



LAUNCESTON CITY COUNCIL

A Leader in Community & Government

COUNCIL MINUTES

**COUNCIL MEETING
27 AUGUST 2001**

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27 August 2001

MEETING HELD AT: Town Hall, Launceston

MEETING COMMENCEMENT: 1.00 pm

Present: Alderman A L Waddle (Acting Mayor)
A C Peck
G W Beams (1.15 pm)
H G Brookes
M E Smart
R W Shipp
J Walters
R J Sands
J Dickenson

In Attendance: Mr R G Campbell (General Manager)
Mr M Reynolds (Corporate Secretary)
Ms J Marek (Committee Clerk/Admin Officer)

Apologies: Alderman J B Lees (Mayor)
Alderman R L McKendrick
Alderman I J N Routley

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING	1
2	DECLARATION OF PECUNIARY INTERESTS	1
3	PUBLIC QUESTION TIME	2
3.1	Mr J Dickenson – A Night in the Gorge Concert Item 10.1	2
4	DEPUTATION	3
4.1	Deputation - Prospect High School	3
4.2	Deputation - City Prom Ltd - Brand Marketing	5
5	CONFIRMATION OF MINUTES	7

CHAIRMAN:

**MEETING BOOK
PAGE No.:**

LAUNCESTON CITY COUNCIL

A Leader in Community & Government

COUNCIL MINUTES

27 August 2001

Item No	Item	Page No
6	ANNOUNCEMENTS BY THE MAYOR	8
6.1	York Park – Announcement by Premier of additional AFL game	8
6.2	Vietnam Veterans Association	9
6.3	Request to bring forward Agenda Item 12.1 – Taping of Council Meetings	10
7	PETITIONS	11
8	BUSINESSES AND OPERATIONS	12
8.1	Amendment 63 - 10 Morris and 1 Bruce Street, Prospect - Old Tyler House Complex	12
8.2	Dog Control Act 2000 - Fees	16
8.3	Nickelodeon Australia - Place of Assembly - Specific Event Licence	17
9	TOTAL WORKFORCE	18
9.1	Launceston Municipal Emergency Management Plan and Flood Evacuation Sub-Plan	18
10	STRATEGIC DEVELOPMENT	19
10.1	A Night in the Gorge Concert	19
10.2	Tasicomm	20
10.3	Additional Seating - York Park - Request to Tender	21
10.4	Land Sales - Ogilvie Park	22
11	INFRASTRUCTURE ASSETS	23
11.1	Flood Protection Works - Intention to Make a By-Law	23
	PART 2 – DISALLOWED ACTIVITIES	25
	PART 3 - PERMITS	27

CHAIRMAN:

**MEETING BOOK
PAGE No.:**

LAUNCESTON CITY COUNCIL

A Leader in Community & Government

COUNCIL MINUTES

27 August 2001

Item No	Item	Page No
11.2	Notice of Motion - Tamar Rowing Club	35
12	CORPORATE SERVICES	36
12.1	Policy - Review - Recording/Taping of Meetings	36
12.2	Business Advisory Council - Decision to Amend Membership	39
12.3	Notice of Motion - Refusal to Give Information	41
12.4	Council Meeting Schedule 2002	42
12.5	Superannuation Fund - Benefit Changes	45
13	GENERAL MANAGER	46
13.1	Grant Report - Cameron Daniel	46
13.2	Grant Report - Targa Tasmania 2001	47
13.3	Local Government Board - General Review of Council	48
13.4	Freedom of the City	49
14	NOTICE OF MOTION	50
14.1	Review of Deputation Policy	50
15	REPORTS BY THE MAYOR	51
16	REPORTS BY THE GENERAL MANAGER	51
17	ALDERMEN'S/DELEGATES' REPORTS	52
17.1	LGAT General Committee Meeting	52
17.2	Tourism	53
17.3	Community Grants	54
17.4	Gateway	55
18	MEETING CLOSURE	56

1 OPENING OF MEETING

The Acting Mayor opened the Meeting at 1.00 pm.

2 DECLARATION OF PECUNIARY INTERESTS

Nil

3 PUBLIC QUESTION TIME

3.1 Mr J Dickenson – A Night in the Gorge Concert Item 10.1

Mr J Dickenson asked the following questions –

Is Council aware that a starting time of 4.00 pm had been previously suggested to management?

Is Council aware that Hobart has a similar concert which is free?

Is Council aware that at least 2 international entrepreneurs have recently visited the Gorge and praised the concert and venue as world class potential?

Is Council aware that Council is currently undertaking research into the cultural life of our city?

Will Council's A Night in the Gorge organising Committee be reconvened, with addition of new members to brain-storm innovative ways to ensure the event continues?

The Acting Mayor took the questions on notice.

4 DEPUTATION

Mr I Abernethy was in attendance to answer questions of Council in respect of Agenda Items 4.1 – 10.4 inclusive.

Mr R Fisher was in attendance to answer questions of Council in respect of Agenda Items 4.1 – 8.3 inclusive.

4.1 Deputation - Prospect High School

FILE NO: SF3061

AUTHOR: Mhairi Vogt (Youth Development Officer)

DECISION STATEMENT:

To receive a deputation at 1.00 pm consisting of Alicia Perry, Lauren Ellerton, Ben le Fevre, Stacey Todd, Matthew Burne and Michelle Cripps, from Prospect High School regarding the Student Leaders Conference and Student Leadership day which were held in April 2001.

PREVIOUS COUNCIL CONSIDERATION:

Council has considered the Esk District Conference and Student Leadership Day during previous discussions with regards to the Community Events / Grants Program on January 13th 2001.

Additionally, on February 12th 2001, Michelle Cripps and three students from Prospect High School appeared before Council as a deputation to inform Council on the events described above. The deputation was received positively by Council.

