



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 13 OCTOBER 2014**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 13 October 2014

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

Date: 13 October 2014

Time: 1.00 pm

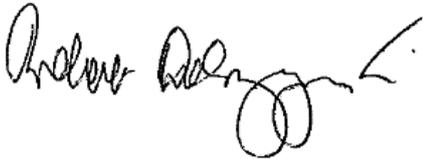
Section 65 Certificate of Qualified Advice

Background

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

Declaration

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



Robert Dobrzynski
General Manager

LAUNCESTON CITY COUNCIL

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Monday 13 October 2014

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

1. That the Minutes of the meeting of the Launceston City Council held on 22 September 2014 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.	Question	Answer	Officer Responsible
22 September 2014 10.3	Alderman Peck asked: Are there any figures regarding a drop in visitors/customers to the Travel and Information Centre as a result of the scaffolding?	Comparing year on year in a period without the scaffolding the centre was 7.5% down in traffic. This is in line with national trends. During the period when the scaffolding was erected the centre was 21.3% down in traffic. This difference of 13.8% could be attributable to the scaffolding but it more likely to have been with the intermittent road closures in place associated with the contract work, this restricted the left hand and right hand turn into Cameron Street from St John Street. There was no diversion signage in place when the road closures were in place. The contractors erected large Visitor Information signs on the scaffolding, along with the lamp post sign, the centre remained highly visible during the renovation period.	Michael Stretton (Director Development Services)

Meeting Date and Item No.	Question	Answer	Officer Responsible
22 September 2014 10.2	<p>Alderman Peck asked:</p> <p>Can we trim the trees at the Talbot Rd Lookout so the view can be enjoyed?</p>	<p>Council's Park Services, Leigh Handley inspected the Lookout and have identified that 360°visibility has been compromised by 50% due to increased vegetation growth. Mr Handley indicated that</p> <ul style="list-style-type: none"> • The North View is mostly effected due to the close proximity of the casuarina trees adjacent to the lookout. These trees would be unsightly if trimming was conducted below the view level and would decrease the health of the trees causing increased risk to the public. Removal of the 12 trees with the intent of re-establishment with a shorter height species would require a develop application for such, which is believed would be difficult to obtain due to good health of the existing trees • The South/ West and West view trees are within a land slip area, which removal is not recommended, but thinning can be accomplished through general maintenance that would only slightly increase the visibility of some localities in that direction. <p>In determining a solution, two options were considered to partly rectify the poor visual aspect of the lookout which are:</p> <ol style="list-style-type: none"> 1. Endeavour to obtain approval to remove the Northern trees and re-establish with lower growing species. 2. Consult our engineers to identify if the lookout can be increased in height by 3+ metres in line with the tree growth over the past decade and if feasible, budget this modification into up-coming project submissions for FY15/16. <p>Should Council wish to proceed with improving panoramic view then option 2 is recommended.</p>	Harry Galea (Director Infrastructure Services)

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items 7.1 - 7.3

7 PLANNING AUTHORITY

7.1 16-24 Charles Street, Launceston - Bulky Goods - showroom; Food Services - restaurant; Ancillary - facilities; demolition of the 'cordial factory'

FILE NO: DA0383/2014

AUTHOR: Richard Jamieson (Manager Planning Services)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Ireneinc Planning
Property:	16-24 Charles Street Launceston
Zoning:	Urban Mixed Use
Receipt Date:	27/08/2014
Validity Date:	2/09/2014
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	14/10/2014
Representations:	16

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That following advice from the Tasmanian Heritage Council that the application should be refused and the requirement that the Council comply with the advice as required by Section 39 (10) of the Historic Cultural Heritage Act 1995, the Council refuse DA0383/2014 for - Bulky Goods - showroom; Food Services - restaurant; Ancillary - facilities; demolition of the "cordial factory" at 16-24 Charles Street Launceston.

7.1 16-24 Charles Street, Launceston - Bulky Goods - showroom; Food Services - restaurant; Ancillary - facilities; demolition of the 'cordial factory'...(Cont'd)

REPORT:**1. THE PROPOSAL**

The proposal is for the complete demolition of the warehouse building constructed around 1830 known as the cordial factory.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located to the north-eastern fringe of Launceston's CBD where the high ground of the city falls away to the flood plain to the north. It is part of the larger site known as the CH Smith site.

The overall site is 0.97 ha and comprises six individual titles. The site is of an irregular shape and has approximate frontage lengths of 133 metres to Cimitiere Street, 89 metres to Charles Street, 106 metres to Canal Street and 85 metres to the major north-south arterial road to the west. Access to the subject area of the site is directly off Canal Street. There are also vehicle accesses from Charles Street.

The site slopes down to the north and west from the corner of Charles and Cimitiere Streets. The fall over the entire site is approximately 7.5m however the area subject to the proposed demolition is effectively flat. The site is low and damp, but not likely to be affected by landslip.

The building subject to this application is a rare remaining example of an early Georgian colonial warehouse building considered to be of high cultural heritage significance. Until recent demolition works on the site, this building adjoined other former warehouse buildings with associated offices from variety of eras and which have evolved and changed considerably over time. These structures front Canal Street and continue around the corner fronting Charles Street, and adjoining these warehouse structures at 24 Charles Street, closer to the corner of Charles and Cimitiere Streets, is a 3-storey building dating from 1857. This building includes shop fronts at ground level and houses above, and was built as an early merchant's warehouse and residence.

The existing building subject to this application for demolition has a floor area of approximately 140m². There is no replacement or additional floor area proposed.

The site and all buildings now standing on it are listed in Table E13.2 of the Launceston Interim Planning Scheme 2012, and also on the Tasmanian Heritage Register.

7.1 16-24 Charles Street, Launceston - Bulky Goods - showroom; Food Services - restaurant; Ancillary - facilities; demolition of the 'cordial factory'...(Cont'd)

3. LEGISLATIVE REQUIREMENTS

Section 39(10) of the Historic Cultural Heritage Act requires, that if the Tasmanian Heritage Council determines that a discretionary planning application for heritage works should be refused, that the planning authority must also refuse to grant the discretionary permit.

An application for demolition of the cordial factory building has been formally refused by the Heritage Council. Accordingly there is no requirement or necessity to make reference to the provision of the planning scheme. The application must be refused.

4. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period and 16 representations were received. As refusal is mandated by the provisions of Section 39(10) of the Historic Cultural Heritage Act 1995, it is not required or necessary to consider the representations received in decision making.

Copies of the representations have been attached for the information of Aldermen and to assist with context.

ECONOMIC IMPACT:

The impact of refusal is likely to have a significant impact on the viability of the broader redevelopment of the CH Smith site. Options will need to be considered to identify alternatives that may allow the building to be retained and the development to proceed. The broader re-development of the site has a value of approximately \$17.5million and it is anticipated that it would create 120 jobs should it proceed as proposed.

ENVIRONMENTAL IMPACT:

There are no significant environmental impacts associated with this proposal.

SOCIAL IMPACT:

Retaining the cordial factory would preserve a building that was constructed in the early stages of the Launceston settlement and that is valued by sections of the community.

- 7.1 16-24 Charles Street, Launceston - Bulky Goods - showroom; Food Services - restaurant; Ancillary - facilities; demolition of the 'cordial factory'...(Cont'd)
-

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012.

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.


Michael Stretton: Director Development Services

ATTACHMENTS:

1. Locality Plan
 2. Plans (circulated separately)
 3. Applicant's reports supporting the application (circulated separately)
 4. Representations (circulated separately)
-



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0383/2014 16-24 Charles Street, Launceston



Locality Map

Scale: This Map Is Not to Scale

COUNCIL AGENDA

Monday 13 October 2014

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal

FILE NO: DA0359/2014

AUTHOR: George Walker (Development Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Design To Live
Property:	104 Southgate Drive, Kings Meadows
Zoning:	Low Density Residential
Receipt Date:	19/08/2014
Validity Date:	20/08/2014
Further Information Request:	25/08/2014
Further Information Received:	28/08/2014
Deemed Approval:	3/10/2014
Representations:	0

PREVIOUS COUNCIL CONSIDERATION:

There are no records of previous Council decisions for the subject property.

RECOMMENDATION:

That Council refuse DA0359/2014 for Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal on land located at 104 Southgate Drive, Kings Meadows on the following grounds:

1. The development application does not comply with Clause E7.6.2 P3 (c) of the Launceston Interim Planning Scheme 2012 on the basis that the design and location of the proposed dwelling does not facilitate the retention of the two mature trees located in the north-western corner of the subject property.
-
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

REPORT:**1. THE PROPOSAL**

The applicant is seeking planning approval for the construction of a single dwelling and associated outbuilding in addition to vegetation removal on land located at 104 Southgate Drive, Kings Meadows (the subject property). The proposed dwelling will be approximately 338m² in area and will be constructed over two levels which will result in an overall height of approximately 6.1m. The dwelling will be predominately located in the front half of the lot and will comprise four bedrooms, an internal garage, living area, rumpus, study and media spaces, kitchen and a deck/alfresco area. The proposed outbuilding will be located in the south-west corner in the rear half of the lot and will be approximately 63m² in area and 3.5m in height.

Access to the subject property is obtained via an existing crossover which is located in the north-east corner of the lot. It is proposed to remove and reinstate the existing crossover and construct a new crossover in the north-west corner of the lot which will provide vehicular access into the attached garage. Subsequently, two mature eucalyptus species (*Eucalyptus amygdalina* and *Eucalyptus viminalis*) which are located in the north-west corner of the lot are proposed to be removed in order to facilitate the driveway.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The subject property is a vacant lot approximately 1,748m² in area and is of a standard rectangular configuration. The subject property is located on the south-western side of Southgate Drive and is relatively level and is unaffected by significant topographical constraints. A rock seam is located approximately 14m inward from the frontage which dissects the property east to west creating a change of level. The subject property is largely cleared of significant vegetation with two remnant mature eucalyptus trees located in the north-west corner of the lot. The two trees are part of a 5 tree copses that is located over the subject property and adjoining property to the west. A vegetative buffer approximately 5m in width is located to the rear of the property. The purpose of the buffer is to screen and protect the amenity of the residential zoned land from the Connector Park Industrial Estate which is located to the south.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

The subject property forms part of the 'Mount Pleasant Residential Estate' which is located between the Midlands Highway to the west and the western perimeter of the Kings Meadows residential area. The southern boundary of the subject site adjoins the Connector Park Industrial Estate. The subject property is located within a band of Low Density zoning which is located along the western and southern boundaries of the estate with the balance area comprising General Residential zoned land. The Low Density Residential zone along the western and southern boundaries has been implemented to provide a buffer between the Midland Highway and Connector Park Industrial Estate and the higher residential densities within the General Residential zone located within the body of the subdivision. Overall, the surrounding area is characterised by a mixture of medium to low density residential development within a natural landscape setting.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

12.0 - Low Density Residential

12.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

12.1.2 To provide for non-residential uses that are compatible with residential amenity.

12.1.3 To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

Consistent

The proposed use and development is consistent with the purpose of the zone in that it will:

- provide for a single dwelling and associated outbuilding on a larger lot where environmental constraints have been identified; and
 - be of a design, scale and materiality that is consistent with the existing pattern of development within the surrounding area.
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

Local Area Objectives - There are no local area objectives

Desired Future Character Statements - There are no desired future character statements

12.3 Use Standards

12.3.1 Amenity

Objective
To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.
Consistent The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.
A1 If for permitted or no permit required uses.
Complies The proposed development is for a residential use which is identified as 'no permit required' within the General Residential zone.
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.
Not Applicable The proposed development is for a residential use which is identified as 'no permit required' within the General Residential zone.
A3 If for permitted or no permit required uses.
Complies The proposed development is for a residential use which is identified as 'no permit required' within the General Residential zone.

12.3.2 Low Density Residential Character

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

12.4 Development Standards**12.4.1 Clauses 12.4.1.1 only apply to development within the Residential Use Class.****12.4.1.1 Site Coverage****Objective**

- a) To ensure that the site coverage respects the existing or preferred neighbourhood character: and
- b) To reduce the impact of increased stormwater runoff on the drainage system; and
- c) To ensure sufficient area for landscaping and private open space.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1.1 Site coverage must not exceed 50% of the total site; and

A1.2 Development must have a minimum of 25% of the site free from buildings, paving or other impervious surfaces.

Complies

The site coverage of the proposed development has been calculated to be approximately 23%. Approximately 60% of the subject property will be free from impervious surfaces. Therefore the acceptable solution is met.

12.4.1.2 Building Height**Objective**

To ensure that the building height of dwellings respects the existing or desired future character statements.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 Building height must not exceed 8.0m.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

Complies

The building height of the proposed dwelling and outbuilding will be as follows:

- Dwelling: 6.1m;
- Outbuilding: 3.5m.

Therefore the acceptable solution is met.

12.4.1.3 Frontage Setbacks**Objective**

To ensure that the setbacks of dwellings from the road respect the existing or preferred neighbourhood character and make efficient use of the site.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1.1 Primary frontage setbacks must be a minimum:

- a) of 8.0m, or
- b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and

A1.2 Buildings must be set back a minimum of 3.0m from any other frontage.

Does Not Comply

The subject property is not an internal or corner lot, as such the required frontage setback is 8m. The frontage setback of the proposed dwelling and outbuilding will be as follows:

- Dwelling: 5.3m;
- Outbuilding: 5.5m.

It has been determined that the proposed dwelling does not comply with the required setback therefore, assessment against the corresponding performance criteria is required.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

P1 Buildings are set back from the primary frontage an appropriate distance having regard to:

- a) the efficient use of the site; and
- b) the safety of road users; and
- c) the prevailing setbacks of existing buildings on nearby lots; and
- d) the visual impact of the building when viewed from the road; and
- e) retention of vegetation within the front setback.

Complies

It is considered that the proposed dwelling complies with the performance criteria based on the following grounds:

- the location of the proposed dwelling will free up a greater portion of land between the dwelling and the rear boundary of the property to be used for private open space purposes, which will ensure efficient use of the site. This is particularly pertinent given the area of the subject property that is locked up by the vegetative buffer;
 - the proposed dwelling will in fact be setback approximately 12m from the road verge when taking into account the width of the nature strip between the frontage boundary and sealed surface of Southgate Drive. This setback will ensure that sufficient sight distances from each of the crossovers located on the same side of Southgate Drive as the subject property can be achieved which will enhance the safety of all road users. Furthermore, this setback, coupled with existing and future development of the adjoining properties, is expected to reduce the visual impact of the dwelling when viewed from Southgate Drive in terms of scale and bulkiness;
 - the proposed dwelling will have a greater setback than the minimum setback of the adjoining dwelling to the east which is approximately 4.5m. As such, the proposed dwelling will be consistent with the prevailing setback along the relevant portion of Southgate Drive; and
 - the proposed setback will have no bearing on the proposed vegetation removal.
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

12.4.1.4 Rear and Side Setbacks

Objective

To ensure that the:

- a) height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and
- b) separation of buildings is consistent with the preferred low density character and local area objectives, if any.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 Buildings must be set back 5.0m from the rear boundary.

Complies

The rear setback of the proposed dwelling and outbuilding will be as follows:

- Dwelling: 33m;
- Outbuilding: 1m.

Notwithstanding the above, the following applies to the assessment of the acceptable solution.

In this instance the proposed outbuilding is to be situated approximately 1m from the rear boundary. This location will encroach upon the vegetative buffer that runs parallel to the rear boundary and is approximately 5m in width. The vegetative buffer stems from an agreement made pursuant to Section 71 of the *Land Use Planning and Approvals Act 1993* (the agreement) during the time the land was subdivided and binds this property. Clauses 3.4 and 3.5 of the agreement specify the following terms:

- Clause 3.4: *The vegetated buffer shown on Lots 2-4 and 73-79 is to be maintained in accordance with the Landscape Management Plan, a copy of which is attached hereto and marked "A"; and*
- Clause 3.5: *No trees are to be removed without the prior approval of the Council.*

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

The purpose of the vegetative buffer at the time of the subdivision was to provide physical separation, attenuation and screening between the Connector Park Industrial Estate to the south and the residential land. The vegetative buffer also plays a significant aesthetic role within the greater subdivision and contributes significant natural values to the surrounding area.

Currently, the plants within the buffer have taken well to the soil and are in a good state of quality and health. It is not considered appropriate to allow the outbuilding to be located within the vegetative buffer which will subsequently require the removal of some of the established vegetation. As such, if approval is granted, it is recommended that an amended plan condition be applied to the permit requiring a revised site plan to be provided relocating the proposed outbuilding outside of the vegetative buffer. This would increase the rear setback from 1m to a minimum of 5m which complies with the acceptable solution. Subsequently, the proposed outbuilding will comply with the acceptable solution by way of a condition.

A2 Buildings must be set back from side boundaries 3.0m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1.0 metre for every metre of height over 6.9m.

Does Not Comply

The minimum setback distance that is required by the acceptable solution has been determined for both the proposed dwelling and outbuilding. The required setback has been determined by calculating the maximum height of the portion of the building that is closest to the boundary. The following table compares the required setback against the proposed setback in order to determine compliance with the acceptable solution.

Dwelling	
Required Setback	Proposed Setback
Side 1 (south-west): 3.3m	5m
Side 2 (north-east): 3.6m	3m
Outbuilding	
Required Setback	Proposed Setback
Side 1 (south-west): 3m	0.1m
Side 2 (north-east): 3m	20m

It has been determined that the proposed dwelling and outbuilding do not comply with the required side setback distances, therefore, assessment against the performance criteria is required.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

P2 Building set back to the side boundary must be appropriate to the location, having regard to the:

- a) ability to provide adequate private open space for the dwelling; and
- b) character of the area and location of dwellings on lots in the surrounding area; and
- c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and
- d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and
- e) locations of existing buildings and private open space areas; and
- f) size and proportions of the lot; and
- g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.

Complies

Assessment against the performance for both the proposed dwelling and outbuilding is provided for in separate sections below:

Dwelling

It is considered that the proposed dwelling complies with the performance criteria based on the following grounds:

- sufficient area on the subject property is available for private open space purposes which is reflected through compliance with Clause 12.4.1.1 (A1.1 and A1.2) of the Scheme;
 - it is considered that the size, scale, location and materiality of the proposed dwelling on the site is compatible with the established pattern of development within the surrounding area which is characterised by large single and double storey dwellings. Furthermore, the size and scale of the proposed dwelling is compatible with the proportions of the lot which is larger in area than many of the lots within the surrounding area;
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

- the internal configuration of the portion of the dwelling that is located on the adjoining property to the north-west parallel to where the discretion is sought comprises the internal garage, bathroom, toilet and laundry rooms which are not habitable rooms as defined in Part 4 of the Scheme. Furthermore, the private open space of the dwelling located on the adjoining property to the north-west is primarily located to the north-west and south of the dwelling which is a considerable distance away from the proposed dwelling. Therefore, the proposed dwelling will not impact upon solar access to the habitable room windows and the private open space areas of the adjoining dwelling to the north-west;

Outbuilding

It is considered that the proposed outbuilding complies with the performance criteria based on the following grounds:

- sufficient area on the subject property is available for private open space purposes which is reflected through compliance with Clause 12.4.1.1 (A1.1 and A1.2) of the Scheme;
 - it is considered that the location and siting of the proposed outbuilding is typical of many established residential areas and will be compatible with the pattern of future development to the west. Furthermore, the location of the proposed outbuilding will be compatible with an existing outbuilding located at 1 Lakeside Drive to the west;
 - the property adjoining the boundary where the setback discretion is sought is currently vacant. Therefore the proposed outbuilding will not have a detrimental impact on the amenity of the adjoining property in terms of overlooking, loss of privacy and overshadowing. Notwithstanding, the proposed outbuilding will be positioned to the rear of the lot which will provide significant separation between the proposed outbuilding and the building envelope of the adjoining property to the west. This is expected to reduce any potential impacts of the amenity of the future dwelling which is expected to be sited to the north-west;
 - the proposed outbuilding is considered to be of a size and scale that is compatible with the proportions of the lot which is considerably larger than the majority of lots to the north; and
 - the future side boundary fence is likely to reduce the overall scale and bulk of the proposed outbuilding when viewed from the adjoining property to the west.
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

12.4.1.5 Location of Car Parking

<p>Objective</p> <p>a) To provide convenient parking for resident and visitor vehicles; and b) To minimise the impacts of garage doors to the neighbourhood.</p>
<p>Consistent</p> <p>The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section</p>
<p>A1 A garage or carport must be located:</p> <p>a) within 10m of the dwelling it serves; and b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</p>
<p>Complies</p> <p>In this situation the proposed garage will be attached to the dwelling it serves and will share the same setback of the dwelling from the primary road frontage of Southgate Drive. Therefore, the acceptable solution is met.</p>
<p>A2 The total width of the door or doors on a garage facing a road frontage must:</p> <p>a) be not more than 6m; or b) the garage must be located within the rear half of the lot when measured from the frontage.</p>
<p>Complies</p> <p>The width of the proposed garage door facing the Southgate Drive frontage will be approximately 5m. Therefore the acceptable solution is met.</p>

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

12.4.1.6 Outbuildings and Ancillary Structures

Objective

To ensure that:

- a) outbuildings do not detract from the amenity or established neighbourhood character; and
- b) dwellings remain the dominant built form within an area.
- c) to ensure earthworks and the construction or installation of retaining walls are appropriate to the site and respect the amenity of neighbouring properties.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 Outbuildings must not have a:

- a) combined gross floor area of greater than 80m²; and
- b) maximum wall height of greater than; 3.5m, and
- c) maximum height greater than 4.5m.

Complies

The following table compares the maximum dimensions the outbuilding must have to comply with the acceptable solution against the proposed dimensions.

Maximum Dimensions	Proposed Dimensions
Floor Area: 80m ²	63m ²
Wall Height: 3m	3m
Total Height: 4.5m	3.5m

It is evident that the acceptable solution is met.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

A3 Earthworks and retaining walls must:

- a) be located at least 1.5m from each lot boundary, and
- b) if a retaining wall be not higher than 1m (including the height of any batters) above existing ground level, and
- c) not require cut or fill more than 1m below or above existing ground level, and
- d) not redirect the flow of surface water onto an adjoining property, and
- e) be located at least 1m from any registered easement, sewer main or water main.

Does Not Comply

In this situation significant earthworks will be as follows:

- in some parts within 1.5m of the side boundary (foundation works required for the outbuilding);
- no retaining walls are proposed;
- will not be greater than 1m in depth;
- will not be of a scale that will redirect the flow of surface water onto an adjoining property;
- will not be located within 1m of a registered easement, sewer main or water main.

Due to the location of the proposed earthworks being within 1.5m of the side boundary, assessment against the performance criteria is required.

P3 Earthworks and retaining walls must be designed and located to ensure that:

- a) groundwater and stormwater are dealt with appropriately to eliminate any nuisance for adjoining properties; and
 - b) the potential for loss of topsoil or soil erosion are adequately dealt with; and
 - c) the potential visual impact on neighbouring properties including any increased potential for overlooking or overshadowing are adequately addressed.
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

Complies

It is considered that the proposed earthworks comply with the performance criteria based on the following grounds:

- the proposed earthworks will provide for the footing of the outbuilding and are not expected to impact groundwater or stormwater runoff onto adjoining properties;
- the visual impact of the proposed earthworks are considered negligible once the outbuilding is erected; and
- topsoil and soil erosion will be adequately dealt with during the building permit process.

12.4.2 Clause 12.4.2.1 only applies to development other than the Residential Use Class.**12.4.2.1 Non Residential Buildings****Objective**

To ensure that all non residential development undertaken in the Low Density Residential Zone is sympathetic to the form and scale of residential development and does not affect the amenity of nearby residential properties.

Not Applicable

No development, other than for residential purposes, is proposed.

E6 - Car Parking and Sustainable Transport Code**E6.1.1 The purpose of this provision is to:**

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
 - i) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
 - ii) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
 - iii) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
 - iv) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
 - v) provide for the implementation of parking precinct plans.
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

Consistent

The proposed use and development has been assessed as being consistent with the purpose of the Code. Refer to the assessment against the relevant provisions of the Code to substantiate compliance in the following section.

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 The number of car parking spaces:

- a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or
- c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or
- d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.

Complies

Table E6.1 of the Scheme requires 1 car parking space per bedroom or 2 spaces per 3 bedrooms for residential use in any other zone other than the General Residential zone. In this situation 4 bedrooms have been proposed, therefore a total of 4 car parking spaces are required. In this instance the double garage will accommodate 2 car parking spaces and there is sufficient space within the driveway and along the south-western side of the dwelling for 2 additional spaces. Therefore the acceptable solution is met.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 All car parking, access strips manoeuvring and circulation spaces must be:

- a) formed to an adequate level and drained; and
- b) except for a single dwelling, provided with an impervious all weather seal; and
- c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.

