# COUNCIL MEETING MONDAY 25 FEBRUARY 2013

# **COUNCIL MINUTES**

Monday 25 February 2013

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

Date: 25 February 2013

Time: 1.00 pm

# 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 minute items for this meeting.

Robert Dobrzynski General Manager

Cholow Dang

# **COUNCIL MINUTES**

Monday 25 February 2013

Present: Alderman A M van Zetten (Mayor)

J D Ball (Deputy Mayor)

A L Waddle A C Peck

R L McKendrick

R J Sands R L Armitage I S Norton R I Soward D H McKenzie J G Cox D C Gibson

In Attendance: Mr R S Dobrzynski (General Manager)

Mr M Reynolds (Corporate Secretary)

Mr D Gray (Committee Clerk/Admin Officer)

Apologies: Alderman Nil.

# **COUNCIL MINUTES**

Monday 25 February 2013

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# 1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1pm.

# 2 DECLARATION OF PECUNIARY INTERESTS

Alderman D H McKenzie declared a pecuniary interest in Agenda Item 15.1.

Alderman R I Soward declared a pecuniary interest in Agenda Item 11.1.

# 3 CONFIRMATION OF MINUTES

#### RECOMMENDATION:

1. That the Minutes of the meeting of the Launceston City Council held on be confirmed as a true and correct record with amendment to page 11 items, 8.5 to read:

"Alderman J D Ball reported:

 Upper Tamar Renewal Project Working Group met last Friday, 8 February 2013. It has been 12 months since the committee participants got together. He recognised contributions of NRM North, TEIR program, AMC, Launceston Flood Authority, Professor Jenny Davis, Mr Ian Kidd, Mr Jim Guy from Tamar Rowing Club, Mr Peter Newman Tamar Yacht Club who have all given time, skills and knowledge freely."

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

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

1. That the Minutes of the meeting of the Launceston City Council held on 11 February 2013 be confirmed as a true and correct record subject to an amendment to page 11 item, 8.5 to read:

"Alderman J D Ball reported:

 Upper Tamar Renewal Project Working Group met last Friday, 8 February 2013. It has been 12 months since the committee participants got together. He recognised contributions of NRM North, TEER program, AMC, Launceston Flood Authority, Professor Jenny Davis, Mr Ian Kidd, Mr Jim Guy from Tamar Rowing Club, Mr Peter Newman Tamar Yacht Club who have all given time, skills and knowledge freely."

Monday 25 February 2013

# 4 **DEPUTATION**

Nil

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

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
	SF0131	Alderman J D Ball asked:  1. In relation to the Positive Ageing Strategy is there a timeline of when the strategy will be developed and will a Positive Ageing Reference Group be convened as part of that strategy?	Response provided at meeting:  The question was taken on notice.  The Positive Ageing Strategy project has now commenced and a Reference Group has been established to provide input and advice on the community engagement plan. The members sitting on the reference group have been nominated by their organisations and provide representation across the following organisations:  Launceston Older Person's Reference Group (multi-agency), Association of Independent Retirees Northern Tasmania, Launceston School for Seniors, and National Seniors Australia Launceston Branch.	Michael Stretton

Meeting				
Date and	File	Question	Answer	Officer
Item No.	No.		Community consultation	Responsible
			Community consultation	
			will incorporate online	
			and hard copy surveys, online and face-to-face	
			forums/facilitated	
			discussions, distribution	
			of information about the	
			project and ways to be	
			involved using print and	
			electronic media, and direct face-to-face	
			contact with relevant	
			organisations. The	
			community consultation will run throughout	
			March and April.	
			Collation of results and	
			drafting of the Strategy	
			will be undertaken in	
			May and June with a	
			view to reporting back to	
			Council by the	
			beginning of July 2013.	
			Initial feedback from the	
			Reference Group is a	
			preference for the	
			project to be re-named	
			as 'Living as a Senior in	
			Launceston', and this or	
			a similar title is likely to	
			become the terminology	
			adopted for the project	
			in place of 'Positive	
			Ageing'.	

Meeting				
Date and	File	Question	Answer	Officer
Item No. 11 Feb	No.	Alderman A C Peck	The question was taken	Responsible Harry Galea
2013		asked:	on notice.	Harry Galea
9.2				
		Can Council     doing anything     about the speed	Response by Harry Galea (Director Infrastructure Services)	
		in Viewbank Road?	A reply was provided in the Aldermen's Weekly Bulletin dated 15 February. In summary a speed analysis will be undertaken as well as a local community survey to identify the scale and exact type of problem. Solutions will be developed based on results of the analysis.	
11 Feb		Alderman J G Cox	Response provided at	
2013 9.3		asked:	meeting:	
		1. Irate businessmen have made contact regarding the Thistle and Glen Dhu Streets roundabout saying it is not wanted and that they were not consulted. Is it correct that they only had 10 days notice and why is Council pursuing something not wanted?	The General Manager replied that:  the matter is under review;  the sighting of strategic justification has been requested; and  a response will be provided to Aldermen on the outcome.	

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
			Further response by Harry Galea (Director Infrastructure Services)	Harry Galea
			The project has an estimated value of \$66,000 (of which \$34,000 is a black spot grant) and designed to install a traffic island at the junction of Glen Dhu Street/Connaught Crescent, appropriate line marking and parking signage and roundabout at the corner of Glen Dhu and Thistle Streets which moderates traffic speed along Glen Dhu Street, regulates and improves safety of vehicles entering and exiting Thistle Street and provides a pedestrian refuge in Glen Dhu Street to assist crossing. It seems that there is a claim of insufficient consultation. Below lists the efforts of Infrastructure Services staff:  Over 150 titled properties were contacted by post.  An additional 50-100 were letter box dropped to cover tenants in group housing and unit developments.	

Meeting				
Date and Item No.	File No.	Question	Answer	Officer Responsible
			<ul> <li>Businesses were door knocked - 25 odd in the old Patons building; 40 businesses in Thistle Street and four senior staff in the "Door of Hope" complex. This included face to face with the shop and also the caravan park (please note that the shop pinned up the plans and information brochure in their window which remained for the months of the consultation process).</li> <li>Emergency services and industry groups were sent the details seeking comment (as they are for every traffic management project).</li> <li>The information and plans were posted on the Your Voice Your Launceston site where the drawing was downloaded 123 times.</li> <li>Conservatively over 300 tenements were contacted seeking their views on the proposal.</li> </ul>	

Meeting				
Date and	File	Question	Answer	Officer
Item No.	No.			Responsible
Item No.	No.		Last week the shop owner sought a meeting with the officers that were handling the project and when they arrived they were greeted by a group of five or six. There were claims amongst this group that all (except the shop keeper) had not been consulted. For some that is plainly incorrect as the ISD Public Liaison Officer, Lisa Brady points out that she personally visited the caravan park and information was personally left at all of the businesses who claimed that they were unaware of the project. The results of the initial consultation produced 16 responses. From the residential community the responses were in favour or neutral, from the business community, businesses requesting more information were visited on site and the drawing discussed in detail. To our knowledge all inputs was taken into consideration, modifications made to the drawing, the outline of a roundabout and kerb lines drawn in the exact location to clearly show its location. It should be mentioned that the Tasmanian Truck Owners Association (who are normally vocal where they anticipate an inconvenience to their members) had no objections and face to face discussions with DeBruyn Transport (as one of the principal transport companies) agreed that the roundabout would not unduly effect heavy vehicle operations.	Responsible

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
			As a result of the claim by the businesses at last week's meeting, I was informed of the outcome and decided that the sensible action was not to proceed with the construction but postpone the project and enter into another stage of consultation to allow this group (who claim that they were not consulted) to have adequate time to peruse the plans and proposal and provide comment to allow reassessment. The undertaking of a further consultation period was undertaken as a pragmatic approach to give those who want to be heard a reasonable opportunity. Staff have mentioned that there was a significant level of support for the project from those she spoke to during the door knocking.  In my view there is little more that can be done to consult with the broader community and to facilitate for responses so that they can be considered in the finalisation of any design.	

