



City of
LAUNCESTON

COUNCIL MINUTES

**COUNCIL MEETING
THURSDAY 17 OCTOBER 2024
1.00PM**

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

Date: 17 October 2024

Time: 1:00 pm

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.



Cheslea van Riet
Acting 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 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 A E Dawkins
Councillor A G Harris (retired at 2:46 pm)
Councillor T G Walker
Councillor Prof G Razay
Councillor J J Pentridge
Councillor A J Palmer
Councillor L M McMahon
Councillor S Cai
Councillor A J Britton

In Attendance:

Chelsea van Riet (Acting Chief Executive Officer)
Shane Eberhardt (General Manager Infrastructure and Assets Network)
Louise Foster (General Manager Organisational Services Network)
Shane Fitzgerald (General Manager Creative Arts and Cultural Services Network)
Richard Jamieson (Acting General Manager Community and Place Network)
Nathan Williams (Chief Financial Officer)
Luke Scott (Team Leader Communications)
Kelsey Hartland (Team Leader Governance)
Lorraine Wyatt (Council and Committees Officer)
Philippa Glover (Team Leader Planning Assessments) (Items 11.1, 11.2 and 11.3)
Iain More (Senior Town Planner Policy and Projects) (Items 11.1 and 11.2)
Duncan Payton (Town Planner) (Item 11.3)
Duncan Campbell (Team Leader Legal Services) (Item 20.1)
Matt Morgan (Acting Governance Manager) (Items 20.2 and 20.4)
Samuel Kelty (Manager Finance) (Item 20.5)

Apologies:

Nil

Apologies with Leave of Absence:

Councillor D C Gibson

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

The Mayor, Councillor M K Garwood, opened the Meeting at 1.00pm and noted an apology from Councillor D C Gibson.

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).

4. CONFIRMATION OF MINUTES

4.1. 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 3 October 2024 be confirmed as a true and correct record.

DECISION: 17 October 2024

MOTION

Moved Councillor A E Dawkins, seconded Councillor A G Harris.

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 3 October 2024 be confirmed as a true and correct record.

CARRIED 11:0

FOR VOTE: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof 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 Workshops Report - 3 October 2024

FILE NO: SF4401

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Chelsea van Riet (Acting Chief Executive Officer)

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 3 October 2024:

UTAS: York Park Redevelopment

Councillors were provided with the opportunity to discuss the proposed development of York Park with representatives from Infrastructure Tasmania.

Carr Villa Master Plan

Councillors participated in a workshop presented by Michael Polifrone (Senior Associate Landscape Architect, McGregor Coxall), about the Carr Villa Memorial Park Master Plan concept including initial vision, direction and objectives, (stage 1).

In Attendance: Mayor Councillor M K Garwood, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

Apologies: Nil

Leave of Absence: Deputy Mayor Councillor D H McKenzie and Councillor D C Gibson

DECISION: 17 October 2024

MOTION

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

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 3 October 2024:

UTAS: York Park Redevelopment

Councillors were provided with the opportunity to discuss the proposed development of York Park with representatives from Infrastructure Tasmania.

Carr Villa Master Plan

Councillors participated in a workshop presented by Michael Polifrone (Senior Associate Landscape Architect, McGregor Coxall), about the Carr Villa Memorial Park Master Plan concept including initial vision, direction and objectives, (stage 1).

In Attendance: Mayor Councillor M K Garwood, Councillor A E Dawkins, Councillor A G Harris, Councillor T G Walker, Councillor Prof G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

Apologies: Nil

Leave of Absence: Deputy Mayor Councillor D H McKenzie and Councillor D C Gibson

CARRIED 11:0

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

Councillors' Leave of Absence Applications will be considered in Closed Council at Agenda Items 23.2 and 23.3 - Councillors' Leave of Absence.

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).

No Community Reports were registered with Council as part of these Minutes.

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 Question on Notice - Garry Cooper - Cycling Infrastructure - 26 September 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Chelsea van Riet (Acting Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 26 September 2024 by Garry Cooper, has been answered by Sonia Smith (Acting Manager Infrastructure and Engineering).

Questions:

1. I recently went to the Northwest Coast to check out and ride the cycling infrastructure there. They have many wide smooth concrete paths along the coastline. Hobart has the inter-city cycleway and is implementing separated cycling lanes within the CBD. Northern Midlands have a cycle path from the airport to Longford. In comparison Launceston has the levee bank and some poorly maintained trails and painted cycling lanes. It appears that Launceston is being left behind by the rest of the state when it comes to cycling infrastructure.

What does the Launceston council have planned to catch up with the rest of the state?

Response:

The City of Launceston is actively working to improve cycling infrastructure within the city, in line with our Transport Strategy.

While the majority of existing cycleway infrastructure in Tasmania, such as Hobart's inter-City cycleway and the Coastal Pathway in the north, utilises disused rail corridors or State road reserves, here in the City of Launceston we do not have the benefit of repurposing an extensive network disused rail corridors.

The City of Launceston has however developed 3km of disused rail corridor between Mowbray and Rocherlea and are supportive of the extension of the Northeast Rail Trail, including its extension from Scottsdale to the Lilydale Falls.

City of Launceston has also developed the levee corridors around the inner-city river edge, to provide active transport links and has recently upgraded the North Esk Trail. Currently there are 20km of off-road trails on the levees and riverbanks. These trails atop the levees, have over time, been asphalt sealed to improve the cycling and walking experience. Due to these levees being constructed in difficult ground conditions, settlement is a problem and City of Launceston has a regular maintenance and inspection regime that results in periodic 'topping up' of the levees in addition to more frequent minor maintenance. While this maintains the height of the levees, it provides challenges with the use of concrete as a surface for the trails constructed atop the levee. If you are aware of specific locations which require inspection or repair - please contact City of Launceston's Customer Service Centre or utilise the 'Snap Send Solve' app to lodge a request for investigation.

Due to the costs of land acquisition, cycle infrastructure is typically restricted to corridors that are already owned by Local or State Government. When considering the installation of on-road cycle infrastructure, such as dedicated cycleways within the road reserve, many existing road reserves do not have sufficient width, and it is necessary to create space by removing traffic lanes or kerbside parking. In some instances, it would be necessary to remove both.

This becomes complex where Council must balance the needs and aspirations of a very diverse group of stakeholders to find a solution that is acceptable to all parties. Education and awareness around benefits of cycling are a critical step in being able to secure acceptance of cyclists on our roads and road corridors. Without this, it will be difficult to achieve the outcomes listed in the Transport Strategy.

City of Launceston is currently working with developers and consultants in urban growth areas to incorporate cycling infrastructure into new subdivisions by requiring wider road reserves open space linkages, building on existing connections and enhancing opportunities for active transport links.

Strategic links are being actively investigated and projects are being designed and delivered. Works are commencing on the Invermay Cycleway along Forster St (Kings Wharf to Goderich Street), with a preferred contractor now engaged for the delivery of this project. The West Tamar Fitness Trail is also undergoing re-alignment and surfacing improvements to increase the service level for both commuters and recreational users.

Currently, Launceston has over 100 kilometres of on and off-road cycling routes, these include the majority of the kanamaluka/Tamar Estuary and North Esk River frontage on the levees. We would encourage cyclists to visit our website for further details on cycle routes and facilities available.

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 - Birchalls Site and Elected Member Representation at International Place Branding Conference - 17 October 2024

1. What is the situation with the Birchalls site at present?

Acting Chief Executive Officer, Chelsea van Riet, advised that Council staff are working with a range of consultants to evaluate future options for redevelopment of Council's landholding. In late October, early November, Council will receive analysis on possible uses to activate the site.

2. I understand members of City of Launceston may be travelling to London on a fact finding mission, apparently with a view to improving our fair city. Having lived and worked in London for around 3 1/2 years I can't figure out what a city of about 10 million people can have in common with a city like ours, with around 70,000. Could Council explain how spending thousands of taxpayers funding on trips can help Launceston?

The Mayor, Councillor M K Garwood, advised that whilst this might be seen as a fact-finding mission, Launceston is actually up for an international award in terms of its placemaking and branding with Launceston Central and the Lounge. There will be delegates from all over the world, not only from London, providing the opportunities for conversation. There is two days of Conference as well as Launceston specifically being recognised for its work in the community space.

8.2.2. Public Questions Without Notice - Rocelyn Ives - Gorge Materials and Consultation for Carr Villa Flora Reserve - 17 October 2024

[Regarding Cottage Basin Resources]

- 1. Where is the unique Duck Reach Power Station model which, on my departure was stored in a high cupboard at the cottage? The extensive collection of reference books, for which I have an inventory, were taken by a council officer to the Town Hall. Where are they now?**

Acting Chief Executive Officer, Chelsea van Riet, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 31 October 2024.

