



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
TUESDAY 28 JANUARY 2014**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Tuesday 28 January 2014

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

Date: 28 January 2014

Time: 1.00 pm

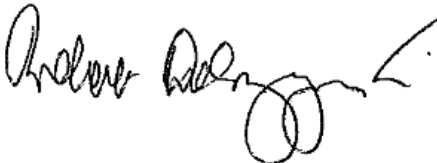
Section 65 Certificate of Qualified Advice

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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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 9 December 2013 be confirmed as a true and correct record.
2. That the Minutes of the meeting of the Launceston City Council held on 9 December 2013 in closed session be confirmed as a true and correct record.

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Nil

6 PUBLIC QUESTION TIME

7 ANNOUNCEMENTS BY THE MAYOR**7.1 Mayor's Announcements****FILE NO:** SF2375

Monday 9 December

Attended Labor Cabinet Team Business Function

Attended St Lukes Health Dinner to recognise the service of Ms Colleen McGann

Tuesday 10 December

Attended General Management Committee and Premier's Local Government Committee meetings in Hobart

Wednesday 11 December

Attended Theatre North Friends Christmas event

Attended Norwood Primary School Grade 6 Presentation evening

Thursday 12 December

Attended Brooks High School Grade 10 Graduation Ceremony and presented LCC Bursary Award

Officiated at launch of Womens 5K event

Attended Queechy High School Presentation Evening - Celebrating Achievements of Students from Grades 7-10

Friday 13 December

Attended Kings Meadows High School Presentation Day Assembly and presented UTAS Bruce Wall Springboard to Higher Education Bursary Award

Saturday 14 December

Officiated at UTAS Graduation & Town and Gown Procession

Sunday 15 December

Officiated at Carols by Candlelight

Tuesday 17 December

Attended Rocherlea Primary Grade 6 Leavers Assembly

Attended Ravenswood Heights Primary School Assembly

Attended Annual Bhutanese Festival

Attended Cityprom Christmas Celebration

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

Wednesday 18 December

Attended Waverley Primary Presentation and Farewell Assembly
Attended Lilydale District School Assembly and presented LCC Springboard to Education Bursary Award
Attended Northern Tasmania Development Christmas event
Attended Walker Designs Christmas Celebration
Attended Aussie 15's Grand Final at Aurora

Saturday 21 December

Attended QVMAG ArtRage Exhibition Official Opening

Sunday 22 December

Attended Mowbray Cricket Club Christmas Function

Friday 27 December

Officiated at Tamar Yacht Club Launceston to Hobart Race
Attended the Taste of Tasmania 25th Anniversary Celebration in Hobart

Friday 10 January

Officiated at Gallery Pejean Official Opening of artworks

Thursday 16 January

Attended Tas Wine Show Gold Medal event

Saturday 18 January

Attended Friends of Northern Hospice event

Saturday 25 January

Attended and officiated at Chilli FM Sky Fire

Sunday 26 January

Officiated at Australia Day citizenship ceremony and awards presentation

8 ALDERMEN'S/DELEGATES' REPORTS

9 QUESTIONS BY ALDERMEN

10 COMMITTEE REPORTS**10.1 Cataract Gorge Advisory Committee Report 31 October 2013****FILE NO:** SF0839**AUTHOR:** Andrew Smith (Manager, Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Cataract Gorge Advisory Committee.

RECOMMENDATION:

That the following recommendation/s from the meeting of the Cataract Gorge Advisory Committee held on 31 October 2013 be adopted by Council -

1. That Option 3 being mid distance along the Duck Reach Track is the preferred site in the Cataract Gorge for the location of the proposed Tangent viewing platform; and
 2. That the Advisory Committee be included in consultation regarding the proposal for additional water releases in the Cataract Gorge Reserve.
-

REPORT:

1. Tangent - Proposed structure & funding
Tangent Structures Pty Ltd submitted a proposal to construct a viewing deck in the Gorge. The Minister for Tourism has suggested the Gorge as the ideal site for a landmark environmental design and tourism innovation - the first Tangent Viewing Platform to be rolled out. The State Government plans to install a number of these lookouts around Tasmania. Tangent Structures Pty Ltd have proposed 2 site options in their proposal and they were:

Option 1 - Alexandra Lookout
Option 2 - Cataract Walkway

A third tangent site was proposed by LCC:

Option 3 - Duck Reach Track

10.1 Cataract Gorge Advisory Committee Report 31 October 2013...(Cont'd)

All 3 options were reviewed by Council Officers and presented to the committee with a map showing all viewpoints. The various points and 3 options were looked at and assessed against a range of criteria including the following:

- Visual aspects and experience
- Safety of accessibility
- Initial costs
- Maintenance costs
- Construction & installation
- Conservation management plan
- Zoning

The committee resolved to recommend option 3 to Council and to supply the details of their assessment to the Alderman in an Environment Effects table.

2. Access ramp - Basin Cottage

The proposed accessible toilets and access ramp were discussed and a meeting with the Council's Building Services Department is to be arranged to finalise the preferred design for submission as a Development Application.

3. Gorge Budget submission for 2013/2014

\$120,000 for access ramp
\$160,000 Stone Shelter
\$ 70,000 Basin Car Park (re-seal)

4. Proposal for water releases

The proposal seeks to replicate the small to medium sized floods that used to flush through the Gorge which are now curtailed by the Trevallyn Dam. The committee requested that they be consulted regarding future proposals for additional water releases in the Gorge.

5. Basin car park layout

The designer will consult with bus drivers to get a better understanding of issues and where to park buses after setting down passengers.

10.1 Cataract Gorge Advisory Committee Report 31 October 2013...(Cont'd)

6. Spring fire management program

There are 3 fire burning programs scheduled for the Gorge this spring and will be completed if weather & resources permit.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

Nil

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

10.2 Tender Review Committee Meeting - 2 December 2013

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 the report from the Tender Review Committee meeting held on 2 December 2013 be received.

REPORT:

1. Princess Theatre and Earl Art Lighting

Project 1

Princess Theatre - Dressing Room Upgrade - CD.033/2013

The Tender Review Committee accepted the tender submitted by Nicholls Constructions (Tas) Pty Ltd for the Princess Theatre Dressing Room Upgrade, at a cost of \$180,034.00 (excl. GST).

ECONOMIC IMPACT:

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

ENVIRONMENTAL IMPACT:

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

10.2 Tender Review Committee Meeting - 2 December 2013...(Cont'd)

SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Launceston City Council Budget 2013/2014.

BUDGET & FINANCIAL ASPECTS:

The project is funded in accordance with the approved 2013/2014 Budget as follows:

1. Princess Theatre and Earl Art Lighting - \$228,543.00

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

10.3 QVMAG Museum Governance Advisory Board Committee Meeting 18 December 2013**FILE NO:** SF2244**AUTHOR:** Leila Wagner (Personal Assistant)**DIRECTOR:** Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

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

RECOMMENDATION:

That the report from the QVMAG Museum Governance Advisory Board meeting held on 18 December 2013 be received.

REPORT:

The key points raised by the MGAB were:

- The Launceston City Council issued an Expression of Interest for new board members in November 2013. The nominations will be presented at the next Council meeting on 28 January 2014 for endorsement.
 - The collection insurance cover will be reviewed when it is due taking into consideration the Inveresk levee construction which will be completed by early 2014.
 - The visitor numbers are trending better than last year with Royal Park up nearly 4000 at 31 October compared to 31 October 2012. The increase is largely due to greater use of the art gallery for venue hire.
 - QVMAG has also introduced new education fees for curatorial staff for advertised programs beyond the simple admission which remains free.
 - The financial report was tabled and while the 30 November figure was tracking well it was felt that the report requires further refinement.
 - The MMC-Link report and the additional MGAB recommendations and what further action is required by the MGAB.
 - Jill Dearing (QVMAG Friends Treasurer) commented that the QVMAG Friends Christmas Party was a great success and Belinda Cotton is to be complimented on a fantastic job.
-

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10.3 QVMAG Museum Governance Advisory Board Committee Meeting 18 December 2013...(Cont'd)

ECONOMIC IMPACT:

Consideration contained in Report

ENVIRONMENTAL IMPACT:

Consideration contained in Report

SOCIAL IMPACT:

Consideration contained in Report

STRATEGIC DOCUMENT REFERENCE:

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

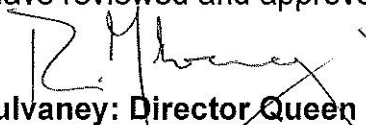
BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

11 PETITIONS**11.1 Petition - Play Equipment at Southgate Drive, Kings Meadows****FILE NO:** SF4621 / SF0854 / SF0097

Petition received from Mr Adam Pratley requesting the installation of play equipment at Southgate Drive, Kings Meadows.

There are 21 letters of support for the petition.

"We do hereby request the Launceston City Council to install children's play equipment in the parkland area (set aside for that purpose) in Southgate Drive, Kings Meadows".

RECOMMENDATION:

1. That the petition be received and forwarded to officers for report
 2. That the Petitioner be advised that Council staff will investigate the request.
-

Under the provisions of the Land Use Planning and Approvals Act 1993, Council acts as a Planning Authority in regard to items 12.1 - 12.2

12 PLANNING AUTHORITY

12.1 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D5/2013) - 269 Hobart Road, Youngtown

FILE NO: SF6083

AUTHOR: George Walker (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To provide a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under Section 30P of the *Land Use Planning and Approvals Act 1993* to set aside the whole provisions of the Inner Residential zone as they relate to 269 Hobart Road, certificate of title volume 26116 folio 8, and apply provisions of the Commercial zone.

PLANNING APPLICATION INFORMATION:

Applicant:	Planning Development Services
Property:	Volume 26116 Folio 8
Land Area:	809m ²
Zone:	Inner Residential
Representations:	Nil

PREVIOUS COUNCIL CONSIDERATION:

Council meeting 11 November 2013 - The Council resolved to support and advertise the application for dispensation at 269 Hobart Road (CT 26116/8) and provided a statement to this effect to the Tasmanian Planning Commission.

12.1 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D5/2013) - 269 Hobart Road, Youngtown...(Cont'd)

RECOMMENDATION:

That the Council notify the Tasmanian Planning Commission that no representations were received during the public exhibition period and that no modification is required to the application for dispensation for 269 Hobart Road, Youngtown (LAU D5.2013).

REPORT:

1 Background

The proposal involved an application to the Tasmanian Planning Commission (TPC) for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under s30P(1) of the *Land Use Planning and Approvals Act 1993* ('the Act') for 269 Hobart Road, Youngtown.

The dispensation proposed to set aside the provisions of the Inner Residential zone, and apply the Commercial zone for land, known as CT 26116/8, located at 269 Hobart Road, Youngtown (the subject site).

Specifically, the application for dispensation proposed the following:

- a) The whole provisions of the Inner Residential zone as they relate to the Subject Site be set aside; and
- b) The provisions of the Commercial zone as contained in the Scheme be applied to the whole of the Subject Site.

The intention of the dispensation is to enable the subject site to be utilised as a funeral parlour in the form of office and administrative function for Lethborg Funeral Services, and to consolidate this use with the existing funeral chapel and associated car park on the adjoining Site located at 271 Hobart Road to the south-east.

