



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 14 OCTOBER 2013**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 14 October 2013

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

Date: 14 October 2013

Time: 1.00 pm

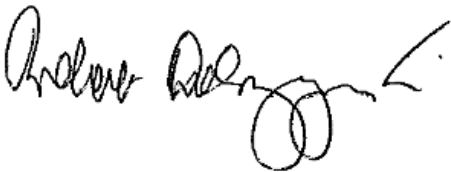
Section 65 Certificate of Qualified Advice

Background

Section 65 of the Local Government Act 1993 requires the General Manager to certify that any advice, information or recommendation given to council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the agenda items for this meeting.



Robert Dobrzynski
General Manager

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES**2 DECLARATION OF PECUNIARY INTERESTS****3 CONFIRMATION OF MINUTES****RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 23 September 2013 be confirmed as a true and correct record.

4 DEPUTATION**Nil****5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME**

Meeting Date	File No.	Question	Answer	Officer Responsible
23 September 2013	9.1	Alderman R J Sands asked: Regarding the LGAT Conference in 2014, has Council written or received a response from LGAT as to where the conference will be held? Queried which venues have been identified by Council's Events Officer.	Response provided at meeting: The question was taken on Notice. Further reply - The LGAT conference is a large event which requires multiple auditoriums to house conference sessions as well as a large exhibition space for event sponsors. Because of these spatial needs, there are few (if any) venues that could house the conference in their own right. Council's Community, Tourism and Events Staff have undertaken research and determined that the best option available for the conference to be successfully hosted in Launceston, with the added advantage of being solely located within our municipality, would be a combination of the Hotel Grand Chancellor and the Albert Hall.	Michael Stretton

Meeting Date	File No.	Question	Answer	Officer Responsible
			<p>It is envisaged that the conference sessions could be conducted in the hotel with the exhibition space or dinner housed in the Albert Hall. This configuration has been used successfully in the past for large conferences.</p> <p>Council staff approached the Hotel Grand Chancellor regarding their interest in bidding for the conference and they subsequently prepared and submitted a bid to Council. Along with additional supporting information provided by the Council on Launceston destination and the Albert Hall, the bid has been forwarded to the LGAT for consideration.</p>	

6 PUBLIC QUESTION TIME

7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Monday 23 September

- Attended Opening performance of the "Comedy of Errors"

Wednesday 25 September

- Attended Family Based Care North AGM with Guest Speaker, Jane Wardlaw, Assistant Director of Engagement, Disability Care Australia

Thursday 26 September

- Officiated at Singfest

Friday 27 September

- Attended Northern Tasmania Development AGM
- Attended Government House Reception in Hobart

Sunday 29 September

- Attended Trevallyn Bowls & Community Club Opening Day
- Attended Launceston Male Choir Concert at City Baptist Church

Monday 30 September

- Attended Hawthorn Football Club Visit to Aurora Stadium
- Attended B&E Annual Cocktail Function
- Attended AFL Hawthorn Dinner with the 2013 Premiership Cup

Tuesday 1 October

- Attended Seniors Weeks Event at Town Hall
- Officiated at Welcome Reception for the Foundation for the Crown Prince Hospitals (Thailand) delegates

Wednesday 2 October

- Attended Media Announcement for Walk to Work Day
- Attended BOFA Media & Industry Launch

Thursday 3 October

- Officiated at Sally's Ride Official Launch
-

7.1 Mayor's Announcements...(Cont'd)

Friday 4 October

- Attended Walk to Work Day event
- Officiated at Public citizenship ceremony at Albert Hall
- Attended Whitelion "30 jobs in 30 days" event
- Officiated at QVMAG "A passion for Nature: The art of William Charles Piguenit" with The Hon Lara Giddings MP.

Saturday 5 October

- Attended New Horizons Club Gala Dinner & Auction

Sunday 6 October

- Attended Combined Probus Club's Church Parade at Salvation Army
- Attended Festival of Dance and presented awards

Monday 7 October

- Attended Royal Launceston Show Sponsors Cocktail Party

Wednesday 9 October

- Attended Official Opening of Seaport Precinct, Peppers Seaport Hotel Function Centre
- Attended Neighbourhood Watch - Kings Meadows/Young Town Group forum re: A Safer Business Community Into the Future".

Thursday 10 October

- Attended Royal Launceston Show Official Event

Saturday 12 October

- Attended Tamar Yacht Club 135th Official Opening of Club Season
- Officiated at Launceston Fire Brigade 130 Year Anniversary Celebrations
- Attended Tasmanian Military Ball

Sunday 13 October

- Attended Good Neighbour Council Annual International Church Service
-

8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

10 COMMITTEE REPORTS**10.1 QVMAG Museum Governance Advisory Board Meeting 21 August 2013****FILE NO:** SF2244**AUTHOR:** Leila Wagner (Personal Assistant)**DIRECTOR:** Richard Mulvaney (QVMAG Director)

DECISION STATEMENT:

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

RECOMMENDATION:

That the report from the QVMAG Museum Governance Advisory Board meeting held on 21 August 2013 be received.

REPORT:

The key points raised by the MGAB were:

- QVMAG recorded a net favourable variance of \$315,000 for 2012/13, versus 31 May predicted deficit of \$182,000.
 - The meeting between Neil Mackinnon, Janine Healey, Richard Mulvaney, Martin George and Mike Tidey to discuss financial reporting went well and changes will now be made to LCC financial reporting to QVMAG.
 - The tabled strategic plan review for 2012/2013 has provided a review process of the year's achievements. The QVMAG Annual Report will reflect the QVMAG strategic plan goals in detail.
 - QVMAG is currently waiting on the Aboriginal Reference Group for information on the proposed *Tasmanian Aboriginal Gallery*. QVMAG would need to apply for funds and appoint an Aboriginal consultant to curate the exhibition.
 - It was noted that senior staff had provided a Future Directions Plan to LCC as with the other LCC Directorates. The Future Direction Plan is a Council wide initiative which involves monthly reporting through the Council Interplan system.
-

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10.1 QVMAG Museum Governance Advisory Board Meeting 21 August 2013...(Cont'd)

- Some board members terms would be ending this year and members give thought to continuing into a second term.

ECONOMIC IMPACT:

Consideration contained in Report.

ENVIRONMENTAL IMPACT:

Consideration contained in Report.

SOCIAL IMPACT:

Consideration contained in Report.

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2008/2013 - Priority Area 4: Cultural Environment

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

10.2 Heritage Advisory Committee Report 20 September 2013**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Designer and Heritage Planner)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a report from the Heritage Advisory Committee's meeting held on 18 July 2013.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That in respect to the meeting of the Heritage Advisory Committee held on Thursday, 18 July 2013, the Council endorses the following proposed actions:

1. That the Council advertise for expressions of interest for one Community representative on the Heritage Advisory Committee;
 2. Under the Terms of Reference, the Council requests that the National Trust nominate one representative to the Heritage Advisory Committee; and
 3. That at the end of 2013, a letter be forwarded to organisations referred to in the Terms of Reference, requesting expressions of interest to nominate representatives for membership of the Committee.
-

REPORT:

The Heritage Advisory Committee met on Thursday 18 July 2013 to discuss the following items.

- Heritage Precinct Project
 - Heritage Awards - Debrief
 - Committee Representation
 - Town Hall 150 year Anniversary Celebrations
 - Macquarie House - Catalyst Project
-

10.2 Heritage Advisory Committee Report 20 September 2013...(Cont'd)

Heritage Precinct Project

Following community consultation sessions held on 11th and 12th April draft planning provisions for the Pilot Heritage Precinct, Cimitiere Street were presented to the Committee for their input. Amendments will be made and Council approval will be sought before opening the final draft provisions for public comment.

Heritage Awards - Debrief

The presentation of the 2013 Launceston Heritage Awards was held at the QVMAG Royal Park on Thursday 30 May. It was agreed that both the presentation event and the Awards programme as a whole were once again a success for Launceston and the promotion of its history and respect for its heritage architecture (so much so that Hobart City Council has adopted the Launceston model almost entirely for their inaugural Heritage Awards). It was also agreed that this year's reduction in prize money did not detract significantly from the success of the Awards.

Committee Representation

Following the resignation of long term members Chris Tassell and Tim Domeney, the following recommendations were made in regard to future representation on the HAC.

- 1. That the Council advertise for expressions of interest for one Community representative on the Heritage Advisory Committee.*
- 2. Under the Terms of Reference, the Heritage Advisory Committee requests that the National Trust nominate one representative to the Heritage Advisory Committee.*
- 3. That at the end of 2013, a letter be forwarded to organisations referred to in the Terms of Reference, requesting expressions of interest to nominate representatives for membership of the Committee.*

Town Hall 150 Year Celebrations

After discussion at the April meeting of the HAC it was agreed to utilise existing resources including QVMAG History department, other Council officers, the Launceston Historical Society, and existing architectural research provided by HAC member Anne Neale and also to consider the possibility of aligning any celebration with other events.

10.2 Heritage Advisory Committee Report 20 September 2013...(Cont'd)

It was then reported that a meeting had taken place between Michael Stretton, Fiona Ranson and Manager Tourism Eamonn Seddon at which it was proposed to mount an exhibition in the Customer Services area of the Town Hall with a grand opening including performance/s by local theatre group/s re-enacting historical events.

Macquarie House - Catalyst Project

The Committee received a briefing by James Riggall in regard to the submission for Federal Government funding for the Catalyst project and made the following recommendations.

1. That the Heritage Advisory Committee notes the proposal by James Riggall to develop Macquarie House as part of the Catalyst Project and provides in principle support from a heritage perspective to the project subject to due process being followed in the assessment of the project; and

2. The Committee further notes the importance of cultural heritage interpretation being integrated with any proposal for adaption of Macquarie House.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:N/A

10.2 Heritage Advisory Committee Report 20 September 2013...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Michael Stretton: Director Development Services

10.3 Tender Review Committee Meeting - 23 September 2013**FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That the report from the Tender Review Committee meeting held on 23 September 2013 be received.

REPORT:

1. Chemical Weed Control Services - CD.021/2013

- The Tender Review Committee accepted the tender submitted by Feral Management Solutions for Chemical Weed Control Services in the Launceston municipality for a 3 year period for the following zones:
 - Urban Zones 1, 2 & 5 for a sum of \$66,465.00 plus GST per year.
 - Rural Zones 1 & 2 for a sum of \$47,481.00 plus GST per year.
 - Open Drains for a sum of \$13,800.00 plus GST per year.
- The Tender Review Committee accepted the tender submitted by All Weed Solutions for Chemical Weed Control Services in the Launceston Municipality for a 3 year period for the following zones:
 - Urban Zones 3, 4, 6 & 7 for a sum of \$44,620.00 plus GST per year.

2. Thistle Street West (Glen Dhu Street - Heather Street) - Road Asset Upgrade - CD.031/2013

- The Tender Review Committee accepted the tender submitted by Crossroads Civil Contracting Pty Ltd for the upgrade of Thistle Street West (Glen Dhu Street to Heather Street) at a cost of \$114,484.00 (excl. GST).
-

10.3 Tender Review Committee Meeting - 23 September 2013...(Cont'd)

ECONOMIC IMPACT:

The economic impact has been considered in the development of each project.

ENVIRONMENTAL IMPACT:

The environmental impact has been considered in the development of each project.

SOCIAL IMPACT:

The social impact is considered in the development of each project.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Budget 2013/2014.

BUDGET & FINANCIAL ASPECTS:

The projects are funded in accordance with the approved 2013/2014 Budget as follows:

1. Chemical Weed Control Services - CD.021/2013
 - o Urban Services - \$150,000
 - o Rural Services - \$80,000
 - o Open Drain - \$53,764

2. Thistle Street West (Glen Dhu Street - Heather Street) - Road Asset Upgrade - CD.031/2013 - \$168,000

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

11 PETITIONS

Nil

Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to this item 12.1.

12 PLANNING AUTHORITY**12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign****FILE NO:** DA0322/2013**AUTHOR:** Stalley Britton (Urban Designer)**DIRECTOR:** Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider a proposal for an Illuminated Multi-Tenancy Blade sign at 262 Invermay Road, Mowbray.

PLANNING APPLICATION INFORMATION:

Applicant:	Michael Carr Architects
Property:	262 Invermay Road, Mowbray
Title area:	21160 m ²
Zone:	General Business
Existing use:	General Retail and Hire
Classification:	Signage
Date received:	21 August 2013
Further information request:	No
Deemed approval:	1 October 2013. Extension of time granted to 14 October 2013
Representations:	Nil

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council refuse the application DA0322/2013 for an Illuminated Multi-Tenancy Blade sign on the following grounds:

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

1. The proposed sign does not fulfil the following provisions of the Launceston Interim Planning Scheme 2012: *21.4.1 Siting, Design and Built Form (P2)*, *E18.1.1 Signs Code Purpose (a)*, *E18.5.2 Design and Siting of Signage (P1 c and f)*, *E18.5.2 Design and Siting of Signage (P3 a)*.
 2. At a height of 15m, the proposed sign has no regard for the character of the streetscape, where signage is no higher than 7.6m, and nearby buildings are no higher than 5.2m and is therefore contrary to the purpose of the *Signs Code E18.1 a) i)*.
 3. The location of the proposed sign is misleading to motorists, and will cause a disruption in the flow of traffic, because it is not located at the entrance to Mowbray Marketplace. Vehicles travelling from the south are unable to enter the premises at this location due to a traffic island in the centre of the road. The sign is therefore contrary to the purpose of the *Signs Code E18.1 a) iii)*.
-

REPORT:**1. PROPOSAL**

Planning approval is sought for an Illuminated Multi-Tenancy Blade sign for Mowbray Marketplace at 262 Invermay Road. The dimensions of the proposed sign are 15m high x 2.1m wide. The location for the sign will be at the secondary entrance to Mowbray Marketplace which can only be accessed from the north direction travelling south along Invermay Road.

The sign is proposed to display the Mowbray Marketplace logo at the top, with six individual tenant logos beneath it measuring 0.8m high each. Each logo will be backlit illuminated. Beneath these, a 6.6m high perforated mesh screen will sit above a 2.1m high base, bringing the total height of the sign to 15m. Each side of the sign will display similar graphics.

It is noted that two similar Multi-Tenancy Blade signs in the same location have been approved previously, but neither have been erected. One with a height of 6m was approved on 30 August 2013 (DA0290/2013), another with a height of 8m was approved on 17 May 2000 (DA0133/2000).

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Mowbray is located five minutes' drive north of Launceston CBD. The suburb is home to schools, the University of Tasmania, TAFE, and the local greyhound and racing tracks. It has one of Launceston's largest suburban shopping strips located along Invermay Road.

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

Mowbray Marketplace is a purpose built standalone shopping centre with the main access inward off the eastern side of the Invermay Road shopping strip, opposite Coles. Access outward is adjacent to King of Kebabs, where the new sign is proposed. Access to the rear of the shopping centre is located off Jellico Street.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

21.1.1	<i>To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.</i>
	Consistent. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the Mowbray Marketplace retail shopping centre which serves Mowbray and the surrounding area. The proposed signage will provide advertising for the centre.
21.1.2	<i>To create through good urban design:</i> <i>a) An attractive and safe environment; and</i> <i>b) Activity at pedestrian levels with active road frontages offering interest and activity to shoppers; and</i> <i>c) Appropriate provision for car parking, pedestrian access and traffic circulation.</i>
	a) Inconsistent. The proposed sign, at a height of 15m, has no regard for the attractiveness of the streetscape. See <i>Attachment 3 - Sign Height Comparison</i> . In regards to safety, the position of the proposed sign is misleading to motorists, and will cause a disruption in the flow of traffic. The place where the proposed sign is to be located cannot be accessed by vehicles from the south direction as there is a traffic island in the centre of the road at this point. b) N/A. No new road frontages are proposed. c) N/A. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with Mowbray Marketplace. Car parking, pedestrian access and traffic circulation provisions will remain in place.
21.1.3	<i>To encourage residential densities and diversity of dwelling types and sizes to reflect changing household characteristics, that support the function of the local business/activity centre, existing infrastructure provisions and community services.</i>
	N/A. The development is not residential.
21.1.4	<i>Local Area Objectives</i>
	There are no local area objectives
20.1.5	<i>Desired Future Character Statements</i>
	There are no desired future character statements

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

3.2 Use

3.21 Use Table

The proposal is associated with General Retail and Hire class which has a discretionary status if for a single tenancy with a gross floor area between 3500m² and 8500m².

3.2.2 Use Standards

21.3.1	<i>AMENITY</i> <i>To ensure that the use of the land is not detrimental to the amenity of the surrounding area in terms of noise, emissions, operating hours or transport.</i>
A1	<i>Commercial vehicles (except for visitor accommodation and recreation) must only operate between 6.00am and 10.00pm Monday to Sunday.</i> Complies. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the General Retail and Hire use of the site for Mowbray Marketplace. Commercial vehicles will continue to operate within the complex.
A2	<i>Use located adjacent the General Residential or Urban Mixed Use zones must only operate between 6.00am and 10.00pm Monday to Sunday.</i> N/A. The proposed sign is to be illuminated however; the location of the sign is not adjacent to the General Residential or Urban Mixed Use zones.
A3	Noise levels at the boundary of the site with any adjoining land must not exceed: <i>a) 50dB(A) day time; and</i> <i>b) 40dB(A) night time; and</i> <i>c) 5dB(A) above background for intrusive noise.</i> Complies. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the General Retail and Hire use of the site for Mowbray Marketplace. Noise levels at the boundary of the site will remain below the maximum requirement.
21.3.2	<i>RETAIL IMPACT - FOR DISCRETIONARY BULKY GOODS SALES AND GENERAL RETAIL AND HIRE USES</i> <i>To ensure that the economic, social and environmental impact of significant new retail use and development is appropriate</i>
A1	<i>No acceptable solution</i> Assessment against the Performance Criteria is required.

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

P1	<p><i>Discretionary general retail and hire sales uses must:</i></p> <ul style="list-style-type: none"> a) <i>Improve and broaden commercial or retail choice or broaden the range of activities present within the area; and</i> b) <i>Improve the urban design outcome for a retail centre including attractiveness, amenity and environment for pedestrians; and</i> c) <i>Contribute to street based activity or externally focussed pedestrian environments; and</i> d) <i>Have acceptable impacts o the economic viability of activity centres or Councils retail hierarchy; and</i> e) <i>Not contribute to loss of investment, blight or disinvestment for a particular centre; and</i> f) <i>Encapsulate environmentally sustainable design principles including the extent to which the development is accessible by public transport.</i>
	<p>N/A. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the existing General Retail and Hire use of the site for Mowbray Marketplace. No new retail use is proposed.</p>

3.3 Development Standards

21.4.1	<p><i>SITING, DESIGN AND BUILT FORM</i></p> <p><i>To ensure that buildings are visually compatible with surrounding development.</i></p>
A1	<p><i>The entrance of a building must:</i></p> <ul style="list-style-type: none"> a) <i>be clearly visible from the road or publically accessible areas on the site; and</i> b) <i>provide a safe access for pedestrians; and</i> c) <i>all buildings are to be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations.</i>
	<p>N/A. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the existing for Mowbray Marketplace complex.</p>
A2	<p><i>Building height must not exceed:</i></p> <ul style="list-style-type: none"> a) <i>7.0m; or</i> b) <i>1m greater than the average of the building heights on immediately adjoining lots.</i>
	<ul style="list-style-type: none"> a) Does not comply. The proposed Illuminated Multi-Tenancy Blade sign will be 15m high. b) Does not comply. The proposed sign will be 10m taller than the average building height of 5m of immediately adjoining lots.