[Regarding the recent survey for the Carr Villa Memorial Park Master Plan]

- 2. In the media release of the survey why was there no mention of the special and unique native flora in the bushland reserve area given? Did Council consult with any experts in plant ecology in the drawing up of the master plan? How will protection of this unique stand comprising special endemic fragile species be guaranteed?**

Acting Chief Executive Officer, Chelsea van Riet, advised that the Carr Villa Memorial Park Flora Reserve has not been featured specifically within the survey, as it is not part of the Carr Villa Memorial Park site operations, and not being considered within the development of a plan. A draft Master Plan has not been developed at this time, as the consultation phase of the project has only just commenced.

Consultants for the project, McGregor Coxall have been well briefed on the natural value assets of the site, and provided with expert advice reports, which identifies the ecology of the area, including the threatened and endangered species identified. The Flora Reserve, as mentioned, is not considered within the development of the plan.

8.2.3. Public Questions Without Notice - Robin Smith - Birchalls Graffiti, E-Scooters and Information Sources for Council Reports - 17 October 2024

- 1. Above the centre of Birchalls building is an exceedingly large graffiti tag and I assume they gained access through Birchalls building. Are they gaining access through that building? Is there something Council could do to secure access to that building?**

The Mayor, Councillor M K Garwood, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 31 October 2024.

- 2. Previously, I have asked questions about the control of e-scooters and where they are permitted to go, including questions on 27 January 2022, 22 August 2024 and 3 Oct 2024. Your officer responded, rejecting my assertion that they are permitted by Road Rules, that via the by-laws the Traffic Act controls the e-scooters. From what I understand the Road Rules are more specific than the Traffic Act in controlling the e-scooters, therefore it appears they are permitted to go these places. There is a Latin maxim that apparently covers that one strength of a law versus the other, where there a conflict, is *generalia specialibus non derogant*, which essentially means the stronger law wins. Could officers go back and have a look at that conflict?**

The Mayor, Councillor M K Garwood, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 31 October 2024.

- 3. I refer to an in-house document 'E-scooter Trail Evaluation' prepared by council officers. In the future, I am considering bringing to Council that if an officer were to write a report, that they declare where the information or contents comes from, whether it be artificial intelligence or whether they are lobbied or provided by the individuals. You don't have anything parallel running to that at the moment?**

The Mayor, Councillor M K Garwood, advised that this question would be Taken on Notice and a response provided in the Council Agenda of 31 October 2024.

9. PETITIONS

No Petitions were identified as part of these Minutes.

10. DEPUTATIONS

No Deputations were identified as part of these Minutes.

11. 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 11 - Planning Authority.

11.1. PSA-LLP0014 - 30 Merino Street, Kings Meadows - Planning Scheme Amendment - Change of Zone from Light Industrial to Low Density Residential

FILE NO: PSA-LLP0014

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

APPROVER: Richard Jamieson (Acting General Manager 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 Launceston Local Provisions Schedule.

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

Council - 8 August 2024 - Agenda Item Number 11.1 - Initiated Draft Amendment PSA-LLP0014, to:

- a. Rezone 3.9ha of land from Light Industrial to Low Density Residential at 30 Merino Street, Kings Meadows; and
- b. Insert the priority vegetation overlay map over the rezoned land area.

RECOMMENDATION:

That Council:

1. In accordance with sections 40K and 42 of the *Land Use Planning and Approvals Act 1993*, consider the merits of representations received during the public exhibition period for Draft Amendment PSA-LLP0014; and
 2. Recommends to the Tasmanian Planning Commission that draft Amendment PSA-LLP0014 be approved as certified and exhibited.
-

Philippa Glover (Team Leader Planning Assessments) and Iain More (Senior Town Planner Policy and Projects) were in attendance to answer question in respect of this Item.

Councillor J J Pentridge withdrew from the Meeting at 1:16 pm

DECISION: 17 October 2024

MOTION

Moved Councillor A G Harris, seconded Councillor A E Dawkins.

That Council:

1. In accordance with sections 40K and 42 of the *Land Use Planning and Approvals Act 1993*, consider the merits of representations received during the public exhibition period for Draft Amendment PSA-LLP0014; and
2. Recommends to the Tasmanian Planning Commission that draft Amendment PSA-LLP0014 be approved as certified and exhibited.

CARRIED 10:0

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

AGAINST VOTE: Nil

ABSENT AT TIME OF VOTE: Councillor J J Pentridge

11.2. PSA-LLP0024 - 64 Robin Street, Newstead - Planning Scheme Amendment - Add 64 Robin Street, Newstead as a Local Heritage Place

FILE NO: PSA-LLP0024

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

APPROVER: Richard Jamieson (Acting General Manager 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 Launceston Local Provisions Schedule.

PLANNING APPLICATION INFORMATION:

Applicant:	6ty°
Area of the Site:	64 Robin Street, Newstead
Existing Use:	Community Hall
Receipt Date:	15/07/2024

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

Council - 22 August 2024 - Agenda Item Number 11.2 - Initiated Draft Amendment PSA-LLP0024, to:

- a. Add 64 Robin Street, Newstead, local heritage listings within LAU-table C6.1 Local Heritage Places;
- b. Create one (1) new datasheet within Appendix A: Local Historic Heritage Code Datasheets; and
- c. Add 64 Robin Street, Newstead into the local heritage listing place overlay map

RECOMMENDATION:

That Council:

1. In accordance with sections 40K and 42 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 Draft Amendment PSA-LLP0024; and that
 2. Draft Amendment PSA-LLP0024 be approved as certified and exhibited.
-

Councillor J J Pentridge re-attended the Meeting at 1:29 pm

Philippa Glover (Team Leader Planning Assessments) and Iain More (Senior Town Planner Policy and Projects) were in attendance to answer question in respect of this Item.

DECISION: 17 October 2024

MOTION

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

That Council:

1. In accordance with sections 40K and 42 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 Draft Amendment PSA-LLP0024; and that
2. Draft Amendment PSA-LLP0024 be approved as certified and exhibited.

CARRIED 11:0

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

11.3. DA0321/2024 - 16 Canning Street and 1-5 Frederick Street - Subdivision - Boundary Adjustment Between Two Lots

FILE NO: DA0321/2024

AUTHOR: Duncan Payton (Town Planner)

APPROVER: Richard Jamieson (Acting General Manager Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Urbis Pty Ltd
Property:	16 Canning Street and 1-5 Frederick Street, Launceston
Zoning:	Community Purpose
Receipt Date:	19/07/2024
Validity Date:	29/07/2024
Further Information Request:	16/08/2024
Further Information Received:	28/08/2024
Deemed Approval:	21/10/2024
Representations:	4

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

DA0335/2018 approved the change of use of the heritage listed building, previously used as a residence by the nuns for St Vincent's Hospital, to a medical centre. Relevantly the permit required the provision of four car parking spaces, two on the site and two on the adjoining hospital site.

STANDARDS REQUIRING PLANNING DISCRETION:

27.4.1 P1 - Lot design

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0321/2024 - Subdivision - adjustment of the boundary between two lots at 16 Canning Street and 1-5 Frederick Street, Launceston, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Proposal plan 1:500, prepared by Woolcott Surveys, job no. L240213, proposed boundary adjustment between 1-5 Frederick Street and 16 Canning Street, version V1.2, page 1, dated 05/03/2024 - Amended plan required
- b. Proposal plan 1:200, prepared by Woolcott Surveys, job no. L240213, proposed boundary adjustment between 1-5 Frederick Street and 16 Canning Street, version V1.2, page 2, dated 05/03/2024 - Amended plan required

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work, amended plans must be submitted to the satisfaction of the Manager City Development to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must not include the proposed parking area for lot 2.

Amended plans should include identification information such as updated revision numbers, revision date and revision description. The changes are to be highlighted in red clouds or a format agreed with the planning officer.

3. PARKING FOR LOT 2

DA0335/2018 required the provision of four car parking spaces, clearly labeled as "Reserved for 16 Canning Street". The final plan of survey must include burdening parking easements, in favour of Lot 2, on Lot 1 to provide those four car parking spaces and appropriate access. Such easement must not be removed without the further written approval of Council.

4. LEGAL TITLE

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

5. HOURS OF CONSTRUCTION

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7 am to 6 pm; and
 - ii. Saturday - 8 am to 6 pm.
- b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

6. HERITAGE

The development must be undertaken in accordance with the conditions included on the Tasmanian Heritage Council 'Notice of Heritage Decision' for THC Application No. 8476, dated 20/09/2024 and attached to the permit.

7. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

9. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and Council policy 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

10. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide Council with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure & Assets Network.
 - b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
 - c. Compaction and soil test results for all earthworks or pavement works.
 - d. An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.
-

11. EASEMENTS

Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3 metres for Council (public) mains. A greater width will be required in line with the LCC document '*How close can I build to a Council Service?*' where the internal diameter of the pipe is greater than 475 mm or where the depth of the pipe exceeds 2.1 metres. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

12. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager, Infrastructure & Assets Network:

- a. The satisfactory completion of all public infrastructure works required by the planning permit.
- b. The provision of written evidence of the completion of third party services including connections to the electricity supply, telecommunications infrastructure and TasWater infrastructure, from the responsible service provider.
- c. The provision of engineering certification and as constructed documentation in accordance the Council requirements.
- d. The subsequent issue of a Certificate of Practical Completion by the General Manager, Infrastructure & Assets Network for those works that will vest with the City of Launceston (Roads and Stormwater infrastructure).
- e. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.
- f. Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

13. CONSTRUCTION PLAN APPROVAL (NO PUBLIC WORKS)

Prior to the commencement of works, detailed plans and specifications shall be submitted to the Council's General Manager, Infrastructure & Assets Network for approval. Such plans and specifications are:

- a. To include all works required by the permit or shown in the endorsed plans and specifications.
- b. To be prepared by suitably qualified persons and certified as complying with current Council standards.
- c. Where required, include a Soil and Water Management Plan.

Such plans and specifications are to include the necessary pipe sizes for drains and the materials to be used in construction.

14. SEPARATION OF SERVICE CONNECTIONS

The applicant must locate and identify the existing service connections (water supply, sewer and stormwater) for the existing development on proposed Lot 2 and complete the following work:

- a. Ensure that Lot 2 has a single connection to a public stormwater main or kerb adaptor with all other connections being capped.
- b. Where required, reroute internal stormwater or sewer pipes within each lot so as to provide an independent system for Lot 2.
- c. Stormwater drains that do cross the new title boundary between lots must be upgraded to a public drain standard or where permitted must be subject to private easement.

- d. Ensure Lot 2 has a water connection and meter in accordance with the requirements of TasWater.

The applicant must provide detailed construction plans of all proposed public works prepared by suitably qualified persons and complying with current Council standards and approved by Council's General Manager, Infrastructure & Assets Network prior to any works commencing. A fee of 1.5% of the public works estimate (or a minimum of \$250) is payable for any public works. Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections. Private drainage and sewerage works will be subject to plumbing applications.

15. CONSTRUCTION OF SERVICE CONNECTIONS (PRIVATE WORKS)

The applicant must construct the private works in accordance with plans and specifications approved by the Council's General Manager, Infrastructure & Assets Network. The works required for the development include:

- a. Stormwater

Provision of a single DN 100 stormwater connection point for each lot located so as to drain the lowest part of the lot. Application for stormwater connection must be made on the approved form and accompanied by the requisite fee.

- b. Constructed Driveways

All lots must be provided with a constructed concrete driveway from the edge of road pavement to the property boundary. Any existing unused or redundant vehicle crossing(s) shall be removed and the footpath, nature strip and/or kerb and channel be reinstated to match the adjacent existing construction. Application for all new driveways, alterations to, and removal of redundant driveways must be made on the approved form.

16. COMPLETION OF WORKS

All works must be carried out to Council standards and to the satisfaction of the General Manager, Infrastructure & Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

17. AS CONSTRUCTED PLANS

An "as constructed" plan must be provided in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure & Assets Network.

18. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.

19. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0321/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

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

The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).

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

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D. Permit Commencement.

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

Philippa Glover (Team Leader Planning Assessments) and Duncan Payton (Town Planner) were in attendance to answer questions in respect of this Item.

Michael Quinlan spoke to the Recommendation.
Ian Fraser spoke to the Recommendation.

DECISION: 17 October 2024

MOTION

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

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for DA0321/2024 - Subdivision - adjustment of the boundary between two lots at 16 Canning Street and 1-5 Frederick Street, Launceston, subject to the following conditions:

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19. BUILDING ACT 2016 REQUIREMENTS

Prior to acting on this permit, it is recommended that an architect, a licensed building practitioner such as a building surveyor or a building designer be consulted to determine the requirements for any associated building, plumbing or demolition work under the Building Act 2016.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0321/2024. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 03 6323 3000.

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
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The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

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The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

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D. Permit Commencement.

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

CARRIED 11:0

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

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

12. ANNOUNCEMENTS BY THE MAYOR

12.1. Mayor's Announcements

FILE NO: SF2375

Thursday 3 October 2024

- Attended Swampies Season Launch, Invermay Bowls and Community Club

Friday 4 October 2024

- Hosted a Civic Function to mark the 75th Anniversary of Soroptimist's International Launceston Branch, Town Hall

Saturday 5 October 2024

- Attended the 2024 Launceston Festival of Dance, Launceston Conference Centre

Monday 7 October 2024

- Attended Clubs Tasmania Industry Night, Invermay Bowls Club

Tuesday 8 October 2024

- Spoke for opening of *Big Day of Little Things*, Launceston Library
- Attending Opening of North Festival 2024, Reggie

Wednesday 9 October 2024

- Attended Wellways Annual Dog Walk and Launch, Royal Park
- Attended Government House Reception to recognize graduates of 2024 Pathways to Politics for Women, Hobart

Friday 11 October 2024

- Attended *Kinky Boots*, Princess Theatre

Sunday 13 October 2024

- Attended Season Opening 2024, East Launceston Croquet Club

Tuesday 15 October 2024

- Chaired Launceston Competitions Association Annual General Meeting, Kim Roe Studio

Wednesday 16 October 2024

- Welcomed conference delegates to Launceston for Speak Out Conference, Hotel Grand Chancellor
-

13. 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 L M McMahon

- **4 October - Soroptomist International 75th Anniversary**

Councillor A G Harris

- **16 October - Attended the opening of Ready Tech office in Launceston**
- **13 October - Attended the celebration for the 40th Anniversary of Peter Griffin being a member of the NTCA Umpires Association (on behalf of the Mayor)**
- **11 October - Attended the Opening night of Kinky Boots**

Deputy Mayor Councillor D H McKenzie

- **30 September - visited Sister City of Ikeda - Met with the Mayor and Councillors**

Councillor A J Britton

- **8 October - Attended the opening of the North Festival**

Councillor A J Palmer

- **11 October - Attended the opening night of Kinky Boots**
- **14 October - Attended the Northern Suburbs Community Centre AGM**

Councillor S Cai

- **10 October - Attended North Festival Event**
- **Reminder - Heritage Sketch Competition Closes Friday 1 November**

14. QUESTIONS BY COUNCILLORS

14.1. 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).

14.1.1. Councillors' Questions on Notice - Councillor T G Walker - Paterson Barracks - 3 October 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Chelsea van Riet (Acting Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 3 October 2024 by Councillor T G Walker, has been answered by Louise Foster (General Manager Organisational Services).

Questions:

1. What action is being taken about the March 2023 Notice of Motion regarding Paterson Barracks being retained by Council for community ownership, and the decision to, (within 12 months), make a final decision on whether to develop a business case and prepare a formal proposal for submission to the Department of Defense seeking a concessional sale to the City of Launceston?

Response:

Due to the appointment of a new Chief Executive Officer, the 12 month timeline detailed in the original notice of motion was not achieved.

A draft Pre-Feasibility Study was developed by previous CEO Michael Stretton. This will be reviewed and come to a future workshop of Council for discussion.

14.1.2. Councillors' Questions Without Notice - Councillor L McMahon - Northern Hospice - 3 October 2024

FILE NO: SF6381

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Chelsea van Riet (Acting Chief Executive Officer)

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 3 October 2024 by Councillor L McMahon, has been answered by Chelsea van Riet (Acting Chief Executive Officer).

Questions:

1. Has Council had any discussions with the state government around the Northern Hospice and how it is progressing?

Response:

We have searched our document management system for correspondence and have not located anything regarding the State Government's Northern Hospice facility.

14.2. 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.

15. NOTICES OF MOTION

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

No Notices of Motions were identified as part of these Minutes.

16. COMMITTEE REPORTS

16.1. Cultural Advisory Committee Meeting Report - 7 August 2024 and 2 October 2024

FILE NO: SF7357

AUTHOR: Marcus Grantham (Team Leader Place Making)

APPROVER: Richard Jamieson (Acting General Manager Community and Place Network)

DECISION STATEMENT:

To receive a report from the Cultural Advisory Committee Meetings held on 7 August 2024 and 2 October 2024.

