upon MPES notifying Council that the debts are not collectable.

PRINCIPLES:

Council's organisational values apply to all activities.

RELATED POLICIES & PROCEDURES:

N/A

RELATED LEGISLATION:

Local Government Act 1993 (Tas)

REFERENCES:

N/A

DEFINITIONS:

Sine die - "without day", meaning in this context that the debt has no anticipated day of collection

REVIEW:

This policy will be reviewed no more than two (2) years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

Mr M Tidey (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

19.5 Unrecoverable Debt Write-Off Policy ...(Cont'd)

DECISION: 14 June 2016**MOTION****Moved Alderman R L McKendrick, seconded Alderman J Finlay.****That the Motion, as per the Recommendation to Council, be adopted.****CARRIED 9:0****FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams**

19.6 Delegation from Council to General Manager - Section 22(2)(ba) of the *Local Government Act 1993 (Tas)* - Write-off of any Debts Owed to Council**FILE NO:** SF0113**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider a delegation of power from Council to the General Manager in respect of the write-off of any debts owed to the Council.

RECOMMENDATION:

That Council delegates to the General Manager, pursuant to section 22(2)(ba) of the *Local Government Act 1993 (Tas)*, the power to write-off any debts owed to the Council, conditional upon the Monetary Penalties Enforcement Service (MPES) notifying Council that the debts are not collectable.

Mr M Tidey (Director Corporate Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016**MOTION**

Moved Alderman R I Soward, seconded Alderman J G Cox.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

The Mayor, Alderman A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to item 8.4 - 13 Warragul Street, Norwood - Residential - single dwelling; construction of two carports, construct and use of second crossover access, and construction of a roofed deck (retrospective)

19.7 Code of Conduct for Aldermen**FILE NO:** SF2213**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Code of Conduct for Aldermen Policy (14-Plx-032).

PREVIOUS COUNCIL CONSIDERATION:

SPPC Meeting - 6 June 2016 - Agenda Item 4.4

RECOMMENDATION:

That Council adopts the Code of Conduct for Aldermen Policy (14-Plx-032).

Code of Conduct for Aldermen***PURPOSE:***

The Code of Conduct sets out the standards of behaviour expected of the Aldermen of the City of Launceston, with respect to all aspects of their role.

As leaders in the community, Aldermen acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each Alderman's primary goal of acting in the best interests of the community.

Aldermen therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government on 13 April 2016.

SCOPE:**Application of code of conduct**

This Code of Conduct applies to an Alderman whenever he or she:

- conducts council business, whether at or outside a meeting;
 - conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Alderman); or
 - acts as a representative of the Council.
-

19.7 Code of Conduct for Aldermen ...(Cont'd)

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

CODE OF CONDUCT FOR ALDERMEN**Part 1 - Decision Making**

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

Part 2 - Conflict of Interest

1. When carrying out his or her public duty, an Alderman must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
 2. An Alderman must act openly and honestly in the public interest.
 3. An Alderman must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the Alderman is appointed or nominated by the Council.
 4. An Alderman must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
 5. An Alderman must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
 6. An Alderman who has an actual, potential or perceived conflict of interest in a matter before the Council must:
 - (a) declare the conflict of interest before discussion on the matter begins; and
-

19.7 Code of Conduct for Aldermen ...(Cont'd)

- (b) act in good faith and exercise reasonable judgement to determine whether the conflict of interest is so material that it requires removing himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council.

Part 3 - Use of Office

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

Part 4 - Use of Resources

1. An Alderman must use Council resources appropriately in the course of his or her public duties.
2. An Alderman must not use Council resources for private purposes except as provided by Council policies or procedures.
3. An Alderman must not allow the misuse of Council resources by any other person or body.
4. An Alderman must avoid any action or situation which may lead to a reasonable perception that Council resources are being misused by the Alderman or any other person or body.

Part 5 - Use of Information

1. An Alderman must protect confidential Council information in his or her possession or knowledge, and only release it if he or she has the authority to do so.
 2. An Alderman must only access Council information needed to perform his or her role and not for personal reasons or non-official purposes.
-

19.7 Code of Conduct for Aldermen ...(Cont'd)

3. An Alderman must not use Council information for personal reasons or non-official purposes.
4. An Alderman must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Part 6 - Gifts and Benefits

1. An Alderman may accept an offer of a gift or benefit if it directly relates to the carrying out of the Alderman's public duties and is appropriate in the circumstances.
2. An Alderman must avoid situations in which the appearance may be created that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the Alderman or Council.
3. An Alderman must carefully consider:
 - (a) the apparent intent of the giver of the gift or benefit; and
 - (b) the relationship the Alderman has with the giver; and
 - (c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or benefit.
4. An Alderman must not solicit gifts or benefits in the carrying out of his or her duties.
5. An Alderman must not accept an offer of cash, cash-like gifts (such as gift cards or vouchers) or credit.
6. An Alderman must not accept a gift or benefit if the giver is involved in a matter which is before the Council.
7. An Alderman may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit (if the Council has a gifts and benefits policy).
8. An Alderman who accepts a gift or benefit must record it in the Council's register.

