



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 24 JUNE 2013**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 24 June 2013

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

Date: 24 June 2013

Time: 1.00 pm

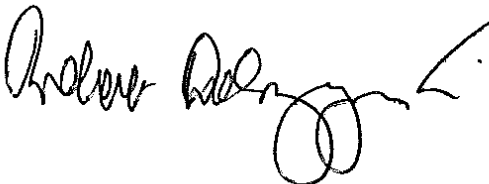
Section 65 Certificate of Qualified Advice

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.

A handwritten signature in black ink, appearing to read 'Robert Dobrzynski', with a stylized flourish at the end.

Robert Dobrzynski
General Manager

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 24 June 2013

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES	1
2	DECLARATION OF PECUNIARY INTERESTS	1
3	CONFIRMATION OF MINUTES	1
4	DEPUTATION	1
5	ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME	2
6	PUBLIC QUESTION TIME	4
7	ANNOUNCEMENTS BY THE MAYOR	5
7.1	Mayor's Announcements	5
8	ALDERMEN'S/DELEGATES' REPORTS	6
9	QUESTIONS BY ALDERMEN	6
10	COMMITTEE REPORTS	7
10.1	Strategic Planning and Policy Committee Meeting - 17 June 2013	7
11	PETITIONS	9
12	PLANNING AUTHORITY	10
12.1	9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop	10
13	NOTICES OF MOTION - FOR CONSIDERATION (No Reports)	
14	DEVELOPMENT SERVICES (No Reports)	

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 24 June 2013

15	FACILITY MANAGEMENT AND GOVERNANCE SERVICES	44
15.1	Parking by-law 2 of 2013 - Resolution to Make a By-law	44
15.2	CBD Promotional Service Grant Agreement 2013/2016	70
15.3	Cityprom Budget 2013/2014	75
16	QUEEN VICTORIA MUSEUM & ART GALLERY (No Reports)	
17	INFRASTRUCTURE SERVICES	78
17.1	Funding Commitments for the North Eastern Mountain Bike Development Project	78
17.2	Concessional Entry to Council's Waste Disposal Facilities	106
18	CORPORATE SERVICES	111
18.1	Budget 2013/14 - Community Consultation and Submissions	111
18.2	Budget 2013/14 - Statutory Estimates	126
18.3	Budget 2013/14 - Rating Framework	129
19	GENERAL MANAGER	136
19.1	Launceston City Council Annual Plan 2013/14	136
20	URGENT BUSINESS	139
21	WORKSHOP REPORT(S)	140
22	INFORMATION / MATTERS REQUIRING FURTHER ACTION	141
22.1	Information / matters requiring further action	141
23	ADVICE OF FUTURE NOTICES OF MOTION	143

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 24 June 2013

24	REPORTS BY THE MAYOR	143
25	REPORTS BY THE GENERAL MANAGER	143
26	CLOSED COUNCIL ITEM(S)	144
26.1	Combined Systems: Stormwater Service Charges	144
26.2	Leave of Absence Application - Alderman	144
27	MEETING CLOSURE	145

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 11 June 2013 be confirmed as a true and correct record.

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
11 June 2013	6.1	<p>Mr Denis Barker - 70 Lilydale Road, Rocherlea</p> <p>On the 15th of April I wrote to the Environmental Health Officer seeking information on Council policy on concrete batching plants and then on the 12th of May I wrote another letter about the noise and dust at the concrete batching plant located at 77-79 Lilydale Road. I have not received a reply to either of my letters. When can I expect a reply?</p>	<p>This question was taken on notice.</p> <p>A response has been provided to Mr Barker. Unfortunately there had been some confusion between two departments with each believing the other was responding to Mr Barker's correspondence.</p>	Michael Stretton

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
11 June 2013	9.1	<p>Aldermen's Question: Alderman J D Ball asked:</p> <p>Regarding Mr Baker's previous question on the concrete batching plant, was there a subsequent DA submitted regarding the concrete batching plant on Lilydale Road? If so what are the details for it? If not, can we check that all conditions have been complied with particularly where the bays are currently situated and what the initial noise levels are?</p>	<p>This question was taken on notice</p> <p>Further Reply:: I can advise that there was no subsequent DA to the Planning Permit that was issued by the Resource Management and Planning Appeals Tribunal on 27 July 2009.</p> <p>The orientation and construction of the concrete batching plant has been altered from that which was approved by the Planning Permit. The reason for the re-orientation is condition 8 of the planning permit which required that the pre-cast concrete aggregate bins be moved to a location clear of the sewer rising main that runs through the site.</p> <p>In assessing compliance with this condition it was determined that the Building Plans satisfied the amended plan condition. Whilst the aggregate bin area is larger than the area that was originally approved, the increase is not considered to be significant and the orientation represents an improvement in terms of wind protection.</p>	Michael Stretton

Meeting Date and Item No.	File No.	Question	Answer	Officer Responsible
			<p>At this stage the Council has not undertaken any noise monitoring of the site.</p> <p>Condition 14 of the Planning Permit prescribes that “noise emissions from the activity, when measured at any domestic premises within 100m of either extent of the frontage along the Lilydale Road frontage, and expressed as the adjusted time average, A-Weighted sound pressure level, must not exceed: 40dB(A) between 6:30am and 7:30am; 45dB(A) between 7.30am and 6.00pm.</p>	

6 PUBLIC QUESTION TIME

7 ANNOUNCEMENTS BY THE MAYOR

7.1 Mayor's Announcements

FILE NO: SF2375

Tuesday 11 June

- Attended Ceremonial Sitting of the Magistrates Court upon Mr Simon Brown taking his seat as a Magistrate

Thursday 13 June

- Attended Brooks High School - Beacon Foundation 19th Annual Positive Futures Charter Signing

Friday 14 June

- Attended Premiere Performance of Sundowner at Princess Theatre

Saturday 15 June

- Officially opened Cedar Creek Lifestyle Village
- Attended Reunion "Back to North" Day 120 Year Celebrations at Aurora
- Attended Launceston Ten Pre-Race Function

Sunday 16 June - Wednesday 19 June

- Attended National General Assembly of Local Government Conference - Canberra

Thursday 20 June

- Attended Local Government Financial Assistance Grants Review - Canberra

Friday 21 June

- Officiated at Civic Reception to mark the 50th Anniversary of the 18th Launceston /1st Tamar Sea Scouts at Town Hall

Saturday 22 June

- Attended Moonbeam Childrens' Committee Gala Function
-

8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

10 COMMITTEE REPORTS**10.1 Strategic Planning and Policy Committee Meeting - 17 June 2013****FILE NO:** SF4401**AUTHOR:** Daniel Gray (Committee Clerk / Administration Officer)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Strategic Planning and Policy Committee.

RECOMMENDATION:

That the report from the Strategic Planning and Policy Committee meeting held on 17 June 2013 be received.

REPORT:

The following items were discussed at the meeting:

1. Deputation - NRM North
2. Deputation - Cityprom
3. Funding Commitments for the North Eastern Mountain Bike Development Project
4. Budget 2013/14 - Submissions
5. Livestock Market Operations

ECONOMIC IMPACT:

There is no economic impact on the community.

ENVIRONMENTAL IMPACT:

There is no environmental impact on the community.

SOCIAL IMPACT:

There is no social impact on the community.

10.1 Strategic Planning and Policy Committee Meeting - 17 June 2013...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Strategic Plan 2008-2013

5.5 Implement enhanced community engagement


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.


Robert Dobrzynski: General Manager

11 PETITIONS

Nil

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

12 PLANNING AUTHORITY

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop

FILE NO: DA0098/2013

AUTHOR: Maria Chledowska (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider an application for a change of use from a general retail and hire premises to a bottle shop (Hotel Industry) at 9/2 Prossers Forest Road, Ravenswood

PLANNING APPLICATION INFORMATION:

Applicant: Planning Development Services
Property: 9/2 Prossers Forest Road, Ravenswood
Area of Site: 4552m²
Zoning: Local Business
Existing Uses: Hotel Industry
Classification: Change of use
Date Received: 19/03/2013
Further information request: 27/03/2013
Further information received: 16/05/2012
Deemed Approval: 17/06/2013 - Extension until 24/06/2013
Representations: Three

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council approves DA0098/2013 for the change of use from a general retail and hire premises to the bottle shop (Hotel Industry) at 9/2 Prossers Forest Road, Ravenswood subject to the following:

1. ENDORSED PLANS

The development and use must be carried out as shown on the Endorsed Plans to the satisfaction of the Planning Authority.

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

2. LEGAL TITLE

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

3. NUISANCE

During operation of this use, the best practicable means shall be taken to prevent nuisance or annoyance to any person not associated with the use. Air, noise and water pollution matters may be subject to provisions of the *Environmental Management & Pollution Control Act 1994 and Regulations* there under.

4. AMENITY

The use permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

5. LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

Notes**Restrictive Covenants**

- A. *Council does not enforce restrictive covenants that contradict the Interim Launceston Planning Scheme 2012. However, if the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

Other Approvals

- B. *This permit does not imply that any other approval required under any other by-law or legislation has been granted.*

Registration of Food Business

- C. *If the applicant wishes to prepare or sell food (including alcohol) at the premises an application must be made to Council to register as a Food Business as per the Food Act 2003.*
-

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

Representations to Proposal

D. *This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.*

Appeal Provisions

E. *Attention is directed to Sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:*

A planning appeal shall be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

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

Permit Commencement

F. *This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 53(1b) of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.*

REPORT:

1. PROPOSAL

The application proposes the change of use from a general retail and hire premises to a bottle shop (Hotel Industry). The shop will employ three full time equivalent staff. It is proposed that the hours of operation will be Monday to Sunday 10.00am to 10.00pm. An 80m² shop will be fitted internally with shelving and a partition to provide a staff area at the rear. Externally, roller shutter door screens to the existing windows and the door are proposed to provide security and safety to the premises outside of opening hours. The existing signage will be utilized with the inclusion of new graphics.

Should the planning permit be granted, the proponent will apply for a liquor licence for the sale of liquor on the site.

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site contains a triangle shaped strata title bounded by Prossers Forest Road and Lambert Street. There are 11 shops at a single storey shopping complex known as the Eastside Village. The existing shops include a supermarket, a pharmacy, a newsagency, a take-away, a Linc Centre and 5 vacant shops including the proposed bottle shop. The shopping centre is part of the Neighbourhood Service Centre for Ravenswood community and is centrally located to serve this purpose. The Council's Prossers Forest Road Reserve is to the north of Prossers Forest Road. Surrounding development is residential with predominant single storey dwellings.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone purpose

20.1.1	<p><i>To provide for business, professional and retail services which meet the convenience needs of a local area.</i></p> <p>Consistent. The proposed use is a bottle shop which extends the existing retail services and it is appropriate for the Local Business zone.</p>
20.1.2	<p><i>To limit use and development that would have the effect of elevating a centre to a higher level in the retail and business hierarchy. Limits are imposed on the sizes of premises to ensure that the established hierarchy is not distorted.</i></p> <p>Consistent. The proposed bottle shop is an appropriate use within the Local Business zone and the upgrading of the front shop will not elevate the local business area to a higher level in the retail and business hierarchy.</p>
20.1.3	<p><i>To maintain or improve the function, character, appearance and distinctive qualities of each of the identified local business centres and to ensure that the design of development is sympathetic to the setting and compatible with the character of each of the local business centres in terms of building scale, height and density.</i></p> <p>Consistent. The current shop has remained vacant for some time and the proposed new use will improve the appearance and function of the local business area.</p>
20.1.4	<p><i>To minimise conflict between adjoining commercial and residential activities.</i></p> <p>Consistent. The proposed bottle shop use is not in conflict with other commercial uses on the site. A condition is recommended relating to the amenity of the proposed use.</p>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

20.1.5	<i>To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.</i> Consistent. The proposed bottle shop will utilise the existing car parking situated in a front of the shopping centre and is unlikely to negatively impact on the environmental quality of the local area.
20.1.6	<i>To provide for community interaction by encouraging developments such as cafes, restaurants, parks and community meeting places.</i> N/A. The proposal is not for cafe, restaurant, park or community meeting places.
20.1.7	<i>Local Area Objectives</i> There are no local area objectives
20.1.8	<i>Desired Future Character Statements</i> There are no desired future character statements

3.2 Use

3.2.1 Use table

The proposal is associated with a bottle shop within the Hotel Industry class which has permitted (permit required) status.

3.2.2 Use standards

20.3.1	AMENITY <i>To ensure that the use of 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</i> a) <i>only operate between 6.00am and 10.00pm Monday to Friday and 7.00am to 5pm Saturday and Sunday; and</i> b) <i>operating hours for retail, business and entertainment uses must be between 6.00am to 10.00pm; and</i> c) <i>signage is not illuminated or floodlit outside the hours of 6.00am to 10.00pm.</i> Complies. The proposed business hours are 10am to 10pm Monday to Sunday. Commercial vehicles associated with the proposed use will operate between 6am and 10pm Monday to Friday and 7am to 5pm Saturday and Sunday. There is no proposal for illuminated signage.

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

A2.1	Noise levels at the boundary of the site with any adjoining land must not exceed: a) 50dB(A) day time; and b) 40dB(A) night time; and
A2.2	Noise levels in habitable rooms of nearby sensitive uses must not exceed 5dB(A) above background. Complies by condition. The operation of the proposed bottle shop is unlikely to exceed the specified noise levels. However, a nuisance condition is recommended which will control noise levels to an acceptable level.
20.3.2	RETAIL IMPACT - FOR DISCRETIONARY GENERAL RETAIL AND HIRE USES To ensure that the economic, social and environmental impact of significant new retail use and development is appropriate
A1	No acceptable solution N/A. The proposed use is not General Retail and Hire.

3.3. Development Standards

21.4.1	SITING, DESIGN AND BUILT FORM To ensure that development is visually compatible with surrounding area.
A1	The entrance of a building must: a) be clearly visible from the road or publically accessible areas on the site; and b) provide a safe access for pedestrians; and c) all buildings are to be orientated to face a road, mall, laneway or arcade, except where the development is not visible from these locations. Complies. The entrance to the shop is visible from the road.
A2	Building height must not exceed: a) 7.0m; or b) 1m greater than the average of the building heights on immediately adjoining lots. N/A. No change to the building height is proposed.
A3	Buildings must be: a) built to the front, rear and side boundaries of the lot; or b) the same as or less than the setback of an immediately adjoining building. N/A. No change to the setback of the building is proposed.
A4	Car parking must be located: a) within the building structure or located behind the building line; and b) ground level car parking must not be sited in a location visible to a road, laneway, mall or arcade. N/A. Car parking exists.

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

20.4.2	<p>ACTIVE GROUND FLOORS <i>To ensure that building facades promote and maintain high levels of pedestrian interaction and amenity</i></p>
A1	<p><i>New buildings with non residential uses on ground floors must:</i></p> <ul style="list-style-type: none"> <i>a) 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> <i>b) not have security grills or screens that obscure the ground floor facades to frontages, malls, laneways or arcades ; and</i> <i>c) not have mechanical plant or equipments such as air conditioning units or heat pumps visible from ground level public viewpoints; and</i> <i>d) 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. No new buildings 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"> <i>a) reduce the level of glazing on a facade to a frontage, mall, laneway or arcade that is present prior to alterations; and</i> <i>b) have security grills or screens that obscure the ground floor facade; and</i> <i>c) introduce new or additional mechanical plant or equipments such as air conditioning units or heat pumps visible from ground level public viewpoints; and</i> <i>d) contain blank walls or signage that is wider than 2.0m on a facade to a frontage, mall, laneway or arcade.</i>
	<p>Does not comply. The security screen (outside of opening hours) on the existing windows and the doors are proposed. Accordingly an assessment against the performance criteria is required.</p>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

P2	<p><i>Alterations to ground level facades of non residential buildings must be designed to maximise interaction between the use of the building and pedestrians and other users of the road, buildings should be designed to:</i></p> <ul style="list-style-type: none"> <i>a) maximise the level of glazing, openness and transparency on all ground floor facades to frontages, malls, laneways or arcades; and</i> <i>b) minimise the potential for intrusive security devices to reduce the amenity of the building or reduce levels of interaction with the public; and</i> <i>c) screen, obscure all mechanical plant or equipments such as air conditioning units or heat pumps so as they are not recognisable or visible from ground level public view points; and</i> <i>d) minimise all blank walls and signage on a facade to a frontage, mall, laneway or arcade.</i>
	<p>Complies. The proposed roller shutter door screens are to be installed to secure the premises and will not prevent interaction between the shop and pedestrians during opening hours.</p>
20.4.3	<p><i>Additional standards for Residential Development and Residential components of Mixed Use Development</i></p>
	<p>N/A. This use is not residential.</p>
20.5	<p>SUBDIVISION <i>Subdivision must ensure:</i></p> <ul style="list-style-type: none"> <i>a) maintenance of the complexity and diversity of the built environment and pedestrian connectivity; and</i> <i>b) that new lots have sufficient land area for the physical demands of allowable uses; and</i> <i>c) the development of local business centres for retailing and other complementary commercial, entertainment, residential and community uses; and</i> <i>d) each lot has appropriate frontage, access and services; and</i> <i>e) appropriate transition to adjoining zones, especially residential areas.</i>
	<p>N/A. No subdivision is proposed.</p>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

3.4 Overlays and Codes.

3.4.1 Road and Railway Assets Code

E4.2	APPLICATION OF CODE
E4.2.1	<i>This code applies to use or development of land that:</i> <i>a) requires a new access, junction or level crossing; or</i> <i>b) intensifies the use of an existing access, junction or level crossing; or</i> <i>c) involves a sensitive use, a building, works or subdivision on or within 50 metres of a railway or land shown in this planning scheme as:</i> <i>d) a future road or railway; or</i> <i>e) a category 1 or 2 road where such road is subject to a speed limit of more than 60 kilometres per hour.</i>
E4.6	USE STANDARDS
E.4.6.1	USE OF ROAD AND RAIL INFRASTRUCTURE
A1	<i>Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.</i>
	N/A. Both Prossers Forest Road and Lambert Street are not category 1 or 2 roads.
A2	<i>For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day</i>
	Does not comply. The shopping complex generates more than 40 vehicle movements per day. An assessment against the performance criteria is required.
P2	<i>For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</i>
	Complies. A Traffic Impact Assessment (TIA) prepared by Terry Eaton anticipates the shopping centre including the proposed bottle shop will generate 194 vehicle movements per day. There are no changes proposed to the existing access and car parking provisions. The TIA has found no significant traffic safety or traffic service issues with the proposal and these findings are acceptable to the Council's Infrastructure Services Department.
A3	<i>For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</i>
	N/A. Prossers Forest Road and Lambert Street are not more than 60km/h.

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

E4.7	DEVELOPMENT STANDARDS
E4.7.1	DEVELOPMENT ON OR ADJACENT TO EXISTING AND FUTURE ARTERIAL ROADS AND RAILWAYS
A1	<i>The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</i> a) <i>new road works, buildings, additions and extensions, earthworks and landscaping works; and</i> b) <i>building envelopes on new lots; and</i> c) <i>outdoor sitting, entertainment and children's play areas</i>
	N/A. No new development or works are proposed.
E4.7.2	MANAGEMENT OF ROAD ACCESSES AND JUNCTIONS
A1	<i>For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</i>
	N/A. The proposal will not change the existing access.
A2	<i>For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</i>
	N/A. No new access is proposed.
E4.7.3	MANAGEMENT OF RAIL LEVEL CROSSINGS
A1	<i>Where land has access across a railway:</i> a) <i>development does not include a level crossing; or</i> b) <i>development does not result in a material change onto an existing level crossing.</i>
	N/A. The site does not have access to a railway.
E4.7.4	SIGHT DISTANCE AT ACCESSES, JUNCTIONS AND LEVEL CROSSINGS
A1	<i>Sight distances at</i> a) <i>an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</i> b) <i>rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices – Railway crossings, Standards Association of Australia; or</i> c) <i>If the access is a temporary access, the written consent of the relevant authority has been obtained.</i>
	N/A. The site is not within 50m of a railway line.