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

P2	<p><i>Building height must:</i></p> <p>a) <i>Be consistent with the local area objectives if any, and</i></p> <p>b) <i>Have regard to the streetscape and the desirability of a greater setback for upper floors from the frontage; and</i></p> <p>c) <i>Avoid unreasonable levels of overshadowing to public places or adjoining properties.</i></p> <hr/> <p>a) N/A. There are no local area objectives.</p> <p>b) Does not comply. At a height of 15m, the proposed sign has no regard for the character of the streetscape, where signage is no higher than 7.6m, and nearby buildings are no higher than 5.2m and is therefore contrary to the purpose of the <i>Signs Code E18.1 a) i)</i>. Diagrams have been prepared that illustrate the comparative heights of nearby buildings and signs. See <i>Attachment 3 - Neighbouring Building Height Comparison</i> and <i>Attachment 4 - Sign Height Comparison</i>.</p> <p>c) Complies. The width of the sign at 1.2m will not cause unreasonable overshadowing to public places or adjoining properties.</p> <p>The proposed sign does not comply with the performance criteria (b) in regard to the height of the sign within the streetscape, and therefore must be refused.</p>
A3.1	<p><i>Buildings must be</i></p> <p>a) <i>Built to the front, rear and side boundaries of the lot; or</i></p> <p>b) <i>The same as or less than the setback of an immediately adjoining building; or</i></p>
A3.2	<p><i>Extensions or alterations to existing buildings must not reduce the existing setback.</i></p> <p>Complies. The proposed sign will be built to the front boundary of the lot.</p>
A4	<p><i>Car parking must be located:</i></p> <p>a) <i>Within the building structure or located behind the building line; and</i></p> <p>b) <i>So that ground level car parking is not visible to a road, laneway, mall or arcade.</i></p> <hr/> <p>N/A. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the existing Mowbray Marketplace complex. Car parking arrangements will remain.</p>
21.4.2	<p>ACTIVE GROUND FLOORS</p> <p><i>To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity</i></p>

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

A1	<p><i>New buildings with non residential uses on ground floors must:</i></p> <ul style="list-style-type: none"> a) <i>Have clear glazing, display windows or glass doorways for a minimum of 80% of all ground floor facades to, malls, laneways or arcades; and</i> b) <i>Not have security grills or screens that obscure the ground floor facades to frontages `malls, laneways or arcades; and</i> c) <i>Not have mechanical plant or equipments such as air conditioning units or heat pumps visible from ground level public viewpoints; and</i> d) <i>Not have blank walls, signage panels or blocked out windows on the ground floor facades to frontages, malls, laneways or arcades that are wider than 2.0m.</i> <p>N/A. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the existing Mowbray Marketplace complex. No new building facades are proposed.</p>
A2	<p><i>Alterations to ground level facades of non residential buildings must not:</i></p> <ul style="list-style-type: none"> a) <i>Reduce the level of glazing on a façade to a frontage, mall, laneway or arcade that is present prior to alterations; and</i> b) <i>Have security grills or screens that obscure the ground floor façade; and</i> c) <i>Introduce new or additional mechanical plant or equipments such as air conditioning units or heat pumps visible from ground level public viewpoints; and</i> d) <i>Contain blank walls or signage that is wider than 2.0m on a façade to a frontage, mall, laneway or arcade.</i> <p>N/A. Planning approval is sought for an Illuminated Multi-Tenancy Blade sign associated with the existing Mowbray Marketplace complex. No alterations to facades are proposed.</p>

3.4 Overlays and Codes

3.4.1 Car parking and Sustainable Transport Code

N/A

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

3.4.2 E18.0 Signs Code

E18.1.1	<p><i>PURPOSE</i> <i>To provide opportunities for appropriate business advertising and information essential to support and encourage business activity;</i></p> <p>a) <i>Promote the use of well-designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality;</i></p> <p>b) <i>Ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values; and</i></p> <p>c) <i>Ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.</i></p> <hr/> <p>a) Inconsistent. The proposed Illuminated Multi-Tenancy Blade sign does not fit with existing signs and buildings within the streetscape. The height of the sign, at 15m is considered excessive and will detract from the visual amenity of the area. Other signs of the same type in the same locality are approximately half the size. Diagrams have been prepared that illustrate the comparative heights of nearby buildings and signs. See <i>Attachment 3 - Neighbouring Building Height Comparison</i> and <i>Attachment 4 - Sign Height Comparison</i>.</p> <p>b) N/A. The site has no heritage significance.</p> <p>c) Inconsistent. The location of the proposed sign is misleading to motorists, and will cause a disruption in the flow of traffic. Vehicles travelling from the south are unable to enter the premises at this location due to a traffic island in the centre of the road.</p>
E18.5	<i>DEVELOPMENT STANDARDS</i>
E18.5.1	<p><i>INNAPPROPRIATE SIGNAGE</i> <i>To prevent inappropriate signage</i></p>
A1	<p><i>Must not be a:</i></p> <p>a) <i>Third Party Sign</i></p> <p>b) <i>Roof Sign</i></p> <p>c) <i>Sky Sign</i></p> <p>d) <i>Bunting (Flag and Decorative Elements)</i></p> <p>e) <i>Flashing Lights</i></p> <hr/> <p>Complies. Blade signs are not listed above.</p>

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

E18.5.2	<p><i>DESIGN AND SITING OF SIGNAGE</i> <i>To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.</i></p>
A1	<p><i>A sign must:</i></p> <p><i>a) Meet the requirements for the relevant sign type set out in E.18.6; and</i> <i>b) Be located within the applicable zone set out in E18.6</i></p> <p>a) Does not comply. E18.6 requirements for a Blade sign are as follows: a) Maximum height of 2.5m; and b) Maximum area of each side of sign 1.5m² The height of the sign will exceed the maximum height requirement by 12.5m and the area of each side will exceed the maximum area by 16.5m² b) Complies. The proposed sign is located in the General Business Zone as set out in E18.6 Further Assessment against the Performance Criteria is required.</p>
P1	<p><i>A sign must</i></p> <p><i>a) Be within an applicable zone for the sign type as set out in table E18.6;</i> <i>b) Be sympathetic to the architectural character and detailing of the building;</i> <i>c) Be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i> <i>d) Not result in loss of amenity to neighbouring properties;</i> <i>e) Not involve the repetition of messages or information on the same frontage;</i> <i>f) Not contribute to or exacerbate visual clutter; and</i> <i>g) Not cause a safety hazard or obstruct movement of pedestrians on a footpath.</i></p>

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

	<p>a) Complies. The proposed sign is located in the General Business Zone as set out in E18.6</p> <p>b) N/A. The proposed sign is not near the building to which it relates and is freestanding.</p> <p>c) Does not comply. The dimensions of the sign are inappropriate in regard to the height of nearby buildings. The proposed height of 15m is considered excessive in this regard. A diagram has been prepared that illustrate the comparative heights of nearby buildings. See <i>Attachment 3 - Neighbouring Building Height Comparison</i></p> <p>d) Complies. The sign will be backlit illuminated. Therefore, in regard to potential light spill onto neighbouring properties, the sign will not cause a nuisance.</p> <p>e) Complies. Although the graphics of the proposed sign will be the same as those on the existing sign at the main entrance to Mowbray Marketplace (on the same frontage), the signs will be separated by a number of shops spanning 80m, and therefore are not considered to be repetitive.</p> <p>f) Does not comply. The proposed sign, at a height of 15m is not in keeping with other signs in the area and will cause visual clutter.</p> <p>g) Does not comply. The location of the proposed sign is misleading to motorists, and will cause a safety hazard, because it is not located at the entrance to Mowbray Marketplace. Vehicles travelling from the south are unable to enter the premises at this location due to a traffic island in the centre of the road.</p> <p>The proposed sign does not meet the requirements of the performance criteria (P1.c, f and g) and is therefore prohibited.</p>
A2	<p><i>A sign must be a minimum distance of 2m from the boundary of any lot in the Residential Zone.</i></p> <p>Complies. The proposed sign is more than 2m from the boundary of any lot in the Residential Zone.</p>
A3	<p><i>A maximum of one of each sign type per building or tenancy unless otherwise stated in E18.6</i></p> <p>Does not comply. An existing Blade sign at the main entry off Invermay Road will bring the total number of Blade signs to two including this one.</p>
P3	<p><i>A sign must:</i></p> <p>a) <i>Where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</i></p> <p>b) <i>Not engage in the repetition of messages or information on the same frontage.</i></p>

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

	<p>a) Does not comply. No signs will be removed or reduced. The existing sign for Mowbray Marketplace will remain, and an additional sign will be installed.</p> <p>b) Complies. Although the graphics of the proposed sign will be the same as those on the existing sign at the main entrance to Mowbray Marketplace (on the same frontage), the signs will be separated by a number of shops spanning 80m, and therefore are not considered to be repetitive.</p> <p>The proposed sign does not meet the requirements of the performance criteria (P3.a) and therefore must be refused.</p>
A4	<p><i>A sign must not be illuminated or contain; flashing lights, animation, moving parts and moving or changing messages or graphics.</i></p> <p>Does not comply. The sign will be illuminated. Further assessment against the Performance Criteria is required.</p>
P4	<p><i>A sign must not result in loss of amenity to neighbouring properties or cause undue distraction to drivers of motor vehicles.</i></p> <p>Complies. The illumination will not involve flashing lights and will therefore not result in loss of amenity to neighbouring properties or cause a distraction to motorists.</p>

4.0 REFERRALS

The proposal was referred to the following departments and their responses are included below:

Infrastructure Assets

No objection to the proposal on the basis of two conditions relating to:

- a) Damage to council infrastructure
- b) Works within/occupation of the road reserve

Environmental Services

No comments were received.

5.0 REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 28 August 2013 to 10 September 2013.

No representations were received.

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

6.0 CONCLUSION

It is considered that the proposal does not comply with the provisions of the Launceston Interim Planning Scheme 2012. The application is recommended for refusal

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

12.1 262 Invermay Road, Mowbray - Construction of an Illuminated Multi-Tenancy Blade sign...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Michael Stretton: Director Development Services

ATTACHMENTS:

1. Locality Map.
 2. Site Plan and sign details.
 3. Neighbouring Building Height Comparison
 4. Sign Height Comparison
-



Launceston City Council
A Leader in Community & Government

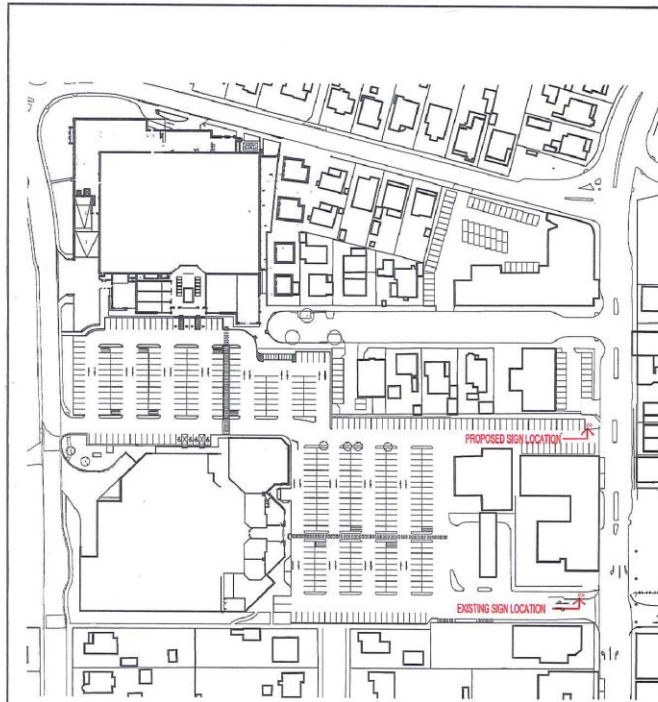


LOCALITY MAP - DA0322/2013
262 INVERMAY RD, MOWBRAY



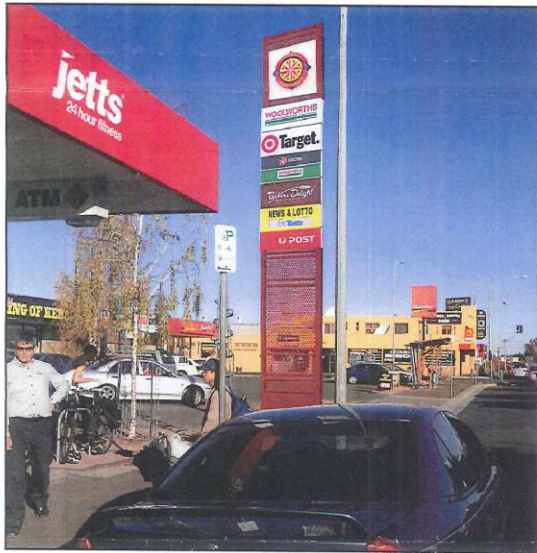
Locality Map

Scale: This Map Is Not to Scale



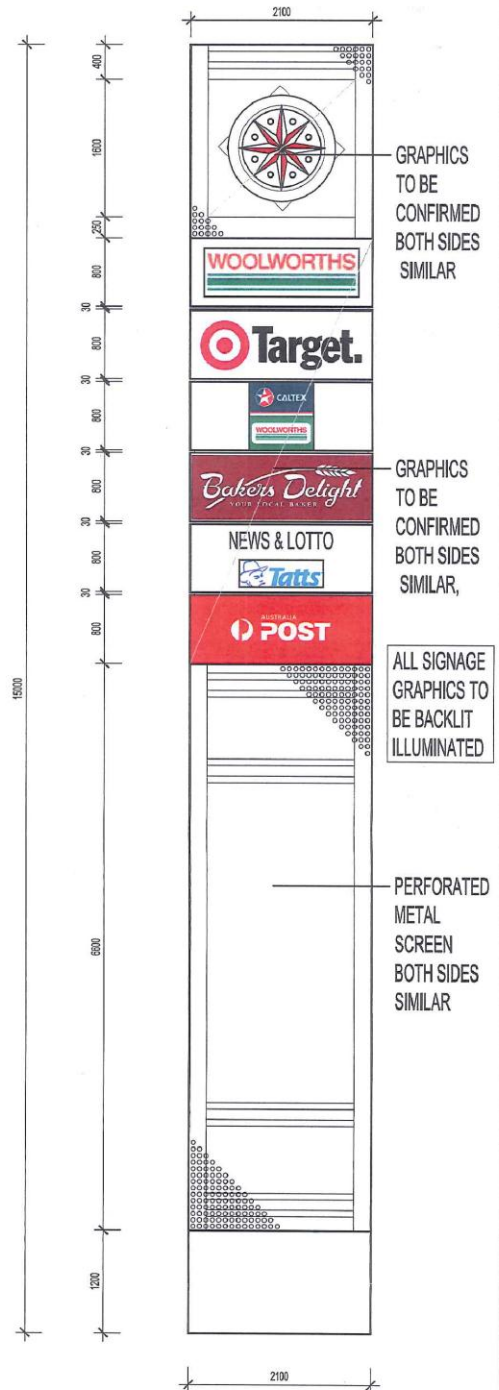
CENTER PLAN

1:2000



PHOTOMONTAGE - PROPOSED NEW LOCATION

NTS



GRAPHICS TO BE CONFIRMED BOTH SIDES SIMILAR

GRAPHICS TO BE CONFIRMED BOTH SIDES SIMILAR,

ALL SIGNAGE GRAPHICS TO BE BACKLIT ILLUMINATED

PERFORATED METAL SCREEN BOTH SIDES SIMILAR

EXHIBITION PLAN
FILE REF: D40329/2013
DATE EXHIBITED: 28/7/2013
SIGNED: CM

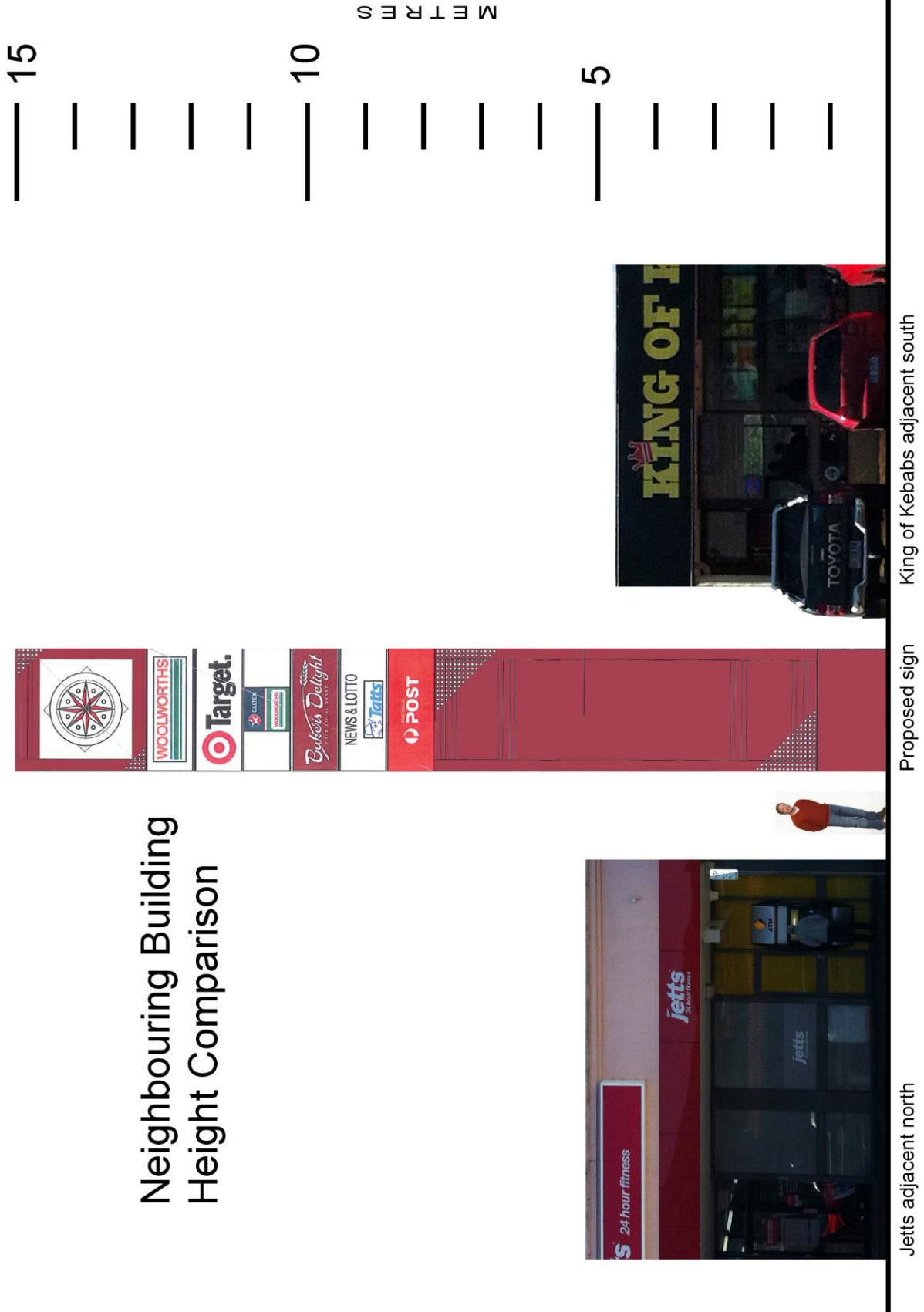
PROPOSED NEW SIGN TO MATCH EXISTING-ELEVATION

1:50 (DIMENSIONS TO BE CONFIRMED ON SITE)
GRAPHICS TO BE CONFIRMED, SIMILAR BOTH SIDES.

PRELIMINARY
NOT FOR CONSTRUCTION

<p>Michael Carr Architect Pty. Ltd. 181 Tupper Street, South Melbourne 3206 PH: 03 9442 4555 FAX: 03 9442 4554 Email: admin@mcarra.com.au</p>	REV: A	DATE: 10/09/13	AMENDMENT: DEVELOPMENT APPLICATION	BY: LW	CLIENT: -	SCALE: 1:100		DRAWING TITLE: SIGNAGE ALTERATIONS
	<p>PROJECT: MOWBRAY MARKET MOWBRAY MARKETPLACE MOWBRAY, TASMANIA</p>				<p>DESIGNED BY: - CHECKED BY: - APPROVED: - DATE: 01/03/2013</p>	<p>PROJECT No. 13007 DRAWING No. TP-02 REV. A</p>		

Neighbouring Building
Height Comparison



Sign Height Comparison



13 NOTICES OF MOTION - FOR CONSIDERATION**13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival****FILE NO:** SF5547 / SF5898**AUTHOR:** Alderman Rob Soward**DIRECTOR:** Rod Sweetnam (Acting General Manager)

DECISION STATEMENT:

To receive a Notice of Motion from Alderman Soward regarding the Breath of Life Festival event to be held in Launceston on 8 March 2014.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

The Launceston City Council contributes \$20,000 sponsorship to the Breath of Life Festival event to be held in Launceston on March 8 2014.

