



City of
LAUNCESTON

SPECIAL COUNCIL MEETING MINUTES

**COUNCIL MEETING
THURSDAY 14 SEPTEMBER 2023
9.05AM**

The Special Meeting of the City of Launceston Council was held at the Meeting Room, Queen Victoria Museum and Art Gallery, 2 Invermay Road, Inveresk:

Date: 14 September 2023

Time: 9.05am

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

Present:

Mayor Councillor M K Garwood
Deputy Mayor Councillor D H McKenzie
Councillor D C Gibson
Councillor A E Dawkins
Councillor A G Harris
Councillor T G Walker
Councillor Dr G Razay (entered at 10.23am)
Councillor J J Pentridge
Councillor A J Palmer
Councillor L M McMahon
Councillor S Cai
Councillor A J Britton

In Attendance:

Michael Stretton (Chief Executive Officer)
Leanne Purchase (Acting General Manager Organisational Services Network)
Shane Eberhardt (General Manager Infrastructure and Assets Network)
Nathan Williams (Chief Financial Officer)
Matthew Morgan (Team Leader Procurement)
Karen Heathcote (Project Manager Design and Construction)
Steven Tanchik (Road Asset Engineer)
Simon Tennant (Team Leader Communications)
Duncan Campbell (Acting Manager Governance)
Anthea Rooney (Council and Committees Officer)

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor M K Garwood, opened the Meeting at 9.05am.

2. COMMENCEMENT TIME OF MEETING

Local Government (Meeting Procedures) Regulations 2015 - Regulation 6(1) - A meeting is not to start before 5.00pm unless otherwise determined by absolute majority or by the council committee by simple majority.

This decision requires an absolute majority of Council.

RECOMMENDATION:

That Council, pursuant to regulation 6(1) of the *Local Government (Meeting Procedures) Regulations 2015*, determines that this Special Council Meeting is to start at or as soon as possible after 9.00am on Thursday, 14 September 2023.

DECISION: 14 September 2023

MOTION

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

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

CARRIED BY ABSOLUTE MAJORITY 11:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

No Declarations of Interest were identified as part of these Minutes

4. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

4.1 Trevallyn Wall

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

4.2 Budget Adjustment

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

4.3 End of Closed Session

To be determined in Closed Council.

DECISION: 14 September 2023

MOTION

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

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 11:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

Council moved into Closed Session at 9.07am

Council returned to Open Session at 10.50am

4.3 End of Closed Session

RECOMMENDATION:

That Council:

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

Minute Item	Matter	Brief Description
4.1	<i>Budget Adjustment - 27 South Esk Road, Trevallyn</i>	<p><i>It was determined to release the decisions of Council made in respect of Recommendations 1, 2, 3, 4 and 5, except for 1(ii), 3(a), 3(b) and 3(c) to the public.</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>notes that:</i> <ol style="list-style-type: none"> (i) <i>the Cataract Walkway is closed in the interests of public safety because a private retaining wall at 27 South Esk Road, Trevallyn is failing and there is imminent risk of the retaining wall falling onto the Walkway.</i> ... (iii) <i>the City of Launceston's intervention is required to assure the community's ongoing and safe access to Cataract Gorge.</i> 2. <i>provides project management and funding for the removal of the private retaining wall at 27 South Esk Road, Trevallyn.</i> 3. <i>authorises the Chief Executive Officer to enter into a formal agreement with the owners of 27 South Esk Road, Trevallyn to facilitate the removal of the retaining wall, such agreement to include: ...</i> 4. <i>pursuant to section 82(4) of the Local Government Act 1993 (Tas) and by an absolute majority, approves a change to the 2023/2024 Statutory Estimates, being a net increase in operations expenditure of \$1,080,000.</i> 5. <i>notes that the change at Recommendation 4. results in the City of Launceston's 2023/2024 operating surplus being amended to \$15,064,641 (including capital grants of \$17,803,544).</i>

Minute Item	Matter	Brief Description
4.2	Retaining Wall - 27 South Esk Road, Trevallyn	It was determined to release: That Council: 1. pursuant to Regulation 27(i)(i) of the Local Government (General) Regulations 2015, resolves by absolute majority: (a) to accept a tender submitted by AWC Pty Ltd for the 27 South Esk Road, Trevallyn Retaining Wall Emergency Removal, Contract No: CD.035/2023, the anticipated cost for the contract being \$700,000 (exclusive of GST). (b) determines that the public tender process has not been applied to this matter as there is an immediate need to remove the retaining wall and re-open the Cataract Walkway for visitors and local recreational users; a satisfactory result would not be achieved by inviting tenders because of these extenuating circumstances.

DECISION: 14 September 2023

MOTION

Moved Councillor A E Dawkins, seconded Councillor A J Palmer.

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

CARRIED 12:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahan, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

5. MEETING CLOSURE

The Mayor, Councillor M K Garwood, closed the Meeting at 10.51am.