



**LAUNCESTON CITY COUNCIL**

# **COUNCIL MINUTES**

**COUNCIL MEETING  
MONDAY 14 OCTOBER 2013**

# LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 14 October 2013

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Notice is hereby given that the Ordinary Meeting of the Launceston City Council will be held at the Council Chambers -

Date: 14 October 2013

Time: 1.00 pm

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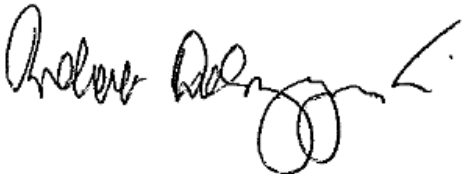
## Section 65 Certificate of Qualified Advice

### 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

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# LAUNCESTON CITY COUNCIL

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

The Mayor opened the meeting at 1.00pm.

Apologies Alderman J G Cox, Alderman R L Armitage and Alderman A C Peck.

**2 DECLARATION OF PECUNIARY INTERESTS**

Nil

Ald McKendrick withdrew from the meeting at 1.01pm.

**3 CONFIRMATION OF MINUTES****RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 23 September 2013 be confirmed as a true and correct record.

**DECISION: 14/10/2013****RESOLUTION: (1):**

Moved Alderman D C Gibson, seconded Alderman D H McKenzie.

That Recommendation 1 be adopted.

**ABSENT. DID NOT VOTE - Ald R L Mckendrick Ald R L Armitage, Ald J G Cox,  
Ald A C Peck**

**CARRIED UNANIMOUSLY 8:0**

**4 DEPUTATION**

Nil

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## 5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Ald McKendrick re-attended the meeting at 1.02pm.

| Meeting Date | File No. | Question  | Answer   | Officer Responsible |
|--------------|----------|---|--|---------------------|
| 23 Sept 2013 | 9.1      | <p>Alderman R J Sands asked:</p> <p>Regarding the LGAT Conference in 2014, has Council written or received a response from LGAT as to where the conference will be held? Queried which venues have been identified by Council's Events Officer.</p> | <p>Response provided at meeting: The question was taken on Notice.</p> <p>Further reply -<br/>The LGAT conference is a large event which requires multiple auditoriums to house conference sessions as well as a large exhibition space for event sponsors. Because of these spatial needs, there are few (if any) venues that could house the conference in their own right. Council's Community, Tourism and Events Staff have undertaken research and determined that the best option available for the conference to be successfully hosted in Launceston, with the added advantage of being solely located within our municipality, would be a combination of the Hotel Grand Chancellor and the Albert Hall. It is envisaged that the conference sessions could be conducted in the hotel with the exhibition space or dinner housed in the Albert Hall. This configuration has been used successfully in the past for large conferences.</p> <p>Council staff approached the Hotel Grand Chancellor regarding their interest in bidding for the conference and they subsequently prepared and submitted a bid to Council. Along with additional supporting information provided by the Council on Launceston destination and the Albert Hall, the bid has been forwarded to the LGAT for consideration.</p> | Michael Stretton    |

## 6 PUBLIC QUESTION TIME

Nil



## 7 ANNOUNCEMENTS BY THE MAYOR

### 7.1 Mayor's Announcements

FILE NO: SF2375

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#### **Monday 23 September**

- Attended Opening performance of the "Comedy of Errors"

#### **Wednesday 25 September**

- Attended Family Based Care North AGM with Guest Speaker, Jane Wardlaw, Assistant Director of Engagement, Disability Care Australia

#### **Thursday 26 September**

- Officiated at Singfest

#### **Friday 27 September**

- Attended Northern Tasmania Development AGM
- Attended Government House Reception in Hobart

#### **Sunday 29 September**

- Attended Trevallyn Bowls & Community Club Opening Day
- Attended Launceston Male Choir Concert at City Baptist Church

#### **Monday 30 September**

- Attended Hawthorn Football Club Visit to Aurora Stadium
- Attended B&E Annual Cocktail Function
- Attended AFL Hawthorn Dinner with the 2013 Premiership Cup

#### **Tuesday 1 October**

- Attended Seniors Weeks Event at Town Hall
- Officiated at Welcome Reception for the Foundation for the Crown Prince Hospitals (Thailand) delegates

#### **Wednesday 2 October**

- Attended Media Announcement for Walk to Work Day
- Attended BOFA Media & Industry Launch

#### **Thursday 3 October**

- Officiated at Sally's Ride Official Launch
-

### 7.1 Mayor's Announcements...(Cont'd)

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#### **Friday 4 October**

- Attended Walk to Work Day event
- Officiated at Public citizenship ceremony at Albert Hall
- Attended Whitelion "30 jobs in 30 days" event
- Officiated at QVMAG "A passion for Nature: The art of William Charles Piguenit" with The Hon Lara Giddings MP.