Part 7 - Relationships with Community, Aldermen and Council Employees

1. An Alderman:
 - (a) must treat all persons with courtesy, fairness, dignity and respect; and
-

19.7 Code of Conduct for Aldermen ...(Cont'd)

- (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.
2. An Alderman must listen to, and respect, the views of other Aldermen in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
 3. An Alderman must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.
 4. An Alderman must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
 5. An Alderman must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

Part 8 - Representation

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

19.7 Code of Conduct for Aldermen ...(Cont'd)

PRINCIPLES:**Principles of good governance**

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

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

ADDITIONAL INFORMATION:***Code of conduct***

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

19.7 Code of Conduct for Aldermen ...(Cont'd)

Making a code of conduct complaint

A person may make a code of conduct complaint against one Alderman in relation to the contravention by the Alderman of the relevant council's code of conduct.

A person may make a complaint against more than one Alderman if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the general manager of the relevant council and must comply with legislative requirements, as outlined below.

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

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each Alderman against whom the complaint is made;
- state the provisions of the relevant code of conduct that the Alderman has allegedly contravened;
- contain details of the behaviour of each Alderman that constitutes the alleged contravention;
- be lodged with the general manager within six months after the Alderman or Aldermen against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

Code of conduct complaint lodgement fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$75.50 in 2015/2016).

FURTHER ASSISTANCE:**Alderman dispute resolution**

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

19.7 Code of Conduct for Aldermen ...(Cont'd)

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

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

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

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

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

Complaints under the *Local Government Act 1993*

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

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

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

Public Interest Disclosure

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

19.7 Code of Conduct for Aldermen ...(Cont'd)

Key contacts*Department of Premier and Cabinet's Local Government Division*

Executive Building, 15 Murray Street, HOBART TAS 7000

GPO Box 123, HOBART TAS 7001

Phone: (03) 6232 7022 Fax: (03) 6232 5685

Email: lgd@dpac.tas.gov.au

Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania

326 Macquarie Street, HOBART TAS 7000

GPO Box 1521, HOBART TAS 7001

Phone: (03) 6233 5966

Email: admin@lgat.tas.gov.au

Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission

Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000

GPO Box 822, HOBART TAS 7001

Phone: 1300 720 289

Email: mper@integrity.tas.gov.au

Web: www.integrity.tas.gov.au

Ombudsman Tasmania

NAB House, Level 6, 86 Collins Street, HOBART TAS 7000

GPO Box 123, HOBART TAS 7001

Phone: 1800 001 170

Email: ombudsman@ombudsman.tas.gov.au

Web: www.ombudsman.tas.gov.au

RELATED POLICIES & PROCEDURES:

14-HLPrx-005 Public Interest Disclosure Procedure

14-Plx-031 Policy for Acceptance of Gifts and Benefits for Aldermen

RELATED LEGISLATION:

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au.

REVIEW:

This policy will be reviewed within three months after each ordinary Local Government election.

19.7 Code of Conduct for Aldermen ...(Cont'd)

Mr M Tidey (Director Corporate Services) and Mr J Davis (Manager Corporate Strategy) were in attendance to answer questions of Council in respect of this Agenda Item.

Aldermen were presented with an Amended Recommendation prior to the Meeting.

DECISION: 14 June 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman J Finlay.

That Council adopts the Code of Conduct for Aldermen Policy (14-Plx-032), as set out below.