Complies

The car parking spaces, access strip, driveway, manoeuvring and circulation areas of the proposed dwelling will be sealed and drained in accordance with Council's engineering standards. This will ensure compliance with the acceptable solution

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1.1 Where providing for 4 or more spaces, parking areas (other than for dwellings in the General Residential Zone) must be located behind the building line; and

Not Applicable

The proposed development is associated with a residential use. Therefore the standard does not apply to the assessment.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

<p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>
<p>Complies There is no provision for turning vehicles within the front setback.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) 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 d) 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: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category I, II, III or IV road; and <p>A2.2 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.</p>
<p>Complies The proposed car parking and manoeuvring areas will have a gradient of less than 10%. The design and form of the proposed driveway is typical of standard residential areas.</p>

E6.7.3 Car Parking Access, Safety and Security

<p>Objective: To ensure adequate access, safety and security for car parking and for deliveries.</p>
<p>Not Applicable Less than 20 car parking spaces are required for the proposed development. Therefore the standard is not applicable.</p>

E6.7.4 Parking for Persons with a Disability

<p>Objective: To ensure adequate parking for persons with a disability.</p>
<p>Not Applicable No car parking spaces for people with a disability are required for single dwelling residential uses.</p>

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

E6.8 Provisions for Sustainable Transport**E6.8.1 Bicycle End of Trip Facilities**

Objective: To ensure that cyclists are provided with adequate end of trip facilities.

Not Applicable

Table E6.1 of the Scheme does not require any bicycle parking spaces to be provided for single dwelling residential uses. Subsequently, no end of trip facilities or amenities specific for cycling are required to be provided. Therefore, this standard is not applicable to the assessment.

E7 - Scenic Management Code

E7.1.1 The purpose of this provision is to:

- a) ensure that siting and design of development protects and complements the visual amenity of defined tourist road corridors; and
- b) ensure that siting and design of development in designated scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape.

Consistent

From a whole of precinct perspective the proposed use and development is considered to be consistent with the purpose of the Code on the basis that the siting and design of the dwelling and outbuilding will be compatible with the established pattern of development within the surrounding area and will be unobtrusive within the landscape when viewed from significant public viewpoints.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

E7.6 Development Standards**E7.6.1 Scenic Management – Tourist Road Corridor****Objective**

- a) To enhance the visual amenity of the identified tourist road corridors through appropriate:
 - i) setbacks of development to the road to provide for views that are significant to the traveller experience and to mitigate the bulk of development; and
 - ii) location of development to avoid obtrusive visual impacts on skylines, ridgelines and prominent locations within the corridor; and
 - iii) design and/or treatment of the form of buildings and earthworks to minimise the visual impact of development in its surroundings; and
 - iv) retention or establishment of vegetation (native or exotic) that mitigates the bulk or form of use or development; and
 - v) retention of vegetation (native or exotic) that provides amenity value to the road corridor due to being in a natural condition, such as native forest, or of cultural landscape interest such as hedgerows and significant, exotic feature trees; and
- b) To ensure subdivision provides for a pattern of development that is consistent with the visual amenity objectives described in (a).

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 Development (not including subdivision) must be fully screened by existing vegetation or other features when viewed from the road within the tourist road corridor.

Complies

In this situation the subject property is located approximately 350m to the east of the Midlands Highway which is identified as a Tourist Road Corridor. In this case the established vegetation buffer located along the western boundary of Mount Pleasant Estate parallel to the Midlands Highway coupled with existing development within the Estate and the Connector Park Industrial Precinct will ensure that the proposed development is adequately screened from the Tourist Road Corridor. Therefore, the acceptable solution is met.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

E7.6.2 Local Scenic Management Areas

Objective

- a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and
- b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area.

Consistent

The proposed use and development has been assessed as being consistent with the objective of the standard. Refer to the assessment against the relevant provisions of the standard to substantiate compliance in the following section.

A1 Development (not including subdivision) must be in accordance with the scenic management criteria for a local scenic management area identified in Table 7.1 – local scenic management areas.

Does Not Comply

There are no local criteria set for the scenic management area. Therefore assessment against the performance criteria is required.

P1 Development (not including subdivision) must have regard to the:

- a) character statement and scenic management objectives of the particular area set out in Table 7.1 – local scenic management areas; and
- b) impact on skylines, ridgelines and prominent locations; and
- c) retention or establishment of vegetation to provide screening in combination with other requirements for hazard management; and
- d) design or treatment of development including:
 - i) the bulk and form of buildings including materials and finishes; and
 - ii) earthworks for cut or fill; and
 - iii) complementing the physical (built or natural) characteristics of the site or area.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

Complies

The following section assesses the proposed use and development against the character statement and scenic management objectives of the Western Hillside Precinct.

It is considered that the proposed use and development complies the character statement and scenic management objectives based on the following grounds:

- the subject property is located within the southern end of the Western Hillside Precinct which is primarily characterised by residential development within a treed setting. As such, the proposed use and development will be consistent with the general character of the area;
- the subject property is not located within a ridgeline or skyline area of the precinct. Therefore the proposed vegetation will not impact upon key scenic areas of the precinct;
- a landscaping plan has been proposed to enhance the development once constructed. It is noted that the selection of plant species within the landscape plan are not necessarily consistent with the local vegetation and as such, if approval is granted, it is recommended that a condition be applied to the permit requiring plant species to be suitable for the locality;
- the scale, design and materiality of the proposed dwelling will be consistent with the established pattern of development located in the body of the estate which includes a mixture of single and double storey dwellings. The external colours of the dwelling are largely natural in material and tone which will assist in reducing the overall visual impact of the dwelling within the landscape;
- the matter of bushfire protection has been resolved with the issuance of an exemption from an accredited person pursuant to Clause E1.4 of the Bushfire-Prone Areas Code. The additional vegetation proposed within the landscape plan is expected to soften the proposed development within the landscape;

With regard to the remaining performance criteria the following is observed:

- the subject property is not located within a skyline area or within close proximity to a significant landscape feature and is expected to be softened by the existing vegetative buffer to the south and proposed landscaping when viewed from significant public viewpoints;
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

- the proposed earthworks are minimal in extent and scale and are not expected to create a visual impost within the locality;
- the single storey dwelling will be of a design, scale and materiality that is considered compatible with the established pattern of development within the estate.

A3 No vegetation is proposed to be removed

Does Not Comply

In this situation, two trees which are located in the north-west corner of the site are proposed to be removed. Therefore assessment against the performance criteria is required.

P3 The visual impact of removal, destruction or lopping of trees or the removal of vegetation should:

- a) be consistent with maintaining the character and precinct objectives; and
- b) be minimised through:
- c) consideration of the design and location of buildings to facilitate retention of trees,
- d) a preference for management of trees through pruning rather than removal; and
- e) the desirability of replanting of vegetation when the impact of vegetation removal is unavoidable; and
- f) not result in an unacceptable impact on threatened species and/or wildlife habitats/corridors.

Does Not Comply

In their proposal the applicant provides the following grounds in which to justify the removal of the two trees:

- the location of the existing crossover lends itself to having the garage located in the north-eastern corner of the property, which offers the best solar gain with views to the mountains. Having the garage located within this area rather than living areas will have a negative impact on the residents of the proposed dwelling in terms of solar gain and visual outlook from the dwelling;

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

the removal of the trees will protect the dwelling and its occupants from such an event where the trees were to fall or limbs dropped;

- the garage has been located in the north-western corner of the property in order for the living area to be positioned on the eastern side of the property to maximise early to late morning sunlight. To facilitate this design it has been proposed to remove and reinstate the existing crossover and construct a new crossover in the north-west corner of the lot. The outcome of constructing the new crossover will be the removal of the two trees;
 - the location of the subsurface rock creates significant impediments to the proposed dwelling primarily in terms of removal including expense and surface and groundwater drainage. The implications of the removal of rock were experienced by the applicant during the construction of the dwelling on the adjoining property to the east located at 106 Southgate Drive. As such, the dwelling has been designed to be suspended over the rock to avoid removal. The garage will be located on a slab on the lower section of the lot where the land is unaffected by significant rock. The garage is unable to be relocated further back from the frontage which would have allowed for the driveway to avoid the trees, due to the rock;
 - overall, the dwelling has been designed to work with the natural topography of the land in order to keep the height as low as possible in order to minimise the impact on the skyline, which is a key objective of the scenic management code.
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

The applicant did not provide any information as to the health status or life expectancy of the trees from a qualified arborist.

- In order to ascertain the health status and life expectancy of the trees, Councils arborist conducted an examination of the trees. The examination concluded that the two trees proposed to be removed were of reasonable health albeit provided they were maintained in accordance with Australian Standard AS4970 - Protection of Trees on Development Sites. Furthermore, it was concluded that the two trees were part of remnant group of five trees which are located over two separate properties and that the group of trees should be treated as a whole rather than on an individual basis due to the proximity of each other. In essence, this means that if one or more of the trees were removed from the group it would severely undermine the structure and function of the group of trees and increase the vulnerability of the trees to damage as a result of a storm. Therefore the trees should be considered as a 'whole' rather than on an individual basis.

After considering the applicants position the proposal is thought to comply with performance criteria E7.6.2 P3 (a) and (f) on the following basis:

- the removal of the two mature trees is not inconsistent with maintaining the character and objectives of the precinct given that the subject property is not located within a significant skyline area. Furthermore, the species of trees have not been identified as threatened species and the group of trees are not part of a significant wildlife corridor;

In regard to performance criteria E7.6.2 P3 (c) the following assessment applies:

- the location of the existing crossover is approximately 20m to the east of the two mature trees. The trees themselves are located in the north-west corner of the site away from the body of the lot where a practical building envelope can easily be accommodated;
-

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

- it is acknowledged that the subsurface rock presents some impediments to the design of the dwelling. However, it should be noted that the area directly off the existing crossover shares the same characteristics as location of the proposed garage in terms of an absence of slope and rock to allow a slab to be constructed, whilst still allowing the main residence to be suspended over the rock;
- if the dwelling was designed to relocate the garage to the north-east to align with the existing crossover and located the living and deck areas to the north-west, views to the mountains located to the south-east will still be maintained and a greater level of solar access would be achieved, particularly during daylight savings periods;
- it is considered that the trees are located within an area that can facilitate development without requiring their removal;

In conclusion, whilst the design rationale provided by the applicant is acknowledged, the performance criteria does not recognise views or solar access as legitimate reasons to sacrifice tree removal. It is considered that the size of the lot, location of the existing crossover and discreet location of the trees would enable other dwelling designs that would facilitate the retention of the trees. On this basis, it is considered that the proposed use and development does not comply with performance criteria E7.6.2 P3 (c) of the Scheme. It is therefore recommended that the proposed use and development be refused.

Performance criteria E7.6.2 P3 (d) and (e) are not considered relevant on the basis of the recommended for refusal.

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Technical Services Infrastructure Assets	Conditions were applied by Infrastructure Services. However, due to the refusal no conditions have been included within the recommendation. <ul style="list-style-type: none"> • Amended Plans Required • Damage to Council Infrastructure • Single Stormwater Connections • Trench Reinstatement for New/Altered Connections • Urban - Vehicular Crossings • Works within/occupation of the Road Reserve • Basic - Soil and Water Management Plan
Environmental Health	Conditions were applied by Environmental Health Services. However, due to the refusal no conditions have been included within the recommendation. <ul style="list-style-type: none"> • Amenity • Exterior and Security Lighting Planning • No Burning Wastes

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

REFERRAL	COMMENTS
<p>Technical Services Parks and Recreation</p>	<p>Further information as to the health of the trees was requested by Council's Parks and Recreation Department in order for them to make an informed decision. A further information notification was subsequently sent to the applicant requesting that greater detail be provided in order to justify the removal of the trees in accordance with the planning scheme. The response to the further information request from the applicant was satisfactory to progress the application to the public exhibition stage, but little detail was provided in relation to health status and life expectancy of the trees.</p> <p>In order to fully understand the health status and life expectancy of the trees an on-site meeting between Council's arborists, Strategy Planner and assessing officer was held on 12 September 2014. The arborists concluded that the two trees to be removed were of reasonable health albeit provided they were maintained in accordance with Australian Standard AS4970 - Protection of Trees on Development Sites.</p> <p>Consequently, Council's Parks and Recreation Department were not supportive of the proposed tree removal.</p>
<p>Heritage/Urban Design</p>	<p>No referral required.</p>
<p>Building and Plumbing</p>	<p>Notes were applied by Building Services. However, due to the refusal no notes have been included within the recommendation.</p>

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

EXTERNAL	
TasWater	No referral required.
DIER	No referral required.
TasFire	No referral required.
Tas Heritage Council	No referral required.
Crown Land	No referral required.
TasRail	No referral required.
EPA	No referral required.
Aurora	No referral required.

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 13 September 2014 until 26 September 2014. No representations were received during this period.

6. CONCLUSION

Following the assessment, it has been determined that the proposal does not comply with the Scheme and it is appropriate to recommend refusal.

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

7.2 104 Southgate Drive, Kings Meadows - Residential - single dwelling; construction of a new dwelling, outbuilding and tree removal...(Cont'd)

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

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

1. Locality Map
 2. Plans to be advertised (circulated separately)
-



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0359/2014 104 Southgate Drive, Kings Meadows



Locality Map

Scale: This Map Is Not to Scale

COUNCIL AGENDA

Monday 13 October 2014

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling

FILE NO: DA0375/2014

AUTHOR: Jacqui Tyson (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Clint Pentland
Property:	4 Vasey Street, Punchbowl
Zoning:	General Residential
Receipt Date:	25/08/2014
Validity Date:	26/08/2014
Further Information Request:	28/08/2014
Further Information Received:	12/09/2014
Deemed Approval:	22/10/2014
Representations:	3

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2012, a permit be granted for DA0375/2014 Residential - multiple dwellings, construction and use of three new dwellings at 4 Vasey Street, Punchbowl in accordance with the endorsed plans and subject to the following conditions.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

ENDORSED PLANS & DOCUMENTS

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

- a. Proposed Site Plan, Prepared by Paul McKenzie Building Solutions, Drawing No.Ap02, Project name: Multiple dwelling, 4 Vasey Street, Punchbowl, Revision A, Dated 10/09/2014.
- b. Turning circle diagram, Prepared by Paul McKenzie Building Solutions, Drawing No.Ap03, Project name: Multiple dwelling, 4 Vasey Street, Punchbowl, Dated 10/09/2014.
- c. Floor Plan, Prepared by Paul McKenzie Building Solutions, Drawing No.Ap04, Project name: Multiple dwelling, 4 Vasey Street, Punchbowl, Revision A, Dated 10/09/2014.
- d. Elevations, Prepared by Paul McKenzie Building Solutions, Drawing No.Ap05, Project name: Multiple dwelling, 4 Vasey Street, Punchbowl, Dated 10/09/2014.

LEGAL TITLE

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

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.

HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturday and no works on Sunday or Public Holidays.

TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2014/01002-LCC) (attached).

SITE LANDSCAPING

The landscaping must be:

- a. Installed in accordance with the endorsed plan;
 - b. Not include any species that is a declared weed in Tasmania under the *Weed Management Act 1999*;
 - c. Completed prior to the use commencing; and
 - d. Maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.
-

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

FENCING

Prior to the commencement of the use, all side and rear boundaries must be provided with a solid (i.e. no gaps) fence to provide full privacy between each dwelling and adjoining neighbours. The fence must be constructed at the developer's cost and to a height of at least:

- a. 1.2m within 4.5m of the frontage; and
- b. 2.1m elsewhere when measured from the highest finished level on either side of the common boundaries.

MULTIPLE DWELLINGS - SERVICE FACILITIES

Prior to the commencement of the use, the following site facilities for multiple dwellings must be installed:

- a. Mail receptacles must be provided and appropriately numbered for each dwelling unit.
- b. Each multiple dwelling must be provided with a minimum 6m exterior waterproof, lockable storage area or similar easily accessible area within the dwelling.
- c. Either internal or external clothes drying facility to be provided for each dwelling to the satisfaction of the Council.

AMENDED PLANS REQUIRED

Before the use and or development commences, the endorsed plans shall be amended to show the following requirements:

- a. The car parking spaces and manoeuvring areas shall be modified and dimensioned to comply with Class 1 user requirements set out in Australian Standard AS2890.1
- b. Relocation of the proposed box-hedge to be clear of the car parking spaces
- c. Relocation of the proposed letter boxes to be clear of the driveway

The amended plans must be drawn to scale with dimensions and four copies must be provided. When approved by the Manager Development Planning the plans will be endorsed and will then form part of the permit and shall supersede the original endorsed plans.

DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any bylaw or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, bylaws and legislation relevant to the development activity on the site.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742.

The explicit permission of Council's Technical Services Department (Roads & Hydraulics) is required prior to undertaking works where the works:

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

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

All works that involve the opening or breaking of trafficable surfaces within the road reserve must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with Council as a "Registered Contractor".

SINGLE STORMWATER CONNECTIONS

All proposed new pipelines must be connected to the existing internal drainage network for the property. It is not permitted to have multiple connections to Council's stormwater mains.

TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

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

VEHICULAR CROSSINGS

Before the commencement of the use, a new vehicular crossover must be provided to service this development and the redundant crossover and driveway must be removed. An application for such work must be lodged on the approved form.

No work must be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the prior approval of the works by the Council's Roads and Hydraulics Department.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

The new crossing must be constructed to Council standards by a contractor to perform such work. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg TasWater, Telstra, and Aurora etc). The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites.

No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant.

The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

AMENITY

The construction of the development 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.

EXTERIOR AND SECURITY LIGHTING PLANNING

Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.

NO BURNING OF WASTES

No burning of solid wastes is to be carried out on the site in such a manner so as to become a proven environmental nuisance to the occupiers of properties nearby.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Notes**Building Permit Required**

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

Plumbing Permit Required

Prior to the commencement of any construction the applicant is required to attain a Plumbing Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

General

This permit was issued based on the proposal documents submitted for DA0375/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

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

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Appeal Provisions

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

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

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au <<http://www.rmpat.tas.gov.au>>

Strata Title Approval

The proposal may be Strata titled. If this is to be staged the Strata plan must be accompanied by a Disclosure Statement for a Staged Development Scheme.

REPORT:**1. THE PROPOSAL**

The applicant seeks Council's consent for the construction of three additional dwellings behind an existing dwelling at 4 Vasey Street, Punchbowl. The development would comprise the following:

Existing dwelling

The existing dwelling on the site would be retained. It would be provided with one dedicated car parking space in the frontage and would retain grassed Private Open Space (POS) of approximately 200m² to the north and north-west of the dwelling. A small garden shed would be relocated to be within the Private Open Space of the existing dwelling.

Proposed dwellings

The three proposed dwellings would be located in the rear section of the site, to the north-west of the existing dwelling. The units will each have an identical floor plan and will be conjoined. A parking garage providing one parking space for each dwelling will be located on the eastern end of the building. An area to the north of the shared garage will provide storage for rubbish bins.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Each dwelling will:

- Have a floor area of 52m²;
- Have a separate entrance from a shared pedestrian walkway;
- Contain one bedroom, one bathroom, utility space and open plan kitchen, dining and living area;
- Have a garden shed and clothes drying area within the POS; and
- Have north facing POS in excess of the 25m² minimum (between 40m² and 99m²) that is directly accessible from the living room.

The exterior of the new building is to be clad in a mix of face brickwork and weatherboards and the roof will be clad in colorbond. The skillion roof will be staggered across the four sections of the building (three dwellings and parking area). The maximum height of the unit building will be 3.2m.

The current access driveway on the western side of the existing dwelling will be removed and replaced with a pedestrian access. A new shared driveway would be provided against the eastern boundary to serve the four dwellings. The driveway would have a minimum width of 3.6m. Two new parking spaces will be constructed within the frontage. One of these will be a dedicated space for the existing dwelling and one would be for visitors. There is sufficient area on-site to allow vehicles to enter and leave the site in a forward direction from all of the parking spaces.

Landscaping will be provided in front (south-west) of the proposed dwellings, between the existing dwelling and the new driveway and in the frontage to provide visual separation for the proposed parking spaces.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The Site

The site is located on the north eastern side of the Vasey Street cul de sac which runs off Blamey Road. The neighbouring properties are primarily developed and used with single dwellings although there are a few of multiple dwelling developments in the vicinity, including a three unit development at 1 Vasey Street which was approved by Council in 2011. The residential development in the immediate area mostly consists of single storey dwellings on lots that are relatively large for the General Residential Zone. Land in the vicinity is relatively flat with a gentle slope from north west to south east.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Site Description

The site is irregular in shape with an area of 1459m² and is relatively flat. The title is subject to a 1.85m wide drainage easement parallel to the north eastern boundary. The existing dwelling is located on the southern section of the property, near to the road frontage. The site abuts a Council-owned park to the west that contains the Kings Meadows Rivulet and a pedestrian/cycle path. Within one kilometre is the Kings Meadows shopping precinct, the Launceston golf club, Punchbowl Primary School and the Punchbowl Reserve.

There are no uses in the surrounding residential area that may cause environmental harm to the proposed development. There is no evidence of any previous use of the site that might have contaminated the site.

Location of existing access to the site

There is an existing concrete driveway directly off Vasey Street, located on the western side of the existing dwelling. Under the proposal this access point will be converted to pedestrian access only and a new shared driveway will be constructed against the western boundary.

Slope

The site is relatively flat, with a change in elevation of around one metre across the block rising from north west to south east. The site is not within a known landslip area.

Vegetation

The site is cleared of vegetation other than a few garden shrubs and small trees. Some of the existing plants will need to be removed to allow the development to occur and will be replaced with the proposed landscaping. The site is located in a developed area and not within 100m of bushfire prone vegetation.

Site Services

The road is sealed to Council standard. The site is able to be connected to reticulated sewer services, water and stormwater service.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

3. PLANNING SCHEME REQUIREMENTS

10.0 - General Residential Zone

10.1.1 Zone Purpose Statements

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.

10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

Consistent

The proposed residential development will contribute to the provision of a range of dwelling types at a suburban density. The area is fully serviced and is close to public amenities including transport routes, open space, schools and a significant commercial precinct. The style of the development is considerate of the character of the area as it maintains a low profile and reasonable separation from surrounding neighbours. For these reasons the proposal is considered to meet the zone purpose.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

10.3 Use Standards

10.3.1 Amenity

Objective: To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.
Consistent The proposal is a residential use.
A1 If for permitted or no permit required uses.
Complies The proposed use as Multiple dwellings has a Permitted status.
A3 If for permitted or no permit required uses.
Complies The proposed use as Multiple dwellings has a Permitted status.

10.4 Development Standards

10.4.1 Residential Density for Multiple Dwellings

Objective: To provide for suburban densities for multiple dwellings that:
(a) make efficient use of suburban land for housing; and
(b) optimise the use of infrastructure and community services.
Consistent The proposal is considered to be appropriate for a fully serviced area that is close to public amenities.
A1 Multiple dwellings must have a site area per dwelling of not less than:
(a) 325 m ² ; or
(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.
Complies The site area is 1459m ² . As four dwellings are proposed the density of the development will be 364.75m ² which complies with the acceptable solution.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

10.4.2 Setbacks and Building Envelope for all Dwellings

Objective: To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The proposal is of a density, scale and siting that is compatible with the area. While the proposed dwellings are conjoined there will be adequate separation to the existing dwelling and those on adjoining properties. The siting and low height of the proposed building assist in protecting the amenity of neighbours and the character of the general area.

A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:

- (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or
- (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or
- (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Complies

The existing dwelling is setback over 10m from the frontage to Vasey Street. The proposed building is sited behind the existing dwelling and the front setback will not be changed. This complies with point (a) of the acceptable solution.

A2 A garage or carport must have a setback from a primary frontage of at least:

- (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or
- (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.

Complies

The proposed carport will form part of the residential building and will be sited towards the rear of the property.

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

- (b) only have a setback within 1.5 m of a side boundary if the dwelling:
- (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).

Does Not Comply

The north eastern corner of the proposed residential building will be located 3.986m from the north eastern boundary, which is considered to be the rear boundary. This does not comply with the rear setback of 4m in clause (a) (ii).

The part of the building that is within 4m of the rear boundary is the bin storage area on the northern elevation of the car parking area. The space is open on one side and could be considered to be a minor protrusion. However as the roof line extends over the walls on each end of the bin storage space it is considered appropriate to take a conservative approach and treat the encroaching wall as part of the building. As such, further assessment against the performance criteria is necessary.

P3 The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Complies

The north eastern corner of the proposed residential building encroaches within the 4m setback to the rear boundary by 14cm. The neighbouring properties adjoining this boundary are located to the north of the subject site and the houses are sited towards their frontages to Morshead Street away from the shared boundary. The proposed multiple dwelling building will be separated by around 20m from the neighbouring dwellings to the rear.