#### **Saturday 5 October**

- Attended New Horizons Club Gala Dinner & Auction

#### **Sunday 6 October**

- Attended Combined Probus Club's Church Parade at Salvation Army
- Attended Festival of Dance and presented awards

#### **Monday 7 October**

- Attended Royal Launceston Show Sponsors Cocktail Party

#### **Wednesday 9 October**

- Attended Official Opening of Seaport Precinct, Peppers Seaport Hotel Function Centre
- Attended Neighbourhood Watch - Kings Meadows/Young Town Group forum re: A Safer Business Community Into the Future".

#### **Thursday 10 October**

- Attended Royal Launceston Show Official Event

#### **Saturday 12 October**

- Attended Tamar Yacht Club 135th Official Opening of Club Season
- Officiated at Launceston Fire Brigade 130 Year Anniversary Celebrations
- Attended Tasmanian Military Ball

#### **Sunday 13 October**

- Attended Good Neighbour Council Annual International Church Service

#### **The Mayor further added:**

- **Congratulations to Bev Allen as the recipient of a Resilient Australia Award. The Resilient Australia Awards are sponsored by the Attorney-General's Department in conjunction with states and territories and recognises innovative practices and achievements across the nation that work to make our community stronger and better prepared regarding Emergency Management. A great effort by Bev Allen.**
-

## 7.1 Mayor's Announcements...(Cont'd)

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- **Thursday 26<sup>th</sup> September - attended 'Singfest'. Noted it was a fantastic and exciting event with organisers wishing to pass their thanks to Council for their support. Noted Alderman Gibson's attendance.**
  - **Tuesday 1<sup>st</sup> October - attended the Seniors Week Event at Town Hall. A fantastic event that was very well received. Thanked Leanne Hurst and Council staff on a job well done.**
  - **Monday 30<sup>th</sup> September - attended the Hawthorn Football Club visit at Aurora Stadium, following their Premiership win.**
  - **Sunday 6<sup>th</sup> October - attended the 'Festival of Dance' a signature sponsored event under Council's sponsorship program. Noted the involvement of over 4000 participants and hailed it as a well organised event. Organisers would like to pass on their thanks to Aldermen and Council for their support.**
  - **Saturday evening 12<sup>th</sup> October - attended the Fire Brigade's 130 Year Anniversary Celebrations. Noted the importance of the Fire Brigade and the wonderful job they do for our community including their involvement with community and charity events.**
  - **Two irreplaceable antique pistols that once belonged to the famous Bush Ranger Martin Cash have been recovered. Very thankful and appreciative of the work police have undertaken, not just in recovering these historically valuable items but also for all the work they do in our community.**
-

## 8 ALDERMEN'S/DELEGATES' REPORTS

### 8.1 Ald Norton - Tram Society Committee Meeting

Alderman I S Norton reported:

- The Tram Society Committee met last Tuesday where the proposal to run a tram through to Northbank was discussed. An expression of support has been received from Mr Peter Gutwein who will be taking it to Hobart to speak with the leader of the Liberal Party. Mr Nikolic suggested the need for Council and State support. Another meeting is scheduled tonight (14 Oct).
-

## 8.2 Ald Ball - Good Neighbor Council Event

Alderman J D Ball reported:

- **Friday 27<sup>th</sup> September - Invited to speak at the AGM of the Good Neighbor Council. Acknowledged that the Launceston chapter is the only one remaining, and still proceeding strong in Tasmania.**
  - **Attended the Youth Arts and Recreation Space in Hobart. Activities/programs for youth aged 12 to 25 include a music studio, screen printing, art workshops, t-shirt making, basketball, darts and hip hop. \$350,000 funding from Hobart City Council for the space which has 4 staff - 1 permanent and 3 part time.**
-

**8.3 Ald McKendrick - Franklin House & LGH**

**Alderman R L McKendrick reported:**

- **Attended the Franklin House Committee monthly meeting noting School interest is still strong. Underpinning is desperately needed at this stage. Further information will be provided once obtained. Acknowledged the time and effort volunteers give to Franklin House.**
  - **The Launceston General Hospital Consumer Reference Group will be meeting on Friday mornings.**
-

## 9 QUESTIONS BY ALDERMEN

### 9.1 Alderman D H McKenzie - Princess Theatre Roof

Aldermen's Question: Alderman D H McKenzie asked

- Can the roof of the Princess Theatre be looked at as part of the maintenance budget?