MODEL CODE OF CONDUCT

Part 1 - Decision Making

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

Part 2 - Conflict of Interest

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

19.7 Code of Conduct for Aldermen ...(Cont'd)

- 3. An Alderman must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the Alderman is appointed or nominated by the Council.**
- 4. An Alderman must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.**
- 5. An Alderman must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.**
- 6. An Alderman who has an actual, potential or perceived conflict of interest in a matter before the Council must:**
 - (a) declare the conflict of interest before discussion on the matter begins; and**
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- 1. An Alderman must use Council resources appropriately in the course of his or her public duties.**
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19.7 Code of Conduct for Aldermen ...(Cont'd)

- 2. An Alderman must not use Council resources for private purposes except as provided by Council policies or procedures.**
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-

19.7 Code of Conduct for Aldermen ...(Cont'd)

- (c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or benefit.**
- 4. An Alderman must not solicit gifts or benefits in the carrying out of his or her duties.**
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- (a) must treat all persons with courtesy, fairness, dignity and respect; and**
 - (b) must not cause any reasonable person offence or embarrassment; and**
 - (c) must not bully or harass any person.**
- 2. An Alderman must listen to, and respect, the views of other Aldermen in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.**
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19.7 Code of Conduct for Aldermen ...(Cont'd)

Part 8 - Representation

1. When giving information to the community, an Alderman must accurately represent the policies and decisions of the Council.
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8. When representing the Council on external bodies, an Alderman must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

SCHEDULE 1 - Additional Information to Support the Model Code of Conduct

PURPOSE:

The Code of Conduct sets out the standards of behaviour expected of the Aldermen of the City of Launceston, with respect to all aspects of their role.

As leaders in the community, Aldermen acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each Alderman's primary goal of acting in the best interests of the community.

Aldermen therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government on 13 April 2016.

19.7 Code of Conduct for Aldermen ...(Cont'd)

SCOPE:

Application of code of conduct

This Code of Conduct applies to an Alderman whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Alderman); or
- acts as a representative of the Council.

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

PRINCIPLES:

Principles of good governance

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

- **Accountable** – Explain, and be answerable for, the consequences of decisions made on behalf of the community.
 - **Transparent** – Ensure decision making processes can be clearly followed and understood by the community.
 - **Law-abiding** – Ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.
 - **Responsive** – Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.
 - **Equitable** – Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.
 - **Participatory and inclusive** – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.
-

19.7 Code of Conduct for Aldermen ...(Cont'd)

- ***Effective and efficient*** – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.
- ***Consensus oriented*** – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.

ADDITIONAL INFORMATION:

Code of conduct

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

Making a code of conduct complaint

A person may make a code of conduct complaint against one Alderman in relation to the contravention by the Alderman of the relevant council's code of conduct.

A person may make a complaint against more than one Alderman if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the general manager of the relevant council and must comply with legislative requirements, as outlined below.

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

A code of conduct complaint is to –

- be in writing;
 - state the name and address of the complainant;
 - state the name of each Alderman against whom the complaint is made;
 - state the provisions of the relevant code of conduct that the Alderman has allegedly contravened;
 - contain details of the behaviour of each Alderman that constitutes the alleged contravention;
-

19.7 Code of Conduct for Aldermen ...(Cont'd)

- be lodged with the general manager within six months after the Alderman or Aldermen against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

Code of conduct complaint lodgement fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$75.50 in 2015/2016).

FURTHER ASSISTANCE:

Alderman dispute resolution

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

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

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

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

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

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

Complaints under the *Local Government Act 1993*

19.7 Code of Conduct for Aldermen ...(Cont'd)

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

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

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

Public Interest Disclosure

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

Key contacts

Department of Premier and Cabinet's Local Government Division
Executive Building, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6232 5685
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

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

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

19.7 Code of Conduct for Aldermen ...(Cont'd)

Ombudsman Tasmania

NAB House, Level 6, 86 Collins Street, HOBART TAS 7000

GPO Box 123, HOBART TAS 7001

Phone: 1800 001 170

Email: ombudsman@ombudsman.tas.gov.au

Web: www.ombudsman.tas.gov.au

RELATED POLICIES & PROCEDURES:

14-HLPrx-005 Public Interest Disclosure Procedure

14-Plx-031 Policy for Acceptance of Gifts and Benefits for Aldermen

RELATED LEGISLATION:

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au.

REVIEW:

This policy will be reviewed within three months after each ordinary Local Government election.