REPORT:

Alderman Soward will speak to the item.

Background as provided by Alderman Soward:

The organisation applied to the council as part of its annual grants program and was deemed unsuccessful. I have respect for all of the processes council puts in place assessing these grants having sat on that committee in the past and seeing the work and effort that goes into the process. The committee always has many more dollars of requests than it actually has money to meet them hence the process that is used. In this instance it is my belief that this festival [as a known event] is worthy of financial support .If lost to Launceston the social and financial ramifications will clearly impact not only on the thousands of young people who attend the event but many businesses and individuals who directly and indirectly gain employment or benefit from the event. Once an event like this is lost it can be many years until something similar attempts to take its place, meaning an even greater impact is felt by the local economy for a long period of time.

13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival...(Cont'd)

Background of the event-

Breath of Life Festival is the fastest growing regional music festival in Australia. The festival offers an event that is on par with some of the biggest and most popular in the country with a local focus and feel.

Breath of Life festival takes place over the March long weekend and delivers a wide variety of the best Australian and international DJs and live music across multiple stages. Many of the artists hosted at the festival would not otherwise perform in the regional hub, with two international artists being flown into Tasmania specifically for the festival.

The festival offers workshops and interactive activities in line with current successful national trends and developments. Breath of Life hosts a variety of local food outlets, supporting health and well being amongst our community.

The highly popular music festival also offers the Australian Lung Foundation an opportunity to connect with music lovers, young and old, raising awareness and funds, while educating young people about the importance of lung health as an early prevention for lung disease.

In its first year in Launceston, the Breath of Life Festival attracted over 16000 people across the weekend and employed over 250 staff

The event is already a successful community event, supporting residents and generating local revenue by working with Councils and businesses, employing local contractors, and stimulating infrastructure development both directly and indirectly. The event is successful at promoting its home town [Launceston] and state desirable tourist destinations and increasing visitation within these locations. The event also obviously supports music locally and assists in the discovery and showcasing of new, local artists providing youth with the opportunity to view national and international artists that may otherwise be unavailable in the local area.

In their words, taken directly from their application for council funding outlined below, Breath of Life does a range of things and brings a range of things to our community -

- *BOL delivers an event of international standards attracting the highest level of performers, many of whom would otherwise be unavailable to our regional hub.*
 - *Bringing people of all walks of life together to enjoy one common interest and passion, music, socialising and learning to understand and appreciate each other.*
 - *Supporting local youth and arts- BOL hosts workshops for youth interested in becoming a part of the industry (performers and event organisers) and offers both the opportunity to take part on the day.*
-

13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival...(Cont'd)

- *Working with schools delivering important key messages in a relaxed environment of open communication.*
- *Working with LCC youth program advisers on providing additional promotion and exposure for current programs and initiatives.*
- *Employing staff and contractors locally, hires local infrastructure when possible and develops key partnerships with local businesses and tourism organisations.*
- *For 2012, BOL ranked in the 3 most significant events to make a positive impact on local businesses.*

The need for funding from the Launceston City Council.

To stage the event is a huge financial cost to the organisers and funding is sought from a number of private sources. The amount the promoters are seeking [\$20,000] is only around 3 percent of the actual operating cost of the event. Staging an international level music event is not cheap. Around 30 percent of the amount sought directly comes back to council in terms of permit and other fees.

If council do not support it financially clearly the organisers have to find that revenue from other sources. If they don't it means the quality of the event suffers which in turn further creates hardship as tickets sales diminish and the word of mouth bad press impacts on the event into the future.

The big thing about council not supporting the event is that it gives the impression in the community that it's not worthwhile meaning other potential local business supporters do not value it either making it even harder to gain corporate and in kind support.

The big difference between this special request for funding and others that have come to council such as from sporting clubs and the like is that we know this is a "known" event that brings large crowds to the city. It's not done on the back of "maybes" or "possibly" or "potential best cases" but on hard facts and a known commodity. It has a full budget and previous financials available for public scrutiny.

What happens if we say No?

The sun will continue to rise and life will go on; the Festival will be held in 2014 but with a reduced budget and capacity to raise funds given the lack of council support will be read by our community as a lack of faith in the event. The line up will be compromised due to less funds available to secure high quality acts and the music public [like the arts and sporting public as I will explain] are discerning and demand value for money in what they see. This will result in reduced ticket sales meaning more financial pressure on investors and sponsors of the festival.

13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival...(Cont'd)

The real impact will be felt as organisers look at running the festival in 2015 and the options of taking it elsewhere- already one mainland council has tried to move heaven and earth to secure it and it potentially could be lost to Launceston.

Once an event is lost it is very difficult to get it back because the perceived lack of support from local government is residual and the perception means other investors and promoters see it as all too hard. This means not only do Launceston's youth need to go elsewhere to see such an event it means the impact on local businesses is severe also and they miss out on the windfall associated with such an event. I have contacted Cityprom with my concerns and am advised they are preparing a letter to council on the matter.

Officer comments - Michael Stretton (Director Development Services):

The Council's Event Sponsorship assessment process is guided by its Events Sponsorship Policy and its guidelines for evaluating applications for funding. The Council has worked for a number of years in the development and refinement of this Policy as a means of providing a consistent and equitable means of assessing and distributing event sponsorship dollars.

Events that are eligible for funding are assessed against a series of defined criteria to determine if they qualify for funding within the following Sponsorship Package levels:

- Sponsorship Package Level 1 - up to \$5,000
- Sponsorship Package Level 2 - up to \$10,000
- Sponsorship Package Level 3 - up to \$15,000
- Sponsorship Package Level 4 - up to \$20,000

In the Council's 2013/14 assessment process the Breath of Life Festival was classified as a **Sponsorship Package Level 3 (SPL3)** event and received a score of **73%** against the assessment criteria. Had there been available funds within the Council's Event Sponsorship budget, the Council would have received a recommendation for the event to receive **\$11,250** (being 75% of SPL3, i.e. \$15,000). However, the Council's 2013/14 Round 2 Event Sponsorship budget of \$84,875 was fully expended by 10 events which scored higher than the Festival (between 75-96%).

In what has become an increasingly competitive funding program in terms of increased demand and a high quality of applications, it is unfortunate that several worthwhile events have not been funded in 2013/14. This is however in no way reflective of the value the Breath of Life Festival is seen to deliver to the Launceston community.

The Notice of Motion calls for the Council to contribute \$20,000 in sponsorship to the 2014 Breath of Life Festival event, however, such a decision would be contrary to the Council's Events Sponsorship Policy.

13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival...(Cont'd)

As was established above, under the Policy the Breath of Life Festival qualifies for \$11,250 in sponsorship and it is considered that any decision to deviate from the Policy would be inequitable and inconsistent with Council's sponsorship of previous events and more particularly, with those events that have missed out on funding in the past due to the Council's budget restraints. Additionally, it would risk the establishment of a funding precedent which would undoubtedly be sought by future events.

It is also worth noting that the Council has recognised that events need to become less reliant on Council sponsorship and, to this end, included an action in the 2013/14 Annual Plan to 'Seek greater commercial support for community arts and events'. The Notice of Motion does not assist in this task as it reinforces the belief that the Council should 'fund' events before the commercial sector.

Were the Council to decide to fund the 2014 Breath of Life Festival it would be necessary to identify where within the Council budget the funding is to be sourced? The Council's Event Sponsorship budget has been fully expended for 2013/14 and any funding would need to be diverted from another activity area of Council which would require a decision to cut a service or reduce a service level. Accordingly, should the Council be of a mind to approve the funding, it is suggested that it be subject to a further report to identify from where the funding will be sourced.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:N/A

13.1 Notice of Motion - Ald Rob Soward - Breath of Life Festival...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Rod Sweetnam: Acting General Manager

ATTACHMENTS:

1. Notice of Motion - Alderman Rob Soward
 2. Survey Summary
-

LAUNCESTON CITY COUNCIL

MEMORANDUM

FILE NO: SF5547 / SF5898
RS
DATE: 16 September 2013

TO: Rod Sweetnam Acting General Manager
Cc Committee Clerks

FROM: Rob Soward Alderman

SUBJECT: Notice of Motion - Breath of Life Festival

In accordance with Clause 16 (5) of the Local Government Regulations 2005 (Meeting Procedures) please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on 14 October 2013.

Motion

The Launceston City Council contributes \$20,000 sponsorship to the Breath of Life Festival event to be held in Launceston on March 8 2014.

Background

Alderman Soward will provide some background to this.

The organisation applied to the council as part of its annual grants program and was deemed unsuccessful. I have respect for all of the processes council puts in place assessing these grants having sat on that committee in the past and seeing the work and effort that goes into the process. The committee always has many more dollars of requests than it actually has money to meet them hence the process that is used. In this instance it is my belief that this festival [as a known event] is worthy of financial support .If lost to Launceston the social and financial ramifications will clearly impact not only on the thousands of young people who attend the event but many businesses and individuals who directly and indirectly gain employment or benefit from the event. Once an event like this is lost it can be many years until something similar attempts to take its place, meaning an even greater impact is felt by the local economy for a long period of time.

Background of the event-

Breath of Life Festival is the fastest growing regional music festival in Australia. The festival offers an event that is on par with some of the biggest and most popular in the country with a local focus and feel.

Breath of Life festival takes place over the March long weekend and delivers a wide variety of the best Australian and international DJs and live music across multiple stages. Many of the artists hosted at the festival would not otherwise perform in the regional hub, with two international artists being flown into Tasmania specifically for the festival.

LAUNCESTON CITY COUNCIL

MEMORANDUM

The festival offers workshops and interactive activities in line with current successful national trends and developments. Breath of Life hosts a variety of local food outlets, supporting health and well being amongst our community.

The highly popular music festival also offers the Australian Lung Foundation an opportunity to connect with music lovers, young and old, raising awareness and funds, while educating young people about the importance of lung health as an early prevention for lung disease.

In its first year in Launceston, the Breath of Life Festival attracted over 16000 people across the weekend and employed over 250 staff

The event is already a successful community event, supporting residents and generating local revenue by working with Councils and businesses, employing local contractors, and stimulating infrastructure development both directly and indirectly. The event is successful at promoting its home town [Launceston] and state desirable tourist destinations and increasing visitation within these locations. The event also obviously supports music locally and assists in the discovery and showcasing of new, local artists providing youth with the opportunity to view national and international artists that may otherwise be unavailable in the local area.

In their words, taken directly from their application for council funding outlined below, Breath of Life does a range of things and brings a range of things to our community -

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- *Working with schools delivering important key messages in a relaxed environment of open communication.*
- *Working with LCC youth program advisers on providing additional promotion and exposure for current programs and initiatives.*
- *Employing staff and contractors locally, hires local infrastructure when possible and develops key partnerships with local businesses and tourism organisations.*
- *For 2012, BOL ranked in the 3 most significant events to make a positive impact on local businesses.*

The need for funding from the Launceston City Council.

To stage the event is a huge financial cost to the organisers and funding is sought from a number of private sources. The amount the promoters are seeking [\$20,000] is only around 3 percent of the actual operating cost of the event. Staging an international level music event is not cheap. Around 30 percent of the amount sought directly comes back to council in terms of permit and other fees.

If council do not support it financially clearly the organisers have to find that revenue from other sources. If they don't it means the quality of the event suffers which in turn

LAUNCESTON CITY COUNCIL

MEMORANDUM

further creates hardship as tickets sales diminish and the word of mouth bad press impacts on the event into the future.

The big thing about council not supporting the event is that it gives the impression in the community that it's not worthwhile meaning other potential local business supporters do not value it either making it even harder to gain corporate and in kind support.

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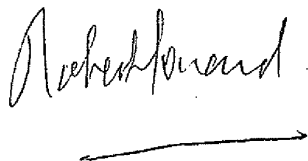
The sun will continue to rise and life will go on; the Festival will be held in 2014 but with a reduced budget and capacity to raise funds given the lack of council support will be read by our community as a lack of faith in the event. The line up will be compromised due to less funds available to secure high quality acts and the music public [like the arts and sporting public as I will explain] are discerning and demand value for money in what they see. This will result in reduced ticket sales meaning more financial pressure on investors and sponsors of the festival.

The real impact will be felt as organisers look at running the festival in 2015 and the options of taking it elsewhere- already one mainland council has tried to move heaven and earth to secure it and it potentially could be lost to Launceston.

Once an event is lost it is very difficult to get it back because the perceived lack of support from local government is residual and the perception means other investors and promoters see it as all too hard. This means not only do Launceston's youth need to go elsewhere to see such an event it means the impact on local businesses is severe also and they miss out on the windfall associated with such an event. I have contacted Cityprom with my concerns and am advised they are preparing a letter to council on the matter.

Attachments

Nil



A handwritten signature in cursive script, appearing to read 'Rob Soward', with a horizontal line underneath it.

Alderman Rob Soward

Launceston Events








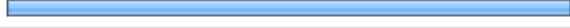
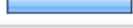



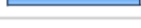
1. What is your main business area?

		Response Percent	Response Count
Tourism and hospitality		38.1%	43
Retail		39.8%	45
Service		22.1%	25
	Other (please specify)		12
		answered question	113
		skipped question	0

2. Where are you located?

		Response Percent	Response Count
In the Launceston CBD		64.6%	73
Within 5km of the Town Hall		19.5%	22
Within 10km of the Town Hall		3.5%	4
Within 25km of the Town Hall		2.7%	3
Further than 25km from the Town Hall		9.7%	11
		answered question	113
		skipped question	0

3. Which events positively impacted your business?

		Response Percent	Response Count
Breath of Life		49.0%	47
The Launceston Cup		44.8%	43
Festivale		58.3%	56
V8 Supercars		49.0%	47
Beerfest		13.5%	13
AFL		71.9%	69
Junction Arts Festival		15.6%	15
Breath of Fresh Air Film Festival		12.5%	12
Symphony Under the Stars		12.5%	12
New Year's Eve on Royal		15.6%	15
Melbourne Victory Soccer Match		16.7%	16
Other (please specify)			18
answered question			96
skipped question			17

4. Specifically, what was the impact to your business of the following events?

	Dramatic Increase	Increase	No Change	Decrease	Dramatic Decrease	N/A	Rating Average	Rating Count
Breath of Life	13.0% (13)	32.0% (32)	33.0% (33)	3.0% (3)	3.0% (3)	16.0% (16)	2.42	100
The Launceston Cup	14.9% (15)	23.8% (24)	23.8% (24)	12.9% (13)	9.9% (10)	14.9% (15)	2.76	101
Festivale	12.6% (13)	40.8% (42)	26.2% (27)	7.8% (8)	1.0% (1)	11.7% (12)	2.36	103
V8 Supercars	14.6% (15)	32.0% (33)	34.0% (35)	4.9% (5)	0.0% (0)	14.6% (15)	2.34	103
Beerfest	1.1% (1)	12.9% (12)	65.6% (61)	3.2% (3)	0.0% (0)	17.2% (16)	2.86	93
AFL	14.3% (15)	48.6% (51)	21.0% (22)	1.9% (2)	1.0% (1)	13.3% (14)	2.15	105
Junction Arts Festival	5.4% (5)	10.8% (10)	65.6% (61)	1.1% (1)	0.0% (0)	17.2% (16)	2.75	93
Breath of Fresh Air Film Festival	3.2% (3)	10.6% (10)	64.9% (61)	1.1% (1)	0.0% (0)	20.2% (19)	2.80	94
Symphony Under the Stars	3.2% (3)	6.3% (6)	70.5% (67)	2.1% (2)	0.0% (0)	17.9% (17)	2.87	95
New Year's Eve on Royal	2.1% (2)	11.7% (11)	66.0% (62)	1.1% (1)	2.1% (2)	17.0% (16)	2.87	94
answered question								112
skipped question								1

5. If you experienced an increase in trade, where were the additional visitors to your business from?

	From Launceston	From Tasmania but not Launceston	Interstate	International	N/A	Rating Average	Rating Count
Breath of Life	7.3% (6)	41.5% (34)	6.1% (5)	0.0% (0)	45.1% (37)	1.98	82
The Launceston Cup	19.7% (15)	19.7% (15)	11.8% (9)	0.0% (0)	48.7% (37)	1.85	76
Festivale	4.7% (4)	43.0% (37)	15.1% (13)	0.0% (0)	37.2% (32)	2.17	86
V8 Supercars	1.2% (1)	14.1% (12)	42.4% (36)	0.0% (0)	42.4% (36)	2.71	85
Beerfest	6.2% (4)	9.2% (6)	3.1% (2)	0.0% (0)	81.5% (53)	1.83	65
AFL	1.0% (1)	15.2% (15)	50.5% (50)	0.0% (0)	33.3% (33)	2.74	99
Junction Arts Festival	1.5% (1)	10.3% (7)	10.3% (7)	0.0% (0)	77.9% (53)	2.40	68
Breath of Fresh Air Film Festival	0.0% (0)	9.7% (6)	8.1% (5)	0.0% (0)	82.3% (51)	2.45	62
Symphony Under the Stars	6.1% (4)	10.6% (7)	1.5% (1)	0.0% (0)	81.8% (54)	1.75	66
New Year's Eve on Royal	9.0% (6)	9.0% (6)	3.0% (2)	0.0% (0)	79.1% (53)	1.71	67
answered question							113
skipped question							0

6. How was trade for your business in 2011 compared with 2012 for:

	Much better	Better	No change	Worse	Much Worse	N/A	Rating Average	Rating Count
The March long weekend	10.9% (11)	19.8% (20)	27.7% (28)	21.8% (22)	2.0% (2)	17.8% (18)	2.81	101
The Launceston Cup	6.8% (7)	14.6% (15)	36.9% (38)	22.3% (23)	1.9% (2)	17.5% (18)	2.98	103
Festivale	6.7% (7)	18.1% (19)	36.2% (38)	22.9% (24)	1.0% (1)	15.2% (16)	2.92	105
Beerfest	4.0% (4)	6.0% (6)	53.0% (53)	13.0% (13)	1.0% (1)	23.0% (23)	3.01	100
answered question							108	
skipped question							5	

DIRECTORATE AGENDA ITEMS**15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES****15.1 Livestock Market Operations****FILE NO:** SF0403**AUTHOR:** Matthew Skirving (Manager Architectural Services)**DIRECTOR:** Rod Sweetnam (Director Facility Management and Governance Services)

DECISION STATEMENT:

To resolve the future management of Killafaddy Livestock Market.

Recommendation 1. Requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

SPPC 17th June 2013.

6.1 Livestock Market Operations (Closed Workshop Presentation)

Council Item 12th August 2013.

15.1 Livestock Market Operations (Deferred).

SPPC 16th September 2013.

Workshop Livestock Market Operations.

RECOMMENDATION:

1. That in recognition of the following factors:

- Changes in livestock market conditions, sales methods, including Over the Hook and direct agency on-farm sales methods.
 - The notification by one of the two agents using the yards (Roberts Ltd), they will cease using the facilities early in the new calendar year.
 - The significant reduction in stock throughput at Killafaddy Livestock Market over recent years.
 - The relevance of Council's ongoing subsidised operation of a livestock market facility.
 - The increasing net operating deficit at the facility in excess of \$124,000 for the 2012/13 financial year, and a cumulative total in excess of \$436,000 over the past seven years.
-

15.1 Livestock Market Operations...(Cont'd)

- The anticipated significant ongoing capital investment required to maintain the facility to contemporary standards.