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
	_	Alderman D H McKenzie asked:  1. Is there a process for consultation on projects to be undertaken?	Response provided at meeting:  The General Manager replied that:  Yes there is a process.  There should be criteria that consultation be held with people in the area.  The process will be documented for SPPC consideration.  Further response by Harry Galea (Director Infrastructure Services)  A report will be tabled at the 4 March SPPC meeting. The current	Officer Responsible
			Community Engagement Guidelines were endorsed by Council in late 2011.	

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**6 PUBLIC QUESTION TIME** 

Nil

Monday 25 February 2013

# 7 ANNOUNCEMENTS BY THE MAYOR

# 7.1 Mayoral Announcements

FILE NO: SF2375

**Monday 11 February** 

Attended Total Car Rentals Launceston Greyhounds Cup Final

**Thursday 14 February** 

Attended Magic Millions Event

Friday 15 February

Attended Australian War Memorial Travelling Exhibition - *Nurses: Zululand to Afghanistan* Official Opening (QVMAG)

**Sunday 17 February** 

Attended Lilydale RSL Sub Branch Annual Celebration
Attended U20 & Ivor Burge Basketball Championships Opening Ceremony

**Monday 18 February** 

Officiated at UTAS Leaders Retreat Forum

**Thursday 21 February** 

Attended NTCA International Rules Match Event

Friday 22 February

Officiated at Launceston Cup Barrier Draw

Officiated at Theatre North Farewell for Robin Lohrey & Welcome to General Manager, Greg Leong

Saturday 23 February

Officiated at Dedication Ceremony - 2nd/40th Battalion Memorial Garden Attended New Horizons Club Awards Evening

Monday 25 February 2013

7.1	Mayoral Announcements(Cont'd)

# The Mayor further added:

- Sunday 17 February along with Alderman Armitage attended the under 20 Ivor Burge Basketball Championships Opening Ceremony. Noted closing ceremony was held on Saturday 23 February. Noted the attendance the ceremony brought to the City.
- Thursday 21 February attended NTCA International Rules Event Match. Noted the appreciation from players in regards to the condition of the number 2 ground. Thank you to staff involved who work on the ground.
- Friday 22 February Officiated at Theatre North Farewell for Robin Lohrey, along with Alderman Ball, Alderman Gibson, Alderman Armitage and Alderman Norton. Noted the evening was a deserving farewell for Robin and her contribution to the City.
- Saturday 23 February Officiated at Dedication Ceremony 2<sup>nd</sup>/40<sup>th</sup> Battalion, along with Alderman Armitage, Alderman Waddle and Alderman Norton. Thanked Andrew Frost (Manager Parking and Carr Vila) and his staff for the parking arrangements.
- Saturday 23 February attended the New Horizons Club Awards Evening along with Alderman Armitage. Noted success of the evening.

# 8 ALDERMEN'S/DELEGATES' REPORTS

# 8.1 Alderman Peck - Cityprom Board Meeting

# Alderman A C Peck reported:

- Tuesday 12 February attended Cityprom Board Meeting.
- Final discussions of the City's rebrand are underway.
- Cityprom in conjunction with Council is working on the "Off the Wall" (Anti Graffiti) Project.
- Quarterly Business survey is soon to be launched.
- Cityprom is holding a seminar on Tuesday 5 March to provide an update regarding the new Work Health and Safety rules.
- Noted on Saturday 2 March there will be a welcoming to students in the Mall.
- Advised all of new businesses commencing in the City.

8.2 Alderman Norton - Youth Advisory Group Meeting, Launceston College Meeting and Tramway Committee Meeting

# **Alderman I S Norton reported:**

- Acknowledged the intelligence of today's youth and the way that the Youth Advisory Group operates.
- Reported that Keith Wenn (Principal Launceston College) is recovering well from his accident. Noted the School production for 2013 will be "Hairspray".
   Issue raised in regards to air conditioning at Launceston College. Noted the upcoming Centenary celebration of Launceston College.
- Issues raised in regards to the tramway door. Noted installation of fire sprinkler system and a new generator.

# 8.3 Alderman Gibson - Grants Funding - Youth Development - Round 1

# **Alderman D C Gibson reported:**

- Thursday 14 February along with Alderman Norton, Alderman Soward, Alderman Armitage and The Mayor attended the handing out of funding to 3 Launceston service providers. Advised all of the 3 recipients and provided details of programs they will be running. National Job Link - \$4,000, Fusion Australia - \$4,000 and Cornerstone Youth Services - \$2,000
- Announced the second round of youth development grants are now open, closing Friday 22 March. Information is available on the website or by contacting Wendy Newton (Youth and Community Officer).
- Advised all that the Student Welcome program is being held on Friday 1
   March in the Mall from 2pm to 4pm. Provided all with details of the event.

# 8.4 Alderman Ball - Pedestrian Bike Committee, Street Tree advisory Committee Alderman J D Ball reported:

- Tuesday 12 February attended the Pedestrian Bike Committee Meeting. Noted pending review of the bike network rollout on Friday 1 March. Special meeting being held on 20 March regarding a new bike strategy
- Tuesday 19 February attended Street Tree Advisory Committee. Advised of a nursery tour and viewing of the trees. Acknowledged the dedication of the staff.
- Noted the 10 Days on the Island Northern Launch. Pursuing idea of minifestivals around Tasmania

- 9 QUESTIONS BY ALDERMEN
- 9.1 Alderman Waddle Illegal Parking

Aldermen's Question: Alderman A L Waddle asked:

1. Regarding the text message received by Aldermen in regards to alleging illegal parking, would Council be pursuing this matter?

The General Manager took the question on notice, requested that the text message be forwarded to him to asses possible action.

9.2 Alderman Ball - Council Meetings/Forums in Outlying Communities

Aldermen's Question: Alderman J D Ball asked:

1. Whether Council is planning to hold any Council Meetings/Forums in the Municipality's outlying communities over the coming year? Areas suggested for future visits were, Blessington, Dilston, Patersonia/ Wanamara.

The General Manager took the question on notice.

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# 10 COMMITTEE REPORTS

# 10.1 QVMAG Museum Governance Advisory Board Meeting 19 December 2012

FILE NO: SF2244

**AUTHOR:** Leila Frohmader (Administration Officer)

**DIRECTOR: Richard Mulvaney** 

# **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 19 December 2012 be received.

Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery) was in attendance to answer questions of Council in respect of this Agenda Item

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

Moved Alderman J D Ball, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

Monday 25 February 2013

# 10.2 Tender Review Committee Meeting 29 January 2013

**FILE NO:** SF0100

**AUTHOR:** Raj Pakiarajah (Manager Projects)

**DIRECTOR:** Harry Galea (Director Infrastructure Services)

# **DECISION STATEMENT:**

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

# **RECOMMENDATION:**

That the report from the Tender Review meeting held on 29 January 2013 be received.

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

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

Moved Alderman A C Peck, seconded Alderman J G Cox.

That the Recommendation be adopted.

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# 10.3 Audit Committee Meeting - 7 February 2013

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 Committee following the meeting on 7 February 2013.

# **RECOMMENDATION:**

That the report from the Audit Committee meeting held on 7 February 2013 be received.

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

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

Moved Alderman D H McKenzie, seconded Alderman A C Peck.

That the Recommendation be adopted.

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# 11 PETITIONS

# 11.1 Petition - Connaught Crescent / Thistle Street Black Spot

**FILE NO:** SF1302

Petition received from residents / electros in the Glen Dhu area regarding the proposed roundabout on Glen Dhu Street and Thistle Street, which reads:

"Seek to overturn Council approval of Glen Dhu Street / Thistle Street roundabout proposal"

There are 125 signatories to the petition

# **RECOMMENDATION:**

That the petition be received and forwarded to officers for report.