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

3.4.2 Car Parking and Sustainable Transport

E6.2	APPLICATION OF CODE
E6.2.1	This code applies to all use or development of land.
E6.6	USE STANDARDS
E6.6.1	CAR PARKING NUMBERS <i>To ensure that an appropriate level of car parking is provided to service use.</i>
A1	<i>The number of car parking spaces:</i> <ul style="list-style-type: none"> a) <i>will not be less than 90% of the requirements of Table E6.1; or</i> b) <i>will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater; or</i> c) <i>will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</i>
Does not comply. The shopping centre contains multiple tenancies for a range of uses categorised into the following use classes: General Hire and Retail, Food Services, Community Meeting and Entertainment and the proposed Hotel Industry. According to the above table 99 car spaces are required and 90% equals 89 spaces. As the site provides 77 spaces an assessment against performance criteria is required.	
P1	<i>The number of car parking spaces provided must have regard to:</i> <ul style="list-style-type: none"> a) <i>the provisions of any relevant location specific car parking plan; and</i> b) <i>the availability of public car parking spaces within reasonable walking distance; and</i> c) <i>any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</i> d) <i>the availability and frequency of public transport within reasonable walking distance of the site; and</i> e) <i>site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</i> f) <i>the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</i> g) <i>an empirical assessment of the car parking demand; and</i> h) <i>the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</i>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

	<ul style="list-style-type: none"> i) <i>the recommendations of a traffic impact assessment prepared for the proposal; and</i> j) <i>any heritage values of the site; and</i> k) <i>for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</i> <ul style="list-style-type: none"> i) <i>the size of the dwelling and the number of bedrooms; and</i> ii) <i>the pattern of parking in the locality; and</i> iii) <i>any existing structure on the land; and</i> l) <i>the performance criteria contained within a relevant parking precinct plan.</i>
	<p>Complies. A Traffic Impact Assessment undertaken by Terry Eaton provides further assessment of the existing traffic on the site including traffic the bottle shop. The assessment anticipates that the parking demand for the shopping centre is 68 spaces (based on the Traffic Authority of New South Wales guidelines and traffic analysis during morning and evening peak hours). The assessment concluded that the available car space numbers is in excess of the likely demand and 4 spaces required for the bottle shop can be accommodated without any changes. These conclusions are accepted by the Infrastructure Services Department.</p>
E6.6.2	<p>BICYCLE PARKING NUMBERS <i>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</i></p>
A1.1	<p><i>Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</i></p>
A1.2	<p><i>The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.</i></p>
	<p>N/A. One bicycle space is required per 100m² net floor area. The subject shop has an area of 80m².</p>
E6.6.3	<p>TAXI DROP-OFF AND PICK UP <i>To ensure that taxis can adequately access developments.</i></p>
A1	<p><i>One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof.</i></p>
	<p>N/A. The proposed shop requires 4 car spaces.</p>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

E6.6.4	MOTORBIKE PARKING PROVISIONS <i>To ensure that motorbikes are adequately provided for in parking considerations.</i>
A1	<i>One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.</i>
N/A. The proposed shop requires 4 car spaces.	
E6.7	DEVELOPMENT STANDARDS
E6.7.1	CONSTRUCTION OF CAR PARKING SPACES AND ACCESS STRIPS <i>To ensure that car parking spaces and access strips are constructed to an appropriate standard.</i>
A1	<i>All car parking, access strips manoeuvring and circulation spaces must be:</i> <ul style="list-style-type: none"> a) <i>formed to an adequate level and drained; and</i> b) <i>except for a single dwelling, provided with and impervious all weather seal; and</i> c) <i>except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</i>
N/A. Car park exists.	
E6.7.2	DESIGN AND LAYOUT OF CAR PARKING <i>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</i>
A1.1	<i>Where providing for 4 or more spaces, parking areas must be located behind the building line; and</i>
A1.2	<i>Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</i>
N/A. Car park exists.	
A2.1	<i>Car parking and manoeuvring space must:</i> <ul style="list-style-type: none"> a) <i>have a gradient of 10% or less; and</i> b) <i>where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</i> c) <i>have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and</i> d) <i>have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:</i> <ul style="list-style-type: none"> i) <i>there are three or more car parking spaces; and</i> ii) <i>where parking is more than 30m driving distance from the road; or</i> iii) <i>where the sole vehicle access is to a category I, II, III or IV road;</i>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

A2.2	<i>The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.</i>
N/A. Car park exists.	
E6.7.3	CAR PARKING ACCESS, SAFETY AND SECURITY <i>To ensure adequate access, safety and security for car parking and for deliveries.</i>
A1	<i>Car parking areas with greater than 20 parking spaces must be:</i> a) <i>secured and lit unauthorized cannot enter or;</i> b) <i>lit and visible from buildings on or adjacent to the site during the times when parking occurs.</i>
N/A. Car park exists.	
E6.7.4	PARKING FOR PERSONS WITH A DISABILITY <i>To ensure adequate parking for persons with a disability.</i>
A1	<i>All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</i>
N/A. Parking for persons with disability exists.	
A2	<i>One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.</i>
N/A. Three disabled parking bays are required and have been provided on site.	
E6.7.6	LOADING AND UNLOADING OF VEHICLES – DROP-OFF AND PICK UP <i>To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.</i>
A1	<i>For retail, commercial, industrial, service industry or warehouse or storage uses:</i> a) <i>least one loading bay at must be provided in accordance with Table E6.4; and</i> b) <i>loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.</i>
N/A. Loading and unloading areas exist.	
E6.8	PROVISIONS FOR SUSTAINABLE TRANSPORT
E6.8.1	BICYCLE END OF TRIP FACILITIES <i>To ensure that cyclists are provided with adequate end of trip facilities.</i>
A1	<i>For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.</i>
N/A. No bicycle parking is required.	

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

E6.8.2	BICYCLE PARKING ACCESS, SAFETY AND SECURITY <i>To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</i>
A1.1	<i>Bicycle parking spaces for customers and visitors must:</i> a) <i>be accessible from a road, footpath or cycle track; and</i> b) <i>include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and</i> c) <i>be located within 50m of and visible or signposted from the entrance to the activity they serve; and be</i> d) <i>available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and</i>
A1.2	<i>Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</i>
N/A. No bicycle parking is required for the proposal.	
A2	<i>Bicycle parking spaces must have:</i> a) <i>minimum dimensions of:</i> i) <i>1.7m in length; and</i> ii) <i>1.2m in height; and</i> iii) <i>0.7m in width at the handlebars; and</i> b) <i>unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</i>
N/A. No bicycle parking is required for the proposal.	
E6.8.5	PEDESTRIAN WALKWAYS <i>To ensure pedestrian safety is considered in development</i>
A1	<i>Pedestrian access must be provided for in accordance with Table E6.5.</i>
Complies. No separate access is required for 4 parking spaces.	
E6.6.1	PRECINCT 1 – LAUNCESTON CBD PARKING EXEMPTION AREA
E6.6.4	LOCAL AREAS PROVISIONS <i>To remove the need for new use or development to provide onsite car parking within the exemption area.</i> <i>To establish parking maximums within the exemption area</i>
A1	<i>No onsite parking provision.</i>
N/A. The site is not located within the Launceston CBD Parking Exemption Area.	

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

4.0 REFERRALS

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

Infrastructure Assets

No comments/no objections.

Environmental Services

Recommended two standard conditions relating to amenity and nuisance and one advisory note relating to registration of food business.

5.0 REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the original application was advertised for a 14 day period from 22 May 2013 to 4 June 2013. Three representations were received. The table below represents a summary of the major issues contained on their representations. This should be read in conjunction with the full representations.

Issue	Comments
<p>Ravenswood has already antisocial behaviour problems, without making alcohol even more accessible.</p> <p>Making alcohol more accessible is irresponsible.</p> <p>The Shopping centre is subject to vandalism and the bottle shop will worsen this issue.</p> <p>If approved, the hours of operation should be controlled.</p>	<p>Matters such as those raised in the representations are considered in the development of the Planning Scheme itself. The proposal complies with the objective of the zone, it is a permitted use within this zone, complies with all development standards and relies on performance criteria in respect to the proposal <i>alterations to ground level facades of non residential buildings</i> (i.e installation of security screen to protect the premises against antisocial behaviour.)</p> <p>Two discretions have been triggered by the codes that apply to the subject site.</p> <p>The proposal must operate within the nominated hours of operation.</p>

12.1 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(Cont'd)

6.0 CONCLUSION

It is considered that the proposal complies with the provisions of the Launceston Interim Planning Scheme 2012 and therefore the application is recommended for approval.

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 9/2 Prossers Forest Road, Ravenswood - change of use to a bottle shop...(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. Site Location Map
 2. Site Plan
 3. Representations
 4. Traffic Assessment
-



Launceston City Council
A Leader in Community & Government

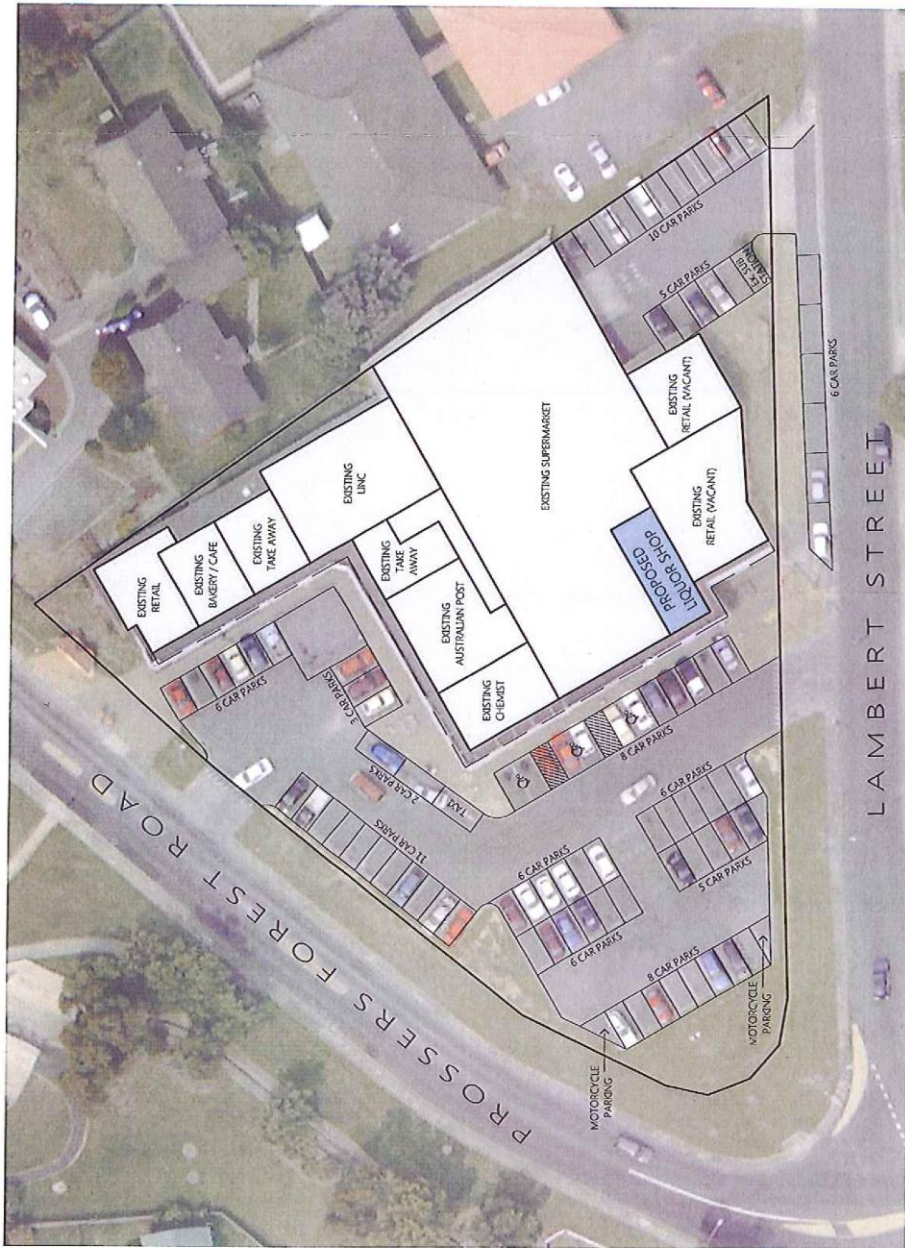


LOCALITY MAP - DA0098/2013

9/2 Prossers Forest Road, Ravenswood



Scale: This Map Is Not to Scale



1 SITE PLAN
 SCALE 1:500
 0m 500 1000 1500 2000 2500

RAVENSWOOD LIQUOR SHOP

for PDS

ARTAS ARCHITECTS
 WWW.ARTAS.COM.AU
 Level 1, The ARTS Centre, 104-106 Robinson Street Launceston TAS 7250
 Phone: (08) 6201 2021 | Fax: (08) 6203 1049 | launceston@artas.com.au
 P I O T D E S I G N E R S : 5 7 0 4 7 2 0 1 3
1350181 A601/P1

FILE No.	DA0098/2013		
EO	OD	<input checked="" type="checkbox"/>	Box <input checked="" type="checkbox"/>
RCV'D 30 MAY 2013 LCC			
Doc No.			
Action Officer	Noted	Replied	
C. Wronkmore			

E-copy. S. Allen

The General Manager,
Launceston City Council.

Dear Sir,

I wish to express my strong opposition to the proposal to open a Bottle Shop in the Ravenswood shopping centre. (Application number DA0098/2013).

I believe that the suburb of Ravenswood has quite enough problems, as evidenced by the recent spate of antisocial behaviours, without making alcohol even more accessible.

Many of these behavioural patterns are fuelled by drugs and / or alcohol and it would be irresponsible to make it more easily available in this community.

Thank you for your consideration of this important matter.

Yours sincerely,



Mrs. Maureen Battese

From: PlanningAlerts [contact@planningalerts.org.au] on behalf of Tim Rundle
Sent: Thursday, 30 May 2013 3:08 PM
To: records
Subject: Comment on application DA0098/2013

For the attention of the General Manager / Planning Manager / Planning Department:

Application: DA0098/2013
Address: 9/2 Prossers Forest Road Ravenswood TAS 7250
Description: Change of use to bottleshop (Hotel Industry)
Name of commenter: Tim Rundle
Address of commenter:
Email of commenter:

As a business owner I do not want to stifle business development in this area. However, much public reaction from customers who frequent this shopping area aligns with my belief regarding the possible antisocial behaviour that may result from this proposal.

Further, business premises in this centre are routinely subject to out of hours vandalism. This proposal is likely to exacerbate such acts.

If this proposal is to be accepted by Council then hours of operation must be tightly controlled so that people do not congregate in the area after businesses close.

=====
This comment was submitted via PlanningAlerts, a free service run by the OpenAustralia Foundation for the public good.
See <http://www.planningalerts.org.au/applications/316921> for more information

<http://www.openaustraliafoundation.org.au>
=====

From: PlanningAlerts [contact@planningalerts.org.au] on behalf of Luke Scott
Sent: Saturday, 25 May 2013 2:27 PM
To: records
Subject: Comment on application DA0098/2013

For the attention of the General Manager / Planning Manager / Planning Department:

Application: DA0098/2013
Address: 9/2 Prossers Forest Road Ravenswood TAS 7250
Description: Change of use to bottleshop (Hotel Industry)
Name of commenter: Luke Scott
Address of commenter:
Email of commenter:

With news that the Sunny Hill Pub will be reopening residents will have direct access to this and the Over 50s Club to purchase alcohol. I believe that additional access to alcohol purchasing will further worsen anti social issues that are already problem in this area.

We also have vandalism issue in the shopping complex that the proposed bottle shop would go into and I think with the added alcohol this will only compound this issue.

I am not opposed to business development in the area and would like for all the shops in this complex to be leased and have successful operations but I think a bottle shop is unnecessary.

=====
This comment was submitted via PlanningAlerts, a free service run by the OpenAustralia Foundation for the public good.
See <http://www.planningalerts.org.au/applications/316921> for more information

<http://www.openaustraliafoundation.org.au>
=====

Received 16/5/13

Traffic Assessment

Proposed Liquor Store

Ravenswood Shopping Centre

Ravenswood

SUBMITTED BY:

TERRY EATON
Traffic Engineer

29 Carey's Road
Bridgenorth Tas 7277

TEL/FAX: (03) 6330 1510

MAY 2013

CONTENTS

	<i>Page</i>
1. INTRODUCTION	2
2. THE SITE	2
3. TRAFFIC DATA.....	4
4. ASSESSMENT	7
5. CONCLUSIONS	9

ATTACHMENTS

1. Site plan

1. Introduction

V.F. Patel Pty Ltd are proposing to refurbish an existing vacant shop at the Ravenswood Shopping Centre on the corner of Lambert Street and Prossers Forest Road, Ravenswood as a liquor store.

The Launceston City Council has requested a traffic assessment for the proposal as part of the planning application documentation. This report prepared by Terry Eaton an experienced traffic engineer is provided for that purpose.

2. The Site

The site is a vacant shop at the Ravenswood Shopping Centre of area some 80m² previously in use as a gift shop. The shop is on the western side of the complex next to the supermarket with vacant shops to the south.



Measurement and use of the shopping centre tenancies indicates:

(1)	Supermarket	1,090m ²
(2)	Pharmacy	125m ²
(3)	Newsagency	180m ²
(4)	Take-away	65m ²
(5)	Linc Centre	215m ²
(6)	Vacant (take-away)	80m ²
(7)	Vacant (bakery)	80m ²
(8)	Hairdresser	90m ²

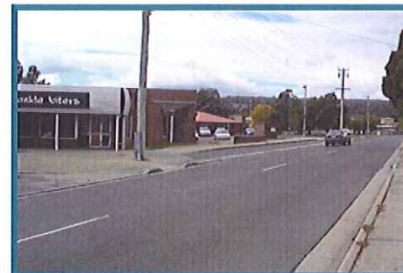
(9)	Vacant (proposed liquor store)	80m ²
(10)	Vacant	175m ²
(11)	Vacant	100m ²

Total tenancies – 11, with 5 vacant

Available car parking spaces on site are 77, including a dedicated taxi stand and 3 disabled spaces. Six spaces are available in a parking layby at the Lambert Street frontage.

Access to the site is via:

- (i) Driveway to/from Prossers Forest Road to the main car park (62 spaces) some 100 metres distant from the Lambert Street junction.
- (ii) Driveway to/from Lambert Street to the main car park some 50 metres from the Prossers Forest Road junction.
- (iii) Driveway to/from Lambert Street to a secondary car park (15 spaces) some 50 metres east of driveway (ii).



This shopping centre is part of the Neighbourhood Service Centre for the Ravenswood community and is considered centrally located to serve this purpose.

2.1 Street Network

Lambert Street – this street provides the main connector link between the Launceston CBD area and Ravenswood as the extension to Henry Street. East of Prossers Forest Road it serves as the collector route for the residential areas to the South East.

In the vicinity of the supermarket the street is constructed with a pavement width of 7.5 metres, kerb and channel, footpaths and nature strips. A bus stop is located on the opposite side of the street to the shopping centre just east of the main driveway access. Parallel off-carriageway parking bays are located between the shopping centre driveways to Lambert Street.

Prossers Forest Road – this street is considered a secondary collector linking between Lambert Street and the residential areas of Ravenswood east of and to the north of the shopping centre.

The street is constructed with a pavement width of 8.5 metres with footpaths and nature strips on both sides. Central medians are installed either side of the driveway access to the shopping centre with pedestrian access provided at the east side median.

3. Traffic Data

- ***Lambert Street***

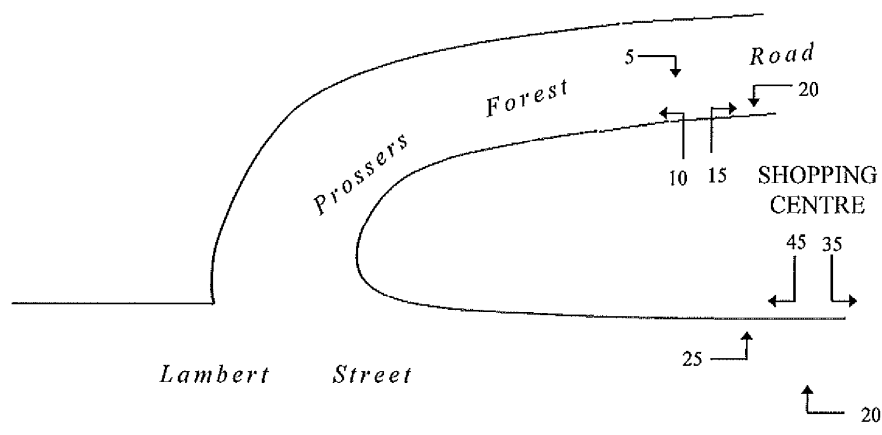
Traffic data indicates an average workday value of some 3,000 vehicles per day, making some provision for traffic growth suggests a value of 4,000 vehicles per day as a plus 20 year weekday volume, evening peak hour assessed at 12.5% with 60% toward the east.

- ***Prossers Forest Road***

Traffic data suggests an average weekday volume of some 2,700 vehicles with some provision for traffic growth a value of some 3,500 as a plus 20 year weekday value. As per Lambert Street the evening peak hour assessed at 12.5% with 60% travelling east.

- **Shopping Centre**

A traffic count on Thursday April 18, 2013, between 12:00 noon to 1:00 pm found:



Analysis of similar shopping centres at Prospect Vale And Eastlands Shopping Centre found peak use in the morning period, i.e. maximum parking accommodation at 11:30am with the use between 12:00 and 1:00pm some 85% of this value. Actual parking demand decreases over time for the afternoon period with the 4:30pm to 5:30pm value some 63% of the peak 11:30 value.

Experience has found that predictions for shopping centre traffic and parking demands in Tasmania correlates reasonably well with the land use traffic generation rates as proposed by the Traffic Authority of New South Wales.

Evening peak hour vehicle trips 4:30 to 5:30pm

➤ **Existing Occupancy**

$$20A(S) + 51 A(F) + 155 A(SM) + 46 A(SS) + 22 A(OM) - \text{vehicle trips per } 1,000\text{m}^2$$

where, A(S) Slow trade gross leasable floor area

A(F) Faster trade – larger specialist shops

A(SM) Supermarket

A(SS) Specialty shops

A(OM) Office, medical and general business offices

Note: gross leasable floor space is 75% of total floor space.

Based on the above, the predicted evening peak hour trips are:

$155 \times .82 + 51 \times .23 + 46 \times .05 + 22 \times .23$ – total 147 vehicle trips

Comparison between the seasonal adjusted site traffic count and the predicted traffic movements, i.e. count 185 vehicle trips compared with 223 calculated trips suggests a 20% lower count value than predicted. For this analysis the predicted values have been adopted.