RECOMMENDATION:

That Council receives the report from the Cultural Advisory Committee Meetings held on 7 August 2024 and 2 October 2024.

DECISION: 17 October 2024

MOTION

Moved Councillor T G Walker, seconded Councillor A J Britton.

That Council receives the report from the Cultural Advisory Committee Meetings held on 7 August 2024 and 2 October 2024.

CARRIED 11:0

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

16.2. Heritage Advisory Committee Meeting Report - 21 August 2024

FILE NO: SF2965

AUTHOR: Jess Horton (Place and Heritage Officer)

APPROVER: Richard Jamieson (Acting General Manager Community and Place Network)

DECISION STATEMENT:

To receive a report from the Heritage Advisory Committee Meeting held on 21 August 2024.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee Meeting held on 21 August 2024.

DECISION: 17 October 2024

MOTION

Moved Councillor S Cai, seconded Councillor J J Pentridge.

That Council receives the report from the Heritage Advisory Committee Meeting held on 21 August 2024.

CARRIED 11:0

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

17. COMMUNITY AND PLACE NETWORK

17.1. Quarterly Report - Community and Place Network

FILE NO: SF5784

AUTHORS: Justin Dale (Manager Business Enterprises), Richard Jamieson (Manager City Development), Michelle Ogulin (A/Manager Community Relations), Lynda Robins (Emergency Management Advisor), David Mullenger (Senior Leader Health and Compliance), Angie Hart (A/Manager Liveable Communities), Chelsea van Riet (General Manager Community and Place Network)

APPROVER: Chelsea van Riet (General Manager Community and Place Network)

DECISION STATEMENT:

To receive a report about activities of the Community and Place Network between 1 July and 30 September 2024.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas).

RECOMMENDATION:

That Council receives the Community and Place Network Quarterly Report for the period 1 July and 30 September 2024.

DECISION: 17 October 2024

MOTION

Moved Councillor T G Walker, seconded Councillor A G Harris.

That Council receives the Community and Place Network Quarterly Report for the period 1 July and 30 September 2024.

CARRIED 11:0

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

18. CREATIVE ARTS AND CULTURAL SERVICES NETWORK

18.1. Quarterly Report - Creative Arts and Cultural Services Network

FILE NO: SF5784

AUTHOR: Dan McWilliams (Executive Assistant)

APPROVER: Shane Fitzgerald (General Manager Creative Arts and Cultural Services Network)

DECISION STATEMENT:

To receive a report about activities of the Creative Arts and Cultural Services Network between 1 July and 30 September 2024.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council receives the Queen Victoria Museum and Art Gallery (QVMAG) Quarterly Report for the period 1 July 2024 to 30 September 2024.

DECISION: 17 October 2024

MOTION

Moved Councillor A J Britton, seconded Councillor T G Walker.

That Council receives the Queen Victoria Museum and Art Gallery (QVMAG) Quarterly Report for the period 1 July 2024 to 30 September 2024.

CARRIED 11:0

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

19. INFRASTRUCTURE AND ASSETS NETWORK

19.1. Quarterly Report - Infrastructure and Assets Network

FILE NO: SF7696

AUTHOR: Erica Deegan (Acting General Manager Infrastructure and Assets), Sonia Smith (Acting Manager Infrastructure and Engineering), Michael Attard (Acting Manager Parks and Sustainability), Liam Seymour (Manager Building Assets and Investigations), Derek Lynch (Manager Project Design and Delivery), and Leigh Handley (Manager Operations)

APPROVER: Shane Eberhardt (General Manager Infrastructure and Assets Network)

DECISION STATEMENT:

To receive a report on activities for the Infrastructure and Assets Network between 1 July 2024 to 30 September 2024.

RELEVANT LEGISLATION:

Not applicable.

RECOMMENDATION:

That Council receives the Infrastructure and Assets Quarterly Report for the period 1 July 2024 to 30 September 2024.

Councillor A J Britton withdrew from the Meeting at 2:17 pm

Councillor A J Britton re-attended the Meeting at 2:19 pm

DECISION: 17 October 2024

MOTION

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

That Council receives the Infrastructure and Assets Quarterly Report for the period 1 July 2024 to 30 September 2024.

CARRIED 11:0

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

20. ORGANISATIONAL SERVICES NETWORK

20.1. Proposed amendments to Sealed Plan 164783 - 62 Parklands Parade, Newnham

FILE NO: SF7610

AUTHOR: Duncan Campbell (Team Leader Legal Services)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider initiating the notification process to allow consideration of the amendment of Sealed Plan 164783.

RELEVANT LEGISLATION:

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

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 9 May 2024 – Proposed Removal of Restrictive Covenants at 62 Parklands Parade, Newnham

RECOMMENDATION:

That Council:

1. pursuant to section 103(1)(a) of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)*, proposes to amend Sealed Plan 164783 by excepting Lot 902 from the restrictions contained within paragraph 2.4 of the relevant Schedule of Easements, so that the paragraph 2.4 would then read (without italics):

2.4 The owner of each Lot on the Plan (except for Lots 902 and 903) covenants with the subdivider, The Grange (Launceston) Limited ACN 117 923 565 and the owner for the time being of every other Lot shown on the Plan (with the exception of Lots 902 and 903) to the intent that the burden of this covenant may run with and bind the covenantor's Lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every other Lot shown on the Plan to observe the following stipulations:

[remainder of paragraph to remain unchanged]

2. requests the Chief Executive Officer to give notice of the proposed amendment to all relevant people, as required by section 103(2) of the *Local Government (Building and Miscellaneous Provisions Act) 1993 (Tas)*.
-

3. 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).
-

Duncan Campbell (Team Leader Legal Services) was in attendance to answer questions in respect of this Item.

DECISION: 17 October 2024

MOTION

Moved Councillor T G Walker, seconded Councillor A J Britton.

That Council:

1. pursuant to section 103(1)(a) of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)*, proposes to amend Sealed Plan 164783 by excepting Lot 903 from the restrictions contained within paragraph 2.4 of the relevant Schedule of Easements, so that the paragraph 2.4 would then read (without italics):

2.4 The owner of each Lot on the Plan (except for Lots 902 and 903) covenants with the subdivider, The Grange (Launceston) Limited ACN 117 923 565 and the owner for the time being of every other Lot shown on the Plan (with the exception of Lots 902 and 903) to the intent that the burden of this covenant may run with and bind the covenantor's Lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every other Lot shown on the Plan to observe the following stipulations:

[remainder of paragraph to remain unchanged]

2. requests the Chief Executive Officer to give notice of the proposed amendment to all relevant people, as required by section 103(2) of the *Local Government (Building and Miscellaneous Provisions Act) 1993 (Tas)*.
3. 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)*.

CARRIED 11:0

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

Note: The motion as passed contained an error in its first reference to Lot 902. This has been corrected to refer to Lot 903 in the decision above.

20.2. Recording and Streaming of Meetings Policy

FILE NO: SF4135

AUTHOR: Matt Morgan (Acting Manager Governance)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider the Video and Audio Streaming of Meetings Policy (14-Plx-017).

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

Local Government (Meeting Procedures) Regulations 2015

RECOMMENDATION:

That Council:

1. approves 14-Plx-017 Video and Audio Streaming of Meetings Policy (ECM Doc Set Id 51354200) as follows:

Video and Audio Streaming of Meetings Policy

PURPOSE

Pursuant to regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*, Council may determine to make an audio recording of a meeting.

Pursuant to regulation 37 of *Local Government (Meeting Procedures) Regulations 2015*, Council may determine any other procedures relating to meetings it considers appropriate.

This policy provides for the audio and video recording of Council Meetings, Annual General Meetings and Public Meetings, and for the live streaming of Council Meetings and Annual General Meetings, pursuant to regulations 33 and 37 respectively.

SCOPE

In respect to audio and video recordings of meetings, this policy applies to the open sessions of ordinary and special Council meetings, Annual General Meetings of the City of Launceston, and public meetings convened under sections 59 or 60F of the *Local Government Act 1993 (Tas)* (the Act). It does not apply to special committees or Council committees.

In respect of live streaming of meetings, this policy applies to the open sessions of ordinary and special Council meetings, Annual General Meetings of the City of Launceston, and public meetings convened under sections 59 or 60F of the Act when these meetings are held in the Council Chambers.

POLICY

Recording and streaming of meetings

Audio and video of the following meetings is recorded -

- open sessions of ordinary Council meetings
- open sessions of special Council meetings
- the Annual General Meeting of the City of Launceston
- public meetings convened under sections 59 or 60F of the Act

Any part of a meeting held in closed session is not recorded. Transcripts of audio recordings are not routinely prepared.