The Council resolved to support the dispensation at its meeting on 11 November 2013. The application was then placed on public exhibition in accordance with the Act's requirement for a statutory timeframe of 28 days between 7 December 2013 and 8 January 2014 and no representations were received.

12.1 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D5/2013) - 269 Hobart Road, Youngtown...(Cont'd)

At the close of the exhibition period, the Council has 35 days to consider the merit of any representations received and determine whether any modification is required at the closure of the public exhibition period pursuant to Section 30Q of the Act. The Council must then report back to the TPC. The TPC may then decide to hold hearings. At their conclusion the TPC will determine whether to grant, modify or reject the application.

3 Conclusion

At its meeting on Monday, 11 November 2013 the Council resolved to support the application to set aside the whole provisions of the Inner Residential zone as they relate to 256 Hobart Road and apply the provisions of the Commercial zone as contained in the Scheme.

The dispensation application was exhibited for a four week period and no representations were received. It is therefore recommended that the Council notify the Tasmanian Planning Commission that no modification is required to the application for dispensation.

ECONOMIC IMPACT:

No significant economic impacts have been identified.

ENVIRONMENTAL IMPACT:

No significant environmental impacts have been identified.

SOCIAL IMPACT:

No significant social impacts have been identified.

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12.1 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 (LAU D5/2013) - 269 Hobart Road, Youngtown...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993

Northern Regional Land Use Strategy

Launceston Interim Planning Scheme 2012

State Policy on the Protection of Agricultural Land 2009

State Policy on Water Quality Management 1997

State Coastal Policy 1996

National Environmental Protection (Used Packaging Materials) Measure;

National Environmental Protection (Ambient Air Quality) Measure;

National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure;

National Environmental Protection (National Pollutant Inventory) Measure;

National Environmental Protection (Assessment of Site Contamination) Measure;

National Environmental Protection (Diesel Vehicle Emissions) Measure; and

National Environmental Protection (Air Toxics) Measure.

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

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land

FILE NO: SF6001

AUTHOR: Leon Murray (Town Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To provide a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an application for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under Section 30P of the *Land Use Planning and Approvals Act 1993* to set aside the whole provisions of the Open Space zone as they relate to 87-89 Lindsay Street and an un-granted portion of Crown land, certificate of title volume 26116 folio 8, and apply modified provisions of the Particular Purpose 3 - Seaport.

PLANNING APPLICATION INFORMATION:

Applicant: Planning Development Services
Property: CT220442/1, CT114352/1, CT239540/1, CT50795/2 and un-granted Crown land
Land Area: 6936m²
Zone: Open Space
Representations: One (1)

PREVIOUS COUNCIL CONSIDERATION:

Council meeting 25 November 2013 - The Council resolved to support and advertise the dispensation application at 87-89 Lindsay Street (CT220442/1, CT114352/1, CT239540/1, CT50795/2 and un-granted Crown land) and provided a statement to this effect to the Tasmanian Planning Commission.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

DATION:

That the Council

1. Pursuant to *Section 30Q* of the *Land Use Planning and Approvals Act 1993*, has considered the representations received in respect to the application for dispensation from a Local Provision of the Launceston Interim Planning Scheme (LAU D6/2013) at 87-89 Lindsay Street and un-granted Crown land and provide the following statement to the Tasmanian Planning Commission as to the merit of each representation and any recommended modifications which should be read in conjunction with the representation included as Attachment 1 to this report; and
 2. Notes that the application only relates to a dispensation from a local provision of the Launceston Interim Planning Scheme 2012 and does not include any future development application which may be lodged with Council for the site. Pending the outcome of this application for dispensation, a future development application for the site would be considered by the Council on its own merits against the provisions of the Launceston Interim Planning Scheme 2012, as modified by the dispensation (or by conditions of any dispensation approval). It is the Council's opinion that:
 - a) Whilst no formal notification has been given by the applicant in terms of potential expansion above that which was indicatively proposed in the application for dispensation, any such expansion may result in the proposed planning provisions being restrictive for further development of the site; and
 - b) Should Council be notified (prior to the dispensation hearing) that the proposed use and development differs to the initial concept plans, review of the proposed standards may be necessary prior to the dispensation hearing to ensure they remain consistent with Council's decision to support the dispensation application.
-

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

Representation	Issues Raised
Planning Tas Pty Ltd obo Bunnings	<ol style="list-style-type: none"> 1. Rezoning part of the Bunnings land would reduce the amount of land suitable for bulky goods sales and result in land of inappropriate size to facilitate further bulky goods development. The rezoning is not agreed to by the owner of the land. 2. The dispensation relies on justification of the flawed North bank Land Use Study (NBLUS) that fails to consider the strategic value and purpose of the commercial zoned land. 3. The proposal fails to deal with potential land use conflict. The potential for conflict is dismissed, and no provisions exist in the amendment which would prevent fettering of existing zones or adjacent land uses. There are examples of planning appeals in Hobart where more benign uses were of concern to residents. 4. Whilst the current land use proposal is for hotel, the proposed amendment allows for residential as a permitted use. It is possible for the development to be fully privatised as residential use. Residential use will create higher expectations on amenity and will fetter adjacent land use potential. 5. There is little strategic consideration of the site being the best location for the 'seaport' proposal, other than using an existing silos structure. 6. The silo site is remote from the Central Business District (CBD) and has poor pedestrian and cycle connections. There is little consideration of parking which may be generated by use of the silos and the future park. 7. The proposal lacks strategic consideration of traffic infrastructure, and depends heavily on developer contributions by Bunnings to facilitate further land use intensification. 8. The proposed development standards in the dispensation request are meaningless and do not require development to be designed to avoid impact from or fetter industrial or commercial uses.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

Discussion of Merit
<p>1. Disagree. The dispensation application does not propose the rezoning of any land. It is an application to seek relief from the provisions of the Scheme that currently prohibit a use or development. The dispensation is also clearly over a defined area which does not include the Bunnings-owned land. The representor has not provided any evidence that (should the Bunnings-owned land be rezoned in the future) the remaining Commercial zoned land would not be of sufficient size to allow further bulky goods sales to proceed.</p> <p>The reason for the comment regarding rezoning is not clear as it does not reflect previous correspondence between Council and the representor's client. The Council has clearly communicated to the representator's outlining the intent of the NBLUS. It was stated that the Study is an aspirational document that outlines Council's desired longer term outcomes for the North Bank; including a change in zoning (of a portion of the currently-owned Bunnings land) should circumstances permit. Should the Bunnings land be retained (or sold to a party who does not support the proposed change to the Particular Purpose Zone) Council would be happy to reconsider its support for such a rezoning and review the NBLUS at this time. Council's position on this matter was re-iterated in Agenda Item 14.1 dated 9 December 2013 which provided Council endorsement of the NBLUS, subject to minor amendments. This Agenda item re-stated the NBLUS is an aspirational document which outlines Council's preferred vision for the North Bank. It was also stated that (future) rezoning of the Bunnings owned land would not be pursued should the landowner oppose it. Council endorsed the amended NBLUS unanimously.</p>

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

	<p>2. The NBLUS has considered the existing land available for bulky goods sales and the value of said land. It must be noted that the Bunnings land is not the only land in Launceston that is available for bulky goods sales. For example, the CH Smith development was approved with 11,000m² gross leasable area for (<i>inter alia</i>) bulky goods sales and there is more land (e.g. the Gasworks site, Bathurst Street car park etc.) where bulky goods sales may be appropriate. It can be argued these sites are more accessible than the Lindsay Street area and are a 'better fit' in terms of their consistency with the Launceston Retail Audit & Activity Centres Strategy (LRAACS). To follow the representor's rationale, the Bunnings-owned land would be the only land in the municipal area suitable for bulky goods sales.</p> <p>3. Disagree. The land uses that may occur in the silos development are not defined as 'sensitive' under the Scheme and do not require the levels of amenity that sensitive uses (e.g. residential) require. Hotel, visitor accommodation, community meeting and entertainment and food services uses are by nature relatively benign and unlikely to fetter the efficient use of existing zones or land uses allowable in them. Conversely, the uses allowable in the Commercial zone are unlikely to negatively impact on any future uses proposed for the silos development. There are a multitude of examples of where mixed uses can co-exist without land use conflict e.g. Discount Factory Outlet (DFO), Spencer Street, Melbourne.</p> <p>The Hobart planning appeal referred to in the representation related to a research and development use in proximity to residential uses. No residential uses are either allowed in the flood area.</p>
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12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

	<p>4. Disagree. The application is to dispense with provisions of the Scheme, not to apply for a hotel use. Whilst Particular Purpose zone 3 - Seaport currently allows residential as a Permitted use, Code E16 - Invermay/Inveresk Flood Inundation Area Code prohibits residential uses in this zone and the application has not sought relief from this restriction.</p> <p>5. Disagree. It is clear that Council's strategic goals have been in effect for some time. Reclaiming the old rail yards, development of the Seaport and boardwalk are part of the longer term goal of returning the river edge to the people of Launceston. This is confirmed by strategic documents such as the Greater Launceston Plan, North Bank Master Plan and North Bank Land Use Study.</p> <p>6. Disagree. It is unclear what this statement means. On Page 2 of the representation it is stated the land (now owned by Bunnings) was accessible by the public on foot, or by public transport but on Page 5 of the representation it is stated the site is remote.</p> <p>The dispensation does not seek relief from the Road and Rail Assets Code or the Car Parking and Sustainable Transport Code. Both of these Codes must be addressed for any future development application for the silos and must demonstrate how (<i>inter alia</i>) the proposed on-site parking numbers and impacts on the surrounding traffic network meet the Scheme requirements.</p> <p>7. Disagree. The developer contributions referred to in the representation were required for approval of the Bunnings development only, not to support any future development application.</p> <p>8. Disagree. Land use conflict between the silos development and the uses allowable in the commercial zone are common in land use planning and can be managed. Indeed one of the major outcomes sought in the NBLUS was to provide controls to effectively manage potential impacts from the industrial and commercial zones and this is achieved through spatial and proposed controls on allowable uses. Moreover, the uses that are likely to occur in the silos development are not classified as 'sensitive'. Therefore, it is not likely standards to decrease the fettering of industrial or commercial uses are required.</p>
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12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

	Recommended Alterations
	<ol style="list-style-type: none"> 1. No change. 2. No change. 3. No change. 4. No change. However, if deemed appropriate by the TPL, the Use Table of Particular Purpose Zone 3 - Seaport or the conditions of a dispensation could prohibit residential uses on the site subject to the dispensation. 5. No change. Council's strategic intent for the North Bank and river edge in general is clear. There has been historic re-development and reclaiming of river edge land and redevelopment into uses that improve the public realm and provide a greater range in land uses for the benefit of the community. 6. No change. 7. No change. Future development applications in Lindsay Street would be assessed on their merits and, if required, developer contributions would be sought to augment the necessary hard or soft infrastructure.

REPORT:

1 Background

The proposal involves an application to the Tasmanian Planning Commission (TPC) for dispensation from a local provision of the Launceston Interim Planning Scheme 2012 under section 30P (1) of the *Land Use Planning and Approvals Act 1993* (the Act) for 87-89 Lindsay Street and a portion of un-granted Crown land.