Aldermen asked that Michelle Cripps and the three students return to Council at a date after the Conference and Leadership Day to give an update on how the events went.

RECOMMENDATION:

That the deputation be received by Council.

DECISION: 27/8/2001

4.1 Deputation - Prospect High School...(Cont'd)

RESOLUTION:

Moved Alderman J Walters, seconded Alderman M E Smart.

That the Deputation be received.

CARRIED

The deputation of Michelle Cripps, Alicia Perry, Ben Le Fevre, Stacey Todd and Matthew Burne attended at 1.07 pm.

The following points were made –

- A report on the Conferences held in Launceston was given.
- The Esk District Conference and the State Leadership day cost \$16,000 and \$12,000 respectively - financial reports will be provided to Council in September.
- Two students attended a PASTA conference in the USA in June / July 2001. They ran the workshop and formed a network of student leaders.
- Prospect High School students have been asked to attend a conference in Thailand in 2002.
- Students have raised \$30,000 - \$40,000 for the conferences.

The deputation answered the questions of Council.

Ald Beams attended at 1.15 pm.

The deputation withdrew at 1.28 pm.

4.2 Deputation - City Prom Ltd - Brand Marketing

FILE NO: SF0016

AUTHOR: Martin Reynolds (Corporate Secretary)

DECISION STATEMENT:

To receive a deputation at 1.30pm, comprising Mr Philip Learson, Ms Jos Littlejohn and Mr Chris Dury, to brief Council on brand marketing for City Prom.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

- 1) That the deputation be received.
- 2) That Council approve the use of accumulated funds in the CBD Reserve Account to a maximum of the balance as at 30 June 2001.

DECISION: 21/8/2001

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman R J Sands.

That the deputation be received.

CARRIED

The deputation of Philip Leerson, Jos Littlejohn and Chris Dury attended at 1.30 pm.

The deputation made the following points –

- **Philip Leerson (Chairman of Cityprom) gave an outline of the processes.**
- **Chris Dury gave an outline of the marketing exercise – signage from the Catamaran entry point, banner design, radio, television, press and taxi back advertisements.**

4.2 Deputation - City Prom Ltd - Brand Marketing...(Cont'd)

- Taxi back advertisements to also run in Burnie and Devonport.
- Launch is on 20 September at Metz Café

The deputation answered the questions of Council.

The deputation withdrew at 1.50 pm.

DECISION: 21/8/2001

RESOLUTION: (2):

Moved Alderman G W Beams, seconded Alderman J Walters.

That recommendation 2 be adopted.

CARRIED BY AN ABSOLUTE MAJORITY

5 CONFIRMATION OF MINUTES**RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 13 August 2001 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 13 August 2001 in closed session be confirmed as a true and correct record.

RESOLUTION:

Moved Alderman R W Shipp, seconded Alderman M E Smart.

That the Recommendation be adopted.

CARRIED

6 ANNOUNCEMENTS BY THE MAYOR

6.1 York Park – Announcement by Premier of additional AFL game

Alderman A L Waddle referred to the announcement by the Premier that an extra AFL game (Hawthorn) will be held at York Park, in each of the next 3 years.

6.2 Vietnam Veterans Association

Alderman A L Waddle showed Aldermen a plaque from the Association to thank Council for its support of the sub branch.

6.3 Request to bring forward Agenda Item 12.1 – Taping of Council Meetings

Alderman A L Waddle advised that Alderman Dickenson had requested that the agenda item be brought forward.

RESOLUTION :

Moved Alderman J Dickenson, seconded Alderman J Walters.

That Agenda item 12.1 – Taping of Council Meetings be brought forward.

LOST 3:5

7 PETITIONS

Nil

DIVISIONAL MINUTES ITEMS**8 BUSINESSES AND OPERATIONS**

Ms A Gliddon was in attendance to answer questions of Council in respect of Agenda Items 8.2 - 8.3 inclusive.

Mr D Leung was in attendance to answer questions of Council in respect of Agenda Items 8.1.

8.1 Amendment 63 - 10 Morris and 1 Bruce Street, Prospect - Old Tyler House Complex

FILE NO: SF3149

AUTHOR: David Leung (Policy/Project Planner)

DECISION STATEMENT:

To decide whether to initiate Amendment 63 to enable the following:

- (a) rezone part of 10 Morris Street, Prospect from the Particular Use 4—Retirement Villages and Nursing Homes Zone to the Closed Residential Zone;
- (b) rezone the remaining part of 10 Morris Street, Prospect from the Particular Use 4—Retirement Villages and Nursing Homes Zone to the Particular Use 19 Zone to facilitate the appropriate re-use of the main building; and
- (c) rezone 1 Bruce Street, Prospect from the Particular Use 4—Retirement Villages and Nursing Homes Zone to the Closed Residential Zone.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

1. The Council, pursuant to section 34(1) of the *Land Use Planning and Approvals Act 1993*, initiate Amendment 63 to the *Launceston Planning Scheme 1996* to enable the following:

- (a) the rezoning of part of 10 Morris Street, Prospect from the Particular Use 4—Retirement Villages and Nursing Homes Zone to the Closed Residential Zone;

8.1 Amendment 63 - 10 Morris and 1 Bruce Street, Prospect - Old Tyler House Complex...(Cont'd)

-
- (b) the rezoning of the remaining part of 10 Morris Street, Prospect from the Particular Use 4—Retirement Villages and Nursing Homes Zone to the Particular Use 19 Zone to facilitate the appropriate re-use of the main building; and
 - (c) the rezoning of 1 Bruce Street, Prospect from the Particular Use 4—Retirement Villages and Nursing Homes Zone to the Closed Residential Zone.
2. Officers prepare Draft Amendment 63.
 3. The Council, in accordance with section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Manager of Strategic Development its functions under section 35(1) of the Act.
 4. The Council, in accordance with section 38(a) of the *Land Use Planning and Approvals Act 1993*, determine the period for public exhibition to be three weeks.