People may listen to, and view recordings stored on the Council's meeting stream channel on YouTube, accessed via www.launceston.tas.gov.au. Council can provide a copy of recordings on receipt of a request in writing and payment of a fee.

Audio Recordings are retained for a minimum of six (6) months, as required by section 33(2)(a) of the Act.

Live streaming of meetings

The video and audio of open sessions of ordinary Council meetings and special Council meetings that are held in the Council Chambers at Town Hall, will be streamed live via the Council's meeting stream channel on YouTube.

A decision around the live streaming of meetings not held in the Council Chambers will be made by the Chief Executive Officer (CEO) on a case-by-case basis.

Technical Difficulties

There may be situations where, due to technical difficulties a live stream may not be available. Whilst every effort will be made to ensure the live streaming and website are up and running smoothly, Council takes no responsibility for and cannot be held liable for, the live streaming or Council website being temporarily unavailable due to technical issues beyond its control. Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

Production

Images of attendees, including any minors, may be captured incidentally in meeting footage. By attending the meeting, consent is taken to be given by those individuals (or their legal guardians if applicable), to such an incidental image capture.

Identified Risks and Mitigation Action

Public Council meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory, or contrary to law.

Local Government decision making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply. Councillors and Officers Liability Insurance will be maintained by Council to provide protection for Councillors and Officers against litigation arising from unintentional defamation, liable and slander.

It should be noted that no protection is afforded to the public for comments made during meetings, which are subsequently challenged in a court of law and determined to be defamatory or slanderous. Whilst Council may not be liable for any defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

Accordingly, following any public council meeting the CEO has discretion to direct the removal of all or part of any video and/or audio recording which is considered inappropriate to be published. Material considered as inappropriate may include, but is not limited to:

- Defamation
- Infringement of Copyright
- Breach of Privacy / Disclosure of Personal Information
- Offensive Behaviour including Discrimination
- Vilification or Inciting Hatred
- Confidential or Privileged Council Information

In making this determination, the CEO may seek independent legal advice.

Privacy and Defamation

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed. However, Council expressly provides no assurances to this effect and by entering or exiting the Council Chamber or by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast images and audio recordings.

The opinions or statements made during the course of the meeting are those of the particular individuals, and not necessarily the opinions or statements of Council. Council does not necessarily endorse or support the views, opinions, standards, or information contained in the live streaming and video recording of the Council meetings.

Council does not accept any responsibility for the comments made or information provided during Council meetings and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

PRINCIPLES

Council's Organisational Values apply to all activities.



**Our people
matter**



**We care about
our community**



**We bring an
open mind**



**We go home
safe and well**

RELATED POLICIES & PROCEDURES

14-Fmx-009 Request for Council Meeting Audio Recording

RELATED LEGISLATION

Local Government Act 1993 (Tas)

Local Government (Meeting Procedures) Regulations 2015

REFERENCES

Not applicable

DEFINITIONS

Streaming - the transmission of data (e.g. video or audio) over the internet in a steady, continuous flow

REVIEW

This policy will be reviewed every four (4) years, after each Council election or more frequently, if dictated by operational demands and with Council's approval.

2. should Recommendation 1 be adopted, approves that 14-Plx-008 Audio Recording and Streaming of Meetings Policy (ECM Doc Set Id 299074) be made redundant.

Matt Morgan (Acting Manager Governance) was in attendance to answer questions in respect of this Item.

DECISION: 17 October 2024

MOTION

Moved Councillor A E Dawkins, seconded Councillor A G Harris.

That Council:

1. approves 14-Plx-017 Video and Audio Streaming of Meetings Policy (ECM Doc Set Id 51354200) as follows:

Video and Audio Streaming of Meetings Policy

PURPOSE

Pursuant to regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*, Council may determine to make an audio recording of a meeting.

Pursuant to regulation 37 of *Local Government (Meeting Procedures) Regulations 2015*, Council may determine any other procedures relating to meetings it considers appropriate.

This policy provides for the audio and video recording of Council Meetings, Annual General Meetings and Public Meetings, and for the live streaming of Council Meetings and Annual General Meetings, pursuant to regulations 33 and 37 respectively.

SCOPE

In respect to audio and video recordings of meetings, this policy applies to the open sessions of ordinary and special Council meetings, Annual General Meetings of the City of Launceston, and public meetings convened under sections 59 or 60F of the *Local Government Act 1993 (Tas)* (the Act). It does not apply to special committees or Council committees.

In respect of live streaming of meetings, this policy applies to the open sessions of ordinary and special Council meetings, Annual General Meetings of the City of Launceston, and public meetings convened under sections 59 or 60F of the Act when these meetings are held in the Council Chambers.

POLICY

Recording and streaming of meetings

Audio and video of the following meetings is recorded -

- open sessions of ordinary Council meetings
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- the Annual General Meeting of the City of Launceston
- public meetings convened under sections 59 or 60F of the Act

Any part of a meeting held in closed session is not recorded. Transcripts of audio recordings are not routinely prepared.

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Audio Recordings are retained for a minimum of six (6) months, as required by section 33(2)(a) of the Act.

Live streaming of meetings

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Technical Difficulties

There may be situations where, due to technical difficulties a live stream may not be available. Whilst every effort will be made to ensure the live streaming and website are up and running smoothly, Council takes no responsibility for and cannot be held liable for, the live streaming or Council website being temporarily unavailable due to technical issues beyond its control. Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

Production

Images of attendees, including any minors, may be captured incidentally in meeting footage. By attending the meeting, consent is taken to be given by those individuals (or their legal guardians if applicable), to such an incidental image capture.

Identified Risks and Mitigation Action

Public Council meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory, or contrary to law.

Local Government decision making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply. Councillors and Officers Liability Insurance will be maintained by Council to provide protection for Councillors and Officers against litigation arising from unintentional defamation, liable and slander.

It should be noted that no protection is afforded to the public for comments made during meetings, which are subsequently challenged in a court of law and determined to be defamatory or slanderous. Whilst Council may not be liable for any defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

Accordingly, following any public council meeting the CEO has discretion to direct the removal of all or part of any video and/or audio recording which is considered inappropriate to be published. Material considered as inappropriate may include, but is not limited to:

- Defamation
- Infringement of Copyright
- Breach of Privacy / Disclosure of Personal Information
- Offensive Behaviour including Discrimination
- Vilification or Inciting Hatred
- Confidential or Privileged Council Information

In making this determination, the CEO may seek independent legal advice.

Privacy and Defamation

The audio-visual recording equipment will be configured in a way which avoids coverage of the public gallery area and Council will endeavour to ensure images in this area are not streamed. However, Council expressly provides no assurances to this effect and by entering or exiting the Council Chamber or by remaining in the public gallery area, it is assumed that consent has been given to the Council to broadcast images and audio recordings.

The opinions or statements made during the course of the meeting are those of the particular individuals, and not necessarily the opinions or statements of Council. Council does not necessarily endorse or support the views, opinions, standards, or information contained in the live streaming and video recording of the Council meetings.

Council does not accept any responsibility for the comments made or information provided during Council meetings and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

PRINCIPLES

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matter**



**We care about
our community**



**We bring an
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**We go home
safe and well**

RELATED POLICIES & PROCEDURES

14-Fmx-009 Request for Council Meeting Audio Recording

RELATED LEGISLATION

Local Government Act 1993 (Tas)

Local Government (Meeting Procedures) Regulations 2015

REFERENCES

Not applicable

DEFINITIONS

Streaming - the transmission of data (e.g. video or audio) over the internet in a steady, continuous flow

REVIEW

This policy will be reviewed every four (4) years, after each Council election or more frequently, if dictated by operational demands and with Council's approval.

- 2. should Recommendation 1 be adopted, approves that 14-Plx-008 Audio Recording and Streaming of Meetings Policy (ECM Doc Set Id 299074) be made redundant.**

CARRIED 11:0

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

20.3. Quarterly Report - Organisational Services Network

FILE NO: SF0927

AUTHOR: Louise Foster (General Manager Organisational Services Network), Nathan Williams (Chief Financial Officer), Samuel Kelty (Manager Finance), Matt Gray (Manager Information and Technology Services), Matt Morgan (Acting Manager Governance), Roxanne Chugg (Manager People and Culture) and Sarah McRobbie (Manager Innovation and Performance)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To receive a report about activities of the Organisational Services Network between 1 July and 30 September 2024.

RELEVANT LEGISLATION:

Not Applicable.