➤ **Take up of vacant shops** – vehicle trips 4:30 to 5:30 pm:

• Liquor store	80m ²	30
• Shops 6 & 7 (speciality shops)	160m ²	7
• Shops 10, 11 (speciality shops)	275m ²	10
	Total	47

Total evening peak hour trips 194 - full shop occupancy

• **Parking Demand**

Existing Occupancy

As per the Traffic Authority of New South Wales guidelines.

Peak Parking Demand (Existing Occupancy) – 40 A(F) + 42 A(SM) + 45 A8S + 9 A(OM)

i.e. $42 \times .82 + 40 \times .23 + 45 \times .05 + 9 \times .25$ – 50 spaces

Comparison between this number and the actual survey day 28 spaces occupied at 1:30pm compared with calculated demand $52 \times .85$ i.e. 45 spaces indicates a depressed demand at present.

➤ Vacant shops (as per planning scheme)

○ Liquor store (1 space per 20m ² net public area)	– 3
○ Shops 6 & 7 as food service	– 8
○ Shops 10, 11 as retail/hire	– 7
	Total 18

4. Assessment

Assessment as per the Launceston Interim Planning Scheme E4.0 Road and Railway Assets Code and E6.0 Car Parking and Sustainable Transport Code indicates:

E4.6 use standards

- A1 Not applicable
- A2 Additional use for the liquor store assessed as generating more than 40 vehicle movements per day.

4.1 Access

This liquor store is proposed for use by occupancy of an existing shop in the Ravenswood Shopping Centre with no changes proposed to the existing access and car parking provisions. DIER crash information for the last 5 years indicates 1 reported property damage accident at the main driveway accesses to the shopping centre at both Lambert Street and Prossers Forest Road. Considering the shopping centre use this crash history is not considered significant.

4.2 Approach Sight Distance

- **Lambert Street**

Sight distance to the right – 120 metres and 65 metres to a vehicle turning from Prossers Forest Road and 60 metres for a vehicle turning right from Trethewie Street.

Sight distance to the left – 80 metres.

These distances are considered compliant with the requirements of table E4.7.4 (50 km/h speed) when considering the lower turn speeds for vehicles from Prossers Forest Road and Trethewie Street.

- **Prossers Forest Road**

Sight distance to right – 95 metres and 65 metres to a vehicle turning right from Warring Street.

Sight distance to left – 130 metres.

These distances are considered compliant with table E4.7.4 (50km/h speed) and taking into consideration the reduced speed for vehicles turning right from Warring Street.

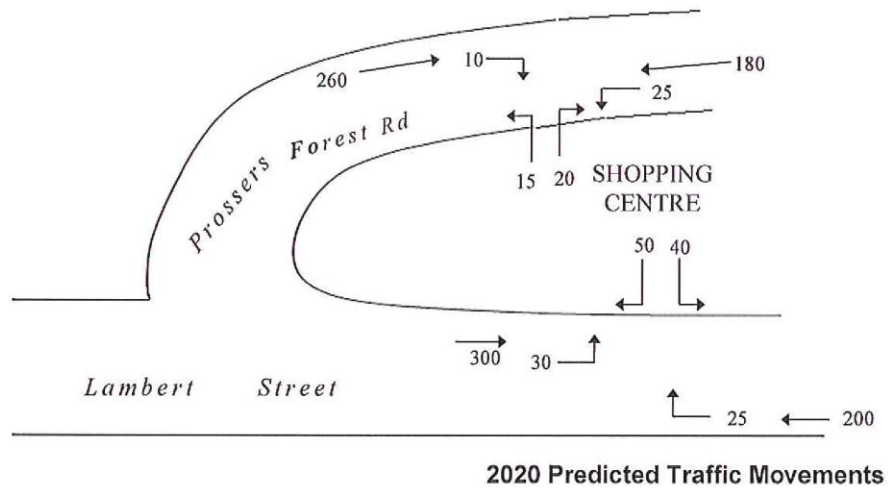
- **Pedestrians**

Pedestrian pathways are provided on both sides of the streets at the shopping centre with an internal pathway along the front of the shops within the centre.

E4.7.2 A This development is part of an existing complex with existing single access ways to both streets - compliant.

4.3 Traffic Service

Indications are that at the (plus 20 year) evening peak hour typical predicted traffic movements with all stores occupied including the liquor store are:



The traffic data indicates relatively low traffic movements with the worst case as the right turn from the shopping centre to Lambert Street, i.e. 50 vehicles exiting with a through volume of 500 vehicles per day. Analysis as per Austroads Part 5 with 6 second gap and 3 second move up time suggests a utilisation ratio of .08 and average delay of 4 seconds, i.e. ideal traffic service conditions.

4.4 Car Parking

The parking demand assessment indicates with the take-up of all shops including the liquor store a parking space requirement for 68 spaces with 77 spaces available, i.e. supply exceeds demand indicating a satisfactory parking provision with the present number.

5. Conclusions

A traffic assessment as per the interim planning scheme provisions for a proposed use of a vacant shop as a liquor store at the Ravenswood Shopping Centre has found no significant traffic safety or traffic service issues with the proposal.

This analysis has found that the available car parking space numbers are in excess of the likely demand.

Terry Eaton

15 FACILITY MANAGEMENT AND GOVERNANCE SERVICES**15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law****FILE NO:** SF3530**AUTHOR:** Lynda-Jane Jackson (Legal Officer)**DIRECTOR:** Matthew Skirving (Acting Director Facility Management and Governance Services)

DECISION STATEMENT:

To make a by-law on parking under sections 145 and 170 of the Local Government Act 1993.

This recommendation requires a decision by an absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 17 December 2012 - The proposed Parking by-law 2 of 2013 and Regulatory Impact Statement (RIS) were discussed.

SPPC - 18 February 2013 - The proposed Parking by-law 2 of 2013 (specifically penalty structures and penalty amounts) were discussed.

Council - 25 February 2013 - Item 15.1 - Parking by-law - Council expressed intention to make a by-law in the proposed terms and endorsed the Regulatory Impact Statement.

RECOMMENDATION:

1. That Council makes a by-law in accordance with sections 145 and 170 of the Local Government Act 1993 to control the parking of vehicles and other activities on land which is used for off street parking and is owned by, or under the control of Council, and to prescribe fine amounts under the *Local Government (Highways) Act 1982*, in the following terms:

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

LAUNCESTON CITY COUNCIL

PARKING BY-LAW

BY-LAW NO. 2 of 2013

A By-Law made under Section 145 and Section 170 of the *Local Government Act 1993*, in respect of the parking of vehicles and other activities on land owned by or under the control of the Launceston City Council and designated a parking area within the municipal area of the Launceston City Council and for the purpose of prescribing infringement notice penalties pursuant to Section 100 of the *Local Government (Highways) Act 1982*.

PART 1 – PRELIMINARY

1. Short title

This by-law may be cited as the Parking By-Law Number 2/2013.

2. Repeal

By-law Number 24 of 2003, Parking By-law notified in the Tasmanian Government Gazette on the 4th day of June 2003 and By-law Number 7 of 2009 Parking (Amendment) By-law notified in the Tasmanian Government Gazette on the 12th day of August 2009 are repealed.

3. Interpretation

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

"authorised officer" means a person employed by the Council as a Parking Officer, a person appointed by the Council to control a parking area, any person authorised in writing by the General Manager and a police officer of Tasmania Police;

"Council" means the Launceston City Council;

"drive" has the same meaning as under the Dictionary in the *Road Rules 2009*;

"General Manager" means the general manager of the Council;

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

"highway" means a highway maintainable by the Council pursuant to the *Local Government (Highways) Act 1982*;

"liquor" has the same meaning as under the *Liquor Licensing Act 1990*;

"registered operator" has the same meaning as under the *Vehicle and Traffic Act 1999*;

"park" means to leave a vehicle in a stationary position whether attended or not;

"parking area" includes any area owned by or under the control of the Council and designated by public notice for the parking of vehicles, but does not include a highway;

"Manager Parking" means the person holding the position of Manager Parking with the Council, or a person acting in that position;

"parking meter" means a device installed by or for the Council for measuring time on the insertion of coin, note or other accepted payment method, of the name or value shown on the device;

"parking space" means a space within a parking area or a space controlled by a parking meter, indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"parking voucher" means a document issued by a voucher machine;

"penalty unit" means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"motor vehicle" has the same meaning as in the *Vehicle and Traffic Act 1999*;

"voucher machine" means a device that is installed by or for Council that issues a parking voucher after the correct coin, note or other accepted payment method, has been inserted and: -

- (a) indicates that the holder may park a vehicle in a space in the parking area where the voucher was purchased; and
 - (b) bears the date and time of issue.
-

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

PART 2 - DRIVING OF VEHICLES

4. Entry and exit of parking areas

(1) A person driving a motor vehicle must not enter or leave a parking area except by an access point designated by Council signs.

Penalty: a fine not exceeding 1.5 penalty units.

5. Driving of motor vehicles

(1) A person must not drive a motor vehicle in a parking area at more than twenty kilometres an hour.

Penalty: a fine not exceeding 2 penalty units.

PART 3 - PARKING

6. Parking of motor vehicles

(1) A person must not park a motor vehicle which is: -

- (a) not wholly within one parking space or parked otherwise than as directed by an authorised officer; or
- (b) in a position where it obstructs the entry or exit of a vehicle to another parking space.

Penalty: a fine not exceeding 1.5 penalty units.

(2) An authorised officer may remove, or permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

7. Payment of fee

(1) A person must not park a motor vehicle in a parking area without payment of the fee required by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

8. Parking vouchers

(1) A person must not park a motor vehicle in a parking area controlled by a voucher machine unless that person has displayed on the driver's side of the motor vehicle's dashboard an unexpired voucher.

Penalty: a fine not exceeding 1.5 penalty units.

(2) A voucher must be displayed so that the date and time of issue are clearly visible from outside the motor vehicle.

Penalty: a fine not exceeding 1.5 penalty units.

9. Parking longer than maximum period

(1) A person must not allow a motor vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

10. Reserved spaces

(1) The Manager Parking is to decide on the location of, and the conditions applicable to, reserved parking areas and spaces.

(2) A person must not park or leave a motor vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 1.5 penalty units.

(3) An authorised officer may remove or, permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

PART 4 - PROHIBITED ACTIVITIES**11. Damage to Equipment**

(1) A person must not in any way damage equipment used or connected in any way with a parking area or parking space nor use anything other than the type of notes or coins or payment method indicated on the outside of the equipment as acceptable for that purpose.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

Penalty: a fine not exceeding 2 penalty units.

12. Unauthorised Removal of Infringement Notice

(1) A person other than the registered operator or person in charge of the motor vehicle must not remove or cause to be removed an infringement notice affixed to a motor vehicle.

Penalty: a fine not exceeding 2 penalty unit

13. Washing, dismantling and repair of motor vehicles

(1) A person must not dismantle or repair any motor vehicle in a parking area without the consent of the Council unless it is necessary to enable the motor vehicle to be moved from the parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) A person must not paint or wash any motor vehicle in a parking area without the consent of the Manager Parking.

Penalty: a fine not exceeding 1 penalty units.

14. Skidding of motor vehicles

(1) A person must not intentionally drive a motor vehicle so : -

- (a) it skids; or
- (b) it leaves rubber marks from its tyres on the surface of a parking area.

Penalty: a fine not exceeding 2 penalty units.

15. Distribution of advertisements

(1) A person must not distribute, or cause to be distributed, any advertisement, book, card, handbill, notice, pamphlet, print, paper or placard within a parking area without the consent of the Manager Parking.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

Penalty: a fine not exceeding 2 penalty units.

16. Damage to Council property

- (1) A person must not remove or damage Council property in any parking area.

Penalty: a fine not exceeding 5 penalty units.

17. Graffiti

- (1) Except as provided for in subclause (2) a person must not mark, write on or in any other way deface Council property.

Penalty: a fine not exceeding 2 penalty units.

- (2) The Manager Parking may give written approval for painting or a similar activity to occur in a parking area.

18. Liquor

- (1) A person must not:

- (a) possess an open container of liquor within a parking area; or
- (b) sell liquor within a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (3) It is a defence to a prosecution pursuant to this clause for the person charged with the offence to establish that they did not have an open container of liquor in their possession for the purpose of drinking it in the parking area.

- (4) A police officer may remove a person from the parking area if they believe the person is offending under this clause.

- (5) A police officer may remove and retain an open or unsealed container of liquor from a person they believe is offending under this clause.
-

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

19. Prohibited conduct

- (1) A person must not in a parking area :-
- (a) spit; or
 - (b) use threatening or offensive language; or
 - (c) act in a disorderly or indecent manner.

Penalty: a fine not exceeding 2 penalty units.

20. Obstruction

- (1) A person must not cause any obstruction to motor vehicle or foot traffic in a parking area.

Penalty: a fine not exceeding 2 penalty units.

21. Use of skates and cycles

- (1) Except as otherwise provided in subclause (2), a person must not to ride a vehicle or machine propelled by human power which includes a skateboard, scooter, bicycle, in-line skates and roller skates, in a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (2) A person may ride a bicycle in a parking area for the purpose of parking it in an area designated for parking or storing bicycles.

PART 5 - MISCELLANEOUS

22. Supply of name and address

- (1) An authorised officer or a police officer who reasonably believes that a person has committed or is committing an offence against this by-law may request that person to supply their full name and permanent or present temporary address;
- (2) A person must not refuse to supply their correct and full name and permanent or present temporary address if requested to do so by an authorised officer or police officer;
-

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

Penalty: a fine not exceeding 2 penalty units

(3) A police officer may arrest a person if the police officer or an authorised officer finds the person refuses to provide their full name and present address or reasonably believes the details provided are false.

23. Request to leave an area

(1) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a parking area.

(2) A person who does not obey the directions of an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 2 penalty units.

(3) A police officer may remove any person from the parking area who is offending under this clause.

(4) A police officer may arrest a person found offending under this clause.

24. Closure of parking areas

The Manager Parking may close any parking area or portion of a parking area.

25. Use of parking areas for other purposes

The Manager Parking may give written approval for a parking area to be used for any purpose and impose conditions for its use.

26. Recovery of Expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of clauses 6, 10, 11, 13, 14, 16 and 17 of this by-law, an expense incurred by Council in consequence of that failure or contravention is recoverable by Council as a debt payable by the person so failing to comply or in contravention.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

PART 6 - INFRINGEMENT NOTICES

27. Infringement notices

(1) In this clause –

"specified offence" means an offence against the clause specified in column 1 of Schedule 1 and generally described in column 2 of Schedule 1.

(2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3, 4 or 5 (as applicable) of Schedule 1 is the penalty payable under the infringement notice for that offence.

(3) Payment of an infringement notice issued under this by-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.

(4) An authorised officer may–

(a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and

(b) issue one infringement notice in respect of more than one specified offence.

(5) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this by-law.

(6) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

PART 7

SECTION 100 OF THE LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

28. Prescribed penalties for parking offences under the Local Government (Highways) Act 1982

For the purposes of section 100(4) of the *Local Government (Highways) Act 1982*, the prescribed penalty for an infringement notice issued for an offence under section 97, 98 or 99 of that Act is the applicable sum specified adjacent to the offence in the following table:

Column 1 Section	Column 2 Offence	Column 3 Penalty (\$)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
Section 97(1)(a)(i)	Remaining parked whilst meter not running	\$65	\$25	\$40
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	\$65	\$35	\$50
Section 97(1)(b)(i)	Parking without parking voucher displayed	\$65	\$25	\$40
Section 97(1)(b)(ii)	Parking longer than authorised by a parking voucher	\$65	\$35	\$50
Section 97(1)(c)	Parking more than one motor vehicle in a space	\$65	\$35	\$50

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

Column 1 Section	Column 2 Offence	Column 3 Penalty (\$)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
Section 97(1)(d)	Parking a motor vehicle partly inside and outside a space	\$65	\$25	\$40
Section 98	Obstructing use of parking space	\$65	-	-
Section 99	Parking whilst space closed	\$65	-	-

Schedule 1 - Infringement Notice Offences

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty (\$)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
4	Failure to use designated access point to parking area	\$65	\$25	\$40
5	Exceeding speed limit in parking area	\$65	-	-

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty (\$)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
6	Not parking within designated area	\$65	\$25	\$40
7	Failure to pay parking fee	\$65	\$35	\$50
8	Failure to display current parking voucher	\$65	\$25	\$40
9	Parking longer than the maximum period	\$65	\$35	\$50
10	Parking in a reserved space without authorisation	\$65	-	-

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty (\$)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
11	Damaging equipment in a parking area	\$65	-	-
12	Unauthorised removal of infringement notice	\$65		
13	Washing, dismantling, repairing motor vehicle without consent	\$65	-	-
14	Skidding of motor vehicles	\$65	-	-
15	Distributing advertising material without consent	\$65	-	-
17	Defacing Council property	\$65	-	-
20	Obstructing vehicle or foot traffic	\$65	-	-
21	Using skates and cycles in a parking area	\$65	-	-

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

2. That Council notes the attached Certificate of Approval for Regulatory Impact Statement; and

3. That Council notes no written submissions were received in response to public consultation undertaken in accordance with section 157 of the Local Government Act 1993.

REPORT:

Council's current Parking By-law 24 of 2003 expired on 4 June 2013.

The proposed Parking By-law 2 of 2013 is essentially the same as the previous Parking by-law. A number of minor changes have been made, such as updating terminology, updating references to legislation, updating wording to reflect current methods and technologies for managing parking, and also updating fee amounts.

The fine payment structure has also been revised.

Preliminary consultation

The draft by-law and Regulatory Impact Statement (RIS) were sent to DIER and Tasmania Police (Hobart & Launceston Divisions) for initial comment, prior to taking the by-law to formal public consultation.

Both DIER and Tasmania Police (Hobart) indicated they were supportive of the draft by-law. Those submissions were previously considered at previous Council and SPPC meetings.

Officers also received some feedback on the by-law and RIS from the Local Government Office. Those changes were also incorporated into the draft by-law and RIS prior to it going to public consultation.

Advertising and public consultation

Section 156A of the *Local Government Act 1993* requires that Council has a Regulatory Impact Statement (RIS) certified by the Director of Local Government. The RIS was certified by the Director of Local Government on 9 May 2013 (see attachment 1 - ECM Document Number 2945222).

Following receipt of the Certificate of approval, we commenced the public consultation period as required by section 157 of the Local Government Act 1993.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

The intention to make the proposed by-law was advertised in the Examiner newspaper on Saturday 18 May 2013.

Notice was also placed in the Customer Service Centre Notice area and on the Council's website, advising members of the public that they were invited to make a submission on the proposed by-law.

The by-law and RIS were also made available from Customer Service Centre and Council's website for the period of public consultation.

The public consultation period was open for 21 working days (i.e. from 18 May 2013 - 18 June 2013). No written submissions have been received to date.

Given there were no responses received during the by-law's public consultation period, no amendments to the proposed by-law were required.

Following a resolution of Council to make the by-law in the proposed terms, the by-law will be signed and sealed by the Mayor, an Alderman, the General Manager and a Legal Practitioner. It will then be submitted to the Tasmanian Government Gazette for publishing.

The by-law will be in force as at the date it is gazetted in the Tasmanian Government Gazette.

ECONOMIC IMPACT:

The economic impact of the by-law will be minimal. Patrons and users will have clear guidelines regarding unacceptable behaviour, and will only suffer financial consequences if they breach the by-law.

ENVIRONMENTAL IMPACT:

There is no environmental impact.

SOCIAL IMPACT:

The social impact of the by-law is expected to be positive. The by-law will assist Council to regulate its car parks, to ensure they are safer, convenient and user-friendly areas.

STRATEGIC DOCUMENT REFERENCE:

Parking and Sustainable Transport Strategy 2009.

15.1 Parking by-law 2 of 2013 - Resolution to Make a By-law...(Cont'd)

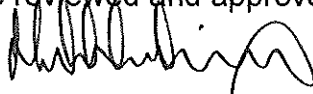
BUDGET & FINANCIAL ASPECTS:

The by-law provides for fines to be issued. Any revenue from fines will be directed back to the Department administering the by-law.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

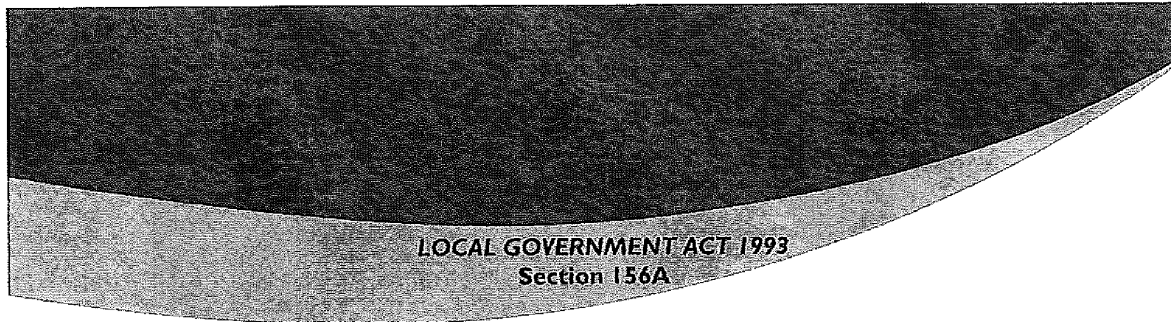
I certify that I have reviewed and approved this advice and recommendation.