This item was dealt with after Agenda Item 4.2.

A deputation representing residents of Morris and Bruce Streets requested to make a presentation to Council as the Development Review Committee scheduled for 10.00 am 27 August 2001 did not meet.

DECISION: 27/8/2001

RESOLUTION: (1):

Moved Alderman A C Peck, seconded Alderman G W Beams.

That the Deputation be received.

CARRIED

The deputation of Ms Ann Roby, Mr Robert Colson and Mr John Butler attended at 1.55 pm.

8.1 Amendment 63 - 10 Morris and 1 Bruce Street, Prospect - Old Tyler House Complex...(Cont'd)

The deputation made the following points –

- Requested that the area be rezoned Closed Residential.
- Noise will increase with the proposed use of area.
- Value of properties will drop.
- Robert Colson read a submission to Aldermen.
- Suggested that if Council pursues P19 use zone, Council delete the reference to communal living as a “P” use.

The Deputation answered the questions of Council.

The Deputation withdrew at 2.18 pm.

RESOLUTION: (2):

Moved Alderman G W Beams, seconded Alderman J Walters.

That the Deputation of the developer be received.

CARRIED

The deputation of Mr Alex Brownlie and Mr Graeme Ryland attended at 2.20 pm.

The deputation made the following points –

- Referred to history of purchasing building, its current and future uses.
- Wants to reuse the buildings in a suitable manner.
- Closed Residential allows for number of uses under discretionary use.
- Indicated that the building in its present state would not meet Commonwealth accreditation standards as a nursing home, within the next 18 months.

The Deputation answered the questions of Council.

The Deputation withdrew at 2.45 pm.

8.1 Amendment 63 - 10 Morris and 1 Bruce Street, Prospect - Old Tyler House Complex...(Cont'd)

RESOLUTION: (3):

Moved Alderman H G Brookes, seconded Alderman G W Beams.

That the Recommendation be adopted with reference to Communal Dwelling in PU 19 to read D (conditional) rather than P.

CARRIED UNANIMOUSLY

8.2 Dog Control Act 2000 - Fees**FILE NO:** SF0041**AUTHOR:** Adele Gliddon (Manager Environmental Services)

DECISION STATEMENT:

To reset the impounding and maintenance fees charged under the Dog Control Act 2000

PREVIOUS COUNCIL CONSIDERATION:

18 June 2001

RECOMMENDATION:

1. That Council rescind the decision of the 18 June 2001 regarding the impounding and maintenance fees.
2. That Council set the following fees under Section 80 of the Dog Control Act 2000:

Impounding Fee – first time	\$11.00 plus GST
Second and subsequent impounding	\$16.50 plus GST
Daily Maintenance fee for impounded dogs	\$15.00 plus GST

DECISION: 27/8/2001**RESOLUTION:****Moved Alderman A C Peck, seconded Alderman H G Brookes.****That the Recommendation be adopted.****CARRIED**

8.3 Nickelodeon Australia - Place of Assembly - Specific Event Licence

FILE NO: SF0393

AUTHOR: Adele Gliddon (Manager Environmental Services)

DECISION STATEMENT:

To consider an application for a Place of Assembly – Specific Event Licence

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That Council grants the application for a Specific Event Licence for the Nickelodeon Australia event to be held on the 23rd September 2001.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman G W Beams, seconded Alderman J Dickenson.

That the Recommendation be adopted.

CARRIED

9 TOTAL WORKFORCE

Mr R Sweetnam was in attendance to answer questions of Council in respect of Agenda Items 9.1.

9.1 Launceston Municipal Emergency Management Plan and Flood Evacuation Sub-Plan

FILE NO: SF0030 SF0031

AUTHOR: Rod Sweetnam (Manager Total Workforce)

DECISION STATEMENT:

To present Council with a revised Municipal Emergency Management Plan (MEM Plan) and Sub-plan titled Launceston Flood Evacuation Plan, for adoption.

PREVIOUS COUNCIL CONSIDERATION:

Strategic Planning and Policy Committee – 20/08/2001

RECOMMENDATION:

1. That Council formally adopt the revised Municipal Emergency Management Plan and that the plan be forwarded to the Director of Emergency Services, for authorisation.
2. That Council formally adopt the Flood Evacuation Plan as presented. This adoption being conditional on the Local Police Commander as Emergency Controller for the Region adopting and authorising the use of the plan by Tasmania Police should the need arise for evacuation in the Launceston Municipality.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman G W Beams, seconded Alderman A C Peck.

That the Recommendation be adopted.

CARRIED

Alderman R W Shipp withdrew from the Council Chamber at 3.04 pm.

10 STRATEGIC DEVELOPMENT

Mr I Abernethy was in attendance to answer questions of Council in respect of Agenda Items 10.1 – 10.4 inclusive.

10.1 A Night in the Gorge Concert

FILE NO: SF2199

AUTHOR: Lynda Jones (Manager - Marketing)

DECISION STATEMENT:

To decide whether to stage A Night in the Gorge Concert 2002.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

1. That Council does not stage A Night in the Gorge Concert in 2002.
2. That the event sponsors be notified of Council's decision.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman H G Brookes, seconded Alderman A C Peck.

That the Recommendation be adopted.

CARRIED

Alderman R Shipp re attended at 3.07 pm.

10.2 Tasicomm

FILE NO: SF0408

AUTHOR: Ian Abernethy (Manager Strategic Development)

DECISION STATEMENT:

To consider joining Business North in the Tasicomm Project.