RECOMMENDATION:

That Council receives the below report.

DECISION: 17 October 2024

MOTION

Moved Councillor A G Harris, seconded Councillor T G Walker.

That Council receives the below report.

CARRIED 11:0

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

20.4. Chief Executive Officer's Contract and Performance Review Committee Terms of Reference

FILE NO: SF5695

AUTHOR: Matt Morgan (Acting Manager Governance)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider the Chief Executive Officer's Contract and Performance Review Committee Terms of Reference (14-ToR-004).

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

Local Government (Meeting Procedures) Regulations 2015

Local Government (Appointment and Performance Management of General Managers) order 2024

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 26 September 2024 - Agenda Item 1.2 CEO Performance Management

RECOMMENDATION:

That Council:

1. approves the Chief Executive Officer's Contract and Performance Review Committee Terms of Reference (14-ToR-004) (ECM Doc Set Id 5138238) as follows:

Chief Executive Officer's Contract and Performance Review Committee Terms of Reference

The Chief Executive Officer's Contract and Performance Review Committee is a council committee established pursuant to section 23(1) of the *Local Government Act 1993 (Tas)*.

PURPOSE

The lead purpose of the Chief Executive Officer's Contract and Performance Review Committee is, in consultation with the Chief Executive Officer, to establish performance objectives for the Chief Executive Officer and undertake formal reviews of performance against those objectives at intervals specified within the Chief Executive Officer's employment agreement.

The Committee will also undertake an annual review of the Chief Executive Officer's remuneration in accordance with the employment agreement.

The Committee will obtain and consider the advice of an appropriately qualified person to support the establishment of performance objectives and the conduct of the remuneration review described above.

ROLE AND RESPONSIBILITIES

The Committee will advise the Council on matters relating to the Chief Executive Officer's performance and development:

- Reviewing the Chief Executive Officer's performance over the performance periods specified in the employment agreement
- Monitoring progress towards agreed targets
- Determining targets for future performance periods
- Identifying professional development opportunities for the Chief Executive Officer
- Reviewing remuneration and any other conditions of employment of the Chief Executive Officer
- Making recommendations to Council in respect of any of the above

DELEGATED AUTHORITY

The Council authorises the Committee to engage an appropriately qualified person to support the establishment of performance objectives and conduct remuneration reviews. In all other matters, the Committee acts in an advisory capacity and has no delegated authority to make decisions on Council's behalf.

From time to time, the Council may determine to delegate additional decision making authority to the Committee.

MEMBERSHIP

The Committee is comprised of up to five Councillors, which includes the Mayor, Deputy Mayor and up to three other Councillors who will be appointed to the Committee by the Council.

TERMS OF APPOINTMENT

- Excluding the membership of the Mayor and Deputy Mayor, the Committee's membership will be reviewed every two years.
- Any member may resign at any time by advising their resignation to the Committee in writing.
- If a Committee member is absent without notification for two consecutive meetings, the Committee may declare the position vacant. When a vacancy occurs, the Mayor will determine the process for filling the vacancy.

CHAIR OF THE COMMITTEE

The Mayor is the Chair of the Committee.

If the Mayor is absent from a meeting, the Deputy Mayor will act as Chair during the absence of the Mayor.

The role of the Chair is to facilitate the conduct of meetings in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.

MEETING ARRANGEMENTS

The Committee will meet at least quarterly, on days and times to be determined by the Committee at its first meeting.

The days and times of meetings will be published in keeping with the requirements for a council committee, as detailed in the *Local Government (Meeting Procedures) Regulations 2015*.

MEETING QUORUM

A quorum is three Councillors, at least one of whom must be the Mayor or Deputy Mayor. If a quorum cannot be achieved, the Meeting is to be postponed and reconvened at a later date.

MEETING NOTICES

Notice of meetings will be issued as required by the *Local Government (Meeting Procedures) Regulations 2015*.

Meeting Agendas, Minutes and meeting papers will be distributed to all Committee members via email at least four clear days of the scheduled Meeting.

A Committee Member may request an item to be included on the Agenda by advising the Chair at least eight working days prior to a Meeting.

Minutes of Committee meetings will be kept in accordance with the *Local Government (Meeting Procedures) Regulations 2015* and circulated to Committee Members following the Meeting.

MEETING PROCEDURES

The meeting procedures for the Committee are set out in the *Local Government (Meeting Procedures) Regulations 2015*.

PUBLIC ACCESS TO MEETINGS AND DOCUMENTS

Subject to a decision of the Committee by simple majority at each of its meetings, meetings of the Chief Executive Officer's Contract and Performance Review Committee will be held in closed session pursuant to regulation 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*. As is required by the *Local Government (Meeting Procedures) Regulations 2015*, the Committee will consider while in closed

session whether any discussions, decisions reports or documents are to remain confidential or released to the public, taking into account privacy and confidentiality issues.

FEEDBACK OF CHIEF EXECUTIVE OFFICER PERFORMANCE

Feedback may be positive of the raising of issues or concerns. Councillors are encouraged to provide feedback regarding the Chief Executive Officer's performance. They may do so by detailing their feedback in writing to the Mayor for consideration at the next Committee meeting.

The Committee will consider any formal feedback provided by a Councillor and respond in writing when it considers a written response appropriate.

RECOMMENDATIONS FROM THE COMMITTEE

The Committee may make recommendations to the Council on any matter discussed in these terms of reference.

The Committee may recommend to Council the appointment of a qualified independent person (or persons) who:

- i. has appropriate qualifications or experience in human resource management (and employment law if the review relates to the Chief Executive Officer's Employment Agreement)
- ii. must not be a member or employee of the City of Launceston to provide advice during the conduct of the Chief Executive Officer's annual performance, remuneration and performance criteria reviews or any other review of the Chief Executive Officer's Employment Agreement.

AMENDMENT TO THE TERMS OF REFERENCE

The Committee and the Chief Executive Officer will be invited to comment on any amendment to these terms of reference that may be proposed by the Council.

INTERPRETATION

Any disputes in relation to the interpretation or application of these terms of reference that are not able to be resolved by the Committee will be determined by the Council.

CODE OF CONDUCT

All Committee members must adhere to the Code of Conduct for Councillors.

ORGANISATIONAL VALUES

The Committee will conduct itself in a manner that supports the City of Launceston's organisational values.



**Our people
matter**



**We care about
our community**



**We bring an
open mind**



**We go home
safe and well**

CONFLICT OF INTEREST

If a Committee Member has an interest in any matter to be discussed in the Meeting, they must declare a conflict of interest in it at the commencement of the Meeting. A declared interest will result in the inability for that member to be involved in the discussion of that matter. The committee member must withdraw from the meeting during the discussion of the matter and can return to the meeting at the conclusion of the item.

Declarations of interest will be minuted and the times that committee members are absent from the meeting due to a declaration of interest will also be recorded at the appropriate item in the minutes.

OTHER MATTERS

The Committee will have reasonable access to resources to meet its purpose, with due regard to the budgetary and other resourcing constraints of Council.

The Committee will consider relevant laws, regulations and guidelines in its approach to monitoring the performance of the Chief Executive Officer.

The Committee and the Chief Executive Officer will approach negotiations on matters within the Committee's remit in good faith.

The Office of the Mayor will provide administrative support to the Committee, including coordination of agendas and minutes, and will act as a point of contact to all Committee members and the qualified independent person.

CONTACT WITH THE COMMITTEE

Members of the public who wish to make contact with the Committee may address correspondence to:

Chief Executive Officer's Contract and Performance Review Committee

In person: Town Hall, St John Street, Launceston

Email: contactus@launceston.tas.gov.au

Via Post: PO Box 396, Launceston TAS 7250.

RELATED POLICIES AND PROCEDURES

[Code of Conduct Framework for Tasmanian Councillors](#)

REVIEW

These Terms of Reference will be reviewed each time there is a change in membership of the Committee, or earlier if determined by Council.

2. should recommendation 1 be adopted, approves that 22-PI-008 General Manager's Contract and Performance Sub-Committee Policy (ECM Doc Set Id 294448) be made redundant.
3. should Recommendation 1 be adopted, nominate up to 3 Councillors to form the Chief Executive Officers Contract and Performance Review Committee.

DECISION: 17 October 2024

MOTION 1

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor A E Dawkins.

That Council:

1. approves the Chief Executive Officer's Contract and Performance Review Committee Terms of Reference (14-ToR-004) (ECM Doc Set Id 5138238) as follows:

Chief Executive Officer's Contract and Performance Review Committee Terms of Reference

The Chief Executive Officer's Contract and Performance Review Committee is a council committee established pursuant to section 23(1) of the *Local Government Act 1993 (Tas)*.