Matthew Skirving: Acting Director Facility Management and Governance Services

ATTACHMENTS:

1. Certificate of Approval of Regulatory Impact Statement for Parking By-law 2 of 2013 (ECM Document Number 2945222)
 2. Approved Regulatory Impact Statement (Considered at Council 25 Feb 2013 - ECM Document Number 2871735)
-



CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

Parking By-law No 2 of 2013

The Regulatory Impact Statement for the Launceston City Council Parking By-law No 2 of 2013 has been examined for the purposes of compliance with section 156A of the *Local Government Act 1993*.

The Regulatory Impact Statement addresses the following statutory requirements:

- the objectives of the by-law and the means by which the by-law is to achieve them
- the nature of any restriction on competition
- an assessment of the costs and benefits of any restriction on competition
- an assessment of the costs and benefits of any impact of the by-law upon the conduct of business
- any alternative option considered by the council
- an assessment of the greatest net benefit or least net cost to the community
- an assessment of the direct and indirect economic, social and environmental impacts of the by-law
- the proposed public consultation process.

I therefore certify that for the purposes of section 156A of the *Local Government Act 1993* -

- (i) the statement is satisfactory, and
- (ii) the council may commence the public consultation process.

Dated this 9th day of May 2013

Phillip Hoysted
Director of Local Government

ATTACHMENT 3 REGULATORY IMPACT STATEMENT

LAUNCESTON CITY COUNCIL PARKING BY-LAW NUMBER 2 of 2013

1. Purpose of Regulatory Impact Statement (RIS)

The *Local Government Act 1993* requires a Regulatory Impact Statement is prepared when a council seeks to make a by-law. The preparation of an RIS is a rigorous process aimed at analysing the most efficient and effective options available to address a particular issue and avoiding unnecessary regulation.

The RIS identifies whether the benefits of regulation outweigh the costs of a restriction on competition and the impact on business imposed by the by-law. It does so by undertaking an assessment of the direct and indirect social, economic and environmental impacts of the proposed by-law and alternatives considered.

Once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet, for assessment. If the Director is satisfied that the RIS meets the statutory requirements, he or she will issue a certificate to that effect and Council may then commence the public consultation process.

2. Objects of the By-law

The objects of Launceston City Council's Parking By-law 2 of 2013 ("the by-law") are to:

- Control and regulate the parking of vehicles in Council's car parks
- Control and regulate or prohibit certain activities in Council's car parks
- Ensure the safety of users in Council's car parks

The above objectives will be achieved by the by-law:

- Providing for infringement notices to be issued where an offence is committed under the by-law; and
- prescribing fine amounts and infringement notice penalties under the *Local Government (Highways) Act 1982*

3. Background

The by-law has been developed to replace Council's existing (but expiring) Parking By-law 24 of 2003, made under Section 145 of the *Local Government Act 1993* ("the Act") for the purpose of managing and controlling parking in the municipal area. It will repeal:

- Parking By-law 24 of 2003
- Parking (Amendment) By-law 7 of 2009

The by-law is both necessary and desirable, as it provides for the day to day control and management of the parking of vehicles and other activities on land owned by or under the control of Council and designated as a parking area. It applies only to those people that choose to either utilise or remain in Council owned car parks.

The by-law provides for the safety of those people using the car parks. It develops measures aimed at maintaining the integrity of the facility itself as well as the welfare of those in the car park. It also regulates conduct and ensures that vehicle owners comply with signage and markings for the benefit of all other users of the car park. The by-law is designed to protect users of the car parks and their vehicles from damage due to inappropriate activities and behaviour occurring.

There is no existing State Legislation that appropriately deals with issues relating to multi-storey and employee manned car parks.

Further, the *Local Government (Highways) Act 1982* provides that the prescribed penalties for an infringement notice issued under sections 97, 98 or 99 is the sum specified in the Council's by-law. As such, Council must create a by-law which specifies those sums in order to issue infringement notices under part 7 of that Act.

As such, the by-law is necessary to ensure Council continues to provide its high standard of parking facilities for the benefit of residents, visitors and businesses in the Launceston municipality.

4. A) Does the By-law Restrict Competition?

Council considers there is minimal restriction on competition.

The by-law prohibits some types of commercial activities occurring in Council car parks such as car washing and distribution of advertising material. Whilst this may impact on business, it is not a restriction on competition as it has a uniform application and does not apply to any one party or individual.

The by-law may also restrict competition with respect to private car park operators located in the municipal area. The pricing strategy of Council's car parks provides for periods of free parking which may impact on competitors' ability to compete for parking. However, Council car parks also have limited opening hours which allows for private operators to provide "out of hours" parking.

As such, the benefits of the restriction placed on competition outweigh the cost.

4. B) Does the By-law Impact on Business?

Council considers the by-law will impact on business, but not to a significant or unacceptable extent. Prohibiting commercial activity in Council car parks impacts on businesses that may wish to operate in the car parks. Further, competition with private car park operators would certainly impact on those businesses.

However, Council does not compete in all areas of the market. As such, there are other segments of the market that these private operators can operate within without any impact from the by-law (for example, outside the opening hours of Council's facilities).

Council's car parks also provide positive impacts for businesses, as Council's car parks provide a service to businesses located within the CBD through providing easy access to parking for potential customers of these businesses. For example, there is two hours of free parking in the multi-storey car parks between 3.30pm and 5.30pm, Monday to Saturday. This initiative attracts people into the CBD after normal school hours.

The by-law ensures that infringement penalty amounts are contemporary and provide an incentive for motorists to adhere to parking management processes. These processes provide turnover for motorists and create parking availability, ensure availability of loading zones for deliver vehicles, ensure public vehicle zones are available for buses and taxis and provides accessibility for people who are aging and have disabilities. Ultimately, the by-law assists the viability of the city.

As such, Council considers the benefits of the impact on business outweigh the cost.

5. Assessment of Cost v Benefits of any restriction on competition or business

Restrictions	Costs	Benefits
<ul style="list-style-type: none"> • Prohibition of commercial activity • Competition with private operators • Provision of services to businesses in municipality 	<ul style="list-style-type: none"> • Limits locations where some commercial activities can be undertaken (but applies uniformly and therefore avoids discrimination) • Reduces customer base for private operators 	<ul style="list-style-type: none"> • Ensures compliance from motorists; • Management of vehicle turnover enhances trading in the CBD; • Improves and maintains safety standards; • Allows accessibility for all; • Assists in minimising the financial burden on ratepayers; • Provides revenue, which allows for continued provision of Council services; • Provides employment and personal development opportunities for employees.

6. Assessment of direct or indirect economic, environmental and social impacts

		Direct	Indirect
Economic	Benefits	<ul style="list-style-type: none"> Revenue provides opportunities for Council to maintain existing facilities and complete projects across the City Creates cheaper parking alternatives Increased access to businesses for shoppers 	<ul style="list-style-type: none"> Launceston is the major hub in the northern region. As such, the economic benefit of this by law reduces the burden on the Launceston ratepayer through implementation of a "user-pays" system. Improves liveability of the city generally
	Costs	<ul style="list-style-type: none"> Employment costs for LCC employees to manage parking facilities Administration costs associated with implementing the by-law 	
Environ-mental	Benefits	<ul style="list-style-type: none"> Prohibition of washing cars and distribution of advertising material helps prevent pollution and littering 	<ul style="list-style-type: none"> Healthier community and tidier community facilities
	Costs	<ul style="list-style-type: none"> Exhaust emissions Waste from public facilities 	<ul style="list-style-type: none"> Waste created from used tickets

Social	Benefits	<ul style="list-style-type: none"> • Safety for users; • Affordable & accessible parking for everyone • Reduction of incidents of anti-social behaviour and unwanted activities in car parks as fines can be issued 	<ul style="list-style-type: none"> • The community as a whole benefits as the city facilities are safer, affordable to visit and are easy for people with disabilities to access. These benefits make the City more enjoyable to visit. • Assists Council achieve its strategic aims for the city as by-law consistent with future parking strategies
	Costs	<ul style="list-style-type: none"> • CCTV - privacy 	<ul style="list-style-type: none"> • Minimal additional regulation which must be complied with

7. Discussion of Alternatives

Council considers there are no other comparable options. There is always a continual demand for parking in Launceston. Regulation is essential to provide a consistent service to our customers.

A parking by-law has been in force for a number of years in the Launceston municipality, and it has operated effectively. As such, renewing the parking by-law is in fact maintaining the status quo. The by-law continues to be in the public interest as it will ensure that customers can use car parking facilities in a controlled and orderly manner.

8. Assessment of Public Benefit

The public benefit test assesses whether the benefits outweigh the costs and determine whether a by-law is the most effective option for achieving the objectives.

Residents, visitors and businesses in the Launceston municipality will benefit from the implementation of this By-law, as the by-law allows Council to maintain its' excellent conditions regarding car parking.

The user pays system implemented by the by-law ensures that those users utilising the car parks contribute to the costs of having and maintaining such facilities, rather than imposing a charge as part of any rates system.

The by-law will ensure that all users using the car parks are provided with a safe and regulated environment to park their vehicles. This provides a level of confidence in the service provided.

Further, the by-law is the only practical method which allows Council to impose infringement notices for breaches of the by-law. Such infringement notices act as a deterrent for undesirable behaviour and reduce the incidence of such behaviour occurring in Council's car parks.

Regulation is considered the only feasible option to achieve the by-law's objectives and the by-law has been carefully constructed to ensure it imposes the least regulatory burden on the community as possible.

Council believes the by-law serves the public interest as it targets issues that are not otherwise addressed by regulation in a proportionate and effective manner.

9. Public Consultation Process

Prior to commencing formal public consultation in accordance with sections 157-159 of the *Local Government Act 1993*, initial consultation was undertaken with the following bodies:

- Tasmania Police (Hobart & Launceston)
- DIER

Both Tasmania Police and DIER were supportive of the by-law.

Following certification of the RIS, further public consultation will occur:

1. Council will debate a recommendation that it make a by-law on Parking.
2. Council will pass a motion that it intends to make the by-law.
3. It will then publish notice of that resolution:
 - a) once in the Examiner newspaper;
 - b) by displaying the notice on the notice board at the Town Hall from the day when the newspaper advertisement is first published until the end of the submission period which is specified in the notice; and
 - c) on its website.

The notice will state the following:

- (i) the purposes and general effect of the by-law;
- (ii) that a copy of the by-law and of the Regulatory Impact Statement may be inspected at the Council Chambers until the specified day;
- (iii) that a copy of the By-law and Regulatory Impact Statement may be purchased for the cost of \$2.00 at the Town Hall until the specified day;
- (iv) that submissions in respect of the by-law may be made in writing, addressed to and lodged with the General Manager, stating the grounds of the submission and the facts relied upon to support those grounds;
- (v) that a submission must be lodged before the specified day.

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

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

5. Council will consider all submissions that have been made to it concerning the by-law and, if it decides to amend it as a result of any of these submissions, it will do so

by absolute majority. Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.

6. Council will then pass, by an absolute majority, a resolution to formally make the by-law.

7. The by-law will then be submitted to a legal practitioner for certification, and signed by the General Manager.

8. Council will then cause the by-law to be gazetted within 21 days of being made.

9. Council will also submit the by-law to the Subordinate Legislation Committee within 7 working days of gazettal, and to both Houses of Parliament within 10 sitting days of gazettal.

10. Finally, Council will send to the Director Local Government a signed, sealed and certified original, together with a statement of purpose and effect and the outcome of public consultation.

10. Comments on the By-law

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

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

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

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

Contact Council

If you have any questions about any of the above, please contact Council's Legal Officer, Lynda Jackson on (03) 6323 3000 or email Council at council@launceston.tas.gov.au, marked for the attention of the Legal Officer.

15.2 CBD Promotional Service Grant Agreement 2013/2016**FILE NO:** SF0016/SF0526**AUTHOR:** Bruce Williams, Economic Development Officer**DIRECTOR:** Rod Sweetnam, Director Facility Management and Governance Services

DECISION STATEMENT:

To obtain Council approval for renewal of the CBD Promotional Grant Agreement.

PLANNING APPLICATION INFORMATION:

Not Applicable

PREVIOUS COUNCIL CONSIDERATION:

Item 11.2, Council Meeting, 12 July, 2010 - resolved Cityprom agreement for period 2010-2013

RECOMMENDATION:

That Council adopts the CBD Promotional Grant Agreement for the period 1st July 2013 to 30th June 2016, subject to annual review, for signing by both Council and Cityprom.

REPORT:

Council has a CBD Promotional Services Grant Agreement 2010-2013 with Cityprom, which expires on 30th June 2013. Cityprom is seeking to extend the existing agreement for a further 3 years period [2013/2016].

There are no changes proposed to the agreement.

Cityprom's primary role is the advancement, and promotion of the CBD, and, as its secondary role, protecting the trading interests of the members of Cityprom.

Part of this agreement is that Council will Levy an annual rate to fund CBD promotional services conducted by Cityprom or its successors. The quantum of the annual rate is to be determined between Council and Cityprom, based on the preparation of a fully documented budget of income and expenditure relating to the promotional activities acceptable to Council. The budget document must be submitted to Council by 31 March to enable Council to determine the levy for the following financial year.

15.2 CBD Promotional Service Grant Agreement 2013/2016...(Cont'd)

The Cityprom Board support a roll over [unchanged] of the existing Agreement conditions for a further 3 year period.

That Council approves the updated Grant Agreement 2013-2016 with Cityprom as follows:

CBD PROMOTIONAL SERVICES GRANT AGREEMENT 2013/2016

Grantor: Launceston City Council (Council)

Grantee: Cityprom Limited (Cityprom)

1. CITYPROM SERVICES:

- 1.1 *Promote the Central Business District ie, the area subject to the special rate, as defined by Council, and as outlined in the 'Purpose'.*
- 1.2 *Appropriately theme the CBD for major events within available budget allocated to Cityprom by Council. Any additional expenditure requested by Cityprom (whether in cash or in kind) be assessed and determined by Council only as a result of an appropriately submitted written request to Council within the parameters and timeframes of Councils specific funding programs.*
- 1.3 *Manage & maintain the directional signboards for remote CBD areas.*

2. CITYPROM ACCOUNTABILITY:

- 2.1 *Annual report of activities to be presented to Council so the Council has background information for budget consideration.*
- 2.2 *Provide Council with draft detailed budget for the ensuing year by 31 March each year.*
- 2.3 *Provide an annual report including a copy of Cityprom's audited financial statements following Cityprom's AGM but no later than 31 December.*
- 2.4 *Provide written quarterly financial reports.*
- 2.5 *Maintain a minimum of \$10million public liability insurance cover.*
- 2.6 *Not change Cityprom's 'Purpose' without consulting Council.*
- 2.7 *Will not use the levy collected by Council to fund actions or undertake activities against the Council or its interests.*

3. CITYPROM PURPOSE:

- 3.1 *Cityprom's primary role is the supervision, advancement, and promotion of the CBD, and, as its secondary role, protecting the trading interests of the members of Cityprom.*
-

15.2 CBD Promotional Service Grant Agreement 2013/2016...(Cont'd)

3.2 *Cityprom will conduct, organise, and set up promotional programs, decorations, publicity, special events, co-operative advertising and other joint ventures in the general interests of the membership base within the CBD area.*

3.2.1 *to promote and to foster co-operation between the members,*

3.2.2 *to conduct competitions and give prizes,*

3.2.3 *to provide entertainment for shoppers and others in the CBD area,*

3.2.4 *to be actively involved in the civic progress of the CBD area,*

3.2.5 *to be concerned with any activity that affects the CBD area, including transport, parking space and loading zones,*

3.2.6 *to bring together city retailers, professional members and civic authorities and others for the purpose of improving the city and its facilities,*

3.2.7 *to appoint and employ employees or consultants, advertising agents, publicity officers, entertainers, or any other persons who are able to assist or to facilitate the fulfilment of the Purpose,*

4. THE COUNCIL WILL NOT:

4.1 *Underwrite any losses sustained by Cityprom.*

4.2 *Be responsible for any expenditure that is inconsistent with the budget or has not had prior approval by Council.*

4.3 *Conduct events and programs that will work against agreed events and programs of Cityprom.*

4.4 *Approve any amendment to Cityprom's 'Purpose' which deviates from the primary role of CBD promotion.*

5. THE COUNCIL WILL:

5.1 *Levy an annual rate to fund CBD promotional services conducted by Cityprom or its successors. The quantum of the annual rate is to be determined between Council and Cityprom based on the preparation of a fully documented budget of income and expenditure relating to the promotional activities acceptable to Council. The budget document must be submitted to Council by 31st March to enable Council to determine the levy for the following financial year.*

5.2 *Maintain all street furniture including the directional signage frames.*

5.3 *Provide funds annually in 4 instalments (subject to acceptance of quarterly financial report)*

5.4 *Nominate an Alderman as a Council representative.*

5.5 *Provide an appropriate staff representative as the primary contact.*

5.6 *Provide the opportunity of monthly meetings with General Manager and appropriate officers of Council*

15.2 CBD Promotional Service Grant Agreement 2013/2016...(Cont'd)

6. TIME FRAME:

6.1 *This agreement will commence 1 July 2013 for a period of 3 years subject to annual renewal as part of the Annual Reporting and Budgeting process.*

7. TERMINATION:

7.1 *This agreement may be terminated if there is a significant breach of Cityprom's services or accountabilities or if the Council is unable to meet its obligations.*

7.2 *Either party may give 12 months' notice should they wish to terminate the agreement.*

ECONOMIC IMPACT:

Cityprom provides valuable promotional activity for the businesses within the Launceston CBD, which also have positive effects on the broader community.

ENVIRONMENTAL IMPACT:

Not applicable

SOCIAL IMPACT:

Cityprom's activities can and have provided valuable social capital for our community

STRATEGIC DOCUMENT REFERENCE:

From Council's Strategic Plan: Social and Economic Environment

Goal: Promoting a healthy, prosperous and positive community

3.2 Facilitate effective regional and economic development in Launceston and the Tamar Valley in order to achieve enhanced investment, development, liveability, tourism, employment and competitiveness

15.2 CBD Promotional Service Grant Agreement 2013/2016...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

In 2012/13 Council raised \$468,000 in rates to fund Cityprom Limited.

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

15.3 Cityprom Budget 2013/2014**FILE NO:** SF0016/SF0526**AUTHOR:** Bruce Williams, Economic Development Officer**DIRECTOR:** Rod Sweetnam, Director Facility Management and Governance Services

DECISION STATEMENT:

To obtain Council approval for the Cityprom 2013/14 Budget.

PLANNING APPLICATION INFORMATION:

Not Applicable

PREVIOUS COUNCIL CONSIDERATION:

Item 11.2, Council Meeting, 12 July, 2010 - resolved Cityprom agreement for period 2010-2013

RECOMMENDATION:

That Council adopt a Cityprom budget for 2013/14 that reflects a 3% increase on the 2012/2013 Cityprom budget and levy a rate on the defined area in the Launceston City Council CBD area to fund this budget.

REPORT:

Council has a CBD Promotional Services Grant Agreement 2010-2013 with Cityprom.

Cityprom's primary role is the supervision, advancement, and promotion of the CBD, and, as its secondary role, protecting the trading interests of the members of Cityprom.

Part of this agreement is that Council will levy an annual rate to fund CBD promotional services conducted by Cityprom or its successors. The quantum of the annual rate is to be determined between Council and Cityprom, based on the preparation of a fully documented budget of income and expenditure relating to the promotional activities acceptable to Council. The budget document must be submitted to Council by 31 March to enable Council to determine the levy for the following financial year.

In accordance with this arrangement Cityprom have been invited to present their budget and the annual rate that will be required to Council for consideration.

15.3 Cityprom Budget 2013/2014...(Cont'd)

The requested Cityprom budget seeks a levy increase of 3.6% above the Cityprom budget adopted for 2012/2013. The draft 2013/14 budget has been prepared with a recommendation to Council for a 3% increase for the CBD rate.

ECONOMIC IMPACT:

Cityprom provides valuable promotional activity for the businesses within the Launceston CBD, which also have positive effects on the broader community.

ENVIRONMENTAL IMPACT:

Not applicable

SOCIAL IMPACT:

Cityprom's activities can and have provided valuable social capital for our community

STRATEGIC DOCUMENT REFERENCE:

From Council's Strategic Plan: Social and Economic Environment

Goal: Promoting a healthy, prosperous and positive community

3.2 Facilitate effective regional and economic development in Launceston and the Tamar Valley in order to achieve enhanced investment, development, liveability, tourism, employment and competitiveness

BUDGET & FINANCIAL ASPECTS:

In accordance with the terms of the CBD Promotional Service Grant Agreement 2013/2016, Council must consider the budget request for a rate to be levied on CBD businesses and included in the Council's 2013/2014 budget.

Cityprom's activities as per budget as attached.

15.3 Cityprom Budget 2013/2014...(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. Cityprom draft Budget 2013/14 (distributed electronically)
-

17 INFRASTRUCTURE SERVICES**17.1 Funding Commitments for the North Eastern Mountain Bike Development Project****FILE NO:** SF3532**AUTHOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the provision of both financial and in-kind commitment to the North Eastern Mountain Bike Development Project.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.3 - SPPC Meeting 17 June 2013

Report on providing financial support to the North Eastern Mountain Bike Development Project.

Item 4.3 - SPPC Meeting 20 May 2013

Report on providing financial support to the North Eastern Mountain Bike Development Project was deferred by SPPC.