That Council determines to offer the existing land and improvements associated with the current operation of the livestock markets for sale or lease (as a going concern) via a public Expression of Interest (EOI) process.; and

2. At the conclusion of the EOI processes, a subsequent report be provided to Council summarising the submissions received, and options for sale or lease of the facility and associated assets.
 3. That in the event the EOI submissions received do not indicate they will cover full costs (Operational Capital) or continue with regular sales for a minimum of 6 months, Council indicate its intention to close the sale yards and cease operations, at a date to be determined.
-

Executive Summary - Livestock Market Review by Makris Skringar & Associates

During 2012 Council engaged Makris Skringar & Associates to conduct a review of the operation of Council's Killafaddy Livestock markets. The review sought to establish:

- What role the saleyards play in the context of the Tasmanian agricultural industry.
- What trends are apparent in relation to the usage of the saleyards and the potential implications of the trends into the future.
- The key drivers for utilisation of the saleyard, and other options open to producers for sale of livestock.
- The profile of the typical users of the Killafaddy saleyard.
- Peripheral benefits for the Launceston community from the operation of saleyards.
- What options may exist to ameliorate any shortfalls in current operating deficits at the facility.

The completed review document is provided as Attachment 1 to this report. Included below is a summary of pertinent points extracted from the Makris Skringar & Associates report:

Page 3

- *The saleyard is currently the only public, independent saleyard operating in Tasmania*
 - *The performance of Killafaddy is a reflection of market dynamics and conditions not ineffective asset management nor redundancy*
-

15.1 Livestock Market Operations...(Cont'd)

Page 4

- *The scale and compactness of stock trading in Tasmania differentiate it from the mainland and have contributed to a unique set of market dynamics and conditions*
- *The best trading year of recent times for Killafaddy (FY08) was the worst year of the drought. These findings demonstrate that Killafaddy Saleyard's performance is directly linked to stock scarcity fuelled by seasonal fluctuations experienced directly by farmers.*
- *Confirming the above, of all sale methods, sale by auction for both beef and sheep peaked in FY08 accounting for 48 percent of beef stock sales in Tasmania and 49 percent of sheep stock sales.*
- *In FY11 Over the Hook (OTH) sales were far and away the most used sales method accounting for 46 percent of beef sales.*

Page 5

- *Sheep sales in FY09 at auction accounted for 23 percent offset by OTH sales at 33 percent and paddock sales at 26 percent.*
- *According to some interviewees incentives to attain reasonable returns has resulted in holding back stock from auction and 'drip feeding' where volumes of stock are presented for sale on one occasion followed by fewer stock sold on the following occasion - thereby achieving higher sale prices for the latter.*
- *The main impacts on auctioneering are clearly OTH sales (linked to supermarkets), willingness of agents (and farmers) to procure stock for sale and the effects of seasonal fluctuations.*

Page 6

- *Of nine saleyards in Tasmania, seven are owned and operated by one of two corporate agents; one is operated by the other corporate agent and is uniquely used (i.e. for store cattle sales); the remaining saleyard is operated independently by LCC - used by the latter agent due to reportedly cost-prohibitive fees charged at the other saleyards.*
 - *The proliferation of single-owner operated saleyards serves to dissipate whatever volume exists precluding Killafaddy gaining traction to amass volume - noting, of course, this is dependent on agents' and farmers' willingness to procure stock for sale.*
 - *Furthermore, it is publicly recognised that rationalisation of saleyards will not occur until Killafaddy closes - to do otherwise would mean Killafaddy saleyards may potentially increase throughput and sales and, in the process, appear viable.*
-

15.1 Livestock Market Operations...(Cont'd)

Page 7

- *What sets Killafaddy apart however, is that it is the only independent saleyard in the entire state of Tasmania - farmers in other mainland states have recourse to use multiple independent saleyards operated by different Councils. In addition, the concentration of saleyard ownership is unmatched on the mainland.*
- *The closure of Killafaddy saleyard cannot be viewed solely in a local context as it may well have state-wide implications especially in regards to the breadth of potential losses accrued by smaller farms. This extends beyond loss of income and jobs to their potential to yield premium, value-adding, small herd stock which may ultimately contribute to Tasmania's competitive position as a premium producer.*
- *Although backed up by hard industry data, this review was largely qualitative in nature with little representation from farmers and particularly smaller farmers. Thus the gravity of impact remains an unknown as does a quantified insight into Killafaddy Saleyard users.*

Page 15

- *Graph 6 shows the auction sales method is by far the most used to sell sheep in Australia used by 62 percent of farmers in FY2010/11. However this is not the case in Tasmania (shown in Graph 7) where annual variation in methods is rampant.*

Page 18

- *A few interviewees, referring to trends on the mainland away from OTH selling some four or five years ago (verified in statistics analysed previously in this section of the report) maintained a move away from OTH selling was inevitable in the near future in Tasmania. The main reason for the shift on the mainland was the realisation by sellers that they were not getting attaining the best price due to penalties applied after the price per kilo was agreed.*

Page 19

- *The three main drivers said to affect auctions are supermarkets' buying activity (via OTH sales), the willingness of agents to procure stock for sale through at auction and seasonal fluctuations/impacts.*
 - *Discounting the drought, there is evidence of seasonality in use of the saleyards. For example, they are used in winter when there is a spike in the market - at that time there is a lack of quality stock so better prices are achieved going through Killafaddy saleyards (noting it has a hard floor).*
-

15.1 Livestock Market Operations...(Cont'd)

Page 20

- *The perception that the closure of Blue Ribbon Meats adjacent to Killafaddy saleyards was the main contributor to the saleyard's later diminished performance is inaccurate. It has more to do with increased use of OTH sales methods and chasing the best price than proximity of saleyards to abattoirs and such things as transport costs (which are minimal).*

Page 21

- *Based on the foregoing analysis and discussions, it would appear Killafaddy Saleyard's income is linked to seasonal fluctuations which impact farming outcomes. Whilst these fluctuations are largely unpredictable, based on the evidence to hand, and all things being equal, the income of the saleyards may well increase as build-up stocks are depleted and/or profit margins are eroded. This is outside of the potential to improve Killafaddy's performance by re-positioning the saleyard as a quality auction facility.*

Page 22

- *Killafaddy Saleyards is seen to play a unique and pivotal role in the Tasmanian livestock industry by a number of interviewees.*
- *The saleyard does not have a traditional direct competitor - unlike the situation on the mainland where Council owned saleyards operate in reasonably close proximity to one another. In Tasmania, saleyard competition comes from privately owned facilities acquired or developed after Killafaddy Saleyards was established.*
- *Last financial year in Tasmania, as cited in the previous section, 43 percent of beef cattle were sold directly to processors; 43 percent through paddocks; and 19 percent via saleyard auctions. Of sheep sales, 64 percent were sold directly to processors; 15 percent through paddocks; and 10 percent via saleyard auctions.*

Page 29

- *It is publicly acknowledged that Roberts would not be going ahead with saleyard rationalisation plans and centralisation to Powranna (and Quoiba) until Killafaddy is closed.*

Pages 31 to 34 - Competitive considerations

In this section the author has highlighted issues of competitiveness within the Tasmania livestock market industry and raised critical points throughout.

15.1 Livestock Market Operations...(Cont'd)

Page 46

- *Both major agents maintained throughput levels have dropped significantly at Killafaddy Saleyard - one quoted figures to illustrate - where Killafaddy used to turn over 1,000 to 2,000 cattle it now turns over 150; where the saleyards would turn over 6,000 to 7,000 sheep they now do more like 1,000.*

REPORT:**Recent Financial Performance**

Table 1 below plots the financial performance of the Stockyards Business Unit across the past 10 years. This table is based on year-end financial data provided by the Corporate Services Directorate for the period 2002-2012.

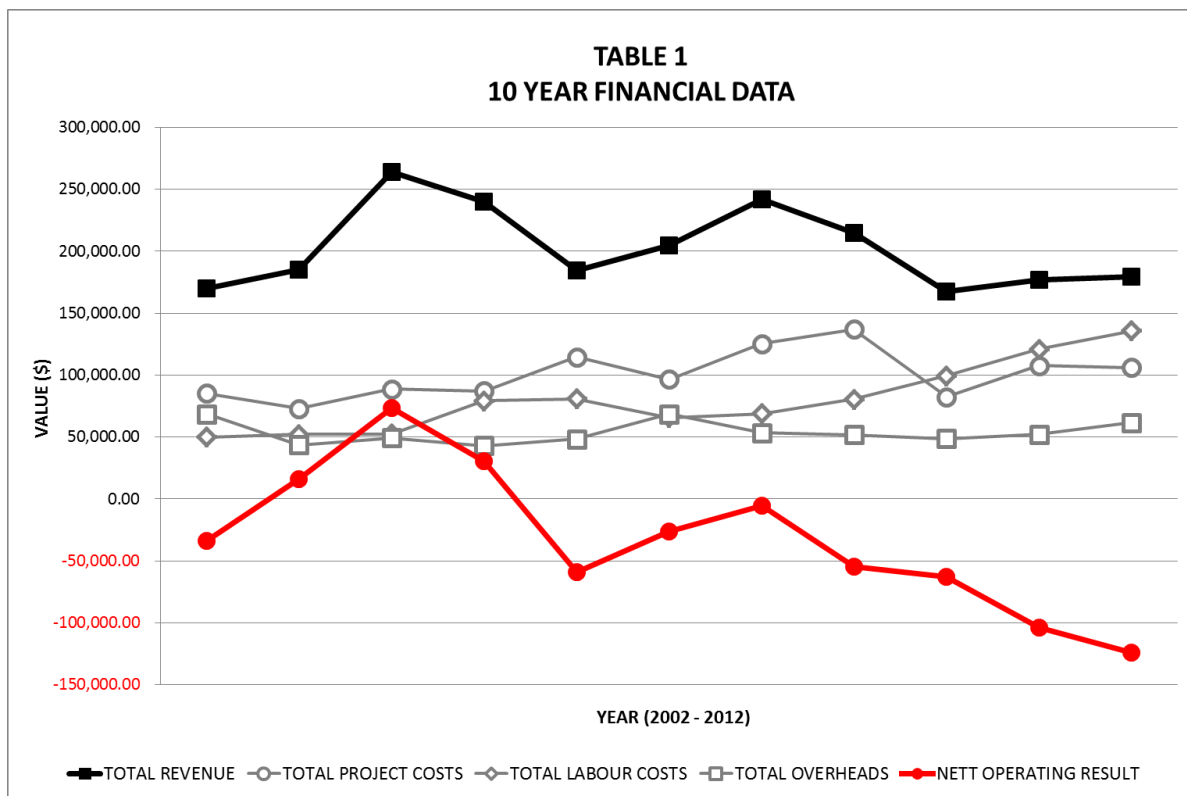
The table plots the primary cost areas associated with the operations, being:

- Total Labour costs.
- Total Project (Capital) expenditure.
- Total Overheads (Utilities, Insurance and Depreciation, Organisation cost recovery).

The highlighted data plots:

- Total revenue per annum.
 - Net result for the financial year (including capital expenditure).
-

15.1 Livestock Market Operations...(Cont'd)



Analysis of the data identifies a number of trends in relation to the overall financial performance of the Business Unit (evident in the table above):

- Annual revenue is variable, and linked to seasonal market conditions such as climate, terms of trade and total stock levels and productivity within the State.
- Capital costs have consistently increased overtime, indicating the ongoing investment required to manage an ageing facility and also the need to keep pace with changing legislative requirements (as discussed in this report).
- Total Labour costs have significantly accelerated over the past 5 years, linked to Council's Enterprise Bargaining Agreement and additional WH&S requirements.
- An unfavourable divergence of Total Revenue v's Nett Result over the past 5 years, primarily driven by the increasing labour and capital costs noted above.

Council revenue derived from the operations on site primarily consists of fees associated with stock throughput (per head), along with Agents fees and some other miscellaneous revenue from leases and the truck wash facility. To this end, there is little scope for augmenting the existing fee model without Council becoming more active in the sector - such as acting as the primary Stock Agency conducting a sale, to enable the direct benefit of higher agency commission structures as opposed to simply be a facility provider.

15.1 Livestock Market Operations...(Cont'd)

While the Launceston City Council does have an historic involvement with the operation of the Saleyards (and indeed the former processing facility), active participation in the broader market is considered to be outside the contemporary operation of the Local Government sector.

Table 2 below summarises the fee increase required to return the Business Unit to a neutral annual operating position (ie. full cost recovery):

Table 2: Required Fee Increase - Cost Recovery

Item	5 Year Avg.	Last F/Y
Revenue from Stock Sales	\$173,141	\$165,556
Operating Deficit	- \$70,267	- \$124,098
Required Break-even Fee Increase	40.58%	74.96%

The table summarises both the average deficit across the last 5 years (associated sale numbers), as well as the most recent full year result and identifies the relative fee increase required to attain full cost recovery from the operation of the facility (including average capital expenditure).

It is unlikely that such significant fee increases would be accepted by the market, and is not considered to be a viable option moving forward.

Future Operation

Council Officers have considered a range of future operating models for the Business Unit, including:

1. Re-structuring the fee model to wholly recover operating expenses.
2. Expanding Council's current market involvement to include Stock Agency services, as a means of increasing revenue associated with this facility.
3. Lease of the facility to a single or multiple Agents.
4. Cessation of Council's operation of the facility, and possible sale or lease of the business/associated land.

Based on the past financial performance of the Business Unit and the discussion contained in this report, it is recommended that Scenario 4 be pursued.

15.1 Livestock Market Operations...(Cont'd)

Future Capital Expenditure

The analysis of the past financial performance of the Facility highlights the increase in capital expenditure over recent years. This trend is an indicator to the age of the facility, and the changing requirements with specific respect to animal welfare practices and WH&S improvements for both staff and visitors to the site. The operational requirements with respect to animal welfare are expected to significantly increase these costs moving forward.

Council Officers have undertaken analysis of the required Capital Expenditure for the facility for the next 5 years. This analysis has reviewed two primary scenarios:

Scenario 01 – consists of ongoing annual renewal works to upgrade the existing facilities on site to modern standards. The scope of work required includes:

- Ongoing upgrade and enhancement to existing stock holding areas and sale pens.
- Replacement of existing elevated auctioneers platforms and walkways.
- Ongoing enhancements to safety rails and access stairways/ladders.
- Improvement to vehicle hardstand areas (surface treatment and drainage).
- Expansion and improvement to on site water reticulation and animal watering facilities.

Based on current condition audits and identified upgrade works it is estimate that the value of works is in the order of **\$1.1-\$1.2m** (to be delivered over a 5-7 year timeframe).

Scenario 02 - involves upgrades to improve the existing facility to 'best practice' standards for all aspects of the operation of the site. The scope of works required is likely to involve more significant replacement/upgrade of existing facilities, as well as additional new facilities such as:

- New stock loading docks, holding areas and pens.
- New elevated gangways, viewing platforms and auctioneer platform, including handrails and barriers.
- Resurfacing of all stockyards areas (soft surfacing to limit hoof damage and livestock stress).
- Adequate shade to all stock holding areas.
- Adequate shading to all medium and long term standing areas for stock transport vehicles.

Based on analysis of recently upgraded saleyard facilities interstate, it is estimated that the value of these works would be in the order of **\$2.5-\$2.8m**. Additional detailed estimates are required to further validate this figure.

15.1 Livestock Market Operations...(Cont'd)

Continued operation of the facility directly by the Launceston City Council will require a likely increase in capital expenditure, in line with the scenarios discussed above. This will further compound the Nett operating deficit of the facility, and place further pressure on an increased fee structure passed on to user groups.

Stockyards Title Area & Land Use Considerations

The land area associated with the facility is identified in *Attachment 6* to this report. The current title area has been compiled from a number of smaller titles, including Killafaddy Road and the Railway line. This will be addressed as part of the sale process ahead however, all the other land as indicated in the *Plan* is likely to be surplus to Council requirements. A subsequent report to Council following the Expression of Interest (EOI) process will provide a final recommendation regarding these title issues as part of the asset disposal process.

Zoning

The current zoning of the Livestock Market under Launceston Interim Planning Scheme is *Rural Resource*. The operation of the facility, including associated activities such as the agistment of livestock and transport activities are a *Permitted Use* under this zoning.

There are however a number of restrictions on the future development of the site. Principally, a significant portion of the site is subject to flooding. As such, no further *Capital intensification* of this portion of the site area would be permitted under the interim Planning Scheme provisions.

This may be a significant hindrance to the future development of the Saleyards as a viable commercial entity - particularly given the likely increased capital improvement programs required for compliance with increasing animal welfare and other associated legislative obligations.

In addition to the restrictions noted above, it is relevant to consider the subsequent development that has occurred adjacent to the livestock markets site since its establishment. While the existing use is permitted under the current *Interim Planning Scheme* zoning, a facility of this nature may no longer be appropriate within the broader context of adjacent residential and commercial development. Issues such as waste treatment, heavy vehicle movements for stock transport, and other environmental issues may be relevant considerations under any future application for redevelopment or expansion of the existing facility.

15.1 Livestock Market Operations...(Cont'd)

Asset Disposal

With regard to a possible sale of the land and assets associated with the Livestock Market, the requirements for the disposal of land under Section 177 of the *Local Government Act 1993* are set out below:

177. Sale and disposal of land

1. *A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.*
2. *Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under [section 4 of the Land Valuers Act 2001](#).*
3. *A council may sell –*
 - a. *any land by auction or tender; or*
 - b. *any specific land by any other method it approves.*
4. *A council may exchange land for other land –*
 - a. *if the valuations of each land are comparable in value; or*
 - b. *in any other case, as it considers appropriate.*
5. *A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.*
6. *A decision by a council under this section must be made by absolute majority.*

None of the subject land is on the Public Land Register.

Leasing

Council may also consider the option to Lease the facility to a suitable party, as a going concern. In order to ameliorate the ongoing operational deficit at the facility, it is recommended that any lease agreement be subject to the following terms:

- The Tenant is responsible for all outgoings associated with the facility, including charges for electricity, water supply, and waste discharged from the site.
- That the Landlord, insofar as the law permits, during the term of the lease shall not incur any expense in relation to the operation of the premises.
- That the tenant has sole responsibility for the all works including maintenance and capital improvements.
- That use as a livestock saleyards is the sole permitted use. Any other proposed use is subject to the consent of Launceston City Council in its capacity as Landlord.

Offers to lease the facility will also be required to specify the frequency of proposed livestock sales to be held at the facility.

15.1 Livestock Market Operations...(Cont'd)

Subject to a suitable party being identified, a Lease agreement would present an opportunity for Council to cease its operational involvement with the facility. This would enable Council to ameliorate its operational losses, while allowing the current market sales to continue as changes in the border livestock marketing processes (on a State-wide basis) further evolve.

The EOI process will be conducted via a suitable third-party commercial real estate agency to identify the most favourable option for sale or lease of this asset by Council.

The pricing request outcomes of a sale or lease would be 1.

Industry Group Consultation

With regard to the future operation of the facility, Council has received submissions from both Livestock Agents who utilise the facility on a regular basis, being Elders and Roberts Ltd. Council Officers have also sought comment from the CEO of the Tasmanian Farmers & Graziers Association regarding the options that may be available for Council to consider. This correspondence is included as attachments to this report.

ECONOMIC IMPACT:

Consideration contained within the Report.

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services.

Goal 5.1 Engaging our community and delivering responsible management.

Strategy 5.1.4 Ensure the City is managed in a financially sustainable manner.

BUDGET & FINANCIAL ASPECTS:

Consideration contained within the Report.

15.1 Livestock Market Operations...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Rod Sweetnam: Director Facility Management & Governance Services

ATTACHMENTS:

1. Correspondence from Alan Barr, General Manager Tasmanian Operations, Roberts Ltd. Dated 23 August 2013.
 2. Correspondence from Colin Cook, Regional Manager, Elders dated 19 August 2013.
 3. Correspondence from Brad Roe, Elders Livestock dated 25 September 2013
 4. Correspondence from Jan Davis, CEO Tasmanian Farmers & Graziers Association dated 1 September 2013.
 5. Tas Country Article 30/08/2013 - "*Greenham Quits Markets*"
 6. Plan of area to be offered for sale or lease
-

Attachment 1 - Livestock Market Operations

A RURALCO BUSINESS

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Fax: (03) 6391 8579
www.robertsltd.com.au

29 August 2013

Mr Robert Dobrzynski
General Manager
Launceston City Council
St John Street
LAUNCESTON TAS 7250

RE: Killafaddy Saleyards

Dear Mr Dobrzynski

I appreciate the opportunity to comment on the Launceston City Council's (LCC) review of the future and sustainability of the Killafaddy Livestock Market.