In regard to a), the proposed variation to the rear setback will not cause an unreasonable loss of sunlight to habitable rooms or private open space of adjoining properties as they are located to the north of the proposed building and will be separated by a significant distance. The proposed building is single storey with a low roof line and will not cause a significant visual impact by apparent scale, bulk and proportions of the building. Additionally, the northern façade is stepped and uses alternating brick and weatherboard external finishes which helps to add interest and reduce the apparent bulk of the building.

With regard to b), the three proposed dwellings will be separated by at least 20m from dwellings on adjoining properties. The building will be set behind the existing dwelling so that the visual impact from the street is minimised.

10.4.3 Site coverage and private open space for all dwellings

Objective: To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Consistent

Each dwelling has been provided with north facing private open space directly accessible from the living areas that is considered to meet the needs of the residents.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) a site area of which at least 25% of the site area is free from impervious surfaces.

Does Not Comply

The floor area of the existing dwelling is 220m² and the floor area of the proposed building (three dwellings and car parking) is 231m². The site coverage is 30.9% (development floor area 451m²/ site area 1459m² x 100) which complies with the acceptable solution.

In respect of part (b) the existing dwelling has a deck and private open space area of around 200m² located to the north and west of the dwelling. The new dwelling on the western end of the building will be provided with approximately an area of over 90m² in compliance with the standard.

However, the other two dwellings will be provided with 40m² and 47m² of private open space respectively. This does not meet the minimum area required by the acceptable solution and therefore further assessment against the performance criteria will be necessary.

In regard to c), over 30% of the site will remain free from impervious surface in compliance with the standard.

P1 Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and
 - (ii) operational needs, such as clothes drying and storage; and
- (b) reasonable space for the planting of gardens and landscaping.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Complies

The private open space for two of the four dwellings does not meet the acceptable solution in terms of area.

The private open space for these dwellings is 40m² and 47 m² respectively is located on the northern side of the building and can be directly accessed from the living space of each dwelling. As the dwellings contain only one bedroom each it is likely that they will be occupied by a maximum of two people.

The private open space includes a small storage shed and a clothes drying area. Space is provided elsewhere on the site for the storage of rubbish bins. There will be grassed and landscaped areas in front of the new dwellings in addition to the private open space in the rear. It is also noted that the property adjoins an area of public open space along the Kings Meadows Rivulet and is also close to the Punchbowl Reserve.

It is considered that the reduced area of private open space is reasonable for one bedroom dwellings and will meet the needs of the future occupants.

A2 A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
 - (i) 24 m²; or
 - (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4 m; or
 - (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and
- (e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Complies

In respect of part (a), each dwelling will have open space exceeding 24² in one location, and with a width greater than 4m. Each of the new dwellings will have a courtyard on the northern side that is accessed directly from the living space. The existing dwelling has a deck off the living room that meets the minimum dimension. The private open space for all the four dwellings is located to the north, is not located within the frontage and has a gradient less than 1 in 10.

10.4.4 Sunlight and overshadowing for all dwelling

Objective: To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Consistent

The living areas of all the dwellings are located on the northern side and will have adequate solar access.

A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Complies

The existing dwelling has a living room and dining room window in the northern elevation.

The three proposed dwellings will each have a glass sliding door in the northern elevation that provides access from the living room to the private open space.

A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 - (i) at a distance of 3 m from the window; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Complies

The proposed building containing three dwellings is sited to the north of the existing dwelling on the site.

The new building is offset by at least 6m from the north facing windows of the existing dwelling, which easily complies with this standard.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 - (i) at a distance of 3 m from the northern edge of the private open space; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Complies

The new dwellings are located to the north of the private open space of the existing dwelling, including the deck. Most of the private open space of the existing dwelling is separated from the new building by a footpath and landscaping with a total width of 4.4m. This complies with the acceptable solution.

10.1.5 Width of openings for garages and carports for all dwellings

Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.

Consistent

The existing dwelling does not have a garage and the carport of the proposed building is sited behind the existing dwelling and will not be visually prominent from the frontage.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).

Complies

The carport for the proposed dwellings is located further than 12m from the frontage to Vasey Street.

10.1.6 Privacy for all dwellings

Objective: To provide reasonable opportunity for privacy for dwellings.

Consistent

The relative positioning of the dwellings and the use of hard landscaping will ensure privacy between dwellings is maintained.

A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

Complies

None of the dwellings has a balcony, deck, roof terrace, parking space or carport with a finished level greater than 1m above natural ground level.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):

- (a) The window or glazed door:
 - (i) is to have a setback of at least 3 m from a side boundary; and
 - (ii) is to have a setback of at least 4 m from a rear boundary; and
 - (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.

- (c) The window or glazed door:
 - (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or
 - (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.

Complies

The proposed dwellings all have a finished floor level that is less than 1m above natural ground level.

The habitable room windows of the existing dwelling are sited over 3m from the side boundaries and well over 4m from the rear boundary in compliance with (a)(i) and (ii). The proposed dwellings are setback over 6m from the northern elevation of the existing dwelling and the private open space is located on the other side in compliance with (a)(iii) and (iv).

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:

- (a) 2.5 m; or
- (b) 1 m if:
 - (i) it is separated by a screen of at least 1.7 m in height; or
 - (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.

Complies

The shared driveway and parking will be away from the habitable rooms of the proposed dwellings.

The new driveway will be located closer to the existing dwelling. The south eastern corner of the dwelling contains a bedroom with a window in the southern wall. This window is separated from the parking area and driveway by 2.5m in compliance with the standard. The eastern elevation of the dwelling contains one window to a habitable room (kitchen) which is approximately two thirds of the way along that wall, closer to the north eastern corner. At this point the window will be separated from the driveway by a landscaped area with a width of around 2.9m. This complies with the acceptable solution.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

10.4.7 Frontage fences for all dwellings

Objective: To control the height and transparency of frontage fences to:

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and
- (c) provide reasonably consistent height and transparency.

Consistent

The application does not include a front fence as such.

A low boxed hedge is proposed to be planted to around the parking spaces and driveway within the frontage and a pedestrian gate will provide entry to the front yard of the existing dwelling.

A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than:

- (a) 1.2 m if the fence is solid; or
- (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Complies

The proposed gate and hedge will comply with this standard.

10.4.8 Waste storage for multiple dwellings

Objective: To provide for the storage of waste and recycling bins for multiple dwellings.

Consistent

Facilities for bin storage have been provided for each dwelling.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations:

- (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or
- (b) in a communal storage area with an impervious surface that:
 - (i) has a setback of at least 4.5 m from a frontage; and
 - (ii) is at least 5.5 m from any dwelling; and
 - (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.

Complies

A bin storage is provided adjacent to the carport of the proposed dwellings. This space is not visible from the frontage and is adequately separated from the dwellings. The existing dwelling has ample space for bin storage within the fenced area of private open space.

10.4.9 Storage for Multiple Dwellings

Objective: To provide adequate storage facilities for each multiple dwelling.

Consistent

Facilities for storage have been provided for each dwelling.

A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.

Complies

A storage shed will be provided in the private open space of each dwelling.

10.4.10 Common Property for Multiple Dwellings

Objective: To ensure that communal open space, car parking, access areas and site facilities for multiple dwellings are easily identified.

Consistent

The private and communal areas will be easily identified.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as:

- a) driveways; and
- b) site services and any waste collection points.

Complies

Adequate separation between public and private areas is provided by landscaping and fencing. The visitor parking space will be marked.

10.4.11 Outbuildings and Ancillary Structures for the Residential Use Class other than a single dwelling

Objective: To ensure:

- a) that outbuildings do not detract from the amenity or established neighbourhood character; and
- b) that the dwellings remain the dominant built form within an area; and
- c) earthworks and the construction or installation of swimming pools are appropriate to the site and respect the amenity of neighbouring properties.

Consistent

The only outbuildings are small storage sheds located in the private open space of each dwelling.

A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m².

Complies

The only separate outbuildings included in the proposal are the small storage sheds for each dwelling with floor area of less than 10m² each. The parking space for the proposed dwellings will be incorporated into the building and has a floor area of 54m², shared between the three dwellings.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A3 Earthworks and retaining walls (other than for a single dwelling) must:

- a) be located at least 900mm from each lot boundary, and
- b) if a retaining wall:
 - i) be not higher than 600mm (including the height of any batters) above existing ground level, and
 - ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above existing ground level at each step, and
 - iii) not require cut or fill more than 600mm below or above existing ground level, and
 - iv) not redirect the flow of surface water onto an adjoining property, and
 - v) be located at least 1.0m from any registered easement, sewer main or water main.

Complies

The application does not include any retaining walls. Earthworks will be minimal due to the flat topography of the site.

10.4.12 Site services for dwellings

Objective: To ensure that:

- a) site services for dwellings can be installed and easily maintained; and
- b) site facilities for dwellings are accessible, adequate and attractive.

Consistent

Each dwelling is to be provided with site services required by this objective.

A1.1 Provision for mailboxes must be made at the frontage.

Complies

Mailboxes will be provided at the frontage for each dwelling.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

10.4.13 Location of Car Parking

Objective:

- a) To provide convenient parking for resident and visitor vehicles; and
- b) To avoid parking and traffic difficulties in the development and the neighbourhood; and
- c) To protect residents from vehicular noise within developments.

Consistent

Parking is suitably provided on site for each dwelling.

A2.1 The layout of car parking for residential development must provide the ability for cars to enter and leave the site in a forward direction, except that a car may reverse onto a road if it has a dedicated direct access or driveway no greater than 10m from the parking space to the road; and

Complies

Parking for all the dwellings is able to meet the above requirements. Turning can be achieved on the site for all of the proposed spaces.

A2.3 Provision for turning must not be located within the front setback.

Does Not Comply

Turning for the two parking spaces in front the existing dwelling will be within the frontage.

P2 The layout of car parking must be demonstrated to be safe for user of the development and pedestrians on adjacent footpaths.

Complies

The layout of the car parking is adequate to meet the needs of the occupants and will be safe for users and pedestrians.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

10.4.16 Subdivision**E6 - Car Parking and Sustainable Transport Code****E6.1.1 The purpose of this provision is to:**

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
 - i) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
 - ii) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
 - iii) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
 - iv) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
 - v) provide for the implementation of parking precinct plans.

Consistent

The proposed development includes adequate provision for car parking and can provide bicycle parking.

E6.6 Use Standards**E6.6.1 Car Parking Numbers**

Objective: To ensure that an appropriate level of car parking is provided to service use.

Consistent

An adequate level of car parking is provided to service the proposed use.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A1 The number of car parking spaces:

- a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or
- c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or
- d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.

Does Not Comply

Table E6.1 requires car parking for residential purposes at the following rate:

"If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom) - 1 space per dwelling."

"If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom - 2 spaces per dwelling."

" Visitor parking for multiple dwellings in the General Residential Zone - If on an internal lot or located at the head of a cul-de-sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number)

And point d) above states:

"if for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1".

The development includes an existing dwelling with more than two bedrooms and three new dwellings each with one bedroom. In terms of visitor parking, the site is located at the head of a cul de sac so two dedicated visitor spaces are also required (two per three dwellings rounded up to a whole number). In order to meet the standard a total of seven (7) parking spaces are required by the standard.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

Under the proposal each of the new dwellings will be provided with one dedicated parking space. Two parking spaces will be provided in front of the existing dwelling, with one dedicated to the occupants and one for visitors. The result is a deficit of two (2) spaces across the site, including one visitor space and one space for the existing dwelling . Further assessment against the performance criteria is therefore necessary.

P1 The number of car parking spaces provided must have regard to:

- a) the provisions of any relevant location specific car parking plan; and
 - b) the availability of public car parking spaces within reasonable walking distance; and
 - c) 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
 - d) the availability and frequency of public transport within reasonable walking distance of the site; and
 - e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
 - f) 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
 - g) an empirical assessment of the car parking demand; and
 - h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
 - i) the recommendations of a traffic impact assessment prepared for the proposal; and
 - j) any heritage values of the site; and
-

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

- k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
 - i) the size of the dwelling and the number of bedrooms; and
 - ii) the pattern of parking in the locality; and
 - iii) any existing structure on the land; and
- l) The performance criteria contained within a relevant parking precinct plan.

Complies

It is considered that the proposed variation to the amount of car parking provided on the site from seven (7) spaces to five (5) spaces is reasonable given the small size of the proposed units and the context of the surrounding area. Each of the proposed dwellings has a single bedroom and is likely to be occupied by one or two people, so one car space each is considered adequate. The existing dwelling is larger and it is likely that some reliance on on-street parking will be necessary for occupants of this house and for visitors to the site, as there is only one space each for these purposes. Vasey Street is a short cul de sac with only one dwelling on each side of the street before the cul de sac head. While the subject property has limited space directly in front there are at least ten on-street car parking spaces within 50m of the site.

The site is also located close to public transport and an open space linkage with a formed track for pedestrians and cyclists. There are four metro bus stops within 400m of the site on Blamey Road, Morshead Street and Punchbowl Road. The Kings Meadows shopping area is located less than 1 km to the south of the site.

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Consistent

The surrounding area and development provide for bicycle use.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A1.1 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

A1.2 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.

Does Not Comply

Table E6.1 requires bicycle parking for residential purposes at the following rate:

"1 space per unit or 1 spaces per 5 bedrooms in other forms of accommodation."

The proposal does not include designated space for bicycle parking and therefore does not meet the acceptable solution. Further assessment against the performance criteria is necessary.

P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:

- a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
 - b) location of the site and the distance a cyclist would need to travel to reach the site; and
- availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Complies

Given the proximity of the site to a public walking and cycling track it is likely that some residents of the dwellings will use bicycle transport.

The existing dwelling is a four bedroom home with a deck and a garden shed and has ample space to allow for the storage of one bicycle. With regard to the proposed dwellings, there is an area to the north of the car parking area that could be utilised to provide bicycle parking. It is recommended that this be required through a condition.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Consistent

It is possible for motorbikes to park on the site if required.

E6.7 Development Standards**E6.7.1 Construction of Car Parking Spaces and Access Strips**

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Consistent

The car parking and access will be constructed to an appropriate standard.

A1 All car parking, access strips manoeuvring and circulation spaces must be:

- a) formed to an adequate level and drained; and
- b) except for a single dwelling, provided with an impervious all weather seal; and
- c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.

Complies

The car parking areas and access strips will be sealed in accordance with the recommended condition. Line marking will be necessary to delineate the car spaces.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Consistent

The car parking and access will be constructed to an appropriate standard.

A1.1 Where providing for 4 or more spaces, parking areas (other than for dwellings in the General Residential Zone) must be located behind the building line; and

Complies

The proposal relates to dwellings in the General Residential zone so it is permissible to site parking forward of the building line.

A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.

Does Not Comply

Two car spaces are to be constructed in front of the existing dwelling. Turning for these parking spaces will utilise part of the driveway that is located within the front setback.

P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:

- a) the layout of the site and the location of existing buildings; and
- b) views into the site from the road and adjoining public spaces; and
- c) the ability to access the site and the rear of buildings; and
- d) the layout of car parking in the vicinity; and
- e) the level of landscaping proposed for the car parking.

Complies

The location of the car parking and access areas is considered to be appropriate for the development. The provision of landscaping between the frontage and the new car spaces will contribute to protecting the streetscape and the amenity of the surrounding area.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

A2.1 Car parking and manoeuvring space must:

- a) have a gradient of 10% or less; and
- b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and
- c) 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
- d) 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) there are three or more car parking spaces; and
 - ii) where parking is more than 30m driving distance from the road; or
 - iii) where the sole vehicle access is to a category I, II, III or IV road; and

A2.2 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.

Complies

The car parking and manoeuvring space will have a gradient of less than 10% and will provide for cars to enter and leave the site in a forward direction. The car spaces and access widths can be constructed in accordance with the requirements of Table E6.2 and E6.3, as required in the recommended conditions.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Objective: To ensure that cyclists are provided with adequate end of trip facilities.
Consistent End of trip facilities can be provided in the dwellings.
A1 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.
Complies Each dwelling provides adequate bathroom facilities to comply with this standard.

E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.
Consistent Parking and secure storage can be provided.
A1.1 Bicycle parking spaces for customers and visitors must: <ul style="list-style-type: none"> a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and
A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.
Does Not Comply The proposal does not include specific under cover parking for bicycles.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.
<p>Complies</p> <p>It is considered that bicycle parking can be accommodated within the private open space or inside the dwellings where necessary.</p>
<p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <ul style="list-style-type: none"> i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p>
<p>Does Not Comply</p> <p>The proposal does not include specific under cover parking for bicycles.</p>
P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.
<p>Complies</p> <p>It is considered that bicycle parking can be accommodated within the private open space or inside the dwellings where necessary.</p>

E6.8.5 Pedestrian Walkways

Objective: To ensure pedestrian safety is considered in development.
<p>Consistent</p> <p>There are adequate provisions for pedestrians in the area.</p>

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Technical Services Infrastructure Assets	Conditional consent provided. Conditions recommended in relation to the following matters: <ul style="list-style-type: none"> • Amended Plans Required • Damage to Council Infrastructure • Single Stormwater Connections • Trench Reinstatement for New/Altered Connections • Urban - Vehicular Crossings • Works within/occupation of the Road Reserve • Basic - Soil and Water Management Plan
Environmental Health	Conditional consent provided. Conditions recommended in relation to the following matters: <ul style="list-style-type: none"> • Amenity • Exterior and Security Lighting Planning • No Burning Wastes
Technical Services Parks and Recreation	Conditional consent provided. Conditions are required in regard to landscaping.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes apply.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2014/01002-LCC.
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14 day period from 17 September 2014 to 30 September 2014. Three (3) representations were received, including one signed by multiple parties. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

ISSUE	COMMENTS
Inadequate off street parking for three additional tenancies. The development consists of one existing 4 bedroom dwelling and three proposed 1 bedroom dwellings. It is proposed to provide a total of 5 parking spaces - 1 parking space for each dwelling and 1 visitor parking space. Under Table E6.1 of the Launceston Interim Planning Scheme 2012 the parking requirements are: 1 space per 1 bedroom dwelling and 2 spaces per 2 or more bedroom dwelling; and; 1 dedicated visitor space per 3 dwellings (rounded up to the nearest whole number) for a lot located at the head of a cul-de-sac.	The proposal seeks a reduction of two parking spaces from that required in Table E6.1. In this case it is considered that this is reasonable as the proposed additional dwellings will each be one bedroom, there is adequate on-street parking available in Vasey Street and the site is close to public open space, pedestrian linkages and public transport.

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

ISSUE	COMMENTS
<p>Privacy to adjoining properties including living areas and private open space.</p>	<p>The proposed dwellings are single storey and will be separated by at least 20m from dwellings on neighbouring properties. The area is relatively flat and there will be very minimal impact on the privacy of neighbours from overlooking of living areas and private open space. A condition requiring a solid, 2.1m high fence to be constructed along the rear and side boundaries of the site is recommended to address this concern.</p>
<p>Concern for security to surrounding homes, families and a home business.</p>	<p>A condition requiring a solid, 2.1m high fence to be constructed along the rear and side boundaries of the site is recommended to address this concern.</p>
<p>Driveway material. The proposed driveway is marked as being gravel which is not in keeping with the other solid driveways in Vasey Street and will be messy and noisy.</p>	<p>It is recommended that a condition is included on the permit to require the driveway and parking areas to be sealed. This would be required for a multiple dwelling development in any case. This will ensure that the impact on the amenity of the neighbours is reduced to an acceptable level.</p>
<p>Light pollution from exterior lighting.</p>	<p>A standard condition is included in the recommended permit to require exterior lighting to be screened and baffled to prevent unreasonable impact on the amenity of neighbouring properties.</p>

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

ISSUE	COMMENTS
<p>Removal of existing trees will detract from the natural aspect of the neighbourhood.</p>	<p>It will be necessary to remove several garden trees/mature shrubs from the site to allow for the development to occur. It is noted that the removal of these plants would not require planning approval as the site is not within a scenic management area. The proposed development includes several areas of landscaping in front of the new dwellings, beside the new driveway and in the frontage of the existing dwelling. The area beside the driveway will include four flowering plum trees which will mature to several metres high.</p>
<p>Inadequate street frontage to allow for rubbish bin collection for three additional tenancies.</p>	<p>Due to the location of the site in a cul de sac and the relatively narrow frontage there is limited space on the road directly in front of the site. However, with only two other houses fronting the north eastern side of Vasey Street there is enough space along the road to allow for additional rubbish bins to be collected without causing unnecessary impacts on the amenity of existing residents.</p>
<p>Increased noise. The proposed dwellings and private open spaces back onto the properties on Morshead Street. The proposed dwelling constitute higher density living and additional noise will be created due to the close proximity of garden sheds, rubbish bins, gravel driveway, turning circle for vehicles and additional people.</p>	<p>The driveway is required to be sealed which will eliminate the impact of noise from vehicles and pedestrians on a gravel driveway. Each of the proposed units will contain only one bedroom and as such will be suitable for occupancy of up to two people. . A single additional dwelling with three or four bedrooms would be capable of housing a similar number of people and an increased occupancy of six people across the site is considered to be reasonable and is unlikely to cause undue impacts from increased noise.</p>

7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)

6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend 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:

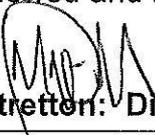
N/A

- 7.3 4 Vasey Street, Punchbowl - Residential - multiple dwellings; construction of three dwellings at the rear of the existing dwelling...(Cont'd)
-

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

1. Locality Map
 2. Plans (circulated separately)
 3. Representations (circulated separately)
-



Launceston City Council
A Leader in Community & Government



LOCALITY MAP - DA0375/2014 4 Vasey Street, Punchbowl



8 ANNOUNCEMENTS BY THE MAYOR**8.1 Mayor's Announcements****FILE NO: SF2375**

Tuesday 23 September

- Attended Business Events Welcome to Misty Sanderson (new Development Manager)
- Attended Northern Athletic Centre's "Surprise" Dinner

Wednesday 24 September

- Officiated at Public Citizenship Ceremony - Albert Hall
- Attended QVMAG Friends Annual General Meeting

Thursday 25 September

- Officially welcomed delegates at Bike Futures Seminar
- Attended Tasmanian Affordable Housing Strategy
- Attended North East Rivers Festival Launch

Friday 26 September

- Officiated at Launceston Musical Society's launch of "Spamalot"

Saturday 27 September

- Officially welcomed delegates at Australian Truffle Growers Association Conference
- Attended Tasmanian Symphony Orchestra's Beethoven's Vienna Concert and pre-concert reception

Sunday 28 September

- Attended Rocherlea Country Music Fundraiser

Monday 29 September

- Attended NRM Community Awards Presentation

Tuesday 30 September

- Attended Optia Board Luncheon
- Attended Independent Living Centre AGM

Wednesday 1 October

- Attended Hawthorn Flag Raising Ceremony at Town Hall
 - Presented at Society of Women Writers of Tasmania - Tas Literary Award 2014
 - Officiated at Southern Launceston Community Development General Meeting
-

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

Thursday 2 October

- Attended Launceston School for Seniors
- Officiated at Franklin Village Interpretation Signage event

Friday 3 October

- Attended ASPREE (ASPrin in Reducing Events in the Elderly) Event
- Attended Gallery Pejean Opening of "Paintings made in Tasmania" Exhibition

Saturday 4 October

- Officiated at NTD Opening of Hollybank facility
- Attended a night of celebration to commemorate the Third Anniversary of South Sudanese Independence
- Attended Festival of Dance at Princess Theatre

Sunday 5 October

- Attended NLFC Trophy Presentation
- Attended Launceston Male Choir Annual Concert

Tuesday 7 October

- Attended Population Strategy Workshop Facilitated Presentation & Feedback Session with Professor David Adams
- Officiated at Civic Reception to mark the 60th anniversary of Inner Wheel Club of Launceston

Wednesday 8 October

- Attended Inner Wheel of Launceston 60th Charter Anniversary
- Attended Heart Foundation Presentation and Afternoon Tea
- Attended Launceston Cricket Club Season Launch 2014/15
- Attended Mowbray Cricket Club - Senior Club Season Launch

Thursday 9 October

- Attended Royal Launceston Show Official Luncheon

Friday 10 October

- Officiated at Civic Reception to mark North Launceston Athletic Club Inc 50th Anniversary

Saturday 11 October

- Attended Heritage Council Launch of Kerry Lodge Bridge

Sunday 12 October

- Attended Norwood Combined Probus Club - Annual Probus District Church Service
-

9 ALDERMEN'S/DELEGATES' REPORTS

10 QUESTIONS BY ALDERMEN

11 COMMITTEE REPORTS**11.1 Tender Review Committee Meetings - 15 & 22 September 2014****FILE NO:** SF0100**AUTHOR:** Raj Pakiarajah (Manager Projects)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

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

RECOMMENDATION:

That Council receive the reports from the Tender Review Committee meetings held on 15 and 22 September 2014.

