



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 5 OCTOBER 2023
1.00PM**

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

Date: 5 October 2023

Time: 1.00pm

Certificate of Qualified Advice

Background

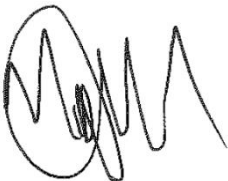
To comply with section 65 of the *Local Government Act 1993* (Tas):

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

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

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

Present:

Mayor Councillor M K Garwood
Deputy Mayor Councillor D H McKenzie
Councillor D C Gibson
Councillor A E Dawkins
Councillor A G Harris
Councillor T G Walker
Councillor Dr G Razay
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)
Richard Jamieson (Acting General Manager Community and Place Network)
Louise Foster (General Manager Organisational Services Network)
Shane Eberhardt (General Manager Infrastructure and Assets Network)
Catherine Mainsbridge (Senior Town Planner) (Agenda Item 9.1)
Michelle Grey (Lease and Licencing Officer) (Agenda Items 14.1 and 14.2)
Lucas Lim (Governance and Legal Officer) (Agenda Items 14.1 and 14.2)
Samuel Kelty (Manager Finance (Agenda Item 14.3)
Simon Tennant (Team Leader Communications)
Kelsey Hartland (Team Leader Governance)
Anthea Rooney (Council and Committees Officer)

ORDER OF BUSINESS

1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES.....	8
2. MAYORAL ACKNOWLEDGEMENTS	8
3. DECLARATIONS OF INTEREST	8
4. CONFIRMATION OF MINUTES.....	8
5. COUNCIL WORKSHOPS	9
5.1. Council Workshop Report - 21 September and 28 September 2023	9
6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS	11
7. COMMUNITY REPORTS	11
7.1. Ben Smith (Chief Executive Officer) - Basketball Tasmania	12
8. PUBLIC QUESTION TIME	13
8.1. Public Questions on Notice.....	13
8.1.1. Public Questions on Notice - Ron Baines - Tree Removal	13
8.1.2. Public Questions on Notice - Jim Dickenson - Albert Hall Development	14
8.1.3. Public Questions on Notice - Ray Norman - Russells Plains Road and Housing Crisis	16
8.2. Public Questions Without Notice.....	19
8.2.1. Public Questions Without Notice - Ron Baines - Russells Plains Land	19
9. PLANNING AUTHORITY	20
9.1. 181 Westbury Road, Prospect (described as CT51268/3 and CT51268/4) Rezone Land from the Particular Purpose Zone - P6.0 Prospect Business Precinct to the Low Density Residential Zone	20
10. ANNOUNCEMENTS BY THE MAYOR.....	22
10.1. Mayor's Announcements.....	22
11. COUNCILLORS' REPORTS	23
12. QUESTIONS BY COUNCILLORS	24

12.1. Councillors' Questions on Notice	24
12.2. Councillors' Questions Without Notice	24
13. COMMITTEE REPORTS	25
13.1. Heritage Advisory Committee Meeting - 30 August 2023	25
13.2. Tender Review Committee Meeting - 21 September 2023	26
14. ORGANISATIONAL SERVICES NETWORK	27
14.1. Disposal of Interest in Land - Easement at 26 Beverley Hills Road, Newstead.....	27
14.2. Section 75CA Agreement for Protrusions over a Footpath at 59-61 Frederick Street, Launceston	29
14.3. 2023/2024 Budget - Budget Amendments.....	31
15. CLOSED COUNCIL	33
15.1. Confirmation of the Minutes.....	33
15.2. Princess Theatre Redevelopment.....	33
15.3. End of Closed Session	34
16. MEETING CLOSURE	34
17. NEXT COUNCIL MEETING DATE.....	34

1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

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

2. MAYORAL ACKNOWLEDGEMENTS

There were no Mayoral Acknowledgements for this Meeting

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

No Declarations of Interest were identified as part of these Minutes

4. CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 21 September 2023 be confirmed as a true and correct record.

DECISION: 5 October 2023

MOTION

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

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 21 September 2023 be confirmed as a true and correct record.