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

20 GENERAL MANAGER'S DIRECTORATE ITEMS**20.1 Report on Public Meeting Held on Tuesday 7 June 2016****FILE NO:** SF0097**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To report on the Public Meeting held on Tuesday, 7 June 2016 at 7.00pm at the Albert Hall in compliance with section 60A(5) of the *Local Government Act 1993 (Tas)*.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 11 April 2016 - Agenda Item 5.1 - Tabling of Petition Requesting a Public Meeting About the Transfer of Land to the University of Tasmania (UTAS)

Council Meeting - 9 May 2016 - Agenda Item 20.1 - Action on Petition Requesting a Public Meeting About the Transfer of Land to the University of Tasmania (UTAS)

RECOMMENDATION:

That the Council:

1. In respect of the Public Meeting held on Tuesday, 7 June 2016 at 7.00pm at the Albert Hall, Launceston:
 - (i) Minutes the Summary of Submissions, as detailed below, presented by the General Manager in accordance with section 60A(5)(a) of the *Local Government Act 1993 (Tas)*.
 - (ii) Minutes the following decisions made at the Public Meeting:
 - (a) That Mr Don Wing AM is appointed as chairperson for the purposes of the Public Meeting.
 - (b) That in view of the flood crises that is threatening Launceston and with respect to the efforts and pleadings by the petitioners and their representative for this Public Meeting to be rescheduled to a later date since yesterday, such a request having been refused by Council's representatives, this Meeting now be adjourned forthwith and resume at this same venue on Tuesday, 21 June 2016 at 7:00pm, so that those people attending can now return home safely.

20.1 Report on Public Meeting Held on Tuesday 7 June 2016

2. Determines to hold a Public Meeting on Tuesday, 21 June 2016 at 7:00pm at the Albert Hall, Launceston, chaired by Mr Don Wing AM as appointed at the Public Meeting held on Tuesday, 7 June 2016.
 3. Records that the subject matter of the Public Meeting is per the petition tabled at the Council Meeting on 11 April 2016, being:
 1. *That the Launceston City Council call a Public Meeting for the purpose of discussing the Council's decision to transfer (free gift) land, known as Willis Street Car Park and Old Velodrome.*
 2. *Call on Council to rescind the motion passed by the Full Council Meeting 9th November 2015 to transfer said land (free gift) to UTAS.*
 3. *That the said land be placed for sale on the open market via a public auction with a Reserve Price of \$5 million.*
 4. Provides notice by public advertisement which:
 - (i) States the date on which, and the time and place at which, the public meeting is to be held;
 - (ii) States the details of the subject matter of the Public Meeting;
 - (iii) Notes that written submissions in relation to the subject matter have been summarised by the General Manager and will be available to those attending the Public Meeting and can be viewed at www.launceston.tas.gov.au;
 - (iv) States that the Public Meeting will be chaired by Mr Don Wing AM;
 - (v) Sets out the agenda of the meeting; and
 - (vi) Provides a statement in relation to the procedure for the meeting.
 5. Undertakes to record in the minutes of the next ordinary meeting of the Council following the Public Meeting, any decisions made at the Public Meeting.
 6. Proposes the agenda of the public meeting shall be as follows:
 1. Opening remarks from the Mayor, Alderman A M van Zetten
 2. Introductory remarks from the Chair, Mr Don Wing AM
 3. Report on submissions by the General Manager under section 60A(4) of the *Local Government Act 1993 (Tas)*
 4. Statements of position (15 minutes each)
 - (a) Council
 - (b) Petitioner
 5. Motions on the subject matter
 6. Close
 7. Notes the following Summary of Submissions made available at the Public Meeting held on 7 June 2016:
-

20.1 Report on Public Meeting Held on Tuesday 7 June 2016

Local Government Act 1993 (Tas) Summary of submissions to the General Manager

Public meeting - Tuesday 7 June 2016

The Council was petitioned to hold a public meeting, the subject matter of which is -

1. ***That the Launceston City Council call a Public Meeting for the purpose of discussing the Council's decision to transfer (free gift) land, known as Willis Street Car Park and Old Velodrome.***
2. ***Call on Council to rescind the motion passed by the Full Council Meeting 9th November 2015 to transfer said land (free gift) to UTAS.***
3. ***That the said land be placed for sale on the open market via a public auction with a Reserve Price of \$5 million.***

As required by section 60A(1)(c) of the *Local Government Act 1993 (Tas)* (the Act), Council displayed and published notice of the public meeting and invited written submissions in relation to the subject matter. Written submissions were required to be lodged by 5pm Wednesday 1 June 2016, which was within 21 days (as required by the Act) after the first publication of the notice on 11 May 2016.

The General Manager received 22 written submissions from 14 parties. It should be noted that three (3) parties registered 12 submissions. This summary encapsulates the essence of the issues raised as required by section 60(A)(4) of the Act.

Considered responses to each submission will be provided in due course. Where contact details have been provided, responses to specific submissions will be forwarded.