PREVIOUS COUNCIL CONSIDERATION:

EDGG – August 10th 2001

RECOMMENDATION:

That Launceston City Council not support the establishment of a community telco, on the following grounds:

- The possible effect such action could have on the strong relationship the City has with Telstra.
- The recently established Tasmanian telco has brought competition into the market. Any further players will only jeopardise the viability of this venture in what is a small market.
- The Tasmanian telco has forced pricing restructure in the market place. Therefore savings will flow to both the City and council without our direct involvement in the community telco.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman M E Smart, seconded Alderman J Walters.

That the Recommendation be adopted.

CARRIED

The Acting Mayor adjourned the Meeting at 3.25 pm.

The Mayor reconvened the Meeting at 3.45 pm.

10.3 Additional Seating - York Park - Request to Tender

FILE NO: SF0880

AUTHOR: Robert Groenewegen (Economic Development Officer)

DECISION STATEMENT:

To determine to proceed to prepare tender documentation and commence the tender process for the construction of semi permanent demountable grandstands.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That this item be dealt with in Closed Council as it concerns contracts for the supply and purchase of goods and services.

This Item was dealt with in Closed Council.

10.4 Land Sales - Ogilvie Park

FILE NO: 3900/36250/34214

AUTHOR: Ian Abernethy (Manager Strategic Development)

DECISION STATEMENT:

To consider the sale of surplus land adjacent to the Ogilvie Park sports grounds.

PREVIOUS COUNCIL CONSIDERATION:

The upgrade of Ogilvie Park has been considered on many occasions.

RECOMMENDATION:

That this item be dealt with in Closed Council as it concerns proposals for the acquisition of land or disposal of land, which is not public land.

This Item was dealt with in Closed Council.

11 INFRASTRUCTURE ASSETS

Mr R Pakiarajah and Mr S Pound were in attendance to answer questions of Council in respect of Agenda Items 11.1 – 11.2 inclusive.

11.1 Flood Protection Works - Intention to Make a By-Law

FILE NO: SF3160

AUTHOR: S Pound (Administration Officer)

DECISION STATEMENT:

For Council to express it's intention under Section 145 of the *Local Government Act 1993* to make a by-law in respect of the protection of Flood Protection Works within the Launceston Municipality.

Under the *Local Government Act 1993* this resolution must be passed by an absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

1. That Council express it's intention under Section 145 of the *Local Government Act 1993* to make a by-law in respect of Flood Protection Works in the Launceston Municipality.
2. That Council authorise notice of it's intention under Section 157 of the Act.

A copy of the By-law and associated Regulatory Impact Statement are reproduced below.

LAUNCESTON CITY COUNCIL

FLOOD PROTECTION WORKS BY-LAW

BY-LAW NO. 23/2001

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

This is a by-law of the Launceston City Council made under section 145 of the *Local Government Act 1993* and section 4 of the *Launceston Flood Protection Act 1977* in relation to flood protection works within the City of Launceston managed by the Council pursuant to the *Launceston Flood Protection Act 1977*.

PART 1 - PRELIMINARY

1. Short Title

This by-law may be cited as the Flood Protection Works By-law, Number 23/2001.

2. Application

This by-law applies to flood protection works managed by the Council pursuant to the *Launceston Flood Protection Act 1977*.

3. Interpretation

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

"Act" means the *Launceston Flood Protection Act 1977*;

"authorised officer" means an officer appointed by the Council for the purposes of this by-law;

"Council" means the Launceston City Council;

"flood protection works" includes all works and land managed by the Council pursuant to the Act and:

(a) all works the management of which has, by virtue of agreement under section 10 of the *Launceston Flood Protection Act 1960*, been transferred to the Council;

(b) any land that by virtue of such an agreement has been transferred to the Council; but

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

(c) does not include any land situate within the flood plains enclosed by any works constructed under the *Launceston Flood Protection Act 1960* any estate or interest of which is vested in the Crown or any body established by or under any Act. ;

"penalty unit" means the amount of money set out under the *Penalty Units and Other Penalties Act 1987*.

PART 2 – DISALLOWED ACTIVITIES

4. Damage to flood protection works

(1) A person must not remove, damage or destroy any portion of the flood protection works.

Penalty: a fine not exceeding 20 penalty units and in the case of continuing offence, a daily fine not exceeding 2 penalty units.

(2) An authorised officer may issue an infringement notice for this offence.

(3) A person may avoid a penalty by paying a fine of 2 penalty units to Council.

(4) A police officer may arrest a person if the person commits an offence under this clause.

5. Level of flood protection works

(1) A person must not excavate or change the level of or topography of any portion of the flood protection works without the permission of an authorised officer.

Penalty: A fine not exceeding 20 penalty units and in the case of continuing offence, a daily fine not exceeding 2 penalty units.

(2) An authorised officer may issue an infringement notice for this offence.

(3) A person may avoid a penalty by paying a fine of 2 penalty units to Council.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

- (4) A police officer may arrest a person if the person commits an offence under this clause.

6. Erection of structures on flood protection works

- (1) A person must not, without the written permission of an authorised officer, erect a building or structure on or over any portion of the flood protection works.

Penalty: A fine not exceeding 20 penalty units and in the case of continuing offence, a daily fine not exceeding 2 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a penalty by paying a fine of 2 penalty units to Council.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

7. Interference with flood protection works

- (1) A person must not interfere with the:
- (a) operation of;
 - (b) flow of water over or through;
 - (c) operation of any valves or gates
- of the flood protection works.

Penalty: A fine not exceeding 15 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a penalty by paying a fine of 2 penalty units to Council.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

- (4) A police officer may arrest a person if the person commits an offence under this clause.