This question was taken on notice.

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**10 COMMITTEE REPORTS****10.1 QVMAG Museum Governance Advisory Board Meeting 21 August 2013****FILE NO:** SF2244**AUTHOR:** Leila Wagner (Personal Assistant)**DIRECTOR:** Richard Mulvaney (QVMAG Director)

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**DECISION STATEMENT:**

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

**RECOMMENDATION:**

That the report from the QVMAG Museum Governance Advisory Board meeting held on 21 August 2013 be received.

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**DECISION: 14/10/2013****RESOLUTION: (1):****Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 9:0**

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**10.2 Heritage Advisory Committee Report 20 September 2013****FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Designer and Heritage Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

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**DECISION STATEMENT:**

To consider a report from the Heritage Advisory Committee's meeting held on 18 July 2013.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

That in respect to the meeting of the Heritage Advisory Committee held on Thursday, 18 July 2013, the Council endorses the following proposed actions:

1. That the Council advertise for expressions of interest for one Community representative on the Heritage Advisory Committee;
  2. Under the Terms of Reference, the Council requests that the National Trust nominate one representative to the Heritage Advisory Committee; and
  3. That at the end of 2013, a letter be forwarded to organisations referred to in the Terms of Reference, requesting expressions of interest to nominate representatives for membership of the Committee.
- 

**Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION:** 14/10/2013**RESOLUTION:** (1):**Moved Alderman J D Ball, seconded Alderman R L McKendrick.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 9:0**

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**10.3 Tender Review Committee Meeting - 23 September 2013****FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**DECISION STATEMENT:**

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

**RECOMMENDATION:**

That the report from the Tender Review Committee meeting held on 23 September 2013 be received.

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**Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.**

**DECISION:** 14/10/2013**RESOLUTION:** (1):**Moved Alderman R I Soward, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 9:0**

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**11    PETITIONS**

**Nil**

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Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to item 12.1.

## 12 PLANNING AUTHORITY

### 12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign

**FILE NO:** DA0322/2013

**AUTHOR:** Stalley Britton (Urban Designer)

**DIRECTOR:** Michael Stretton (Director Development Services)

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#### **DECISION STATEMENT:**

To consider a proposal for an Illuminated Multi-Tenancy Blade sign at 262 Invermay Road, Mowbray.

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

N/A

#### **RECOMMENDATION:**

That Council refuse the application DA0322/2013 for an Illuminated Multi-Tenancy Blade sign on the following grounds:

1. The proposed sign does not fulfil the following provisions of the Launceston Interim Planning Scheme 2012: *21.4.1 Siting, Design and Built Form (P2)*, *E18.1.1 Signs Code Purpose (a)*, *E18.5.2 Design and Siting of Signage (P1 c and f)*, *E18.5.2 Design and Siting of Signage (P3 a)*.
  2. At a height of 15m, the proposed sign has no regard for the character of the streetscape, where signage is no higher than 7.6m, and nearby buildings are no higher than 5.2m and is therefore contrary to the purpose of the *Signs Code E18.1 a i)*.
  3. The location of the proposed sign is misleading to motorists, and will cause a disruption in the flow of traffic, because it is not located at the entrance to Mowbray Marketplace. Vehicles travelling from the south are unable to enter the premises at this location due to a traffic island in the centre of the road. The sign is therefore contrary to the purpose of the *Signs Code E18.1 a iii)*.
-

**12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)**

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**Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.**

**The Mayor announced that Council was acting as a Planning Authority.**

**DECISION: 14/10/2013**

**RESOLUTION: (1):**

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

**That the Recommendation be adopted.**

**CARRIED 9:0**

**The Mayor announced that Council was no longer acting as a Planning Authority.**

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**13 NOTICES OF MOTION - FOR CONSIDERATION****13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival****FILE NO:** SF5547 / SF5898**AUTHOR:** Alderman Rob Soward**DIRECTOR:** Rod Sweetnam (Acting General Manager)

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**DECISION STATEMENT:**

To receive a Notice of Motion from Alderman Soward regarding the Breath of Life Festival event to be held in Launceston on 8 March 2014.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**

The Launceston City Council contributes \$20,000 sponsorship to the Breath of Life Festival event to be held in Launceston on March 8 2014.