The summary has been set out under headings of the main themes raised within the submissions received.

Of the 22 submissions received, nine (9) expressed concerns relating to due diligence.

Due diligence
Another question is why no apparent attempt to canvass other means of disposing of the land that offered greater ratepayer benefits (e.g. tenders or similar) was made.
When Council made this "in principle" decision to gift land to UTAS, had Alderman sighted a copy of the "Deed of Gift" for the transfer of the Inveresk site from the Federal to State Government?
Why would Council gift the old velodrome site that is strategically important to users of York Park?

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<p>It is inconceivable as to why Council has agreed "in principle" to gift land as in the petition, treat the ratepayers with such disparagement and with the potential costs to taxpayers running into hundreds of millions of dollars with no credible business plan presented by any associated party.</p>
<p>UTAS claim that they are a business and must operate as one. As a business they should buy the land and not expect handouts. If the Newnham Campus is not viable, this suggests that the business is not being run properly or efficiently and I wonder if the situation would change if relocated to Inveresk. If nothing changes and business practices aren't improved, Launceston would be left with another unviable campus.</p>
<p>What consideration was obtained by the Council in exchange for the gifted land given that, culturally, gift-giving is used to build and maintain relationships, to show respect and express appreciation, or to enhance the image or reputation of the giver?</p>
<p>...Thus the questions arising in regard to Council's reportedly unanimous decision to gift valuable public land to UTAS, are</p> <ol style="list-style-type: none"> 1. What expert advice was sought by, and/or offered by, the General Manager in regard to the decision making? 2. What was the source/s of any advice offered to aldermen? 3. Is the advice documented or recorded anywhere if it was formally/informally offered to the aldermen? 4. By extension, what expertise, experience, evidence and/or modelling backed up any such advice offered? 5. Did any aldermen seek and/or gain independent advice and if so, from what source/s? 6. By extension, was that advice formally acknowledged and/or documented anywhere and available as a public reference.
<p>...I have not seen any sound reasons or solid information to support the current intention of gifting of the land to the university or to support any move from the current campus.</p>
<p>...I further submit...that Council (and by association, the State and Federal Governments) request a full independent analysis on the merits and promotion of the Mowbray-Newnham campus, effects on Mowbray village and shopping centre and northern suburbs, and that similar promotional material on the existing campus (complete with glossy publications) be produced as part of the discussion on the Council's transference of land gratis to the university.</p>
<p>The cost of the land and the amount of funding being given for relocation is not a realistic allocation of funds for Launceston and Northern Tasmania. There are projects that could be and should be carried out to provide true sustainable value for our city and region.</p>
<p>Genuine consideration has not been given to all the implications of a relocation to the said parcels of land to Inveresk-Tamar St-Lindsay St-Boland St-Esplanade-Lower Charles St or to the volume of traffic over the two bridges across the North Esk River.</p>

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...It seems somewhat extraordinary that Council is considering anything to do with UTAS's proposed development, and on this site, until or unless there is a firm/concrete proposition for Council to consider in the regular way...If there were a DA before Council in the regular way there would be a level of openness and transparency that would allow ratepayers, residents, et al to represent their interests and concerns in the same way as they can in respect to any other development before Council. Why hasn't this been considered?

I oppose [the gifting of the land to UTAS] because [the scale and intensity of the development] shall -

- disadvantage the suburbs of Mowbray and Newnham because of their loss of activities and existing economic benefits;
- potentially allow for inappropriate developments to occur at the existing Newnham campus as it will become necessary to put available users into that site in order to maintain and protect the area;
- waste valuable carbon storages present in the existing Newnham campus buildings as much of that building infrastructure will be potentially destroyed.

Of the 22 submissions received, seven (7) expressed concerns relating to the financial impact on ratepayers.

Financial impact on ratepayers

Why did the Council offer to gift millions of dollars of public assets, in the form of land, to a wealthy and successful university when so many ratepayers were struggling financially?

I strongly disagree that the Launceston City Council should give the land at Inveresk and Willis Street to UTAS for free. There is no guarantee that student numbers can be increased to the extent that students will contribute significantly to Launceston's economy and eventually outweigh the value of the land. Students are usually notoriously poor, so there is a limit to the amount they can contribute to the economy, especially if student numbers remain low. Launceston ratepayers should not have to bear the cost.