8. Access to flood protection works

- (1) A person must not obstruct any access to the flood protection works.

Penalty: A fine not exceeding 20 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.

- (3) A person may avoid a penalty by paying a fine of 2 penalty units to Council.

- (4) A police officer may arrest a person if the person commits an offence under this clause.

PART 3 - PERMITS**9. Permits for certain activities**

- (1) A person must not –

- (a) construct any road or access way through or over;
- (b) plant any trees or other vegetation on; or
- (c) put a conduit or cable through or under;

any flood protection works without a permit issued by an authorised officer.

Penalty: A fine not exceeding 20 penalty units and in the case of continuing offence, a daily fine not exceeding 2 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

- (3) A person may avoid a penalty by paying a fine of 2 penalty units to Council.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

PART 4 – ENFORCEMENT

10. Supply of Name and Address

- (1) A person must supply their correct and full name and permanent or present temporary address if requested by an authorised officer or by a police officer if that officer believes that the person has committed an offence.

Penalty: A fine not exceeding 5 penalty units.

- (2) A police officer may arrest a person if the officer reasonably believes or has cause to suspect that the name or address that a person provides on request is false.

11. Infringement Notices

- (1) An authorised officer of Council:
 - (a) may issue an infringement notice to a person in respect of offences under this by-law;
 - (b) may issue one infringement notice in respect of more than one offence; and
 - (c) may impose a fine for an offence in respect of which an infringement notice is issued in accordance with the fine specified in this by-law.
- (2) A fine is a penalty payable to the Council as an alternative to prosecution and any penalty that may be imposed as a result of the prosecution.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

- (3) A fine specified in the infringement notice is:
 - (a) payable to the cashier at the Town Hall St John Street Launceston; or
 - (b) if payment is not made in person, payable by cheque or money order made out to the Council and posted to the Council at the Town Hall St John Street Launceston.
- (4) To avoid the filing of a complaint a fine levied under this clause is to be paid within 14 days from the date the infringement notice is issued.
- (5) If at any time after an infringement notice is issued an authorised officer decides that the infringement notice should be withdrawn, the authorised officer may withdraw the infringement notice.
- (6) The withdrawal of an infringement notice will not prevent Council from prosecuting the person to whom the notice was issued for a breach of this by-law.

12. Recovery of Costs for Damage.

- (1) An authorised officer may, by notice in writing, direct an owner or occupier of land to repair any damage done to flood protection work on land which is owned or occupied by that person.
- (2) A notice pursuant to sub-clause (1) must specify the work and period of time in which that work must be done.
- (3) If within 21 days after the receipt of a notice under sub-clause (1), or within such further period as an authorised officer allows, a person fails to do the work required by the notice, then the Council may itself take action to do that work.
- (4) If the Council itself takes action to do the work in accordance with sub-clause (3) then Council may, by its servants, agents or contractors:
 - (a) enter private property in the case of an emergency; or

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

- (b) enter private property upon giving the owner or occupier 48 hours notice in writing of its intention to do so.
- (5) The costs incurred by Council in exercising its powers pursuant to sub-section (3) may be recovered by action in a court of competent jurisdiction against the owner or occupier of the land concerned.

In witness whereof the seal of the Launceston City Council was hereunto affixed this day of 2001.

The Common Seal of the Launceston City Council has been affixed pursuant to a resolution of Council on the day of 2001 in the presence of us:

Alderman J. B. Lees
MAYOR

Alderman

R. G. Campbell
GENERAL MANAGER

Certified as being in accordance with the law.

Shaun McElwaine
REGISTERED LEGAL PRACTITIONER

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

Confirmed by me this day of 2001,

JIM BACON, MHA

Premier

Minister responsible for the
Local Government Act
1993

REGULATORY IMPACT STATEMENT

LAUNCESTON CITY COUNCIL FLOOD PROTECTION WORKS BY-LAW NUMBER 23 OF 2001

Objectives of the By-law

The object of the Launceston City Council's Flood Protection Works By-law is to provide for the maintenance and control of the flood protection works within the Launceston Municipal Area, pursuant to Section 4 of the Launceston Flood Protection Act 1977. The by-law will provide for the imposition of fines on persons who damage flood protection works and will also allow a mechanism for Council to recover costs associated with the repair of flood protection works as a result of damage caused by another party.

Background

The proposed by-law is a new by-law to allow for the issuing of fines to persons who damage flood protection works and also to allow Council to recover costs associated with such damage.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

Does the By-law Restrict Competition ?

Council believes the by-law will place no restriction on competition as it deals with governance and technical matters, such as the control and management of flood protection works as stated in the Launceston Flood Protection Act 1977.

Does the By-law Impact on Business ?

The Council believes that the by-law will not have a negative impact on business as it deals with governance and technical matters. The nature and situation of the flood protection works on the edge of the rivers means that the works and the maintenance of the works have a minimal impact on business in Launceston.

Other Options Considered

Nil

Justification of Public Interest

Prior to the by-law being drafted consultation was undertaken with stakeholders in the maintenance of the Launceston Flood Protection works. The nature of these works ensures that Launceston has a measure of protection against severe flooding of the North Esk, South Esk and Tamar Rivers. This protection is in the interests of all residents and businesses within the City of Launceston and the Launceston Municipal Area.

Public Consultation Process

The following consultation process will now occur:

The Council will debate a recommendation that it make a by-law to provide for the prevention of damage to the flood protection works in the Launceston Municipal Area.

Council will pass a motion that it intends to make the by-law.