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 McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

5. COUNCIL WORKSHOPS

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

5.1. Council Workshop Report - 21 September and 28 September 2023

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

That Council, pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, notes the Council Workshops conducted and attended since the last Council Meeting, for the purposes described:

1. pre-Council Workshop conducted on 21 September 2023:

Community Recognition Policy

Councillors considered the adoption of a Community Recognition Policy.

Cyber Security

Councillors received a presentation on cyber security at the City of Launceston.

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

2. Workshop conducted on 28 September 2023:

Development Session - Urban Planning and Transport

Councillors participated in a discussion on urban planning and the roles that transport and road design have in creating a vibrant city.

Princess Theatre

Councillors were provided with an update on procurement of architectural services for the Princess Theatre.

AFL Memorandum of Understanding

Councillors were presented with the draft AFL Memorandum of Understanding for consideration.

Street Mural Art - Paterson Street East Car Park

Councillors received a briefing regarding development of mural artwork at the Paterson Street East Car Park.

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

DECISION: 5 October 2023

MOTION

Moved Councillor A G Harris, 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 McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

No Councillors' Leave of Absence Applications have been identified as part of this Agenda.

7. COMMUNITY REPORTS

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

7.1. Ben Smith (Chief Executive Officer) - Basketball Tasmania

FILE NO: SF6368

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

SUMMARY OF PRESENTATION

Ben provided Council with a short overview of the current activity of Basketball Tasmania, its member clubs and associations. Information will also be provided on a snapshot of Basketball Tasmania's strategic plan and priorities for 2024 and beyond. Ben noted that one of the priorities that should be addressed is the provision of community facilities close to the City to encourage participation in sport.

8. PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1. Public Questions on Notice

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

8.1.1. Public Questions on Notice - Ron Baines - Tree Removal

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, asked at the Council Meeting on 21 September 2023 by Ron Baines, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. [With reference to work undertaken by Gwenda Sheridan], does the Council still require the 10 trees, adjacent to the Albert Hall to be killed?

Response:

A response to this question was provided at the Council Meeting on 29 June 2023 (Agenda Item 8.1.4 - Public Question on Notice).

8.1.2. Public Questions on Notice - Jim Dickenson - Albert Hall Development

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following questions, submitted in writing to the Council on 25 September 2023 by Jim Dickenson, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Why was the SHAPE contract not approved by the Tender Review Committee?

Response:

Given the significance of the project, it was appropriate for all of Council to contribute to the decision.

2. What is the contract sum? If the contract sum is for more than \$11m how is it funded? What are the specific construction start/finish dates? What procedures are in place to deal with time over-runs?

Response:

The Council Minutes of 29 June 2023 documented that the decision made in Closed Council was:

Councillors accepted the Mains Works Proposal submitted by SHAPE Australia Pty Ltd for Building and Construction of the Albert Hall Renewal Project - Stage 3 - Contract No. CD.025/2022 for the Guaranteed Maximum Price of \$13,307,756.90 (exclusive GST).

This was also covered in the Council's media release on 17 July 2023.

SHAPE is currently onsite with expected completion in quarter 4 of 2024. The nature of the procurement and contract are specifically tailored to minimise the risk of contract overruns.

3. What is the result of the negotiations with the Federal Government regarding non-compliant tendering as outlined in the May Report?

Response:

The question suggests that the Council undertook a non-compliant tendering process. This is incorrect. Stage 1 works, which primarily involved improvements to the existing Hall, were tendered and unfortunately the Council did not receive any compliant tenders. The Council is currently exploring options to deliver this work through a variation of the existing Shape contract. It should be noted that many organisations are adopting similar approaches to tendering and procurement in order to manage the inflationary pricing that is occurring across a range of projects.

8.1.3. Public Questions on Notice - Ray Norman - Russells Plains Road and Housing Crisis

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to the Council on 27 September 2023 by Ray Norman, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network) and Richard Jamieson (Acting General Manager Community and Place Network).

Questions:

1. Will Council, that is the elected representatives and [the] Council's Officers, revisit the determination made at the last Open Council Meeting [21 September 2023] and stop the implantation of the demolition process until such time as the Council can assure its constituency that due process is being observed in order that a meaningful land use assessment can be carried out in an open, transparent and accountable manner?