It is the view of Roberts Limited that there is a need to rationalise the saleyard facilities in this State in order to improve industry efficiencies, provide a stronger selling environment for industry participants and to be more complicit with both animal welfare and the environmental needs of our communities.

Roberts Limited currently owns 10 of the 12 saleyards operating in the State and with the recent knowledge that the LCC was giving consideration to the closure of Killafaddy we immediately commenced a review of our own facilities.

Our internal review concluded there is a need to reduce the existing number of yards currently operating in order to provide both buyers and sellers with greater opportunities to yard, inspect, buy and sell their stock. By rationalising the number of locations and providing a central location that supports larger yardings of stock, it is our view that sellers will achieve greater returns, and buyers will give greater support to a centralised facility that provides them with a broader choice of stock and the availability of increased numbers for sale.

As a result of this review, Roberts Limited has since decided will we pursue an opportunity to relocate our weekly Bridgewater and Killafaddy sales to a new purpose built state of the art facility at our existing Powranna site.

This multi-million dollar facility will be comparable to the best livestock handling facilities in Australia and will provide an undercover cattle selling area with soft flooring that caters to animal welfare best practices. Furthermore, it will include new sheep yards with undercover buying lanes, a new administration and amenities building, and additional facilities for loading, unloading and weighing of stock.

We concur with the review by Makris Skringar and Associates, and senior council officials, that the Killafaddy saleyard should be closed. Our decision and intention to replace the role of Killafaddy with a new multi-million dollar development at Powranna is strongly aligned to council management indicating that Killafaddy would ultimately be closed.

The operation of the saleyards is clearly not a core function of the Council and a continuation of the Killafaddy operation would imply that the Council is choosing to interfere with commercial market forces aiming to provide alternatives.

Furthermore, it is our belief that the location of the Killafaddy yards in suburban Launceston adjacent to schools, sports complexes and the North Esk River surely poses some environmental and social concerns to rate payers and the Council alike. The closure and decommissioning of these yards would allow for a suitable development that is more closely aligned with the surroundings of this site thus adding add value for the rate payers of Launceston.

I am more than happy to make myself available for further discussions on the Killafaddy yard situation, or any other related matters, at your convenience.

Kind regards



Allan Barr

General Manger Tasmanian Operations

Attachment 2 - Livestock Market Operation

19th August 2013

Aldermen
Launceston City Council
Town Hall
Launceston
TAS 7250

Reference; Killafaddy Sale Yards

Dear Aldermen,

I take this opportunity to thank you for listening to my 2 minute presentation at the most recent LCC meeting. In particular I have been asked to clarify the few points Elders raised in the meeting. The explanation of the preamble and the following four points is followed by a proposition that may appease all parties, at the very least invoke further discussion and action ensuring a positive outcome for all parties.

In my preamble I made two points;

- 1) Elders sell approximately 75% of the Killafaddy weekly cattle yarding. I raised this because Roberts in recent years, while they hold the greater market share of State cattle numbers, have persuaded their clients to use their Quoiba yards in favour to Killafaddy. Their persuasion has resulted in greater throughput of livestock through their wholly owned Quoiba yards thus profiteering at the expense of a viable market at Killafaddy.

The ripple effect of this action has caused reduced numbers through Killafaddy thus placing pressure on LCC to lift yard dues in an effort to recover operating costs. I add, the only public yards in the State are Killafaddy and because of commercial savagery, Roberts exclude Elders from all other major selling centres that are historically owned by Roberts. Australian business plays in free markets and I highlight to this end, Roberts have had a mandate to see the demise of Killafaddy for corporate gain in favour of what is in the best interest of the industry. Roberts have told Elders that they have a mandate to close half their saleyards in the State, primarily Bridgewater, Smithton and Scottsdale. The news of the sale / closure of Killafaddy is a pawn in their strategy that will allow Roberts to announce not only the closure of additional wholly owned yards but also the development new wholly owned yards, most likely at Powranna.

Whilst the payout of these affairs is of significant importance to the State whereby the market will realise less competition, and lower prices paid for livestock, I do support the notion that the impact is of little, *immediate* consequence to the LCC and the ratepayers they serve. I use the word "immediate" carefully as, in time, less competition and lower prices paid in a geographically broad rural community will impact on our Regional City. This Impact will lower discretionary expenditure resulting in less spend in the retail sector. This has been very evident in bygone days with agricultural commodities where Launceston has been financially impacted.

- 2) Of the 12 Elders employees engaged at the weekly trade sale, six are Casual Employees, the others are Full Time Agents (FTA's) of Elders. While the FTA's perform at the saleyards each Tuesday much of their working week is consumed by

procuring stock for Tuesday's sale. We have a concern of their employment longevity with Elders and of significant importance, the leverage they provide to the Elders business in securing stock at other strategic times of the year, not limited to fulfilling export orders from Tasmania to Northern Hemisphere countries.

Following the preamble I drew four additional points to the Alderman's attention, these were;

- 1) Killafaddy yards are recognised as the better of all Northern Tasmanian sale yards in meeting Meat Standards Australia (MSA) protocols. This is tribute to the LCC and the staff who operate the Killafaddy saleyards. This tells us the yards have life, while some very minor workplace safety issues prevail, the yards are strong and purpose built avoiding bruising and minimising other animal welfare matters.
- 2) The closure of Killafaddy will realise an additional 50% in freight costs for farmers who are located to the North and East of Launceston, thus impacting farm margins that ultimately impacting on discretionary spending.
- 3) The Killafaddy yards draw up to 150 farmers on any one day. We know a portion of these farmers conduct business in the surrounding suburbs on sale day. While any financial number would be subjective as to how much business would be lost from local business, service and retail trade if Killafaddy were to close, one aspect is certain, that being, business would be lost, *importantly, we highlight none would be gained.*
- 4) We declared Elders has pecuniary interests in wanting the yards to remain open, but while we consider it is in our interests, for the reasons explained above we know it is in the best interests of the community and wider rural industry for the yards to remain operative.

Events post the LCC Meeting;

I met with the LCC General Manager, Robert Dobrzynski and Rod Sweetnam on Friday last for the purpose of a courtesy visit and for me to get a better understanding of the drivers behind the need to close Killafaddy. I highlight Elders invested time some 12 months ago to aid consultants in the preparation of the saleyard recommendation. From that day up until a fortnight ago when the public announcement of the imminent closure of Killafaddy was made, Elders had no notification of the outcome of that report. Under my leadership Elders takes every opportunity in Tasmania to take a consultative approach to decisions and it was disappointing to hear of a public announcement prior to the stakeholders being made aware, particularly on the back of their contribution into the report.

The General Manager made a sincere apology, the apology was accepted.

Further to the meeting with the General Manager, he made it very clear that reason behind the imminent closure of Killafaddy was to mitigate the saleyard operational losses – a burden the LCC and ratepayers need not bear.

Without prejudice, the proposal I tabled was, if Elders could mitigate those losses would Council allow Elders to take over the operations of the yards. The General Manager's response was very favourable.

I advise, since LCC Council Meeting last, I have personally made numerous calls to Executive Management of Roberts in an attempt to work together but the calls have been to no avail.

Rod Sweetnam has been most accommodating in furnishing me with the financial and operational detail so as Elders can make a more informed decision on the way forward. Our thanks are extended to Rod for his assistance.

Without prejudice we propose a recommendation for Aldermen to consider. The framework of the recommendation could be as follows;

- Elders lease the Killafaddy facility from LCC (on a "dry lease" basis) with appropriate insurances for an agreed period (say an initial three year term followed by additional two by two year tranches).
- Elders make available the facility to the community for events including but not limited to, a farmers market, industry / public meetings / training etc on a not for profit basis.
- Because of the "Unknowns" in the industry and Roberts' intentions, the framework of the lease agreement could be;
 - Elders pay a small percentage of the income generated from commercial activities.
 - In any event Elders could agree to underwrite any operational losses that are directly applied to LCC save for depreciation and rates.
 - Elders would invite other agents including independent agents to sell in the yards, conditional upon appropriate safety induction and behaviour.
 - A small (but agreed) percentage of income set aside in trust for site remediation either embarked upon annually or at the end of each lease period.
 - At the end of the lease period Elders could have first right of refusal to purchase the yards, weighing facility and truck wash at WDV save for those areas regularly used by the community. (this would enable Elders to relocate the facility outside of the LCC municipality as urbanisation sprawl and environmental pressures may determine).

Aldermen, the above is a transcript of Elders position and a recommendation to move forward that could benefit all parties including the commercial ratepayers in the Municipality. The recommendation proposed is embryonic in nature yet a starting point enabling further discussion with the aim of arriving at mutually acceptable outcomes.

Should you collectively agree, please feel comfortable in tabling this memorandum at the next LCC meeting with the aim of a lease being drafted thereafter. Elders' timeframe is open however it would be prudent to establish a lease commencing late this calendar year.

If you have any questions please don't hesitate to call, otherwise I look forward to hearing your outcome.

Yours sincerely



Colin Cook
Regional Manager

Attachment 3

From: [Brad Roe](#)
To: [Rod Sweetnam](#)
Subject: Re: Killafaddy Livestock Market
Date: Wednesday, 25 September 2013 4:50:33 PM

Good afternoon Rod
I can confirm Elders are interested in continuing our presence in the Killafaddy sale centre
Nothing has change from our previous interest expressed in Colin Cooks submission

Regards
Brad

Brad Roe
Elders Livestock
0419 220 575

On 25/09/2013, at 4:29 PM, "Rod Sweetnam"
<Rod.Sweetnam@launceston.tas.gov.au<<mailto:Rod.Sweetnam@launceston.tas.gov.au>>> wrote:

Hello Brad

I am currently drafting the report to Council on Killafaddy Livestock Market. Can you confirm, for inclusion in the item to Council, Elders is still interested in the facilities, as per Colin Cook's letter to the Aldermen on 19 August 2013.

For your information, I am planning to present the report to Council on 14 October 2013.

Regards

Rod
Rod Sweetnam I Director Facility Management & Governance Services I Launceston City Council
M 0418 372 030 I T 03 6323 3505 I F 03 6323 3185 I
www.launceston.tas.gov.au<<http://www.aurorastadiumlaunceston.tas.gov.au>>

LAUNCESTON

Named Australia's most family friendly city by Suncorp 2013.
Named Tasmania's top eTown by Google 2013.
Home to Harvest Launceston, named Australia's Best Harvest Market by ABC Delicious magazine 2013.
Home to City Park, named in Australia's top ten parks by TripAdvisor 2013.

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Attachment 4 - Livestock Market Operations

From: [Rod Sweetnam](mailto:Rod.Sweetnam@launceston.tas.gov.au)
To: [Korinda Smith](mailto:Korinda.Smith@launceston.tas.gov.au)
Subject: FW: Livestock Market
Date: Monday, 2 September 2013 7:56:40 AM

From: Jan Davis [<mailto:Jan.Davis@tfga.com.au>]
Sent: Sunday, 1 September 2013 6:31 PM
To: Rod Sweetnam
Subject: RE: Livestock Market

Rod

Sorry for delay in responding – ran out of hours in the day!

I think that the Elders proposal would be a good outcome all round, if you can make it work.

It would address the issues being raised about perceived domination of the market scene by Roberts (especially after their announcement last week). It would ensure that Elders have to make a serious commitment to facilities, something they have not been keen to do to date. It would enable smaller hobby farm market users to consider a range of options. And, importantly for Council, it would allow maintenance and even development of the site without further cost burden on ratepayers.

I'm not sure it is a long term solution; but certainly it would be a good short to medium term outcome while something more permanent can be decided for the site.

Obviously, the decision is one for Council, but we'd certainly support this proposition.

Regards

Jan

From: Rod Sweetnam [<mailto:Rod.Sweetnam@launceston.tas.gov.au>]
Sent: Friday, 30 August 2013 1:12 PM
To: ceo
Subject: FW: Livestock Market

Hello Jan

Attached are two letters, one from Colin Cook of Elders addressed to our Aldermen and another from Alan Barr of Roberts Ltd the Aldermen have not seen yet but it will be attached when I report back on the livestock market.

I would very much appreciate it if you could give me your view on the issue in the context of the letters to Council. With your permission I would like to attach your comments to the report that goes to Council.

I visited your office earlier to try and catch you but I understand you are committed today I hope you got my message re the above.

Regards

Rod

Rod Sweetnam | Director Facility Management & Governance Services | Launceston City Council
M 0418 372 030 | T 03 6323 3505 | F 03 6323 3185 | www.launceston.tas.gov.au

LAUNCESTON

Named Australia's most family friendly city by Suncorp 2013.

Named Tasmania's top eTown by Google 2013.

Home to Harvest Launceston, named Australia's Best Harvest Market by ABC Delicious magazine 2013.

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Attachment 5 - Livestock Market Operations



Tasmanian Country

Friday 30/08/2013

Page: 5
 Section: General News
 Region: Hobart, AU
 Circulation: 18334
 Type: Rural
 Size: 246.92 sq.cms.



press clip

Greenham quits markets

Fears of price slump

KAROLIN MacGREGOR

COMPETITION at the state's northern weekly cattle sales is expected to be dramatically reduced following Greenham Tasmania's decision to pull out of the market system and buy directly off-farm.

A ruling by Meat and Livestock Australia that cattle bought out of sale yards will no longer be eligible for Meat Standards Australia grading means Greenham will no longer be able to buy its cattle at local sales.

Greenham Tasmania senior executive Graeme Pretty said the decision would have a significant impact on buyer competition at both the Quoiba and Killafaddy sales.

The company normally buys between 80 and 100 cattle a week at Quoiba and about 30 cattle a week at the Killafaddy sale. "This is a big problem and it's something that needs to be

sorted out," Mr Pretty said. "The sales are very important for us, especially through the winter, because we use them to keep up an adequate supply of cattle."

There are concerns now that less competition at the sales may mean lower prices for farmers.

"We buy about a third of the yarding at Quoiba and probably about the same at Killafaddy," Mr Pretty said.

"Thirty cattle a week at Killafaddy isn't a huge amount, but it definitely helps put a floor in the market."

The comments come as the future of the Killafaddy sale yard remains under a cloud due to moves by the Launceston City Council to sell the facility.

Mr Pretty said if the company continued to buy cattle from the sales and they were not eligible for MSA grading Greenham would lose \$100 a head.

"When you're talking about

100 cattle or more a week, and \$100 a head, we just can't afford to lose that amount of money so unfortunately we've had to pull out of the market at the moment," he said.

Under MLA guidelines, cattle for MSA grading must not be mixed into different mobs a minimum of 28 days before slaughter.

This is aimed at reducing stress on the cattle, which can sometimes mean they do not meet the minimum MSA carcass requirements.

However, Mr Pretty said Greenham's MSA grading results had shown that cattle bought through the sale yard did not have a higher incidence of non-grading than cattle bought directly off-farm.

"They are no different to cattle we buy from anywhere else," he said.

"MSA is all about eating
To Page 6

Greenham pulls out of markets

From Page 5

quality, so as long as the fat colour, the PH, the meat colour and the fat cover are right, the cattle will make the grade and the eating quality will be right."

Mr Pretty said ideally no cattle would be placed in mixed mobs before slaughter, but in a state such as Tasmania with many small land holdings, keeping animals separate was simply impossible.

"Once that hammer falls at the sale yard, we the company are taking 100 per cent of the risk that the animal may not grade, and we're happy to do that because very few of them

don't make it through," he said.

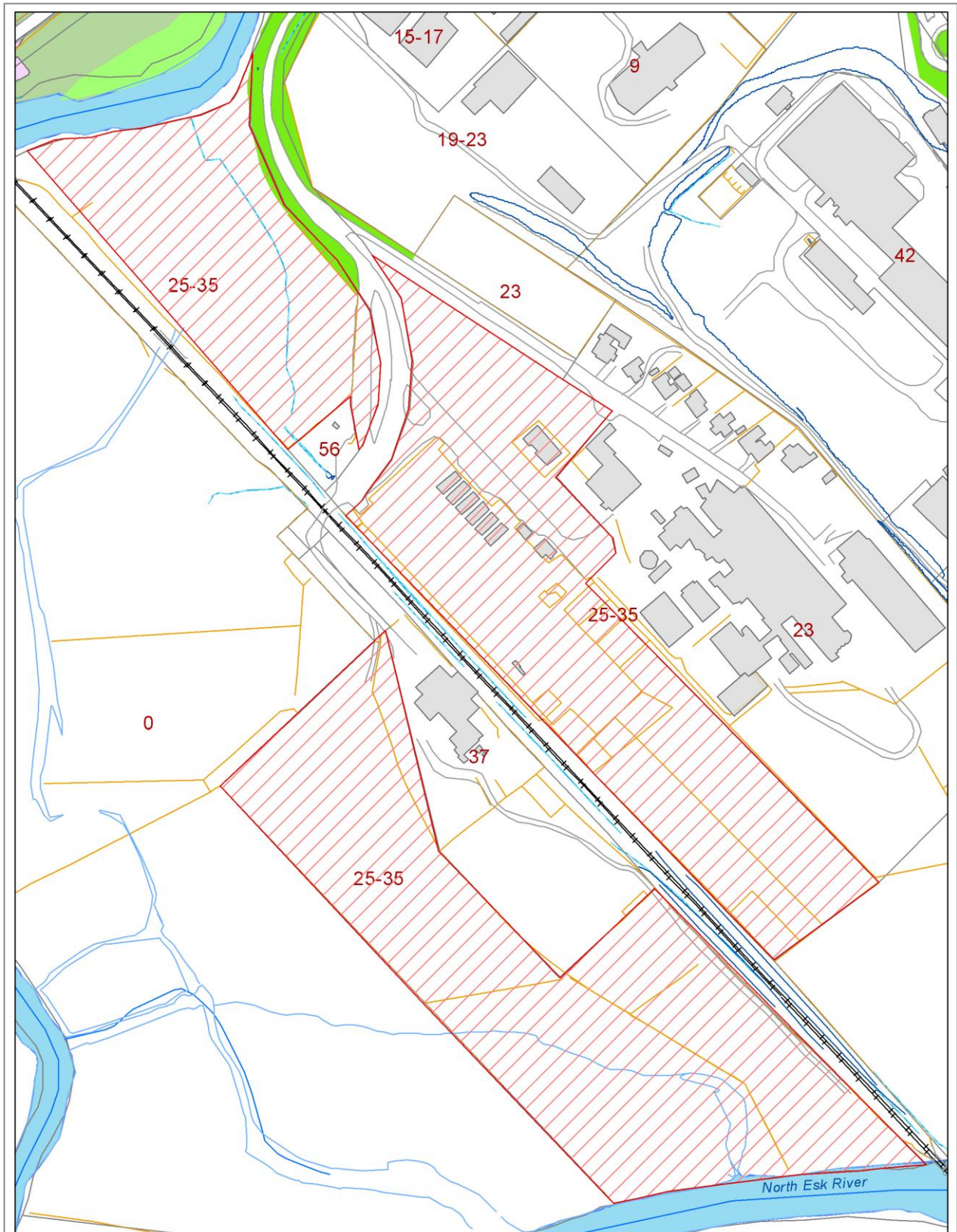
"MSA is fantastic and it has been around now for about 15 years. We've learned a lot in that time about how to manage cattle in the best way possible, so we're going to do everything we can to make sure they are going to make the grade."

Mr Pretty is hopeful the issue can be sorted out, if MLA is willing to change the regulations.

"Not mixing cattle together should be a recommendation not a rule, and there certainly shouldn't be a penalty for it," he said.



GRAEME PRETTY: Greenham forced to act.



Printed: 7/10/2013

NOTE:
While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan its purpose is to provide a general indication of the location of Council services. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. This note forms an integral part of this plan.
©Launceston City Council 2013

25-35 Killafaddy Road

Scale at A4 :

1:3,000



ASP

17 INFRASTRUCTURE SERVICES**17.1 Regional Tennis Centre****FILE NO:** SF4203**AUTHOR:** Andrew Smith (Manager Parks & Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a request from Denis Tucker (on behalf of the owner of LISA) to modify Council's lease with Tennis Tasmania involving the Council owned outdoor Regional Tennis Centre courts.