If Council's proposal to gift valuable land to UTAS is realised it will equate to a gift to the university in the order of \$150 per rateable property in the municipality. Moreover, if UTAS's plans to shift its campus from Newnham to Inveresk it can be expected that there will be enormous infrastructure implications – road provision and maintenance, sewerage and stormwater, parking, recreational facilities, etc. – that will be ongoing – and potentially increasing over time. Likewise, this will impact upon, and heavily upon, ratepayers without a contribution from the university or any other reliable source. Where is the equity in Council's 'gift decision'? What is Council planning to mitigate against adverse outcomes for ratepayers?...Where is the independent and relevant economic modelling related to this land gift decision and its planned flow-on consequent developments?

Can ratepayers actually afford such gifts?

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I wish to contest the very notion that Launceston Council should be gifting millions of dollars of community assets to anyone without first testing the market and establishing its real value - fiscal, social, cultural.

...I oppose [the gifting of the land to UTAS] because -

- Universities do not pay rates or otherwise compensate the municipality for the provision of other services and infrastructure that is provided at the expense of ratepayers;
- Universities do not adequately pay for services either as levys or useage charges, thereby increasing the cost imposts on other consumers and payers for such public services;
- Even if argued by proponents and the University that a university stimulates and assists economic improvements for nearby commercial operations, there is no mechanism employed for Council and other statutory authorities to charge such alleged business beneficiaries for the alleged business improvements and hence increased municipal rates and other utility and service charges.

Accordingly these adverse factors are not in the interests of ratepayers and citizens of Launceston.

...I oppose [the gifting of the land to UTAS] because -

- this land is presently utilised for income producing purposes for the benefit of effectively defraying the Launceston rate burden. Site 1 is regularly utilised and leased out for Royal Launceston Show, car parking for York Stadium, visiting circuses and other travelling events (car & caravan shows) etc. Site 2 is utilised as a public car park and other events.
- this land has been identified by Council to be offered for private developments. Site 1 has been mooted by YPIPA as being suitable for hotel/retail developments with parking as a support facility for York Park Stadium; as a site for a cinema complex. Site 2 has been promoted by Council as being suitable for a multi-storey retail and apartment complex with parking (Council funded a comprehensive study and development concept plan at ratepayer expense; a large supermarket with car park facilities; in conjunction with the former Launceston Gasworks site significant multi-storey hotel developments have been proposed by private developers; Housing Tasmania has considered the site for public housing development, the adjacent car museum has expressed interest in acquiring part of this land for expansion of the National Automobile Museum.
- This land presently supports major events in City Park (Festivale, TSO Concerts etc.) and Albert Hall Convention and Exhibition Centre (antique and trade fairs, gala ball and concerts, special events) as essential car parking.

By gifting this land for University purposes, not only will all of the above activities be either prevented, restricted or loses valuable car parking facilities etc., the income presently enjoyed by ratepayers will be significantly reduced as well as income to ratepaying operators and businesses adjacent to these sites will be reduced and tourism and tourist accommodation and food and beverage services will be adversely impacted upon.

The loss of revenue has got to be made up from somewhere and who's going to pay for that. The loss of revenue would be about \$800,000 a year.

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Of the 22 submissions received, seven (7) expressed concerns relating to the suitability of the site because of e.g. flooding.

<p>Suitability of the site</p>
<p>Recognising the known limitations with any development on Launceston's flood plains, did Alderman request an independent report of both the known political risks together with the potential cost burden to the ratepayers?</p>
<p>The sale or gifting of land to UTAS by implication puts a legal responsibility on the council in that the land is "fit for purpose" when in fact the council knows that the area is subject to flooding with raw sewerage and the Tasmanian Health Department has warned of disease that can be contracted when such inundation occurs. Thus the Launceston City Council is knowingly disposing of land which is actually "unfit for purpose" and could be subject to future legal action by a person or persons so affected on the said land.</p>
<p>The Inveresk Campus will be on a flood plain...I am sure that flood prevention will always be an issue in Launceston and money will be needed to keep the levies in good condition or replaced. If the land at Inveresk and Willis Street is given away free to UTAS, there will be less money available to ensure that Inveresk is kept safe from floods.</p>
<p>No consideration has been given to the problems of flooding and sewerage at Inveresk. No genuine consideration has been given to the implications of such an over-development on flooding and sewerage.</p>
<p>It is a well-known flood zone.</p>
<p>I oppose [the gifting of the land to UTAS] because [the scale and intensity of the university development] shall -</p> <ul style="list-style-type: none"> • increase the pressure for public funding including ratepayer funding of flood protection measures and liabilities for flood damage to structures and their occupants... • increase the risk to buildings and occupants due to the relativity of the sites to known geological fault lines... • increase the demands on public infrastructure such as water, sewerage and stormwater utilities and treatment headworks and outfalls; roads and bridges including foot and bicycle carriageways and bridges • cause significant increases in traffic and parking congestion and environmental pollution • place increased economic pressures on existing land and building users in the vicinity, by forcing up values and rents and pricing out of the market • create a potential ghetto environment and potential social downgrading of the area due to a higher level of low socio-economic residents in this vicinity.