REPORT:**15 September 2014 - Connector Park Drive (#7 Connector Park Drive to Southgate Drive) - Road Asset Upgrade - Stage 2 - CD.017/2014**

The Tender Review Committee accepted the tender submitted by Paul Zanetto Pty Ltd for the stage 2 road asset upgrade of Connector Park Drive (#7 Connector Park Drive to Southgate Drive), at a cost of \$233,377.00 (excl. GST).

22 September 2014 - Seaport Boardwalk Deck Replacement and Associated Works - CD.019/2014

The Tender Review Committee accepted the tender submitted by Darcon Construction Pty Ltd for the Seaport Boardwalk Deck Replacement, at a cost of \$1,215,634 (excl. GST).

ECONOMIC IMPACT:

The economic impact has been considered in the development of these projects.

11.1 Tender Review Committee Meetings - 15 & 22 September 2014...(Cont'd)

ENVIRONMENTAL IMPACT:

The environmental impact has been considered in the development of these projects.

SOCIAL IMPACT:

The social impact is considered in the development of these projects.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Budget 2014/2015.

BUDGET & FINANCIAL ASPECTS:

The projects are funded in accordance with the approved 2014/2015 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.



Harry Galea: Director Infrastructure Services

12 COUNCIL WORKSHOPS

The following Council workshops were held on 6 October 2014:

- Penny Royal Development Application
- City Heart - St John Street Bus Stop/Civic Square Concept Plan

13 PETITIONS

Nil

COUNCIL AGENDA

Monday 13 October 2014

14 NOTICES OF MOTION - FOR CONSIDERATION

14.1 Notice of Motion - Alderman Soward - UTAS

FILE NO: SF5547 / SF2211

AUTHOR: Alderman Rob Soward

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman Soward regarding the University of Tasmania.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council:

1. Write to Vice Chancellor of the University Peter Rathjen, Andrew Nikolic MP Federal Member for Bass, Hon Christopher Pyne MP Federal Minister for Education, and all Tasmanian Senators expressing our total support for the University of Tasmania to retain a full service campus in Launceston that continues to offer a broad range of courses for all students.
 2. Seeks to arrange an urgent meeting with Vice Chancellor of the University Peter Rathjen and Andrew Nikolic MP Federal Member for Bass to further discuss the matters involving the possible loss of UTAS to Launceston and to seek their support to retain UTAS in Launceston as a full service campus in Launceston that continues to offer a broad range of courses for all students.
-
-

14.1 Notice of Motion - Alderman Soward - UTAS...(Cont'd)

REPORT:

Alderman Soward will speak to this item.

Recent discussion about the University of Tasmania relocation in some shape or form has been the subject of intense media scrutiny in the past few days. As one of the cities largest employers and educators UTAS is vital to Launceston and range of council decisions have involved UTAS in recent times and our desire to be a University City. Conjecture and speculation about the relocation to Inveresk or totally leaving Launceston all together have created much angst and concern in the city and greater Northern Tasmanian community.

This Notice of Motion seeks to state our support for UTAS remaining in Launceston and secondly ensures we are involved in the discussions and are fully aware of events as they unfold. Any movement of UTAS to either Inveresk or out of Launceston all together will have ramifications for this council and this NOM ensures we are involved and informed.

No Officer Comments required - the proposed motion is self-explanatory

STRATEGIC DOCUMENT REFERENCE:

N/A

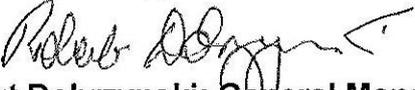
BUDGET & FINANCIAL ASPECTS:

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

ATTACHMENTS:

1. Notice of Motion - Alderman Soward
-

LAUNCESTON CITY COUNCIL

MEMORANDUM

FILE NO: SF5547 / SF2211
RS
DATE: 6 October 2014

TO: Robert Dobrzynski General Manager
c.c. Committee Clerks

FROM: Rob Soward Alderman

SUBJECT: Notice of Motion - UTAS

In accordance with Clause 16 (5) of the Local Government Regulations 2005 (Meeting Procedures) please accept this Notice of Motion for placement on the agenda of the Meeting of Council to be held on 13 October 2014.

Motion

- a) The Launceston City Council write to Vice Chancellor of the University Peter Rathjen, Andrew Nikolic MP Federal Member for Bass, Hon Christopher Pyne MP Federal Minister for Education, and all Tasmanian Senators expressing our total support for the University of Tasmania to retain a full service campus in Launceston that continues to offer a broad range of courses for all students.
- b) The Launceston City council seeks to arrange an urgent meeting with Vice Chancellor of the University Peter Rathjen and Andrew Nikolic MP Federal Member for Bass to further discuss the matters involving the possible loss of UTAS to Launceston and to seek their support to retain UTAS in Launceston as a full service campus in Launceston that continues to offer a broad range of courses for all students.

Background

Alderman Soward will provide some background to this

Recent discussion about the University of Tasmania relocation in some shape or form has been the subject of intense media scrutiny in the past few days. As one of the cities largest employers and educators UTAS is vital to Launceston and range of council decisions have involved UTAS in recent times and our desire to be a University City. Conjecture and speculation about the relocation to Inveresk or totally leaving Launceston all together have created much angst and concern in the city and greater Northern Tasmanian community.

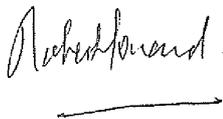
This Notice of Motion seeks to state our support for UTAS remaining in Launceston and secondly ensures we are involved in the discussions and are fully aware of events as they unfold. Any movement of UTAS to either Inveresk or out of Launceston all together will have ramifications for this council and this NOM ensures we are involved and informed.

LAUNCESTON CITY COUNCIL

MEMORANDUM

Attachments

Nil



A handwritten signature in cursive script, appearing to read "Rob Soward". Below the signature is a horizontal line that ends in an arrowhead pointing to the right.

Alderman Rob Soward

DIRECTORATE AGENDA ITEMS

15 DEVELOPMENT SERVICES

15.1 Council Grants (Round 2) 2014/15

FILE NO: SF6148

AUTHOR: Angela Walsh (Grants & Sponsorship Officer)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To respond to requests for Community Grants received in Round 2 2014/2015.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That the following recipients receive the recommended grant amounts.

No	Request	Details	Score	Requested	Recommend	Page #
1	National Joblink	'Re-Cycled' - February 2015 - May 2015 (8 weeks in total)	97%	\$3,000	Approval \$3,000	1 - 11
2	St Giles Society Inc.	'Tommy and the Rainbow Baby' - November 2014 - January 2015	86%	\$5,000	Approval \$5,000	12 - 23
3	Fusion Australia	Youth Groups United - The Youth Group Games - (September 2014 - December 2015)	73%	\$4,800	Approval \$3,600	24 - 34

15.1 Council Grants (Round 2) 2014/15...(Cont'd)

REPORT:

The total requests received for Community Grants Round 2 2014/2015 (including individuals/teams/groups) is \$14,650.

Based on the assessment results, the recommended allocation of funds for Round 2 2014/2015 is \$13,450 (including \$1,850 for individuals/teams/groups).

The Assessment Panel has assessed each application against the assessment criteria (detailed below). The full details of each request are set out in a separate report which has been distributed to Aldermen together with an analysis of the projects/activities and their respective scores.

The normal distribution of funds (according to score) is as follows:

81 - 100%	=	100% of requested funds
61 - 80%	=	75% of requested funds
50- 60%	=	50% of requested funds
< 50%	=	No funding provided

All applications have been assessed using the following criteria:

Individual/Team/Group Applications

Individual/team/group grants will be provided if you are a young person 18 years or under living in the Launceston Municipal area, who have been selected to represent Australia, Tasmania or Northern Tasmania.

15.1 Council Grants (Round 2) 2014/15...(Cont'd)

In accordance with the Community Grants (Individual/Team/Group) Policy the following individuals/teams/groups have been approved for funding:

Lucy Jones - Bruce Cup Competition	\$100
Callum Harper - Victorian Blind Cricket Association Competition	\$100
Sam Day - Karl Posselt Cup	\$100
Madison Bunton - Projects Abroad - Community Village Project	\$200
Tasmanian U18 Boys Touch Football Team (4 team members)	\$200
Tasmanian U15 Boys Touch Football Team (4 team members)	\$200
Tasmanian U15 Girls Touch Football Team (6 team members)	\$300
Ryan Selby - School Sport Australia U12 Touch Championships	\$100
Lucy Bransden - School Sport Australia U12 Touch Championships	\$100
Little Athletics Tasmania International Children's Game Girls Team (4 team members)	\$200
Little Athletics Tasmania International Children's Game Boys Team (5 team members)	\$250
Total	\$1,850

Organisation Applications**Mandatory Requirements:**

- Community benefit must be the primary purpose of the project/activity
 - Project/activity is held within the Launceston Municipal area
 - Must respond to one or more priorities identified in the Launceston's Vision 20/20 and/or Preferred Futures and Action Plans in the Launceston Community Plan
 - A detailed budget must be included with the application
 - A risk management plan (for the project/activity) must be included with the application
-

15.1 Council Grants (Round 2) 2014/15...(Cont'd)

Assessment Points

- Aims and outcomes that benefit the Launceston community and are achievable
- Project plan demonstrates good organisational planning for the project/activity
- Budget for project/activity is realistic and includes evidence of self-support (i.e. fundraising, sponsorship, use of volunteers, in-kind support, etc)
- Merits of the project/activity for the Launceston community

ECONOMIC IMPACT:

Approval of the recommended grants will result in a positive economic impact to those individuals/teams/groups and organisations by providing funds that will enable them to undertake their project or activity.

ENVIRONMENTAL IMPACT:

Approval of the recommended grants will have minimal impact on the environment.

SOCIAL IMPACT:

Approval of the recommended grants will provide a number of valuable social impacts for our community. It will encourage physical activity for young people, community arts and personal development programs as well as providing educational opportunities.

STRATEGIC DOCUMENT REFERENCE:

Community Plan
Vision 2020

15.1 Council Grants (Round 2) 2014/15...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Available Funds \$36,625

Amount recommended this Round

- Individuals/Teams/Groups - \$1,850
- Organisations - \$11,600 \$13,450

Balance \$22,575

Remaining Rounds 2014/2015 1

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

16 FACILITIES MANAGEMENT
Nil

17 QUEEN VICTORIA MUSEUM AND ART GALLERY
Nil

COUNCIL AGENDA

Monday 13 October 2014

18 INFRASTRUCTURE SERVICES

18.1 Disposal of Easement 1-11 Prossers Forest Road

FILE NO: 15794

AUTHOR: Robert Holmes (Property Coordinator)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider a request from TasNetworks to dispose of an Electricity Infrastructure Easement.

PREVIOUS COUNCIL CONSIDERATION:

NA

RECOMMENDATION:

That Council agree to dispose of an interest in land by way of an Electricity Infrastructure Easement burdening CT 8876 folio 1 in favour of TasNetworks over the alignment as shown generally on the attached plan marked Attachment 1 (ECM document 3299453) subject to the following:

1. The disposal of the interest of Electricity Infrastructure Easement is to occur after observing the requirements of Section 178 (Sale, exchange and disposal of public land) of the Local Government Act 1993. In the event that there are any objections the matter is to be bought back to Council.
 2. TasNetworks are to:
 - pay Council the sum of \$3,000 (plus GST if applicable)
 - reimburse to Council the valuation fee
 - pay the cost of the survey to identify the alignment of the easement
 - pay the cost of registration of the plan of survey and transfer of the easement and
 - reimburse to Council the cost of advertising required under section 178 of the Local Government Act 1993.
-

18.1 Disposal of Easement 1-11 Prossers Forest Road...(Cont'd)

REPORT:

TasNetworks have advised that they wish carry out a network upgrade to improve electricity supply at Ravenswood by replacement of existing infrastructure. In accordance with Section 52 of the Electricity Supply Industry Act 1995 TasNetworks are able to install electrical infrastructure on any land owned by Council. This section provides that while Council may impose conditions those conditions may not be unreasonable. Council officers have already indicated consent for TasNetworks to proceed with the installation in accord with this section. A plan indicating the location of the easement is marked Attachment 1.

In addition TasNetworks have indicated a desire to further protect their infrastructure by way of an easement registered on title. The infrastructure that is to be replaced is not located within an easement registered on title and the new equipment is to be installed in a different location. TasNetworks are an acquiring authority by virtue of Section 51 of the Electricity Supply Industry Act 1995.

Rather than compulsorily acquire an interest in Council's land TasNetworks have requested that Council provide an Electricity Infrastructure Easement by agreement in accordance with Section 9 of the Land Acquisition Act 1993. This section envisages the parties reaching voluntary agreement and this reflects the good working relationship between both entities.

Section 177 (2) of the Local Government Act 1993 provides that before disposing of "land" Council must be provided with valuation advice from a qualified valuer. Advice from a registered land valuer has been obtained which indicates the value of the easement is \$3,000 plus GST if applicable. The valuation report is marked Attachment 2.

As to the term "land" or "estate" Section 46 of the Acts Interpretation Act 1931 provides definitions for certain common phrases. Under this section:-

"land shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure and any estate or interest therein"

"estate, used in reference to land, shall include any estate or interest, easement, right, title, claim, demand, charge, lien, or encumbrance in, over, to, or in respect of such land;"

Because of the definition set out under the Acts Interpretation Act when combined with the loss of utility of the area occupied by the substation the authors view is that the disposal of the interest of Electrical Infrastructure Easement should be treated in the same way as disposal of "land".

18.1 Disposal of Easement 1-11 Prossers Forest Road...(Cont'd)

The land contained in CT 8876 folio 1 known as 1-11 Prossers Road, is in accordance with a decision of Council made 11 August 2003 (agenda item 14.3) recorded as a "public park" and is placed on the register kept by the General Manager under Section 177A of the Local Government Act 1993.

Given that the land is "public land" Section 178 of the Local Government Act 1993 requires that certain procedures are followed before disposing of "land". This includes the requirement to advertise and in the event of objection referral back to Council.

ECONOMIC IMPACT:

Compensation is in accordance with valuation advice.

ENVIRONMENTAL IMPACT:

The continued use of underground cables minimises the impact of the installation on use of the park.

SOCIAL IMPACT:

The loss of utility of land is only marginally altered because of the relocation of the substation.

STRATEGIC DOCUMENT REFERENCE:

NA

BUDGET & FINANCIAL ASPECTS:

The asset value of the park may change but any change will be offset by the compensation paid to Council. Income is to be credited to sundry income G.16520.16010.

18.1 Disposal of Easement 1-11 Prossers Forest Road...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

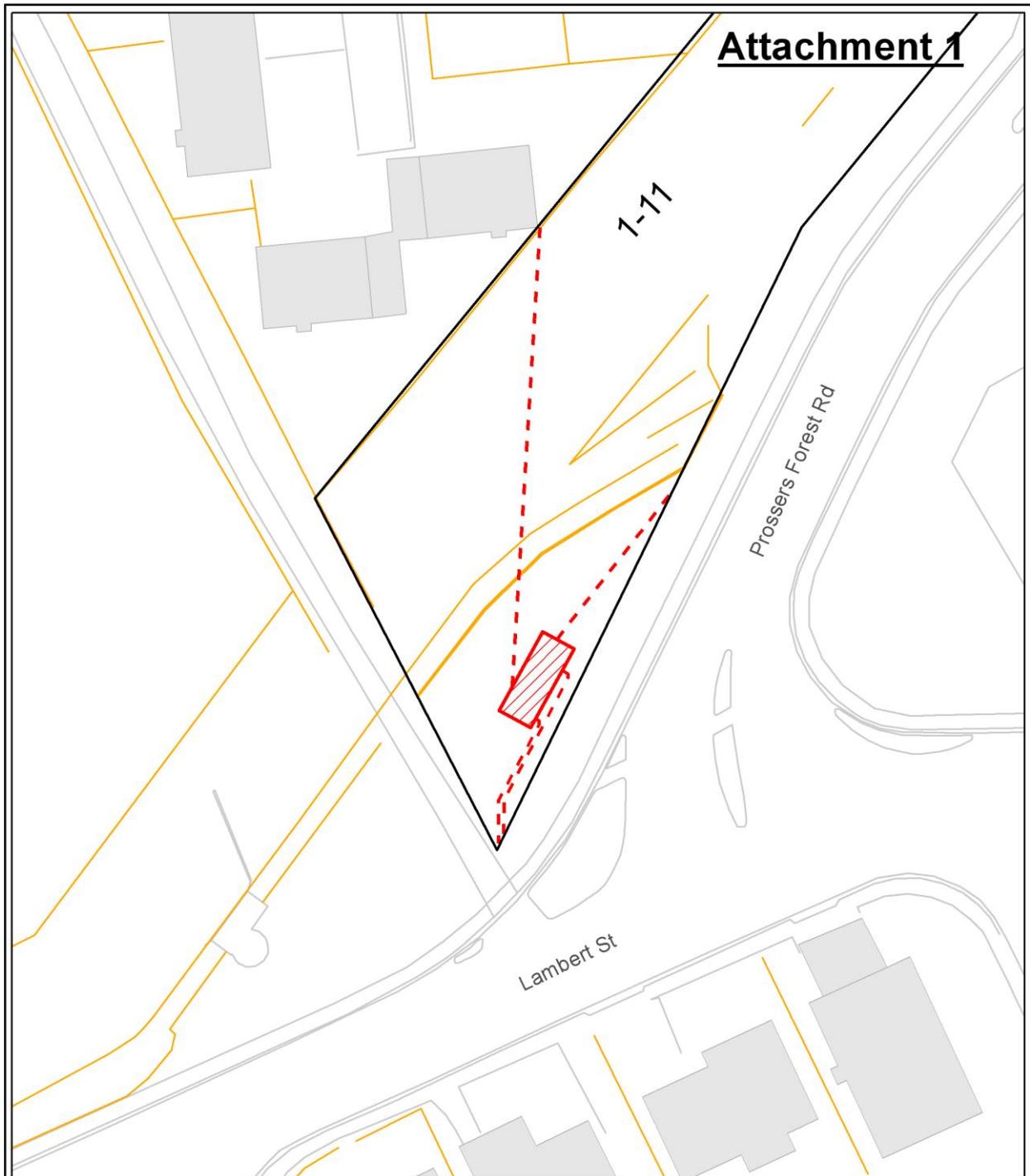
I certify that I have reviewed and approved this advice and recommendation.



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Plan indicating alignment of proposed easement.
 2. Valuation Report.
-



1-11 Prossers Forest Road (CT 8876 folio 1)



Proposed Electricity Infrastructure Easement (substation)



Proposed Electricity Infrastructure Easement (u/g cable)



Printed: 2014 Scale 1:500 © A4
0 2.5 5 10 15 20 25 m

Attachment 2

File Reference: 5408465



Australia's Property Advisors

24 July 2014

Mr Robert Holms
Launceston City Council
PO Box 396
Launceston TAS 7250
Via email: robert.holmes@launceston.tas.gov.au

Dear Robert

Re: Assessment of Compensation - 1-11 Lambert Street - Easement Acquisition

I refer to your instructions received on 4th July 2014 requesting a compensation valuation for the disposal of an easement in favour of TasNetworks (Aurora) for the installation of a sub-station and underground power over Council land at 1- 11 Lambert Street, Ravenswood (the subject property).

Pursuant to our inspection and consideration we provide the following report.

Date of Inspection and Valuation

7th July 2014

Subject Property Description

The subject property comprises all that land in Lot 1 on sealed Plan 8876 and is 1.126 hectares in area. The subject property land is located on the corner of Lambert Street and Prossers Forest Road with an additional third road frontage to Warring Street. It is best described as level in topography and somewhat irregular in shape with its larger triangular section to the corner of Prosser Forest Road and Warring street and with strips of land extending either side along Warring Street and Prosser Forest Road down to Lambert Street.

The subject property is zoned open space pursuant to the Launceston City Planning Scheme and pursuant to such zoning has been developed and used as a passive and active recreational reserve with a skate park located towards Warring Street on the larger triangular section.

The subject property is strategically and prominently located amidst a mixed use urban area in the Launceston suburb of Ravenswood which is some 3.0 kilometres north east of the Launceston CBD. The Eastside Shopping Village is opposite the subject property and residential development mostly otherwise surrounds. Lambert Street and Prosser Forest Road are main feeder roads for the suburb of Ravenswood with Lambert Street connecting back to the main road network into the Launceston CBD.

Opteon (Goulburn North East Victoria) Pty Ltd
ABN 67 005 019 161
21 Wyndham Street, Shepparton, VIC 3630
T 03 5821 3565
F 03 5821 4274
E shepparton.info@opteonproperty.com.au
W opteonproperty.com.au

Value made visible

Liability limited by a scheme approved under Professional Standards Legislation.

Easement Detail

TasNetworks requires an easement to incorporate a new power sub-station and underground cable line with our instruction advice stating the total area of easement as 232 square metres.

From plans provided with our instructions the proposed easement runs from the Prosser Forest Road frontage close to Lambert Street across to the rear boundary and in this proximity the subject property comprises a lightly / moderately treed and grassed open space area which is dissected by an open stormwater drain.

The sub-station, which is located 8.0 metres from the back of kerb of Prosser Forest Road and close to Lambert Street, will occupy a total of 49 sqm. This area comprising the central substation plant building of 5 sqm, surrounding earth mat of 24 sqm and perimeter easement of 20 sqm.

The balance of the easement is for underground cables including some 7 sqm under the open stormwater drain.

Compensation Valuation Methodology

The appropriate method of determining a fair and reasonable compensation valuation is pursuant to section 27 of the Land Acquisition Act 1993 which is as follows:

27. Basis of compensation

(1) In determining compensation under this Act, regard is to be had to the following matters:

- (a) the market value of the estate of the claimant in the subject land;
- (b) any special value the estate in the subject land may have to the claimant which is -
 - (i) a financial advantage incidental to the claimant's ownership of that estate; and
 - (ii) in addition to its market value;
- (c) the damage caused by severance of the subject land from other land belonging to the claimant;
- (d) the betterment of other land belonging to the claimant which is caused by the carrying out of, or the proposal to carry out, the authorized purpose;
- (e) whether other land belonging to the claimant is injuriously affected by the carrying out of, or the proposal to carry out, the authorized purpose;
- (f) any disturbance relating to any loss or damage suffered, or cost reasonably incurred, by the claimant as a consequence of the taking of the subject land;
- (fa) whether, under any other Act, the claimant or a former owner of the subject land has been paid or awarded any compensation or compensatory costs in connection with the authorised purposes for which it is being acquired;
- (g) except as provided in this Part, such other matters as the acquiring authority, the Court or an arbitrator may consider to be relevant.

(2) Subject to subsection (3), the betterment of other land referred to in subsection (1)(d) is to be set off against the amount of compensation determined under subsection (1)(a), (b), (c), (e), (f) and (g).

(3) Where an amount that is set off in respect of the betterment of other land equals or exceeds the amount of compensation that would otherwise be payable by an acquiring authority, no compensation is payable by the authority, nor is anything payable by the claimant to the authority in respect of that betterment.

Upon consideration it is our view that the nature of the land acquisition as outlined in this report does not generate any additional amount of compensation pursuant to subsections (1),(b),(c),(f) and (g) and that there is no betterment to the subject property as a result of the works. However, we believe that additional compensation is payable pursuant to subsection (1),(e) as the nature and prominent location of the works detracts from the amenity and benefit of the surrounding Council land. We are of the view that the visual appeal and attraction of some 1,500 sqm of subject property land in proximity to the easement will be adversely impacted to the extent of some 15% value loss. Given that the subject property is a strategic, gateway type reserve on the main road into Ravenswood, this figure would be higher other than for the existence of the open stormwater drain and the limited depth of the reserve at this location.

Therefore our compensation valuation is as assessed pursuant to subsections (1), (a) and (1), (e).

General Comment

The value of the interest in the land being disposed of is equal to the loss in value of the subject property land from its “before state” of unencumbered fee simple to its “after state” of easement affected land.

In determining our opinion of value we have adopted per square metre / per hectare values based on our experience of the general market place noting very few sales of open space zoned land have occurred in the market place over the years and none to our knowledge in recent times. In determining our land values we have considered the value of the land to the owner. We have adopted a “before” land value for the subject property land affected by the easement of \$100,000 per hectare or \$10 sqm.

As regards the loss in value for the Council land over which the easement is to be placed we have adopted the following levels:

- 90% loss of value for the substation and earth mat area,
- 75% loss for the perimeter work area,
- 20% for the underground cable area

Our valuation excludes any GST and is on the basis that TasNetworks pays all costs associated with the creation of the easement and reinstates the subject property to its ‘before’ standard upon completion of the works. We recommend our valuation costs be sought from TasNetworks as such is a cost necessarily incurred by the Council as a result of the easement acquisition.