Response:

The decision to demolish the house and investigate the potential future use of the land was made in an Open Council Meeting on 21 September 2023 in order to provide the requisite transparency and accountability for Councillors and the constituency.

2. Will Council, that is the elected representatives et al, proactively put in place an open public consultation process that is transparent and accessible to all citizens with an interest in place making; fully accountable on the record and in accord with best practice relative to 21stC democratic governance; carried out at arm's length from the Council's operations; draws upon best practice evident in the implementation of strategies like Citizen's Assemblies/Juried Search Conferences, etc. and the process focuses upon future land use strategies relative to planning this land's and adjoining land's potential in a 21stC regional city context.

Response:

Council, at its Open Meeting held on 21 September 2023, determined that, should the land at 126-128 Russells Plains Road, Rocherlea not be required for landfill operations, it would undertake a land use study to investigate options for its potential development. That study, nor the format it will take to garner that information, has not yet commenced.

3. Will Council, that is the elected representatives et al, proactively initiate a review of [the] Council's planning provisions to enable the placement of a diversity of temporary dwellings on land where there is a permanent dwelling and appropriate conditions can be met; the placement of temporary dwellings on public land where the kind of conditions applying to such temporary infrastructure on private property and that enables an open public consultation process that affords transparent accountability in a municipality wide context.

Response:

The Tasmanian Planning Scheme already contains provisions that substantially achieve the intents of the author's question.

Placement of an additional dwelling (temporary or otherwise) on land that contains an existing single dwelling is provided for in two primary ways. Firstly the scheme provides for a secondary residence to be established. The scheme defines a secondary residence as:

an additional residence which is self-contained and: (a) has a gross floor area not more than 60m²; (b) is appurtenant to a single dwelling; (c) shares with the single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters; and (d) may include laundry facilities.

Secondary residences are allowable in all cases where there is an existing dwelling and can be established without the need for a planning permits in zoned such as the General Residential Zone and the Inner Residential Zone subject to compliance with the applicable scheme standards.

The second option applies to proposals for additional dwellings that are outside the secondary residence provisions. These are generally classified as multiple dwellings and can be approved in most urban zones where single dwellings are allowable, subject to an assessment against the applicable standards in the scheme.

Temporary dwellings on public land are specifically provided for in the general provisions of the scheme at Clause 7.13. This clause provide a broad power for temporary housing to be established for or on behalf of the Director of Housing or a housing support provider in a range of zone including residential zones the community purpose, recreation zone and the open space zone.

The degree to which there is public involvement in planning depends on the nature and location of what is proposed. The scheme provides for community consultation only for proposals that require discretion to be exercised.

For the reasons outlined it is not considered necessary for the Council to make any changes to the planning scheme in this regard.

It is worth noting, however, that the State Planning Office is currently under taking a review of the residential standards within the state planning provisions. One of their stated objectives in this work is to encourage residential use and development that is affordable, liveable and sustainable and meets Tasmania's housing targets and accommodation needs.

8.2. Public Questions Without Notice

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

8.2.1. Public Questions Without Notice - Ron Baines - Russells Plains Land

- 1. As the 2,000 acres at Russells Plains will not be used for landfill, maybe the City of Laneston could lease sections of the site as well as selling larger lots for social Housing. This would enable kids to play outside, instead of being stuck in a computer game or on FaceBook. Will the Council consider this option?**

The Mayor, Councillor M K Garwood, responded by saying that as yet no decision has been made with regards to the use of the property as landfill use, however, a motion was passed at the last Council Meeting [21 September 2023] that investigations would occur with regard to options for use of the site, be it landfill or some other use.

- 2. Would the Council consider contacting service clubs and checking if they have an interest in demolishing the house on Russells Plains Road as a fund raiser, unless it is to go to tender of course?**

The Mayor, Councillor M K Garwood, noted that conversations have already occurred with a variety of community groups who have reached out to the Council regarding the potential demolition of the building. There have been discussions with the Tasmania Fire Service and there have also been discussions regarding the salvage and repurposing of building materials.

- 3. When a question arises about community land, will the Council ask for consultation from the community in an open and transparent discussion?**

The Mayor, Councillor M K Garwood, noted that the Council has multiple on-line platforms on social media that allows a significant amount of community input in cases such as this. There will also be community engagement regarding future use of the site. The Mayor stated that it is important that the Council listen to its community and garner community input prior to decision making.

9. PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

**9.1. 181 Westbury Road, Prospect (described as CT51268/3 and CT51268/4)
Rezone Land from the Particular Purpose Zone - P6.0 Prospect Business Precinct to the Low Density Residential Zone**

FILE NO: PSA-LLP0016

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission subsequent to the public exhibition period for a draft amendment to the Tasmanian Planning Scheme - Launceston.

PLANNING APPLICATION INFORMATION:

Applicant: PDA
Area of the Site: 181 Westbury Road, Prospect (CT 51268/3 - 4153m² and CT 51268/4) 8213m²
Existing Zones: Particular Purpose Zone - P6.0 Prospect Business Precinct
Existing Use: Vacant land
Receipt Date: 14 June 2023

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 August 2023 - Agenda Item 9.1 - rezone 181 Westbury Road, Prospect (described as CT51268/3 and CT51268/4) from the Particular Purpose Zone - P6.0 Prospect Business Precinct to the Low Density Residential Zone.

RECOMMENDATION:

That Council, in accordance with section 40K of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment PSA-LLP0016 and that Amendment PSA-LLP0016 be approved as certified and exhibited.

Councillor J J Pentridge withdrew from the Meeting at 1:15pm

DECISION: 5 October 2023

MOTION

Moved Councillor T G Walker, seconded Councillor J J Pentridge.

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

CARRIED 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 Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

AGAINST VOTE: Nil

ABSENT at TIME of VOTING: Councillor J J Pentridge

The Mayor, Councillor M K Garwood, advised that Council no longer sits as a Planning Authority.

10. ANNOUNCEMENTS BY THE MAYOR

10.1. Mayor's Announcements

FILE NO: SF2375

Friday 22 September 2023

- Attended a dinner in honour of Local Government Representatives, Government House, Hobart

Monday 25 September 2023

- Visited Shepparton Art Museum, Shepparton and Museum of Vehicle Evolution, Shepparton

Tuesday 26 September 2023

- Visited GMHBA Stadium, Geelong and Deakin's Waurin Ponds Campus to view their High Performance Centre and School of Exercise and Nutrition Sciences

Wednesday 27 September 2023

- Officiated at the Launceston Basketball Association Seniors Grand Final, Elphin Sports Centre

Thursday 28 September 2023

- Attended the 2024 Spirit Super Business Excellence Awards launch, Peppers Silo Hotel

Friday 29 September 2023

- Attended *Minds Do Matter* Exhibition launch, Queen Victoria Museum and Art Gallery at Inveresk

Sunday 1 October 2023

- Officiated at the Lilydale Playground opening, Lilydale

Tuesday 3 October 2023

- Officiated at the Ribbon Cutting and Cauldron Lighting for the Centenary of Legacy, Launceston Cenotaph

Wednesday 4 October 2023

- Attended the Local Government Association Tasmania Mayor's Workshop, Hobart
-

11. COUNCILLORS' REPORTS

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

Councillor J J Pentridge re-attended the Meeting at 1:20pm

11.1. Councillor A G Harris

- Attended City Mission's official launch of *Project North*
- Attended the Clifford Craig *Heart CT* breakfast
- Visited the Shepparton Art Museum, Museum of Vehicle Evolution, GMHBA Stadium and Deakin's Waurin Ponds Campus
- Attended the Tasmanian Export Awards function at the Country Club Casino

11.2. Councillor A J Palmer

- Attended the opening of the bowls season at the North Launceston Bowls Club and Community Club
- Acknowledged feedback from the Lilydale community and Minister Nick Duigan regarding the opening of the playground
- Attended the 10th Birthday Celebrations for Cataract on Paterson raising funds for the LGH Children's Ward

11.3. Deputy Mayor Councillor D H McKenzie

- Visited the Shepparton Art Museum, Museum of Vehicle Evolution, GMHBA Stadium and Deakin's Waurin Ponds Campus
- Attended the Clifford Craig *Heart CT* breakfast
- Attended the Legacy Torch Relay function celebrating 100 years of torch relays
- Attended the Ambulance Tasmania Northern Recognition Awards