It will then publish notice of that resolution:

once in the Examiner newspaper

by displaying the notice on the notice board at the Town Hall from the day when the newspaper advertisement is first published until the end of the submission period which is specified in the notice.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

The notice will state the following:

- (i) the purposes and general effect of the by-law;
- (ii) that a copy of the by-law and of the Regulatory Impact Statement may be inspected at the Council Chambers until the specified day ;
- (iii) that a copy of the By-law and Regulatory Impact Statement may be purchased for the cost of \$4.00 at the Town Hall until the specified day;
- (iv) that submissions in respect of the by-law may be made in writing, addressed to and lodged with the General Manager, stating the grounds of the submission and the facts relied upon to support those grounds;
- (v) that a submission must be lodged before the specified day.

The specified day will be no earlier than 21 days after the publication of the notice in the Examiner newspaper.

4. The General Manager will make copies of the proposed by-law and the Regulatory Impact Statement available for inspection or purchase by the public until the day specified in the notice.

5. The Council will consider all submissions that have been made to it concerning the by-law and, if it decides to amend it as a result of any of these submissions, it will do so by absolute majority. The Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.

Do you have any concerns or comments ?

Submissions about the by-law and Regulatory Impact Statement may be made in writing, addressed to and lodged with the General Manager, stating the reasons for the submission and the facts relied upon to support those reasons.

The submission must be received before the day specified in the advertisement which is no earlier than 21 days after the publication of the advert in the Examiner newspaper.

11.1 Flood Protection Works - Intention to Make a By-Law...(Cont'd)

The Council will consider all submissions that have been made to it concerning the by-law and the Regulatory Impact Statement and, if it decides to amend the by-law as a result of any of these submissions it will do so by absolute majority. The Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.

If you make a submission you will be notified of Council's decision in writing.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman G W Beams, seconded Alderman R W Shipp.

That the Recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY

11.2 Notice of Motion - Tamar Rowing Club

FILE NO: SF0486

AUTHOR: Martin Reynolds (Corporate Secretary)

DECISION STATEMENT:

To consider a notice of motion from Alderman I. Routley requesting a review of the decision regarding Council assisting with building of flood protection for the Tamar Rowing Club.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 13/08/2001 - Grant Request from Tamar Rowing Club – Item 13.17

RECOMMENDATION:

That Council ask the Manager Infrastructure Assets to review the request from the Tamar Rowing Club to assist with the building of the flood levee protection with a report to the next Council Meeting.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman G W Beams, seconded Alderman H G Brookes.

That the item be deferred to the next meeting.

CARRIED

12 CORPORATE SERVICES

Mr M Tidey was in attendance to answer questions of Council in respect of Agenda Items 12.1 – 12.4 inclusive.

12.1 Policy - Review - Recording/Taping of Meetings

FILE NO: SF1001

AUTHOR: Martin Reynolds (Corporate Secretary)

DECISION STATEMENT:

To consider amendments to Council Policy - Recording/Taping of Council Meetings.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 19 May 1997 Minute No. 30.

Council Meeting 16 July 2001 Minute Number 12.4

RECOMMENDATION:

1. That Council approve the amended policy, - Council Meetings - Recording/Taping of Council Meetings, as reproduced below.
2. That pursuant to Section 205 of the *Local Government Act 1993*, Council set a minimum fee of \$25.00 for any application for an audio tape under the policy indicated in 1.
3. That Council note the legal advice circulated with the memorandum of 21/08/2001 and approve the re-commencement of taping of future Council meetings.

The amended policy is reproduced below:

SUBJECT: COUNCIL MEETINGS - RECORDING/TAPING OF MEETINGS POLICY

The Corporate Secretary is to arrange for a tape recording to be made of all Council meetings held in the Town Hall Council Chamber.

Meetings are to be taped to ensure the accuracy and completeness of the minutes of the meetings.

12.1 Policy - Review - Recording/Taping of Meetings...(Cont'd)

Applications for a copy of the taped recording will be treated as an application under FOI provisions in accordance with the Freedom of Information Act 1991.

Procedure

1. The Corporate Secretary or a Committee Clerk acting under the direction of the Corporate Secretary will operate the recording system to tape the meetings.
2. When Council moves into a Closed Council Session the tape recording system will be turned off. Recording of the meeting will resume when Council moves out of Closed Session.
3. The accuracy and completeness of the minutes of a Council meeting may be disputed by an Alderman or an Officer of the Council. If this occurs and the matter is unresolved, then, subject to a motion of the Council, the relevant part of the tape may be played back to the appropriate meeting.
4. The tapes are not intended to replace the usual form of recording and transcribing the minutes. It is not the intention that they be used to provide a form of Hansard. The Corporate Services Department will not provide a transcript of a tape.
5. Whilst compiling the minutes of a Council Meeting the Corporate Secretary, or a Committee Clerk acting under the direction of the Corporate Secretary, may play back the tape for use as an *aide memoir*.
6. Tapes of Council meetings are to be retained in a secure area within the Corporate Secretariat Department.
7. Tapes of Council meetings will be retained for a maximum of 4 weeks.

Requests for Copies of Tapes

Copies of tapes, or extracts from tapes, will be provided to the public, aldermen, or staff of the Launceston City Council, subject to;

The applicant completing a written application as if it was a request for information under the provisions of Freedom of Information.

The payment of a fee in accordance with the provisions of the Freedom of Information Act 1991, with a minimum fee of \$25.00 (including the provision of a C90 audio tape.)

12.1 Policy - Review - Recording/Taping of Meetings...(Cont'd)

Payment being made upon collection of the taped recording.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman G W Beams, seconded Alderman H G Brookes.

That the Recommendation 3 be adopted with the amendment to insert the word "not" before the word "approve", to read, "...and not approve the commencement of taping of future Council meetings.

CARRIED 6:3

12.2 Business Advisory Council - Decision to Amend Membership**FILE NO:** SF2833**AUTHOR:** Martin Reynolds (Corporate Secretary)

DECISION STATEMENT:

Alderman Smart has questioned the process of a Council decision which subsequently amended an earlier decision of Council without first rescinding the earlier decision or part thereof.