The proposal seeks to:

1. Set aside the provisions of the Open Space zone as they relate to the abovementioned land and apply modified provisions of Particular Purpose Zone 3 - Seaport.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

On 25 November 2013 Council agreed to notify the TPC of their support for the dispensation application. The application was then advertised from 18 December 2013 to 16 January 2014 with one (1) representation being received.

2 Discussion

The representation has been considered and it is concluded that there is no clear merit to the matters raised. The dispensation is consistent with Council's strategic planning imperatives and long term vision for the North Bank.

Whilst Council has not been formally notified of the applicant's intention for expansion of the development of the site, it has come to light that the concept plans (for future use and development) may differ to those originally submitted. Whilst amended concept plans have no immediate bearing on the dispensation application (they would be conceptual only and assessed as part of a development application), they may inform Council's position on the proposed standards to which a future development application would be assessed. It is anticipated that changes to these standards could be resolved at the TPC hearing.

Preliminary correspondence with the TPC Panel has identified a potential issue with the dispensation application. It has been revealed there are doubts whether the dispensation application could be approved where it seeks to vary the provisions of the Scheme. This does not necessarily mean the dispensation application would not be successful. It may mean that conditional approval of the dispensation could be granted, with the conditions specifying the parameters of any use or development allowable for the silos development.

3 Conclusion and Recommendation

The dispensation application for 87-89 Lindsay Street and a portion of un-granted Crown land has been advertised and one representation was received. This report has considered the issues and merits raised by the representation. It is concluded that the opinion adopted by the Council on 26 August 2013 for this proposal should remain unchanged, provided conceptual plans for any future proposal do not change from those originally submitted. Should amended plans be submitted to Council, it is recommended that the proposed development standards are reviewed at the TPC hearing.

12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)

ECONOMIC IMPACT:

The economic impact has been considered through assessing what the maximum potential of land could be that would provide the best utilisation of existing services and infrastructure.

ENVIRONMENTAL IMPACT:

The environmental impact has been considered through identification of what environmental values apply to the proposal and what planning instruments should apply to manage those values.

SOCIAL IMPACT:

The social impact of the proposal has been considered by understanding the projected housing and services needs of the community and what zone would be most appropriate to achieving those needs.

STRATEGIC DOCUMENT REFERENCE:

- *Land Use and Planning Approvals Act 1993;*
 - Protection of Agricultural Land Policy;
 - State Coastal Policy;
 - Water Quality Management Policy;
 - National Environmental Protection Measures (NEPMs);
 - Launceston Interim Planning Scheme 2012;
 - Regional Land Use Strategy - Northern Tasmania 2011;
 - North Bank Draft Master Plan;
 - North Bank Draft Land Use Study;
 - Launceston Strategic Tourism Plan; and
 - Vision 2020.
-

- 12.2 Application for Dispensation from a Local Provision of the Launceston Interim Planning Scheme 2012 9LAU D6/2013) - 87-89 Lindsay Street and un-granted Crown land...(Cont'd)
-

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. Copy of representation (circulated separately)
-

COUNCIL AGENDA

Tuesday 28 January 2014

13 NOTICES OF MOTION - FOR CONSIDERATION

13.1 Notice of Motion - Alderman McKenzie - Planning Scheme Review

FILE NO: SF5547 / SF3854

AUTHOR: Alderman McKenzie

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider a Notice of Motion from Alderman McKenzie to undertake a review of the Launceston Interim Planning Scheme.

PREVIOUS COUNCIL CONSIDERATION:

N/A

NOTICE OF MOTION:

Given that the Launceston Interim Planning Scheme ("the Scheme") has now been in effect for over 12 months that the Launceston City Council undertakes a review of the Scheme with this review to include but not limited to:

1. A review of development applications that have been lodged under the Planning Scheme (and possibly those that are still going through the planning process) with a view to preparing a briefing paper for submission to the Tasmanian Planning Commission on whether the Scheme is delivering good common sense outcomes at an affordable cost for developers and property owners.
 2. A review of the complexity of the documentation requirements of the Scheme for a valid Development application to ensure they are readily understandable and accessible by all sectors of the community.
 3. A review of the impact of Historic Heritage Precinct Planning and Statewide codes on the overall planning process; and
 4. A broader review of the implications that other State and Federal legislation is having on the development industry with a view to preparing a briefing paper to both State and Federal politicians and Departments on areas of red and green tape that we believe would benefit a more streamlined and simplified development process.
-

13.1 Notice of Motion - Alderman McKenzie - Planning Scheme Review...(Cont'd)

It is envisaged in order to derive the best outcomes at least the following interested parties should be invited to participate:

- Launceston City Council Planning Staff
 - Launceston City Aldermen
 - Developers
 - Tasmanian Planning Commission
 - Director Building Control (or delegate)
 - Tradesperson's and/or representatives of Tradesperson's organisations
 - Recent Applicants
 - Real Estate representatives
 - Valuer representatives
 - Relevant State Government departments
 - Relevant Federal Government departments
 - Politicians (State and Federal)
 - Neighbouring Councils
-

REPORT:Background Information provided by Alderman McKenzie:

The proposer will speak to the motion but broadly it evolves from experiences cited to him and other aldermen since the introduction of the interim planning scheme which indicates a significant level of frustration and cost experienced by many, who are trying to develop, create, build or modify under the Scheme.

We as a City are trying to attract investment and be seen to be a City of choice to undertake development activity, therefore by being an early adopter of the Scheme we are in an ideal position to review what has taken place in the past 12 or so months, listen to those that have been utilising the Scheme and engage with the law makers on how to improve and simplify it.

It is clear that the Development Services team at Launceston City Council are often placed in an invidious situation where they are being asked to impose rules and laws that emanate from State or Federal legislation and ultimately bear the brunt of criticism when the enforcement of these laws lead to both impractical and costly solutions. It is therefore vital that the law makers and those that influence them are there to participate and listen to the users to ensure it is clear where the changes need to be made.

13.1 Notice of Motion - Alderman McKenzie - Planning Scheme Review...(Cont'd)

It is critical that this review clearly articulates the issues that are being faced and recommendations on how to address these issues and not become just a talkfest. Equally responses and proposed actions need to be time bound and have direct responsibility (where this is possible) to facilitate an efficient conclusion to the review.

We can be a City that makes a difference and lead the way in reduction of red and green tape.

Officer Comments - Michael Stretton (Director Development Services)

The Launceston Interim Planning Scheme ('Interim Scheme') 2012 has been in effect since 17 September 2012 and was the first Interim Scheme introduced for the State. Since this time Interim Planning Schemes have been declared for all Northern Councils (with the exception of Flinders Island) and all North-West Councils.

Aldermen will recall that the Interim Scheme was placed on public exhibition for a two month period in late 2012 resulting in one hundred and one (101) representations being received which identified many issues and problems requiring redress. Indeed the Council made its own representation identifying the issues which were identified by Aldermen and planning staff at this time.

These representations are currently in the process of being addressed through the Tasmanian Planning Commission (TPC) Interim Scheme hearing process which commenced on 15 March 2013 and has been continuing since this time with Council's Planning Staff devoting significant time and resources to the process. I can advise that there have been substantial changes proposed for the Interim Scheme during the hearing process and at this stage it is hoped that the hearings will be concluded by April/May 2014.

Following the hearings the TPC will provide a report to the Minister recommending the required changes to the common provisions in the Planning Scheme and if the Minister accepts these recommendations a planning directive is prepared to amend the common provisions. Then, after any necessary changes are made, the Commission will then approve the interim planning scheme and the interim scheme will become a (regular) planning scheme. This should occur towards the middle of the year.


13.1 Notice of Motion - Alderman McKenzie - Planning Scheme Review...(Cont'd)

Whilst I can understand and support the intent of the Notice of Motion I believe that the timing of the proposed review is premature. I say this because the Interim Scheme hearings are yet to be concluded and there will be significant changes made to the Council's final Planning Scheme which will address many issues and problems. Additionally, it would be extremely difficult to adequately resource a planning scheme review at the same time as the hearings because the Council's planning resources are currently heavily devoted to this process along with those of the TPC and surrounding Councils. Accordingly, it is suggested that a review not be carried out until the final Planning Scheme has been declared and in operation for a period of time.

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

DIRECTORATE AGENDA ITEMS

14 DEVELOPMENT SERVICES

14.1 Environmental Services Department - Appointment as Authorised Officer

FILE NO: SF0113

AUTHOR: Louise Foster (Manager Environmental Services)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To appoint a new employee within the Environmental Services Department as an Authorised Officer for the purposes of various legislation and Council by-laws.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council appoints the following employee referred to in column one of the schedule, as an Authorised Officer, to conduct the function and powers of various legislation listed in column two of the schedule.

Authorised Officer	Powers/Functions
Anthony Komives Environmental Health Officer	Local Government Act 1993 <ul style="list-style-type: none"> • S20A Power of Entry • S237 Authentication of certain documents • S200 Abatement Notices¹ • S240 Appearance in Court Environmental Management and Pollution Control Act 1994: <ul style="list-style-type: none"> • S21 Council Officer Public Health Act 1997: <ul style="list-style-type: none"> • S11 Appointment as an Environmental Health Officer

14.1 Environmental Services Department - Appointment as Authorised Officer...(Cont'd)

	<p>Food Act 2003:</p> <ul style="list-style-type: none">• S101 Appointment as Authorised Officer. <p>Dog Control Act 2000:</p> <ul style="list-style-type: none">• S82 – Appointment as Authorised Officer• Appointment as an authorised officer under Council By-laws
--	---

Note 1: A matter may be referred to Council for decision where an Officer is of the opinion that the decision should be made by the Council.

REPORT:

Various legislation relating to the environmental services tasks require that Council or the General Manager appoint an officer as an Authorised Officer to fulfil the powers and functions of the Acts

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

14.1 Environmental Services Department - Appointment as Authorised Officer...(Cont'd)

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 Stretton: Director Development Services

COUNCIL AGENDA

Tuesday 28 January 2014

16 QUEEN VICTORIA MUSEUM AND ART GALLERY

16.1 QVMAG Museum Governance Advisory Board members

FILE NO: SF2244

DIRECTOR: Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To consider appointment of QVMAG Museum Governance Advisory Board members.

PREVIOUS COUNCIL CONSIDERATION:

Council endorsed the QVMAG Museum Governance Advisory Board (MGAB) Charter and formation of MGAB at the Council meeting on 14 June 2011.

RECOMMENDATION:

That Dr Thomas Dunning and Mr Rodney Paul be appointed as members of the QVMAG Museum Governance Advisory Board for the maximum period of two terms (four years)

REPORT:

The Rules of the MGAB were endorsed by Council on 14 June 2011 states that the board shall be determined by the Council for the term of the independent membership of the Board. Members are to be appointed for a minimum period of two years and can only serve two terms consecutively.

The first term of the MGAB was completed on 16 October 2013. In accordance with the Rules half the number of community members must stand down after the first term. Expression of Interest was sought in November 2013 with applications closing on 29 November 2013. The Rules specify that there be at least four general community members on the MGAB. With the appointment of Dr Dunning and Mr Rodney Paul there will be six community members. Endorsed as the QVMAG Friends representative is Mrs Jill Dearing and QVMAG Arts Foundation, Mrs Sandra Campbell.