11.4. Councillor Dr G Razay

- Delivered the Dementia Action Week and World Alzheimer's Day lecture at the Launceston General Hospital
- Attended the launch of the Launceston City Community Christmas luncheon
- Noted that the Senior's Week healthy aging talk will be delivered at the Northern Suburb Community Centre on 20 October 2023

11.5. Councillor A E Dawkins

- Attended the Junction Arts Festival

11.6. Councillor L M McMahon

- Attended the Tasmania Police Meeting to discuss anti-social behaviour in the City
- Attended the 10th Birthday Celebrations for Cataract on Paterson raising funds for the LGH Children's Ward
- Attended the *North Festival* launch

12. QUESTIONS BY COUNCILLORS

12.1. Councillors' Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

No Councillors' Questions on Notice were identified as part of these Minutes

12.2. Councillors' Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

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

13. COMMITTEE REPORTS

13.1. Heritage Advisory Committee Meeting - 30 August 2023

FILE NO: SF2965

AUTHOR: Marcus Grantham (Team Leader Place Making)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee Meeting held on 30 August 2023.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee Meeting held on 30 August 2023.

DECISION: 5 October 2023

MOTION

Moved Councillor S Cai, seconded Councillor J J Pentridge.

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 McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

13.2. Tender Review Committee Meeting - 21 September 2023

FILE NO: SF0100/CD.033/2023

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee.

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Crossroads Civil Contracting Pty Ltd, for Brooklyn Road (Alma Street to Number 34) Pavement Rehabilitation, Contract No: CD.033/2023 at a cost of \$331,599.57 (exclusive of GST).

DECISION: 5 October 2023

MOTION

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

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

CARRIED 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 McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

14. ORGANISATIONAL SERVICES NETWORK

14.1. Disposal of Interest in Land - Easement at 26 Beverley Hills Road, Newstead

FILE NO: SF1168

AUTHOR: Robert Bujnowski (Acting Team Leader Legal Services)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the disposal of an interest in land at 26 Beverley Hills Drive, Newstead

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

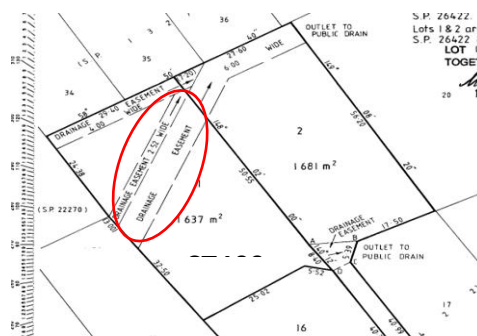
Council - 28 July 2022 - Agenda Item 10.1 - DA0202/2022 - 26 Beverley Hills Road, Newstead - Subdivision - Sub-divide One Lot into Three Lots

Workshop - 20 July 2023 - Disposal of Interest in Land - Easement at 26 Beverley Hills Road, Newstead

RECOMMENDATION:

That Council:

1. notes the valuation advice of LG Valuation Services Pty Ltd relating to the relevant easements (ECM Document Set ID 4952651, Attachment 1).
2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993 (Tas)*, to dispose of an interest in land by reducing the width of a Council easement existing over Certificate of Title 40967/17 from 8.52m wide to 4m wide.



3. makes Recommendation 2 subject to the owner of 26 Beverley Hills Road, Newstead paying the following costs:
 - (a) \$3,152 (plus GST) for Council's fee for a disposal of an interest in Council land;
 - (b) \$720 (plus GST) for the cost of obtaining a valuation;
 - (c) \$1 for the easement if demanded; and
 - (d) all associated costs with land titles office registration.
 - 4 permits the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to cause the easement to be amended in accordance with these recommendations.
 5. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

DECISION: 5 October 2023

MOTION

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

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

CARRIED BY ABSOLUTE MAJORITY 12:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor 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

14.2. Section 75CA Agreement for Protrusions over a Footpath at 59-61 Frederick Street, Launceston

FILE NO: SF1453

AUTHOR: Robert Bujnowski (Acting Team Leader Legal Services)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider a request from the owners of 59-61 Frederick Street, Launceston that Council make a declaration pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* allowing for extensions from their building façade to remain over a footpath so long as the building remains.