Ald Soward declared an interest in this item and withdrew from the meeting at 1:37pm.

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

Moved Alderman J D Ball, seconded Alderman A C Peck.

That the Recommendation be adopted.

ABSENT. DID NOT VOTE - Ald R I Soward

**CARRIED UNANIMOUSLY 11:0** 

Ald Soward re-attended the meeting at 1:38pm.

# Monday 25 February 2013

# 13 NOTICES OF MOTION - FOR CONSIDERATION

13.1 Notice of Motion - Electronic Digital Information Sign

FILE NO: SF5547 / SF2240

**AUTHOR:** Alderman Peck

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

# **DECISION STATEMENT:**

To consider the following Notice of Motion from Alderman Peck regarding the investigation of an electronic digital information sign in the Mall/Avenue.

# **NOTICE OF MOTION:**

Investigate to place an electronic digital information sign at the corner of the Mall/The Avenue and St John Street.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman A C Peck, seconded Alderman D H McKenzie.

That the Motion be adopted.

# Monday 25 February 2013

#### 13.2 Notice of Motion - Australia Post Service

**FILE NO:** SF5547 / SF0312

**AUTHOR:** Alderman Soward

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

# **DECISION STATEMENT:**

To consider a Notice of Motion from Alderman Soward regarding Australia Post's decision to cease express post next day service to and from Launceston.

# PREVIOUS COUNCIL CONSIDERATION:

N/A

# **NOTICE OF MOTION:**

- That the Launceston City Council writes to senior management of Australia Post expressing disappointment at the impending decision to cease the express post next day service to and from Launceston; and
- 2. Asks Australia Post senior management to reverse its decision.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman R I Soward, seconded Alderman J D Ball.

That the Motion be adopted.

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13.2 Notice of Motion - Australia Post Service...(Cont'd)

Amendment -

**RESOLUTION: (2):** 

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

- 1. That the Launceston City Council writes to senior management of Australia Post and Minister Senator Stephen Conroy expressing disappointment at the impending decision to cease the express post guaranteed next day service to and from Launceston;
- 2. Notes that Australia Post has shown some inclination to compromise, after significant negotiations, by ensuring that the outward bound express post guaranteed next day service from Launceston will remain
- 3. Asks Australia Post senior management and Minister Senator Stephen Conroy to ensure the continuation of the inward bound express post guaranteed next day service to Launceston thereby reversing their impending decision to scrap that service;

**CARRIED UNANIMOUSLY 12:0** 

**RESOLUTION: (3):** 

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

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

**CARRIED UNANIMOUSLY 12:0** 

THE AMENDED MOTION (RES 2) BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND CARRIED UNANIMOUSLY 12:0

# Monday 25 February 2013

# **DIRECTORATE MINUTES ITEMS**

#### 14 DEVELOPMENT SERVICES

14.1 Public Art Policy

FILE NO: SF0200

**AUTHOR:** Wendy Newton

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

# **DECISION STATEMENT:**

That the Council consider and endorse the draft Public Art Policy.

# PREVIOUS COUNCIL CONSIDERATION:

Recommendation adopted 25 July 2011: That Council adopts the Arts and Cultural Development Policy. Included in the Policy is a commitment by Council to cultural place management, cultural tourism, cultural collections and cultural diversity.

# **RECOMMENDATION:**

That the Council endorses the Public Art Policy as follows:

#### **PURPOSE:**

To provide a framework for how Council will:

- Enable, support and promote public art as a way to interpret, reflect, enhance and celebrate Launceston's unique cultural, natural and built heritage;
- Enable Council to be recognised as a key contributor to the local, regional, state and national culture.

# SCOPE:

Council commissioned, initiated, managed and facilitated programs and activities that support public art development in the Launceston municipality.

Public art incorporates all art and design practice in the public arena, including indoor and outdoor spaces that are outside traditional gallery spaces.

Public artworks can be ephemeral, seasonal or permanent, and may be of varying scale and scope.

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# 14.1 Public Art Policy...(Cont'd)

# Public art can be:

- Functional i.e. the primary purpose is utilitarian e.g. seating, lighting, etc.
- Decorative i.e. the primary purpose is aesthetic e.g. murals, sculpture, etc.
- Integrated i.e. incorporated into the design of the built or natural environment e.g. hard landscaping, lighting, etc.
- Site-specific i.e. designed or commissioned for a specific location e.g. street art, hard landscaping.
- Iconic i.e. significant, stand-alone work e.g. sculpture, water features, etc.
- Interpretive i.e. the primary purpose is to describe, educate, or comment on issues, events or situations e.g. heritage and natural science interpretation.

# **POLICY:**

Council will work with the local community and relevant organisations to support and generate public art programs and activities with social, environmental and economic benefits that enrich and enliven creativity, liveability and sense of place for all Launceston community members and visitors.

# Council is committed to:

- Fostering accessibility and engagement with public art with a wide audience in order to appreciate the significant benefits provided by a rich and diverse artistic and cultural environment:
- Providing emerging and established artists the opportunity to showcase the diversity of public arts and design practice in Launceston;
- Interpreting, promoting and celebrating Launceston's public art collection as a valuable and significant cultural heritage that is professionally managed, documented and conserved;
- Commissioning, programming, managing and facilitating public art programs and activities in strategic, sustainable and inclusive ways that are integrated with, and supported by, Council's other core activities.
- Facilitating and encouraging cross-departmental planning and partnerships to ensure a whole-of-Council approach to public art planning and management.

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# 14.1 Public Art Policy...(Cont'd)

# PRINCIPLES:

In addition to Council's Organisational Values, Council recognises that:

- Public art interprets, reflects, enhances and promotes the traditions, beliefs, attitudes and expressions of culture that create connections between people, and connections between people and place. This connects the past to the present and the future, and contributes to community identity, sense of pride, cohesion, and inclusion, enhancing sense of place.
- Public art contributes to urban design and renewal, landscape design, tourism, heritage conservation and interpretation, place management, safety by design, and liveability.

# **RELATED POLICIES & PROCEDURES:**

Arts and Cultural Development Policy Graffiti Prevention and Reduction Policy Signs Policy

26-PI-004 Playground Management Policy

26-PI-007 Council Halls and Venues Management Policy

26-PI-002 Cataract Gorge Reserve, First Basin Pool Policy

07-PI-002 Museum Acquisitions Policy

07-PI-003 Museum Deaccessioning Policy

07-PI-004 Friends of the Museum Policy

#### RELATED LEGISLATION:

Local Government Act 1999

# **REFERENCES:**

Strategic Plan 2008-13 Vision 2020 Launceston Community Plan Tasmania's Innovation Strategy 2010

# **DEFINITIONS:**

Aesthetic: Of or concerning the appreciation of beauty or good taste.

Ephemeral: *Temporary* 

Hard landscaping: Solid construction materials used to design an outdoor area including things such as paving, water features, fences, etc.

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\_\_\_\_\_

# **REVIEW:**

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

# **DOCUMENT INFORMATION:**

Reference Number:	<< Enter in the reference number >>		
Version:	Draft		
Review:	January 2018		
Key Function:	Community Development		
System:	Management		
Document Type:	Policy		
Responsible Directorate:	Development Services		
Approved by:	Launceston City Council		
Action Officer:	Wendy Newton		
Text Search Key Words	Public Art, Art, Cultural Development, Graffiti,		
	Design out crime, Street art, Murals,		
	Installations, Landscaping, Sculpture,		
	Lighting, Collections		

To be Communicated To:		Department/Area only
(To be identified by Action Officer	✓	Directorate via Director and Managers
or Approver)		Specific Areas:
(Insert ✓ in relevant row)		•
	✓	Council-wide
	✓	Council Website
	✓	Intranet

Hard Copy Distribution	N/A
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Monday 25 February 2013

14.1 Public Art Policy...(Cont'd)

Mr M Stretton (Director Development Services) and Ms L Hurst (Manager Community, Tourism and Events) were in attendance to answer questions of Council in respect of Agenda Items 14.1 – 14.2 inclusive.