Alderman Smart requested at the Council meeting of 13 August, that this matter be listed for discussion at the Strategic Planning and Policy Committee Meeting of 20 August. The item was not dealt with and Alderman Smart has requested that it be listed on this Agenda.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That the information be noted.

DECISION: 27/8/2001**RESOLUTION: (1):****Moved Alderman M E Smart, seconded Alderman J Walters.****That the decision of 16 July 2001 Item 8.1 be rescinded.****Alderman Smart called for a Division:****LOST ON A DIVISION 3:6****For:****Alderman Smart
Alderman Walters
Alderman Dickenson****Against:****Alderman Waddle
Alderman Beams
Alderman Peck
Alderman Brookes****Alderman Sands
Alderman Shipp**

12.2 Business Advisory Council - Decision to Amend Membership...(Cont'd)

RESOLUTION: (2):

Moved Alderman H G Brookes, seconded Alderman R W Shipp.

That the Recommendation be adopted and that Alderman M Smart be appointed to the Development Review Committee, to fill the vacancy created by the resignation of Alderman Waddle.

CARRIED

12.3 Notice of Motion - Refusal to Give Information

FILE NO: SF0106

AUTHOR: Martin Reynolds (Corporate Secretary) for Alderman Beams

DECISION STATEMENT:

To consider a notice of motion from Alderman G. Beams requesting that the matter of a Council Officer refusing to supply information to Alderman Dickenson be brought back to Council for finalisation.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 7 May 2001 – Item 13.5.4

Council Meeting 13 August 2001 – Item 14.2

RECOMMENDATION:

That the item (minute Number 13.5.4 of 7 May 2001) referring to Alderman Dickenson's allegation of a Council Officer not providing her with information specifically requested, be brought back to Council so that the matter may be finalised.

Alderman G Beams withdrew the motion.

12.4 Council Meeting Schedule 2002**FILE NO:** SF0975**AUTHOR:** Martin Reynolds (Corporate Secretary)**DECISION STATEMENT:**

To consider and adopt a schedule of Council Meetings for the year 2002.

PREVIOUS COUNCIL CONSIDERATION:The Council meeting schedule for 2001 was discussed on 16th October 2000.**RECOMMENDATION:**

1. That Council adopt the Council Meeting schedule for the year 2002 as detailed below.
2. That the date of Council's Annual General Meeting in 2002 be Monday 18 November 2002.

COUNCIL MEETING SCHEDULE – 2002**COUNCIL MEETINGS HELD IN THE COUNCIL CHAMBER. COMMITTEES IN COMMITTEE ROOM**

DAY	MEETING	TIME
Council in recess from 18 December 2001 – 27 January 2002 Special recess meeting Monday 14 January, 2002.		
	Monday 28 January - Public Holiday	
Tuesday 29 January 2002	Council	1.00 p.m.
Monday 4 February	Strategic Planning & Policy Comm	10.00 a.m.
Monday 11 February	Council	1.00 p.m.
Monday 25 February	Council	1.00 p.m.
Wednesday 27 February – Launceston Cup Day		
Monday 4 March	Strategic Planning & Policy Comm – Preliminary Budget Discussions.	10.00 a.m.
Monday 11 March – Public Holiday		
Tuesday 12 March	Council	1.00 p.m.
Monday 25 March	Council	1.00 p.m.
Friday 29 March – Monday April 1– Easter School Holidays 29 March – 7 April inclusive		
Wednesday 3 April	Strategic Planning & Policy Comm	10.00 a.m.
Monday 8 April	Council	1.00 p.m.
Monday 22 April	Council	1.00 p.m.
Thursday 25 April – Anzac Day		

12.4 Council Meeting Schedule 2002...(Cont'd)

Monday 29 April	Strategic Planning & Policy Comm	10.00 a.m.
Monday 6 May	Council	1.00 p.m.
Monday 20 May	Council	1.00 p.m.
School Holidays 1 June – 16 June inclusive.		
Monday 3 June	Council	1.00 p.m.
Tuesday 4, Wednesday 5 & Thursday 6 June	Strategic Planning & Policy Comm & Budget Discussions	6.00 p.m.
Monday 10 June – Public Holiday		
Monday 17 June	Council	1.00 p.m.
Monday 24 June	Strategic Planning & Policy Comm	10.00 a.m.
Monday 1 July	Council & Council adopt Budget	1.00 p.m.
Monday 15 July	Council	1.00 p.m.
Monday 22 July	Strategic Planning & Policy Comm	10.00 a.m.
Monday 29 July	Council	1.00 p.m.
Monday 12 August	Council	1.00 p.m.
Monday 19 August	Strategic Planning & Policy Comm	10.00 a.m.
Monday 26 August	Council	1.00 p.m.
School Holidays 7 September – 22 September inclusive		
Monday 9 September	Council	1.00 p.m.
Monday 16 September	Strategic Planning & Policy Comm	10.00 a.m.
Monday 23 September	Council	1.00 p.m.
Thursday 11 October – Show Day		
Monday 7 October	Council	1.00 p.m.
Monday 14 October	Strategic Planning & Policy Comm	10.00 a.m.
Monday 21 October	Council	1.00 p.m.
Monday 4 November – Public Holiday		
Tuesday 5 November	Council	1.00 p.m.
Monday 11 November	Strategic Planning & Policy Comm	10.00 a.m.
Monday 18 November	Council	1.00 p.m.
Monday 18 November	Annual General Meeting	7.30pm Recpt Room
Monday 2 December	Council	1.00 p.m.
Monday 9 December	Strategic Planning & Policy Comm	10.00 a.m.
Monday 16 December	Council	1.00 p.m.
Council in Recess 17 December – 27 January 2003		
School Holidays 20 December -		

12.4 Council Meeting Schedule 2002...(Cont'd)

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman G W Beams, seconded Alderman J Dickenson.