RELEVANT LEGISLATION:

Conveyancing and Law of Property Act 1884 (Tas)
Local Government (Highways) Act 1982
Local Government Act 1993

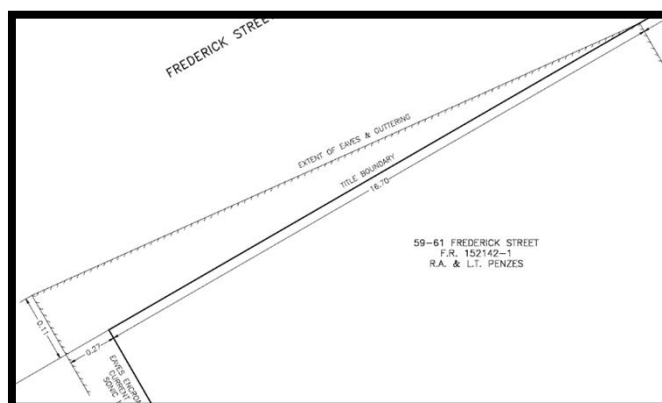
PREVIOUS COUNCIL CONSIDERATION:

Workshop - 3 August 2023 - Agenda Item 1.3 - Section 75CA Declarations Pursuant to the *Conveyancing and Law of Property Act 1884* - 59-61 Frederick Street, Launceston

RECOMMENDATION:

That Council:

1. decides, pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* (Tas), that the protrusions currently extending from the building façade at 59-61 Frederick Street, Launceston, located more than 2.4m above the footpath (the protrusions), and not extending over the footpath by more than 11cm, may remain so long as the building remains.



2. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to execute a deed declaring that the protrusions may remain so long as the building remains.
 3. makes Recommendations 1 and 2 conditional upon the owner of 59-61 Frederick Street, Launceston paying any costs associated with preparing the relevant deed and registering the deed in the Registry of Deeds or with the office of the Recorder of Titles.
 4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

DECISION: 5 October 2023

MOTION

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

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 McMahon, Councillor S Cai and Councillor A J Britton
AGAINST VOTE: Nil

14.3. 2023/2024 Budget - Budget Amendments

FILE NO: SF6940/SF7558

AUTHOR: Nathan Williams (Chief Financial Officer)

ACTING GENERAL MANAGER: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

For Council to consider changes to the Council's 2023/2024 Statutory Estimates.

A decision for Recommendation 1 requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas) (section 82(4))

PREVIOUS COUNCIL CONSIDERATION:

Closed Council - 29 June 2023 - Agenda 18.2 - Albert Hall Renewal Project

Council - 4 May 2023 - Agenda Item 15.1 - Albert Hall Renewal Project

Workshop - 30 March 2023 - Albert Hall

Workshop - 2 February 2023 - Albert Hall Update

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2023/2024 Statutory Estimates:
 - (a) Capital Works Expenditure
 - i. the increase in the Council's funded expenditure of \$5,635,000.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus remaining at \$12,812,841 (including capital grants of \$17,731,131) for 2023/2024.
 - (b) the capital budget being increased to \$42,569,744 for 2023/2024.
-

DECISION: 5 October 2023

MOTION

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor A J Britton.

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

CARRIED BY ABSOLUTE MAJORITY 11:1

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

15. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

15.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

15.2 Princess Theatre Redevelopment

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.

15.3 End of Closed Session

To be determined in Closed Council.

DECISION: 5 October 2023

MOTION

Moved Councillor A J Palmer, seconded Councillor L M McMahon.

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 12:0

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

Council moved into Closed Session at 1.58pm
Council returned to Open Session at 2.51pm

15.3 End of Closed Session

RECOMMENDATION:

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

Agenda Item	Matter	Brief Description
15.1	<i>Closed Council Minutes</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 21 September 2023.</i>
15.2	<i>Princess Theatre Redevelopment</i>	<i>Councillors endorsed the Princess Theatre Redevelopment Architectural Process submitted by Lovell Chen.</i>

DECISION: 5 October 2023

MOTION

Moved Councillor A G Harris, 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

16. MEETING CLOSURE

The Mayor, Councillor M K Garwood, closed the Meeting at 2.52pm.

17. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 19 October 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.