1-11 Lambert Street, Sandy Bay

Compensation Valuation Calculation

25 sqm Substation & Earth Mat @ \$10 sqm @ 90% loss in value	= \$ 225
24 sqm Substation Perimeter @ \$10 sqm @ 75% loss in value	= \$ 180
183 sqm underground cables @ \$10 @ 20% loss in value	= \$ 366
Surrounding Land 1,500 sqm @ \$10 @ 15% loss in value	= <u>\$ 2,250</u>
Total Compensation	\$ 3,021
Round to	\$ 3,000
Compensation Valuation	\$ 3,000

We trust this meets your current requirements however should you have any queries please contact us.

Yours faithfully

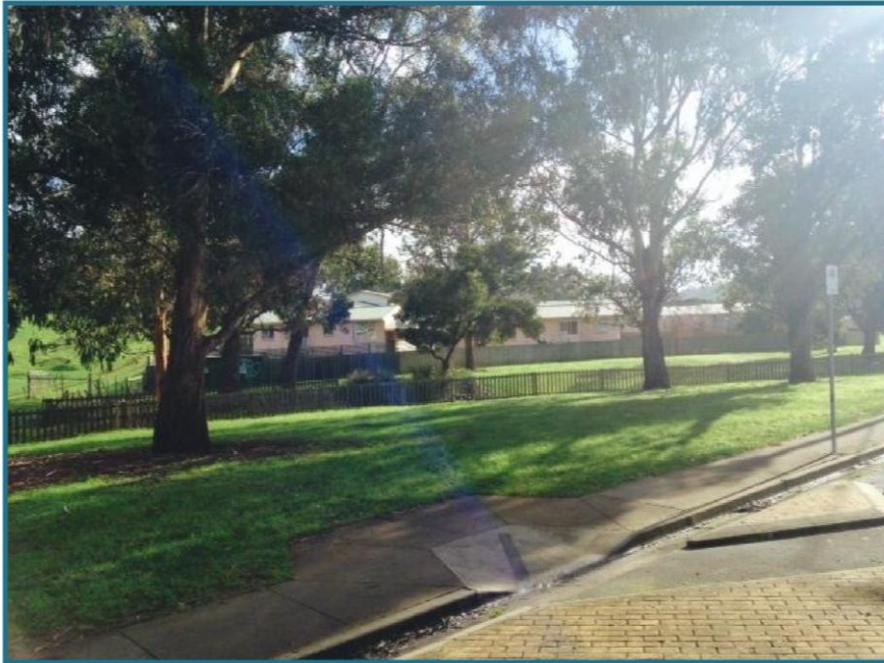


Graeme Weatherley AAPI
 Certified Practising Valuer

Important	<i>This valuation is subject to the definitions, qualifications and disclaimers and other comments contained within this report.</i>
Pecuniary Interest	<i>We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.</i>
Third Party Disclaimer	<i>This report has been prepared for the private and confidential use of our client, Launceston City Council, for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (Goulburn North East Vic) Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i>

1-11 Lambert Street, Sandy Bay

Photographic Study



Area / line of easement

19 CORPORATE SERVICES

19.1 Financial Report to Council

FILE NO: SF5899

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider Council's financial performance for the year ending 30 June 2014.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel 25 September 2014 - *The financial review for the year ended 30 June 2014 was noted.*

RECOMMENDATION:

That the Council adopt the financial reports for the year ended 30 June 2014 which discloses:

	2013/14 Actual \$'000	2013/14 Budget \$'000
Operating Summary		
Revenue	91,408	89,057
Less Expenses	96,200	92,941
Operating Deficit	(4,792)	(3884)
Add Capital Grants	3422	3186
Surplus/(Deficit)	(1370)	(698)
Other adjustments	23,547	-
Comprehensive Result	22,177	(698)

19.1 Financial Report to Council...(Cont'd)

	2013/14 Actual \$'000	2012/13 Actual \$'000
Financial Position		
Equity	<u>1,466,803</u>	<u>1,444,626</u>
Assets		
Current	64,700	62,203
Non-Current	<u>1,445,069</u>	<u>1,429,535</u>
	<u>1,509,769</u>	<u>1,491,738</u>
Liabilities		
Current	27,440	23,816
Non-Current	<u>15,526</u>	<u>23,296</u>
	<u>42,966</u>	<u>47,112</u>
Net Assets	<u>1,466,803</u>	<u>1,444,626</u>

REPORT:

Detailed annual financial reports have been reviewed in the Audit Panel meeting on 25 September 2014 with all Aldermen receiving copies of the agenda and detailed papers. The purpose of this item is for Aldermen to formally review the Council's financial position and the Council's performance for the year ending 30 June 2014.

This report provides an overall summary of these operations for the 2013/14 financial year. The key issues arising from the 2013/14 year are:

Operations

Overall the operations result for the year is \$0.67m worse than the adjusted budget (discussed in Agenda Item 18.2 - 2013/14 Budget Amendments).

19.1 Financial Report to Council...(Cont'd)

Variances of note were:

- Directorate net expenses \$1.7m better than budget
- It was pleasing that growth in rates revenue was achieved being \$0.6m better than budget
- Asset Disposals \$1.48m worse than budget.

Capital Works

As at 30 June 2014, 46.8 percent in value have reached practical completion and 37.5 percent in value was in progress. Another 4.1 percent by value was in preliminary design and 11.4 percent in value were not started.

Capital projects completed in 2013/14 came in \$1.31m under budget with \$18.4m being carried over. The \$18.4m carried over was made up of \$9.7m for Flood Authority projects and \$8.7m for other Council capital projects.

Reasons for the carry overs have been reviewed and were found to be unavoidable and these projects are now well underway.

Financial Positions

- Overall - The Council's balance sheet and cash reserves continue to be in accordance with current and long term budgets
- Loan balances are in accordance with budget
- Cash balances remain in accordance with long term strategy and are consistent with budgeted project requirements.

As at 30 June 2014 the Council is in a positive operating position.

ECONOMIC IMPACT:

The Council is exerting considerable effort to resolve the deficit, and the strategic financial plan aims to return the result to break even over the next few years.

19.1 Financial Report to Council...(Cont'd)

ENVIRONMENTAL IMPACT:

No environment impact.

SOCIAL IMPACT:

No social impact.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.1.4 Ensure the city is managed in a financially sustainable manner.

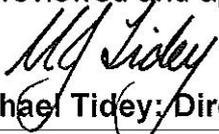
BUDGET & FINANCIAL ASPECTS:

As per report.

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

19.2 2013/14 Budget Amendments**FILE NO:** SF5899**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To approve budget amendments relating to various expenditure, capital and revenue estimates and thereby amending the Operations budget to a \$0.70m deficit and the Capital budget to \$18.108m for 2013/14.

The decision requires an absolute majority vote of Council in accordance with Section 82(4) of the Local Government Act 1993.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 25 September 2014 - *It was resolved that the report go to Council for a decision.*

RECOMMENDATION:

That the Council:

1. Pursuant to Sections 82(2) and (4) of the Local Government Act 1993, approve the budget transfers as follows:

a) Reallocate funding relating to transfers from Capital to Operations in the amount of \$563,539

• 320 Peel Street Flood remediation	12,000
• CCTV Upgrade Amy/Penquite Road Intersection	8,772
• Amy/Penquite Road Intersection	99,500
• Cavalry Road Depot Stockpile Bays	25,000
• Residual Current Devices	6,098
• Level Access to Loading Bay	6,300
• Remount Road Depot Lunch/Muster Rooms	563
• Remount Road Depot Interview Room	1,408

19.2 2013/14 Budget Amendments...(Cont'd)

• Satellite Visitor Information Services	8,205
• Customer Service Centre Review	7,840
• Heritage Forest Development Program	49,118
• Aurora Stadium Light Towers Base Maintenance	43,000
• Other Tree Projects	11,695
• Other Tree Projects	29,248
• Duke Street	49,224
• Glen Dhu Road	94,000
• Golconda Road	35,044
• Home Street	7,605
• Wellington Street	7,110
• Rural Reseal Program	6,839
• Alanvale/George Town Road Stormwater Main	54,970
	<u>563,539</u>

b) Reallocate funding relating to transfers from Operations to Capital in the amount of \$421,197

• Urban Reseal Program	96,100
• Goderich Street Foot/Bike Path	24,000
• Connector Park Stage 1	120,000
• Royal Park Car Park Lighting	9,942
• Museum Artworks (Bequest funded)	171,155
	<u>421,197</u>

c) Adjust the 2013/14 budget to reflect the net external funds granted in the amount of \$346,091

• Golconda Road	337,000
• Street Tree Strategy	9,091
	<u>346,091</u>

d) Correct a budget anomaly that relates to the Flood Levee Project that occurred when the Charles Street Floodgate portion of the project was closed a few years ago with an unspent budget of 10,877

\$1.850m
\$0.700m
\$18.108m

19.2 2013/14 Budget Amendments...(Cont'd)

2. Notes the revised
 - a) Underlying Operating Budget Deficit
 - b) Operating Budget Deficit
 - c) Capital Budget

REPORT:

The budget amendments are changes to budget estimates that require a Council decision. The major changes come from external funding that affects both the Capital and Operations budgets and accounting treatment changes relating to the reclassification of expenses between Operations and Capital, after projects are completed and reviewed.

The following table summarises the amendments

	Operations \$'000	Capital \$'000
Statutory Budget	(7,095)	14,496
Adjustments approved by Council 30/09/2013	1,548	1,548
Adjustments approved by Council 31/12/2013	4,522	1,628
Adjustments approved by Council 31/03/2014	<u>122</u>	<u>222</u>
Balance as at 31/03/2014 previously advised	(903)	17,894
Capital to Operations	(564)	(564)
External Funds	346	346
Operations to Capital	421	421
Adjustment against LFA Projects		11
Balance as at 30/06/2014	<u>(700)</u>	<u>18,108</u>
Add back Financial Assistance Grants for 2013/14	2,036	
Deduct Capital Grants and Contributions	<u>(3,186)</u>	
Underlying Operating Budget Deficit	<u>(1850)</u>	

The above table summarises all the other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure.

The following table shows the opening Underlying Operating Budget Deficit from the Statutory Budget.

19.2 2013/14 Budget Amendments...(Cont'd)

	Operations \$'000
Statutory Budget	(7,095)
Add back Financial Assistance Grants 2013/14	2,036
Deduct Capital Grants and Contributions	<u>(1,443)</u>
Original Underlying Operating Budget Deficit	(6,502)

The improvement from the opening underlying deficit of \$6,502,000 to the \$1,850,000 underlying budget deficit resulted from depreciation savings of \$1.6m for stormwater and \$1.5m for roads. Future Directions savings of \$0.165m and transfers from Operations to Capital of \$1.4m.

ECONOMIC IMPACT:

Not applicable to this report

ENVIRONMENTAL IMPACT:

Not applicable to this report

SOCIAL IMPACT:

Not applicable to this report

STRATEGIC DOCUMENT REFERENCE:

Not applicable to this report.

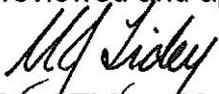
BUDGET & FINANCIAL ASPECTS:

As per report.

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

19.3 Budget Management Policy (12-PI-001)**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To approve the Budget Management Policy.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel 25 September 2014 - It was resolved that the report go to Council for a decision.

RECOMMENDATION:

That the Budget Management Policy as detailed below be approved by the Council:

Budget Management Policy***PURPOSE:***

To define roles in respect to the budget management process and the basis on which changes to Council budgets can occur.

SCOPE:

The policy applies to Council's Strategic Financial Plan, Operations Budgets and Capital Budgets.

This policy does not apply to variances in depreciation.

POLICY:**Strategic Financial Plan**

As part of the Council's financial management and budgeting processes, the Strategic Financial Plan showing projected income, expenditure, borrowing and any other funding and the anticipated impact on cash reserves will be reviewed at least annually.

The Plan will be a high level of aggregation and may include capital and operating expenditure at broad program levels rather than the project details considered in the annual budget process.

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

The Director Corporate Services will ensure that the draft annual budget presented to Aldermen is consistent with the most recently presented Strategic Financial Plan. The Strategic Financial Plan will be discussed at least annually with the Council prior to the preparation of detailed annual budgets.

Capital Improvement Program

The Capital Improvement Program is subject to annual review by the Council as part of the update of the overall Strategic Financial Plan.

The program should be supported by information from the Asset Management Plans and business cases for projects that will have a material impact on future operations including depreciation.

Major Works (Operating) Program

The Major Works (Operating) Program is subject to annual review by the Council.

The Setting of the Annual Budget and Reporting of Variances

The Council through its annual budgeting process determines the budget for the next financial year. This budget is established in accordance with Section 82 of the Local Government Act.

The Council approved budget is referred to as the Statutory Estimates.

Directors are ultimately responsible for the management of their detailed budget within the total budgetary allocation, including both Operations and Capital for all the departments under their control.

The Council understands that variations to budgets will occur in individual items and requires that these variances are managed within departmental, directorate and organisational budget totals.

Where these variations are of a sufficient magnitude to warrant disclosure to Aldermen then this will occur through the quarterly reports to the Audit Panel unless the variation is so significant as to require immediate disclosure.

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

Disclosure to Aldermen is required in respect of material variations which are presumed to be:

- Operations Budget - An overall variance of \$500,000 or 0.5% of operating revenue.
- Capital Budget – An overall variance of \$500,000 or 2.5% of annual estimated depreciation.

In addition to the above guidelines there is a general requirement for management to report to Council as soon as practical, variations in revenue and expenditure that require Council budget amendments.

This disclosure obligation also exists where the major programs presented during the budget presentations will not proceed due to variances in other areas.

Alterations and Amendments to the Budget

Alterations are changes to budget allocations that do not change the overall Statutory Estimates.

Amendments are changes to the Statutory Estimates as specified in Section 82 of the Local Government Act.

This policy does not require budget alterations to be made for every budget variance.

Alterations to the Operations Budget are required when:

- There is a change in the planned expenditure for projects and programs that were presented to and approved by Council during the budget meetings and the variance is greater than \$500,000; and
- The estimated year end net *unfavourable* variance in the Operations Budget is likely to be greater than or equal to 1 per cent of the rate revenue or \$500,000.

An alteration to the Operations Budget will need to be treated as a Budget Amendment if the unfavourable variance cannot be accommodated within the existing budget (latest Statutory Estimates).

Alterations to the Capital Budget are required when:

- The completion of the programs within each directorate capital budget will not occur within the approved funding.
 - An additional item needs to be included during the financial year.
 - Reallocations between programs are required to ensure that adequate funding is available.
-

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

An alteration to the Capital Budget will need to be treated as a Budget Amendment if it cannot be accommodated within the existing budget (latest Statutory Estimates).

Approval for Budget Amendments must be sought from the Council following review by the Audit Panel as soon as variances in programs become apparent.

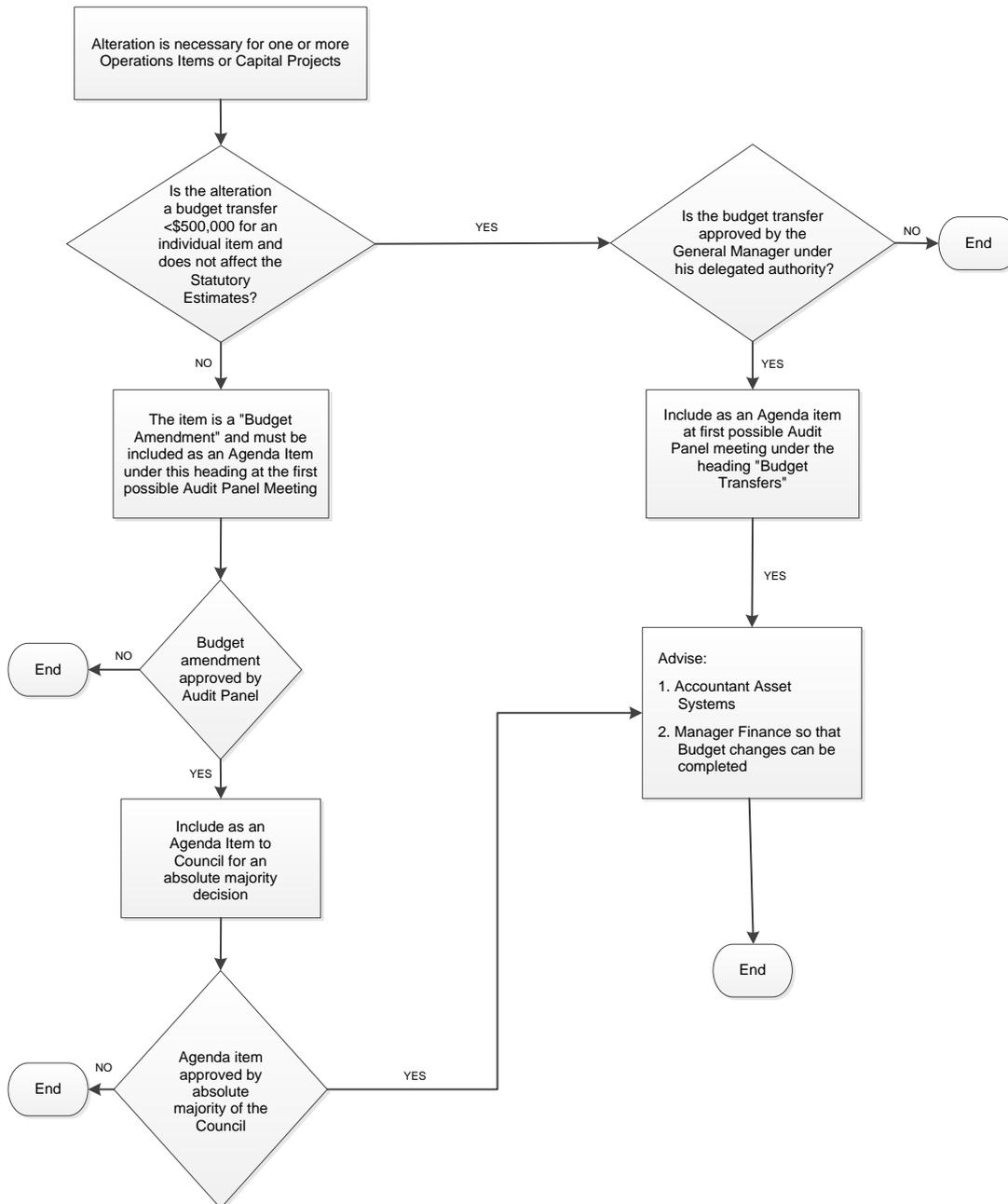
Budget Amendments can be approved as follows:

- a) by absolute majority of the Council; or
- b) by the General Manager if delegated the authority by absolute majority of the Council, for minor alterations to specified amounts to individual items so long as the total amount of the Statutory Estimates is not altered. The General Manager is to report any alteration and an explanation of the alteration at the first ordinary meeting of the Council following the alteration;

The following table shows the approval process for Capital and Operations Budget changes:

Circumstance	Reviewed By	Approved By	Advised
Transfers <\$500,000 for an individual item and does not affect Statutory Estimates	Audit Panel	General Manager (authorised by absolute majority of the Council up to \$500,000 for individual items)	Council (via Audit Panel Agenda and Minutes)) Accountant Asset Systems
When a budget transfer is >\$500,000 for an individual item it becomes a budget amendment	Audit Panel	Absolute majority of the Council	Accountant Asset Systems
Budget amendment	Audit Panel	Absolute majority of the Council	Accountant Asset Systems

19.3 Budget Management Policy (12-PI-001)...(Cont'd)



Urgent items that require a Council decision may go to the Council before the Audit Panel reviews the item(s).

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

Any budget amendments to estimated revenue, expenditure, borrowings and capital works that alter the total amount of any estimate must be approved by the absolute majority of the Council.

The overall Capital Budget must be balanced at the end of each financial year. This means there can be no unfavourable variance for the Capital Budget in total. This may require an adjustment to the next financial year's Capital Budget if other funding is not available for the Council to approve.

Management is required to take action to avoid a deterioration in the overall budget outcome and to provide Council with options if considered necessary.

Prior to making an application to Council for additional operational or capital funds during a financial year Directors are required to consider:

- Budget reallocations;
- Compensating cost reductions; and
- Asset sales.

The Strategic Financial Plan must provide for future Capital expenditure forecasts. Projects can only have actual costs committed once the project is approved by the Council in the Annual Capital Budget process. If a project is approved to be staged over a number of years (not just one year), it can have costs committed for the current budget year as well as the forecast years so that critical work can be arranged to allow the project to be managed and increase the possibility of better pricing for larger bodies of work.

Specific Budget Changes Requiring Council Approval

The broad policy above governs the requirements for Council approval of Budget Alterations and Budget Amendments. The following detailed requirements are intended to clarify some specific circumstances where approval is required:

- Transfers between (in either direction) the Operations and Capital Budgets - Require Council approval as this will affect the Statutory Estimates.
 - Expenditure of new grants acquired - Requires Council approval unless the amount is less than \$10,000. The fact that no new Council funding is required does not remove the need for an approved Budget Amendment.
-

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

- Council approved expenditure - Approval of expenditure by Council does not automatically imply a budget change. Council will occasionally approve expenditure as part of a decision on a matter. This does not constitute a Budget Amendment unless the item specifically states this in the recommendation. In the absence of a Budget Amendment, the approved expenditure will need to be found from within the existing budget.
- Contra arrangements – A change to gross budget requires Council approval. An example would be where Council enters into a lease which requires the lessee to provide capital items, such as a kitchen. The underlying transaction in this example includes a capital purchase which must be recorded and budgeted as such.

Prior or current period surplus

Gaining a surplus against a department budget does not imply that the current budget for another item in that department can automatically be increased by a like amount. It is recognised that achieving a surplus will often mean Council is in an enhanced cash position. However, the use of this surplus is best considered as part of an overall Council strategy as is done when the annual budget is set, rather than being seen as a way of addressing a short term budget need.

This clause does not prevent Council adjusting the current budget if it determines this is appropriate in the circumstances, provided the Budget Amendment requirements of this policy are met.

Agenda Items for Budget Changes

Budget Amendments require an agenda item to be written for Council approval. Budget Amendment items should be named "Budget Amendment (Directorate) (FY)" and should be specific as to the budget line item being changed. References to projects should use the name and project number quoted in the budget line or note the extent to which the name may have changed.

Officers writing Budget Amendment items must:

- Get the approval of their department manager and/or director;
 - Submit to the Director Corporate Services for approval;
 - and inclusion in the quarterly financial report to the Audit Panel and the Council;
 - or
 - 10 days before the Council meeting day where urgent approval is required.
 - Task the Council minute (recording the decision) to the Manager Finance via Technology One ECM.
-

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

The following table should be used as a model for the Council recommendation.

Project Name	Project Number	Current Amount	Transfer From	Transfer In	New Amount
Transfer from:					
Hoblers Bridge Road (Penquite to Railway Crossing)	50533	750,000	208,786	-	541,214
Bacala Road	50506	291,421	39,880	-	251,541
Funds Required:					
Corkerys Road Bridge 621	50528	350,000	-	87,666	437,666
Second River Road Bridge 660	20665		-	75,000	75,000
St Leonards Road (41-171)	55841	115,000	-	86,000	201,000
TOTALS		1,506,421	248,666	248,666	1,506,421

PRINCIPLES:

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

14-HLPr-007 How to Write an Agenda Item for Council Procedure

RELATED LEGISLATION:

Local Government Act 1993 (Tas) section 82.

REFERENCES:

N/A.

DEFINITIONS:

Budget Transfers

Minor changes to budget allocations that do not change the overall Statutory Estimates and that the General Manager has been authorised, by absolute majority of the Council, to approve up to specified amounts for individual items.

Budget Amendment

A transfer or additional allocation of funds approved by the Council, by absolute majority, that changes the Statutory Estimates for revenue, expenditure, borrowings or capital works; or a budget alteration that is above the authorised value that the General Manager has been approved to make.

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

Capital (or Major Works) Budget

The annual budget of capital expenditure presented to Council's Strategic Planning and Policy Committee detailing capital projects. This is an internal working document and is the basis of the Statutory Estimates in relation to Capital works.

Capital Expenditure

Capital expenditure is expenditure to purchase or create a new asset or expenditure to upgrade an existing asset to a higher level of service.

Departmental Budget

A grouping of cost centres around a common purpose or area of responsibility. A departmental budget in this context may refer to a functional area such as a car park rather than a department in a personnel sense. Together they make up the Operations Budget.

Operations Budget

The annual budget of income and expenses presented to Council's Strategic Policy and Planning Committee detailing departmental operations. This is an internal working document and is the basis of the Statutory Estimates in relation to operations.