ECONOMIC IMPACT:

Consideration contained in Report

16.1 QVMAG Museum Governance Advisory Board members...(Cont'd)

ENVIRONMENTAL IMPACT:

Consideration contained in Report

SOCIAL IMPACT:

Consideration contained in Report

STRATEGIC DOCUMENT REFERENCE:

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

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

COUNCIL AGENDA

Tuesday 28 January 2014

17 INFRASTRUCTURE SERVICES

17.1 NTCA Link Building - Budget Reallocation

FILE NO: 67030/SF5899

AUTHOR: Andrew Smith (Manager Parks & Recreation)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider the reallocation of Capital Works funds for the construction of NTCA Link Building.

This decision requires an absolute majority of Council.

PREVIOUS COUNCIL CONSIDERATION:

Item 4.1 - SPPC Meeting 16 December 2013
Discussion on revised project scope

Item 4.2 - SPPC Meeting 7 October 2013
Discussion on funding reallocation

Item 4.3 - SPPC Meeting 16 September 2013
Discussion on project budgeting

Item 4.2 - SPPC Meeting 7 March 2011
Sportsfield Report. This item considered proposed redevelopment of the NTCA facilities

17.1 NTCA Link Building - Budget Reallocation...(Cont'd)

RECOMMENDATION:

That Council, in respect to the NTCA Link building project, approves the following budget transfer.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
21338	NTCA Link Building	\$525,000	-	\$100,000	\$625,000
	Capital program favourable variance 2012/2013	\$100,000	\$100,000	-	-
	TOTALS	\$625,000	\$100,000	\$100,000	\$625,000

REPORT:

In the 2010/2011 financial year the redevelopment of the NTCA ground facilities was planned and the design submitted for costing by a quantity surveyor. The project was estimated at \$4 million (excl. GST). This estimate was used for a submission to the Federal Government Regional Development Fund and was ultimately unsuccessful.

The Parks & Recreation Department in consultation with the NTCA and user groups then prepared a new project with a greatly reduced scope. This scheme provided the essential elements required to ensure the continued viability of the NTCA as a community sporting facility. A cost estimate was prepared using the cost rates from the original quantity survey estimate.

Budget allocation was submitted and approved for \$525,000 for the reduced project as part of the 2012/2013 Infrastructure Services Capital Works budget.

Tenders were called for May 2013 and the tenders received were significantly higher than the available funding. The project cost totalled \$870,000 compared to the \$525,000 allocated.

The project was discussed at the 7 October SPPC meeting and the resultant view was to alter the scope of the project to further reduce the cost.

17.1 NTCA Link Building - Budget Reallocation...(Cont'd)

After negotiation with the lowest tenderer and after a further significant reduction in the scope of works the price was revised to \$510,000 (excl. GST). This has been achieved by removing the second storey from the original design. This change in design resulted in the lift no longer being required and internal elements such as the stairs. Further consultation with NTCA indicated that the team rooms could also be removed from the project further reducing the scope of works.

The removal of the second floor also removed the new offices that were intended to accommodate 5 Cricket Tasmania staff. This matter was discussed at a special meeting between Cricket Tasmania General Manager, the NTCA President and the Council's General Manager. It was agreed that alternative accommodation will be provided on site in an area under the existing Bushby Stand. Cricket Tasmania made a verbal offer to contribute financially to the refurbishment of the area which is costed at approximately \$10,000 to complete. A portion of this amount may have to be funded from the contingency sum included in the revised budget.

What has been retained is the functionality of the design with the two new change rooms, accessible facilities and the kiosk. These components are the critical elements that will enable multi use of both grounds at the same time and by either sex.

In order for the tender to be awarded an additional \$100,000 is required including a \$40,000 contingency sum.

The major elements of the project are:

(Figures rounded to the nearest \$1,000)

Revised construction tender cost	\$510,000
Internal approvals etc. expended to date	\$19,000
Engineering consultancy expended to date	\$19,000
Additional engineering fees for revised project	\$10,000
Additional building survey fees for revised project	\$5,000
Additional contract management fees	\$7,000
Contingency	\$40,000
TOTAL	\$610,000

It is therefore recommended that the shortfall in funding be made up from the positive result from last year's ISD capital works program. The budget figures are attached in the 'Budget and Financial Aspects' section below.

17.1 NTCA Link Building - Budget Reallocation...(Cont'd)

In relation to awarding the tender for the revised project, Council's Projects Manager advises that Councils Code for Tenders & Contracts, which is based on the Local Government Act and Government Regulations 2005, requires that the work will have to be retendered, given that six months has elapsed and the significant change in the scope of works.

Similarly, Aldermen should be aware that concept planning and financial estimates have been prepared for the 2014/15 Budget being the refurbishment of the existing NTCA Function Room. Although directly adjacent to the proposed Link Building the dilapidated space is an entirely separate project for which a further budget submission has been made. The condition of this section of the facility is such that it either requires refurbishment or possible closure for safety reasons.

Where to from Here?

It had become urgent to keep progressing the project so that construction can be completed at the most convenient period (on the fringe of cricket/football seasons), before the advent of wet weather and within this budget period. The revised project is being advertised and is scheduled to close end February.

It is intended to:

- Consider tenders received at the Tender Review Committee.
- Undertake construction works end March-June.

ECONOMIC IMPACT:

The economic impact of abandoning the proposal is significant. LCC has already made an investment of \$1 million in resurfacing and lighting the NTCA No.2 ground. As a result, it is now available for year round use for the first time. However the two fully functional high quality playing surfaces capable of accommodating multiple sporting codes but are only served by a single pair of existing toilets and shower rooms. The Link Building provides two additional change rooms which would for the first time allow fully serviced simultaneous use of both grounds by both sexes. Without these facilities, the LCC cannot fully or effectively capitalise on the considerable investment already made.

17.1 NTCA Link Building - Budget Reallocation...(Cont'd)

ENVIRONMENTAL IMPACT:

The construction of the Link Building will require the demolition of existing structures containing asbestos linings and sheeting. These materials are undesirable in sports facilities subject to impact, shattering and release of asbestos fibres. Their removal from the ground will reduce the existing environmental risks associated with the ongoing management of these materials in situ.

SOCIAL IMPACT:

The NTCA Link Building will double the number of existing toilets and shower rooms on the site. This will allow male and female sports teams' simultaneous use of the site for the first time.

The Link Building increases amenity and equality of use. It provides disabled access facilities for the first time on the NTCA site that are available to both spectators and participants.

STRATEGIC DOCUMENT REFERENCE:

Launceston Community Plan

- Preferred Future Two: A Community for All, Strategy 2.13 Ensure public buildings comply with the access requirements of the Disability Discrimination Act,
 - Preferred Future Five: Healthy & Active People, Strategy 3 Encourage physical activity.
-

17.1 NTCA Link Building - Budget Reallocation...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
21338	NTCA Link Building	\$525,000	-	\$100,000	\$625,000
	Capital program favourable variance 2012/2013	\$100,000	\$100,000	-	-
	TOTALS	\$625,000	\$100,000	\$100,000	\$625,000

The completion of the 2012/2013 financial year resulted in savings from the capital program in addition to those that had already been factored into the 2013/2014 budget. There are sufficient funds available from this source to fund the requested amount of \$100,000. The budget adjustment consideration of this item has been approved by the Director Corporate Services.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

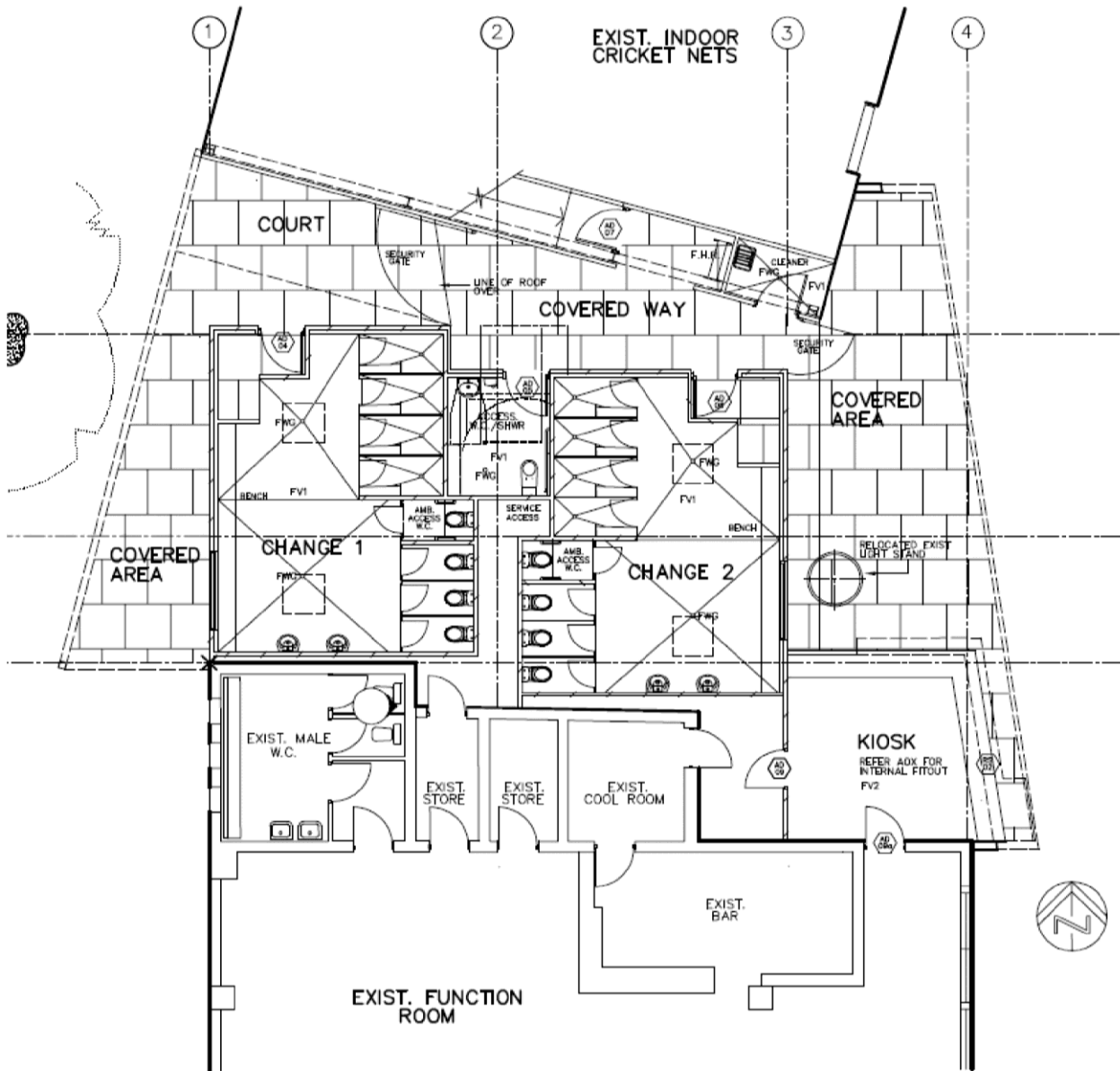
I certify that I have reviewed and approved this advice and recommendation.