PREVIOUS COUNCIL CONSIDERATION:

SPPC Item 4.3 - 7 October 2013
Discussion regarding request to modify lease

SPPC Item 4.7 - 3 December 2012
Discussion regarding request for assistance in paying the State Government Land Tax

Council Item 12.3 - 14 June 2011
Proposal to allocate additional Council funding for further construction - Council did not support the request

Council Item 11.9 - 13 December 2010
Provision of an additional \$66,000 for additional construction works

Council Item 12.5 - 20 April 2009
Details for the lease of the Regional Tennis Centre and formed the basis for the Heads of Agreement

Council Item 12.2 - 10 September 2007
Terms for Council's involvement in the construction and operation of the Regional Tennis Centre

17.1 Regional Tennis Centre...(Cont'd)

RECOMMENDATION:

That Council in respect to the lease between Tennis Tasmania and Council for the operation of the Launceston Tennis Centre resolves to agree to delete conditions requiring the permanent provision of indoor tennis courts within the Launceston Sports Arena (LISA).

REPORT:

The General Manager recently received a letter from Denis Tucker acting on behalf of the owner of the Launceston Indoor Sports Arena (LISA) Anthony Whitehead, requesting that Council relax its requirements in its lease agreement with Tennis Tasmania (TT) for LISA to retain indoor courts for tennis. A copy of the letter is enclosed as ([Attachment 1](#)).

Council Officers have since discussed this letter with Tennis Tasmania who have expressed their support for modifying the lease to remove the reference to LISA and maintaining four indoor courts ([Attachment 2](#)).

The underlying reason for the request from LISA to alter the agreement is to allow the replacement of the indoor courts with an alternative and as yet unidentified use that is more commercially viable.

Tennis Tasmania's support for this request is influenced by the fact that the relationship between TT and LISA has included ongoing negotiations as changes at LISA have unfolded over time. TT are now of the view that a more sustainable and enduring lease arrangement between Council and TT should exclude specific references to LISA. This is a step further than requested in Mr Tucker's letter - there will be no agreement requiring LISA to make available change room and toilet facilities.

One of the key issues to consider is will the regional status of the Council owned courts be jeopardised if the indoor courts are no longer available for tennis. Tennis Australia have provided advice that the regional status will not be impacted because what is considered a regional facility is determined with reference to its regional context ([Attachment 3](#)). TT have also advised that the indoor courts have not been used as part of the regional events held at the centre in recent times due to the indoor surface being considered unsafe.

Should Council support deleting provisions in its lease with TT on LISA providing change room and toilet facilities, then a further and most significant issue is the ongoing provision of building facilities to support the Council owned courts both for major tournaments and for social tennis and coaching.

17.1 Regional Tennis Centre...(Cont'd)

The onsite single court-side unisex toilet is sufficient only for social tennis and TT will need to consider a range of potential options in catering for regional level tournaments in the event that the LISA facilities are not available.

In the longer term there is the potential for the construction of a new facility on Council owned land adjacent to the courts and currently occupied by car parking. This would require Development Approval but the potential loss of car parking is more than offset by the substantial new Council car park constructed south of the courts.

In the short term they acknowledge that access to upgraded facilities at the NTCA Ground is an option for further investigation. Major events will require demountable facilities particularly for public toilets.

Tennis Tasmania are in negotiations with LISA to ensure access to the LISA toilets and change rooms will be ongoing.

It is considered a high risk to completely remove LISA from the lease between TT and Council. If LISA became unavailable there will be pressure on Council to find funding or facilities to provide adequate meeting, change room and toilet facilities.

It is recommended to agree to the request by Denis Tucker (on behalf of LISA) to delete reference to the provision of indoor tennis courts within LISA but not agree to the request by TT to completely remove LISA from such lease.

Council officers have obtained legal advice recommending that TT be advised by letter that the lease will not be terminated but the condition relating to the indoor tennis courts will be removed.

ECONOMIC IMPACT:

There will be minimal economic impact from this proposal.

ENVIRONMENTAL IMPACT:

There will be no environmental impact with this proposal.

SOCIAL IMPACT:

There will be minimal social impact from this proposal provided the continuation of the facility.

17.1 Regional Tennis Centre...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston Community Plan -
Preferred Future Five: Healthy and Active People
Strategy Three - Encourage Physical Activity

BUDGET & FINANCIAL ASPECTS:

This project/report has no effect on current or future capital or operational budgets. The resources required to research and prepare this report (including any specified background/supporting attachments) involve:

- Staff resources - 4 hours

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Letter from Denis Tucker - 9 May 2013 (and authority from Anthony Whitehead - 27 May 2013)
 2. Letter from Tennis Tasmania - 29 June 2013
 3. Email from Tennis Australia - 1 July 2013
-

ATTACHMENT .1

Mr. Rob Dobrynsky
City Manager
Launceston C.C.

May 9, 2013

Dear Rob,

As the former Owner and a person that has a passionate interest in tennis, and a strong belief and understanding of the area, and also a person that since last September has spent much time and financial assistance to Anthony, I came to you for a meeting some 3 weeks ago, I am now enclosing the requested footprint of where I can see a viable way forward for the Indoor Centre.

Rob, as I discussed with you and Mike, Indoor Tennis is simply not sustainable and for Anthony's survival I believe he needs to convert the premises to Family Friendly Entertainment areas, such as exists already with Treasure Island and the Mini Golf.

However before this can happen, The current lease arrangement with Tennis Tas. needs to be relaxed regarding the use of the Indoor Tennis Courts being used primarily for Indoor Tennis .

It will need an approach from yourselves {LCC} to Tennis Tasmania requesting this change of use.

At present one more court can be converted, providing the Beach Volleyball courts can be converted to Hot Shot tennis Courts with some Tennis Australia assistance. It is intended in the very near future to use Court 5 for a new activity.

I cannot emphasize enough the importance of such a step for The survival of the Centre.

Kind Regards,



Denis Tucker.

CC Anthony Whitehead
CC Tennis Tasmania

FILE No.	SF4203		
EO	OD	<input checked="" type="checkbox"/>	Box <input checked="" type="checkbox"/>
RCV'D		09 MAY 2013	LCC
Doc No.			
Action Officer		Noted	Replied
R. DOBRYNSKI			

27th May , 2013

Mr.H.Galea

Director Infrastructure Services
Launceston City Council

FILE No.	SF4223		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCV'D		27 MAY 2013	LCC
Doc No.			
Action Officer	Noted	Replied	
H. Galea			

Dear Mr Galea,

Further to your letter of the 23rd May, to Mr Tucker, I am writing to grant Mr Tucker and/ or his son Sam.Tucker full permission to act on behalf of myself [LISA]with the council in regards to the matter with the releasing of the lease with LCC and Tennis Tasmania.

With regard to the use of the toilets and other facilities eg] Court light switches etc, I would have full intentions of this occurring on the understanding there is some financial arrangement in place by way of compensation for such use.

Yours Sincerely,

Anthony Whitehead



Launceston Indoor Sports Arena.

ATTACHMENT 2.



June 29, 2013

Andrew Smith
Manager – Parks and Recreation
Launceston City Council
PO Box 396
Launceston TAS 7250

Tennis Tasmania
2 Davies Avenue
Glebe, Tasmania 7000
GPO Box 115B
Hobart, Tasmania 7001
T + 61 3 6108 8200
F + 61 3 6108 8215
www.tennis.com.au

Via email

Dear Andrew,

Tennis Tasmania wishes to outline their position in relation to a letter sent to Launceston City Council General Manager Robert Dobrzynski on May 9, 2013 by Launceston Indoor Sports Arena spokesman Denis Tucker.

Specifically relating to the current heads of agreement between Tennis Tasmania and the Launceston City Council in "*Background B.*" of the lease terms.

After careful consideration the Tennis Tasmania board supports the request by the Launceston Indoor Sports Arena. It is viewed that Tennis Tasmania will be in a better position to negotiate the terms of the Launceston Regional Tennis Centre management agreement whilst the Launceston Indoor Sports Arena is financially viable.

The Launceston Regional Tennis Centre is a vital tennis platform within Tasmania and we will continue to develop and work with all key stakeholders to provide the best outcomes for tennis specifically and the sport generally. If the situation arose that Launceston Indoor Sports Arena Management were removed as managers of the Launceston Regional Tennis Centre, then Tennis Tasmania would make their own arrangements to manage the facility in accordance with the current management agreement. This may or may not include appointing other facility operators to manage the centre and accessing alternative amenities.

Currently Tennis Tasmania has not utilized the indoor tennis courts for major tournaments due to concerns over the safety of the surface for high level tennis. LISA management have been officially notified of Tennis Tasmania concerns over the quality of the indoor playing surface as per the lease agreement.

Under the current agreement with LISA management the loss of the indoor tennis courts will have a minimal effect on the day to day operations of the facility. We expect that some social members may be inconvenienced; however, access to the outdoor courts and change room facilities will remain available. It will mean however, a review of the lease conditions with both LISA management and LCC.

If you seek further clarification please let me know.

Kind regards

Mark Handley
Executive Director

ATTACHMENT 3.

1 July 2013



Mark Handley
By Email

Tennis Australia
Batman Avenue
Victoria Australia
Private Bag 6060
Richmond Victoria 3121
T +61 3 9914 4000
F +61 3 9650 2743
tennis.com.au

Dear Mark,

RE: TENNIS AUSTRALIA LETTER OF SUPPORT - LAUNCESTON REGIONAL TENNIS CENTRE

The purpose of this letter is to provide assurance that the Launceston Regional Tennis Centre (LRTC) will remain a recognised Regional Venue by Tennis Australia.

If the indoor courts were lost to tennis, Tennis Australia would continue to recognise Launceston Regional Tennis Centre as a regional facility, on the basis that it would still be the venue in the region most capable of hosting significant tournaments, competition and training. The expectation would remain that amenities and facilities servicing the courts remain at a high level to support this status.

It is considered that the LRTC will offer a range of community outcomes to the City of Launceston.

- A regional tennis and multi-purpose facility will enable Launceston to attract high profile tennis events to the region
- A tennis facility that accommodates Launceston's potential population growth.
- An integral part of an active sporting precinct, where a number of community sports and activities will be located.

This assurance is on the understanding that no less than nine tennis courts of the same, Grand Slam surface will be available for events, training and community use.

Yours Sincerely,

Paul Cammack
Manager Places to Play
Tennis Australia

18 CORPORATE SERVICES**18.1 Annual Financial Statements for the Year Ended 30 June 2013****FILE NO:** SF2633**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To adopt the annual financial statements for the year ended 30 June 2013.

PREVIOUS COUNCIL CONSIDERATION:

Presented annually

RECOMMENDATION:

1. The Council, pursuant to Section 84(4) of the Local Government Act 1993, receive the audited financial statements for the year ended 30 June 2013, and note that
 - a) the General Manager has certified the financial statements in accordance with Section 84(3); and
 - b) the financial statements have been audited by the Auditor General in accordance with Section 84(1) and the statements have received an unqualified audit opinion.
 2. The Council further note that pursuant to Section 72 of the Local Government Act 1993 the financial statements will be included in the Annual Report.
-

REPORT:

Under the Local Government Act 1993 the Council is required to have its annual financial statements completed by 30 September each year. While there is no formal requirement to have these accounts adopted by the Council, there is a requirement under Section 84(2) *"...that the certified financial statements are tabled at a meeting of the council..."*

The financial statements for the year ended 30 June 2013 were signed by the General Manager on 1 October 2013 and the audit certificate was signed by the Auditor General on 24 September 2013. The audit opinion was issued without qualification.

18.1 Annual Financial Statements for the Year Ended 30 June 2013...(Cont'd)

The statements will be incorporated into the Council's Annual Report which will be presented at the Council's Annual General Meeting. The financial statements and Annual Report will be a public document available in hard copy and on the Council's website.

A briefing on the draft statements was made available through the Audit Committee on 12 August 2013. One change was necessary relating to a technical accounting treatments of asset revaluation and this was also discussed by the Audit Committee on 12 August 2013. A summary of some of the key financial results is as follows.

Statement of Financial Position

The Council's Statement of Financial Position shows net assets of \$1.44 billion compared to \$1.45 billion in 2012. The major items in the Council's financial position are:

1. Infrastructure assets have decreased by \$17.95m due to the revaluation of assets.
2. Current assets have decreased by \$5.24m with a decrease in short term investments.
3. Liabilities are down \$3.62m mainly due mostly to Sundry Payables and Accruals.
4. Non-current liabilities have decreased by \$10.37m as a result of a reduction in interest bearing liabilities (\$2.71m) and a reduction in the superannuation obligation (\$7.01m).

The Council's Balance Sheet is in a very sound position as at 30 June 2013, however the operating deficit is being addressed as a matter of urgency.

Statement of Comprehensive Income

The statement of comprehensive income shows both the operating result and also other non-operating items such as valuation adjustments. The Council's operating result for the year ended 30 June 2013 was a deficit of \$1.28m (see Note 2) which compares favourably to the budgeted operating deficit of \$10.07m. It is important to note that the 2012/13 budget deficit of \$10.07m increased from the Statutory Estimates (\$6.3m deficit) as a result of accounting standard treatment changes (\$2.6m) which required projects to be transferred from the Capital budget to the Operations budget (treating projects as an expense ie maintenance rather than creating an asset). When combined with non-operating items such as capital grants and infrastructure recognition adjustments, the "Comprehensive Result" is a deficit of \$4.6m.

A significant contributor and distortion to the operating result is due to the prepayment by the Australian Government of 50 per cent of the Financial Assistance Grant. The net effect of this is \$2.04m.

18.1 Annual Financial Statements for the Year Ended 30 June 2013...(Cont'd)

Other significant factors affecting the financial results include:

Operating Result

Overall income exceeded budget by \$3.5m due mainly to a \$2.0m prepayment of the Financial Assistance Grant, Rates revenue growth \$1.2m above budget but offset by lower than budget Parking revenue (\$0.5m) and Launceston Waste Centre revenue (\$0.5m). The current economic climate is believed to have negatively impacted the Parking, Waste Centre and other revenues.

Infrastructure depreciation was \$2.0m below budget as a result of a rigorous review of asset valuations and effective lives being undertaken in the areas of Roads and Stormwater infrastructure.

The following table shows the underlying operating result for the 2012/13 year.

	Actual \$'000	Budget \$'000	Variance \$'000
Surplus / (Deficit)	5,940	(6,642)	12,582
<u>Less Adjustments</u>			
Capital Grants	(3,620)	(3,431)	(189)
Capital Interest	(3,603)	-	(3,603)
	<u>(1,283)</u>	<u>(10,073)</u>	<u>8,790</u>
<u>Less Adjustments</u>			
Financial Assistance Grants			
Paid prior year in advance	2,283	2,101	182
Paid current year in advance	(2,036)	-	(2,036)
Capital Interest	(208)	-	(208)
Underlying Operating Surplus / (Deficit)	<u>(1,244)</u>	<u>(7,972)</u>	<u>6,728</u>
<u>Less</u>			
2012/13 projected favourable Operating Result variance included in the 2013/14 budget	-	-	(1,080)
Road and Stormwater Depreciation	-	1,997	(1,997)
Defined Benefits Superannuation	(749)	-	(749)
Museum Bequests (unspent revenue 2012/13)	(308)	-	(308)
Operational Funds available to fund future major projects (such as GLP Capital Works)	<u>(2,301)</u>	<u>(5,975)</u>	<u>2,594</u>

18.1 Annual Financial Statements for the Year Ended 30 June 2013...(Cont'd)

Capital Result

The final outcome of the 2012/13 capital projects (excluding Flood Levee Capital Projects) is shown in the following table.

	\$'000	\$'000
2011/12 Budget carried over to 2013/14		19,349
2012/13 Capital Budget and Adjustments		15,254
		<u>34,603</u>
Carry Forward Actual Spending	7,949	
Actual 2012/13 Capital Spending	15,829	23,778
Variance between Budget and Actual		10,825
2012/13 Budget carried over to 2013/14 Capital Budget		5,147
		<u>5,678</u>
Less projected 2012/13 Capital Budget underspend used to fund 2013/14 budget		(1,500)
Available Capital Funds		<u><u>4,178</u></u>

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services
5.4 Ensure the City is managed in a financially sustainable manner

BUDGET & FINANCIAL ASPECTS:

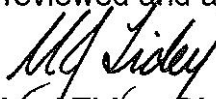
N/A

18.1 Annual Financial Statements for the Year Ended 30 June 2013...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. Annual Financial Statements for the Year Ended 30 June 2013 (distributed separately)
-

19 GENERAL MANAGER**19.1 Request for Civic Reception****FILE NO:** SF2277**AUTHOR:** Elizabeth Clark (Civic Affairs Coordinator)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a request for a Civic Reception.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves a request from the National Oldsmobile Meet organiser for a Civic Reception in April 2015.

REPORT:

The next national meet of the Oldsmobile Car Club will be held in Launceston over Easter 2015 arriving on 3 April and departing on the 11 April with delegates staying at accommodation in Launceston for the duration.

Mr Graeme Barwick, organiser of the meet has requested a civic reception to be held on either Wednesday 8th, Thursday 9th or Friday 10th April 2015. The reception is to be held during the day in conjunction with a display of the vehicles in Civic Square. The actual date of the reception will be decided when the program for the entire visit is drafted. The organisers are estimating that 55 people would attend the event. As of October 2013, 21 car enthusiasts have expressed interest in attending.

Launceston will be used as a base to explore the Tamar Valley and surrounding areas. It is envisaged that three days will be set aside for the entrants to explore Launceston attractions. Entrants will explore other areas of northern Tasmania for the rest of the week coming back to Launceston each night.

19.1 Request for Civic Reception...(Cont'd)

Policy 05-PI-006 - Approval of holding of Civic Events (Reception/Functions) Policy states that Civic Receptions and Functions may only be approved by the Mayor if the date of the reception or function falls within the Mayor's current term or three months after the end of his/her current term of office. All other requests for Civic Receptions and functions are to be decided upon by Council. The requested date for this reception falls outside the three month period.

The itinerary must be finalised before the October 2014 Local Government election therefore the organiser has requested an earlier decision by Council.

ECONOMIC IMPACT:

Consideration contained in Report.

ENVIRONMENTAL IMPACT:

Consideration contained in Report.

SOCIAL IMPACT:

Consideration contained in Report.

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Events Strategy Goal 2 (Tourism) and Goal 3 (Economic)

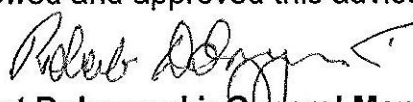
BUDGET & FINANCIAL ASPECTS:

The reception will be funded from the Civic Affairs budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Robert Dobrzynski: General Manager

19.2 Closure of part of walkway adjacent to 25 South Esk Road, Trevallyn**FILE NO:** 20446/20447**AUTHOR:** Darryl Wright, Legal Adviser.**GENERAL MANAGER:** Robert Dobrzynski

DECISION STATEMENT:

To determine further course of action following the receipt of Senior Counsel's advice

PREVIOUS COUNCIL CONSIDERATION:

1. On 21 September, 2009 in closed session, Council determined to close part of the walkway leading from and adjacent to South Esk Road.
2. On 8 July, 2013, in considering the appropriate course to take following the decision of the Magistrates Court on 20 September, 2010, Council requested the General Manager to explore further options which might be open to Council.
3. On 22 July, 2013, Council determined to obtain Senior Counsel's opinion as to whether the walkway in issue was a local highway within the meaning of the Local Government (Highways) Act 1982 and generally what options were open to Council.

RECOMMENDATION:

1. That the General Manager, absent the setting aside of the decision of Magistrate Hill of 20 September, 2010, take necessary action to enforce effective compliance with that decision.
 2. That Mr and Mrs Smart be given 2 months in which to commence court proceedings to set aside such decision, and in the event that Mr and Mrs Smart fail to have such decision set aside, then time allowed to Mr and Mrs Smart to remove the fence and other material from the walkway, be a matter for the discretion of the General Manager.
-

REPORT:

On 22 July, 2013, when this matter was last before Council, Council determined that the General Manager should obtain Senior Counsel's advice. Advice has been obtained from Mr A.J. Abbott SC, and that advice is an attachment to this report.