Item 17.4 - Council Meeting 15 April 2013

Council deferred decision seeking further information from NTD.

Item 4.4 - SPPC Meeting 8 April 2013

Project discussed particularly cost/benefit analysis and on-going management and responsibilities.

Item 4.1 - SPPC Meeting 6 November 2012

NTD submission on project seeking support to lodge a Regional Development Fund (RDA) Expression of Interest.

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

RECOMMENDATION:

That Council support the NTD North Eastern Mountain Bike Trail Project in the following context and subject to the following conditions:

- Council continue as a participant in the project jointly with Dorset Council, Break O'Day Council and Northern Tasmania Development.
 - Council make no capital contribution to the project.
 - The project is considered as a Tourism Development project for northern Tasmania.
 - The Council contribution to the project be:
 - Actively participate in the Oversight Group and Implementation Group and any ongoing management group
 - In-kind support for contract preparation and administration of the Hollybank trail project and expert assistance in future maintenance actions and
 - A maximum amount of \$30,000 per annum beginning FY2014/15 for a five year period toward a joint contract undertaking inspection and maintenance services.
 - Prior to any insitu construction works, that NTD and sponsoring Councils enter into an agreement with Forestry Tasmania (FT) on FT accepting responsibility for maintenance and risk assessments following the 5 year period and continuing provision of the McNeil public toilet facility.
 - That the risk management issues be managed by ensuring track risk assessments and maintenance intervention works are undertaken by an accredited contractor and where due diligence is undertaken by both the Council sponsoring the contract and by the proposed Oversight Committee for the 5 year term.
 - The project participants enter into an agreement to specify joint and individual responsibilities during the 5 year maintenance period.
-

REPORT:

Contents:

- 1. Financial and In-kind Contributions**
 - 2. Officer assessment of project short comings**
 - 3. Outcomes of Council deliberations at 15 April Council meeting**
 - 4. Other comments provided by NTD**
 - 5. Outcomes of 30 May meeting with NTD**
 - 6. Revised Financial and In-Kind Contributions (resulting from 30 May meeting)**
 - 7. Other Relevant matters**
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

Northern Tasmania Development (NTD) made a presentation to the Council's Strategic Planning and Policy Committee in November 2012 on the North Eastern Mountain Bike Project.

The request from NTD was for

- support to lodge an application for RDA funding and
- for LCC (together with Dorset and Break O'Day) to equally share the Local Government contribution.

The Local Government funding was to be added to other co-contributors such as the State Government, Tourism Tasmania, NRM North etc. The State Government has provided \$800,000 directly toward the Hollybank course (but this amount was also being used by NTD to bolster the co-contribution to make up the 50% RDA request).

The outcome of this discussion was that while the Council was prepared to support the lodgement of an application to Regional Development Fund (RDA) for funding a separate decision would be required to be made by the Council to determine its final support and financial commitment to the project. In order for the Council to be in a position to consider the matter further NTD were advised that there needed to be a number of matters addressed.

The RDA has approved the project to move to the next round and make a full application. This being one of only three Tasmanian projects approved to the full submission stage. The North Eastern Mountain Bike Development Project consists of three trails at Hollybank (18km), Blue Tier (43km) and Derby (35km).

Since the initial discussions the Council's staff have actively worked with the NTD and others involved in the project to address a range of matters that have been raised so that a detailed project specification could be presented to the Council for consideration.

The report below has been divided into chapters as mentioned in the contents above. Chapters 1, 2, 3 and 4 were the situation as previously discussed with Council and are presented to provide a historic record. Chapters 5, 6 and 7 involve the most recent discussions and concessions and arrangements that appear to address the issues raised by Launceston City Council.

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

1. Financial and In-kind Contributions

NTD recently wrote to the three councils involved in the project seeking both financial and in-kind commitment to the project. A copy of the letter and supporting information is provided as Attachment 1 and 2. Advice was received that both Break O'Day and Dorset Council's have confirmed funding commitment to the project.

Financial details of the project as shown in the Regional Development Fund project document are:

Set Up Funding		Total	Cash	In-kind
State Government	17.2%	\$800,000	\$800,000	
Local Government	15.2%	\$707,750	\$427,750	\$280,000
Tourism Tasmania	6.4%	\$300,000		\$300,000
Sport & Recreation	8.6%	\$400,000		\$400,000
RDA	52.6%	\$2,450,000	\$2,450,000	
Total	100.0%	\$4,657,750	\$3,677,750	\$980,000

The Local Government funding of \$707,750 is to be shared equally between the three councils, which is \$236,917 each. This is made up of a cash component of \$142,583 and the balance of \$94,334 in-kind.

The cash amount of \$142,583.33 primarily paid in one financial year (albeit between Councils it may be staggered depending on the construction sequence and timing) and the in-kind contributions as the works occur. The time spent on the project (ie the value of the in-kind contribution) will divert resources from other projects or defer projects to a later financial year.

The maintenance cost is an additional \$52,000 each per year for five years (\$156,000 each year) = \$775,250. The in-kind contribution during the five year maintenance period is expected to be insignificant.

LCC contribution	Total	Cash	In-kind
Set Up	\$236,917	\$142,583	\$94,334
Maintenance (five years)	\$260,000	\$260,000	-
Total	\$496,917	\$402,583	\$94,334

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

The assumptions made by NTD and as generally presented to SPPC are:

- Each Councils' in-kind support will be to project manage the construction of the trail within their municipal boundary - for Launceston this will be Hollybank
- All sites are on Forestry Tasmanian managed land but Forestry Tasmania won't be involved with assisting construction or maintenance of the mountain bike facility. RDA expect a five year maintenance agreement (assuming that Local Government can then walk away from the sites)
- NTD expect to draw a significant income from major events (but have not as yet determined how will an organiser 'book' the facility and be charged fees)
- A specialist contractor will be engaged to conduct the maintenance inspections and co-ordinate the voluntary labour (i.e. mountain bike clubs) to maintain the course. Hence pooling maintenance money and spending across the board on a needs basis - this means cross subsidisation. If maintenance activities are equal but an argument has been advanced that as Hollybank is closer to the major population centre then maintenance will be higher per km given the higher use.

2. Officer assessment of project shortcomings:

The Council officers (Manager Parks and Recreation and the Director Infrastructure Services) have been recently seconded to implementation and oversight committees and make the following comments on matters that need to be addressed:

- As Project Managers Local Government must ensure compliance with Workplace Health and Safety requirements.
 - NTD are seeking that Local Government will underwrite the maintenance for a five year period as the most practical means to comply with the RDA maintenance requirement. The responsible organisation must ensure that a proper inspection regime is in place, maintenance completed and adequate public liability.
 - No separate toilet allowed for at Hollybank - reliance on use of private toilet used by Tree Top Adventures or at the Forestry Tasmania run McNeil buildings.
 - Part of the Hollybank trail is to be built through a production forest. One section is in a logging coupe that is scheduled to be harvested over the next 12 months. From time to time use of the trail will be unavailable when the logging coupes are being harvested.
 - It is not resolved who will collect and set the fees for Hollybank (or the other trails) when a major event/group wish to use the facility. This income would be used to off-set maintenance activities.
 - If construction or maintenance costs increase then Local Government will be underwriting these increased costs.
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

- Tourism Tasmania has listed their \$300,000 as in-kind. The marketing plan contains items which require cash but this has not been identified as being funded from Tourism Tasmania. Marketing and promotion will be the key to the success of the project. If Tourism Tasmania does not fund promotion then NTD (and sponsoring councils) will need to budget for paid marketing.

The matters above have been raised with NTD who provided a reply as reported to the SPPC Meeting 8 April and the Council Meeting 15 April. One matter that should be recognised is the concept that the mountain bike project is seen as a regional development project and hence the costs (set up, maintenance and in-kind) are divided equally among the three Councils - even though the scale of the development within each region differs [Hollybank (18km), Blue Tier (43km) and Derby (35km)]. In the officers' view the argument that supports this arrangement is that cost apportionment should not be based on infrastructure provision (given that ultimately it is not Local Government that will be the asset owner) but instead on tourism benefit derived. Given the latter is virtually impossible to estimate and that the conduit to access these trails will start and finish in Launceston then equal shares in the project is reasonable.

Council's Economic Development Officer and Tourism Manager provided the following comments:

- Project provides a free 'public good' to the occasional user, the benefits of which are captured by a diversity of businesses (motels, hospitality, transport and supplier etc). There isn't a mechanism to capture fees/charges for those who will be expected to foot the costs of ongoing maintenance. The commercial and administrative arrangements for charges associated with events need to be resolved.
 - There is little data or analytical information that can be added in relation to the value of the proposition, feasibility or market for this activity.
 - The V8 Super Cars attracts 60,000 spectators over the three days and generates \$3.5m in economic stimulus per year. At that rate and given the three councils intend to contribute \$1.5m over the five years, the break even usage is approximately 20,000 day users over the five years - 4,000 per year.
 - The tourism figures are very optimistic, base case shows natural growth 5,776 to 6,214 over five years an increase of 7.6%. The plan estimates a total of 21,360 users after the trails are constructed which is an increase of 343% on the base case.
 - This is made up of a number of large multipliers
 - 15% growth in interstate market share (south to north Tasmania)
 - 100% growth in visitors biking whilst visiting Tasmania (not necessarily mountain bikes)
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

- Growth in segmentation of 25% that are mountain bikers compared with other cyclists
- 240% increase in intrastate share of mountain bikers
- In addition there is no substantiated evidence of original numbers.
- Anecdotally a significant number of visitors are intrastate day trippers, as a consequence there would be little or no economic growth impact of these visitors therefore the economic benefits I believe have been overstated.
- The investment bid is against a background of a new bike trail opening up in Trevallyn, existing trails over Mount Reid and the guaranteed investment of \$800,000 at Hollybank (could be run as a private venture). Question the need, at this stage, for an expansion of trails over and above what is already in place. The projected growth could be better tested over a period without the projected investment by Council.

3. Outcomes of Council deliberation at 15 April Council Meeting

At the Council's 15 April meeting it was resolved that any decision on Council providing funding and in-kind support to the project is deferred and that advice be sought from NTD on the following matters: (The reply received from NTD is shown *italicised*.)

- A clear unambiguous indication of FT's position (responsibilities, accountabilities and funding).

NTD Comment:

- *FT is the land manager.*
 - *They will contribute to the project by maintaining existing facilities as per their current arrangements including access roads, toilets (Poimena and Hollybank).*
 - *FT has advised that they are unable to provide additional support.*
 - *Land access will be provided through a Licence Agreement. Agreement has a fee attached. Confirmation from FT that generally a "peppercorn payment".*
 - *FT Draft Licence agreement is proposed to clear lines of responsibilities and accountabilities.*
 - *NTD will be seeking to clarify in-kind and other support for the project but it is not considered likely given the current situation regarding FT's restructure and future direction.*
- Clarification of a committed position regarding the provision of toilets so that the matter does not remain unresolved.

NTD Comment:

- *Currently toilets are at the McNeil buildings (the proposed 'trail head')*
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

- What is the potential to seek funding for the project from the Timber Industry transition program, given the economic activity generating potential of the project.?

NTD Comment:

- *High potential, but still uncertainty in amount and timeframe for delivery*
- *Given the potential uncertainty regarding the ongoing IGA process, it is prudent to pursue RDAF as the first preference as it is considered the most appropriate source of funding due to the Regional benefits.*
- *Other funding sources have been identified and will be pursued subject to the result of RDAF.*

- What risk is there with maintenance funding after 5 years and how do you address the likelihood that collection of user charges may prove to be difficult?

NTD Comment:

- *Most of the other governance models studied by NTD during the development of this project utilise a mix of funding, including trails in New Zealand.*
- *Maintenance after 5 years will be funded through a mix of government support, industry marketing programs, levies and event fees.*
- *It is proposed that event fees and levies are collected by FT through existing procedures and returned to Maintenance Steering Committee but one or more Councils could also collect monies. Further development of this model will proceed during the next 6 months.*
- *General (public) usage charges are not considered appropriate for this type infrastructure but other trails around the world have successful donation systems for users to contribute to trail maintenance.*
- *As part of a wider and larger rider experience, the receiving of donations will be easier to get.*
- *Initial 5 year period would allow for a thorough assessment of the success of the project and, if necessary, an end point for Council support of the maintenance programme.*
- *There is already strong interest in event usage and commercial (tour) usage of the trails, where levies will be collected to support maintenance activities.*

- Has advice been sought on the potential for each of the partners in the project to be held jointly and severally liable for any incident that occurs from a public liability perspective?
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

NTD Comment:

- *Would expect that that each individual Licence agreement would be separate and the maintenance governance / procedures for each trail would come under the jurisdiction of the council that the land is in.*
- *Liability would be reduced by adopting trail construction maintenance schedule into council procedure.*
- *Regular trail assessment / inspection to be implemented.*
- *There will be an individual Licence agreement for each location and therefore maintenance governance / procedures for each trail would come under the jurisdiction of the Council that is party to the licence agreement. Hence there would not be any joint or several liabilities.*

Nick Bowman at IMBA Australia has provided the following information:

- *Require \$20million cover*
 - *Most Councils around Australia cover this under their Mutual Liability Insurance.*
 - *There have been very few successful claims and those that have been successful were almost entirely pre the introduction of the IMBA Trail Rating system. Stromlo for example has had no successful claims made against it and includes a world class downhill trail amongst its trail network. Downhill being the most advanced trail rating.*
 - *As long as all signage is correct and in place and trails are built properly, and a trail filter (an obstacle equal to the most difficult to be found on the trail) is installed within sight of the signage and start of the trail all responsibilities have been covered and there is really nothing to build a case on. By correctly employing these risk management practices, the rider is immediately informed of the rating and difficulty of the trail at the outset and it is his/her decision whether to continue, therefore the risk is accepted by the participant. Also, if signage is correctly used and positioned there is no way a participant can claim to have got onto the wrong trail by accident. All these Risk Management components should come into play with the design and the appointment of trail builders. This has been tested in court. Nick was required to be an expert witness in a case in Victoria fairly recently where the injured party was found to be lying with regards to apparently having got onto another trail accidentally and incurring an injury.*
 - *Nick Bowman has provided contacts at Brisbane City Council and at Mitcham City Council (Adelaide) which Dorset Council will follow up to obtain further detail. (Mitcham opened their trails in December 2008 and, to Nick Bowman's knowledge; they have never had a claim.)*
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

- A number of our Aldermen appeared anxious regarding the "Business Case" and saw a high risk that the costs could significantly exceed estimates and that the revenues projected may not eventuate.

NTD Comment:

- *Hollybank part of a wider Regional planned network.*
 - *Trail costs in each location will largely determine the final length and composition of trail. Any cost or revenue (funding) variance will influence the amount of trail*
 - *Parks and Wildlife recommend anywhere between 2 – 6% of Capital outlay. Three Capes walk in southern Tasmania is using 2% of initial capital cost.*
 - *An upper estimate based on NTD research of various operators and builders of mountain bike trails throughout New Zealand and Australia is calculated at a \$1500 per km per annum.*
 - *The figure of \$1500 km is an overall figure of 4% of initial capital cost of trail and 5% for signage.*
 - *The mountain bike park at Mt Stromlo (ACT) attracts over 70 000 riders per annum. Maintenance costs for this facility are \$1500 per km per annum. Increased volume increases maintenance costs.*
 - *The NE trails will not have the same volume and it is highly likely that maintenance costs will be around \$1000 per km per annum therefore reducing the overall burden to approximately \$30 000 per annum per Council.*
 - *Professional design and construction will limit the risks of maintenance cost overruns.*
 - *Current Hollybank design is 18.5km.*
 - *Current design requires \$120K from LCC for capital expenditure and ongoing maintenance cost of \$30K p.a.*
 - *\$800k already secured from state government for trail will only get 16km of trail.*
 - *Removal of 2.5km of trail could have significant implications to the integrity of the trail network design and visitation numbers.*
 - *Ongoing maintenance cost will still be \$24K.*
 - *The financial modelling has deliberately not included any revenue estimates so as to present the most conservative financial modelling to Councils.*
 - *Revenue projections are however likely to be at least \$20,000 plus per annum once the three locations are completed and this revenue would be pooled to offset the maintenance costs for the three locations as per below. To provide a context, an event organizer would be charged \$10 per day per competitor to utilize the trail network.*
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

- *Blue Dragon event held annually in the Blue Tier/ Derby location currently attracts 350 competitors for a two day event utilizing crude bush tracks and should conservatively generate at least \$10,000 in user charges.*
- *Events will be a key marketing strategy so the aim will be to run two to three annual multi day events with in excess of 1,000 riders. Forrest in Victoria for example runs three events per annum of which the Otway odyssey (which finishes in Forrest) attracts over 1,700 competitors and results in over \$700,000 being spent over the race weekend on accommodation in addition to generating user charges.*

- The Tourism Tasmania figure of \$300,000 was queried as being "in-kind" yet the marketing plan appears to indicate a requirement for marketing funding which is not identified to a source. This may fall back on to the Councils.

NTD Comment:

- *The Tourism Tas contribution did not materialise. They are very keen to support the project but were unable to commit funds by the date of the RDAF application. This funding gap was plugged by a land valuation of the trail corridor.*

- Some of the case study examples are quite old (15 years in one instance) and do not appear directly comparable to the circumstances of northern Tasmania.

NTD Comment:

- *The business case sent last Friday contained updated case studies. But I also do not think the age of the case studies makes them redundant given the increasing participation rate for cycling. (Business case enclosed as Attachment 4).*

- To enter into an agreement with Forestry Tasmania (FT) that five years after practical completion of construction that maintenance, management and reconstruction responsibilities revert to FT.

NTD Comment:

- *We have proposed a system that would see Council able to exit after 5 years. Maybe this needs to be more specific in any proposed licence agreement. Happy for your input if we get further advanced.*

- That the maintenance and management of the three trails be considered as one regional contract with the NTD as the sole managers of a maintenance contract agreement with direction provided by a steering committee consisting of the three Councils, Forestry Tasmania and Sport and Recreation. Separate public liability insurance to be obtained by NTD for the five year maintenance period.
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

NTD Comment:

- *NTD Board has previously resolved that trail construction and maintenance is not core business and therefore NTD will not be administering the maintenance contract.*
 - *The maintenance model is likely to be one involving a contractor who is responsible for all three locations supplemented by a trainee employed by Council (most likely Dorset).*
 - *Maintenance will be formally recognized via a formal cost sharing agreement between the three Councils. Further investigation of maintenance models is currently being pursued by Dorset Council.*
- NTD seek a licence from Parks and Wildlife Service or Forestry Tasmania (as appropriate) - Licence for Commercial Visitor Activities to allow levies to be applied for specific events. NTD to establish a system to register event users and promotion of facility.

NTD Comment:

- *As above*

4. Other comments provided by NTD:

Whilst the development proposal includes a maximum development contribution of \$142,583 and a maximum maintenance commitment of \$52,000/year from the LCC, DC and BODC (with potential to reduce as outlined above), it is important that this is looked at in the context of a project that has already secured the remaining \$800,000 in capital funding required for Hollybank from the State Government, and is a project that is projected to deliver very significant economic benefits to the region, including (TRC Tourism Market Demand and Economic Assessment):

- *89 to 100 ongoing FTE jobs*
- *\$15M to \$17M in additional expenditure in Tasmania per annum*

16,000 to 21,000 visitors to the region per annum to experience the trails. (Numbers from TRC Tourism who are very well respected nationally and internationally in mountain bike tourism analysis)

NTD have submitted a Project Management Plan ([Attachment 5](#)) which was submitted by NTD with the formal RDAF application.

5. Outcomes of 30 May meeting with NTD

A report was prepared for discussion at the 20 May SPPC meeting which was subsequently deferred by the Committee following a request by NTD.

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

A meeting between NTD Executive Officer, members of the Mountain Bike Oversight Committee and Council staff was held on 30 May to further discuss issues remaining a concern with Launceston City Council. In summary these were:

- LCC are in a period of reducing operational expenditure to address an operational deficit and pressures from BLW concerning the combined drains area
- The maintenance arrangements following the 5 year period Local Government funded period
- The method to collect fees for major events
- The business case discussion on projected usage appears to be very optimistic
- The governance arrangements around track inspections and maintenance intervention works
- Proposed toilet facilities at the Hollybank track
- How marketing would be conducted

The NTD and Committee representatives were sympathetic to the financial position of Launceston City Council and stressed the importance of LCC being a partner in the program - particularly providing support for the on-going maintenance and in-kind support in contract administration of the construction works. On the basis that the State Government has committed \$800,000 from the job creation program for the Hollybank project, then a capital contribution from Launceston City Council is less critical. In addition further research indicates that provided the tracks are constructed properly (and it is intend to only accept a national accredited course constructor) then the maintenance estimate used in the funding application is very conservative - it is considered that the annual maintenance budget should be \$90,000 pa for the 3 courses rather than the \$155,000 pa.

A summary of the discussions relevant to the concerns specified above as listed below.