That the Recommendation be adopted with the amendment to reschedule the interim dates for budget discussions, in June 2002 to avoid a clash of school holidays.

CARRIED

Footnote:

The meeting schedule will be amended to show the three days of budget discussions occurring on Tuesday 21, Wednesday 22 and Thursday 23 May 2002.

12.5 Superannuation Fund - Benefit Changes

FILE NO: SF0461

AUTHOR: Michael Tidey (Manager Corporate Services)

DECISION STATEMENT:

To consider changes to the benefit structure of the City of Launceston Employee's Superannuation Fund (1963).

PREVIOUS COUNCIL CONSIDERATION:

Nil.

RECOMMENDATION:

That this item be dealt with in Closed Council as it concerns the health or financial position of any person/company.

This Item was dealt with in Closed Council.

13 GENERAL MANAGER**13.1 Grant Report - Cameron Daniel**

FILE NO: SF0486

AUTHOR: Gary W Stokes (Manager Civic Affairs)

DECISION STATEMENT:

To receive a report on a grant.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That Council note the report from Cameron Daniel regarding the grant he received to participate in the World Triathlon Age Group Championships in Canada.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman H G Brookes, seconded Alderman G W Beams.

That the Recommendation be adopted.

CARRIED

13.2 Grant Report - Targa Tasmania 2001

FILE NO: SF0486/SF0411

AUTHOR: Gary W Stokes (Manager Civic Affairs)

DECISION STATEMENT:

To receive a report on a grant.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That Council note the report from Octogon regarding Targa Tasmania 2001.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman H G Brookes, seconded Alderman G W Beams.

That the Recommendation be adopted.

CARRIED

13.3 Local Government Board - General Review of Council

FILE NO: SF0326

AUTHOR: Gary W Stokes (Manager Civic Affairs)

DECISION STATEMENT:

To consider when Council would like the Local Government Board to undertake a general review.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That Council advise the Local Government Board that it would like the general review to take place in February 2003.

DECISION: 27/8/2001

RESOLUTION:

Moved Alderman J Dickenson, seconded Alderman J Walters.

That the Recommendation be adopted with the amendment to read February 2002, or a date as soon as possible after February 2002.

CARRIED

13.4 Freedom of the City

FILE NO: SF0202

AUTHOR: Gary W Stokes (Manager Civic Affairs)

DECISION STATEMENT:

To consider Freedom of the City.

PREVIOUS COUNCIL CONSIDERATION:

Nil

RECOMMENDATION:

That this item be discussed in Closed Council as it involved information that has been given to Council in confidence.

This Item was dealt with in Closed Session.

14 NOTICE OF MOTION**14.1 Review of Deputation Policy**

Alderman J Dickenson advised that following two very successful deputations this afternoon from both Prospect High School and Cityprom she feels it is appropriate and timely that Council review its Deputation Policy.

Alderman J Dickenson believes that the success of both Deputations was in part due to the relaxed nature of the discussions that took place.

It is unfortunate that our current policy is restrictive as it only allows for questions to be asked.

Alderman J Dickenson submitted the following Notice of Motion:

“Council request that the Corporate Secretary prepare an amendment of the Deputation Policy for consideration at Strategic Planning and Policy Committee that will allow statements as well as questions directly related to the subject of the deputation to occur”.

15 REPORTS BY THE MAYOR

Nil

16 REPORTS BY THE GENERAL MANAGER

Nil

17 ALDERMEN'S/DELEGATES' REPORTS

17.1 LGAT General Committee Meeting

Alderman M E Smart referred to a meeting on 23 July 2001. A precis of some items follows –

- Dr Bruce Felmingham referred to a decline in population in Tasmania
- Simplifying Planning Schemes Workshop Group – is it southern dominated?
- Bicentenary Celebrations in 2004 – will be co-ordinated between state and local governments and community groups.
- Motion from Southern Midlands regarding a review of Resource Management Planning and Development Commission was lost.
- Russ Martin spoke on container deposit legislation.
- Peter Geeves representing the Housing Industry Association spoke on a prototype of a residential village project which promotes initiatives in energy conservation and environment.

17.2 Tourism

Alderman G W Beams advised on a recent trip to the mainland he had visited the Hunter Valley Wineries where the signage was excellent.

Information on Periphery Sales was sought in Coffs Harbour.

17.3 Community Grants

Alderman G W Beams looked at the policy on Community Grants in New South Wales.

Usually the grants are a 'one off' grant each year which are advertised in three categories.

17.4 Gateway

Alderman A C Peck spoke on the planning of a new Gateway brochure for the region. Gateway had 85,000 customers last year.

He stated there is an imbalance of cheap airfares in Tasmania as Launceston is by passed.

Alderman R J Sands withdrew from the Council Chamber at 4.52 pm..

DECISION: 27/8/2001**RESOLUTION (1):**

Moved Alderman A C Peck, seconded Alderman G W Beams.

That Council move into Closed Session to discuss those items previously nominated on this Agenda as Closed Session items.

CARRIED BY AN ABSOLUTE MAJORITY

Council moved into Closed Session at 4.55 pm.

RESOLUTION (2):

Moved Alderman A C Peck, seconded Alderman H G Brookes.

That Council move out of Closed Session and endorse those decisions taken while in Closed Session.

CARRIED BY AN ABSOLUTE MAJORITY

Council moved out of Closed Session at 5.38pm.

18 MEETING CLOSURE

The Acting Mayor closed the Meeting at 5.38 pm.