The advice of Mr Abbott is clear. It is summarised at the top of page 4 of the Advice. Aldermen will note that the recommendation above follows the advice of Mr Abbott.

COUNCIL AGENDA

Monday 14 October 2013

19.2 Closure of part of walkway adjacent to 25 South Esk Road, Trevallyn...(Cont'd)

Mr Abbott in his advice refers to letters from the General Manager to Mr and Mrs Smart of 13 February, 2013 and 17 April, 2013. Copies of those letters are attachments. It is proposed that the decision of Magistrate Hill be enforced in the manner as set out in that correspondence.

ECONOMIC IMPACT:

See financial aspects

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

Impact on Mr and Mrs Smart by cost of removal of encroachment and loss of use of land

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

No cost to Council. Costs to be met by Mr and Mrs Smart.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

ATTACHMENTS:

1. Advice of A.J. Abbott SC 16 August, 2013.
 2. Letter of Mr Abbott 19 August, 2013
 3. Letters of GM to Mr and Mrs Smart 13 February, 2013 and 17 April, 2013.
 4. Map (refer final paragraph of page 8 of advice)
-

A. J. ABBOTT SC
BARRISTER-AT-LAW

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TELEPHONE: (03) 6223 3844
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AUSDOC: DX 160
ABN: 33 308 092 879

16 August 2013

Darryl Wright
Legal Advisor
Launceston City Council
Town Hall
LAUNCESTON TAS 7250
Email: Darryl.Wright@launceston.tas.gov.au

Dear Sir,

LOCAL HIGHWAYS - SOUTH ESK ROAD TO THE GORGE - LCC v SMART

Introduction

I refer to our previous correspondence including my letter of 12 August 2013 and I record that advice has been sought in relation to a number of issues concerning the walkway ("the walkway") which traverses the steep Northern bank of the South Esk river between South Esk Road and Trevallyn Road in Trevallyn in Launceston.

The issues have arisen out of an encroachment ("the encroachment") placed upon the walkway by the immediate predecessor in title of a neighbouring property now known as 25 South Esk Road. The encroachment takes the form of a fence over the boundary, in part masonry at the end nearest South Esk Road, in part timber and involving for most of its length vegetation, with the masonry and timber forming a nearly straight line between the South Esk Road end point of the walkway and the Southern boundary of the Smart property at its corner where the upper section of the walkway turns east. It is clear enough that, on any view, the fence &c. encroaches on land owned by the Council. The exact area of the encroachment is in dispute but involves a section approximately 1m wide x 31.5m long.¹

¹ Reasons of Magistrate Hill at para.2.

It is also clear enough that the fence was built and the encroachment was effected unlawfully, that is to say, without the permission of the co-owner, the Council, or indeed any relevant authority. That seems to have occurred at some time between about 1993 and 1998². Commencing in or about 1993 a Mr Fahey, for his trustee company which was the immediate predecessor in title to the current owners Mr & Mrs Smart, sought to negotiate, and negotiated, with the Council to purchase the encroached area along with a further encroachment ("the further encroachment"), not presently directly relevant but it would seem effected contemporaneously, enclosed by the return of the masonry fence along the northern boundary of his property with the South Esk Road.

Mr & Mrs Smart purchased the Smart property towards the end of 2005, with the transfer to them being registered by the Recorder of Titles on 3 March 2006. I understand there to exist a contract of sale from the Council to Mr Fahey in relation to the sale of the further encroachment, but that that contract has not proceeded to completion because of the ongoing dispute in relation to the encroachment. Presumably Mr & Mrs Smart have succeeded to the rights of Mr Fahey under this contract, and there would not seem to be any impediment to its completion once the present dispute has been resolved. I therefore henceforth put the difficulties in relation to the further encroachment to one side. In any event it does not affect the walkway.

Between December 2006 and September 2009 Mr & Mrs Smart and the Council engaged in negotiations the outcome of which was a decision by the Council to close the part of the walkway which was then and still is affected by the encroachment, in order that it could be sold to Mr & Mrs Smart and (I infer) formally adhered to the title of the Smart property. For that to happen it was necessary, in the view of the Council, to obtain an order under s.14(7)(b) of the *Local Government (Highways) Act 1982* ("the Highways Act"). The procedure required under s.14 was completed and the matter was heard by Magistrate Hill in the Administrative Appeals Division of

² Magistrate Hill "assumed that the fence was erected in or about 1998": reasons p.4. Earlier he stated that the encroachment occurred in "the mid 1990's": p.2. Nothing turns for the present purpose on the exact timeframe during which the works were undertaken and completed.

the Magistrates Court. By a decision delivered on 20 September 2010 Magistrate Hill upheld a number of objections, under s.14(7)(a), and refused the order. There was no appeal from that decision and the 28 day time limit for the initiation of an appeal expired long ago.

By letter dated 13 February 2013 the Council gave notice to Mr & Mrs Smart under s.52 of the Highways Act in summary requiring that the encroachment be removed and the walkway be re-fenced on its correct alignment, in effect at the expense of Mr and Mrs Smart³. This requirement was not complied with and after other correspondence to which reference need not be made the 13 February letter was followed up with another Council letter to Mr and Mrs Smart, dated 17 April 2013, which includes the following paragraphs:

"The area of land between these two parcels of privately owned land, the land of Mr Smart and Ms Beaumont is owned by the Council. The advice to me is that this land constitutes a highway, but even if that were not the fact, the situation remains that there is a significant encroachment onto Council land which I require to be removed.

I appreciate that this matter causes you concern and to remove the encroachment will come at some cost to you. Nevertheless the decision of the Magistrate upholding objections to Council's proposed closure of that part of the walkway occupied by you was some 18 months ago."

I will refer below to these letters dated 13 February 2013 and 17 April 2013 as "the letters". Mr and Mrs Smart have not complied with them. The present state of this matter in short summary is, thus, that the encroachment is unlawful and constitutes a significant obstruction of the walkway.

Advice in Summary

I advise that:

³ Consistently with s.52(7). S.52 contains some infelicitous drafting but its intent is clear enough.

- (a) the Council is bound by the decision of Magistrate Hill unless and until it is set aside by a Court of competent jurisdiction or by legislation, and it is not reasonably open to the Council to take the view that the decision is wrong because the walkway is not a highway (or because the decision is affected with some other error whether of fact or law); and
- (b) the Council, as a responsible municipal body charged with the performance of its functions under and in accordance with s.20 of the *Local Government Act 1993* ("the LGA") should proceed as it has proposed by the letters to proceed.

The Highway Issue

(a) General Principle

It is convenient to commence the analysis by reference to the general principles enunciated by Evans J at first instance and by the Full Court on appeal in *Clarence City Council v Howlin* [2012] TASSC 26 and [2013] TASFC 7 respectively. Evans J and the Full Court adopted the position as it was expounded by *Halsbury's Laws of England* in the 1935 2nd edition, citations omitted, as follows⁴:

"11. ...

'212 A 'highway' is a way over which all members of the public are entitled to pass and repass; and, conversely, every piece of land which is subject to such public right of passage is a highway or part of a highway. ...

258 Land dedicated by a person legally competent to do so to the public for the purposes of passage becomes a highway when accepted for such purposes by the public; but whether in any particular case there has been a dedication and acceptance is a question of fact and not of law.

259 Dedication necessarily presupposes an intention to dedicate – there must be animus dedicandi. The intention may be openly expressed in words or

⁴ Para. 11 is from the judgment of Evans J and is quoted with approval in the judgment of Tennant J, for the Full Court, at paras.37 and 38.

writing, but, as a rule, it is a matter of inference; and it is for a Court or jury to say whether such intention is to be inferred from the evidence as to the acts and behaviour of the landowner when viewed in the light of all the surrounding circumstances.

260 Acceptance by the public requires no formal act of adoption by any persons or authority, but is to be inferred from public user of the way in question. Even if an express intention to dedicate is proved, it is necessary to prove also that the way has been in fact thrown open to the public and used by them.

The evidence from which Courts or juries are asked to infer both dedication and acceptance is, as a rule, open and unobstructed user by the public for a substantial time.

261 An intention to dedicate land as a highway can only be inferred against a person who was at the material time in a position to make an effective dedication – that is, as a rule, a person who is absolute owner in fee simple and sui juris. When, however, a primâ facie case is proved of an intention to dedicate, express or implied, it lies upon the defendant to show that the state of the title to the land is or was such as to render any such intention inoperative.

271 [T]here is no fixed minimum period [of user] which must be proved in order to justify an inference of dedication, and no fixed maximum period which compels such an inference.'

12. *For the purposes of the issue before me, it is important to keep in mind that the conflicting declarations sought by the plaintiff and the defendant relate to whether Marsh Street [Opossum Bay, in Clarence] is a highway. The law that governs the creation of highways is not the same law as that which governs private easements such as rights of way. As observed by Lord Cairns LJ in Rangeley v Midland Railway Company (1868) LR 3 Ch App 306 at 310 – 311:*

“There can be no easement properly so called unless there be both a servient and a dominant tenement. ... There can be no such thing according to our law, or according to the civil law, as what I may term an easement in gross. An easement must be connected with a dominant tenement. In truth, a public road or highway is not an easement, it is a dedication to the public of the occupation of the surface of the land for the purpose of passing and repassing, the public generally taking upon themselves (through the parochial authorities or otherwise) the obligation of repairing it. It is quite clear that that is a very different thing from an ordinary easement, where the occupation remains in the owner of the servient tenement subject to the easement.”

To these general principles needs to be added a reference to the two leading authorities at appellate level in relation to dedication arising from long user, as explained by Tennant J for the Full Court in *Howlin*:

“76. When [Evans J] referred to the case of *President of the Shire of Narracan v Leviston* [1906] HCA 34; (1906) 3 CLR 846, he did so to provide an illustration of the rebuttal of the presumption of a dedication that might arise from long use. He said at pars[58] – [59]:

*‘58 An illustration of the rebuttal of the presumption of a dedication that arises from long use is the decision in *President of the Shire of Narracan v Leviston* [1906] HCA 34; (1906) 3 CLR 846. In that case the owner of land allowed a track to be raised over it, the cost of which was paid by neighbours. The municipality arranged for the track to be surveyed and from time-to-time, it cleared, made and repaired the road at its own cost. The road appeared in maps of the municipality. For upwards of 20 years the road was used by the public as a highway. The High Court held that the road had not been dedicated as a highway because, from its inception, the owner had acquiesced to its use by the public on the basis of an implied agreement with the municipality that he would permit the public to use it pending the municipality’s proclamation of the road as a public road, whereupon he would be compensated. In the course*

of his judgment Griffith CJ, at 857 – 859, referred to the decision in Barraclough v Johnson 8 A & E 99. At 858 he quoted a passage from the judgment of Lord Denman CJ in that case which included the following:

'A dedication must be made with intention to dedicate. The mere acting so as to lead persons into the supposition that the way is dedicated does not amount to a dedication, if there be an agreement which explains the transaction ...'.

At 859 Griffith CJ concluded:

'The doctrine, therefore, that dedication may be presumed from continuous user must be qualified by adding the words "if unexplained," and it is always permissible, as pointed out [in Barraclough v Johnson] ... , to inquire under what circumstances the piece of land came to be used as a road. Was it under such circumstances as showed an intention to dedicate? Or was it under such circumstances as to negative such an intention? Or was it under such circumstances as not to point in one direction rather than the other?'

59 A more recent authority that touches on this issue is Newington v Windeyer (1985) 3 NSWLR 555. In that case at 558 – 559, McHugh JA, agreed with by Kirby P and Hope JA said the following, from which the citations have been omitted:

'At common law the making of a public road required the fulfilment of two conditions: an intention to dedicate the land as a public road and an acceptance by the public of the proffered dedication. The dedication could be made expressly or be inferred from the conduct of the owner. The lodging of a plan of subdivision in a Land Titles Office, showing a road as an open street and giving access to subdivided lots, is evidence from which an inference of dedication as a public road can be drawn. When a road is left in a subdivision and runs into a public road system,

the inference usually to be drawn is that it was dedicated as a public road unless access to the road is prevented by fencing or other action. In an appropriate case, the contents of leases, plans of subdivision, and maps, although not public documents, may, nevertheless, allow an inference of dedication to be drawn. Dedication to the public may also be presumed from uninterrupted user of the road by the public. But care must be taken to distinguish evidence of user, from which dedication can properly be inferred, from mere evidence of continual use even for a very long period. At common law, continual trespassing could not create a public road. The evidence must raise the inference that, at some point of time, the owner dedicated the road to the public.'"

(b) Relevant matters of fact

It is necessary, before turning to the application of these general principles in the present circumstances, to notice that the walkway in its original form followed a different path to that which it now takes and for many years seems to have taken. This is shown comprehensively on the colour map set out at p.43 of the brief, and I request that this advice be read by reference to and with that colour map to hand.

The original route of the walkway shown on the various plans is made up of the purple, yellow and green sections (and excludes the red section), with only the purple and green sections now, and perhaps ever, actually having been and being in use. For reasons explained below the green section would not now seem to be, and may never have been, used by the public as a highway. But the purple section, which is critical for the present purpose, seems always to have been so used. It joins the red section now in use and, seemingly according to photographic evidence in existence as at 1890, in use by the public as at that date and, by the strongest presumption, in that use ever since. I emphasise that this matter is concerned primarily with the part of the walkway shown in purple, and it is to that part of the walkway to which attention must be concentrated. The other parts, however, form part of the evidence by reference to which the general principles fall for application. Some reference, thus, must be made to them.

Your diligence as my instructor has produced many plans showing the walkway. It is in my view necessary to refer primarily to the following:

- (a) plan 89524, "of Suburb of Trevallyn" shows the walkway (purple, yellow and green sections) apparently consistently with the fence lines shown in the 1890 photograph. The walkway is not described but it is obvious that it starts and finishes at what were from the outset public roads. Further, the walkway was not then necessary for access to any of the lots with which it was (or was to be) contiguous, with all three of the lots not having direct access to Trevallyn Road having direct access to South Esk Road. This plan is dated 1886 and therefore antedates the *Town Boards Act 1896* ("the Town Boards Act"), which did not take effect until 1 January 1897: s.2;
- (b) plan 5257, which understand to have only recently been obtained, is dated 26 May 1896 and shows (with the aid of a magnifying glass) what would seem to be land adjoining and contiguous with the upper part of the walkway and ownership of the land comprising the walkway and the very steep bank leading from the walkway to the South Esk River in the Launceston City & Suburbs Improvements Association. I suggest that enquiries be made as to the nature of that body and that further searches be undertaken to determine whether or not it is a predecessor in title of the Council; the name clearly suggests clearly enough that it was in the nature of a progress association, and its ownership of land directly connected with the relevant land, including the walkway, may assist the argument that it was at all material times, and prior to the commencement of the Town Boards Act, owned and dedicated for public purposes. I add that even if these enquiries prove fruitless no harm is done, that is to say, it seems highly likely that at worst no further relevant evidence will be turned up. It is also properly to be viewed as non-critical, that is to say, this is only one small piece of a complex puzzle.

These early plans and the 1890 photograph taken together provide persuasive evidence that at least the relevant part of the walkway was dedicated by its then

owner as a highway and utilised by the public as such. There is no suggestion anywhere in the evidence that it was ever gated or that it was in some other way reserved for private use. Further, its description as a "right of way" in some of the plans (arguably conflicting with its description as a roadway in the September 1929 plan) is in my view neutral; there is no dominant or servient tenement nor is there any other indication that the original owner, a Mr Barnes, or anybody else, ever created or purported to create some private right of way or carriageway such as one might expect to serve a private subdivision to parts of which there was no other access. This distinguishes the present case from *Howlin*, in which the subdivider did grant rights of carriageway to the blocks in order for them to have access to the adjoining public road system. The grant of those rights of carriageway was inconsistent with any dedication of the affected land by the subdivider for public use; he retained ownership of the land over which the rights of carriageway were granted.

Further, there is presently no evidence of any contract, arrangement or understanding with is inconsistent with:

- (a) dedication of the walkway as a highway; and
- (b) use and utilisation of at least the relevant part of the walkway (in purple) by the public as part of a connecting means of access between two public streets, namely South Esk Road and Trevallyn Road.

I add that in 1890 the walkway would not have been sealed. It may well have had the blue stone treads which are still in existence and which form small steps to ease access by foot, but even if those treads were not present it would still have been accessible by foot and, I apprehend, by horse or mule.

It needs to be remembered that, in 1890, motor vehicles were not part of the day to day transport system and that the primary means of transport were horse, mule, horse and cart, and by foot.

This walkway at the time would have provided a convenient if steep shortcut; I doubt that it would ever have been navigable by a cart, but it would certainly have been navigable by the other means of transport then in vogue.

(c) Conclusion - Relevantly a Highway

It follows that the relevant part of the walkway was a highway prior to the commencement of the Town Boards Act. There does not appear to be any serious suggestion that, at some material time after the Town Boards Act came into force in 1897, some legislation alters the status of the relevant part of the walkway as a highway.

Further, there does not seem to be any serious suggestion that, if the relevant part of the walkway was a highway prior to the commencement of the Town Boards Act, some legislation compels the conclusion that the relevant part of the walkway is anything other than a local highway within the meaning of s.4(1) of the Highways Act. Certainly Mr McElwaine does not make any such suggestion, although he remarks in a number of places that the history requires further research. I add that your research has not revealed any legislation which suggests or compels that conclusion. I add further that there is a strong argument for the proposition that, once dedicated and in use as it was prior to the commencement of the Town Boards Act, s.CLXXXVIII of the Police Act 1865 applied to make the relevant part of the walkway (inter alia) maintainable by the Council. That position never materially altered. This would without doubt make the relevant part of the highway a "local highway" under the Highways Act. It is unnecessary to take these aspects of the matter further at this time, unless and until some debate erupts as to them.

In *Howlin's* case Evans J expressly found, and it was not doubted in the Full Court, that the common law in relation to the dedication and acceptance of highways continues, subject to statutes such as, presently, the Highways Act and the LGA. But these statutes do not seem to me to affect an ancient highway such as that presently

in issue. I add that, so far as the January 2004⁵ transfer to the Council is concerned, dedication at that time would have been "*of no effect unless the approval of the corporation under its seal [was] given to the dedication*" and the dedication was approved by the Transport Commission: Highways Act ss.7(1) and (2).⁶ That would not seem to have happened but this would seem to be without material consequence for the present purpose.

The position is not quite so clear in relation to what may be described as the non-utilised part of the walkway. Indeed there does not seem to be any, or any satisfactory, evidence of utilisation at any time of the yellow section. As earlier noticed, even the 1890 photo seems to show that the red part of the walkway was then in use, with the very steep and apparently then unmade section, the yellow part contiguous (or thereabouts) with the then existing lot fence lines, not in use. In my view nothing much turns on this aspect of the matter for the present purpose, and I therefore do no more than notice that this part of the walkway may never have become a highway or may have ceased to be so simply because it was either never used by the public in the first place or has fallen out of use for a very long time. The green section, of course, is and has been used, but not as a **public** highway. Rather, it is used, by arrangement with the Council, in effect as a private right of way. Its status is also doubtful. I incline to the view that these sections, yellow and green, are not highways but for the present purpose it is unnecessary to reach a firm conclusion as to that. Formally I reserve my opinion about their status, pending consideration of this advice and a further conference between us.

The important conclusion in relation to this aspect of the matter is that the relevant part of the walkway, the part shown in purple, more probably than not is now and always has been a highway used and utilised by the public.

⁵ This seems from the chronology to be the correct date, contrary to what is said in your memo to the General Manager at p.64, which refers to 1994. Nothing turns on this aspect of the matter.

⁶ There is an exemption from these provisions in relation to the *Roads & Jetties Act 1935*, under s.7(5), but this Act would seem to have no presently relevant application: see ss.7 and 8. This Act seems to apply to road construction by the State of roads and highways as those words are more generally understood in the modern era.