PURPOSE

The lead purpose of the Chief Executive Officer's Contract and Performance Review Committee is, in consultation with the Chief Executive Officer, to establish performance objectives for the Chief Executive Officer and undertake formal reviews of performance against those objectives at intervals specified within the Chief Executive Officer's employment agreement.

The Committee will also undertake an annual review of the Chief Executive Officer's remuneration in accordance with the employment agreement.

The Committee will obtain and consider the advice of an appropriately qualified person to support the establishment of performance objectives and the conduct of the remuneration review described above.

ROLE AND RESPONSIBILITIES

The Committee will advise the Council on matters relating to the Chief Executive Officer's performance and development:

- Reviewing the Chief Executive Officer's performance over the performance periods specified in the employment agreement
- Monitoring progress towards agreed targets
- Determining targets for future performance periods
- Identifying professional development opportunities for the Chief Executive Officer
- Reviewing remuneration and any other conditions of employment of the Chief Executive Officer
- Making recommendations to Council in respect of any of the above

DELEGATED AUTHORITY

The Council authorises the Committee to engage an appropriately qualified person to support the establishment of performance objectives and conduct remuneration reviews. In all other matters, the Committee acts in an advisory capacity and has no delegated authority to make decisions on Council's behalf.

From time to time, the Council may determine to delegate additional decision making authority to the Committee.

MEMBERSHIP

The Committee is comprised of up to five Councillors, which includes the Mayor, Deputy Mayor and up to three other Councillors who will be appointed to the Committee by the Council.

TERMS OF APPOINTMENT

- Excluding the membership of the Mayor and Deputy Mayor, the Committee's membership will be reviewed every two years.
- Any member may resign at any time by advising their resignation to the Committee in writing.
- If a Committee member is absent without notification for two consecutive meetings, the Committee may declare the position vacant. When a vacancy occurs, the Mayor will determine the process for filling the vacancy.

CHAIR OF THE COMMITTEE

The Mayor is the Chair of the Committee.

If the Mayor is absent from a meeting, the Deputy Mayor will act as Chair during the absence of the Mayor.

The role of the Chair is to facilitate the conduct of meetings in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.

MEETING ARRANGEMENTS

The Committee will meet at least quarterly, on days and times to be determined by the Committee at its first meeting.

The days and times of meetings will be published in keeping with the requirements for a council committee, as detailed in the *Local Government (Meeting Procedures) Regulations 2015*.

MEETING QUORUM

A quorum is three Councillors, at least one of whom must be the Mayor or Deputy Mayor. If a quorum cannot be achieved, the Meeting is to be postponed and reconvened at a later date.

MEETING NOTICES

Notice of meetings will be issued as required by the *Local Government (Meeting Procedures) Regulations 2015*.

Meeting Agendas, Minutes and meeting papers will be distributed to all Committee members via email at least four clear days of the scheduled Meeting.

A Committee Member may request an item to be included on the Agenda by advising the Chair at least eight working days prior to a Meeting.

Minutes of Committee meetings will be kept in accordance with the *Local Government (Meeting Procedures) Regulations 2015* and circulated to Committee Members following the Meeting.

MEETING PROCEDURES

The meeting procedures for the Committee are set out in the *Local Government (Meeting Procedures) Regulations 2015*.

PUBLIC ACCESS TO MEETINGS AND DOCUMENTS

Subject to a decision of the Committee by simple majority at each of its meetings, meetings of the Chief Executive Officer's Contract and Performance Review Committee will be held in closed session pursuant to regulation 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*. As is required by the *Local Government (Meeting Procedures) Regulations 2015*, the Committee will consider while in closed session whether any discussions, decisions reports or documents are to remain confidential or released to the public, taking into account privacy and confidentiality issues.

FEEDBACK OF CHIEF EXECUTIVE OFFICER PERFORMANCE

Feedback may be positive of the raising of issues or concerns.

Councillors are encouraged to provide feedback regarding the Chief Executive Officer's performance. They may do so by detailing their feedback in writing to the Mayor for consideration at the next Committee meeting.

The Committee will consider any formal feedback provided by a Councillor and respond in writing when it considers a written response appropriate.

RECOMMENDATIONS FROM THE COMMITTEE

The Committee may make recommendations to the Council on any matter discussed in these terms of reference.

The Committee may recommend to Council the appointment of a qualified independent person (or persons) who:

- i. has appropriate qualifications or experience in human resource management (and employment law if the review relates to the Chief Executive Officer's Employment Agreement)
- ii. must not be a member or employee of the City of Launceston to provide advice during the conduct of the Chief Executive Officer's annual performance, remuneration and performance criteria reviews or any other review of the Chief Executive Officer's Employment Agreement.

AMENDMENT TO THE TERMS OF REFERENCE

The Committee and the Chief Executive Officer will be invited to comment on any amendment to these terms of reference that may be proposed by the Council.

INTERPRETATION

Any disputes in relation to the interpretation or application of these terms of reference that are not able to be resolved by the Committee will be determined by the Council.

CODE OF CONDUCT

All Committee members must adhere to the Code of Conduct for Councillors.

ORGANISATIONAL VALUES

The Committee will conduct itself in a manner that supports the City of Launceston's organisational values.



Our people matter



We care about our community



We bring an open mind



We go home safe and well

CONFLICT OF INTEREST

If a Committee Member has an interest in any matter to be discussed in the Meeting, they must declare a conflict of interest in it at the commencement of the Meeting. A declared interest will result in the inability for that member to be involved in the discussion of that matter. The committee member must withdraw from the meeting during the discussion of the matter and can return to the meeting at the conclusion of the item.

Declarations of interest will be minuted and the times that committee members are absent from the meeting due to a declaration of interest will also be recorded at the appropriate item in the minutes.

OTHER MATTERS

The Committee will have reasonable access to resources to meet its purpose, with due regard to the budgetary and other resourcing constraints of Council.

The Committee will consider relevant laws, regulations and guidelines in its approach to monitoring the performance of the Chief Executive Officer.

The Committee and the Chief Executive Officer will approach negotiations on matters within the Committee's remit in good faith.

The Office of the Mayor will provide administrative support to the Committee, including coordination of agendas and minutes, and will act as a point of contact to all Committee members and the qualified independent person.

CONTACT WITH THE COMMITTEE

Members of the public who wish to make contact with the Committee may address correspondence to:

Chief Executive Officer's Contract and Performance Review Committee

In person: Town Hall, St John Street, Launceston

Email: contactus@launceston.tas.gov.au

Via Post: PO Box 396, Launceston TAS 7250.

RELATED POLICIES AND PROCEDURES

[Code of Conduct Framework for Tasmanian Councillors](#)

REVIEW

These Terms of Reference will be reviewed each time there is a change in membership of the Committee, or earlier if determined by Council.

2. should recommendation 1 be adopted, approves that 22-PI-008 General Manager's Contract and Performance Sub-Committee Policy (ECM Doc Set Id 294448) be made redundant.

CARRIED 11:0

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

DECISION: 17 October 2024

MOTION 2

Moved Councillor T G Walker, seconded Councillor A J Britton.

That Council, in respect of the Chief Executive Officer's Contract and Performance Committee, a council committee convened pursuant to section 23 of the *Local Government Act 1993* (Tas), appoints Councillor A G Harris, Councillor A J Palmer and Councillor A E Dawkins as Committee members.

CARRIED 11:0

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

20.5. Budget Amendment - 17 October 2024

FILE NO: SF6817/SF7334

AUTHOR: Samuel Kelty (Manager Finance)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

For Council to:

1. consider changes to the Council's 2024/2025 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

2. consider adjustments made during 1 September to 30 September 2024 by the Chief Executive Officer to the 2024/2025 Budget.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

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 2024/2025 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$949,014.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$90,000.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$949,014.
 - ii. the decrease in the Council's funded expenditure of \$90,000.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating deficit being amended to \$5,648,351 (including capital grants of \$19,178,656) for 2024/2025.
 - (b) the capital budget being increased to \$43,531,656 for 2024/2025.
 3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2024/2025 budget for the period 1 September to 30 September 2024.
-

Samuel Kelty (Manager Finance) was in attendance to answer questions in respect of this Item.

Councillor L M McMahon withdrew from the Meeting at 2:44 pm

DECISION: 17 October 2024

MOTION

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor A E Dawkins.