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Suitability of the site

I oppose [the gifting of the land to UTAS] because [the scale and intensity of the development] shall -

- create an over-intensification of development of these two parcels of land and be inconsistent with the level of intensity in the vicinity thereby changing the character of the area and the present level of enjoyment by ratepayers and citizens in the vicinity;
- change the standard of amenity and alter what is presently available giving an unknown style or gentrification to the locality resulting in potential conflicts.

Of the 22 submissions received, five (5) expressed concerns relating to parking.

Parking

If the Velodrome car park is gifted or sold to UTAS where will...Launceston and surrounding municipality ratepayers park or enjoy events [e.g. York Park hosted sporting events, entertainment or functions, Launceston Show] on week days?

If the Willis St car park is gifted or sold to UTAS where will Launceston and surrounding municipality ratepayers park on week days to visit essential non duplicated services in the adjacent Boland Street offices of Centrelink and Medicare...a fair proportion of the clients are elderly, sick or financially disadvantaged. Many cannot walk any distance...Only limited parking has been provided for Centrelink clients and now combined with the recently introduced Medicare office client numbers have increased and the Commonwealth parking is totally inadequate.

Launceston mothers and child carers park in the Willis St car park and visit the City park daily...Throughout the year many exhibitions and functions are held in the Albert Hall Monday to Friday and a large percentage park in Willis Street. The Cimitiere Tamar St car park is usually full during the day time with visitors to the area and reserved parking for LCC vehicles. Can the LCC respond to these questions with definite answers as to plans for parking should be Willis Street land be gifted or sold to UTAS?

...extra parking will make it very difficult for my carers to pick me up for appointments and attend to my daily needs...

...parking in that [Inveresk] area would be inundated by the hundreds of new parking vehicles if we did get extra hundreds, let alone thousands, of new students - in the extra buildings that would mostly replace current parking allotments.

Residents lose out now to the football with nearby parking.

Also the parking issues for the elderly that live in the area and have carers along with meals on wheels.

We need it for parking during the week, plus the football.

Of the 22 submissions received, four (4) expressed concerns relating to community consultation.

Community consultation

Public concerns are not about whether UTAS should move to the city; they are about Council gifting public assets without ratepayer involvement.

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Let the people have a say and it is interesting to note that the two public meetings held on the transfer has been overwhelmingly negative to the UTAS proposal (refer Examiner Feb. 9, 2016, 11:18pm "Public meeting slams UTAS campus deal").
No input was sought from Northern suburbs businesses or residents and no impact study on Mowbray and Newnham businesses has been carried out.
Launceston's population has essentially stagnated, and arguably is currently stagnant, and any prospect of 'substantial growth' seems to be some way away. Indeed, the city seems to be facing the prospect of unsustainability in a changing economic environment. That might be turned around if government - State and Local - were to take its constituency into its confidence.

Of the 22 submissions received, three (3) expressed concerns relating to the conduct of Council officers.

Conduct of Council officers
Council staff and executives could be advantaged with other government groups by dispensing favours that could disadvantage ratepayers financially. Council needs to demonstrate that advantages to Council staff cannot be achieved in this way.
What protections have been provided to ratepayers that some consideration in terms of favours was not obtained by individuals within Council - <i>for example protection against corrupt practices?</i>
The nature and scope of UTAS's proposal is a matter exclusively for UTAS to determine unless of course the City of Launceston is intending to be (or already is?!) a collaborating partner (shareholder?) in the 'enterprise'.
...the lack of a DA suggests that there may be something that is being hidden. If there is, what is it? If there is, why is it being hidden and from whom?
Have open and transparent practices been used to assure ratepayers that corrupt practices are not in play?

Of the 22 submissions received, three (3) expressed concerns relating to the displacement of existing users of the site.

Displacement of existing users of the site
The Velodrome is the major site for the Launceston Show Society to stage their annual show...No suitable [alternative] show site has been suggested or maybe exists.
This land should be done up with the tramline as was the original plan or kept as is for historical purposes... What about the sportspeople that use the grounds as well as the people accommodating the Esk Markets?...It is not the time to swap now and take away something that is of historical significance and something that is used by thousands of rate payers.
We need it for open spaces for people who use it on the weekend.