Ald R J Sands withdrew from meeting at 2:11pm.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman J D Ball, seconded Alderman D C Gibson.

That the Recommendation be adopted.

**ABSENT. DID NOT VOTE - Ald R J Sands** 

# Monday 25 February 2013

# 14.2 Graffiti Prevention and Reduction Policy

**FILE NO:** SF0200

**AUTHOR:** Wendy Newton (Youth and Community Officer)

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

### **DECISION STATEMENT:**

That the Council consider and endorse the Graffiti Prevention and Reduction Policy.

### PREVIOUS COUNCIL CONSIDERATION:

N/A

### **RECOMMENDATION:**

That the Council endorses the Graffiti Prevention and Reduction Policy as follows:

# **PURPOSE:**

To provide a framework for how Council will work with Tasmania Police, the local community and relevant agencies to prevent and reduce graffiti crime.

# SCOPE:

Council owned, initiated or commissioned programs and activities that support graffiti prevention and reduction in the Launceston municipality.

### **POLICY:**

Council has a zero-tolerance approach to graffiti and will work with Tasmania Police, the local community and relevant agencies to support and generate activities that draw on social and environmental approaches to prevent, reduce and remove graffiti.

### Council is committed to:

- Raising community awareness and providing targeted information on the social, health, legal and economic implications of graffiti crime and how to prevent and reduce it.
- Quick removal of graffiti from Council-owned infrastructure and assets only.
- Pro-social activities that divert offenders and at-risk youth into positive behaviours that benefit the community.
- Early intervention education that targets young people in order to foster positive attitudes and behaviours so that they understand the difference between art and vandalism.

# 14.2 Graffiti Prevention and Reduction Policy...(Cont'd)

- Activities that engage graffiti artists in legitimately showcasing their work.
- Incorporating, where possible, Design out Crime principles such as murals, art installations and landscaping in public space and graffiti hot-spots.
- Establishing mechanisms to encourage and facilitate better reporting of graffiti and to increase the amount and quality of information provided to enforcement agencies in order to assist in the detection and apprehension of graffiti writers.

### **PRINCIPLES:**

In addition to Council's Organisational Values, Council recognises that:

- There is limited international and local research and evaluation to examine the
  effectiveness of graffiti prevention and reduction strategies. Further research into the
  nature and prevention of graffiti is required and strategies need to be flexible to reflect
  current best practice.
- Graffiti requires a whole-of-community and multi-agency approach that incorporates multiple interventions.
- There are different types of graffiti, graffiti writers and motivations for participating in the production of graffiti. Council strategies to prevent and reduce graffiti crime will be based on intelligence relating to the precise nature of the problem in the local context.
- Consultation with graffiti writers and young people, as well as the broader community, is required to ensure that the range of diverse interests and values are reflected in the strategies Council employs to prevent and reduce graffiti crime.
- Graffiti art (also referred to as street art or urban art), a legal version of graffiti, requires skill and involves a strong aesthetic dimension. It is a legitimate form of contemporary art and is associated with professional development such as graphic design, screenprinting, web-design, curatorial design and exhibitions. Street art can add life and character to otherwise uninteresting areas and can be found in gallery collections, as part of mainstream tourist attractions and can be a symbol of urban gentrification.

# **RELATED POLICIES & PROCEDURES:**

- 07-PI-009 Arts and Cultural Development Policy
- Public Art Policy
- 24-PI-003 Council Property Management Policy

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# 14.2 Graffiti Prevention and Reduction Policy...(Cont'd)

# **RELATED LEGISLATION:**

New graffiti and aerosol paint laws, Police Offences Act 1935

### REFERENCES:

- Australian Institute of Criminology Key Issues in Graffiti, Research in Practice no.6, December 2009.
- NSW Graffiti Solutions Handbook, Sydney, 2000.
- Discussion Paper Graffiti Prevention, Review of the Graffiti Control Act 2001 and Graffiti Control Regulations 2002, Government of South Australia.
- Graffiti Vandalism, The Motivation and Modus Operandi of Persons Who Do Graffiti, NSW Dept of Justice and Attorney General, October 2009.
- Designing Out Crime, Designing in People, A guide for safer design, Launceston City Council 2003.

### **DEFINITIONS:**

Graffiti: The marking of other people's property without their consent.

Pro-social activity: Formal and informal volunteering, civic activity, and individual and group activities that benefit the community.

Aesthetic: Of or concerning the appreciation of beauty or good taste.

### REVIEW:

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

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# 14.2 Graffiti Prevention and Reduction Policy...(Cont'd)

# **DOCUMENT INFORMATION:**

Reference Number:	<< Enter in the reference number >>	
Version:	Draft	
Review:	November 2017	
Key Function:	Community Development	
System:	Management	
Document Type:	Policy	
Responsible Directorate:	Development Services	
Approved by:	Launceston City Council	
Action Officer:	Wendy Newton	
Text Search Key Words	Graffiti, Design out crime, Streetart, Public	
	art, Antisocial behaviour, Art, Murals,	
	Installations, Landscaping	

To be Communicated To:		Department/Area only
(To be identified by Action Officer	✓	Directorate via Director and Managers
or Approver)		Specific Areas:
		•
(Insert ✓ in relevant row)	<b>√</b>	Council-wide
	✓	Council Website
	✓	Intranet

Hard Copy Distribution	N/A
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**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

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

That the Recommendation be adopted.

ABSENT. DID NOT VOTE - Ald R J Sands

# 15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES

# 15.1 Parking by-law - Expressing Intention to Make

**FILE NO:** SF3530

**AUTHOR:** Lynda-Jane Jackson (Legal Officer)

**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

### **DECISION STATEMENT:**

To consider the proposed Parking By-law 2 of 2013 and draft Regulatory Impact Statement (RIS) and give notice of Council's intention to make a by-law.

This recommendation requires a decision by an absolute majority.

# PREVIOUS COUNCIL CONSIDERATION:

SPPC - 17 December 2012 - The proposed Parking by-law 2 of 2013 and Regulatory Impact Statement (RIS) were discussed.

SPPC - 18 February 2013 - The proposed Parking by-law 2 of 2013 (specifically penalty structures and penalty amounts) were discussed.

### **RECOMMENDATION:**

 That Council expresses its intention under Section 156 of the Local Government Act 1993 to make a by-law, in the following terms, to control the parking of vehicles and other activities on land which is used for off street parking and is owned by, or under the control of Council, and to prescribe fine amounts under the Local Government (Highways) Act 1982;

# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

### LAUNCESTON CITY COUNCIL

### **PARKING BY-LAW**

# BY-LAW NO. 2 of 2013

A By-Law made under Section 145 and Section 170 of the *Local Government Act* 1993, in respect of the parking of vehicles and other activities on land owned by or under the control of the Launceston City Council and designated a parking area within the municipal area of the Launceston City Council and for the purpose of prescribing infringement notice penalties pursuant to Section 100 of the *Local Government* (Highways) Act 1982.

### PART 1 - PRELIMINARY

### 1. Short title

This by-law may be cited as the Parking By-Law Number 2/2013.

# 2. Repeal

By-law Number 24 of 2003, Parking By-law notified in the Tasmanian Government Gazette on the 4<sup>th</sup> day of June 2003 and By-law Number 7 of 2009 Parking (Amendment) By-law notified in the Tasmanian Government Gazette on the 12<sup>th</sup> day of August 2009 are repealed.