LCC Contribution

- NTD and the other 2 sponsoring Councils are aware that the scale of the capital contribution from the Launceston City Council is a Council matter
 - To succeed the project requires the support of Launceston City Council
 - The maintenance budget has been revised to \$90,000pa with maintenance contributions starting 12 months after construction (hence likely to be FY2014/15). One maintenance contractor (also undertaking inspection regimes) shall be contracted by Dorset Council
 - The 3 sponsoring Councils to provide in-kind support particularly in the area on contract administration during construction of each track
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

Officer Comments: The abandonment of a capital contribution from Launceston City Council is the major issue cumulating in the previous recommendation to disassociate from the project. The lower maintenance costs are based on case studies of other tracks interstate - hence a maximum annual contribution of \$30,000 starting 2014/15 is considered reasonable. The very low LCC contributions reduce significantly the reliance on a cost benefit analysis and even with a conservative usage rate would generate positive economic benefits. There will be some residue risk associated with intervention inspections and maintenance but the appointment of a specialist contractor under the banner of one Council minimises the risk. It is considered appropriate that a memorandum of agreement be entered with FT accepting responsibility for maintenance and risk assessments following the 5 year period. Given the above, based on the matters in this section, it is recommended that the project is supported.

Operational Matters

- Forestry Tasmania have committed to allowing the McNeil public toilet facility for mountain bike trail users. The capacity of the facility is adequate except for larger events (where portable toilets would be required and specified in a Place of Assembly permit).
- The use of the Hollybank complex for major events is covered by FT licensing requirements and hence legally enforceable. Events of this nature are booked well in advance to reserve exclusive use and require acquisition of a local government Place of Assembly permit.

Officer Comments: The further representations on the use of the McNeil toilets are considered satisfactory. FT have provided written advice that the toilets will be available for users of the Mountain Bike Trial and such falls under their maintenance. The collection of event fees for use of the facility has legal enforceability and hence future discussion on this issue is likely to develop a practical solution. Any income would lower the maintenance liability of \$90,000. Given the above, based on the matters in this section, it is recommended that the project is supported.

Marketing

- Discussions at the meeting around marketing drew out the statement that Tourism Tasmania would use their 'in kind' contribution to develop a PR campaign to support the trails this would receive general support from the Regional Marketing Organisation and Council without any direct financial contribution. This would not stop Council supporting marketing if appropriate as the demand grows but does not commit Council to anything specific.
-

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

- Other social media outlets would grow generically as the products grow and be controlled by the organisations using the trails
- The patronage figures I believe are still optimistic. However with the significant reduction in the proposed Council expenditure the risks associated with these figures are also significantly reduced and therefore are appropriate for the size of proposed financial contribution.
- Whilst the potential Tourism spin-off opportunities are recognised, it is also noted that there has been a shift in perception that the developments are focused towards community and economic development rather than specifically tourism.

Officer Comments: Given the above, based on the matters in this section, it is recommended that the project is supported.

NTD have provided a letter, enclosed as Attachment 6, which summarises the meeting.

6. Revised Financial and In-Kind Contributions (resulting from 30 May meeting)

Based on the concessions discussed at the meeting held on 30 May then the financial and resource contribution required from Launceston City Council are:

LCC contribution	Total	Cash	In-kind
Set Up	\$94,334	\$nil	\$94,334
Maintenance (five years)	\$150,000	\$150,000	-
Total	\$244,334	\$150,000	\$94,334

Although there will be a steering committee for the 5 year period after construction, this level of in-kind commitment is considered minor.

7. Other Relevant Matters

The other relevant matters concern the agreement between the 3 Councils and Forestry Tasmania and Council exposure to liability.

Firstly it is considered appropriate that a purpose drafted agreement that includes:

- Permitting the construction and maintenance of the Mountain Bike tracks and making allowance for things such as car parking and including allowing the removal of vegetation if needed to do that and setting out what the rights and responsibilities of the parties
- Exclusive use of the area for when major events are planned.
- Continuing existence of the public toilet
- Specify a 5 year limit (after which the trails become the responsibility of FT).

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

Advice was sought on the liability issue from Temple Smith Solicitors. In brief their view was:

... issue of liability will depend on several factors and obviously the circumstances surrounding any injury or accident will affect liability.

...The land on which the tracks are to be constructed is Forestry land - there will be a licence or Lease agreement between Forestry and the Councils and NTD. Those agreements are likely to contain a provision indemnifying Forestry against any liability that it might be found to have as landowner

...There is to be a contract with an accredited track designer - the parties to that contract are likely to be the Councils and NTD and the track designer. Presumably that contract will contain indemnities by the designer of the Councils/NTD in respect of any liability due to the design of the track.

...There is to be an upkeep/maintenance contract between Dorset Council and an accredited party - there will need to be some sort of recorded understanding between the Councils and Dorset as to the position of the Councils vis a vis each other and the accredited party in respect of the maintenance/upkeep contract.

...should someone be killed or injured it is likely that the injured party will seek to recover from all parties involved - the extent to which each one will be found liable will depend on the facts surrounding the injury and the legal rights and obligations they each have under the various agreements recording the arrangements between them.

...there is the potential for LCC to be liable - you will note the precedent Forestry agreement contains indemnity of Forestry by the other party. There is particularly potential for LCC to be liable if the injury is the result of poor track design or maintenance of the tracks - given that LCC will be a principal to contracts concerning those issues and will accordingly have some measure of control over those matters.

...contracts will presumably also contain the standard indemnities and insurance obligations, and the protection granted by those indemnities will depend on how the injury occurs, and whether there has been a failure by one party to perform its obligations and whether the indemnifying party is in a position financially to provide a remedy (as if a party is insolvent there will obviously be little point in relying on an indemnity).

...If a contractor fails to perform its obligations under the agreement and that failure is a cause of injury, then the other party to the contract will have a remedy - but that remedy will obviously be dependent on the other party being in funds or adequately insured.

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

Although it is impossible to give general advice on hypothetical situations given that liability will depend on how or why the injury occurs and the terms of the various agreements entered into, it is clear that Launceston City Council will be a party to any litigation claim and as such there is a direct interest to ensure that the risk assessment and documentation and intervention actions are maintained to the standard established by the peak Mountain Bike Association

ECONOMIC IMPACT:

The development of three trails in the north east of Tasmania will provide a sufficient scale to promote mountain bike tourism that should draw visitor from all parts of Australia. The trails can each be negotiated as day long ventures and as a result promote 3 - 4 day stays. The expenditure by visitors will add to the economic health of the north east region. The trails assist to add to the diversity of activities that tourist (and locals) can experience in northern Tasmania.

The business credentials of the project are provided in Attachment 3 'Potential for Mountain Biking in North Eastern Tasmania' and Attachment 4 'North Eastern Mountain Bike Development - Business Case' (particularly Section 6 Cost/Benefit Analysis). Previously a draft version of the North Eastern Mountain Bike Development - Business Case was circulated.

ENVIRONMENTAL IMPACT:

The trails will be designed and constructed to minimise the impact on the environment. Mountain biking has no effect on air quality except for transportation between venues.

SOCIAL IMPACT:

The project will provide distinct benefits to the residents of northern Tasmania as an alternative recreation venue is available to the community. The issues that contribute positively to the social fabric of the community are entertainment, social interaction, recreation and family.

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

The goal within Council's Strategic Plan (2008-2013) which is considered relevant is:

3.2 - Facilitate effective regional and economic development in the Launceston area.

BUDGET & FINANCIAL ASPECTS:

This project has no effect on current or future capital budgets but does affect the operational budgets for the period FY2014/15 -.FY2018/19 inclusive.

The following provides information on budget and financial aspects.

- Preparation of report (including attachments)
 - Staff resources - 35 hours @ \$105 hours = \$3,600
 - Out of pocket costs - Nil
- Project implementation
 - Capital - 'New' asset but not owned by Council
 - Total capital works - 900 hours (@ \$75 = \$68,000); no cash
 - additional operational cost/resources required
 - Additional annual depreciation cost - Not applicable
 - Additional annual maintenance cost - \$30,000 per annum for the period FY2014/15 - FY2018/19 inclusive
 - Additional annual staff resources - 60 hours per annum for the period FY2014/15 - FY2018/19 inclusive (@\$75 = \$24,000).

The following comments are provided by the Director Corporate Services.

The project was primarily developed to provide an experience and activity to generate tourism in the north east of Tasmania - hence the funding should be treated as tourism expenditure.

The facilities are not owned by the Council so all funding contributions would be treated as operational (not capital) expenses. The Council's Strategic Financial Plan has as fundamental objectives the reduction of operating expenses and the critical scrutiny of any expenditure on new facilities that has the potential to increase operating costs into the future.

17.1 Funding Commitments for the North Eastern Mountain Bike Development Project...(Cont'd)

The cash and in-kind cost to Launceston is in the order of \$245,000 (\$150,000 cash and \$95,000 in kind) over the five year timeframe. The addition of funding for this project to the 2014 and subsequent budgets will require the offsetting removal of other operating costs. Given the regional facilities that the Council currently funds and the need to drastically reduce the recurrent budget then it is difficult to see how the Council can take on additional financial responsibilities and operational risks at the moment.

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 NTD - seeking commitment to project and providing information to questions raised
 2. Email from NTD - to supplement information provided in Attachment 1
 3. 'Potential for Mountain Biking in North Eastern Tasmania' - distributed electronically
 4. North Eastern Mountain Bike Development Business Case - distributed electronically
 5. North eastern Mountain Bike Development Project Management Plan - distributed electronically
 6. Letter from NTD - summary of 30 May 2013 meeting.
-



ATTACHMENT 1

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20 March 2013

RE: FUNDING COMMITMENTS FOR THE NORTH EASTERN MOUNTAIN BIKE DEVELOPMENT PROJECT

I write to ask for consideration and confirmation of funding commitments from your Council for the North Eastern Mountain Bike Development Project (NEMTB).

In December, NTD coordinated the submission of an Expression of Interest for the Regional Development Australia Fund – Round 4. This EOI was successful being one of only three across Tasmania to be accepted by RDA.

The RDAF application is now being prepared and has a total project cost of \$4.6 million, of which approximately 50%, will be sought from the Australian Government. The Tasmanian Government has been asked for \$1.5million (including \$300 000 from Tourism Tasmania). The project will be a joint initiative between Break O' Day Council, Dorset Council (Lead Applicant), Launceston City Council and NTD.

We are finalising a detailed project plan for submission to RDAF. This plan includes the following basic details and commitments:

Council cash contribution toward trails and associated infrastructure

\$142,583.33 plus gst (3% of total project cost) per Council in 2013/14

In Kind contributions to the capital/construction components

Dorset/Break O' Day

- Project Management of Derby/Blue Tier construction
- Project Management of RDAF Activity items (e.g. RDAF Reporting)
- Coordination of Derby/Blue Tiers Implementation Team with support from NTD

Launceston City Council

- Project Management of Hollybank construction tasks
- Coordination of Hollybank Implementation Team with support from NTD
- Management of funds secured for Hollybank (\$800 000) and associated Grant Deed requirements through Sport and Recreation Tasmania.



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NTD

- Project Management – Regional-level activities (non-construction) e.g. commissioning marketing plan, developing community engagement platform, communications/PR during construction and Steering Committee administrative support.

In addition, we have developed a maintenance model for your endorsement. The Australian Government's support will be dependent on us providing surety and certainty about ongoing maintenance of trails built through the NEMTB project for a period of five years.

NTD is recommending a centralised, commercial arrangement for maintenance of the trails. That is, one contract, held by Dorset Council as the Lead Applicant to cover the NEMTB network. Other methods, including skills and volunteer programs, will be developed during the construction phase but are considered too conceptual to include in the RDAF application.

The model we propose is that Councils fund and coordinate maintenance.

Cash contributions: Each Council is being asked for cash contributions of \$51,683.00 each, per annum (plus gst) for five years following trail construction (practical completion), likely to be from 2014/15 to 2019/20 depending on construction timetables.

In-kind contributions: Apart from the capital/construction components above, the need for in-kind is minimal. There may be some materials (e.g. gravel) and/or expertise from time to time. NTD is recommending an outsourced commercial arrangement for trail maintenance thereby reducing in-kind contributions for maintenance.

Other responsibilities of Councils:

Public Liability Insurance. Each Council will need to consider the implications of jointly funding and maintaining trails on public land (State Forest and Forest Reserves). From initial discussions with Councils, this coverage should be able to be included in existing policies held by Councils.

Management of Commercial Agreements: It is proposed that Licences for Commercial Operations will be through the established Parks and Wildlife Service - Licence for Commercial Visitor Activities. We also propose a specific event levy that will be managed through Forestry Tasmania's existing systems.



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Volunteer Management: We have not proposed a system of formalised volunteer management for the first one-two years given we will be in a construction phase. NTD would then coordinate arrangements to build on the existing efforts of volunteer organisations that are already involved in trail maintenance and funding, such as the Launceston Mountain Bike Club and Rotary Clubs.

This project is the highest priority for NTD, and I am extremely excited by the prospect of obtaining funding for what I believe to be a truly regional project. The cooperative spirit and efforts that we have experienced from Councils and other project partners is extremely encouraging and motivating.

I ask that you provide a letter confirming the support of your Council for the project, and the contributions outlined in this letter, by 5 April 2013. I understand that this support may be specific to the outcome of the RDAF application. Please let me know if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Derek Le Marchant', written in a cursive style.

Derek Le Marchant
Executive Officer

ATTACHMENT 2

Received via email from Derek LeMarchant NDT - 18/03/2013

Details to be included in formal letter to Councils

Upfront/immediate cash contribution to the capital costs

2013/14 - \$142,583.33 plus GST being 3% of total project cost per Council

Description of "in-kind" contributions in regards to the capital/construction components

Launceston City Council

- Project Management of Hollybank construction
- Coordination of Hollybank Implementation Team
- Management of funds for Hollybank (\$800K) and associated Grant Deed requirements through Sport and Rec.

Dorset/BODC Partnership

- Project Management of Derby/Blue Tier construction
- Project Management of RDAF Activity items (eg RDAF Reporting)
- Coordination of Derby/BT Implementation Team

NTD

- Project Management – Other regional-level activities (non-construction) eg commissioning marketing plan, developing pilot website/platform, Comms/PR, Steering Committee Admin Support.

Envisaged model for the ongoing (or specified term of) maintenance of the trails which details:

- Cash contributions

Each Council is being asked for cash contributions of \$51,683.00each per annum (plus GST) for 5 yearspost construction.

- Description of in-kind contributions

Apart from the capital/construction componentsabove, the need for in-kind is minimal. Maybe some materials (gravel etc) and/or expertise from time to time. NTD is recommending an outsourced commercial arrangement for trail maintenance thereby reducing in-kind contributions.

- Specific responsibilities of council (i.e., public liability, management of commercial agreements, management of volunteers, contracting specialist track maintenance company etc.)

Public Liability. Each Council will need to consider the implications of jointly funding and maintaining trails on public land. I would love your thoughts on this but from initial discussions it should be able to be covered by existing policies held by Councils.

Management of Commercial Agreements: We have recently had conversations with FT about Licences. Licences for Commercial Operations will be through the established Parks and Wildlife Service Licence for Commercial Visitor Activities. We would also have an event levy managed through FT. Not sure about Policing this Levy but we will check with FT.

Volunteer Management: We have not proposed a system of formalised volunteer management for the first 2 years given we would be in a construction phase. We (NTD) would then look to build on the existing efforts of volunteer organisations that already contribute (eg Launceston Mountain Bike Club, Rotary etc). But Councils may wish to be involved in municipal-specific initiatives to rally communities around trails.

Track Maintenance: NTD is proposing a centralised (commercial) arrangement for maintenance of the trails. That is, one contract, held by Dorset Council (NTD's recommendation) to cover the NEMTB network. Other methods including skills programs will be development during the construction phase but were considered too conceptual to include in the RDAF application.

There are other matters that I seek NTD to also address in the letter - these are:

- **Please explain the rationale on why funding should be equal between councils given the disproportional track lengths in the three council areas (both for capital contribution and maintenance activities)**

Maintenance is a function of usage, climate, soil type, build quality, trail grade, trail length and other variables. Until we construct and maintain the trails, we will not know fully the per annum cost for each trail. We feel there is no other way to divide the maintenance cost at this stage.

However, it is fair to assume that Hollybank will have the most usage (volume) and therefore will (probably) have higher maintenance requirements (all other things being equal). It will also be the major 'green' (easy) section of the network, therefore needing a higher level of care.

Other issues to consider when dividing costs include the ability of trail localities to attract volunteers for maintenance given trail proximity to population centres, regularity of events (therefore levies) plus the likelihood that many visitors will fly in and stay in Launceston. The question of cost must be in the context of benefits.

Note: We also propose to equally split levies/revenues equally as well as spread the benefits of any training programs and cost offsets.

- **The proposal is to collect fees from major events to assist with maintenance activities - hence please explain the framework for the collection of fees and technique to regulate noncompliance**

We have not counted the levy/revenue activity in the RDAF application. We feel that it is too risky at this early stage. But we still feel that there is potential for revenue over the first 5 years of operation. Licences managed through PWS via their existing system and levies

(events) managed through FT also through an existing process. Not sure about compliance but we will check.

- **What would happen if the NTD application for RDA funding was unsuccessful?**

We would be very upset. But Hollybank is funded and we would still like LCC to contribute cash for the build as per the RDAF proposal (including maintenance). It is a sensible project and would still have merit as a stand-alone trail given the Trevallyn and Kate Reed tracks.

NTD would still assist with sourcing funding either through the IGA process (hmmm) or via election commitments (also hmmm).

- **Have the other two councils already fully committed to the project?**

Not yet.

Also can you please address, either within the above letter or separate reply, the following matters:

- **Who is project managing the entire project?**

In effect, Tim Watson Dorset GM, will be the Project Director with Project Managers assigned to the different elements as per above.

- **Please explain the apparent conflict that the Tourism Tas \$300,000 "in-kind" is identified to pay cash expenses**

Good point. We are hoping that TT will contribute some cash (for strategic plans etc) and then in-kind. We will amend the budget to make this clearer. We are still waiting for formal confirmation but we do not expect any issues given they have supported us to date and this project is a good fit for their activities.

- **A separate toilet facility is not proposed for 'Hollybank' on the basis of sharing facilities with Tree Top Adventures. However how confident is this outcome and are contingencies proposed?**

There are two toilets at Hollybank: One at the McNeil Buildings (Primary Trail Head) and one at the Tree Tops Adventure Site (Secondary Trail Head). We are yet to finalise arrangements with the Tree Tops Adventure people but I have spoken with Peter During on a couple of occasions and they have the draft Master Plan. We have a meeting at Treetops next week to finalise.



ATTACHMENT 6

5 June 2013

Mr Harry Galea
Director Infrastructure Services
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear Harry

RE: LAUNCESTON CITY COUNCIL SUPPORT FOR THE NORTH EASTERN MOUNTAIN BIKE DEVELOPMENT PROJECT (NEMTB)

As per our recent conversations and meeting on 30 May, I write to provide additional clarification on a number of outstanding matters to assist Council in considering financial support for the Project.

Capital Contributions

The original funding model for the Project required \$142 583.33 from each participating Council over two years as a contribution towards total Project costs of \$4.68 million. As noted at our recent meeting, we fully understand that Launceston City Council (LCC) has difficult decisions to make regarding current priorities and future financial commitments, including projects such as the NEMTB.

Whilst it would be ideal that LCC contribute to the capital works, the Hollybank track has already received \$800,000 from the Tasmanian Jobs Package. This commitment by the Tasmanian Government will ensure that a lack of other support does not prevent this trail development from proceeding.

Our cost estimate for the Hollybank trail (not including the skills area and 'pump' track) is approximately \$864,950 plus gst. Therefore, if LCC cannot make a financial contribution to capital works, project partners will need to leverage the available funds and resources to progress the Hollybank trail proposal to completion given the shortfall of \$64,950.

However, Council can contribute in other ways that will greatly assist, including in-kind assistance with project management, procurement and advice given Council's expertise in capital works projects. Council could also assist with materials (such as gravel) to help offset the total cost of the Hollybank trail development.

Maintenance

The original funding model for maintenance of the 90kms trail network proposed equal contributions from participating Councils (BODC, Dorset and LCC) of \$51,683 each over a five year period. This figure was based on an estimated maintenance requirement of \$1,500 per kilometre of trail, per annum, plus an allowance of approximately \$20,000 for maintenance of signage and other infrastructure across the network. These estimates were an upper estimate to enable prudent financial provisioning for the maintenance of world-class tourism infrastructure.

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Since developing this maintenance funding model, NTD has investigated other potential maintenance regimes that could reduce direct costs to Councils. This includes the use of social enterprises and 'intermediate labour markets' to provide the necessary workforce to conduct maintenance activities. Given the Hollybank trail will be funded through the Tasmanian Jobs Package, we are confident that a lasting maintenance model will be developed as an adjunct to the construction process that includes skills development and training activities. It is likely that final model will be a hybrid between a commercial contract and a social enterprise model.

We also acknowledge that maintenance for the Hollybank trail will possibly be less than the \$1,500km/p.a. estimate. Our lower cost estimate for trail maintenance is \$1,000 per kilometre per annum based on research of other locations. Therefore, given that the Hollybank trail network is approximately 18kms (depending on final trail alignment), the total trail maintenance could be as low as \$18,000 per annum. Other maintenance costs that need to be covered include signage and other trail features (such as bridges and ramps).

The financial support of LCC in maintaining the trails is essential to the project. As a minimum, I estimate that provision is made by LCC for a minimum of \$25,000 per annum over five years (post construction). This would ensure that the Hollybank section of the proposed NEMTB project is maintained to a suitable standard that ensures a world-class riding experience.