Harry Galea: Director Infrastructure Services

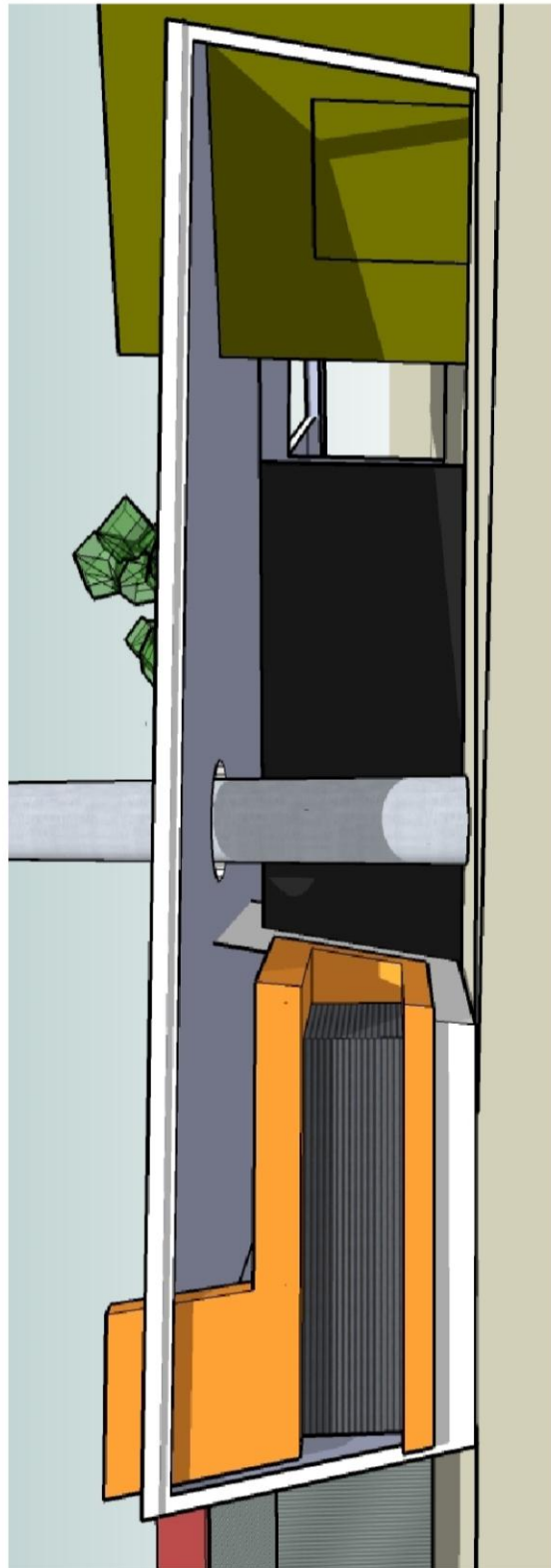
ATTACHMENTS:

1. Plan and elevation of proposed works



 LAUNCESTON CITY COUNCIL Parks & Recreation phone: (03) 6323 3312 fax: (03) 6323 3385	project title NTCA Link Building	scale n.i.s. (@A4)	project no. 1020
	drawing title FLOORPLAN	drawn IA	date 10/12/2013
		design verification* client validation**	rev. (blank)

*Signed original drawings are kept in the P&R office. Electronic files will have the name of the signatory. Form P&R title block 19-07-2013



LAUNCESTON CITY COUNCIL
Parks & Recreation

phone: (03) 6323 3312 fax: (03) 6323 3385

project title **NTCA Link Building**
 drawing title **EAST ELEVATION**

scale n.t.s. (@A4)
 drawn IA
 date 10/12/2013
 design verification*
 client validation*

project no. **1020**
 dvg no. | rev.
spp02

*Signed original drawings are kept in the P&R office. Electronic files will have the name of the signatory. Form P&R title block 19-07-2013

17.2 Food vendors on public roads**FILE NO:** SF0476**AUTHOR:** Fraser Brindley (Roads & Hydraulics Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To establish a policy for food vendors operating from public roads.

PREVIOUS COUNCIL CONSIDERATION:

Item 6 - SPPC Meeting 21 October 2013

Concerns about food vendors on public roads, specifically regarding road regulations, permission, signage and traffic issues were raised.

Item 4.2 - SPPC Meeting 16 December 2013

Draft policy and options regarding annual fees were presented.

RECOMMENDATION:

1. Council adopts the following policy - Mobile Food Vendors Operating on Public Roads (32-PI-005):

PURPOSE:

To establish criteria for mobile food vendors seeking permission to operate from a public road.

SCOPE:

Section 56C of the *Vehicle and Traffic Act 1999* stipulates that food vendors cannot operate from a public road without a permit from the General Manager of the relevant council. This permit can be issued for a maximum of twelve months.

In assessing whether to grant a permit, the Act requires the General Manager to take into account traffic safety, public convenience and any other relevant issues.

17.2 Food vendors on public roads...(Cont'd)

POLICY:***Part A: Food vendors stationary for greater than 15 minutes***

Council requires food vendors seeking permission to operate from a public road for a period of greater than 15 minutes to specify the particular locations that they propose to operate from.

Council will assess the suitability of each nominated site from a general road safety and convenience perspective, taking into account the surrounding activity and the nature of the vehicle being used by food vendors.

Council also requires proposed locations and operation from them to meet the following conditions.

Prohibited areas and times

- Mobile food vendors are not to operate on public roads within the central business district (CBD). Appendix 1 provides a map showing the area defined as the CBD.
- Mobile food vendors are not to operate on identified major roads unless operating from a service road. For the purposes of this policy, a map showing the location of identified major roads is provided as Appendix 2.
- Mobile food vendors are not to operate on public roads within 200m (measured by travel distance of a pedestrian) of a fixed take away food premises at the same time that the fixed take away food premises is operating, unless the fixed take away food premises has clearly expressed in writing a tolerance for mobile food vendors operating closer and/or concurrently.
- Mobile food vendors are not to operate on public roads within 100m (measured by travel distance of a pedestrian) of a residential dwelling between the hours of 10pm and 7am.

Minimum footpath width

Mobile food vendors must operate adjacent to footpaths with a width of at least 1500mm. Mobile food vendors must not operate adjacent to nature strips or other soft or pervious surfaces.

Vendors must not leave vehicles unattended

Mobile food vendors must not leave the vehicle from which they conduct their business parked unattended on a public road at a location specified on their permit for a period longer than one hour.

17.2 Food vendors on public roads...(Cont'd)

Permits are not transferable

Permits granted to mobile food vendors to operate from a public road are only for the business identified in the permit and are not transferable.

Charges for permit

An annual fee will be levied for the permits issued to food vendors to operate from a public road at a particular location for a period of greater than 15 minutes. This fee will be established using the charge applied by Council for on street dining in District Centres as set out in the annual fees and charges. This charge will be applied to the notional area used by mobile food vendors operating on public roads, being the average length of a parking bay (6000mm) multiplied by the minimum footpath width required adjacent to the serving hatch (1500mm), equal to 9 square metres.

Exemptions

This policy does not apply to applications by food vendors to operate from a public road as part of a Council supported or endorsed event on a public road.

Part B: Food vendors stationary for less than 15 minutes

Mobile food vendors operating from a particular location for less than 15 minutes are permitted by Council to operate from a public road so long as they comply with the conditions set out in section 1 of this policy.

Nevertheless, this permission may be revoked by the General Manager if it is considered that public safety is at risk.

Part C: Other matters

Any permit granted to mobile food vendors to operate in a public road does not guarantee availability or exclusivity of a particular location.

Although not governed by this policy, all mobile food vendors operating from a public road are to ensure:

- they are legally parked at all times;
 - they hold a valid certificate of registration for businesses selling food from a vehicle; and
 - they have approval to erect any signs or furniture associated with their business.
-

17.2 Food vendors on public roads...(Cont'd)

PRINCIPLES:

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

Mobile Food Business Policy (10-PI-001)

On Street Dining: Guidelines & Specifications (18-HLPrx-002)

RELATED LEGISLATION:

Vehicle and Traffic Act 1999

REFERENCES:

N/A

DEFINITIONS:

Take away food premises: the use of land to prepare and sell food and drink primarily for immediate consumption off the premises (as defined in the *Launceston Interim Planning Scheme 2012*).

REVIEW:

This policy will be reviewed no more than 3 months after the date of initial approval (version). Thereafter, this policy will be reviewed every 5 years or more frequently, if dictated by operational demands and with Council's approval.

2. Council rescinds the existing Mobile Food Business Policy (10-PI-001)

REPORT:

1. Proposed policy

Section 56C of the *Vehicle and Traffic Act 1999* stipulates that food vendors cannot operate from a public road without a permit from the General Manager of the relevant council. In assessing whether to grant a permit, the Act requires the General Manager to take into account traffic safety, public convenience and any other relevant issues. Permits can be issued for a maximum of twelve months.

17.2 Food vendors on public roads...(Cont'd)

The proposed policy, also provided as Attachment 1 to this report, establishes criteria for mobile food vendors seeking permission to operate from a public road in Launceston City Council. Features of the proposed policy include:

- Prohibition on food vendors operating from a public road within the CBD and along nominated major roads; and
- Restrictions on food vendors operating from a public road within proximity of existing take away food vendors and in residential areas.

The proposed policy also includes the basis for an annual charge for food vendors who are stationary for a period of greater than 15 minutes. The charge has been arrived at by applying LCC's charges for on-street dining to a notional area of footpath used by mobile food vendors. The notional area was determined to be the average length of a parking bay (6000mm) multiplied by the minimum footpath width required adjacent to the serving hatch (1500mm), being 9 square metres. Using the current rate of \$38 per square metre applied to District Centres, the annual charge would be \$342.

This method was considered to be the most equitable. Other methods considered include:

- applying the average General Rate for commercial properties to the notional area of footpath being occupied by mobile food vendors; and
- applying the General Charge levied to all rateable properties.

The proposed policy is scheduled for review by Council within three months of being introduced. During this period, Council will undertake specific consultation with mobile food vendors, fixed take away food premises and other interested parties.

During the development of the proposed policy, officers undertook a desktop assessment of the approach taken at a selection of other Councils. A summary of the findings of this assessment, shown in Attachment 2, shows the range of policy approaches taken to the regulation of mobile food vendors. It is apparent that there is little consistency on how food vendors are handled by local government in general.

17.2 Food vendors on public roads...(Cont'd)

2. Rescission of existing policy

Council adopted a policy (10-PI-001) in relation to mobile food vendors in 2007 (see Attachment 3). This policy sought to place conditions on food vendor's certificate of registration under the *Food Act 2003*.

Conditions in the existing policy relate primarily to land use. However, the *Food Act 2003* does not provide any mechanism to control the location of mobile food vendors in any particular council area. As such, these conditions extend beyond the power of the *Food Act 2003*, which is to govern the safety and integrity of the sale of food.

ECONOMIC IMPACT:

The economic impact of mobile food vendors on existing retailers was considered during the development of the proposed policy.

Charges for permits take into account consideration of a contribution towards the provision and maintenance of Council infrastructure used by mobile food vendors.

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

In general terms, mobile food vendors are considered to have a positive social impact by encouraging on-street activity.