# 3. Interpretation

In this by-law, unless the contrary intention appears:

"authorised officer" means a person employed by the Council as a Parking Officer, a person appointed by the Council to control a parking area, any person authorised in writing by the General Manager and a police officer of Tasmania Police;

"Council" means the Launceston City Council;

"drive" has the same meaning as under the Dictionary in the Road Rules 2009;

"General Manager" means the general manager of the Council;

# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

"highway" means a highway maintainable by the Council pursuant to the *Local Government (Highways) Act* 1982;

"liquor" has the same meaning as under the Liquor Licensing Act 1990;

"registered operator" has the same meaning as under the Vehicle and Traffic Act 1999;

"park" means to leave a vehicle in a stationary position whether attended or not;

"parking area" includes any area owned by or under the control of the Council and designated by public notice for the parking of vehicles, but does not include a highway;

"Manager Parking" means the person holding the position of Manager Parking with the Council, or a person acting in that position;

"parking meter" means a device installed by or for the Council for measuring time on the insertion of coin, note or other accepted payment method, of the name or value shown on the device;

"parking space" means a space within a parking area or a space controlled by a parking meter, indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"parking voucher" means a document issued by a voucher machine;

"penalty unit" means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*:

"motor vehicle" has the same meaning as in the Vehicle and Traffic Act 1999;

"voucher machine" means a device that is installed by or for Council that issues a parking voucher after the correct coin, note or other accepted payment method, has been inserted and: -

- (a) indicates that the holder may park a vehicle in a space in the parking area where the voucher was purchased; and
- (b) bears the date and time of issue.

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

### **PART 2 - DRIVING OF VEHICLES**

# 4. Entry and exit of parking areas

(1) A person driving a motor vehicle must not enter or leave a parking area except by an access point designated by Council signs.

Penalty: a fine not exceeding 1.5 penalty units.

# 5. Driving of motor vehicles

(1) A person must not drive a motor vehicle in a parking area at more than twenty kilometres an hour.

Penalty: a fine not exceeding 2 penalty units.

### **PART 3 - PARKING**

### 6. Parking of motor vehicles

- (1) A person must not park a motor vehicle which is: -
  - (a) not wholly within one parking space or parked otherwise than as directed by an authorised officer; or
  - (b) in a position where it obstructs the entry or exit of a vehicle to another parking space.

Penalty: a fine not exceeding 1.5 penalty units.

(2) An authorised officer may remove, or permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

# 7. Payment of fee

(1) A person must not park a motor vehicle in a parking area without payment of the fee required by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

# 8. Parking vouchers

(1) A person must not park a motor vehicle in a parking area controlled by a voucher machine unless that person has displayed on the driver's side of the vehicle's dashboard an unexpired voucher.

Penalty: a fine not exceeding 1.5 penalty units.

(2) A voucher must be displayed so that the date and time of issue are clearly visible from outside the motor vehicle.

Penalty: a fine not exceeding 1.5 penalty units.

# 9. Parking longer than maximum period

(1) A person must not allow a motor vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

# 10. Reserved spaces

- (1) The Manager Parking is to decide on the location of, and the conditions applicable to, reserved parking areas and spaces.
- (2) A person must not park or leave a motor vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 1.5 penalty units.

(3) An authorised officer may remove or, permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

# **PART 4 - PROHIBITED ACTIVITIES**

# 11. Damage to Equipment

(1) A person must not in any way damage equipment used or connected in any way with a parking area or parking space nor use anything other than the type of notes or coins or payment method indicated on the outside of the equipment as acceptable for that purpose.

Penalty: a fine not exceeding 2 penalty units.

# 12. Unauthorised Removal of Infringement Notice

(1) A person other than the registered operator or person in charge of the motor vehicle must not remove or cause to be removed an infringement notice affixed to a motor vehicle.

Penalty: a fine not exceeding 2 penalty unit

# 13. Washing, dismantling and repair of motor vehicles

(1) A person must not dismantle or repair any motor vehicle in a parking area without the consent of the Council unless it is necessary to enable the motor vehicle to be moved from the parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) A person must not paint or wash any motor vehicle in a parking area without the consent of the Manager Parking.

Penalty: a fine not exceeding 1 penalty units.

# 14. Skidding of motor vehicles

- (1) A person must not intentionally drive a motor vehicle so: -
  - (a) it skids; or
  - (b) it leaves rubber marks from its tyres on the surface of a parking area.

Penalty: a fine not exceeding 2 penalty units.

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

### 15. Distribution of advertisements

(1) A person must not distribute, or cause to be distributed, any advertisement, book, card, handbill, notice, pamphlet, print, paper or placard within a parking area without the consent of the Manager Parking.

Penalty: a fine not exceeding 2 penalty units.

# 16. Damage to Council property

(1) A person must not remove or damage Council property in any parking area.

Penalty: a fine not exceeding 5 penalty units.

### 17. Graffiti

(1) Except as provided for in subclause (2) a person must not mark, write on or in any other way deface Council property.

Penalty: a fine not exceeding 2 penalty units.

(2) The Manager Parking may give written approval for painting or a similar activity to occur in a parking area.

# 18. Liquor

- (1) A person must not:
  - (a) possess an open container of liquor within a parking area; or
  - (b) sell liquor within a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (3) It is a defence to a prosecution pursuant to this clause for the person charged with the offence to establish that they did not have an open container of liquor in their possession for the purpose of drinking it in the parking area.
- (4) A police officer may remove a person from the parking area if they believe the person is offending under this clause.

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

(5) A police officer may remove and retain an open or unsealed container of liquor from a person they believe is offending under this clause.

### 19. Prohibited conduct

- (1) A person must not in a parking area :-
  - (a) spit; or
  - (b) use threatening or offensive language; or
  - (c) act in a disorderly or indecent manner.

Penalty: a fine not exceeding 2 penalty units.

### 20. Obstruction

(1) A person must not cause any obstruction to motor vehicle or foot traffic in a parking area.

Penalty: a fine not exceeding 2 penalty units.

# 21. Use of skates and cycles

(1) Except as otherwise provided in subclause (2), a person must not to ride a vehicle or machine propelled by human power which includes a skateboard, scooter, bicycle, in-line skates and roller skates, in a parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) A person may ride a bicycle in a parking area for the purpose of parking it in an area designated for parking or storing bicycles.

# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

# **PART 5 - MISCELLANEOUS**

# 22. Supply of name and address

- (1) An authorised officer or a police officer who reasonably believes that a person has committed or is committing an offence against this by-law may request that person to supply their full name and permanent or present temporary address;
- (2) A person must supply their correct and full name and permanent or present temporary address if requested to do so by an authorised officer or police officer;
- (3) A police officer may arrest a person if the police officer or an authorised officer finds the person refuses to provide their full name and present address or reasonably believes the details provided are false.

Penalty: a fine not exceeding 2 penalty units

# 23. Request to leave an area

- (1) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a parking area.
- (2) A person who does not obey the directions of an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 2 penalty units.

- (3) A police officer may remove any person from the parking area who is offending under this clause.
- (4) A police officer may arrest a person found offending under this clause.

# 24. Closure of parking areas

The Manager Parking may close any parking area or portion of a parking area.

# 25. Use of parking areas for other purposes

The Manager Parking may give written approval for a parking area to be used for any purpose and impose conditions for its use.

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

# 26. Recovery of Expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of clauses 6, 10, 11, 13, 14, 16 and 17 of this by-law, an expense incurred by Council in consequence of that failure or contravention is recoverable by Council as a debt payable by the person so failing to comply or in contravention.

### **PART 6 - INFRINGEMENT NOTICES**

# 27. Infringement notices

(1) In this clause -

"specified offence" means an offence against the clause specified in column 1 of Schedule 1 and generally described in column 2 of Schedule 1.

- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3, 4 or 5 (as applicable) of Schedule 1 is the penalty payable under the infringement notice for that offence
- (3) An authorised officer may-
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
- b) issue one infringement notice in respect of more than one specified offence.
- (4) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this by-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

# PART 7 SECTION 100 OF THE LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

# 28. Prescribed penalties for parking offences under the Local Government (Highways) Act 1982

For the purposes of section 100(4) of the *Local Government (Highways) Act* 1982, the prescribed penalty for an infringement notice issued for an offence under section 97, 98 or 99 of that Act is the applicable sum specified adjacent to the offence in the following table:

Column 1	Column 2	Column 3	Column 4	Column 5
Section	Offence	Penalty (\$)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
Section 97(1)(a)(i)	Remaining parked whilst meter not running	\$65	\$25	\$40
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	\$65	\$35	\$50
Section 97(1)(b)(i)	Parking without parking voucher displayed	\$65	\$25	\$40
Section 97(1)(b)(ii)	Parking longer than authorised by a parking voucher	\$65	\$35	\$50
Section 97(1)(c)	Parking more than one motor vehicle in a space	\$65	\$35	\$50
Section 97(1)(d)	Parking a motor vehicle partly inside and outside a space	\$65	\$25	\$35
Section 98	Obstructing use of parking space	\$65	-	-
Section 99	Parking whilst space closed	\$65	-	-

# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

# **Schedule 1 - Infringement Notice Offences**

Column 1	Column 2	Column 3	Column 4	Column 5
Clause	General Description of Offence	Penalty (\$)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
4	Failure to use designated access point to parking area	\$65	\$25	\$40
5	Exceeding speed limit in parking area	\$65	-	-
6	Not parking within designated area	\$65	\$25	\$40
7	Failure to pay parking fee	\$65	\$35	\$50
8	Failure to display current parking voucher	\$65	\$35	\$50

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Clause	General Description of Offence	Penalty (\$)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
9	Parking longer than the maximum period	\$65	-	-
10	Parking in a reserved space without authorisatio	\$65	-	-
11	Damaging equipment in a parking area	\$65	-	-
12	Unauthorise d removal of infringement notice	\$65		

Clause	General Description of Offence	Penalty (\$)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
13	Washing, dismantling, repairing motor vehicle without consent	\$65	-	-
14	Skidding of motor vehicles	\$65	-	-
15	Distributing advertising material without consent	\$65	-	-
17	Defacing Council property without consent	\$65	-	-
20	Obstructing vehicle or foot traffic	\$65	-	-
21	Using skates and cycles in a parking area	\$65	-	-

- 2. That Council endorses the attached Regulatory Impact Statement (ECM Document Number 2871735); and
- 3. That Council notes the responses received as part of preliminary consultation from Tasmania Police (Hobart and Launceston branches) and DIER (ECM Number 2871727).

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# 15.1 Parking by-law - Expressing Intention to Make...(Cont'd)

Mr R Sweetnam (Director Facility Management and Governance Services), Mr A Frost (Manager Parking and Carr Villa) and Ms L Jackson (Legal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

Ald D H McKenzie declared a pecuniary interest in this item and withdrew from the meeting at 2:21pm.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

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

That the Recommendation be adopted.

ABSENT. DID NOT VOTE - Ald R J Sands, Ald D H McKenzie

# CARRIED UNANIMOUSLY AND BY IMPLICATION AN ABSOLUTE MAJORITY 10:0

Ald R J Sands re-attended the meeting at 2:28pm. Ald D H McKenzie re-attended the meeting at 2:28pm.

Monday 25 February 2013

16 QUEEN VICTORIA MUSEUM AND ART GALLERY

16.1 QVMAG Strategic Plan 2012/13 - 2016/17

FILE NO: SF5784

**AUTHOR:** Richard Mulvaney

### **DECISION STATEMENT:**

To consider the adoption of the QVMAG Strategic Plan 2012/2017.

### PREVIOUS COUNCIL CONSIDERATION:

Strategic Planning & Policy Committee Meeting date 1/10/2012

### **RECOMMENDATION:**

That the Council adopt the QVMAG Strategic Plan 2012/2017

Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery) was in attendance to answer questions of Council in respect of this Agenda Item.

Ald R I Soward withdrew from meeting at 2:25pm. Ald R I Soward re-attended the meeting at 2:27pm.

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

Moved Alderman J D Ball, seconded Alderman D C Gibson.

That the Recommendation be adopted.

# Monday 25 February 2013

### 17 INFRASTRUCTURE SERVICES

# 17.1 Lease at Heritage Forest - Dry Slopes Pty Ltd

**FILE NO:** SF0830

**AUTHOR:** Andrew Smith (Manager Parks & Recreation)

**DIRECTOR:** Harry Galea (Director of Infrastructure Services)

### **DECISION STATEMENT:**

To consider the lease terms of leasing land situated at 5A Caswell Street in Heritage Forest as marked on the attached map to Dry Slopes Pty Ltd.

### PREVIOUS COUNCIL CONSIDERATION:

Item 4.7 - SPPC Meeting 7 February 2011

Discussion on proposal for a Synthetic Slope Ski Facility in Heritage Forest

# Item 11.2 - Council Meeting 28 November 2011

Development Application: Heritage Forest 5A Caswell Street and 148 Vermont Road, Mowbray - Construction of a Structure - Ski Slopes; Change of Use - Change of Use of Dwelling to Cafe and Museum; Construction of a Car Park (Invermay/Inveresk Flood Inundation Area)

# Item 16.1 - Council Meeting 26 March 2012

Determined to commence the process for leasing land on the public lands register to Dry Slopes Pty Ltd

# Item 4.3 - SPPC Meeting 7 May 2012

Discussion on lease terms and financial aspects of leasing the land at Heritage Forest, it was determined that further investigations was required

# **RECOMMENDATION:**

That Council lease land at Heritage Forest as shown on the attached plan part Folio 19050/1 and 149998/1 to Dry Slopes Pty Ltd subject to the following terms:

- 1. the term shall be five (5) years commencing on 1 June 2013 with one 5 year option
- 2. the lease amount shall be \$4,500.00 per annum plus GST linked to CPI. The lease amount shall incrementally increase by an additional \$200 each anniversary during the initial 5 year lease period. Each increment is subject to CPI and GST.
- 3. For the term of the lease:

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# 17.1 Lease at Heritage Forest - Dry Slopes Pty Ltd...(Cont'd)

- 4. tenant to be responsible for:
  - Government taxes (including land tax on a single holding basis)
  - Council rates as apportioned
  - energy costs
  - volumetric and connection charges for water
  - sewerage charges
- 5. tenant shall continuously maintain:
  - any infrastructure or any infrastructure installed by the tenant or council in relation to the tenants occupation
  - building in good and reasonable order
  - property insurance equal to the value of the building
  - public liability insurance of at least \$20 million

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

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

Moved Alderman A L Waddle, seconded Alderman R I Soward.

That the Recommendation be adopted.

### **CARRIED UNANIMOUSLY 12:0**

The Mayor adjourned the meeting at 3:16pm for 15 minutes.

The Mayor reconvened the meeting at 3:26pm (Absent - Nil).

Monday 25 February 2013

# 18 CORPORATE SERVICES

18.1 Quarterly Financial Report to Council

**FILE NO: SF5724** 

**AUTHOR:** Paul Gimpl (Manager Finance)

**DIRECTOR:** Michael Tidey (Director Corporate Services)

### **DECISION STATEMENT:**

To consider Council's financial performance for the half year ended 31 December 2012.

# PREVIOUS COUNCIL CONSIDERATION:

Audit Committee 8 November 2012 - The quarterly financial review for the quarter ended 30 September 2012 was noted.

Audit Committee 7 February 2013 - The quarterly financial review for the quarter ended 31 December 2012 was noted.

# 18.1 Quarterly Financial Report to Council...(Cont'd)

# **RECOMMENDATION:**

That the Council adopt the financial reports for the half year to 31 December 2012 which discloses:

	2012/13 Actual \$'000	2012/13 Budget \$'000
Operating Summary		
Revenue	43,128	42,311
Less Expenses	44,478	46,287
Operating Deficit	(1,350)	(3,976)
Add Capital Grants	953	839
Comprehensive Result	(397)	(3,137)
	2012/13 Actual \$'000	2011/12 Actual \$'000
Financial Position		
Equity	1,448,854	1,423,359
Assets		
Current	64,574	67,847
Non-Current	1,432,988	1,401,983
	1,497,562	1,469,830
Liabilities		
Current	16,172	19,471
Non-Current	32,536	27,000
	48,708	46,471
Net Assets	1,448,854	1,423,359

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18.1 Quarterly Financial Report to Council...(Cont'd)

Mr M Tidey (Director Corporate Services) and Mr P Gimpl (Manager Finance) were in attendance to answer questions of Council in respect of Agenda Items 18.1 – 18.3 inclusive.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman D H McKenzie, seconded Alderman J D Ball.