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**DECISION: 10/14/2013****RESOLUTION: (1):**

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

That the Recommendation be adopted.

**RESOLUTION: (2):**

Moved Alderman R L McKendrick, seconded Alderman J D Ball

That an extension of time of 3 minutes be granted to Alderman R I Soward.

**CARRIED UNANIMOUSLY 9:0**

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**13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival...(Cont'd)**

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**RESOLUTION: (3):**

Moved Alderman D H McKenzie, seconded Alderman R I Soward

That an extension of time of 3 minutes be granted to Alderman D C Gibson.

**CARRIED UNANIMOUSLY 9:0**

Ald R J Sands withdrew from meeting at 1:57pm.

Ald R J Sands re-attended the meeting at 1:58pm.

**RESOLUTION: (4):**

Moved Alderman R L McKendrick, seconded Alderman R I Soward

That an extension of time of 3 minutes be granted to Alderman J D Ball.

**CARRIED UNANIMOUSLY 9:0**

**FOR VOTE - Ald R I Soward**

**AGAINST VOTE - Ald A M van Zetten, Ald D H McKenzie, Ald A L Waddle, Ald R L McKendrick, Ald J D Ball, Ald I S Norton, Ald R J Sands, Ald D C Gibson**

**ABSENT. DID NOT VOTE - Ald R L Armitage, Ald J G Cox, Ald A C Peck**

**PRESENT. DID NOT VOTE - Nil**

**THE SUBSTANTIVE MOTION (Res 1) WAS PUT AND LOST 1:8**

Ald R I Soward withdrew from meeting at 2:13 PM.

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**DIRECTORATE MINUTES ITEMS****15 FACILITIES MANAGEMENT****15.1 Livestock Market Operations****FILE NO:** SF0403**AUTHOR:** Matthew Skirving (Manager Architectural Services)**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

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**DECISION STATEMENT:**

To resolve the future management of Killafaddy Livestock Market.

Recommendation 1. Requires an absolute majority of Council.

**PREVIOUS COUNCIL CONSIDERATION:**

SPPC 17<sup>th</sup> June 2013.

6.1 Livestock Market Operations (Closed Workshop Presentation)

Council Item 12<sup>th</sup> August 2013.

15.1 Livestock Market Operations (Deferred).

SPPC 16<sup>th</sup> September 2013.

Workshop Livestock Market Operations.

**RECOMMENDATION:**

1. That in recognition of the following factors:

- Changes in livestock market conditions, sales methods, including Over the Hook and direct agency on-farm sales methods.
  - The notification by one of the two agents using the yards (Roberts Ltd), they will cease using the facilities early in the new calendar year.
  - The significant reduction in stock throughput at Killafaddy Livestock Market over recent years.
  - The relevance of Council's ongoing subsidised operation of a livestock market facility.
  - The increasing net operating deficit at the facility in excess of \$124,000 for the 2012/13 financial year, and a cumulative total in excess of \$436,000 over the past seven years.
-



**15.1 Livestock Market Operations...(Cont'd)**

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- The anticipated significant ongoing capital investment required to maintain the facility to contemporary standards.

That Council determines to offer the existing land and improvements associated with the current operation of the livestock markets for sale or lease (as a going concern) via a public Expression of Interest (EOI) process.; and

2. At the conclusion of the EOI processes, a subsequent report be provided to Council summarising the submissions received, and options for sale or lease of the facility and associated asset.
  3. That in the event the EOI submissions received do not indicate they will cover full costs (Operational Capital) or continue with regular sales for a minimum of 6 months, Council indicate its intention to close the sale yards and cease operations, at a date to be determined.
- 

**Mr R Sweetnam (Director Facility Management and Governance Services) was in attendance to answer questions of Council in respect of this Agenda Item.**

**Ald R I Soward re-attended the meeting at 2.15pm.**

**DECISION: 14/10/2013**

**RESOLUTION: (1):**

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

**That the amended Recommendation read:**

1. That in recognition of the following factors:
    - Changes in livestock market conditions, sales methods, including Over the Hook and direct agency on-farm sales methods.
    - The notification by one of the two agents using the yards (Roberts Ltd), they will cease using the facilities early in the new calendar year.
    - The significant reduction in stock throughput at Killafaddy Livestock Market over recent years.
    - The relevance of Council's ongoing subsidised operation of a livestock market facility.
-

## 15.1 Livestock Market Operations...(Cont'd)

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- The increasing net operating deficit at the facility in excess of \$124,000 for the 2012/13 financial year, and a cumulative total in excess of \$436,000 over the past seven years.
- The anticipated significant ongoing capital investment required to maintain the facility to contemporary standards.