Statutory Estimates

The annual budget that incorporates and summarises the Operations and Capital Budget and provides details of the rates and charges for the financial year. Contains the estimates referred to in section 82 of the Local Government Act. This is a public document.

Capital Program

A grouping of projects delivering similar outcomes within directorate / departmental responsibilities.

Cost Centre

A grouping of expenditure or revenue items on related or similar types that are managed as a total. These groupings typically appear as part of the summary sheet in the departmental budgets.

Disclosure

Means the presentation of details of the variance to the aldermen at a meeting of the Audit Panel, the Strategic Policy and Planning Committee or Council.

REVIEW:

This policy will be reviewed no more than 5 years after the date of approval

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

REPORT:

The Budget Management Policy has been developed to clarify the process to be followed when budget variances and changes occur in a budget year.

In the past reports have been produced that highlighted changes of over \$50,000. This created a report that was lengthy and in the main immaterial to the Audit Panel and the Council.

The policy attempts to identify only material items and significant items that require review by the Audit Panel and approval by the Council. The policy also sets out the delegated authority required by the General Manager for minor alterations (up to \$500,000 has been proposed by Council decision 11 August 2014 under the Audit Committee Charter) while still requiring disclosure of smaller budget reallocations to the Audit Panel and the Council via the minutes of the Audit Panel meetings.

The policy also makes clear that any changes to the Statutory Estimates still require Council approval, in accordance with legislation, regardless of the amount of the amendment.

Due to the number of changes made to the policy they have not been underlined.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

19.3 Budget Management Policy (12-PI-001)...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

This item is prepared consistent with the Governance Goals and Corporate Plan priority area, of the Strategic Plan.

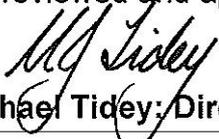
BUDGET & FINANCIAL ASPECTS:

This policy forms a structure that allows the Council to control and report budget alterations.

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

19.4 Investment Policy (12-PI-002)**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)**DECISION STATEMENT:**

To approve the updated Investment Policy

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel 25 September 2014 - it was resolved that the policy go to the Council for a decision.

RECOMMENDATION:

That the Investment Policy be approved by the Council.

Investment Policy***PURPOSE:***

To set the objectives for the investment of cash assets and provide the framework and risk profile for the formulation of Council's investment strategy by:

- Providing an authorising framework for control and security over cash assets.
- Mandating risk and diversification parameters for the investment of Council's cash assets
- Ensuring funds are invested in accordance with the requirements of the Local Government Act 1993.

SCOPE:

This policy applies to all cash funds owned or controlled by Council, with the following exceptions:

- Loans made and authorised by Council to external bodies.
 - Investments other than for the management of cash funds.
 - Cash held by special committees.
 - Superannuation Funds.
 - Trust funds administered under separate deeds.
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

POLICY:**OBJECTIVE**

The investment objective for Council's cash assets will be to optimise the investment return within the risk parameters of this policy.

AUTHORISING FRAMEWORK**Authorities****Policy**

Council is the approving authority for the formulation of and variations to the Investment Policy

Cash assets will be invested consistent with this policy

Strategy

The General Manager is the approving authority for the Investment Strategy.

Changes to Strategy

The Director Corporate Services may authorise a strategy review in response to changes of market conditions or market products

Legislation

A Council may invest any money -

- (a) In any manner in which a trustee is authorised by law to invest trust funds; and
- (b) In any investment the Treasurer approves.

Section 75, Local Government Act 1993.

Controls**Transfer of funds**

Each investment will have a minimum of five and require two, authorised signatures before funds are transferred.

Funds held other than in the trading account must, where possible, be on the condition that any redemption will only be transferred into Council's trading account.

Where institutions are unable to provide this facility the Director Corporate Services is to ensure adequate controls exist to protect the Council's cash assets.

Signatories

Signatories are to be divided into signing officers and counter signing officers.

19.4 Investment Policy (12-PI-002)...(Cont'd)

Signing officers are to be the Director Corporate Services, Manager Finance and the Accountant Financial Systems.

Counter signing officers are to be two other Council officers appointed by the Manager Finance.

The transfer of funds requires two signing officers or one signing and one counter signing officer.

Separation of Duties

The Council Officer responsible for the monitoring, reconciling and reporting of Council's cash resources must not be a signatory to any account.

RISK

Approach to Risk

Council officers will take a conservative approach to assessing risk.

The assessment of risk will extend beyond the investment rating of the institution. Schedule 1 outlines some of the risks and the approach Council will take. The supply of investment products is an ever developing market, and as such the risks outlined should not be regarded as exhaustive.

Investment Advisor

Council staff will use the services of appropriately qualified investment advisors to assist with monitoring of investment performance, strategy development and choice of investments whenever investments are made in managed funds or similar. An investment advisor is not required when cash funds are involved as direct (or term) deposits as set out below.

Investment Parameters

Council's cash assets will only be invested in cash investments, that is they are not to be:

- (a) invested in equities.
- (b) invested in structured products

When assessing investment products Council officers will be vigilant for products that meet the legal requirements to be sold as a cash product while the underlying investments is equities, structured debt or other non cash assets.

Duration

When assessing fixed term investments Council officers will determine the cash flow requirements to ensure that sufficient liquidity remains for Council to meet its obligations.

19.4 Investment Policy (12-PI-002)...(Cont'd)

Diversification

The amount invested with any one financial institution or managed fund should not exceed the following percentages of funds invested:-

Direct Deposits

Short Term Rating (Standard & Pooors)	Maximum Percentage of Total Investments	Single Institution Maximum Percentage of Total Investments
A1+	100%	45%
A1	30%	30%
A2 and below	Nil	Nil

Managed funds

(Standard & Pooors)	Single Fund Maximum Percentage of Total Investments	Single Institution Maximum Percentage of Total Investments
AAA	30%	45%
AA	30%	30%
A	<i>Nil</i>	<i>Nil</i>
<i>BBB and below</i>	<i>Nil</i>	<i>Nil</i>

Where Council invests with an institution both directly and/or via a managed fund a single maximum will apply to the total invested (ie 45% not 90%).

STRATEGY

Methodology

Council staff in conjunction with the Council's independent investment advisor (if appointed) will monitor investment performance, strategy development and choice of investments within this policy.

As part of the budget process the Council will each year perform an analysis of cash needs both current and future. An Investment Strategy will be formulated to allocate cash resources in a manner that optimises return over the allocation duration within the confines of the risk profile defined in this policy.

19.4 Investment Policy (12-PI-002)...(Cont'd)

Investment Strategy

The investment strategy will be reviewed each year and submitted to the General Manager for approval.

The Investment Strategy will contain;

- A breakdown of Council funds by class according to:
 - Trading funds
 - Working Capital
 - Conditional Funding
 - Cash backed reserves
 - Strategic funds.
- The target investment duration
- How funds will be invested
- The target return for funds
- The name of Council's investment advisor (if appointed)

Once formulated the Investment Strategy must be approved by the General Manager before any changes in investments can be made.

Choice of investment

Investing officers may invest differently from advisors recommendations provided that:

- (a) The investment complies with all other requirements of this policy
- (b) The investment is in accordance with the Investment Strategy
- (c) The investment is approved by the Director Corporate Services

Any variation from the advisor's recommendations shall be reported to the next meeting of the Audit Panel.

Market conditions

The Director Corporate Services may authorise a strategy review in response to changes of market conditions or market products.

REPORTING

The Manager Finance is responsible for the preparation each month of a report of investment balances, returns and performance to benchmark for the month and financial year to date.

- (a) A regular report will be provided to the Audit Panel, detailing the investment performance and counterparty percentage exposure of total portfolio.
 - (b) Investment performance shall be measured against the Official Cash Rate.
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

For audit purposes, certificates must be obtained from the banks / fund managers confirming the amounts of investment held on Council's behalf at 30 June each year.

PRINCIPLES:

Council's Organisational Values apply to all activities

RELATED POLICIES & PROCEDURES:**PURPOSE:**

To set out the role, responsibilities, structure and processes of the Audit Committee.

SCOPE:

Applies to the oversight of all Council's policies and processes (used in all the directorates and entities that are subject to Council control) that manage, administer or operate the systems of:

- a) Financial control and reporting, or
- b) Audit, or
- c) Risk

POLICY:**Legislative Framework**

The Audit Committee is a special committee formed under Section 24 of the Local Government Act 1993.

Objectives

The Audit Committee is an advisory Committee of Council with delegated responsibilities as detailed in this policy. The key objectives of the Audit Committee are:

- a) To assist Council in the effective conduct of its financial reporting responsibilities,
- b) The management of risk,
- c) Maintaining a reliable system of internal controls, and
- d) Facilitating the conduct of the Council's activities in an ethical and responsible manner.

The Audit Committee is to:

- a) Assist with the coordination of the internal and external audit functions to achieve overall organisational objectives in an efficient and effective manner.
 - b) Oversee changes to the Council estimates in accordance with Section 82 of the Local Government Act.
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

Outcomes sought for the Council and the community through the activities of the Audit Committee include:

- a) Enhanced internal and external financial reporting.
- b) Effective risk (financial and operational) management.
- c) Compliance with best practice guidelines, legislation and regulation.
- d) An effective internal audit function.
- e) Facilitation of effective communication between the auditors (internal and external), management and the Council.

Role and Authority

The Committee's role is to advise the Council, including recommendations, on matters relevant to the objectives and to make decisions on behalf of the Council through its delegated powers.

Subject to the specific delegations, the Audit Committee does not have authority to instruct management or authorise expenditure. However, the Committee can request management take action or provide information and as part of its reporting to Council, advise of any circumstances where these requests have not been agreed to.

Responsibilities

The Audit Committee is appointed by and responsible to the Council for the oversight of those activities necessary to progress and achieve its objectives.

The following are some of the duties of the Committee related to the key objectives.

Financial and Management Reporting

- a) Review the Council's draft annual financial report, including:
 - Accounting policies and practices (including changes),
 - The process used to make significant accounting estimates,
 - Significant adjustments (if any) arising from audit process,
 - Compliance with reporting requirements.
 - Significant variances from estimates or prior years.
 - b) Recommend adoption of the annual financial statements to the Council.
 - c) Review draft quarterly reports and recommend their adoption to the Council.
 - d) Review any business unit or special financial reports.
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

Risk Management

- a) Monitor any significant issues relating to risk management, management's response and the actions taken as a result.
- b) Monitor the risk exposure of the Council by determining if management has appropriate risk management processes and adequate management information systems.

Internal Audit

- a) Review and approve the scope of the internal audit plan and program and the effectiveness of the function. The review should consider whether the plan systematically addresses
 - Internal controls over significant areas of risk.
 - Internal controls over revenue, expenditure, assets and liability processes.
 - 'Value for money' of significant Council programs.
 - Compliance with legislation, policies and contractual terms.
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

- b) Review the appropriateness of special internal audit assignments.
- c) Review internal audit reports and monitor the performance of management in responding to recommendations.
- d) Facilitate the interaction between the internal and external auditor to achieve optimal audit efficiency.
- e) Monitor ethical standards and any related party transactions to determine whether the systems of control are adequate.

External Audit

- a) Review and approve the scope and planning of the external audit with the auditor.
- b) Discuss any issues including those raised in the management letter and authorise the final resolution.

Other

- a) Review tendering arrangements and advise the Council.
- b) Review issues relating to national competition policy.
- c) Review performance indicators.
- d) Consider any performance audit reports presented by the Auditor General and the implications for the Council.
- e) Identify or oversee the investigation (including issues referred by the Council or the General Manager) and reporting of any areas or issues requiring review.
- f) Oversee the investigation of any suspected cases of fraud.
- g) Monitor any major claims or lawsuits by or against Council.
- h) Report to the Council after each meeting and as necessary on the issues considered and the Committee's performance indicators.

Membership and Remuneration

The membership of the Committee will be:

- a) Two aldermen appointed through the process for Council committees, and
- b) At least two external independent members one of whom will be the Chair of the Committee. Additional members may be approved by the Council.

The Council's Community Appointments to Advisory Committees Policy (14-Plx-029) provides a framework for the appointments of members of the public to committees.

In regard to this policy these provisions are extended as follows:

- a) The Chair is required to have relevant business or commercial experience and preferably qualifications,
 - b) The Chair must meet requirements commonly referred to as the 'fit and proper person test',
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

- c) The Chair must not have any conflict of interest or conflict of duty in the matters that are likely to be considered by the Committee,
- d) The Chair must be available to attend meetings subject to the usual meeting schedule, as determined by the Committee from time to time,
- e) Remuneration will be paid to each external member of the Committee on a set fee per annum, or another basis as appropriate.
- f) The evaluation of any external persons will be undertaken by the Mayor and General Manager with a recommendation for appointment then to be made to the Council.
- g) Appointments of external persons are for a period of three years, subject to a maximum term of six years.
- h) If the Council proposes to remove a member of the Committee it must give written notice to the member and provide that member with the opportunity to be heard at a Council meeting which is open to the public.

Meetings

- a) The Committee shall meet at least quarterly, to coincide with reporting requirements. (Given the responsibilities of the Committee it is expected that there will be six to eight meetings per annum.)
 - b) Additional meetings shall be convened at the discretion of the Chairperson or the written request of:
 - Mayor
 - General Manager
 - Committee Member
 - Auditor
 - c) An external member of the Audit Committee shall be appointed as Chair. In the absence of the Chair, the Committee members will appoint an acting Chair for the meeting.
 - d) A quorum shall be two.
 - e) The General Manager or his delegate and the internal auditor should attend all meetings, except where the full Committee chooses to meet in camera.
 - f) Council staff and aldermen may be invited to attend at the discretion of the Committee.
 - g) Secretarial and administrative support shall be provided through the Corporate Services Directorate.
 - h) Meetings shall be minuted and an agenda prepared and distributed at least 4 days prior to the meeting. The agenda will be structured around the functional areas of responsibility, i.e. reporting, audit and risk.
 - i) The agenda will be available to all aldermen, directors and staff involved in the meeting.
-

19.4 Investment Policy (12-PI-002)...(Cont'd)

DELEGATIONS:

The Council authorises the Audit Committee, in accordance with the provisions of Sections 22 (Delegations) and 82 (Estimates) of the Local Government Act to determine the following matters:

- a) Minor budget adjustments up to \$500,000 (approximately 1 percent of the total rate revenue) to individual items within any estimate referred to in Section 82(2)). (See policy definition section for explanation)
- b) Changes to the Council's risk register.
- c) Approve internal and external audit plan.
- d) Authorise the final resolution of issues raised in management letters from audits.
- e) Make recommendations to the Council on matters reasonably within the responsibilities of the Committee.

PRINCIPLES:

- The Committee is to be and act independently of management and the Council.
- The Committee has delegated decision making power within the scope of its role and expertise to assist with the effective governance of the Council. Management are required to ensure that all reasonable requests are complied with and that reasonable financial resources are provided, within the budget framework.
- The Committee will discharge its role in a constructive way that improves the operation of the Council in the area of Committee responsibility.

RELATED POLICIES & PROCEDURES:

[DRAFT](#)

[DRAFT](#)

[14-HLPr-003](#)

[11-PI-002](#)

[14-Plx-029](#)

[DRAFT](#)

RELATED LEGISLATION:

Section 22 of Local Government Act (Delegations)

Section 24 of Local Government Act (Special Committees)

Section 82 of Local Government Act (Estimates)

Audit Act 2008

19.4 Investment Policy (12-PI-002)...(Cont'd)

REFERENCES:

Audit Committees - A Guide to Good Practice ISBN 978-1-876604-03-05 (AICD)

DEFINITIONS:

Estimates (Section 82 of Local Government Act)

- (2) Estimates are to contain details of the following:
 - (a) the estimated revenue of the council;
 - (b) the estimated expenditure of the council;
 - (c) the estimated borrowings by the council;
 - (d) the estimated capital works of the council;
 - (e) any other detail required by the Minister.
- (4) A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.
- (5) A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered.
- (6) A council, by absolute majority, may authorise the general manager to make minor adjustments up to specified amounts to individual items within any estimate referred to in subsection (2) so long as the total amount of the estimate is not altered.
- (7) The general manager is to report any adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.

Delegations (Section 22 of Local Government Act)

- (3) A council must not delegate any of its powers relating to the following:
 - (d) the revision of the budget or financial estimates of the council.

The critical concept is 'estimate', this is a total or high level summary of revenue or expenditure (etc) it is not the individual or detailed item. Thus the legislation provides considerable scope for the delegation of authority to manage day to day budget changes.

Fit and Proper Person Test

Refers to assessing the capability of a person in terms of their qualifications and experience (Fit) and ethical standards (Proper).

REVIEW:

This policy will be reviewed no more than 2 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

19.4 Investment Policy (12-PI-002)...(Cont'd)

RELATED LEGISLATION:

Trustees Act 1898 – As Amended
Local Government Act 1993

REFERENCES:

Common law responsibilities - The Local Government Act 1993 permits investment in any investment which a trustee is authorised by law to invest trust funds.

The Trustee Act 1898 Part II Investments, requires that all investments are to be made exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of another person. The interpretation of these is a matter of common law.

Section 75, Local Government Act 1993
Standard and Poors Credit Ratings Definitions

DEFINITIONS:**Authorised deposit-taking institution (ADI)**

A body corporate in relation to which an authority under Section 9 (3) of the Banking Act (No 6 of 1959 as amended) is in force. At the time of producing this policy these included prescribed banks, building societies and credit unions.

Conservative Approach to Risk

An investing strategy that seeks to preserve an investment portfolio's value by investing in lower risk products.

Equities

Investments in the share capital of firms either directly or through managed funds or derivatives.

Financial institution

Any authorised deposit-taking institution authorised under the Trustee Act to receive deposits.

Investment arrangement

Any authorised deposit taking institution or the manager of any authorised deposit taking institution, authorised under the Trustee Act to receive fixed deposits.

19.4 Investment Policy (12-PI-002)...(Cont'd)

Standard & Poors

A rating agency that assesses capacity of an obligor to meet its financial obligations.

Stress testing

Analysis of the institution or product to determine its ability to maintain the investment balance during a down turn in market factors that affect the investment product.

Structured products

Managed Funds or Floating Rate Notes where the underlying investment is a securitised instrument.

Official Cash Rate (OCR)

The Official Cash Rate is the interest rate paid by banks in the overnight money market in Australia and is regulated by the Reserve Bank of Australia.

Sector

The asset class in which funds are invested e.g. government, corporate, asset backed etc.

REVIEW:

This policy will be reviewed no more than 2 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

SCHEDULE 1**RISKS****Risk Profile**

Council officers will take a conservative approach to assessing risk.

Diversification Risk

The risk associated with the size of loss relative to the total portfolio from placing investments with a single or relatively small number of funds, notes or product styles.

Council officers will be diligent when placing investments such as managed funds or floating rate notes to avoid products that have invested in the same underlying assets.

Duration Risk

When selecting investment products with a duration beyond 48hr, particular attention is to be given to what is being rated, principal and interest, principal or principal at maturity. For products where the rating is for principal only or principal at maturity, the risk of losing income can increase with long duration products. The particular product should be assessed on the probability of capital loss, return loss and inflation erosion.

19.4 Investment Policy (12-PI-002)...(Cont'd)

Council funds will not be invested in long duration products with a high principal on maturity rating based on a third party underwriting.

Institution Risk:

The risk associated with concentrating the portfolio with one institution.

Finance staff will actively monitor the portfolio to identify both the fund manager and the investing institution for investments held and maintain the portfolio within the investment parameters.

Product Risk

A number of State Governments have strict statutory controls on the type of products and markets that local government may invest in. As a result there are products in the market structured so that they fit the definition of a highly rated cash investment while the fund has a high (up to 100%) exposure to equities or structured debt products. Council funds will not be invested in these products.

Any product offering significantly higher return than its peers must have undergone stress testing for both return and capital loss and the product endorsed in writing by the Council's investment advisor, before any funds are invested.

All investment products should also be reviewed on the basis that the investment adheres to the intent as well as the letter of this policy.

Sector Risk

Sector Risk refers to the risk associated with having a high portion of a portfolio exposes to the same market sector.

A portfolio can be diversified across institutions but if they have all invested in the same market sector the level of exposure to that market is increased.

The Finance Department will also monitor the total asset allocations of the portfolio across all investments to ensure sector risk allocations are identified and managed.

19.4 Investment Policy (12-PI-002)...(Cont'd)

SCHEDULE 2

Standard and Poors Credit Ratings Definitions

(this schedule is an extract from Standard and Poors website Oct 2014)

A Standard & Poor's issue credit rating is a forward-looking opinion about the creditworthiness of an obligor with respect to a specific financial obligation, a specific class of financial obligations, or a specific financial program (including ratings on medium-term note programs and commercial paper programs). It takes into consideration the creditworthiness of guarantors, insurers, or other forms of credit enhancement on the obligation and takes into account the currency in which the obligation is denominated. The opinion reflects Standard & Poor's view of the obligor's capacity and willingness to meet its financial commitments as they come due, and may assess terms, such as collateral security and subordination, which could affect ultimate payment in the event of default.

What do the letter ratings mean

AAA	An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
AA	An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong
A	An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.
BBB	An obligation rated 'BBB' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation
BB; B; CCC; CC; and C-	Obligations rated 'BB', 'B', 'CCC', 'CC', and 'C' are regarded as having significant speculative characteristics. 'BB' indicates the least degree of speculation and 'C' the highest. While such obligations will likely have some quality and protective characteristics, these may be outweighed by large uncertainties or major exposures to adverse conditions.
BB	An obligation rated 'BB' is less vulnerable to non payment than other speculative issues. However, it faces major ongoing uncertainties or exposure to adverse business, financial, or economic conditions which could lead to the obligor's inadequate capacity to meet its financial commitment on the obligation.

19.4 Investment Policy (12-PI-002)...(Cont'd)

B	An obligation rated 'B' is more vulnerable to non payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation. Adverse business, financial, or economic conditions will likely impair the obligor's capacity or willingness to meet its financial commitment on the obligation.
CCC	An obligation rated 'CCC' is currently vulnerable to non payment, and is dependent upon favourable business, financial, and economic conditions for the obligor to meet its financial commitment on the obligation. In the event of adverse business, financial, or economic conditions, the obligor is not likely to have the capacity to meet its financial commitment on the obligation.
CC	An obligation rated 'CC' is currently highly vulnerable to non payment. The 'CC' rating is used when a default has not yet occurred, but Standard & Poor's expects default to be a virtual certainty, regardless of the anticipated time to default.
C	An obligation rated 'C' is currently highly vulnerable to non payment, and the obligation is expected to have lower relative seniority or lower ultimate recovery compared to obligations that are rated higher.
D	An obligation rated 'D' is in default or in breach of an imputed promise. For non-hybrid capital instruments, the 'D' rating category is used when payments on an obligation are not made on the date due, unless Standard & Poor's believes that such payments will be made within five business days in the absence of a stated grace period or within the earlier of the stated grace period or 30 calendar days. The 'D' rating also will be used upon the filing of a bankruptcy petition or the taking of similar action and where default on an obligation is a virtual certainty, for example due to automatic stay provisions. An obligation's rating is lowered to 'D' if it is subject to a distressed exchange offer.

Note: Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

Are Credit Ratings indicators of investment merit

While investors may use credit ratings in making investment decisions, Standard & Poors ratings are NOT indications of investment merit. In other words, the ratings are not buy, sell, or hold recommendations, or a measure of asset value. Nor are they intended to signal the suitability of an investment. They speak to one aspect of an investment decision - credit quality - which in some cases, may include our view of what investors can expect to recover in the event of default.

In evaluating an investment, investors should consider, in addition to credit quality, the current make-up of their portfolios, their investment strategy and time horizon, their tolerance for risk, and an estimation of the security's relative value in comparison to other securities they might choose.

19.4 Investment Policy (12-PI-002)...(Cont'd)

Why do Credit Ratings change

The reasons for ratings adjustments vary, and may be broadly related to overall shifts in the economy or business environment or more narrowly focused on circumstances affecting a specific industry, entity, or individual debt issue.

In some cases, changes in the business climate can affect the credit risk of a wide array of issuers and securities. For instance, new competition or technology, beyond what might have been expected and factored into the ratings, may hurt a company's expected earnings performance, which could lead to one or more rating downgrades over time. Growing or shrinking debt burdens, hefty capital spending requirements, and regulatory changes may also trigger ratings changes.

While some risk factors tend to affect all issuers - an example would be growing inflation that affects interest rate levels and the cost of capital - other risk factors may pertain only to a narrow group of issuers and debt issues. For instance, the creditworthiness of a state or municipality may be impacted by population shifts or lower incomes of taxpayers, which reduce tax receipts and ability to repay debt.