That the Recommendation be adopted.

# Monday 25 February 2013

# 18.2 2012/13 Budget Amendments

FILE NO: SF5724

**AUTHOR:** Paul Gimpl (Manager Finance)

**DIRECTOR:** Michael Tidey (Director Corporate Services)

### **DECISION STATEMENT:**

To approve budget amendments relating to various expenditure, capital and revenue estimates and thereby amending the Operations budget to a \$6.456m deficit and the Capital budget to \$17.203m for 2012/13.

This decision requires an absolute majority vote of Council in accordance with Section 82(4) of the Local Government Act 1993.

### PREVIOUS COUNCIL CONSIDERATION:

Item 9.5 - Audit Committee - 7 February 2013 - It was resolved that the report go to Council for a decision

# **RECOMMENDATION:**

That the Council, pursuant to Sections 82(2) and (4) of the Local Government Act 1993, approve the budget transfers as follows.

1. To reallocate funding relating to accounting treatment changes from Capital to Operations for 2012/13 in the amount of \$80,720.

<ul> <li>Junction S</li> </ul>	Street Driveway	600
<ul> <li>Dundas S</li> </ul>	treet Kerbworks	7,818
<ul> <li>Coles Mov</li> </ul>	vbray Development	1,680
<ul><li>Invermay/</li></ul>	Vermont Intersection	10,000
<ul> <li>Westbury</li> </ul>	Road	3,500
<ul> <li>Road Ass</li> </ul>	ets Transport and Development	57,122
		80,720

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# 18.2 2012/13 Budget Amendments...(Cont'd)

2. To reallocate funds relating to accounting treatment changes from Operations to Capital for 2012/13 in the amount of \$414,950.

•	Earl Arts Storage	75,000
•	Pipers Brook Road	18,000
•	ISD Unforseen Roads	95,000
•	Earl Arts Centre Storage and Lift	20,000
•	Glen Dhu Street Blackspot	30,000
•	Amy/Penquite Intersection	121,300
•	Penquite Road (Dapple - Norwood)	55,650
		414,950

3. To adjust the 2012/13 budget to reflect the net result of external funds not granted partially offset by some additional funds granted in the amount of \$62,800 unfavourable.

•	Glen Dhu Road	4,000
•	Bacala - Golconda Stage 5	88,200
•	Charles Street Lower (Esplanade - Charles Bridge)	(125,000)
•	Forster/Holbrook Intersection	(30,000)
	Net Grant Reduction	(62,800)

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman R I Soward, seconded Alderman J D Ball.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY AND BY IMPLICATION AN ABSOLUTE MAJORITY 12:0

# Monday 25 February 2013

# 18.3 Rating Concession Subdivision Development

FILE NO: SF0525

**AUTHOR:** Michael Tidey (Director Corporate Services)

### **DECISION STATEMENT:**

To consider a request for financial assistance with the rates resulting from a subdivision.

### PREVIOUS COUNCIL CONSIDERATION:

Item 4.8 SPPC - 18 February 2013 - It was resolved that the item go to the Council for a decision

### **RECOMMENDATION:**

- 1. That the Council pursuant to Section 125 of the Local Government Act 1993 provide financial assistance associated with a subdivision development by agreeing to postpone the payment of rates, charges, interest and penalty until:
  - a) the blocks are sold; or
  - b) to 30 June 2014

whichever is earlier.

2. That the Council adopt the Property Debt (Subdivision Development) Deferral Policy (23-Pl-011) as set out below.

# Property Debt (Subdivision Development) Deferral Policy (23-PI-011)

### **PURPOSE:**

To define the circumstances under which Council will remit small penalty and interest charges raised in respect to property debts for rates and charges on newly created properties as part of a subdivision development.

### SCOPE:

Applies to property debts raised following the creation of a new subdivision.

Does not apply to the correction of calculation or processing errors.

### **POLICY:**

# **Objectives**

To provide policy parameters under which Council authorises the Director Corporate Services to remit penalty and interest charges.

# 18.3 Rating Concession Subdivision Development...(Cont'd)

### General

Council imposes a penalty on unpaid instalments of rates and interest on outstanding debtor balances. These charges are raised at the start of each month after allowing posting and payment agency transfer times.

The rates and charges (including interest and penalty) that are incurred following a property subdivision development may be deferred for a maximum period of eighteen months or until each new block is sold.

### **PRINCIPLES:**

The Director Corporate Services is not permitted to use this authorisation just for the reason that a ratepayer is unhappy with the charges that have been applied.

# **RELATED POLICIES & PROCEDURES:**

N/A

### **RELATED LEGISLATION:**

Local Government Act 1993, Section 125 (Postponement of Payment) Local Government Act 1993, Section 129 (Remission of Rates)

# **REFERENCES:**

N/A

# **DEFINITIONS:**

# Subdivision Development

The process of creating a number of new properties from an existing property.

### **REVIEW:**

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

3. That the Council amend the Debt Collection - Rates and Charges Policy (23-PI-001) as set out below (changes underlined).

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# 18.3 Rating Concession Subdivision Development...(Cont'd)

Collection - Rates and Charges Policy (23-PI-001)

### **PURPOSE:**

To set out the framework for the collection of outstanding debts for rates and charges.

### SCOPE:

This policy applies to debt collection activities undertaken in regard to rates and charges.

This policy does not directly apply to debt collection activities undertaken in regard to other debtors.

### **POLICY:**

That Council will attempt to minimise the amount of rates and charges debts that are in arrears through the application of the following processes.

- 1. Council applies a monthly interest charge on the overdue balance at a rate as determined annually by Council.
- 2. Council applies a penalty charge on every unpaid instalment of rates and charges on the first instance of the instalment not being paid, at a rate as determined annually by Council.
- 3. Council provides a period of grace of up to 15 days for payments received after the due date before applying the penalty and will allow for normal transaction delays before charging interest after each **instalment** due date.
- 4. Council will not enter into <u>long term</u> deferred or postponed arrangements.
- Council will enter into payment arrangements only to the extent that the payments made will reduce the debt over a reasonable period of time after allowing for the addition of interest and penalty charges.

# 18.3 Rating Concession Subdivision Development...(Cont'd)

- 6. Council will remit any penalty charges incurred where a ratepayer consistently meets the terms and conditions of a payment arrangement that results in the debt being paid in full by the end of the current financial year.
- 7. Council will lodge outstanding debts with a debt collection agency where other steps have been unsuccessful.
- 8. Council will initiate legal action to recover problem debts or where the amount is sufficiently large (greater than \$500).
- 9. Council will review all properties eligible for sale under section 137 of the Local Government Act and determine whether to commence the sale process once the 3 year period has been completed.

### **PRINCIPLES:**

The following principle applies specifically to the debt collection policy:

 Conduct activities in an ethical, honest and consistent manner free of conflicting interests.

# **RELATED POLICIES & PROCEDURES:**

23-HLPr-001 Debt Management Procedure

23-HLPr-006 Rate Collection Process Flowchart

23-HLPr-007 Rate Recovery Legal Action Flowchart

23-HLPr-008 Rate Recovery - Court Process Flowchart

23-HLPr-009 Debt Recovery Overview Flowchart

23-HLPr-010 Rate Recovery Sale Process Flowchart

23-HLPr-015 Rate Penalty Percentage Setting Procedure

### **RELATED LEGISLATION:**

Local Government Act 1993.