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

N/A

17.2 Food vendors on public roads...(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. *DRAFT Mobile food vendors operating on public roads policy (32-PI-005)*
 2. Policy summary of selected other local governments in relation to mobile food vendors.
 3. *Mobile Food Business Policy (10-PI-001)*
-

Launceston City Council
Reference No. 32-PI-005
Version: Draft 08/01/2014
Approved By: Council

Attachment 1

DRAFT Mobile food vendors operating on public roads policy

PURPOSE:

To establish criteria for mobile food vendors seeking permission to operate from a public road.

SCOPE:

Section 56C of the *Vehicle and Traffic Act 1999* stipulates that food vendors cannot operate from a public road without a permit from the general manager of the relevant council. This permit can be issued for a maximum of twelve months.

In assessing whether to grant a permit, the Act requires the general manager to take into account traffic safety, public convenience and any other relevant issues.

POLICY:

Part A: Food vendors stationary for greater than 15 minutes

Council requires food vendors seeking permission to operate from a public road for a period of greater than 15 minutes to specify the particular locations that they propose to operate from.

Council will assess the suitability of each nominated site from a general road safety and convenience perspective, taking into account the surrounding activity and the nature of the vehicle being used by food vendors.

Council also requires proposed locations and operation from them to meet the following conditions.

1. Prohibited areas and times

- a. Mobile food vendors are not to operate on public roads within the central business district (CBD). Appendix 1 provides a map showing the area defined as the CBD.
- b. Mobile food vendors are not to operate on identified major roads unless operating from a service road. For the purposes of this policy, a map showing the location of identified major roads is provided as Appendix 2.
- c. Mobile food vendors are not to operate on public roads within 200m (measured by travel distance of a pedestrian) of a fixed take away food premises at the same time that the fixed take away food premises is operating unless the fixed take away food premises has clearly expressed in writing a tolerance for mobile food vendors operating closer and/or concurrently.
- d. Mobile food vendors are not to operate on public roads within 100m (measured by travel distance of a pedestrian) of a residential dwelling between the hours of 10pm and 7am.

Launceston City Council
Reference No. 32-PI-005
Version: Draft 08/01/2014
Approved By: Council

DRAFT Mobile food vendors operating on public roads policy

2. *Minimum footpath width*

Mobile food vendors must operate adjacent to footpaths with a width of at least 1500mm. Mobile food vendors must not operate adjacent to nature strips or other soft or pervious surfaces.

3. *Vendors must not leave vehicles unattended*

Mobile food vendors must not leave the vehicle from which they conduct their business parked unattended on a public road at a location specified on their permit for a period longer than one hour.

4. *Permits are not transferable*

Permits granted to mobile food vendors to operate from a public road are only for the business identified in the permit and are not transferable.

5. *Charges for permit*

An annual fee will be levied for the permits issued to food vendors to operate from a public road at a particular location for a period of greater than 15 minutes. This fee will be established using the charge applied by Council for on street dining in District Centres as set out in the annual fees and charges. This charge will be applied to the notional area used by mobile food vendors operating on public roads, being the average length of a parking bay (6000mm) multiplied by the minimum footpath width required adjacent to the serving hatch (1500mm), equal to 9 square metres.

6. *Exemptions*

This policy does not apply to applications by food vendors to operate from a public road as part of a Council supported or endorsed event on a public road.

Part B: Food vendors stationary for less than 15 minutes

Mobile food vendors operating from a particular location for less than 15 minutes are permitted by Council to operate from a public road so long as they comply with the conditions set out in section 1 of this policy.

Nevertheless, this permission may be revoked by the general manager if it is considered that public safety is at risk.

Part C: Other matters

Any permit granted to mobile food vendors to operate in a public road does not guarantee availability or exclusivity of a particular location.

Although not governed by this policy, all mobile food vendors operating from a public road are to ensure:

- they are legally parked at all times;
- they hold a valid certificate of registration for businesses selling food from a vehicle; and
- they have approval to erect any signs or furniture associated with their business.

Launceston City Council
Reference No. 32-PI-005
Version: Draft 08/01/2014
Approved By: Council

DRAFT Mobile food vendors operating on public roads policy

PRINCIPLES:

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

Mobile Food Business Policy (10-PI-001)
On Street Dining: Guidelines & Specifications (18-HLPrx-002)

RELATED LEGISLATION:

Vehicle and Traffic Act 1999

REFERENCES:

N/A

DEFINITIONS:

Take away food premises: the use of land to prepare and sell food and drink primarily for immediate consumption off the premises (as defined in the *Launceston Interim Planning Scheme 2012*).

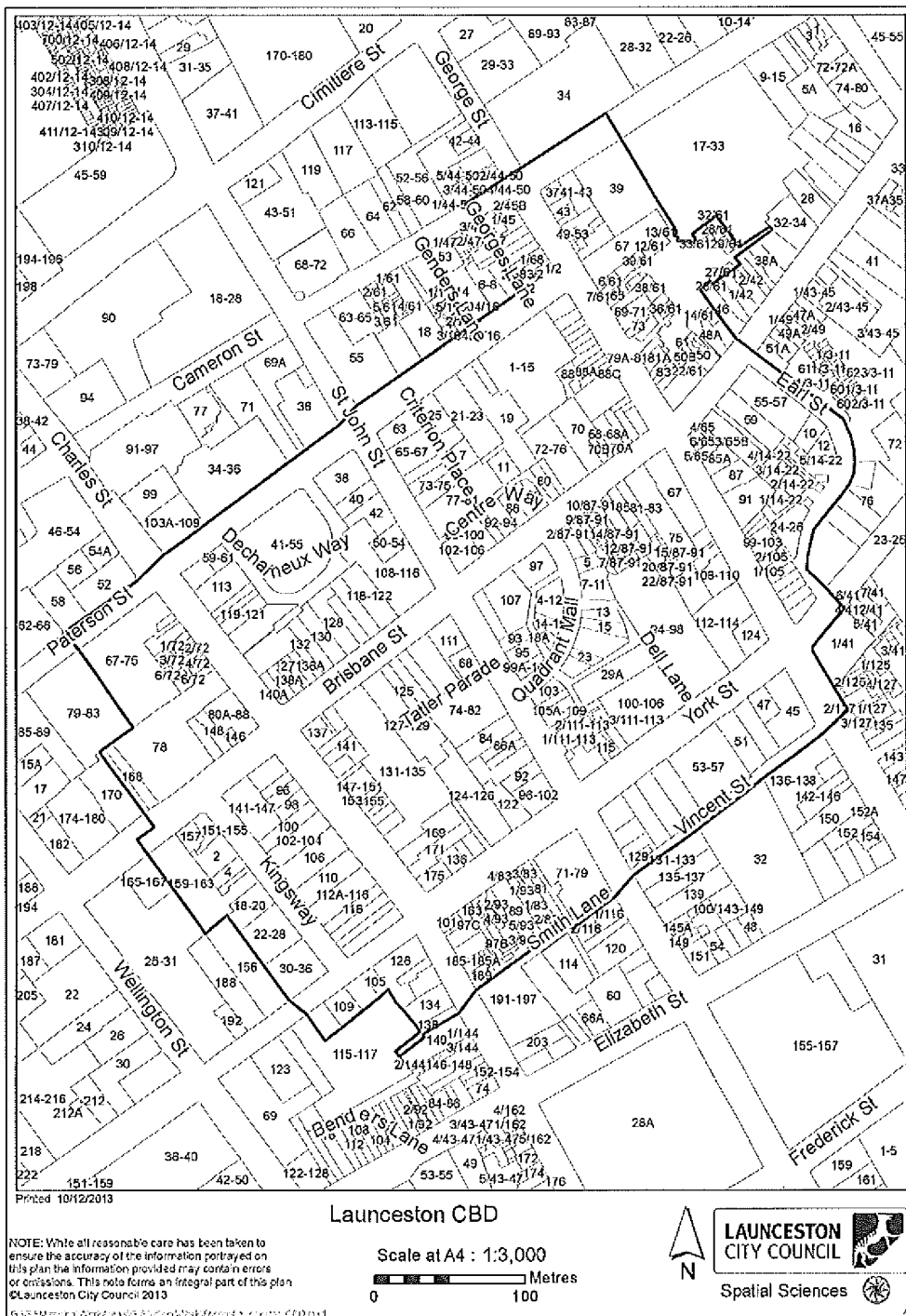
REVIEW:

This policy will be reviewed no more than 3 months after the date of initial approval (version). Thereafter, this policy will be reviewed every 5 years or more frequently, if dictated by operational demands and with Council's approval.

Launceston City Council
Reference No. 32-PI-005
Version: Draft 08/01/2014
Approved By: Council

DRAFT Mobile food vendors operating on public roads policy

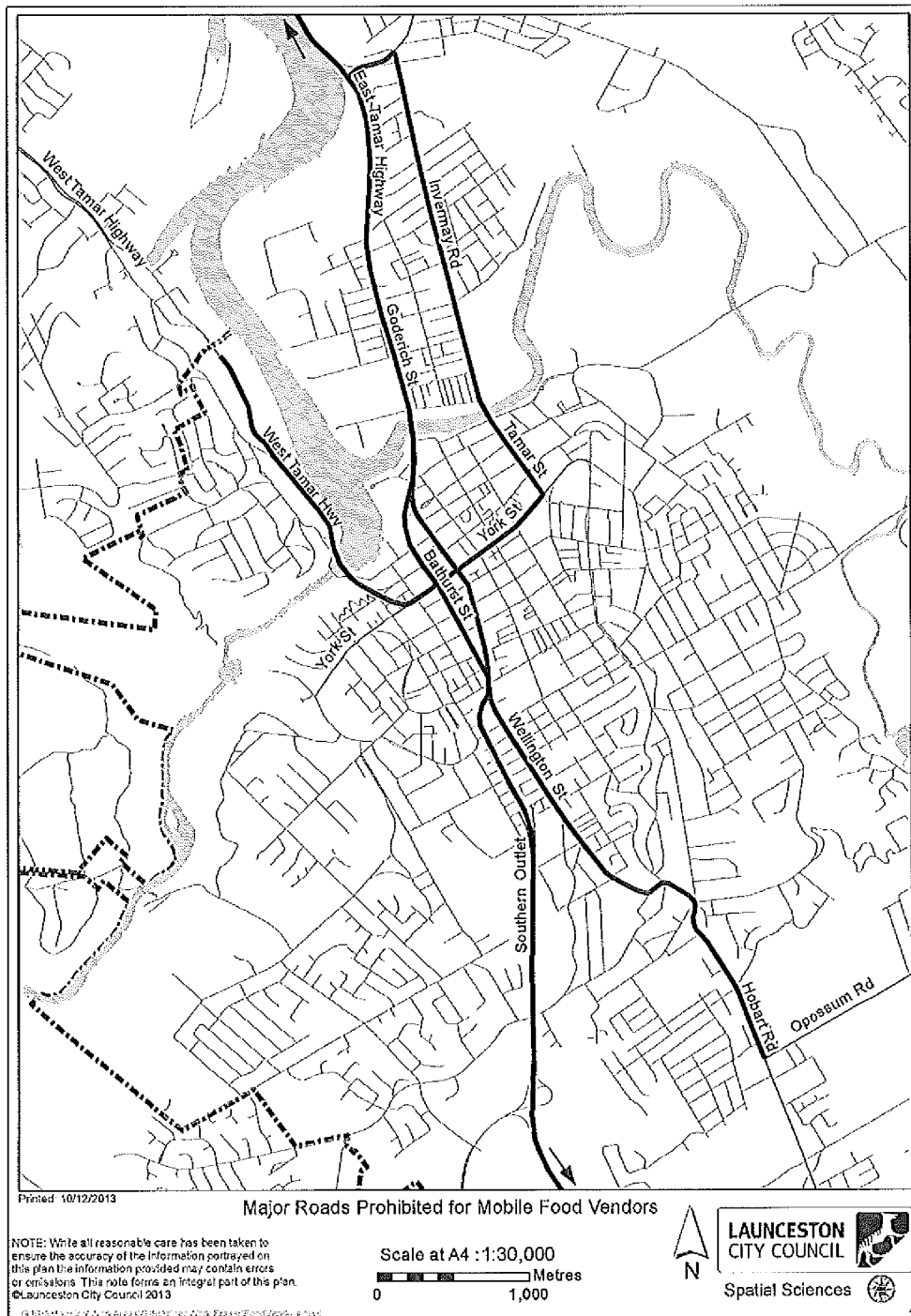
APPENDIX 1: Launceston CBD



Launceston City Council
Reference No. 32-PI-005
Version: Draft 08/01/2014
Approved By: Council