That Council determines to offer the existing land and improvements associated with the current operation of the livestock markets for sale or lease (as a going concern) via a public Expression of Interest (EOI) process.; and

2. At the conclusion of the EOI processes, a subsequent report be provided to Council summarising the submissions received, and options for sale or lease of the facility and associated assets, with a recommendation to either sell, lease or close the facility.

**CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 9:0**

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**17 INFRASTRUCTURE SERVICES****17.1 Regional Tennis Centre****FILE NO:** SF4203**AUTHOR:** Andrew Smith (Manager Parks & Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

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**DECISION STATEMENT:**

To consider a request from Denis Tucker (on behalf of the owner of LISA) to modify Council's lease with Tennis Tasmania involving the Council owned outdoor Regional Tennis Centre courts.

**PREVIOUS COUNCIL CONSIDERATION:**

SPPC Item 4.3 - 7 October 2013  
Discussion regarding request to modify lease

SPPC Item 4.7 - 3 December 2012  
Discussion regarding request for assistance in paying the State Government Land Tax

Council Item 12.3 - 14 June 2011  
Proposal to allocate additional Council funding for further construction - Council did not support the request

Council Item 11.9 - 13 December 2010  
Provision of an additional \$66,000 for additional construction works

Council Item 12.5 - 20 April 2009  
Details for the lease of the Regional Tennis Centre and formed the basis for the Heads of Agreement

Council Item 12.2 - 10 September 2007  
Terms for Council's involvement in the construction and operation of the Regional Tennis Centre

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## 17.1 Regional Tennis Centre...(Cont'd)

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### RECOMMENDATION:

That Council in respect to the lease between Tennis Tasmania and Council for the operation of the Launceston Tennis Centre resolves to agree to delete conditions requiring the permanent provision of indoor tennis courts within the Launceston Sports Arena (LISA).

---

Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

**DECISION: 14/10/2013**

### RESOLUTION: (1):

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

That the amended Recommendation read:

*That Council by letter advise Tennis Tasmania of its decision to elect not to terminate the Lease under clause 5.2 of the Lease subject to the condition that Tennis Tasmania and persons authorised by Tennis Tasmania shall be licensed to use and have access to the remaining assets referred to in Recital B of the Lease and in the LISA agreement being 4 (four) of the LISA mini Hot Shot tennis courts, the LISA change rooms and showers, toilets, pro shop and café and to gain access to and egress from the Tennis Centre through the property at 23 Racecourse Crescent Newstead. Council reserves its right to terminate the Lease by one month's written notice to Tennis Tasmania should Tennis Tasmania not fulfil that condition to Council's satisfaction.*

**CARRIED UNANIMOUSLY 9:0**

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**18 CORPORATE SERVICES****18.1 Annual Financial Statements for the Year Ended 30 June 2013****FILE NO:** SF2633**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

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**DECISION STATEMENT:**

To adopt the annual financial statements for the year ended 30 June 2013.

**PREVIOUS COUNCIL CONSIDERATION:**

Presented annually

**RECOMMENDATION:**

1. The Council, pursuant to Section 84(4) of the Local Government Act 1993, receive the audited financial statements for the year ended 30 June 2013, and note that
    - a) the General Manager has certified the financial statements in accordance with Section 84(3); and
    - b) the financial statements have been audited by the Auditor General in accordance with Section 84(1) and the statements have received an unqualified audit opinion.
  2. The Council further note that pursuant to Section 72 of the Local Government Act 1993 the financial statements will be included in the Annual Report.
- 

**Mr P Gimpl (Manager Finance) was in attendance to answer questions of Council in respect of this Agenda Item.**

**The Deputy Mayor took Chair at 2.32pm**

**The Mayor resumed Chair at 2.33pm**

**DECISION: 14/10/2013**

**RESOLUTION: (1):**

**Moved Alderman R L McKendrick, seconded Alderman J D Ball.**

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY 9:0**

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**19 GENERAL MANAGER****19.1 Request for Civic Reception****FILE NO:** SF2277**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

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**DECISION STATEMENT:**

To consider a request for a Civic Reception.

**PREVIOUS COUNCIL CONSIDERATION:**

N/A

**RECOMMENDATION:**That Council approves a request from the National Oldsmobile Meet organiser for a Civic Reception in April 2015.