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 2024/2025 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$949,014.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$90,000.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$949,014.
 - ii. the decrease in the Council's funded expenditure of \$90,000.
2. notes that amendments from Recommendation 1. result in:
 - (a) the operating deficit being amended to \$5,648,351 (including capital grants of \$19,178,656) for 2024/2025.
 - (b) the capital budget being increased to \$43,531,656 for 2024/2025.
3. pursuant to section 82(7) of the *Local Government Act 1993* (Tas), receives the Chief Executive Officer's report on adjustments to the 2024/2025 budget for the period 1 September to 30 September 2024.

CARRIED BY ABSOLUTE MAJORITY 10:0

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

AGAINST VOTE: Nil

ABSENT AT TIME OF VOTE: Councillor L M McMahon

20.6. Representation at the International Place Branding Conference 2024 - 6 to 7 November 2024.

FILE NO: SF7206

AUTHOR: Alison Flood (Executive Assistant Mayor)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider Councillor Matthew Garwood and Councillor Andrew Palmer representing City of Launceston at the International Place Branding Conference in London on 6-7 November 2024.

RELEVANT LEGISLATION:

Local Government (Meeting Procedures) Regulations 2015

RECOMMENDATION(S):

That Council approves the visit of Mayor Garwood and Councillor Andrew Palmer to the International Place Branding Conference in London from 6 to 7 November 2024.

Councillor A G Harris retired from the Meeting at 2:45 pm
Councillor L M McMahon re-attended the Meeting at 2:47 pm

DECISION: 17 October 2024

MOTION

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

That Council approves the visit of Mayor Garwood and Councillor Andrew Palmer to the International Place Branding Conference in London from 6 to 7 November 2024.

LOST 0:10

FOR VOTE: Nil

AGAINST VOTE: Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor T G Walker, Councillor Prof G Razay, Councillor J J Pentridge, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton

ABSTAINED: Mayor Councillor M K Garwood and Councillor A J Palmer

20.7. Visit to Parliament House - 17 to 19 November 2024

FILE NO: SF5210

AUTHOR: Alison Flood (Executive Assistant Mayor)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider an advocacy visit to Canberra for meetings with Ministers by Mayor Garwood from 17-19 November 2024

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council approves the visit of Mayor Garwood to Canberra for Parliament House meetings with Ministers from 17 to 19 November 2024.

DECISION: 17 October 2024

MOTION

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor T G Walker.

That Council approves the visit of Mayor Garwood to Canberra for Parliament House meetings with Ministers from 17 to 19 November 2024.

CARRIED 9:1

FOR VOTE: Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor T G Walker, Councillor Prof 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

ABSTAINED FROM VOTE: Mayor Councillor M K Garwood

20.8. Representation at National Local Roads Transport and Infrastructure Congress - 2 to 4 December 2024

FILE NO: SF0121, SF0619

AUTHOR: Alison Flood (Executive Assistant Mayor)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider the attendance of Councillor Matthew Garwood and Councillor Alex Britton at the National Local Roads, Transport and Infrastructure Congress in Margaret River, 2 - 4 December 2024.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council approves the attendance of Councillor Matthew Garwood and Councillor Alex Britton at the National Local Roads, Transport and Infrastructure Congress in Margaret River on 2 - 4 December, 2024.

The Mayor advised Councillor A J Britton was no longer available to attend the National Local Roads, Transport and Infrastructure Congress in Margaret River on 2 - 4 December 2024, and the recommendation was amended to reflect this.

DECISION: 17 October 2024

MOTION

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor A E Dawkins.

That Council approves the attendance of Councillor Matthew Garwood at the National Local Roads, Transport and Infrastructure Congress in Margaret River on 2 - 4 December, 2024.

CARRIED 9:1

FOR VOTE: Deputy Mayor Councillor D H McKenzie, Councillor A E Dawkins, Councillor T G Walker, Councillor Prof 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

ABSTAINED FROM VOTE: Mayor Councillor M K Garwood

20.9. Change of Date Request - Annual General Meeting

FILE NO: SF0098

AUTHOR: Kelsey Hartland (Team Leader Governance)

APPROVER: Louise Foster (General Manager Organisational Services Network)

DECISION STATEMENT:

To consider postponing the City of Launceston's Annual General Meeting from 5 December 2024 until 12 December 2024 to enable the Mayor, Councillor Matthew Garwood to attend.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas) s.72B Annual General Meeting

Local Government (Meeting Procedures) Regulations 2015 s.7. Notice of meetings

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 16 November 2023 - Agenda Item 15.2 - 2024 Councillors' Meeting Schedule

RECOMMENDATION:

That Council:

1. notes that the 2024 Councillors' Meeting Schedule was approved by Council on 16 November 2023 and listed the City of Launceston's Annual General Meeting as 5.30pm, Thursday 5 December 2024, in line with 14-Plx-001 Council Meetings Policy (Frequency and Commencement Time);
 2. notes, that the Mayor, Councillor Matthew Garwood, if successful in his application to represent the City of Launceston at the 2024 National Local Roads, Transport and Infrastructure Congress, on 3 and 4 December 2024, in Margaret River, Western Australia, will not be available to attend or chair the Annual General Meeting on 5 December 2024;
 3. approves the postponement of the Annual General Meeting from 5 December 2024 to 12 December 2024 to allow the Mayor to attend the Annual General Meeting.
-

DECISION: 17 October 2024

MOTION

Moved Councillor A E Dawkins, seconded Councillor L M McMahon.

That Council:

- 1. notes that the 2024 Councillors' Meeting Schedule was approved by Council on 16 November 2023 and listed the City of Launceston's Annual General Meeting as 5.30pm, Thursday 5 December 2024, in line with 14-Plx-001 Council Meetings Policy (Frequency and Commencement Time);**
- 2. notes, that the Mayor, Councillor Matthew Garwood, if successful in his application to represent the City of Launceston at the 2024 National Local Roads, Transport and Infrastructure Congress, on 3 and 4 December 2024, in Margaret River, Western Australia, will not be available to attend or chair the Annual General Meeting on 5 December 2024;**
- 3. approves the postponement of the Annual General Meeting from 5 December 2024 to 12 December 2024 to allow the Mayor to attend the Annual General Meeting.**

CARRIED 10:0

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

21. CHIEF EXECUTIVE OFFICER NETWORK

21.1. Quarterly Report - Chief Executive Officer

FILE NO: SF0008

AUTHOR: Lorraine Wyatt (Council and Committees Officer)

APPROVER: Sam Johnson OAM (Chief Executive Officer)

DECISION STATEMENT:

This report provides a general update on activities and responsibilities within the Chief Executive Officer's (CEO) remit.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council receives and notes the report for the period 1 July 2024 to 30 September 2024.

DECISION: 17 October 2024

MOTION

Moved Deputy Mayor Councillor D H McKenzie, seconded Councillor T G Walker.

That Council receives and notes the report for the period 1 July 2024 to 30 September 2024.

CARRIED 10:0

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

22. LATE ITEMS

No Closed Items have been identified as part of this Agenda

23. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

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

23.1. Confirmation of the Minutes

REASON FOR CLOSED COUNCIL:

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.

23.2. Councillors' Leave of Absence

REASON FOR CLOSED COUNCIL:

This item is **CONFIDENTIAL** in accordance with regulation 15(2)(h) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

(h) applications by councillors for a leave of absence.

23.3. Councillors' Leave of Absence

REASON FOR CLOSED COUNCIL:

This item is **CONFIDENTIAL** in accordance with regulation 15(2) (h) of the *Local Government (Meeting Procedures) Regulations 2015*, which permits the meeting to be closed to the public for business relating to the following:

(h) applications by councillors for a leave of absence.

Councillor A J Britton withdrew from the Meeting at 3:03 pm

DECISION: 17 October 2024

MOTION

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

That Council moves into Closed Session.

CARRIED BY ABSOLUTE MAJORITY 9:0

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

AGAINST VOTE: Nil

ABSENT AT TIME OF VOTE: Councillor A J Britton

Council moved into Closed Session at 3.03pm.

Council returned to Open Session at 3.52pm.

23.4. End of Closed Session

DECISION: 17 October 2024

MOTION

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

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:

Minutes Item	Matter	Brief Description
23.1	<i>Closed Council Minutes – 3 October 2024.</i>	<i>Confirmation of the Minutes of the Closed Meeting of the City of Launceston Council held on 3 October 2024.</i>
23.2	<i>Councillors' Leave of Absence</i>	<i>Councillors endorsed a personal leave request.</i>
23.3	<i>Councillors' Leave of Absence</i>	<i>Councillors endorsed a personal leave request.</i>

CARRIED 10:0

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

24. MEETING CLOSURE

The Mayor, Councillor M K Garwood, closed the Meeting at 3.52pm.

25. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 31 October 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.