DRAFT Mobile food vendors operating on public roads policy

APPENDIX 2: Major roads prohibited for mobile food vendors



Attachment 2

Attachment 2: Policy summary of selected other local governments in relation to mobile food vendors

State	Municipality	Location restrictions	Proximity restrictions	Cost
Tas	Clarence	Blanket prohibition.		N/A
	Glenorchy	No specific restrictions.	Have regard to the "nature and location of any existing facilities that sell food of a type proposed to be sold".	None stated.
NSW	Hobart	Proposed policy specifies sites.	Proposed policy stipulates operating hours take into account existing retailers.	Proposed \$1,000 per annum
	Sydney	Not the Central Sydney Area. Major roads excluded.	Must be 50 metres from an existing trading takeaway premises open for business that is serving the same or similar food types.	\$4,000 per annum
Vic	Ballarat	No specific guidelines.		N/A
	Melbourne	9 specific locations, mostly in parklands.		Tender process.
	Moreland	No specific restrictions.	Cannot be located in front of or adjacent to permitted footpath dining areas during the hours of operation of the footpath trading permit. Permits may be limited to those outside existing business hours for surrounding food premises and foods offered for sale may be restricted.	\$1,800 per annum
	Yarra	No specific restrictions. Some specific sites nominated which may be tendered for.	Must be 100 metres, or when other restaurants are closed or with written consent from other restaurants.	\$2,000 per annum

Launceston City Council
Reference No. 10-PI-001
Version: 02/04/2007
Approved By: Council

Attachment 3

Mobile Food Business Policy

PURPOSE:

To define the criteria for the establishment and operation of a Mobile Food Business.

SCOPE:

Operators of a Mobile Food Business.

POLICY:

To allow the following conditions to be placed on the Certificates of Registration of a Mobile Food Business issued by the Launceston City Council under the provisions of the Food act 2003:

1. A Mobile Food Business may not operate within the Central Activities district without written approval; and
2. A Mobile Food Business may not operate in a Council owned or managed park or reserve without the written approval of the Manager for Parks and Recreation; and

To require the operator of a Mobile Food Business that is registered in another municipality to comply with the following provisions:

1. A Mobile Food Business must provide documentation showing currency of registration from another municipality; and
2. A Mobile Food Business may not operate within the Central Activities district without written approval; and
3. A Mobile Food Business may not operate in a Council owned or managed park or reserve without the written approval of the Manager for Parks and Recreation.

PRINCIPLES:

The Council's Organisational values apply to all activities

RELATED POLICIES & PROCEDURES:

Nil

RELATED LEGISLATION:

Food Act 2003;
Food Safety Standards;
Local government (Highways Act 1982

REFERENCES:

N/A

Launceston City Council
Reference No. 10-PI-001
Version: 02/04/2007
Approved By: Council

Mobile Food Business Policy

DEFINITIONS:

Mobile Food Business – a business conducted in a vehicle but does not include a vehicle used only to transport food.

Central Activities District – the area of the City of Launceston bounded by Tamar Street, Elizabeth Street, Wellington Street and William Street.

REVIEW:

This policy will be reviewed no more than 3 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

COUNCIL AGENDA

Tuesday 28 January 2014

18 CORPORATE SERVICES

18.1 Public Wi-Fi Services

FILE NO: SF6087

AUTHOR: Andrew Gall (Manager Information Technology)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the provision of Wi-Fi internet access in public spaces in the City.

PREVIOUS COUNCIL CONSIDERATION:

Item 13.1 - Council 9 September 2013 - *Notice of Motion, Alderman Peck - Wi-Fi in Brisbane Street Mall*

Item 4.5 - SPPC 16 December 2013 - *It was resolved that the recommendation was appropriate to approve with a view to undertake a more comprehensive survey of potential additional installation sites in the future*

RECOMMENDATION:

That the Council

1. Ratify the installation of public Wi-Fi facilities to provide coverage as listed below.

Location	Estimated Capital Cost \$
Brisbane Street Mall	14,000
The Avenue and Quadrant	8,000
Civic Square	5,000
Sundries and Contingencies Provision	1,000
TOTAL	30,000

2. Approve the allocation of the \$30,000 from the "IT New Initiatives Provision" (project 21843) to fund the initiative.
-

18.1 Public Wi-Fi Services...(Cont'd)

REPORT:

The provision of Wi-Fi internet access facilities is becoming common place. The usual justification for the provision of these facilities relate to tourism and community development opportunities.

The roll out of the facilities has in some regions been funded through technology related grants. The change of Australian Government has stalled this grant funding process for the time being. It is our understanding that the facility on the Tasmanian east coast was funded through this process.

The Council has considered whether it is prepared to fund facilities in one or more locations and the type of service that should be provided.

The following report which is an extract from the report presented to SPPC explains the components of the facility, the choices that need to be made and the estimated costs (these will vary for locations depending on the existing access to network connections).

Service Components

In considering the feasibility and operating model for public Wi-Fi it is relevant to consider it in the context of three components or layers.

1. Infrastructure Layer
 - a) The Wi-Fi equipment, communications network cabling and switches, and internet connection.
2. Service Layer
 - a) The controls around usage - connection bandwidth, download limits, time limits, content restrictions, monitoring and reporting.
 - b) Service and availability levels - In the event of any failure what is the requirement or expectation around service restoration timeframes?
3. Business Layer
 - a) This represents the information and applications that could potentially sit on top of layers 1 and 2. For example, upon initial connection, a local landing page could be displayed to guide people to local businesses and/or tourism attractions and provide links to functions, such as commonly used e-mail and search portals, download local apps etc.

The Infrastructure and Service layers provide (just) the connection and its parameters. i.e. A user being able to connect their device and access whatever they wish to within the bounds of the restrictions that are configured.

18.1 Public Wi-Fi Services...(Cont'd)

The Business Layer would provide the mechanism to add interfaces that have the potential to benefit businesses, tourism and the like. It is not essential.

Infrastructure Layer

The Council has established its own private fibre optic network within the central area, also extending to Windmill Hill and Inveresk. The Wi-Fi access points would connect to the fibre. For situations where multiple access points are required within the areas that our fibre does not exist, a "mesh" configuration could be used. In the latter, a physical cabled connection is not required to every access point.

It is recommended that the internet connection be a separate service to that which is used across the Council's corporate network. i.e. it be a service sourced from a retail internet service provider that be dedicated to the public facility. This would segregate public network traffic and cost from the Council's internal services.

Service Layer

There is a need to consider and include ways of controlling access to reasonable levels of usage. The facility should not provide unlimited, open access to prevent it being exploited for purposes that are not within the spirit of the initiative. There are mechanisms available to control

- The speed (i.e. limit each user connection so as to provide reasonable performance to all users);
- The amount of time (e.g. limit to 30 minutes per day);
- The amount of data able to be downloaded. The service would not, for example, be intended to support local residents or businesses to refresh their downloaded movie collection(!), however there may be a case to allow unlimited local content (local businesses, tourism attractions, Council services etc.) and restrict the amount of non-local content;
- Content, such as sites that are considered to be inappropriate to have available in the context of a public service, are blocked (similar to the Council's own web filtering facility). A recent report published by the Institute for a Broadband-Enabled Society, (associated with The University of Melbourne) states that all municipalities that were part of the research filter inappropriate content;
- Charging, if there was a decision to charge for the service.

These controls are able to be put in place by the acquisition/installation/management of hardware and software. Alternatively they can be acquired as a 3rd party service (i.e. they are in the "cloud").

18.1 Public Wi-Fi Services...(Cont'd)

A public Wi-Fi service is considered to be a non-essential service, at least in the short term future although its importance may grow over time. A service level to support fault rectification on, for example a 24 x 7 short response basis is considered to be in excess of requirements. "Best effort" is probably the relevant initial level.

It is expected that the service should be free for the user, for at least an initial amount of usage. There are systems that provide for service charges by, for example, buying a token or on-line credit card payment. For administrative simplicity - and arguably user acceptance of a "free" service - limiting usage to a set amount of time or data, rather than charging, is thought to be the most relevant initial model.

Business Layer

It is difficult to go beyond the stage of the ideas that the group had without further clarity around the role that Council should have. One of the first and foremost questions that needs to be decided is whether it is relevant for the Council to be developing and managing a "landing page" and associated facilities. Whilst it has the potential to generate revenue stream - by, for example, selling the rights for businesses to have a presence on the page and location based advertisements - the costs of developing and maintaining the facility are unknown.

One model may well be for a collaborative approach to be taken - Council providing layer 1 and 2 and an organisation such as CityProm or the Chamber of Commerce developing and managing layer 3 if they wish to take it on.

Third Party Service Option

Discussions were held with a local ICT company who have some experience in the implementation of public Wi-Fi facilities.

Layers 1 (equipment) and 2 (controls) were primarily discussed. The operating model involves layer 2 being provided by another Tasmanian based ICT company.

Organisations (i.e. Councils) are charged on a maximum concurrent user basis. (i.e. they subscribe to, for example, a maximum of 100 users being able to connect at any one time).

Implementation

Based on the feedback from the SPPC the process to implement a Wi-Fi facility has commenced.

18.1 Public Wi-Fi Services...(Cont'd)

Costs and Options

Location	Estimated Capital Cost \$
Brisbane Street Mall	14,000
The Avenue and Quadrant	8,000
Civic Square	5,000
Sundries and Contingencies Provision	1,000
TOTAL	30,000

Option 1

- LCC acquire and install equipment.
- Third Party provides the Service Layer.

Future

There is the potential to extend a Wi-Fi network. Areas and potential uses are many and various, for example:

- City Park
- Inveresk Precinct

and could support

- Policing/Public Safety (mobile CCTV rather than fixed, wired units).
- Public events (e.g. Wi-Fi based EFTPOS at Festivale).
- Council staff when using mobile devices and applications (an alternative to mobile data communication services).
- Tourism apps that provide location specific information.