Are Credit Ratings absolute measures of default probability

Since there are future events and developments that cannot be foreseen, the assignment of credit ratings is not an exact science. For this reason, Standard & Poor's ratings opinions are not intended as guarantees of credit quality or as exact measures of the probability that a particular issuer or particular debt issue will default.

Instead, ratings express relative opinions about the creditworthiness of an issuer or credit quality of an individual debt issue, from strongest to weakest, within a universe of credit risk. The likelihood of default is the single most important factor in the assessment of creditworthiness.

REPORT:

The Council was for a period of time investing in managed cash funds. These investments were monitored and managed with the assistance of an external investment advisor. Following the Global Financial Crisis the decision was made to revert to term deposits and so the need for an investment advisor ceased. The Policy has been reviewed to align with current practice. The annual cost of the investment advisor was approximately \$20,000.

19.4 Investment Policy (12-PI-002)...(Cont'd)

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.1.4 Ensure the city is managed in a financially sustainable manner.

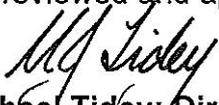
BUDGET & FINANCIAL ASPECTS:

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.


Michael Tidey, Director Corporate Services

19.5 Annual Financial Statements for the Year Ended 30 June 2014**FILE NO:** SF2633**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the annual financial statements for the year ended 30 June 2014.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel 25 September 2014 - Panel authorise the General Manager to sign Management Representation letter and Financial Statements declaration.

RECOMMENDATION:

1. The Council, pursuant to Section 84(4) of the Local Government Act 1993, receive the audited financial statements for the year ended 30 June 2014 and note that
 - a) The General Manager has certified the financial statements in accordance with Section 84(3); and
 - b) The financial statements have been audited by the Auditor General in accordance with Section 84(1) and the statements have received an unqualified audit opinion.

 2. The Council further note that pursuant to Section 72 of the Local Government Act 1993 the financial statements will be included in the Annual Report.
-

REPORT:

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

19.5 Annual Financial Statements for the Year Ended 30 June 2014...(Cont'd)

The financial statements for the year ended 30 June 2014 were signed by the General Manager on 26 September 2014 and the audit certificate was signed by the Auditor General on 26 September 2014. The audit opinion was issued without qualification.

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

A briefing on the draft statements was made available through the Audit Panel on 25 September 2014. A summary of some of the key financial results is as follows.

Statement of Financial Position

The Council's Statement of Financial Position shows net assets of \$1.46 billion compared to \$1.44 billion in 2013. The major items in the Council's financial position are:

1. Infrastructure assets have increased by \$47.3m due to the revaluation of assets.
2. Current assets have increased by \$2.5m with an increase in short term investments.
3. Current Liabilities are higher by \$3.6m due to Sundry Payables and Accruals.
4. Non-current liabilities have decreased by \$7.7m as a result of a reduction in interest bearing liabilities (2.59m) and a reduction in the waste cell provision for rehabilitation of \$4.8m as result of more accurate measurements and quoted prices to complete the work.

The Council's Balance Sheet is in a very sound position as at 30 June 2014, however the operating deficit is being addressed as a matter of urgency.

Statement of Comprehensive Income

The statement of comprehensive income shows both the operating result and also other non-operation items such as valuation adjustments. The Council's Net Deficit for the year ended 30 June 2014 was a deficit of \$6.26m (see note 2 of the attachment) which compares unfavourably to the underlying budget deficit of \$3.88m.

It is important to note that the actual underlying result includes \$1.47m in expenses for the write down of assets held for sale relating to the stock yards which when taken into account reduces the unfavourable variance to \$0.9m compared to budget as can be seen on the reconciliation following, under the heading Operating Result.

Other significant factors affecting the financial results include:

19.5 Annual Financial Statements for the Year Ended 30 June 2014...(Cont'd)

Operating Result

Overall income exceeded budget by \$2.3m due mainly to rate revenue growth of \$0.6m, fees \$0.5m and investment revenue \$0.8m.

Expenses were higher than budget with materials and services \$4.1m higher than budget offset by lower than budget employee costs of \$0.6m.

The following table shows the underlying operating result for the 2013/14 year.

	Actual \$'000	Budget \$'000	Variance \$'000
Surplus / (Deficit)	19,730	(700)	20,430
<u>Less Adjustments</u>			
Capital Grants	(3,422)	(3,186)	(236)
Infrastructure Take-up Adjustments	(22,573)	-	(22,573)
Write down of assets held for Sale (stockyards)	1,474	-	1,474
<u>Less Adjustments</u>			
Financial Assistance Grants Paid prior year in advance	2,036	2,036	0
Underlying Operating Surplus / (Deficit)	(2,755)	(1,850)	(905)

Capital Result

The final outcome of the 2013/14 capital projects (excluding Flood Levee Capital projects) is shown in the following table:

	<u>\$'000</u>
2012/13 unspent capital	5,700
2012/13 capital allocated subsequently	(477)
	<u>5,223</u>
2013/14 completed capital projects (under budget)	1,131
	<u>6,354</u>
Less Actual 2013/14 Underlying Deficit	(2,755)
	<u><u>3,599</u></u>

19.5 Annual Financial Statements for the Year Ended 30 June 2014...(Cont'd)

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.4 Ensure the City is managed in a financially sustainable manner.

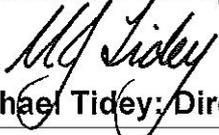
BUDGET & FINANCIAL ASPECTS:

N

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. Unaudited abridged financial results that will form part of the Financial Statements to be included in the Annual Report for the year ended 30 June 2014 (distributed separately)
-

19.6 Review of Local Government (General) Regulations 2005**FILE NO:** SF0081**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the matters raised in the September 2014 Discussion Paper prepared by the State Government (Local Government Division) Department of Premier and Cabinet and provide comment.

To identify any other matters in the General Regulations that the Council considers should also be reviewed.

PREVIOUS COUNCIL CONSIDERATION:

SPPC Meeting 6 October 2014 - Item 4.2

RECOMMENDATION:

That Council approve the comments made in the body of this report for submission to the Local Government Association of Tasmania for inclusion in the review of the *Local Government (General) Regulations 2005* being conducted by the State Government (Local Government Division) Department of Premier and Cabinet.

REPORT:

The Discussion Paper was brought to the 6 October 2014 Strategic Planning and Policy Committee (SPPC) and the following report reflects both the officers' comments in the previous report and the feedback from Aldermen.

The following email was provided by the Local Government Association of Tasmania (LGAT) when the items were distributed on 19 September 2014:

Dear General Managers

Please find attached a letter from the Secretary of the Department of Premier and Cabinet regarding the review of the Local Government (General) Regulations 2005.

A copy of the Regulations and Discussion Paper is also attached.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

The Regulations expire on 29 June next year. Some of the issues picked up have previously been provided by Members via LGAT. Matters canvassed include electoral advertising, disclosure of donations, threshold for public tenders, allowances, expenses, 337 certificates.

The Local Government division has asked that councils provide feedback directly to LGAT, rather than to the Local Government Division. To meet the timelines, could I please have your comments by COB Tuesday 21st October.

Issues to Consider

The following potential issues are highlighted in the Discussion Paper and comments from officers and SPPC follow.

1. Part 2 - Elections

Regulations 4 to 22

1.1. Elections of Mayor/Deputy Mayor by councillors (Division 1)

Issue:

The process to elect the Mayor/Deputy Mayor if there is no nomination for the office.

Comment:

Rather than a template nomination form as suggested it may be simpler to prescribe the minimum information that must be included.

1.2 Hearing and determination of election dispute (Division 2)

Issue

Are there any issues associated with the prescribed processes?

Comment:

No known issues

1.3 Drawing or casting of lots (Division 3)

Issue:

Are there any issues with the process prescribed under Division 3 for the drawing and casting of lots, including the ordering of candidates on ballot papers under Schedule 1?

Comment

No known issues

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

1.4 Electoral advertising (Division 4) - Time/space restriction

Issue:

Are the current limits appropriate?

- 50 posters/signs
- radio (10 minutes)
- television (50 minutes)
- newspapers (two pages in daily and five pages in other)

Comment

Current limits are appropriate

1.5 Electoral advertising (Division 4) - Expenditure restrictions

Issue:

Are the current limits appropriate?

- Council \$5,000
- Councillor and mayor/deputy mayor \$8,000.

Comment:

Current limits are appropriate with the proviso that the total costs for the electoral advertising are considered.

1.6 Electoral advertising - Disclosure of donations (new)

Issue:

Should there be a requirement to publicly disclose donations received?

Comment:

Public disclosure of donations above a minimum threshold is appropriate.

1.7 Electoral advertising (Division 4) - Internet (new)

Issue:

Expand regulation to electoral advertising via the internet.

Comment:

Internet advertising should be included in the regulation. May need clarification to ensure there is a distinction between advertising and the use of social media.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

2A Code of Conduct

Subject to a separate process

3. Tendering and Contracting**3.1 Threshold for public tenders (regulation 23)****Issue:**

Should the threshold for tenders be increased from \$100,000 (excluding GST)? The threshold for State Government Agencies is \$250,000 (increased to reduce red tape and recognising rising costs).

Comments:

Tendering is an expensive process and can be quite time consuming. However, the preparation of specifications and the open public process is important. Support the regular review of the threshold, however, an increase to align with the State Government probably doesn't reflect the difference in the scale of operations and could exclude too many purchases from a tender process.

3.2 Code for tenders and contracts - Buy local (regulation 28)**Issue:**

Does the inclusion of 'enhancement of the capabilities of local business and industry' in the prescribed principles go far enough to enhance opportunities for local business to tender?

Comment:

Support for local business is important and should be a factor in decision making. Don't favour taking this to a set percentage allowance in prices but do support decisions being made not just on a lowest cost basis.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

4. Miscellaneous

4.1 Declaration of Office

Issue:

Should the declaration be expanded to include compliance with the Council's code of conduct?

Comment:

Yes, good governance requires compliance with the code.

4.2 Councillor Allowances

Not part of this process in light of a Premier's Local Government Council decision.

4.3 Expenses for Councillors

Issues:

Should the expense categories be expanded from:

- telephone costs
- travelling
- child care

to include 'caring responsibilities for other immediate family members, not just his/her children'?

Comment:

These categories should be considered as part of the legislation review.

4.4 Council Land Information Certificates (Section 337 Certificates)

4.5 Schedule 6 - The form of a section 337 certificate

Issue:

Requirement for applicants to state

- the specified land (property address)
- the Unique Property Identification Number (UPI) or Property Identification Number (PID)
- the title reference.

Feedback has been provided that UPI and PID references should not form part of the application because PID was not designed to be used and UPI is no longer the relevant reference. Further complication with multiple titles with a single PID.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

Consideration should also be given as to whether a section 337 certificate can relate to more than one title or whether a person should be required to apply for one certificate per title reference.

Another issue relates to the identification of corner properties.

Comment:

There is a danger in dropping data sets that have the potential to facilitate process improvement because of issues with the data quality rather than taking steps to improve this. The principles that should be applied to these issues are as follows:

- i. There needs to be a unique identifier at the lowest level of a property record.*
- ii. The identifier(s) must be provided in the certificate process to facilitate future electronic (self-service) processes.*
- iii. The identifiers must be able to be linked or aggregated to enable a property as distinct from the title view of the records.*
- iv. Applications should be made at title level but a council may choose to charge a fee at a property level (ie one fee per property)*
- v. Processes should support/encourage changes such as property amalgamation /adhesion where appropriate*
- vi. The issue of corner properties is resolved by a unique identifier.*

4.6 Schedule 7 - Statutory notices and orders**Issue:**

Add a question regarding a record of an infringement notice for non-compliance with an abatement notice related to 'Nuisances'.

Comment:

Support the comments in the discussion paper

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

4.7 Schedule 7 - Health and environmental matters

Issues:

Consider adding questions:

- a) regarding defective and unhealthy premises ... Kingston sheetmetal stainless steel water tank ...
- b) water quality under section 129 of the Public Health Act
- c) whether contaminated site notices have been served on the specified property.

Comment:

a) *It would be difficult to respond to this issue through this mechanism. Unless there is something on file advising of the existence of a Kingston stainless steel water tank on the property a specific search would need to be undertaken. Given the 5 day timeframe to complete 337 certificates this may not be feasible.*

b) *This question cannot be relied upon to provide all the relevant information about water quality and care needs to be given to ensure that the answer to this question is not misleading. The absence of any Water Quality Order issued by Council does not necessarily mean that there is no issue with water quality. For example, small private water suppliers such as rural B&B premises are not required to undertake water quality testing. A 'no' answer to this question may lead the buyer to presume that the water meets the required standard when this may actually be unknown.*

c) *The information should be provided to the purchaser but how the question should be framed is uncertain. Contaminated site notices alone are not an indication of whether the property is contaminated. Some sites have the potential to be contaminated due to sensitive previous use. As with point b) the absence of a contaminated site notice should not be assumed to mean that there is an absence of contamination.*

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

4.8 Schedule 7 - Planning and Development**Issue:**

a) Consider the inclusion of an introductory (general) statement, based on the premise that a section 337 certificate should not be relied upon by prospective purchasers to provide a comprehensive list of statutory planning provisions/controls relating to the property, or advice on property development requirements;

Alternatively, more specific or changed questions could be added requiring councils to report on any additional planning provisions relating to the specified property, as follows:

b) Planning restrictions - Question 14 - replace with general introductory statement as above, or expand to require councils to report on any additional planning provisions relating to the specified property.

c) Building line or set back - Question 15 - refers to only one of a number of planning provisions that could apply under the zone for the specified land. Recommend amendment to question to require council to provide particulars about building line or setback particular to the zone and any variation required under a Code or Specific Area Plan.

d) Planning Permit - Question 16 - this question relates to whether a planning permit has previously been issued for the property. This is now outdated given the introduction of planning directives that enable some development in some zones without a planning a permit.

e) Important note following question 20. (Historic Cultural Heritage Act) - recommended amendment to the note to reflect recent changes to the Historic Cultural Heritage Act 1995.

f) Tasmania planning reform (single statewide planning scheme) - note that further revision of Part 3 of Schedule 7 may be required after the introduction of a single statewide planning scheme.

Comment:

a) *Agree with inclusion of introductory statement.*

b) *Agree, but note additional work required to provide additional information.*

c) *Agree, but note additional work required to provide additional information.*

d) *Correct heading to read 'Planning Permit. Agree with discussion paper comments.*

e) *Agree.*

f) *Noted.*

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

4.9 Schedule 7 - Highway construction, maintenance and access matters.

Issue:

Consider adding a new question requiring disclosure of proclaimed intended line of a State highway or limited access roads.

Consider another note to explain the impact of limitations on access and other road planning matters and referrals related to rail lines.

Comment:

The principle of disclosing information that affects the potential use and enjoyment of a property is supported.

Is a section 337 certificate the best way to do this? Should the title process be enhanced so that this type of information is disclosed on title and maintained by the State Government rather than by individual councils?

The State as custodian of title records and with its mapping capabilities should be able to administer its own proclamation. A similar process to Part 5 Agreements under LUPA should be used.

4.10 Schedule 7 - Reticulated stormwater and drainage services

Issue:

No issues have been raised

4.11 Schedule 7 - Building and plumbing matters.

(a) Building permit - Question 37

Issue:

Expand questions:

- a) whether a protection work notice has been lodged.
- b) to provide the number of occupancy permits issued (38(b))

Comment:

Support the comments in the discussion paper

(b) Occupancy permit - Question 38

Issue:

Consider questions

- a) Whether the Council is aware of an occupancy permit(s) having been issued by a private building surveyor.
- b) Including temporary occupancy permits granted under section 103.

Comment:

Support the comments in the discussion paper

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

(c) Certificate of completion - Question 39

Issue:

Consider expanding the question to provide the number of completion certificates and specify what they covered.

Comment:

Support the comments in the discussion paper

(d) Certificate of permit of compliance - Question 42

Issue:

Wording changes:

- Title
- 'issued' to 'granted'

Additional questions as to whether the council has a record of a permit to proceed, having been granted under section 180 of the Building Act.

Comment:

Support the comments in the discussion paper

(e) Building notice or order - Question 44

Issue:

Minor wording changes

Comment:

Support the comments in the discussion paper

(f) Other outstanding notices or orders - Question 45

Issues:

Expand the question to include building order issued by a private building surveyor that has not been complied with (by the owner) and subsequently been forwarded to the council under section 192.

Comment:

The intent is reasonable however the information is only as good as the level of compliance in the process by the private building surveyor.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

(g) Residential building insurance cover - Question 46

Issue:

Delete the question as no longer relevant

Comment:

Support the comments in the discussion paper

(h) Error in question numbering

Comment:

Noted

(i) Current review of the Tasmanian building regulatory framework.

Issue:

A further review of the section 337 questions may be required following the review of the building regulatory framework.

Comment:

Support the comments in the discussion paper

4.12 General - Electronic delivery of section 337 certificates

Issue:

Should electronic delivery be mandated.

Comment:

Establish a pricing structure for hardcopy certificates (increased fee to be charged for hardcopy ie 10% more) to encourage a move to electronic processes.
Electronic and automated processes should be the goal.

4.13 General - Standardised section 337 certificate layout.

Issue:

Should a model section 337 certificate template be provided?

Comment:

The information rather than the exact format is the key issue. However a sample or illustrative format could be provided that Councils can work toward as software enhancements are made.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

4.14 General - reporting on other matters

Issue:

Should an obligation be created to provide other known information?

Comment:

There are some risks in having a general 'anything else' provision or expectation as there isn't a structure to capture information that may be only known to the one person who has a knowledge of the conveyancing process that is occurring.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A. Feedback requested on regulations

BUDGET & FINANCIAL ASPECTS:

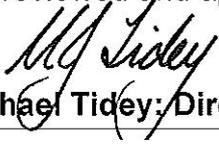
The changes to the certificate process may increase the time taken to prepare the certificate.

19.6 Review of Local Government (General) Regulations 2005...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. Review of Local Government (General) Regulations 2005 Discussion Paper - September 2014 (distributed separately)
 2. Extract from Local Government (General) Regulations 2005 (*distributed separately*)
 3. Letter from Mr Greg Johannes, Secretary Department of Premier and Cabinet
-

Department of Premier and Cabinet

Executive Building, 15 Murray Street, HOBART TAS 7000 Australia
GPO Box 123, HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au



17 SEP 2014

Mr Allan Garcia
Chief Executive Officer
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001

Dear Mr Garcia

I am writing to provide the Local Government Association of Tasmania (LGAT) with the opportunity to comment on the review of the *Local Government (General) Regulations 2005* (the Regulations).

The Regulations, a copy of which is enclosed, expire on 29 June 2015 and must be replaced or remade by this time.

This review provides a good opportunity to consider any issues the local government sector may be aware of with regards to the operation of the Regulations.

Enclosed is a Discussion Paper, the purpose of which is to stimulate local government consideration of the effectiveness of the Regulations and options for amendment and improvement.

It would be appreciated if you could forward any comments you may have to Mr Phillip Hoysted, Director of Local Government, Local Government Division, Department of Premier and Cabinet, by **28 October 2014**. Your comments can be emailed to lgd@dpac.tas.gov.au or mailed to GPO Box 123, Hobart TAS 7001.

Please note that LGAT will be provided with the opportunity to provide feedback on any proposed amendments to the Regulations.

If you have any queries in relation to the review, please contact Ms Jane Colton, Policy Analyst, Local Government Division. Ms Colton can be contacted by email at jane.colton@dpac.tas.gov.au or by telephone on (03) 6232 7022.

Yours sincerely

Greg Johannes
Secretary

Attachments

COUNCIL AGENDA

Monday 13 October 2014

19.7 Draft Local Government Amendment (Code of Conduct) Bill 2014

FILE NO: SF2213

AUTHOR: John Davis (Manager Corporate Strategy)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the draft Local Government Amendment (Code of Conduct) Bill 2014.

PREVIOUS COUNCIL CONSIDERATION:

SPPC 6 October 2014 - Minute Item 4.3

RECOMMENDATION:

That Council:

1. Notes the contents of the attachments:
 - Summary of Proposed Amendments to the Local Government Amendment (Code of Conduct) Bill 2014
 - Flowchart for proposed new code of conduct process
 - Consultation draft of the Local Government Amendment (Code of Conduct) Bill 2014
 - Secretary of DPAC letter to CEO LGAT
 2. With regard to the Code of Conduct, requests that the Local Government Association of Tasmania (LGAT) ask the Department of Premier and Cabinet (DPAC) to consider:
 - including the option for informal resolution of councillor disputes in the complaint assessment stage of the code of conduct process; and
 - flexibility around sanctions of Aldermen, particularly in situations where suspension from office is not required. Consideration may be given to allow the Alderman to attend meetings but not be entitled to allowances.
-

REPORT:

The Local Government Association of Tasmania (LGAT) has invited the Council to comment on the draft Local Government Amendment (Code of Conduct) Bill 2014.

19.7 Draft Local Government Amendment (Code of Conduct) Bill 2014...(Cont'd)

Attachment 1 *Summary of proposed amendments to the Local Government Amendment (Code of Conduct) Bill 2014* details the issues being addressed by the Bill and the corresponding proposed amendments.

In respect of the Code of Conduct, the draft Bill provides for a prescribed model Code of Conduct (with flexibility for variations). The starting point for the prescribed model will be the LGAT Code of Conduct model, which was used to frame the City of Launceston's Code of Conduct, adopted by the Council on 22 September 2014.

Other important changes to the Code of Conduct relate to the complaint-handling process. The proposed amendments include:

- no local panels;
- increased sanctions and enforcement;
- a shift to a fully independent process not administered by LGAT;
- a requirement that administration costs are borne by councils.

One of the proposed sanctions is "suspension from office for up to one month - not entitled to allowances". This sanction arguably punishes the community by preventing an elected member from representing their interests in council for the period of the sanction. For this reason, it is suggested that this be amended to provide some flexibility. There may be cases where suspension from office is not required. In these instances, there may be occasion to allow the Alderman to attend meetings but not be entitled to allowances.

Attachment 2 *Flowchart for proposed new code of conduct process* explains the proposed components of the assessment, determination, post-determination and sanction stages of the process.

Note that the flowchart suggests that councils adopt a policy to allow for the informal resolution of councillor disputes. It is suggested that provision for informal resolution of disputes is made during the complaint assessment stage of the process in the event that the General Manager is not satisfied the complaint should be referred to the Panel. This provides the General Manager with a course of action other than rejecting a complaint that does not meet the prescribed requirements.

The Bill also addresses AGMs (making them optional), electoral advertising on the internet and eligibility for councillor (restricted to Tasmanian residents).

The complete *consultation draft of the Local Government Amendment (Code of Conduct) Bill 2014* is included as Attachment 3.

19.7 Draft Local Government Amendment (Code of Conduct) Bill 2014...(Cont'd)

Feedback on the draft Bill is sought from the Council so the City of Launceston can respond to LGAT's invitation for comment.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

This report has been prepared with reference to Council's draft Strategic Plan 2014-2024 and is in keeping with the Council's ten year goals of:

- communicating and engaging consistently and effectively with our community and stakeholders;
- ensuring decisions are made in a transparent and accountable way
- continuing to meet our statutory obligations and deliver quality services

BUDGET & FINANCIAL ASPECTS:

Attachment 4 *Secretary of DPAC letter to CEO LGAT* explains that:

"...The Department of Premier and Cabinet (DPAC) will appoint an independent person to perform the part-time role of Executive Officer to convene a code of conduct panel and undertake the administrative functions of the panel.

The Executive Officer and the panel members will be paid by the councils involved in a code of conduct complaint on a fee-for-service basis, as prescribed by ministerial orders..."

Additionally, the proposed new Section 28P - *Costs of Executive Officer not related to code of conduct complaint* provides for the cost of administrative work not related to a specific complaint to be shared equally between all councils. Please refer to page 2 of Attachment 1 *Summary of proposed amendments to the Local Government Amendment (Code of Conduct) Bill 2014*.

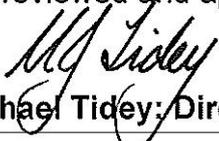
19.7 Draft Local Government Amendment (Code of Conduct) Bill 2014...(Cont'd)

The current budget for the Code of Conduct Panel is \$1,545.

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. Summary of Proposed Amendments to the Local Government Amendment (Code of Conduct) Bill 2014
 2. Flowchart for proposed new code of conduct process
 3. Consultation draft of the Local Government Amendment (Code of Conduct) Bill 2014
 4. Secretary of DPAC letter to CEO LGAT
-

Attachment 4 - Secretary of DPAC letter to CEO LGAT (total pages = 2)

Department of Premier and Cabinet

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GPO Box 123, HOBART TAS 7001 Australia
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17 SEP 2014

Mr Allan Garcia
Chief Executive Officer
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001


Dear Mr Garcia

I am writing to provide the Local Government Association of Tasmania with the opportunity to comment on the draft Local Government Amendment (Code of Conduct) Bill 2014.