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**Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of Agenda Items 19.1 – 19.2 inclusive.****DECISION: 14/10/2013****RESOLUTION: (1):****Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 9:0**

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**19.2 Closure of part of walkway adjacent to 25 South Esk Road, Trevallyn****FILE NO:** 20446/20447**AUTHOR:** Darryl Wright, Legal Adviser.**GENERAL MANAGER:** Robert Dobrzynski

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**DECISION STATEMENT:**

To determine further course of action following the receipt of Senior Counsel's advice

**PREVIOUS COUNCIL CONSIDERATION:**

1. On 21 September, 2009 in closed session, Council determined to close part of the walkway leading from and adjacent to South Esk Road.
2. On 8 July, 2013, in considering the appropriate course to take following the decision of the Magistrates Court on 20 September, 2010, Council requested the General Manager to explore further options which might be open to Council.
3. On 22 July, 2013, Council determined to obtain Senior Counsel's opinion as to whether the walkway in issue was a local highway within the meaning of the Local Government (Highways) Act 1982 and generally what options were open to Council.

**RECOMMENDATION:**

1. That the General Manager, absent the setting aside of the decision of Magistrate Hill of 20 September, 2010, take necessary action to enforce effective compliance with that decision.
  2. That Mr and Mrs Smart be given 2 months in which to commence court proceedings to set aside such decision, and in the event that Mr and Mrs Smart fail to have such decision set aside, then time allowed to Mr and Mrs Smart to remove the fence and other material from the walkway, be a matter for the discretion of the General Manager.
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**DECISION:** 14/10/2013**RESOLUTION: (1):****Moved Alderman J D Ball, seconded Alderman D H McKenzie.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 9:0**

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**20 URGENT BUSINESS**

Nil

**21 WORKSHOP REPORT(S)**

Nil

**22 INFORMATION / MATTERS REQUIRING FURTHER ACTION****22.1 Information / matters requiring further action****FILE NO:** SF3168**AUTHOR:** Leisa Hilkmann (Committee Clerk / Administration Officer)

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This report outlines requests for information by Aldermen when a report or agenda item will be put before Council or a memorandum circulated to Aldermen.

It will be updated each Agenda, with items removed when a report has been given.

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**The report was noted.**

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**23 ADVICE OF FUTURE NOTICES OF MOTION**

**23.1 Ald R L McKendrick - 3rd Party Advertising Conditions**

**Advice of future Notice of Motion: Alderman R L McKendrick that Council**

- **Undertake a review of third party advertising conditions in our Interim Planning Scheme, by the Director and appropriate staff and includes two Alderman and consults with Launceston Chamber of Commerce and Cityprom and offers opportunity for Signwriting organisations to submit suggestions.**
-

**23.2 Ald R L McKendrick - Deputation by Mr John Kirwan LGH**

**Advice of future Notice of Motion: Alderman R L McKendrick that Council**

- **Invite Mr John Kirwan to attend and present an update of the Launceston General Hospital health care situation including current capital works and proposed future needs for Launceston General Hospital on 18<sup>th</sup> November 2013 at 10.00 am.**
-

**23.3 Ald J D Ball - Launceston as the White Water Capital of Australia**

**Advice of future Notice of Motion: Alderman J D Ball that Council**

- **Enter into discussions with Hydro Tasmania to explore the opportunities for the Gorge provided by the proposed automation of the Trevallyn Dam valve system, with specific reference to the economic, environmental, recreational and social opportunities presented by scheduled white water events occurring in the Gorge and engages with stakeholders to prepare a case outlining those opportunities in the lead-up to any discussions.**
-

**23.4 Ald D H McKenzie - Aldermen's Conference & Professional Development Policy**

**Advice of future Notice of Motion: Alderman D H McKenzie that Council**

- **Undertake a review of the Conference Policy and Professional Development Policy for Aldermen or to consider preparing such policies if there are none currently in place.**
-

**23.5 Ald D H McKenzie - Interim review of the interim planning scheme**

**Advice of future Notice of Motion: Alderman D H McKenzie that Council**

- **Undertake an interim review of the Interim Planning Scheme**
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**24    REPORTS BY THE MAYOR**

**Nil**

**25    REPORTS BY THE GENERAL MANAGER**

**Nil**

**26    CLOSED COUNCIL ITEM(S)**

**Nil**

**27    MEETING CLOSURE**

**The Mayor closed the meeting at 2.47pm**