Other considerations

1. Wi-Fi has become a modern and expected facility within cities. The question for the Council is probably not 'if' but 'how'?
2. The whitepaper published by the Institute for a Broadband-Enabled Society, suggests that as Councils are public institutions that have a direct role in planning and providing public space and associated facilities that they have a role to play in Wi-Fi provision. This highlights that the provision of Wi-Fi services has relationships to broader community facilities planning, rather than resting solely in the IT technical domain.
3. Should it be a Council provided service? Is an alternative approach to offer the opportunity to a commercial organisation? Will a commercial organisation uphold the public interest and intent of such a service?
4. Basis of provision - cost to be borne by the Council, cost neutral, revenue stream? (the latter two would seemingly only be feasible if there is a business layer).
5. How can the Council utilise it for its own purposes? i.e. The marketing and communication of the organisation's own activities?

18.1 Public Wi-Fi Services...(Cont'd)

6. Identifying the locations of most benefit. Costs and budget to implement.
7. Growth will result in increased service and equipment costs. Should Council invest and manage a "city area wide" Wi-Fi network? Should it form part of CBD rejuvenation planning?
8. Other options and competing initiatives? e.g. Are there other State led initiatives (e.g. Tourism Tasmania)?
9. Partners and complementors. e.g. Tourism industry bodies, Chamber of Commerce, CityProm,
10. Should users be provided with support (i.e. a Help Desk service) and by whom?
11. Risks? Opposition from businesses who use free Wi-Fi to attract patronage? Uptake in usage dramatically increases expected costs. What is the Council's duty of care or legal obligation in respect of the information that can be accessed by a service that it provides?

ECONOMIC IMPACT:

The provision of the facility is considered to have a marginally positive economic impact as it is commonly expected by tourists.

ENVIRONMENTAL IMPACT:

No direct environmental impact.

SOCIAL IMPACT:

Would be expected to provide the opportunity for a generally positive social impact.

STRATEGIC DOCUMENT REFERENCE:

Priority Area 3: Social and Economic Environment

18.1 Public Wi-Fi Services...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Installation Cost \$30,000 (depending on internet service location)
Annual Cost \$10,000

Funding sources will need to be found from reallocations within existing budgets.

The budget adjustment consideration of this item has been approved by the Director Corporate Services.

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

COUNCIL AGENDA

Tuesday 28 January 2014

19 GENERAL MANAGER

19.1 Notice of Motions from Council's Annual General Meeting 2013

FILE NO: SF0098

AUTHOR: Daniel Gray (Committee Clerk / Administration Officer)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider investigations to motions passed at Council's Annual General Meeting (AGM) on Monday 2 December 2013.

PREVIOUS COUNCIL CONSIDERATION:

Item 19.1 - Council meeting 9 December 2013 - Acknowledgment of motions passed at the AGM

Min No 6.1 - Annual General Meeting - 2 December 2013 - *Motion carried*

Min No 6.2 - Annual General Meeting - 2 December 2013 - *Motion carried*

RECOMMENDATION:

1. That the Council received the following recommendation from the Annual General Meeting of 2 December 2013
2. That the mover of the motions at the Annual General Meeting be advised of the Council's decision

Motion 6.1 (i):

That henceforth the Launceston Council endeavour to observe the section of the *Tasmanian Police Offences Act 1935*, section 49(AB) (Public street permits)

Response:

Although officers of Tasmania Police have been given the power to issue public street permits under section 49(AB) of the *Police Offences Act 1935*, they are not compelled to exercise those powers. In this instance, Tasmania Police have deferred to Council (see comments in the report).

As such, the relevant power to issue permits for the mall comes from the *Local Government Act 1993*. Section 145 allows Council to create by-laws to manage, regulate or control various activities within the City.

19.1 Notice of Motions from Council's Annual General Meeting 2013...(Cont'd)

The *Malls By-Law 1 of 2010* is one such by-law. Part 2, section 5 of the By-Law provides that Council may issue permits.

Tasmania Police (Launceston branch) have confirmed their support for the current process of Council issuing permits for the malls in accordance with the Malls by-law. As such, it is recommended that the process remain unchanged.

Motion 6.1 (ii)

That henceforth the Launceston Council limit the number of fundraising permits it issues accordingly (section 49 (AB) (3)(b) aggregate of 45 per year); and

Response:

Refer to the response for Motion 6.1(i) - as the relevant power for issuing permits comes from the Malls by-law, section 49(AB)(3)(b) of the *Police Offences Act* is not relevant.

Motion 6.1 (iii)

That henceforth the Launceston issue a council permit only upon the production or securing of a valid permit obtained in accordance with the Act.

Response:

Refer to the response for Motion 6.1(i) - as the relevant power for issuing permits comes from the Malls by-law, the requirements of section 49(AB) of the *Police Offences Act* are not relevant.

Motion 6.2

That Council make a Controlled Vehicle Loading Zone available on Sundays in the CBD

Response:

That the Manager: Parking Operations and Carr Villa Memorial Park discusses the proposal to "Make a Controlled Vehicle Loading Zone available on Sundays in the CBD" with the Executive Officer at Cityprom with a view to surveying CBD business to ascertain if the change is required by the majority of businesses

19.1 Notice of Motions from Council's Annual General Meeting 2013...(Cont'd)

REPORT:

In relation to Motion 6.1 from the AGM the following additional information is provided:

The purpose of the *Police Offences Act 1935* is to consolidate and amend the law relating to certain offences punishable summarily and to provide for many and varied police powers. As such, while police officers have been given the power to issue public street permits under section 49(AB) of the Act, that does not necessarily mean that Tasmania Police must exercise its discretion to use those powers. It also does not mean that section 49(AB) is the only means of issuing permits for a mall. For example, the *Local Government (Highways) Act 1982* also gives Council the power to manage its malls. This Act consolidated and amended legislation concerning the functions of corporations (i.e. Council) with respect to highways, and other ways and places accessible to the public. In this Act, a highway is defined to include part of a highway and a mall. Clauses 19 and 20 give the Council powers relating to temporary closures of highways for public events and for sale of goods.

In this instance, the Launceston City Council's power to issue permits for the mall is governed by the *Local Government Act 1993*. In addition to exercising specific powers set out in the Local Government Act, the Council may also create by-laws to manage, regulate or control various activities within the city.

The applicable section of the *Local Government Act 1993* is:

145. General power to make by-laws

- (1) *A council may make by-laws in respect of any act, matter or thing for which a council has a function or power under this or any other Act.*
- (2) *By-laws under this Part may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the by-laws.*

The Council's Malls By-Law 1 of 2010 is one such by-law. It applies to the six malls in the Central Business District, namely, Brisbane Street Mall, The Quadrant Mall, Civic Square, The Avenue, Charles Street and St John Street.

19.1 Notice of Motions from Council's Annual General Meeting 2013...(Cont'd)

Part 2, section 5 of the By-Law provides that:

(1) Council may permit the use of a mall or part of a mall upon such terms and conditions as Council considers appropriate.

(2) A permit issued in accordance with the Guidelines may be issued by the Manager Customer Service or a Customer Service Consultant.

This by-law was subject to public consultation prior to becoming legally effective. As part of that consultation process, both the Department of Police and Emergency Management in Hobart, and the Launceston branch of Tasmania Police, were provided copies of the proposed by-law and were given the opportunity to make comments. Both branches of Tasmania Police indicated they had no concerns with the Malls by-law as drafted.

The asset-owner of the Brisbane Street Mall, the Parks and Recreation Department, is responsible for preparing and issuing the guidelines (terms and conditions) under which the Council issues permits for activities in the malls.

The guidelines set frequency conditions for raffles only. The condition is a maximum of two days per week per booking. There are no frequency conditions on other permitted mall activities. It is worth noting that the requirements of the *Collection for Charities Act 2001* does not apply to soliciting in the form of raffles (see section 4(g) of that Act).

In addition, when accepting reservations the Customer Service Centre reviews existing bookings to ensure there is a balance of activities and no overcrowding of permissible activities on any given day.

Importantly, Tasmania Police (Launceston) support the current process of Council to manage the issuing of permits for malls in accordance with the Malls by-law.

Conversations with the Launceston branch of Tasmania Police on Friday 17 January 2014, confirmed that whilst Tasmania Police has the power to issue permits under the *Tasmanian Police Offences Act 1935*, they use their discretion not to do this, instead deferring to the Council to issue the permits under the Malls By-Law.

The above information clearly demonstrates that Launceston Council is operating in accordance with the law, and with the consent of Tasmania Police, when using the above process for issuing permits for its malls. As such, the recommendation is that the existing process remains unchanged.

19.1 Notice of Motions from Council's Annual General Meeting 2013...(Cont'd)

In relation to Motion 6.2 from the AGM the following additional information is provided:

At the AGM on 5 December 2011, a motion '*That this Council convert several Controlled Vehicle Loading Zones on Sundays in the CBD*' was passed.

Council resolved to convert two Controlled Vehicle Loading Zones to 15 minute zones on Sundays in the CBD, one in St John Street and one in Charles Street, at its meeting on 30 January 2012.

At the AGM on 3 December 2012, a motion '*That this Council convert a further two Controlled Vehicle Loading Zones on Sundays in the CBD*' was passed.

Council agreed to extend the operating hour of a further 2, 15 minute parking zones in the CBD to 7 days operation. It should be noted that since the Notice of Motion in 2011, no further requests for short term parking spaces in the CBD on Sunday have been received by the Parking Department.

At the AGM 2 December 2013, Council receive a Notice of Motion '*That Council make a Controlled Vehicle Loading Zones available on Sundays in the CBD*'.

In response, it is recommended that the Manager: Parking Operations and Carr Villa Memorial Park discusses the proposal to "Make a Controlled Vehicle Loading Zone available on Sundays in the CBD" with the Executive Officer at Cityprom with a view to surveying CBD business to ascertain if the change is required by the majority of businesses

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:N/A

19.1 Notice of Motions from Council's Annual General Meeting 2013...(Cont'd)

SOCIAL IMPACT:

The recommendation has a positive social impact in that it presents no change to the existing practice whereby activities in malls in the central business district are subject to permissibility, monitored to ensure variance and no overcrowding, and regulated through the issuing of permits.

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2008/2013 - *Strategy 1.3* Enhance and maintain parks and recreation areas, including river edges


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 URGENT BUSINESS

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

21 WORKSHOP REPORT(S)

NIL

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION**22.1 Information / matters requiring further action****FILE NO:** SF3168**AUTHOR:** Leisa Hilkmann (Committee Clerk / Administration Officer)

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

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

ATTACHMENTS:

1. Information / matters requiring further action - 28 January 2014
-

23 **ADVICE OF FUTURE NOTICES OF MOTION**

24 **REPORTS BY THE MAYOR**

25 **REPORTS BY THE GENERAL MANAGER**

26 CLOSED COUNCIL ITEM(S)

26.1 Launceston Regional Tennis Centre - Naming of Grandstand

FILE NO: SF4203

AUTHOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To seek Council support to name the new grandstand at the Launceston Regional Tennis Centre.

PREVIOUS COUNCIL CONSIDERATION:

N/A

REASON FOR CLOSED COUNCIL:

This item is **CONFIDENTIAL** in accordance with Section 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2005, which permits the meeting to be closed to the public for business relating to the following: -

(f) as it concerns information provided to Council, on the condition it is kept confidential.

THIS ITEM WILL BE DEALT IN CLOSED COUNCIL

27 MEETING CLOSURE