Of the 22 submissions received, three (3) expressed concerns relating to traffic.

Traffic

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<p>Anecdotal evidence claims that traffic, not just at the Lindsay/Goderich Streets intersection, but also at the Lindsay Street/Invermay Road intersection, has increased since Bunnings, Office Works, JB Hi Fi, etc. opened at Ogilvie Park. Has there been a traffic feasibility study done in that area to see if it can cope with extra traffic generated by a UTAS Campus at Inveresk? If the optimistic vision that eventually there will be 10,000 students at Inveresk is realised, there is going to be a massive traffic problem. Even with the current number of students, there will be traffic problems. How will the Launceston City Council address this? Build another bridge? Build an overpass? Knock down shops, businesses and homes to build a wider road? Turn Launceston into another Melbourne or Sydney and spoil its character and charm which is the very thing that brings visitors to Tasmania?</p>
<p>Traffic congestion would be horrendous.</p>
<p>We don't need the congestion it is going to bring into town.</p>

Of the 22 submissions received, one (1) expressed concerns relating to governance.

<p>Governance</p>
<p>From when this idea was sown, has the General Manager and Finance Manager created an expenditure line in the budget to identify costs, including employees time. If so what are the hourly charge out rates, including that of the General Manager, also advising total costs to date and budgeted costs for ongoing years. If you are unable to provide adequate detail, why it is that Council have failed to commit to good governance and accountability in the interest of ratepayers.</p>
<p>In 1990 the community sowed the seeds for the redevelopment of the Inveresk site for a cultural, recreational and community which attracted some \$18m of Federal Government funds together with community contributions: will these be safe unlike Rotary International's 75th Anniversary Gift that was destroyed by UTAS without any formal apology from the Launceston City Council.</p>

Of the 22 submissions received, one (1) expressed a view that the transfer of land is a great investment for the City of Launceston.

<p>A positive investment in the City of Launceston</p>
<p>This is the only proposal in recent years which could be viewed as an appropriate use for the land. We have seen first hand during our travels overseas, what huge benefits a university close to the central business district of a city, brings to the area and its residents. Kingston in Canada, thrives on its student population. The city is a similar size to Launceston, and its accommodation and retail industries rely on the two universities situated there. Employment is also boosted by these institutions. The city of Prince George in Canada is another good example. Education in the form of its university is a driving force in the economy. What an infusion of life it will bring to our city.</p>

20.1 Report on Public Meeting Held on Tuesday 7 June 2016

Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 14 June 2016

MOTION

Moved Alderman R I Soward, seconded Alderman J Finlay.

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

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

The Mayor, Alderman A M van Zetten, announced that under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to item 8.4 - 13 Warragul Street, Norwood - Residential - single dwelling; construction of two carports, construct and use of second crossover access, and construction of a roofed deck (retrospective)

21 URGENT BUSINESS

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

No Urgent Items have been identified as part of these Minutes

Council adjourned for a break at 3.01pm and resumed at 3.16pm at Agenda Item 8.4 - Residential - single dwelling; construction of two carports, construct and use second crossover access, and construction of a roofed deck (retrospective)

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

22.1 Confirmation of the Minutes

The *Local Government (Meeting Procedures) Regulations 2015 - Regulation 34(6)* 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 council or council committee and signed by the chairperson of the closed meeting.

22.2 Write Off of Non-Recoverable, Non-Rating Debts (30 June 2016)**RECOMMENDATION:**

That Minutes Item 22.2 - Write Off of Non-Recoverable, Non-Rating Debts (30 June 2016) be considered within Closed Council pursuant to the authority contained within Regulation 15(2)(j) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

- 15(2)(j) the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.
-

DECISION: 14 June 2016

MOTION

Moved Alderman D H McKenzie, seconded Alderman R I Soward.

That Council move into Closed Session to consider Agenda Items 22.1 - Confirmation of the Minutes and 22.2 - Write Off of Non-Recoverable, Non-Rating Debts (30 June 2016).

CARRIED 9:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor Alderman R I Soward, Alderman R L McKendrick, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman S R F Wood and Alderman E K Williams

Council moved to Closed Session at 3.20pm.

Council returned to Open Session at 3.37pm.

23 MEETING CLOSURE

The Mayor, Alderman A M van Zetten, closed the Meeting at 3.38pm.