Toilets

The proposed trail head for the Hollybank track is centred at the existing McNeil Buildings at the entrance to the Hollybank Forest Reserve. These buildings include a separate male and female toilet that is open during daylight hours. This infrastructure is well suited to the proposed trail development, with events being catered for with portable toilets. I have emailed you a photo of these facilities for your interest.

We have written confirmation from Forestry Tasmania that they will maintain all existing infrastructure at the Hollybank Forest Reserve including these toilets. I note that these toilet facilities at the proposed trail head are separate from the privately operated Hollybank Treetops Adventure facilities. We have not proposed that the toilets at the Hollybank Treetops Adventure buildings be utilised by anyone other than paying customers of this business.

Contracts

The proposed contractual relationship between Councils and the land manager (Forestry Tasmania) would be an Access Licence Agreement covering the construction period plus the five years of maintenance. I have forwarded a copy of this template for your comments.

Importantly, such a licence agreement would include the provision for Council to cease to be responsible for the trails after the term of the licence. In addition, we have confirmed with Forestry Tasmania that the fee for such a licence agreement would be minimal (peppercorn) apart from legal fees to draft the final licence agreement.

Marketing

It is essential that the NEMTB concept is publicised both during and after construction. Whilst NTD was unable to secure funds to develop and implement traditional marketing strategies, we have committed

to funding and maintaining a web-based community development platform for two years that will provide the necessary exposure.

This platform will provide a central point of reference for the project, promote existing trails in the area and link businesses to the mountain bike market. This system is in prototype phase and three local businesses have already signed up to pilot the site and promote their businesses. The medium term goal is to semi-commercialise this site to provide revenue streams that offset maintenance costs and contribute toward trail rejuvenation and marketing.

We will be working very closely with funding partners and Tourism Northern Tasmania to ensure this platform is effective.

It is requested that LCC consider –

- Confirmation that Council supports the project as a key project partner that can assist with implementation of the Project
- A reduced capital contribution towards the Hollybank trail
- Maintenance funding of a minimum of \$25 000 per annum for 5 years for the Hollybank trail
- In-kind assistance with project management, procurement and other advice
- Assistance with materials (such as gravel)

Yours sincerely

Derek Le Marchant
EXECUTIVE OFFICER

17.2 Concessional Entry to Council's Waste Disposal Facilities

FILE NO: SF0628

AUTHOR: Matthew Millwood (Manager Infrastructure Operations)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To determine the value of concessions to approved charitable organisations for disposal of refuse at the Launceston Waste Centre for 2013/14 financial year.

PREVIOUS COUNCIL CONSIDERATION:

Item 14.1 - Council meeting 31 March 2010 - to determine the value of concessions for 2010/11.

Item 16.1 - Council meeting 14 June 2011 - to determine the value of concessions for 2011/12.

Item 17.3 - Council meeting 12 June 2012 - to determine the value of concessions for 2012/2013.

RECOMMENDATION:

That in respect to clause 4(e) of the Policy 'Concessional Entry to Council's Waste Disposal Facilities' (12-Plx-014) the Council approve the organisations and concession values for FY 2013/14 as shown in Table 1.

Table 1

Organisation Name	Recommended Concession Value FY 2013/14
Anglicare	\$900
Cancer Council Tasmania	\$200
Connections Op Shop Inc	\$400
Door of Hope Christian Church	\$350
Fusion Australia Ltd (Home Support)	\$800
Launceston Benevolent Society	\$700
Launceston City Mission	\$18,000
Launceston Legacy Inc	\$150
Launceston PCYC	\$100
Lions Club of Kings Meadows	\$120
Many Hands (Door of Hope Christian Church)	\$300

17.2 Concessional Entry to Council's Waste Disposal Facilities...(Cont'd)

Organisation Name	Recommended Concession Value FY 2013/14
New Horizons Club Inc	\$100
Northern Occupational Support service - Blue Gum	\$2,000
RSPCA Northern Tasmania	\$1,200
Salvation Army Launceston	\$200
Salvo Stores	\$3,200
Second Bite	\$500
Self Help Workplace	\$3,800
St Michael's Association Inc	\$1,000
St Vincent De Paul Society	\$4,500
Veterans Support Group	\$500
Worldview Centre (WEC College)	\$150
Zions Hill Church -Community Care	\$300
Total	\$39,470

REPORT:

Introduction:

This is the fourth year that Council has advertised and received applications for Concessional Entry to Waste Disposal Facilities. Advertisements were placed in the Examiner newspaper every Saturday for five consecutive weeks and application forms were forwarded to approved 2012/2013 concessional entry holders. The application period was open for four (4) weeks.

The proposed budget amount for 2013/14 is \$41,000 and is increased from 2012/13 to reflect the disposal fees increase at the Launceston Waste Centre.

Policy Details:

The policy requires organisations to meet tests in order to be deemed "charitable" and to be considered for a subsidy to offset their refuse disposal charges at the Launceston Waste Centre. The "charitable" test can be satisfied in one of two ways - either to provide an ATO Exemption Certificate or prove community and charitable benefit.

The assessment was completed by the Manager Infrastructure Operations, Matthew Millwood; Waste Management Officer, Regan East, and endorsed by the Community Grants Committee.

17.2 Concessional Entry to Council's Waste Disposal Facilities...(Cont'd)

Application Assessment:

The first step in the assessment was confirmation of the organisations' "charitable" test. The policy automatically accepts organisations where an ATO Exemption Certificate is provided. This certificate also has to comply with the "public benevolent institution" classification. Organisations claiming the alternative test are required to provide proof of community good and community benefit. All organisations must be non-government.

Table 2 shows the value of the subsidy provided in previous years as well as the claim and recommended amount for financial year 2013/14.

The Committee considered the reasonableness of the claims for financial year 2013/14 based on the previous history by the organisation, the percentage of approved claim used on the FY 2012/13 and the description of the charitable activity proposed for the coming year. Given that the value of the total claims exceeded the proposed budget then it was necessary for the Committee to recommend either:

- the deletion of marginal services/organisations;
- a uniform reduction in the subsidies sought; and/or
- reduction in the highest subsidies sought;

to ensure that the total budget limit is not exceeded.

Table 2

Organisation Name	2011/2012 Approved Amount	2012/2013 Approved Amount	2013/2014 Claimed Amount	Committee Recommendation for FY 2013/14
Anglicare	\$1,000	\$1,000	\$1,000	\$900
Cancer Council Tasmania	\$200	\$117	\$200	\$200
Connections Op Shop Inc	\$500	\$500	\$500	\$400
Door of Hope Christian Church	\$300	\$319	\$350	\$350
Fusion Australia Ltd (Home Support)	\$500	\$800	\$800	\$800
Launceston Benevolent Society	\$600	\$500	\$800	\$700
Launceston City Mission	\$15,000	\$16,224	\$22,000	\$18,000
Launceston Legacy Inc	\$250	\$200	\$200	\$150
Launceston PCYC	\$100	\$102	\$100	\$100
Lions Club of Kings Meadows	\$165	\$100	\$120	\$120
Many Hands (Door of Hope Christian Church)	-	-	\$300	\$300
New Horizons Club Inc	\$200	\$100	\$150	\$100
Northern Occupational Support service - Blue Gum	\$2,500	\$2,200	\$2,500	\$2,000
RSPCA Northern Tasmania	\$1,500	\$1,200	\$1,500	\$1,200

17.2 Concessional Entry to Council's Waste Disposal Facilities...(Cont'd)

Organisation Name	2011/2012 Approved Amount	2012/2013 Approved Amount	2013/2014 Claimed Amount	Committee Recommendation for FY 2013/14
Salvation Army Launceston		\$250	\$200	\$200
Salvo Stores	\$3,200	\$4,200	\$4,200	\$3,200
Second Bite	-	-	\$500	\$500
Self Help Workplace	\$3,200	\$4,200	\$4,200	\$3,800
St Michael's Association Inc	\$1,500	\$500	\$1,500	\$1,000
St Vincent De Paul Society	\$4,500	\$4,200	\$4,500	\$4,500
Veterans Support Group	\$500	\$500	\$500	\$500
Worldview Centre (WEC College)	\$100	\$150	\$200	\$150
Zions Hill Church -Community Care	\$500	\$600	\$1,000	\$300
Total	\$36,315	\$37,963	\$47,320	\$39,470
			Budget 2013/14	\$41,000

The Committee accepted that the value of the concession between groups would vary significantly - given that the size of the candidate organisations varied from small to very large and that the benevolent activities would also vary as widely.

ECONOMIC IMPACT:

No impact is expected to the broader community.

ENVIRONMENTAL IMPACT:

N/A.

SOCIAL IMPACT:

The policy treats concessions to charitable organisations as a Community Service Obligation. The fabric of the community is enhanced by the charitable and benevolent work of these organisations.

STRATEGIC DOCUMENT REFERENCE:

The goal within Council's Strategic Plan (2008-2013) which is considered relevant is within Priority Area 3: Social & Economic Environment - *Promoting a healthy, prosperous and positive community.*

17.2 Concessional Entry to Council's Waste Disposal Facilities...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The draft budget for 2013/14 provides an allowance of \$41,000.

DISCLOSURE OF INTERESTS:

The author 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

18 CORPORATE SERVICES**18.1 Budget 2013/14 - Community Consultation and Submissions****FILE NO:** SF5899 / SF5669**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the results of the community consultation process and to determine any action from the submissions.

PREVIOUS COUNCIL CONSIDERATION:

SPPC 17 June 2013 - Item 4.4 - *SPPC resolved that the item would go to the Council for decision*

RECOMMENDATION:

1. That the Council receive the submissions on the budget as summarised after recommendation 3 and included in full in Attachment 1.
 2. That the Council note that there were no submissions received by the cut off time following the community information session.
 3. That the Council endorse the comments made in response to the summary of the submissions.
-

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

No.	Date Received	Author
1		Budget Consultation Research Report
<p>Submission Key points to note from the survey response are:</p> <ul style="list-style-type: none"> • 189 survey responses. • 52% of responses were happy to very happy with the Council's services with a further 32% neutral. • Responses and comments are across the range of the Council's services with the 15% of unhappy respondents highlighting the following concerns: <ul style="list-style-type: none"> ○ roads and footpath 36% ○ waste disposal 14% ○ promote development 14% ○ improve parks 14% ○ rates too high 14% 		<p>Comments Noted the summary of the survey.</p>
No.	Date Received	Author
2	15/02/2013	Tasmanian Ratepayers' Association
<p>Submission 2.1 <i>...we observe that LCC senior management and aldermen continue to be blissfully unaware of the dramatic collapse of the Tasmanian economy...</i></p>		<p>Comments The TRA are not correct in this comment. The Council has a different view to the best way that it can contribute to the growth of the local economy to the TRA. In addition the Council has commenced work on the Greater Launceston Plan, a comprehensive strategic plan for the region that is being prepared based on extensive research and consultation.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>2.2 <i>It seems that LCC's assumptions about the capacity of ratepayers to pay are never questioned. Last year's estimates stated it had only revised two underlying assumptions...</i></p>	<p>The TRA have not correctly understood the information provided. Clearly the Council has in recent years not sought to increase rates beyond reasonable parameters given the range of services provided.</p> <p>The comment about two assumptions was intended to focus on the two unusual changes in the budget it was not, nor should it have been understood to be, a complete list of every assumption or parameter on which a \$90m budget is based.</p>
<p>2.3 <i>Once again, promises by aldermen to present rates modelling based on a land valuation method, have failed to materialise in the public arena...</i></p>	<p>The State Government has had the Review of Valuation and Local Government Rating underway for some time. For the Council to run its own process at the same time had the potential to confuse rather than inform. The State Government process has taken longer than expected. The Council has now determined to present information on the effect of using either the land, capital or assessed annual value valuation base through the budget consultation process.</p> <p>In regard to the legal advice related to the use of an alternative valuation base the issues are:</p> <ul style="list-style-type: none"> a) Tenancy records; and b) Differential rates. <p>The Council relies on tenancy records as part of the application of charges (not based on property values), these records are not currently available at the required (property/tenancy) level for either capital or land value.</p> <p>To implement a rating structure based on land or capital value will require property usage information to support differential rates. The legislation and the available data are not adequate to support a reliable and effective differential structure.</p>

	<p>The Council has, for a number of years, been actively pursuing the legislative changes necessary to resolve these issues.</p>
<p>2.4 <i>Waste Centre charges should (be raised to) include</i></p> <ul style="list-style-type: none"> a) <i>capital funding</i> b) <i>long term costs</i> 	<p>The general tenure of the submission is supported and work is being undertaken in this regard. The work includes consideration of the possible effect of the carbon tax and changes to the recycling activities at the Waste Centre.</p> <p>It is important to note that operations of the Waste Centre has contributed a cash surplus over a number of years which has reduced the general rates that would have otherwise applied. The funding of the current Waste Centre upgrade and expansion program reflects a repayment of these 'cash surpluses'. Thus the outcome sought by the submission has in fact been delivered over the long term.</p> <p>The accumulated operating surplus for the Waste Centre for the ten years 2003 - 2012 (inclusive) is \$16.2m. The 2014 budget is based on an estimated net income of \$1.6m.</p> <p>The current capital program is currently underway and is spanning many years and to be completed in 2023 (11 years x \$1.6m + \$16.2m = \$33.8m).</p> <p>The overall figures show that the funding from operations over the period offset the capital expenditure requirements.</p> <p>Changes will be made to make this funding process for the Waste Centre more easily understood.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>2.5 <i>Carr Villa should not require a subsidy from rates.</i></p>	<p>Increases in the fees charged are planned to address, over time, the net operating cost of Carr Villa.</p>						
<p>2.6 <i>Rating subsidies for the operation of facilities that provide what is essentially a private good; for example Launceston Aquatic, St Leonards Athletics Centre, Carr Villa, Princess Theatre, Tiger Bus, should be</i></p> <ul style="list-style-type: none"> a) <i>divided equally among all ratepayers</i> b) <i>identified in the rates notice</i> 	<p>The Council has and continues to provide details of the cost of operating the major facilities, through the budget papers. The provision of this type of information on a rate notice has not been considered the most appropriate way of informing the community, particularly given the very specific legal requirements for rate notices.</p> <p>There are a mix of private and public benefits from the facilities and services listed in the submission. Where part of the cost of the provision of these benefits is funded from taxation revenue then it is reasonable for the normal taxation principles to be applied. Funding exclusively through a flat or fixed charge would be regressive and fail to recognise the wider social benefits that result from the provision of these facilities and services.</p>						
<p>2.7 <i>The low number of people using the Aquatic Centre bears witness to the fact that a majority of ratepayers never use it...encourage them to use it.</i></p>	<p>The TRA is incorrect in its continued misrepresentation of the level of attendance at the Aquatic Centre.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: right;">2011/12</td> </tr> <tr> <td>Actual attendances</td> <td style="text-align: right;">326,855</td> </tr> <tr> <td>Benchmark (CERM)</td> <td style="text-align: right;">311,139</td> </tr> </table> <p>Launceston Aquatic Centre attendance exceeds the CERM.</p> <p>The recent Council decision to proceed with a dry program area will further reduce the net operating costs.</p>		2011/12	Actual attendances	326,855	Benchmark (CERM)	311,139
	2011/12						
Actual attendances	326,855						
Benchmark (CERM)	311,139						
<p>2.8 <i>Retirement villages should not receive a rate remission.</i></p>	<p>The Council decision was made after a period of consultation.</p>						

<p>2.9 <i>University of Tasmania should pay rates.</i></p>	<p>The University is exempt from rates under legislation, this is not a discretionary concession.</p> <p>Fire rates are collected on the direction of the Tasmanian Fire Service and are then paid to the Fire Service. Exemptions are determined by the Service consistent with the legislation.</p>															
<p>2.10 <i>Travel and Information Centre should be made to be self-funded or closed forthwith.</i></p> <p><i>There has to come a time when tourism becomes like any other industry...able to look after itself.</i></p>	<p>Significant changes have been made to the Travel and Visitor Information Centre budget.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: right;">2014</th> <th style="text-align: right;">2013</th> </tr> <tr> <th></th> <th style="text-align: right;">\$'000</th> <th style="text-align: right;">\$'000</th> </tr> </thead> <tbody> <tr> <td>Income</td> <td style="text-align: right;">261</td> <td style="text-align: right;">290</td> </tr> <tr> <td>Expenses</td> <td style="text-align: right;">572</td> <td style="text-align: right;">686</td> </tr> <tr> <td>Net Expenses</td> <td style="text-align: right;"><u>(311)</u></td> <td style="text-align: right;"><u>(396)</u></td> </tr> </tbody> </table> <p>The budgeted savings are the first part of the ongoing review of the business case for the Centre.</p>		2014	2013		\$'000	\$'000	Income	261	290	Expenses	572	686	Net Expenses	<u>(311)</u>	<u>(396)</u>
	2014	2013														
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<p>2.11 <i>Albert Hall (4.1.1)</i></p>	<p>Victoria's Café has recently been licensed to commercial operation. This will see the Café open year round and a net return to Council.</p>															
<p>2.12 <i>Inveresk (3.1.1)</i></p>	<p>The development of the draft Inveresk Precinct Plan is important in the context of review and updating of the existing 2005 Strategy, especially with the Flood Levee redevelopment and the potential UTAS Student Accommodation project.</p> <p>As Council owns Inveresk and the Willis Street sites there is no reason to wait until there is any feedback from other associations as the proposals will not conflict but rather support previous planning.</p>															

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>2.13 <i>Aquatic Centre (3.1.5)</i></p>	<p>A comprehensive energy audit of the Launceston Aquatic Centre was undertaken on 17 August 2011, a number of incentives were identified and a number of these have been put in place.</p> <p>The Cogeneration project has had further scrutiny and analysis by technical experts to verify cost benefits before the project was commenced.</p> <p>This project is due for completion before the end of this financial year.</p>
<p>2.14 <i>Rates Analysis</i> <i>Request for comprehensive data on residential valuations. LCC should develop an economic, social and spatial analysis...as this is the best way to understand equity in rating and develop a fairer basis.</i></p>	<p>The comments are noted. The Council has and continues to apply appropriate taxation principles in the allocation of rates and charges across the municipality.</p> <p>The Council has committed to provide further information on rates and valuation alternatives. This process has been delayed by the State processes. It is expected that the information will be presented as part of the proposed budget consultation process.</p>
<p>2.15 <i>Conclusion</i> <i>Launceston City Council rates must be curtailed and restrained so as to reflect the negative growth of local wealth.</i></p> <p><i>It is ridiculous to put a cost impost on property owners that no-one can pay.</i></p>	<p>The submission of the TRA is noted. The Council position is that it must implement strategies and provide services that make the City and the municipality attractive and sustainable. The Council does not believe that the broad approach submitted by the TRA will deliver the optimal outcomes for the whole of the Launceston municipality.</p> <p>The Council is acutely aware of the need to maintain Council rates at an affordable level.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

No.	Date Received	Author
3	13/01/2013 05/02/2013	Pat and Alan Atkins
<p>Submission <i>Critical Issue: Combined Pipe System and Sewerage Treatment</i></p> <p><i>...I remain strongly of the view that the likelihood of correction of the combined drainage and the upgrade of sewerage treatment facilities lies directly with...Aldermen...</i></p> <p><i>...it seems incumbent on Council to prepare a case and apply for funding (for system separation), in conjunction with...the new Corporation.</i></p> <p><i>...with the Tamar upper reaches little more than an open sewer.</i></p> <p><i>The current gastroenteritis outbreak in Northern Tasmania is proof enough to act urgently.</i></p>		<p>Comments</p> <p>The investigation of the possible separation of the combined system concluded that:</p> <ul style="list-style-type: none"> a) it was not cost effective to separate the system; and b) that there were environmental benefits from the treatment of stormwater flows. c) that the direct discharge of sewerage in significant rain events was so diluted as to not cause significant issues. <p>The responsibility for the sewerage system, which includes the combined system rests with the Water Corporation and its Board.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