### REFERENCES:

N/A.

### **DEFINITIONS:**

N/A.

### REVIEW:

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

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18.3 Rating Concession Subdivision Development...(Cont'd)

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman R L McKendrick, seconded Alderman A C Peck.

1. That the Council adopt the Property Debt (Subdivision Development) Deferral Policy (23-PI-011) as set out below.

Property Debt (Subdivision Development) Deferral Policy (23-PI-011)

### **PURPOSE:**

To define the circumstances under which Council will remit small penalty and interest charges raised in respect to property debts for rates and charges on newly created properties as part of a subdivision development.

### SCOPE:

Applies to property debts raised following the creation of a new subdivision.

Does not apply to the correction of calculation or processing errors.

Monday 25 February 2013

# 18.3 Rating Concession Subdivision Development...(Cont'd)

### **POLICY:**

### **Objectives**

To provide policy parameters under which Council authorises the Director Corporate Services to remit penalty and interest charges.

### General

Council imposes a penalty on unpaid instalments of rates and interest on outstanding debtor balances. These charges are raised at the start of each month after allowing posting and payment agency transfer times.

The rates and charges (including interest and penalty) that are incurred following a property subdivision development may be deferred for a maximum period of eighteen months or until each new block is sold.

### **PRINCIPLES:**

The Director Corporate Services is not permitted to use this authorisation just for the reason that a ratepayer is unhappy with the charges that have been applied.

### **RELATED POLICIES & PROCEDURES:**

N/A

### **RELATED LEGISLATION:**

Local Government Act 1993, Section 125 (Postponement of Payment) Local Government Act 1993, Section 129 (Remission of Rates)

### **REFERENCES:**

N/A

### **DEFINITIONS:**

Subdivision Development

The process of creating a number of new properties from an existing property.

### **REVIEW:**

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

# 18.3 Rating Concession Subdivision Development...(Cont'd)

2. That the Council amend the Debt Collection - Rates and Charges Policy (23-Pl-001) as set out below (changes underlined).

Collection - Rates and Charges Policy (23-PI-001)

### **PURPOSE:**

To set out the framework for the collection of outstanding debts for rates and charges.

### SCOPE:

This policy applies to debt collection activities undertaken in regard to rates and charges.

This policy does not directly apply to debt collection activities undertaken in regard to other debtors.

# **POLICY:**

That Council will attempt to minimise the amount of rates and charges debts that are in arrears through the application of the following processes.

- 10. Council applies a monthly interest charge on the overdue balance at a rate as determined annually by Council.
- 11. Council applies a penalty charge on every unpaid instalment of rates and charges on the first instance of the instalment not being paid, at a rate as determined annually by Council.
- 12. Council provides a period of grace of up to 15 days for payments received after the due date before applying the penalty and will allow for normal transaction delays before charging interest after each instalment due date.
- 13. Council will not enter into <u>long term</u> deferred or postponed arrangements.
- 14. Council will enter into payment arrangements only to the extent that the payments made will reduce the debt over a reasonable period of time after allowing for the addition of interest and penalty charges.
- 15. Council will remit any penalty charges incurred where a ratepayer consistently meets the terms and conditions of a payment arrangement that results in the debt being paid in full by the end of the current financial year.
- 16. Council will lodge outstanding debts with a debt collection agency where other steps have been unsuccessful.

# 18.3 Rating Concession Subdivision Development...(Cont'd)

17. Council will initiate legal action to recover problem debts or where the amount is sufficiently large (greater than \$500).

18. Council will review all properties eligible for sale under section 137 of the Local Government Act and determine whether to commence the sale process once the 3 year period has been completed.

# **PRINCIPLES:**

The following principle applies specifically to the debt collection policy:

• Conduct activities in an ethical, honest and consistent manner free of conflicting interests.

### **RELATED POLICIES & PROCEDURES:**

23-HLPr-001 Debt Management Procedure

23-HLPr-006 Rate Collection Process Flowchart

23-HLPr-007 Rate Recovery Legal Action Flowchart

23-HLPr-008 Rate Recovery - Court Process Flowchart

23-HLPr-009 Debt Recovery Overview Flowchart

23-HLPr-010 Rate Recovery Sale Process Flowchart

23-HLPr-015 Rate Penalty Percentage Setting Procedure

### **RELATED LEGISLATION:**

Local Government Act 1993.

### REFERENCES:

N/A.

### **DEFINITIONS:**

N/A.

### **REVIEW:**

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

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### 19 GENERAL MANAGER

# 19.1 Launceston Flood Authority - Reappointment as Director

**FILE NO:** SF4493

**GENERAL MANAGER:** Robert Dobrzynski

### **DECISION STATEMENT:**

Consideration of the reappointment of a Director of the Launceston Flood Authority.

### PREVIOUS COUNCIL CONSIDERATION:

N/A

### **RECOMMENDATION:**

That pursuant to the provisions of Clause 12.1 of the Launceston Flood Authority Rules, the Council appoints Dr Owen Ingles of 28 Foreshore Road, Swan Point Tasmania as a Director of the Launceston Flood Authority for a term of 1 year, which will expire on 30 September 2013.

Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of Agenda Items 19.1 – 19.2 inclusive.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

Moved Alderman J D Ball, seconded Alderman A C Peck.

That the Recommendation be adopted.

Monday 25 February 2013

# 19.2 Launceston Flood Authority Quarterly Report

**FILE NO:** SF4493

GENERAL MANAGER: Robert Dobrzynski

# **DECISION STATEMENT:**

To receive the Launceston Flood Authority Quarterly Report

# PREVIOUS COUNCIL CONSIDERATION:

N/A

# **RECOMMENDATION:**

That Council formally receives the Launceston Flood Authority Quarterly Report for the period ending 31 December 2012.

**DECISION: 25/02/2013** 

**RESOLUTION: (1):** 

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

That the Recommendation be adopted.

Monday 25 February 2013

**20 URGENT BUSINESS** 

Nil

Monday 25 February 2013

21 WORKSHOP REPORT(S)

21.1 Workshop Report

**FILE NO: SF4401** 

**AUTHOR:** Michael Tidey (Director Corporate Services)

**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

# **DECISION STATEMENT:**

To consider a report on any Council workshop held since the last meeting in accordance with Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2005.

# PREVIOUS COUNCIL CONSIDERATION:

N/A

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21.1	Workshop	Report	(Cont'd)

# **RECOMMENDATION:**

That Council notes the workshops as outlined in the table below:

Date		Purpose
18 February 2013	Strategic Planning & Policy	<ul> <li>Received deputation regarding Scottsdale Irrigation Scheme</li> <li>Received information on         <ul> <li>Strategic Planning Approach - River Improvement Proposals</li> <li>Intention to make Parking By-law</li> <li>Public Art Policy</li> <li>Graffiti Prevention and Reduction Policy</li> <li>Launceston Aquatic Centre</li> <li>QVMAG Strategic Plan 2012/13 - 2016/17</li> <li>Rating Concession Subdivision Development</li> <li>Council Support for Partnered Activities (Provision of facilities and equipment)</li> </ul> </li> </ul>

**DECISION**: 25/02/2013

**RESOLUTION: (1):** 

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

That the Recommendation be adopted.

Monday 25 February 2013

### 22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

22.1 Information / matters requiring further action

**FILE NO: SF3168** 

**AUTHOR:** Daniel Gray (Committee Clerk / Administration Officer)

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.

The report was noted.

# 23 ADVICE OF FUTURE NOTICES OF MOTION

23.1 Alderman Ball - Compliance and Regulation - Challenges and Opportunities

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

Alderman Ball flagged a future Notice of Motion regarding Compliance and Regulation - Challenges and Opportunities.

Monday 25 February 2013

# 23.2 Alderman McKenzie - Recognition of Launceston Citizens

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

Alderman McKenzie flagged a future Notice of Motion regarding recognition of significant achievements of Launceston Citizens.

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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 3.41pm.