The decision of Magistrate Hill, thus, may not reasonably be attacked in the manner suggested by Mr McElwaine, for Mr & Mrs Smart, or at all. Rather, the decision is in my view correct and needs to be enforced by the Council.

Other Matters - The Nature of the Decision of Magistrate Hill

Magistrate Hill was sitting as a Court when he made his decision to uphold the objections. This is made plain by Part 2 of the *Magistrates Court (Administrative Appeals Division) Act 2001* ("the AAD Act"). There is no doubt that he had jurisdiction to make the decision which he did, and that that jurisdiction was granted under s.14 of the Highways Act. It is, on ordinary settled principles, binding *inter partes* and conclusive unless it is set aside. To suggest that this decision ought simply be ignored, on a basis that is in my opinion best described as suggestive speculation, is in my view clearly wrong. Rather, it is clear that the Council, as a responsible local government body, should implement the decision in accordance with its tenor.

I reiterate that the decision might have been appealed to the Supreme Court, but only on a question of law⁷. No appeal was mounted and, if there was to be an appeal, that ought to have been initiated by Mrs Smart assuming, as I think must have been the case, an order was made by the Court under s.30(2) of the AAD Act by which Mrs Smart was made a party. Her difficulty would have been that, if she had taken the "no highway" point and it was determined against her, that would have been a finding of fact from which (generally speaking) there could not have been an appeal—see the quote from Halsbury at para.258 set out above on p.4. I add that an appeal on that ground, even if it was open (which it was not, as it concerned an issue of fact not law), would have enjoyed very poor prospects of success.

I add further that, if Mrs Smart considered that the Court ought not to have upheld the objections because the walkway was not a highway, then she ought have put that submission to the Court in and as part of the proceedings. She did not do so (so far as appears from the reasons) and I consider that the better view is that it is not now open for her to take the point in any proceedings by which the Council seeks to

⁷ AAD Act, s.47(2).

enforce the orders of the Court. The relevant governing general principle is that enunciated and applied by the High Court in *Anshun*⁸. I see no reason why the general principle ought not to apply in proceedings of the kind presently in issue. It was expressly held to apply in relation to a domestic tribunal in *Schultz v Turcan* VCAT Ref.D475/2008⁹. I must add, however, that this aspect of this matter is likely to be controversial and the nature of the fact, as a jurisdictional fact, will add to the controversy.

Mr McElwaine asserts that “*an inferior court of statutory jurisdiction, such as the Magistrates Court has no power to make a binding declaration as to the status of this land. It is only the Supreme Court of Tasmania which has that jurisdiction*”: letter to Mrs Smart dated 9 May 2013. This assertion is clearly incorrect, or at the very least misleading, in its reference to “only” the Supreme Court; it is in my opinion obvious that Magistrate Hill had jurisdiction to determine the status of the land for the purposes of and within the proceedings before him. The assertion is otherwise correct as far as it goes, but that is in my opinion nowhere near far enough to trouble the Council presently¹⁰.

Mr McElwaine’s fundamental problem is that Magistrate Hill has made an order upholding the objections of the objectors, in the context (it would seem) of there having been no submission made to him to the effect that he was without jurisdiction because the relevant part of the walkway was not a highway (but, rather, was some form of private right of way). As I point out above, the decision of Magistrate Hill has been made in accordance with the AAD Act and it is entitled to the benefit of the presumption of regularity, that is to say, it is a settled principle that it is valid and effective according to its tenor unless and until it has been set aside.

⁸ *Port of Melbourne v Anshun Pty Ltd* (1981) 147 CLR 589. It is probably a facet of the general law prohibiting abuse of process, see eg *Brisbane City Council v AG* (1978) 19 ALR 681 at 688-9.

⁹ Cf. contra the position in the AAT, in which it has been held that the general principle did not apply because it was inconsistent with the governing statute: *Re Jebb* [2005] AATA 470. There is nothing in the AAD Act which precludes the operation of the principle.

¹⁰ I add in conclusion in relation to this aspect of the matter that the remarks of Tennant J, for the Full Court at para.24 of the *Howlin* decision need to be viewed in their context. It is a settled position that, *inter partes*, the doctrines of *res judicata* and abuse of process, including the general principles governing *Anshun* estoppel, are part of the settled fabric of the law of Australia.

It is just possible that the Supreme Court, on an application now made by Mrs Smart by new originating proceedings, might declare that the relevant part of the walkway was not a highway and therefore that the decision of Magistrate Hill was void. That would only occur if the Supreme Court was persuaded that Magistrate Hill had made an error in relation to a jurisdictional fact, that is to say, in relation to a fact providing the basis for the exercise of his jurisdiction. It is in my opinion very unlikely that the Supreme Court would make a declaration of that kind, and my advice to the Council would be that, in any proceedings initiated by Mrs Smart seeking such a declaration, the first point that should be taken against her is that there was no submission made to Magistrate Hill in relation to the jurisdictional fact now sought to be made, in effect by a back door late appeal not authorised by the governing statute (the AAD Act), by the Supreme Court, and that she is therefore *Anshun* estopped from now contending to the contrary. The second submission, obviously, would be that the new proceedings should be dismissed because the right of appeal provided under the AAD Act had not been exercised. The third submission, which I doubt in all the circumstances would be reached because the first or second submission should succeed, would be that the relevant part of the walkway was in fact a highway and, consequentially, that there was in any event no error made by Magistrate Hill in upholding the objections.

Finally, even if the relevant part of the walkway is not a highway and is no more or less than land owned by the Council, it is very clear that the encroachment is unlawful and that it interferes with the reasonable user of the walkway by the public. There is in my opinion no reasonable basis upon which the Council ought to permit that position to continue. Rather, it has a public duty to put matters right. Accordingly I would proceed as the Council has proposed by the letters to proceed.

I so advise. I invite a further telephone conference between us in relation to the general future course of the matter. My fees in hours (unsurprisingly) exceed the budget, but I am happy to further confer.

Yours faithfully,



A.J. ABBOTT SC

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BARRISTER-AT-LAW

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19 August 2013

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Launceston City Council
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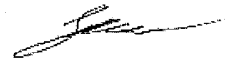
Dear Sir,

LOCAL HIGHWAYS - SOUTH ESK ROAD TO THE GORGE - LCC v SMART

I refer to our discussions of 19 August and I note that it is proposed that my advice in its now final form will be tabled at an open meeting of the Council and will, thus, become public. I have no difficulty with the taking of that course but I must emphasise that my responsibility is only to the Council and that I take no responsibility whatsoever howsoever arising from any use or utilisation of the advice for any purpose whatsoever by any person other than the Council. I request that, when the advice is tabled, this letter is tabled attached to it, in order that any reader be aware of this disclaimer and the limit of my responsibility.

I enclose a note of my fees, limited to the mark on the brief. I confirm that I will retain the brief and the papers for the time being, pending further developments and consequential refreshment of the brief in due course. Thank you for your instructions in this and other matters.

Yours faithfully,



A.J. ABBOTT SC

File No: 20445; 20447; SF2002
HG

Your Ref:

13 February, 2013

Mr. Rodney Smart and Mrs. Christine Smart
25 South Esk Road
TREVALLYN TAS 7250

Dear Mr. and Mrs. Smart,

25 South Esk Road - Removal of encroachment

I write in reference to the illegal encroachment on a public walkway relating to a property within your ownership located at 25 South Esk Road, Trevallyn.

Further I refer to the decision by Magistrate Hill on this matter dated 20/09/2010. These matters have been the subject of on-going communication with you since that time.

The purpose of this correspondence is to provide you with a final opportunity to remove the illegal encroachment and to indicate the consequences should you fail to undertake such action.

Magistrate Hill, in his decision, determined that it was not in the public interest that the relevant part of the walkway be closed. His Honour said that (the erection of the fence thereby utilising part of the walkway for private use) "was a blatant usurpation of their right to use and enjoy the totality of this public thoroughfare". His Honour added "I am not satisfied that there is any public benefit in sanctioning what was in effect an unlawful closure of this walkway in the manner such as I have described."

The result of that is that the walkway remains a public walkway to its full width. It is, I believe, incumbent on me to take such action as is reasonably necessary to have the encroachment removed, and to return the full width of the walkway to public use.

Section 52 of the Local Government (Highways) Act 1982 ("The Act") deals with obstructions, and including fences, placed against or in front of a building and projecting on to highways. Subsection 6 provides in part "the corporation may, by notice served on the owner or occupier of the building, require him within 14 days to remove or alter the obstruction in the manner specified in the notice."

Subsection 7 then provides "If the requirements of a notice served under subsection 6 are not complied with, the corporation may carry out those requirements and recover the cost reasonably incurred by it in so doing from the occupier of the building."

My advice is that this fence is substantial. In part it acts as a retaining wall. It is not merely the fence which sits on the walkway, but also earth, vegetation and building material. Given the material on the walkway is removed, it is reasonably necessary to erect the fence or a substitute fence on the boundary so as to retain the soil and other material currently adjoining the boundary.

It follows this is not merely the removal of the obstruction, but also the construction of a new fence on the boundary. I am advised that given the condition of the existing fence, it is not practical to move it.

Section 36 of the Act deals with fencing. It provides that Council may serve a notice on the owner of land, requiring the owner to erect a sufficient fence along the boundary between the footpath and the land, and if the work is not done, carry out the work itself, and recover the cost from the owner.

Please be advised that this letter serves as formal notice that you are now required to:

1. Remove the existing fence, soil, vegetation and any other material from the public walkway adjoining your property at 25 South Esk Road, so that the walkway is clear of any obstruction, and is able to be used by the public to its full width.
2. Construct on the boundary of your land and the walkway, a good and sufficient fence, sufficient to retain on your land all soil and vegetation and other material, so that such material does not spill on to the walkway.

Apart from the requirement to construct a good and sufficient fence sufficient for the purpose of preventing material from spilling on to the walkway, the characteristics of the fence including height and material used, is a matter for you.

If both of such tasks are not completed within 3 months of the date of this notice, Council will complete each task and seek to recover the cost of each from you.

In specific response to the matters raised by you in your email of 21 January:

1. Council will not contribute to the cost either of removal of the encroachment or construction of the new fence. Council has no legal obligation to do so. In addition to that, it is in my view, inappropriate to effectively require other ratepayers to pay to remove a structure unlawfully constructed on public land.
2. The matter of the removal of the Telstra pit from your property is a matter between you and Telstra. If Council constructs the new fence, it will make necessary arrangements with Telstra so that the fence is constructed on the true boundary line.

I am enclosing for your information copies of sections 21, 36, 52 and 56 of the Local Government (Highways) Act 1982, and also Section 20A of the Local Government Act 1993. This legislation may be viewed in full at www.austlii.edu.au

I would urge your co-operation in complying with the requirements in this letter.

Yours sincerely

Robert Dobrzynski
GENERAL MANAGER

File No: 20445; 20447; SF2002
dcw

Your Ref:

17 April, 2013.

Mr. Rodney Smart and Mrs. Christine Smart
25 South Esk Road
TREVELLYN TAS 7250

Dear Mr. and Mrs. Smart,

25 South Esk Road - Removal of encroachment.

I wrote to you on the 13th February. In that letter I told you that if you did not undertake the described work to vacate the laneway within 3 months, Council would undertake the work and recover the cost from you. I reminded you of that in my letter of 12 April.

You continue to question Council's right (I suggest obligation) to require you to remove the encroachment from the walkway. In your last email you question whether the walkway is in fact a highway. On 20 October, 2010 the Magistrates Court upheld objections to Council's proposed closure of part of the walkway. No submission was made to the Court that the walkway was not a highway pursuant to the relevant legislation, the Local Government (Highways) Act 1982. The order of the Magistrate was "Pursuant to Section 14(7) I make a local highway order upholding each of the objections." No appeal has been lodged against such decision.

As you are aware, the boundary between your property and the walkway has been surveyed. There is a significant encroachment on to the walkway. Your property, in the name of Mr. Smart, is held in two titles, lots 1 and 2 on plan 77524. The plan shows the property bordering the walkway. The neighbouring property (on the other side of the walkway) is lot 2 on plan 22919. That plan shows that property bordering the walkway.

The area of land between these two parcels of privately owned land, the land of Mr. Smart and Ms. Beaumont is owned by Council. The advice to me is that this land constitutes a highway, but even if that were not the fact, the situation remains that there is a significant encroachment on to Council land which I require to be removed.

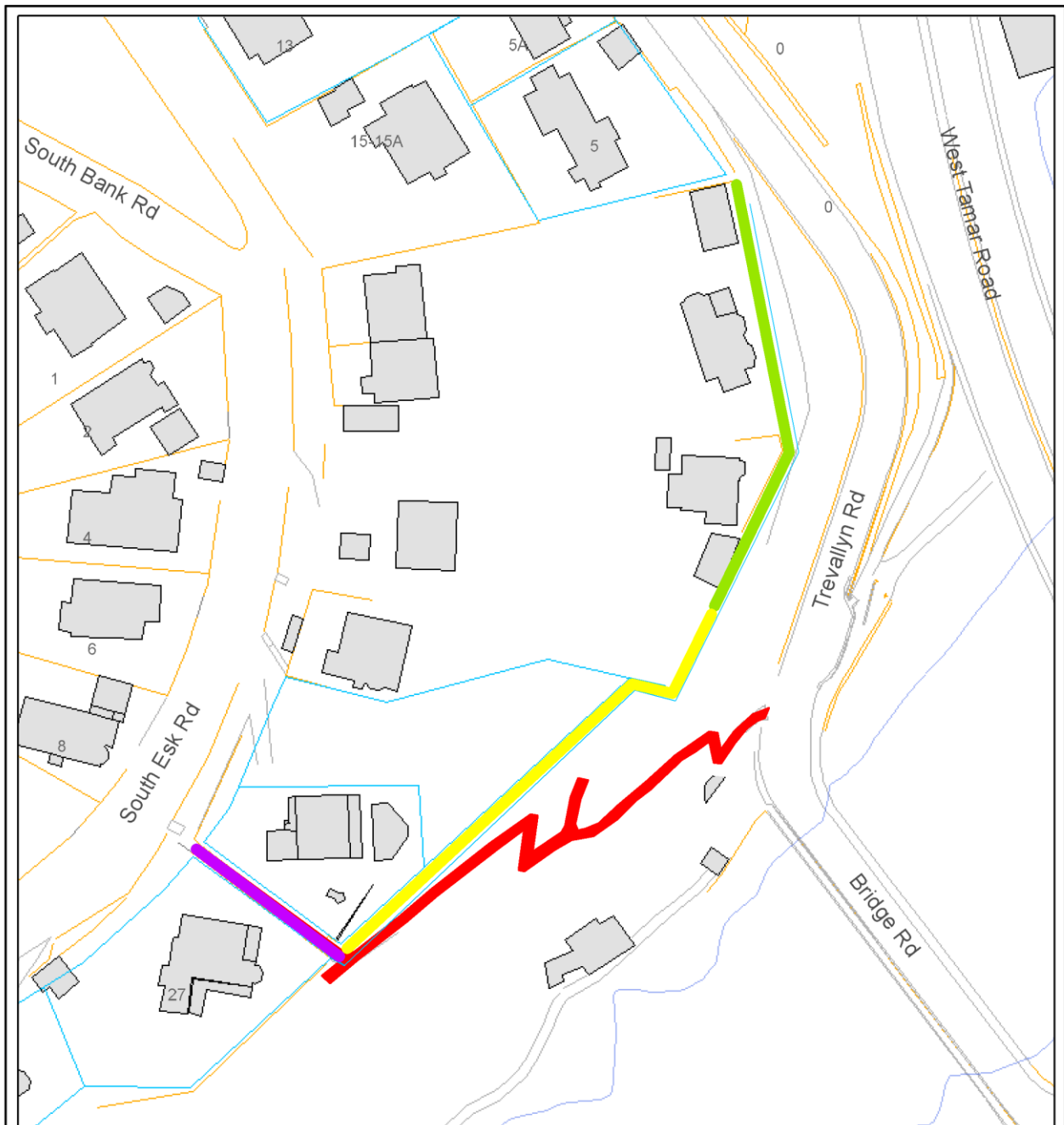
I appreciate that this matter causes you concern and to remove the encroachment will come at some cost to you. Nevertheless the decision of





the Magistrate upholding objections to Council's proposed closure of that part of the walkway occupied by you was some 18 months ago.

I do not intend to engage in any further discussions or correspondence with you. My requirements of you as set out in my letter of 13 February, 2013 remain.

Yours sincerely

Robert Dobrzynski
GENERAL MANAGER



-  Upper Walkway - walkway also marked "Roadway" on title plans
-  Lower Walkway - walkway not marked on title plans but runs across Council land
-  Marked as "Roadway" on title plans. Council land not used.
-  Marked as "Roadway" on title plans. Council land used as driveway by adjoining owners

NOTE:
While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan its purpose is to provide a general indication of the location of Council services. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. This note forms an integral part of this plan.

Printed: 2013

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20 URGENT BUSINESS

Nil

21 WORKSHOP REPORT(S)

Nil

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

22.1 Information / matters requiring further action

FILE NO: SF3168

AUTHOR: Leisa Hilkmann (Committee Clerk / Administration Officer)

This report outlines requests for information by Aldermen when a report or agenda item will be put before Council or a memorandum circulated to Aldermen.

It will be updated each Agenda, with items removed when a report has been given.

ATTACHMENTS:

1. Information / matters requiring further action - 14 October 2013.
-

Meeting Date, Item & File #	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
<p>13 March 2012 Item 14.1 SF0841</p>	<p>Duck Reach Redevelopment</p> <p><u>Resolution at Council Meeting 13/03/2012: additional point 4</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Consider the report outlining recent investigation into a redevelopment of the Duck Reach site. 2. Endorse the investigation of third-party investment opportunities for the redevelopment of the Duck Reach Site. 3. On finalisation of the business case analysis outlined in the report, and identification of potential third party development opportunities, Council review the redevelopment options for the Duck Reach site based on a future report. 4. Agree that further investigation by Council is predicated upon Hydro Tasmania formally committing to a minimum base flow of 2.5 cumecs which is the current voluntary release by Hydro Tasmania. 	<p>Rod Sweetnam</p> <p>Correspondence has been received from Hydro Tasmania indicating their agreement to enter into a MoU with Council. The MoU is being drafted in consultation with Hydro.</p> <p>The MoU will be presented to Council for consideration.</p> <p>Finalisation of the MOU will allow the business case analysis to proceed.</p> <p>The draft MoU has been sent to Hydro Tasmania for review and comment prior to report to Council.</p> <p>Awaiting formal response to the draft MoU as presented. This includes a binding agreement on water supply.</p> <p>A response has been received from Hydro Tasmania with changes to the document that was presented by Council. Council Officers are reviewing the proposed changes to the draft MoU made by Hydro Tasmania. Further information will be provided to Aldermen, when the review has been completed.</p> <p>Report to be presented to SPPC in August 2013.</p> <p>Further information had been requested from Hydro Tasmania. This has now been received and the report will be made to SPPC in September 2013.</p> <p>Report presented to Alderman via a workshop on 16 September 2013.</p>	<p>Nov 2012</p> <p>Dec 2012</p> <p>July 2013</p> <p>August 2013</p> <p>Sep 2013</p> <p>March 2014</p>

22.1 Information / matters requiring further action...(Cont'd)

Meeting Date, Item & File #	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
9 Sept 2013 Item 13.1 SF5547 / SF0595 / SF0594	<p>Notice of Motion - Alderman Peck - WiFi in Brisbane Street Mall</p> <p><u>Resolution at Council Meeting 09/09/2013:</u> That Launceston City Council investigate the installation of Wi-Fi in the Brisbane Street Mall and report back to Council.</p>	Michael Tidey - Director Corporate Services	Nov 2013

- 23 **ADVICE OF FUTURE NOTICES OF MOTION**

 - 24 **REPORTS BY THE MAYOR**

 - 25 **REPORTS BY THE GENERAL MANAGER**

 - 26 **CLOSED COUNCIL ITEM(S)**

 - 27 **MEETING CLOSURE**
-