Enclosed is a copy of the draft Bill, explanatory notes on the Bill clauses and a flow chart depicting the new code of conduct framework provided for in the Bill.

The draft Bill will amend the *Local Government Act 1993* to provide:

- a new councillor code of conduct framework and process, and stronger sanctions in relation to code of conduct complaints;
- that annual general meetings will be optional;
- that the definition of electoral advertising will specifically include the Internet, consistent with the *Electoral Act 2004* (Tasmania); and
- that eligibility for nomination as a councillor will be restricted to Tasmanian residents.

The new code of conduct framework has been developed in close consultation with local government. It is designed to provide a more rigorous, efficient and streamlined process for the making and determination of code of conduct complaints.

Under the new framework, councils will be required to adopt a prescribed model code of conduct, in accordance with a ministerial order. It is expected that the prescribed model code of conduct will be similar to the current model recommended by LGAT.

The draft Bill provides for a new single code of conduct panel. Councils will no longer be required to establish code of conduct panels. The new code of conduct panel will be similar to the current Standards Panel and will consist of two persons, one of whom will be the chairperson who is a person with previous experience in local government and the other will be a legal practitioner. A panel member cannot be a current councillor or council employee.

The Department of Premier and Cabinet will appoint an independent person to perform the part-time role of Executive Officer to convene a code of conduct panel and undertake the administrative functions of the panel.

The Executive Officer and the panel members will be paid by the councils involved in a code of conduct complaint on a fee-for-service basis, as prescribed by ministerial orders. Parties to a complaint will pay their own costs, for example travel expenses.

2

Code of conduct complaints will be made to the general manager of a council, who will ensure that the complaints conform to the prescribed form. Complaints, if accepted, will then be forwarded to the Executive Officer of the code of conduct panel. A code of conduct panel will be convened from a pool of members appointed by the Minister for Planning and Local Government. The panel will undertake an initial assessment of the complaint.

At the initial assessment stage, the panel may decide to accept or reject a complaint, or refer the matter to a more appropriate authority. The panel may reject the complaint on the basis that the complaint is frivolous or vexatious, or is otherwise not within the panel's jurisdiction.

If the panel accepts the code of conduct complaint, the panel is to decide how to conduct the investigation and determination of the complaint. The panel may hold a hearing to determine the matter, or decide that the matter can be determined upon written submissions and written evidence.

The new process provides for a stronger range of sanctions to be imposed by the panel, including the power to suspend a councillor from office for one month.

In addition to stronger sanctions, the Bill provides for a new offence for failure to comply with the determination of the panel. The penalty is consistent with other offence provisions within the Act and the offence will be investigated by the Director of Local Government and referred to the Director of Public Prosecutions for prosecution in the Magistrates Court, if appropriate to do so, in accordance with the existing offence provisions in the Act.

The Bill also provides that, if a councillor is found by the code of conduct panel to have breached a council's code of conduct three times in an election period, the councillor's office will be automatically vacated under Schedule 5 of the Act.

Although not provided for in the Bill, it is intended that councils will be encouraged to adopt a standard councillor dispute resolution policy to promote informal resolution of disputes between councillors before matters escalate to a formal code of conduct complaint.

For more detailed information about the content of the Bill, please refer to the enclosed documents.

It would be appreciated if you could forward your comments to Mr Phillip Hoysted, Director of Local Government, Local Government Division, Department of Premier and Cabinet, by **28 October 2014**. Your comments can be either emailed to lgd@dpac.tas.gov.au or mailed to GPO Box 123, Hobart TAS 7001.

If you have any queries in relation to the Bill, please contact Ms Carmen Kelly, Local Government Division. Ms Kelly can be contacted by email at carmen.kelly@dpac.tas.gov.au or by telephone on (03) 6232 7022.

Yours sincerely



Greg Johannes
Secretary

Attachments

COUNCIL AGENDA

Monday 13 October 2014

19.8 Local Government Association of Tasmania General Meeting Submissions

FILE NO: SF2217

AUTHOR: John Davis (Manager Corporate Strategy)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider items for submission to the Local Government Association of Tasmania General Meeting on 19 November 2014.

PREVIOUS COUNCIL CONSIDERATION:

SPPC 6 October 2014 - Item 4.4

RECOMMENDATION:

That Council endorses the following item being tabled at the Local Government Association of Tasmania 19 November 2014 General Meeting:

That LGAT and State Treasury undertake an evidence based study into the scale of funds from the Heavy Vehicle Motor Tax Revenue that should be distributed to Local Government to offset damage caused by heavy vehicles on local roads.

REPORT:

The next General Meeting for the Local Government Association of Tasmania (LGAT) will be held on Wednesday 19 November 2014 in Launceston.

LGAT has called for any items that Councils would like to put forward for broad discussion or debate at the meeting. Submissions must include context and background for the benefit of meeting attendees and be submitted by 14 October.

An item was put forward at the 6 October 2014 SPPC meeting and the officer statement is included below.

19.8 Local Government Association of Tasmania General Meeting Submissions...(Cont'd)

Background:

In 1996 the Tasmanian Parliament passed a number of amendments to transport legislation designed to bring the state into line with agreed national transport reforms. These reforms primarily relate to the increase in load and length limits on heavy vehicles, and the introduction of higher (and nationally consistent) registration charges for these vehicles.

A consequence of these reforms was that road tolls could no longer be levied by Local Government in Tasmania. Whilst not applied universally and consistently by councils, road tolls were an important source of revenue in some instances, and the State Government accepted that an alternative arrangement was required to compensate local government for this lost income. The increased revenue flowing to the State Government from the higher registration fees provided a solution to this matter.

Since 1996-97 (until now 2014-15), the State Government has distributed a share, totalling a fix amount of approximately \$1.5 million per annum, to councils to supplement their road maintenance programs. This program is now known as the Heavy Vehicle Motor Tax Revenue (HVMTR).

At that time (1996-97) the distribution regime was regarded as an interim measure and was based primarily on past road toll collections. It was understood that the State Government was seeking to put in place a more appropriate and long term revenue sharing arrangement.

Current:

Changes have eventuated on how to calculate the distribution of the funds between local councils. The current formula uses results from the heavy vehicle freight survey and road lengths for each council area. Launceston currently receives \$197,000 to assist in maintaining its local roads from damage caused by heavy vehicles. As mentioned the total scale of the funds to be distributed has not materially changed since 1996-97.

Proposal:

That the City of Launceston seeks LGAT and State Treasury to undertake an evidence based study into the scale of funds from the HVMTR that should be distributed to Local Government to offset damage caused by heavy vehicles on local roads.

ECONOMIC IMPACT:

N/A

COUNCIL AGENDA

Monday 13 October 2014

19.8 Local Government Association of Tasmania General Meeting Submissions...(Cont'd)

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

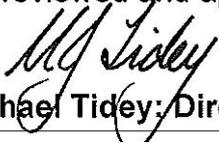
BUDGET & FINANCIAL ASPECTS:

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.


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. Email 30 September 2014 from LGAT
 2. LGAT Discussion Topics Submission Form
-

Attachment 1 - Email 30 September 2014 from LGAT (total pages = 1)

From: Fiona Madigan [<mailto:Fiona.Madigan@lgat.tas.gov.au>]
Sent: Tuesday, 30 September 2014 11:19 AM
Subject: General Meeting discussion items 19 November 2014

Dear all

I know it seems very quick since the last one, but the next General Meeting of the Association will be held on the **19th November 2014**, at The Tramsheds, Launceston. At this time I ask that you please consider those matters that you might like to submit for broad discussion/debate at the meeting.

During this section of the General Meeting we effectively suspend standing orders and have a general discussion without necessarily committing to a policy position.

In addition to the idea or topic, any suggestion put forward should be done so using the attached form and provide context and background for attendees.

As the meeting papers will need to be distributed on the 22 October, If you wish to submit a topic (and supporting documentation) it would be appreciated if you could forward it to our office by no later than 14 October 2014 for inclusion in the meeting papers.

Thank you

Fiona

Fiona Madigan | Administration officer
Tues-Thurs 9.00-2.30pm, Fri 9.00-5.00pm
Local Government Association of Tasmania
326 Macquarie St, Hobart TAS 7000
GPO Box 1521 Hobart, Tas, 7001
P: 03 6233 5960 | F: 03 6233 5986 | E: fiona.madigan@lgat.tas.gov.au

COUNCIL AGENDA

Monday 13 October 2014

20 GENERAL MANAGER

20.1 North Bank Masterplan Amendments

FILE NO: SF3068

AUTHOR: Matthew Skirving (Manager Architectural Services)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider modifications to the North Bank Masterplan to ensure cohesive integration between the public open space precinct at North Bank, and the amended Silo redevelopment proposal.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 23 September 2013
Item 17.2 North Bank Masterplan.

Council Meeting 3 December 2013
Item 14.1 North Bank Land Use Study.

SPPC Workshop 15 September 2014
Update on amendments to the Silo Development and Former Woolstore building.

RECOMMENDATION:

That in consideration of:

1. The opportunities for enhanced visual and physical connectivity, more functional integration between proposed site activity areas, lower ongoing maintenance and operating costs, and enhanced public space design outcomes created by the proposed removal of the remaining Woolstore building
 2. The importance of ensuring cohesive integration of the public open space areas created by the North Bank project, and the Silo Hotel development
 3. Recent amendments to the scope and arrangement of the proposed Silo Hotel project, as per the Development Application DA0423/2014 lodged with Council on 17th September 2014
 4. The request to demolish and salvage construction materials from the Woolstore building, for use as feature elements in the Silo's development project by the Silo's Hotel developer, at no cost to Council apart from waste material.
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20.1 North Bank Masterplan Amendments...(Cont'd)

The Council determines to amend the current North Bank Masterplan to include:

1. Modifications to the proposed levee-top walkway and eastern connection to the Silo's development site
 2. Removal of the Woolstore building, currently proposed for only partial retention, and replacement with new landscaping features to represent the former building footprint
 3. Construction of purpose built shade and shelter structures, in multiple locations across the site, to replace the single consolidated undercover area proposed by the current Masterplan (by the partial retention of the Woolstore roof structure)
 4. Introduction of new interpretation material recording the historical value of the development and industrial activities of the site area, including display of the industrial equipment (mechanical wool presses) salvaged from the Woolstore buildings
 5. Where possible, use of remaining viable salvaged material from the Woolstore building, in the construction of new elements on the North Bank site.
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REPORT:

Council has recently received a revised Development Application for the Silo's Hotel redevelopment project. A number of significant amendments have been made to the design of the Hotel complex including the general site arrangement, associated public areas located on the ground and first floor levels, and the level one connections to the levee-top walkway and eastern connection to the North Bank site area.

Attachment 1 to this report illustrates the revised Silo Hotel ground floor plan.

Adaptive re-use proposal

In addition to the design changes, the proposal now includes significant adaptive re-use components, proposing to salvage and re-purpose construction materials from the existing Woolstore building, adjacent to the Silo site. The saw-tooth roof form of the Woolstore building has been incorporated into two major design components of the Silo Hotel, being an new entry feature on the northern elevation (facing Lindsay Street), and in the level one apartments on the southern elevation (facing Seaport and the Riverfront areas). Salvaged structural timber section are proposed to be used throughout the Hotel complex, including in the upper level apartments to be constructed within the existing Silo towers.

20.1 North Bank Masterplan Amendments...(Cont'd)

In correspondence to Council, the developer has proposed to undertake the salvage and building removal works at their cost, in return for access to the salvaged material. Council has been requested to fund the disposal costs for some asbestos containing materials in the roof construction of three bays of the existing building, as these materials are not suitable for re-use.

In collaboration with the Launceston Flood Authority, Council undertook the demolition of the adjacent (smaller) Woolstore building, positioned on the eastern side of Taroona Street in 2013. This project was undertaken due to the large amount of asbestos containing material used in the construction of this building, and due to the deteriorating condition of the structure. This project was completed at a cost of \$137,000, with all materials salvaged by the demolition contractor. On this basis, the proposal for demolition works to be undertaken at no cost to Council, apart from waste material disposal, is supported.

In addition to the favourable financial outcome, the re-use of salvaged materials, and continuation of the saw-tooth building form in the new construction works, are considered appropriate means by which the value of this remnant industrial building can be appropriately represented in the future development of the site area. The integration of additional heritage interpretation information into the Masterplan proposal (as outlined in a later section of this report) will ensure the historical and cultural value of these structures are recognised.

Removal of the Woolstore Building

The current North Bank Masterplan proposal includes the retention of part of the existing Woolstore building. It was proposed to retain four bays of the roof structure only, to provide a single consolidated undercover area to support activities on site during inclement weather. In considering the proposal for removal and salvage, an amendment to the Masterplan is proposed for this section of the site that will enhance visual and physical connectivity, provide more functional integration between proposed site activity areas, lower ongoing maintenance and operating costs, and enhance public space design outcomes.

Attachment 2 to this report illustrates the revised plan arrangement to be accommodated in this area.

New landscaping features are proposed to represent the former footprints of both Woolstore buildings. Within these footprints, new planting, paving features, shade and shelter structures are proposed to be constructed, with the formal play spaces and infrastructure, and nature-based play elements incorporated across this area forming dedicated play zones for different age and ability groups.

20.1 North Bank Masterplan Amendments...(Cont'd)

Retaining an 'imprint' of these remnant industrial buildings as a part of the landscaping elements on the site area, embeds the historical value of the site, within the future use and activities to be accommodated.

The total removal of the existing building also creates some significant opportunities. The building currently creates a significant visual and physical barrier to the connectivity of the new site area. Removal of the building will support enhanced connections, and provide improved passive surveillance access across the entire site area. Removing the single consolidated undercover area will also provide an unencumbered development site, to allow smaller shade and shelter structures to be created in a number of locations that are more directly linked with the various active and passive recreations zones across the site.

The alternate opportunities this change offers are considered to add significant value to the overall cohesion of the total site area and amenity provided to users.

Inclusion of Additional Interpretation Material

Additional interpretive material to record the history of the site is proposed to be incorporated into the Masterplan proposal.

While the salvage and re-use of material on the adjacent site area, and the representation of the expansive building footprints form a significant part of an 'embedded' historical interpretation elements, additional interpretive material explaining the history and development of the site are proposed to be incorporated into the project works. This will include both traditional information panels and interpretive signage, as well as incorporation and display of the industrial equipment from the site, including a mechanical wool press salvaged from the Woolstore buildings.

Changes to Pedestrian and Cycleway Connections

Attachment 2 to this report also highlights proposed changes to the pedestrian and cycle connections between the North Bank site area, and the Silo Hotel.

The western connection to the existing river edge levee-top walkway will require minor amendment to suit the changed arrangement of main entry points to the hotel complex.

The eastern connection from level one of the Silo hotel however has required significant revision. The proposed arrangement provides a direct connection from the upper level café and promenade area onto the North Bank site. While the level change between these two areas poses some challenges with regard to providing a compliant ramped access, this connection is considered critical to the inter-relationship of both developments.

20.1 North Bank Masterplan Amendments...(Cont'd)

Establishing this connection as a generous and inviting access route between the two areas also supports the needs to remove the existing Woolstore building. Given the final positioning of the new levee walls constructed as a part of the Silo project, the space available between the levee wall and the exiting Woolstore building is very limited. To make this connection visually obvious, and spatially inviting, removal of the Woolstore building enables the construction of a much more generous ramped access way that would otherwise be possible.

As noted earlier in this report, while the adaptive re-use and removal of the Woolstore building proposed by the Silo Hotel developer is a change to the current Masterplan proposal for North Bank, the overall outcome of creating an unencumbered development site allowing enhanced visual and physical connections across the site area, combined with the adaptive re-use and historical interpretation elements proposed in this report, do not result in any detrimental impacts to the development objectives adopted by Council for the North Bank area. On this basis, it is recommended that the proposal for removal and salvage of the Woolstore building are supported, and the proposed modifications to the North Bank Masterplan are adopted by Council.

ECONOMIC IMPACT:

The positive environmental impact of the North Bank Masterplan is detailed within the *Vision & Directions Report*, previously provided to Council in consideration of the Masterplan proposal. In addition to this information, Renaissance Planning has provided Council the following information with regard to the positive economic impact of the proposed project on the local economy:

IMPACT TYPE	DIRECT EFFECT	INDUSTRIAL FLOW ON EFFECT	CONSUMPTION FLOW ON EFFECT	TOTAL
Direct Expenditure (\$m)	\$9.150	\$1.830	\$1.373	\$12.353
Employment Creation (FTE/Year)	49	7	3	59
Economic Value Added (\$m)	\$3.980	\$0.876	\$0.915	\$5.771

These figures do not include the economic impacts and multipliers as a result of the private investment opportunities supported by the Masterplan proposal - primarily being the Silo redevelopment project proposed by Mr Errol Stewart, estimated to be a \$15m development project.

20.1 North Bank Masterplan Amendments...(Cont'd)

ENVIRONMENTAL IMPACT:

The North Bank project will have a significant positive environmental impact, by establishing improved river-edge environments, and regeneration of former industrial areas.

SOCIAL IMPACT:

The North Bank project will have a significant positive social impact by the creation of significant new public leisure and recreation opportunities for residents and visitors to Launceston.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 1: Natural Environment.

Goal 1.1: Sustainable management of natural resources, parks and recreational areas.

Strategy 1.1.3: Enhance and maintain parks and recreation areas, including river edges.

Complete the North bank Masterplan.

BUDGET & FINANCIAL ASPECTS:

Minor amendments to funding allocations within the overall project cost plan will be required as a part of this proposal, however there will be no impact on the current total project 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. Silo Hotel revised ground and first floor plans (distributed separately)
 2. North Bank Masterplan Amendments to western site area, including the existing Woolstore building area (distributed separately)
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COUNCIL AGENDA

Monday 13 October 2014

20.2 Special Council Meeting - Declaration of Office

FILE NO: SF0095 / SF2346 / SF6211

AUTHOR: Sonya Gallery (Corporate Governance Officer)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider holding a Special Meeting of Council to undertake the Declaration of Office of elected Aldermen following the 2014 local government election.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council determine:

1. pursuant to Regulation 4(8) of the *Local Government (Meeting Procedures) Regulations 2005* that a Special Meeting of Council be convened to be held at the Town Hall, St John Street, Launceston, commencing at 3.30pm on Tuesday 4 November 2014
 2. in the event that the ordinary election result has not been determined by the Electoral Commission in a manner timely for the Special Meeting on Tuesday 4 November 2014 to proceed, the Council further determines, pursuant to Regulation 4(8) of the *Local Government (Meeting Procedures) Regulations 2005*, that a Special Meeting of Council be convened on Monday 10 November 2014, commencing 3.30pm to be held at the Town Hall, St John Street, Launceston
 3. the business of the Special Meeting be as follows:
 - a. swearing of the Aldermen's Declaration of Office and the robing of Aldermen elected to the Launceston City Council at the 2014 Tasmanian local government election and
 - b. determination of the first ordinary meeting of Council and first meeting of the Strategic Policy and Planning Committee.
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20.2 Special Council Meeting - Declaration of Office...(Cont'd)

REPORT:

This Council has traditionally used a special meeting as its first meeting following a local government election as a means of performing a ceremony to robe and receive the Declarations of Office from elected Aldermen.

Regulation 4(8) of the *Local Government (Meeting Procedures) Regulations 2005* requires that:

The mayor of a council, or the general manager if the mayor has not done so, must convene a special meeting of the council if the council so determines.

During the Special Meeting, the new Council will also have an opportunity to determine the first ordinary meeting of Council (proposed for Monday 10 November, 1pm) and the first Strategic Policy and Planning Committee meeting (proposed for 17 November, 10am).

Regulation 6 of the *Local Government (Meeting Procedures) Regulations 2005* requires that a meeting of Council cannot start before 5pm unless determined otherwise by the absolute majority of Council for a Council meeting, and a simple majority for a Council committee meeting. The regulation also requires that meeting commencement times are to be reviewed by the Council and Council committee after each ordinary election.

The special meeting will be followed by an afternoon tea to which the family and friends of Aldermen are invited. A detailed induction program has also been put together for the benefit of new and re-elected Aldermen to be held over 4 and 5 November 2014. In the event of a delayed election result, it is proposed that the induction program proceed as soon as possible, most likely in the week following.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

20.2 Special Council Meeting - Declaration of Office...(Cont'd)

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Local Government Act 1993, s 321

Local Government (Meeting Procedures) Regulations 2005, r 4(8)

Council Priority Area 5: Governance Services

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

20.3 Audit Panel Meeting - 25 September 2014**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To receive and consider a report from the Audit Panel following the meeting on 25 September 2014.

RECOMMENDATION:

That the report from the Audit Panel meeting held on 25 September 2014 be received.

REPORT:**6.2 Internal Audit**Details:

The Internal Auditors attended and discussed their findings from the Cash handling processes and management audit. The report has been circulated to Directors and relevant staff to allow comment on the findings and a final report will be available by the end of October 2014.

Action:

The panel endorsed the Cash Handling Process project plan.

6.3 Internal Audit Tender ScopeDetails:

The Audit Panel discussed the proposed scope of the internal audit tender which will not only include financial matters but also the area of risk.

Action:

It was resolved that the Panel generally endorses the scope of the proposed audit Tender as presented.

20.3 Audit Panel Meeting - 25 September 2014...(Cont'd)

7.2 External AuditDetails:

The Auditor General spoke to the Panel by phone and discussed some changes needed to the Financial Statements for the 2013/14 year. Most of the required changes had already been addressed and discussion was also had explaining the Tas Water note disclosure which the Auditor General was happy to sign off on. The Auditor General also discussed the Audit Panel Practice Guide and that our existing charter/policy would need to be modified if there were any inconsistencies. Our charter/policy has already been amended and is consistent.

Action:

It was resolved that the Panel recommend the General Manager sign:

- 1) The Management Representation letter
- 2) The Financial Statements subject to minor changes relating to Note 11 related to cash commitments and Note 34 relating to ratios.

These changes have been made and the General Manager's signature attached as recommended by the Panel.

9.1 - 9.3 Operations SummaryDetails:

Reports were presented on the Council's operations for the year ended 30 June 2014. The result shows a deficit of \$1.37m which was \$0.67m unfavourable.

Action:

Noted

9.6 Financial Statements for the year ending 30 June 2014.Details:

These details were discussed under Agenda Item 7.2 and Auditor General recommendations were agreed to.

Action:

The reports were noted.

The financial statements are included with the Annual Financial Statements agenda item.

20.3 Audit Panel Meeting - 25 September 2014...(Cont'd)

10.6 Directorate Performance Report - Infrastructure ServicesDetails:

The Infrastructure Services Director presented an overview of the directorate and directorate initiatives.

Action:

Noted

11.1 Budget Management Policy (12-PI-001)Details:

The policy was discussed at the Audit Panel meeting on 22 May 2014. Suggested changes have now been made and the Panel agreed to approve the policy.

Action:

It was resolved that the policy be approved with minor editing changes that have now been completed.

11.2 Investment PolicyDetails:

The policy was discussed.

Action:

It was resolved that the policy be accepted and reviewed/presented annually.

11.3 Investment StrategyDetails:

The strategy was discussed and the Panel recommended the General Manager approve the Strategy.

Action:

It was resolved that the strategy be accepted and reviewed annually.

ECONOMIC IMPACT: -

No economic impact

20.3 Audit Panel Meeting - 25 September 2014...(Cont'd)

ENVIRONMENTAL IMPACT:

No environmental impact

SOCIAL IMPACT:

No social impact

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services

5.1.4 Ensure the city is managed in a financially sustainable manner.

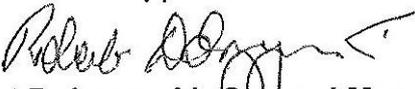
BUDGET & FINANCIAL ASPECTS:

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

21 URGENT BUSINESS

Pursuant to clause 8(6) of the *Local Government (Meeting Procedures) Regulations 2005*

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

Nil

23 CLOSED COUNCIL

- 23.1 Directions for Planning Appeal No 87_14 P for 14A Como Crescent, Newstead**
- 23.2 Local Government Association of Tasmania - Election of President**
- 23.3 Report from General Manager's Contract and Performance Review Committee**

RECOMMENDATION:

That Agenda Item(s) 23.1 - 23.3 be considered within closed Council pursuant to the authority contained within regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2005*, which permits the meeting to be closed to the public for business relating to the following:

- 23.1 Directions for Planning Appeal No 87_14 P for 14A Como Crescent, Newstead**
 - (h) matters relating to actual or possible litigation taken by or involving the Council.
- 23.2 Local Government Association of Tasmania - Election of President**
 - (j) the personal affairs of any person
- 23.3 Report from General Manager's Contract and Performance Review Committee**
 - (a) as it concerns personnel matters.

24 MEETING CLOSURE