No.	Date Received	Author
4	18/02/2013	Dennis Camplin
<p>Submission 4.1. Eastern Bypass</p>		<p>Comments</p> <p>It is correct that in 2008 the then Minister of Infrastructure, Energy & Resources abandoned the concept of a full eastern bypass after considering the outcomes of a traffic modelling report jointly commissioned by DIER and Council. The Minister indicated that a full bypass from Breadalbane to north of Rocherlea, at a cost of well over \$300m, could not be justified given the relatively small volumes of traffic that would use the road. However Council recognise that new road links referred as eastern link roads are required to address internal circulation network issues such as those raised in your letter. DIER and Council are currently undertaking further modelling on road options where one of the options includes a new link road from Quarantine Road to St Leonards Road and Hoblers Bridge Road/St Leonards Road to McKenzie Street as a heavy vehicle bypass.</p> <p>In mid 2012 DIER and Council released a report for public consultation on the priority traffic problems/conflicts that affected congestion and conflicts with heavy vehicles. This resulted in significant community feedback fundamentally confirming the priority issues listed in the report.</p> <p>It is expected around mid 2013 that the results of the Launceston Traffic Study will be released for a second round of public comment and at that time your input would be most welcome on the routes that are considered feasible and also the priority order of implementation. It is clear that any new road option will be expensive and that Council will need to source federal and state government funds to facilitate their construction. Major road works inherently take 3-10 years to realise implementation.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>4.2. Road Funding</p>	<p>The system of road responsibilities adopted since Federation of the Australian government is that the federal government is responsible for the national highway; state government is responsible for state roads and local government responsible for all other public roads. Over the past decade or so councils across Australia have received special funding from the federal government called "Roads2Recovery" which, in Launceston's case, we receive \$800,000 p.a. In addition the freight industry pay very high registration fees of which 2% is redistributed to local government (from the state) to assist in the maintenance of roads. Ultimately it is the council which needs to determine the level of service (i.e. maintenance and reconstruction cycles) and fund this level of service appropriately. Certainly there is a consistent and vocal campaign from local government in seeking increased road funding from the state and particularly federal government.</p>
<p>4.3. Line Marking</p>	<p>The two matters you raised regarding the line marking at Abbott Street and Howick Street are not typical candidates that are listed in the budget but instead recorded as customer service requests to be dealt with appropriately by operational and technical staff. These have been listed as customer service requests and will be dealt with separately. At the appropriate time please expect to be informed on the outcomes of any investigation.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>4.4. Howick / High Street Intersection</p>	<p>The point concerning that the community has not been informed on the outcome of restricting traffic at the intersection during the operational period of the school crossing is noted and valid. The earlier option has been fundamentally abandoned due to the negative input received during the consultation period. Other options are being considered and a preferred option is likely to be tabled with council in the next 6-8 weeks and then released for public information prior to implementation.</p>
<p>4.5. Weed control in Ravenswood Streets</p>	<p>Council contractors undertake cyclic spraying of weeds in all Launceston streets at a predetermined frequency. The concern and streets listed in your letter will be posted as a customer service request and operational staff will inform you in due course of the outcome.</p>
<p>4.6. Paperbark trees</p>	<p>The matter has also been listed as a customer service request and you will be informed in due course of the outcome of any investigation.</p>
<p>4.7. Crowing Roosters</p>	<p>The Council does currently actively investigate complaints concerning roosters crowing in the early morning, particularly in residential areas. If you are able to identify the properties which house the roosters in your area, the Council would be happy to investigate and appropriately action the matter.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>4.8. Planning Controls - Industry and Freight Depots</p>	<p>In respect to your concerns with the perceived lack of controls over industry and freight depots being located next to road and rail infrastructure and requiring access from residential areas, the Launceston Interim Planning Scheme's Road and Rail Code now provides protection for road and rail infrastructure and includes an ability to protect transport corridors. Additionally, the Scheme places controls on the allowable uses within the different zones which effectively prevent industry and freight depots from being able to be established in areas which require access from residential streets.</p>
<p>4.9. Approval of supermarkets</p>	<p>In respect to the issue raised concerning the approval of supermarkets in Launceston, the Council has assessed each supermarket development application on their relative planning merit under the Council's Planning Schemes. The applicant for a development application is not a relevant consideration in determining whether or not to approve a supermarket development.</p>
<p>4.10. Air quality monitoring</p>	<p>The State Government undertakes air quality particulate monitoring on an ongoing basis in Launceston. The results of this monitoring can be accessed at http://epa.tas.gov.au/epa/real-time-air-quality-data-for-tasmania. Additionally, the Council actively investigates complaints of dust nuisance when they are identified and, where necessary, takes appropriate action to mitigate dust problems under the <i>Environmental Management and Pollution Control Act 1994</i>.</p>
<p>4.11. Willis Street</p>	<p>All community submissions will be considered in our report to Council.</p>

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

<p>4.12. QVMAG</p>	<p>With regard to the collection 'locked away', although the vast bulk of the collection is in store, it is accessible to interested visitors if they make an appointment with the history section to view the material, as many members of the public already do. The main issue here is not display space, but collections management. The collection requires extensive sorting, research, registration and culling to get it to the point of suitability for display. At present the plans for the Plant Shop building are in place, and a number of possible options will result from this.</p> <p>Like all Australian museums only a small percentage of our collection is on display at any one time. We change our exhibitions to rotate collections and we also lend items to other museums. We are conscious of the importance of our industrial heritage and do plan a major exhibition on Launceston's history, which will include the industrial collection, within the next five years funding permitting.</p> <p>In the interim we are planning to hold occasional open days in the Plant Shop building, which will allow the public access to the museum's Industrial Heritage collections on regular and publicised occasions.</p> <p>We support the suggestion of an interpretation board which highlights the industrial history of the Willis St site and are happy to assist with the writing of the text and graphics if requested.</p>
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18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

REPORT:

The Council invited submissions on the proposed budget for 2013/14 and submissions received are summarised in the recommendation with related comments addressing the issues raised.

This report formally completes the consultation process and will enable information to be provided on the outcome of submissions.

ECONOMIC IMPACT:

Council has a significant economic impact in the region through its revenue raising and spending.

ENVIRONMENTAL IMPACT:

The budget contains specific projects and ongoing programs to improve environmental outcomes.

SOCIAL IMPACT:

The budget contains specific projects and ongoing programs to improve social outcomes.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.4 Ensure the City is managed in a financially sustainable manner

18.1 Budget 2013/14 - Community Consultation and Submissions...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

As per the estimates.

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. Budget Submissions (distributed separately)
-

18.2 Budget 2013/14 - Statutory Estimates**FILE NO:** SF5899**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of Council's Statutory Estimates for the financial year ending 30 June 2014.

This decision, pursuant to Section 82(3)(a) of the Local Government Act 1993, must be adopted by absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

1. That Council pursuant to Section 82 of the Local Government Act 1993 adopts the Statutory Estimates for the financial year ending 30 June 2014. The Statutory Estimates are set out in full in attachment 1.
 2. That the Council approves the adjustment to the proposed operating budget of \$2.036m to reflect the prepayment of 50 percent of the Financial Assistance Grant by the Australian Government.
 3. That Council pursuant to Section 82(2) of the Local Government Act 1993 adopts:
 - a) Estimated revenue \$ 89.26m
 - b) Estimated expenditure
 - Operating \$ 96.35m
 - Capital \$ 14.50m
 - c) Estimated borrowing
 - Loans \$ -
 - Repayments \$ 2.09m
 - d) Estimated capital works
 - Council funded \$ 13.55m
 - Grant funded \$ 0.94m
-

18.2 Budget 2013/14 - Statutory Estimates...(Cont'd)

REPORT:

The budget preparation process for 2014 has involved:

- Community consultation prior to the preparation of the draft budget
- Preparation of draft budget
- Determination of proposed statutory estimates which has been released for community comment

The Proposed Statutory Estimates, after consideration of the input and submissions, is now presented to Council for adoption. A critical outcome of this budgeting process is the determination of the rating requirement. The next agenda item gives effect to this through the rating resolution.

The summary comparative information is as follows.

Estimates	2014	2013
	\$m	\$m
Revenue	89.26	86.38
Excluding Capital Grants	88.32	85.25
 Expenditure		
Operating	96.35	91.55
Excluding Depreciation	74.91	70.92
 Capital	14.50	18.63
 Borrowing		
Loans	-	2.28
Repayments		
Scheduled	2.90	3.38
Discretionary	2.82	-
 Capital Works		
Council Funded	13.55	17.51
Grant Funded	0.94	1.12

ECONOMIC IMPACT:

Council has a significant economic impact in the region through its revenue raising and spending.

18.2 Budget 2013/14 - Statutory Estimates...(Cont'd)

ENVIRONMENTAL IMPACT:

The budget contains specific projects and ongoing programs to improve environmental outcomes.

SOCIAL IMPACT:

The budget contains specific projects and ongoing programs to improve social outcomes.

STRATEGIC DOCUMENT REFERENCE:

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

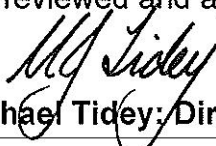
BUDGET & FINANCIAL ASPECTS:

As per the estimates.

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. 2013/14 Proposed Statutory Estimates (distributed separately)
-

18.3 Budget 2013/14 - Rating Framework**FILE NO:** SF5899 / SF0521**AUTHOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the Council's Rating Framework for the financial year ending 30 June 2014.

This decision, pursuant to Part 9 of the Local Government Act 1993, must be adopted by absolute majority.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council pursuant to Part 9 of the Local Government Act 1993 adopts the following Rating Framework for the financial year ending 30 June 2014.

Resolutions:**1. General Rate:**

1.1 Pursuant to Sections 90 and 91 of the Local Government Act 1993, the Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Launceston for the period commencing 1 July, 2013 and ending 30 June, 2014, which consists of two components as follows:

- (a) A rate of **7.8800** cents in the dollar on the assessed annual value of the land; and
- (b) A fixed charge of **\$135.00**.

1.2 That pursuant to Section 107(1)(c) of the Local Government Act 1993, by reason of the location of any land which is within the following parts of the municipal area, namely:

- (a) That portion of the City of Launceston as is bounded by Wellington, Cameron, George and York Streets;
-

18.3 Budget 2013/14 - Rating Framework...(Cont'd)

- (b) Those properties having a frontage on the Eastern side of George Street from numbers 37 to 115 (both inclusive);
- (c) Those properties having a frontage on the Southern side of York Street from numbers 45 to 123 (both inclusive);
- (d) Those properties having a frontage on the Northern side of Cameron Street from numbers 44 to 70 (both inclusive) and on the Southern side of that Street from numbers 41 to 93 (both inclusive);
- (e) Those properties having a frontage on the Eastern side of St John Street from numbers 119 to 153 (both inclusive) and on the Western side of that Street from numbers 116 to 128 (both inclusive);
- (f) Those properties having a frontage on the Eastern side of Charles Street from numbers 179 to 205 (both inclusive) and on the Western side of that Street from numbers 126 to 156 (both inclusive); and
- (g) Those properties having a frontage on the Northern side of Brisbane Street from numbers 36 to 60 (both inclusive) and those having a frontage on the Southern side of that Street from numbers 43 to 65 (both inclusive),

the Council declares, by absolute majority, that component (a) of the general rate in clause 1.1 is varied in respect of such land by increasing it by **1.5000** cents in the dollar of assessed annual value to **9.3800** cents in the dollar of assessed annual value of the land.

- 1.3 Pursuant to Section 129(4) of the Act, the Council, by absolute majority, grants a remission to the class of ratepayers liable to pay the general rate as varied in accordance with clause 1.2 by reducing the general rate payable by **1.5000** cents in the dollar of the assessed annual value to **7.8800** cents in the dollar of assessed annual value of the land where the land in respect of which the general rate is payable;
- (a) Is predominantly used for private residential purposes; or
 - (b) Is owned and occupied as a private member's club.

1.4 Pursuant to section 88A of the Act, the Council, by absolute majority:

- a) Sets the following maximum percentage increase in component (a) of the general rate in clause 1.1 of 200% and then declares by absolute majority that the maximum percentage is varied under section 107 of the Act according to the use or predominate use of land, by decreasing the maximum percentage to **20%** for all land which is used or is predominately used for residential purposes; and
 - b) Determines that the maximum percentage increase does not apply in respect of any supplementary land valuation.
-

18.3 Budget 2013/14 - Rating Framework...(Cont'd)

2. Service Charges – Onsite Disposal System Services:

Pursuant to Section 94 of the Local Government Act 1993, the Council makes a service charge for the period commencing 1 July, 2013 and ending on 30 June, 2014, as follows:

- (a) For the supply by the Council of a service which comprises the management, maintenance, monitoring and auditing of each on-site waste water management system within the meaning of the Building Act 2000;
- (b) Which is installed on rateable land within the municipal area of Launceston (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which the Council does not supply this service):
- (c) Of:
 - (i) **\$600.00** for a system designed to cater for up to 10 people;
 - (ii) **\$620.00** for a system designed to cater for 11 to 15 people; and
 - (iii) **\$660.00** for a system designed to cater for 16 or more people.

3. Service Charges – Waste Management Service:

Pursuant to Section 94, of the Local Government Act 1993, the Council makes the following service charges on all rateable land within the municipal area of Launceston (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which the Council does not supply any of the following services) for the period commencing 1 July, 2013 and ending on 30 June, 2014, namely:

3.1 Service charges for waste management in respect of all land to which the Council supplies different waste management services comprising:

- (i) The supply of mobile garbage bins;
- (ii) The supply of a recycling service;
- (iii) The collection of garbage bags purchased by owners or occupiers of land from the Council

as follows:

- (a)
 - (i) **\$107.00** for an 85 litre mobile garbage bin and 1 recycle bin;
 - (ii) **\$136.00** for a 140 litre mobile garbage bin and 1 recycle bin;
 - (iii) **\$225.00** for a 240 litre mobile garbage bin and 1 recycle bin; and
 - (b) **\$2.30** per bag for the collection of prepaid garbage bags purchased by owners or occupiers from the Council for collection within the area that this service is supplied to.
-

18.3 Budget 2013/14 - Rating Framework...(Cont'd)

3.2 Pursuant to Section 94(3) of the Local Government Act 1993, and by absolute majority, the Council varies each of the charges at clause 3.1(a) within different parts of the municipal area for land used or predominantly used for commercial or industrial purposes, public purposes, primary production, sporting or recreational facilities and/or quarrying and mining purposes as follows:

- (i) **\$107.00** for a 85 litre mobile garbage bin;
- (ii) **\$136.00** for a 140 litre mobile garbage bin;
- (iii) **\$225.00** for a 240 litre mobile garbage bin.

3.3 In respect of the service charges for waste management:

- (a) If any land to which the waste management service is supplied is the subject of separate rights of occupation which are separately valued in the valuation list prepared under the Valuation of Land Act 2001, then the charge applies to each such separate occupation;
 - (b) Pursuant to Section 94(3) of the Local Government Act 1993 and by absolute majority, the Council declares that the service charge varies within different parts of the municipal area by reference to the use or predominant use of land as follows:
 - (i) For all land used for residential purposes where there is more than 1 separate right of occupation which is separately valued in the valuation list prepared under the Valuation of Land Act 2001 and where the rate payer has elected by notice in writing delivered to the General Manager on or before the 1st day of July 2013 not to have a waste management service, then the service charge is varied to **Nil**;
 - (ii) For all land which is used or predominantly used for commercial or industrial purposes, public purposes, primary production, sporting or recreation facilities and where the rate payer in respect of that land elects by notice in writing delivered to the General Manager on or before the 1st day of July 2013 not to have a waste management service, then the service charge is varied to **Nil**;
-

18.3 Budget 2013/14 - Rating Framework...(Cont'd)

4. Service Rates - Fire Service:

- 4.1 Pursuant to Section 93A of the Local Government Act 1993 the Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area for the period commencing 1 July, 2013 and ending on 30 June, 2014, as follows:

District	Cents in the dollar of Assessed Annual Value
Launceston Permanent Brigade Rating District	1.2540
Lilydale Volunteer Brigade Rating District	0.3700
General Land	0.3100

- 4.2 Pursuant to Section 93(3) of the Local Government Act 1993, the Council sets a minimum amount payable in respect of this service rate of **\$36.00**.

5. Separate Land:

- 5.1 Except where it is expressly provided to the contrary, for the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

6. Adjusted Values:

- 6.1 For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the Local Government Act 1993.

7. Instalment Payment:

- 7.1 Pursuant to Section 124 of the Local Government Act 1993, the Council:

- (a) Decides that all rates are payable by all rate payers by four instalments which must be of approximately equal amounts.
 - (b) Determines that the dates by which instalments are to be paid shall be as follows:
-

18.3 Budget 2013/14 - Rating Framework...(Cont'd)

- (i) The first instalment on or before 31 August, 2013;
 - (ii) The second instalment on or before 30 November, 2013;
 - (iii) The third instalment on or before 31 January, 2014; and
 - (iv) The fourth instalment on or before 30 April, 2014.
- (c) If a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

8. Penalty and Interest:

- 8.1 Pursuant to Section 128 of the Local Government Act 1993, if any rate or instalment is not paid on or before the date it falls due then:
- (a) There is payable a penalty of **3.0%** of the unpaid rate or instalment; and
 - (b) There is payable a daily interest charge of **0.02054795%** (**7.5%** per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

9. Words and Expressions:

Words and expressions used both in these resolutions and in the Local Government Act 1993 or the Fire Service Act 1979 have in these resolutions the same respective meanings as they have in those Acts.

REPORT:

This resolution has the purpose of translating budgeted rate revenue into rates and charges.

ECONOMIC IMPACT:

Council has a significant economic impact in the region through its revenue raising and spending.

ENVIRONMENTAL IMPACT:

The budget contains specific projects and ongoing programs to improve environmental outcomes.

18.3 Budget 2013/14 - Rating Framework...(Cont'd)

SOCIAL IMPACT:

The budget contains specific projects and ongoing programs to improve social outcomes. The structure distributes the rates accordingly to property values.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.4 Ensure the City is managed in a financially sustainable manner

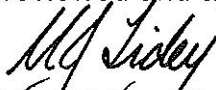
BUDGET & FINANCIAL ASPECTS:

As per the estimates.

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

19 GENERAL MANAGER**19.1 Launceston City Council Annual Plan 2013/14****FILE NO:** SF5910**AUTHOR:** Louise Foster (Manager Corporate Strategy)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider the Launceston City Council Annual Plan 2013/14.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.4 - Strategic Planning and Policy Committee - 4 March 2013 - *proposed Annual Plan 2013/14 Actions considered and agreed that the item to go to Council for a decision.*

Item 15.1 - Council - 27 May 2013 - *approved the release of the Proposed Annual Plan 2013/14 for public information, in conjunction with the 2013/14 Proposed Statutory Estimates including the proposed budget.*

RECOMMENDATION:

That the Launceston City Council Annual Plan 2013/14 be approved.

REPORT:

In accordance with the provisions of the *Local Government Act 1993*, Council is required to prepare an Annual Plan.

The Annual Plan 2013/14 was presented to the public for information in conjunction with the 2012/13 Proposed Statutory Estimates including the proposed budget.

The proposed Launceston City Council Annual Plan 2013/14 details the major high level actions Council will undertake in the 2013/14 financial year to work toward achieving the strategies outlined in Council's Strategic Plan 2008 - 2014 (*note: Council's Strategic Plan was extended by Council on 26 November 2012, to expire on 30 June 2014*).

19.1 Launceston City Council Annual Plan 2013/14...(Cont'd)

Actions are categorised into five priority areas.

The first four priority areas match those outlined in Vision 2020 which are:

- 1) Natural Environment - Goal: Sustainable management of natural resources, parks and recreational areas.
- 2) Built Environment - Goal: Managing and enhancing Council and community assets, including buildings, roads and other above and below ground Infrastructure.
- 3) Social and Economic Environment - Goal: Promoting a healthy, prosperous and positive community (utilising through a range of specific programs including utilising tourism and events activities).
- 4) Cultural Environment - Goal: Supporting and developing arts and cultural activities.

The fifth priority area is Governance Services - Goal: Engaging our community and delivering responsible management. This strategic priority guides Council in its operations to ensure that service delivery is strategically driven and efficient and underpinned by an engagement culture.

ECONOMIC IMPACT:

The actions contained in the Annual Plan arise from the *Vision 2020* goals: supporting Launceston as a place to invest, developing tourism, marketing of the city, and supporting strategies for the region.

ENVIRONMENTAL IMPACT:

'Natural Environment' actions in the Annual Plan address the Strategic Plan 2008 - 2014 goal of *Sustainable Management of Natural Resources, Parks and Recreational Areas*.

SOCIAL IMPACT:

'Social and Economic Environment' and 'Cultural Environment' actions in the Annual Plan address Strategic Plan 2008 - 2014 goals of *Promoting a Healthy, Prosperous and Positive Community* and *Supporting and Developing Arts and Cultural Activities*.

19.1 Launceston City Council Annual Plan 2013/14...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Strategic Plan 2008 - 2014 (*note: Council's Strategic Plan was extended by Council on 26 November 2012, to expire on 30 June 2014*).

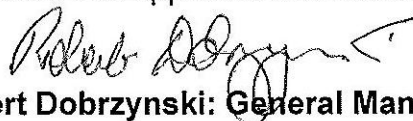
BUDGET & FINANCIAL ASPECTS:

The Launceston City Council Annual Plan 2013/2014 is deliverable within the proposed 2013/2014 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

ATTACHMENTS:

1. Launceston City Council Annual Plan 2013/14 (distributed electronically)
-

20 URGENT BUSINESS

That Council pursuant to Clause 8(6) of the Local Government (Meeting Procedures) Regulations 2005,

21 WORKSHOP REPORT(S)

Nil

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION**22.1 Information / matters requiring further action****FILE NO:** SF3168**AUTHOR:** Daniel Gray (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 - 24 June 2013
-

MATTERS ARISING FROM COUNCIL - REQUIRING FURTHER ACTION - AT 24 JUNE 2013

Meeting Date, Item # & File No.	Outstanding Items & Action Requested	Officer Responsible & Officer Comment	Due Date
13 March 2012 Council 14.1 SF0841	<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>Nov 2012</p> <p>Dec 2012</p> <p>July 2013</p>

23 **ADVICE OF FUTURE NOTICES OF MOTION**

24 **REPORTS BY THE MAYOR**

25 **REPORTS BY THE GENERAL MANAGER**

26 CLOSED COUNCIL ITEM(S)**RECOMMENDATION:**

That pursuant to the provisions of Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2005, Council move into Closed Session to discuss those items nominated as Closed Session items, for the following reasons:

26.1 Combined System: Stormwater Service Charges

15(2)(c) as it concerns contracts for the supply and purchase of goods and services.

15(2)(h) as it concerns matters relating to actual or possible litigation taken by or involving Council or an employee of Council.

26.2 Leave of Absence Application - Alderman

15(2)(j) as it concerns application by an elected member for leave of absence.

UNCLASSIFIED AGENDA ITEMS:
