



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 26 SEPTEMBER 2016
1.00pm**

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 26 September 2016

Time: 1.00pm

Section 65 Certificate of Qualified Advice

Background

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

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the Agenda Items for this Meeting.



Robert Dobrzynski
General Manager

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - Section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.)

3 CONFIRMATION OF MINUTES

Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 12 September 2016 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - Sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Agenda Items; that opportunity exists when that Agenda Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Aldermen.)

No Community Reports have been registered with Council as part of this Agenda

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

7.1.1 Public Questions on Notice - Mr Jim Dickenson**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

QUESTIONS and RESPONSE:

The following questions were submitted to Council on 6 September 2016 by Mr Jim Dickenson.

The questions deal with 241/247 Hobart Road, Kings Meadows (DA0463/2015).

Questions (as received):

You would be aware that this development application was approved under delegated authority. Construction has now commenced. It is quite apparent that the development to the north fully extends beyond the boundary, footpath and well over the nature strip. There is a new concrete kerb wall already built within the nature strip. I understand there is to be a screen wall installed on that kerb. A roof is to be built from there connecting to the existing building. That is a fully constructed building extension, a carport in fact, will be substantially erected, for private use, over public land. The use will include vehicle drive-through lanes and car parking. The covering was never an awning. It always needed columns for support. It was always a roof. And now there is the enclosing front wall.

So some questions are; how could such a blatant breach of regulations be approved? I understand a road closure was initially considered/required to allow this proposed northern development of the site. But that requirement was later deleted. Why was that? The carport, ['awning'], was always going to substantially extend over public land without Highways Act approval. How does Council propose to rectify these matters?

Response:

(Mrs Leanne Hurst - Director Development Services)

The plans that include works in the road reserve to support the awning over the drive through were incorporated in the original application (DA0463/2015) and a subsequent application (DA0236/2016) and the approval for this aspect was dealt with as a condition of the permit. There were no representations to the Development Application.

It is noted that Mr Dickenson has raised an objection to a formal road closure of part of the road reserve to facilitate the construction of the internal driveway. The road closure was to facilitate DA0463/2015. Given the timeframe for the Magistrates Court to reach a decision of the road closure, the developer opted to apply for a second permit.

7.1.1 Public Questions On Notice - Mr Jim Dickenson...(Cont'd)

The second permit (DA0236/2016) allows for the development to proceed with an alternative that does not require the road closure. Should the Magistrates Court support the road closure then the developer will have the option of reverting to the original permit.

ATTACHMENTS:

1. emailed Questions on Notice from Mr Jim Dickenson
-

Attachment 1 - emailed Questions on Notice from Mr Jim Dickenson

From: Jim Dickenson
Sent: Tuesday, 6 September 2016 2:32 PM
To: Robert Dobrzynski; Mayor
Subject: Public Questions on Notice - 241/247 Hobart Rd Kings Meadows - DA0463/2015

Dear General Manager and Mayor,

You would be aware that this development application was approved under delegated authority. Construction has now commenced. It is quite apparent that the development to the north fully extends beyond the boundary, footpath and well over the nature strip. There is a new concrete kerb wall already built within the nature strip. I understand there is to be a screen wall installed on that kerb. A roof is to be built from there connecting to the existing building. That is a fully constructed building extension, a carport in fact, will be substantially erected, for private use, over public land. The use will include vehicle drive-through lanes and car parking. The covering was never an awning. It always needed columns for support. It was always a roof. And now there is the enclosing front wall.

So some questions are; how could such a blatant breach of regulations be approved? I understand a road closure was initially considered/required to allow this proposed northern development of the site. But that requirement was later deleted. Why was that? The carport, ['awning'], was always going to substantially extend over public land without Highways Act approval. How does Council propose to rectify these matters ?

Regards,
Jim Dickenson

7.2 Public Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (staged)

FILE NO: DA0618/2015

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Financial Evolution Pty Ltd
Property:	51-55 Westbury Road South Launceston, 27 Peel Street, South Launceston and 29 Peel Street, South Launceston
Zoning:	General Residential
Receipt Date:	5/12/2015
Validity Date:	1/04/2016
Further Information Request:	04/04/2016
Further Information Received:	10/08/2016
Deemed Approval:	26/09/2016
Representations:	8

PREVIOUS COUNCIL CONSIDERATION:

D15/79 - 31 Peel Street and 51-55 Westbury Road, South Launceston - construction of three pairs of single storey units.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

RECOMMENDATION:

That Council refuses DA0618/2015 for Residential - multiple dwellings - subdivision; subdivide land off the rear of 27 and 29 Peel Street and consolidate with 51-55 Westbury Road to allow for construction and use of four additional dwellings (staged) on land located at 51-55 Westbury Road and 27 and 29 Peel Street, South Launceston on the following grounds:

- The development application does not comply with Clause 10.4.2 P3 (a) (iv) of the Launceston Interim Planning Scheme 2015 on the basis that the proposed setback to the east and building height will result in an unacceptable visual impact in terms of scale, bulk and proportions when viewed from adjoining properties.
- The development application does not comply with Clause 10.4.3 P1 (a) on the basis that the areas of private open space associated with the existing units 1-6 does not afford occupants suitable privacy and no details of screening measures have been shown on the plans.
- The development application does not comply with Clause 10.4.6, P2 of the Launceston Interim Planning Scheme 2015 on the basis that the proposed balconies have not been designed to minimise overlooking of the private open space of adjoining lots to the east and the north.
- The development application does not comply with Clause 10.4.6, P2 of the Launceston Interim Planning Scheme 2015 on the basis that the windows to the habitable rooms on the eastern elevation of both unit blocks have not been designed to minimise direct views to the private open space of the adjacent dwellings.
- The development application does not comply with Clause E3.6.1 Development on Land Subject to Risk of Landslip P1 (a) of the Launceston Interim Planning Scheme 2015 in that the proposal does not meet the stipulations in the Landslide Hazard Assessment (Document reference TG16086/1 - 01 report) that was submitted with the application to achieve a low risk rating. Filling of land exceeds 1m, the maximum depth specified in clause 6.1 of the Landslide Risk Assessment .

REPORT:

1. THE PROPOSAL

The proposal involves the adhesion of pieces of land from two titles to strata lot, number 55 Westbury Road and use and development of four additional multiple dwellings on that title (there are six existing multiple dwellings on the site).

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

Detailed description of the proposed works is outlined below:

Subdivision

Subdivide a 501m² parcel of land from proposed lot 2 (27 Peel Street), and a 25m² parcel of land from proposed lot 5 (29 Peel Street) to adhere to proposed lot 1 being 51- 55 Westbury Road. The subdivision will result in the following lots:

Lot 1	2752m ²
Lot 2	825m ²
Lot 3	628m ²
Lot 4	501m ²
Lot 5	25m ²

Lots 4 & 5 to be added to lot 1 creating a lot (51-55 Westbury Road) with an overall area of 3278m² which will be the lot subject to the extended multiple dwelling development.

While the existing dwellings are accessed off an existing access off Westbury Road, the proposed dwellings will be accessed off an existing, although proposed upgraded access off Peel Street.

Multiple Dwellings

It is proposed to construct two separate, identical buildings each containing two multiple dwellings of one bedroom and a two bedroom configuration. The proposed dwellings are to be located to the east of the existing dwellings 3/4 and 5/6.

Specifics of the proposed development are:

- Each building is built across three levels with a maximum height of 9.7m;
- The ground floor is proposed to contain a partly enclosed three space carport, storage areas and access stairs.
- The first floor is proposed to contain dwellings 7 and 9 being a 2-bedroom dwelling with a bathroom/laundry, kitchen/living/dining and alfresco balcony area on the northern façade.
- Second floor comprising Units 8 and 10 being a single bedroom unit plus study bathroom/laundry, an open plan kitchen/living/dining area and an alfresco balcony area on the northern façade.
- Construction materials include a mix of brick blockwork, colorbond cladding, colorbond roofing, easylap cladding, finished timber screening and axon cladding.
- Provision of a communal open space area of approximately 25m² in the south-eastern corner.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

- Access via existing, widened (4.5m) crossover onto Peel Street, construction of a number of passing bays along the extent of the driveway and one visitor space situated between units 5/6 and 9/10.
- Removal of one tree and its subsequent replacement.
- Installation of masonry/timber mailboxes for dwellings 1, 7, 8, 9 and 10.

2. LOCATION AND NEIGHBOURHOOD CHARACTER

Site Location

The site is located on the south eastern corner of Peel Street and Westbury Road in South Launceston. Surrounding developments predominantly comprises single dwellings that are predominantly of partly two storey construction reflecting the terrain.

Site Description

Following the alterations to the titles the site will have area of 3269.4m². It rises up from the Peel Street frontage with a slope of 1:6, and also up from Westbury Road to the north east.

The existing dwellings are located well back from the Westbury Road frontage, limiting the area able to be developed. This has allowed for vegetation to establish along the Westbury Road frontage.

The site is in a potential landslip area and the application is subject to the requirements of the geotech report.

Site services

The surrounding road network is sealed and drained. The site is able to be connected to all reticulated services.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

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

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

10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.

10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

Consistent

The application proposes an alternate type of residential development that allows diversity in density and is in keeping with the intent of the zone objective.

10.3 Use Standards

10.3.1 Hours of operation

Objective:

To ensure that non-residential uses do not cause unreasonable loss of amenity to nearby sensitive uses.

Consistent

Clause 10.3.1 - 10.3.5 do not apply to the use class Residential uses.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Objective:

To provide for suburban densities for multiple dwellings that:

- (a) make efficient use of suburban land for housing; and
- (b) optimise the use of infrastructure and community services.

Consistent

The proposed density of development allows of an efficient use of the fully serviced site with a compliant area per dwelling.

A1 Multiple dwellings must have a site area per dwelling of not less than:

- (a) 325m²; or
- (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.

Complies

Following the consolidation of the land parcels the total site area will 3278m², resulting in a site density of 327.8m². Therefore, the proposal complies with the Acceptable Solution in relation to site density.

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Not Consistent
 The proposed units will reduce the separation between dwellings on adjacent sites in the area, although given the large private open space areas to the rear of the adjoining dwellings, adequate separation will still be created. The overall scale and bulk of the buildings does not meet the objective when taking account the proposed reduced setback coupled with the additional height component.

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

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

Complies
 The site has the predominant characteristics of a corner lot. Therefore, the setback from Peel Street, as the primary frontage, should be 4.5m and from Westbury Road, the secondary frontage a setback of 3m. The proposed dwellings will be located internally on the site beyond the existing development on the site and so comply with (a) above.

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

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

Complies
 The proposed dwellings will be located internally on the site beyond the existing development on the site allowing the proposed carports to be rear to and east of the existing dwellings.

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

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horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and
- (b) only have a setback within 1.5m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

Relies on Performance Criteria

The property, while an irregular shape, is a corner lot. Therefore, variations must be considered to the northern and eastern boundaries for proposed dwellings 7/8 and dwellings 9/10, as corner sites. The following acceptable solution applies to the side boundary setback, the setback determined by:

projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries.

In addition the development must not encroach on the front setback requirements.

Proposed dwellings 7/8 encroach on a portion of the northern and eastern side boundaries and dwelling 9/10 encroaches on the eastern side setback. The building containing 7/8 is setback only 1.5m from the adjacent northern boundary. Both dwellings are setback 1m from the eastern boundary and require consideration against the performance requirements. In addition, the height of the buildings is outside of the building envelope, on all but the northern elevation of building 7/8, and all elevations of building 9/10.

P3 The siting and scale of a dwelling must:

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

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Does Not Comply

The siting and scale of the proposed units is considered against the matters under P3 as follows:

- (a) (i) The siting and scale of proposed units will not cause a reduction in sunlight to a habitable room of a dwelling on an adjoining lot. The residences on adjoining lots 8 and 10 Merivale Street are situated towards the frontage of those lots and have large rear, private open space areas abutting the proposed units.
 - (ii) The siting and scale of the proposed units will not significantly overshadow the large private open space areas of the dwellings on the adjoining lots.
 - (iii) N/A There are no vacant lots adjoining the site,
 - (iv) The siting and scale of proposed units 9/10 will be visually prominent in terms of scale, bulk and proportions when viewed from the dwelling on 10 Merivale Street. Whilst somewhat ameliorated by the existing mature tree at the common boundary on 10 Merivale Street, it is considered that the extent the building extends beyond the prescribed building envelope at this point (ie for the building height encroachment of 1.2m the setback would have to be increased by approximately 2.2m to meet the acceptable solution) is too significant and discretion cannot be granted. The impacts are not as great for units 8/9 due to the greater physical separation between the two buildings.
- (b) The characteristics of the prevailing area, particularly the suburb 'block' on which the development is proposed is that of larger allotments with dwellings sited towards the front of the allotments such that the rear private open space areas of the allotments abut each other, creating a significant separation between the dwellings. The proposed development will alter this pattern. Given Council's strategic direction to encourage infill development, the proposed increase in density is supportable, but there will be an unreasonable proximity between dwellings on adjoining lots. Therefore, compliance with P3(b) is not achieved.

10.4.3 Site coverage and private open space for all dwellings

Objective:

To provide:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

A1 Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and

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

Complies

Following the reconfiguration of titles the site area will be 3278m². The existing roofed area of the existing dwellings is approximately 456m². The proposed dwellings are encompassed within buildings of 116.42m² each. The total roofed area is therefore 688.84m² is 21% which is well below 50%.

The pervious surface is well in excess of 25%.

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

- (a) is in one location and is at least:
 - (i) 24m²; or
 - (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4m; or
 - (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21 June; and
- (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Relies on Performance Criteria

Each of the proposed dwellings has a 5.1m wide x 3.025m deep alfresco balcony off their northern elevation. As dwellings 8 and 10 are located more than 1.8m off ground level, clauses (a) and (b) (ii) are met. Dwellings 7 and 9 are only partially elevated so the performance requirement must be addressed.

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A communal area of 30m² of open space is also proposed in the south eastern corner of the lot.

As the access and parking areas associated with the proposed units encroaches onto the current unit lot, specifically the areas of private open space, the amended areas of private open space need to be assessed against the requirements of A2 to ensure the private open space to these units remains compliant.

- Unit 1 - 24m²
- Unit 2 - 70.8m²
- Unit 3 - 69m²
- Unit 4 - 44.7m²
- Unit 5 - 53m²
- Unit 6 - 32m²

All the revised private open space areas meet the minimum size requirements and have a minimum horizontal dimension of 4m, therefore complying with (a)(i) and (b)(i) in terms of dimensions. It is considered that assessment against (c) and (d) is not required given the size and orientation of private open space areas will not be altered. Whilst the areas of private open space are delineated on the site plan, it is not clear how the privacy will be created as the plans don't include any details of screening and the private open space areas will be directly visible from the shared driveway.

P2 A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:
 - (i) conveniently located in relation to a living area of the dwelling; and
 - (ii) orientated to take advantage of sunlight.

Complies

The alfresco area proposed for dwellings 7 and 9 are true extensions of the internal spaces for each dwelling and totally face north. Occupants can also benefit from the area of open space at ground level, while although this is south of the dwellings it will receive some morning and afternoon sun.

With respect to the private open space areas for the existing units, it is considered that if approved, amended plans would be required to demonstrate screening of these areas to create true private open space areas.

10.4.4 Sunlight and overshadowing for all dwellings

Objective:

To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and

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<p>(b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>
<p>Complies Complies. All units have northerly facing windows from their living areas.</p>
<p>A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): <ul style="list-style-type: none"> (i) at a distance of 3m from the window; and (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.
<p>Complies Complies. Whilst units 7 and 8 are located to the north of units 9 and 10, they are offset from the building so are not situated directly to the north. Units 7 and 8 are situated to the north of existing units 5 and 6. The positioning of units 7 and 8 meets (a)(i) and (ii), given units 7 and 8 will be separated from unit 5 by a distance of 10m.</p>
<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <ul style="list-style-type: none"> (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than

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0.6m horizontally from the multiple dwelling.
<p>Complies</p> <p>Units 7 and 8 are to the north of the private open space for unit 6 (separated by a distance of 7.5m). The shadow diagrams included with the supporting documentation demonstrate that the shadow cast at 12.00pm on June 21 does not cause more than 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm, therefore complying with (b).</p>

10.4.5 Width of openings for garages and carports for all dwellings

<p>Objective:</p> <p>To reduce the potential for garage or carport openings to dominate the primary frontage.</p>
<p>A1 A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>
<p>Complies</p> <p>The new multiple dwellings are situated internally on the expanded lot and all carports are well in excess of 12m from the primary frontage.</p>

10.4.6 Privacy for all dwellings

<p>Objective:</p> <p>To provide reasonable opportunity for privacy for dwellings.</p>
<p>Consistent</p> <p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

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Relies on Performance Criteria

The balconies associated with all four proposed multiple dwellings have a finished surface level greater than 1m above natural ground level.

The balconies for units 7 and 8 are setback 1m from the rear boundary of 8 Merivale Street and 1.5m from the rear boundary of 27 Peel Street. These balconies are proposed to have timber slat screens to the full height of the balcony on the eastern elevation with a transparency of 50%. No screening is proposed above the 1m high balustrade for the northern elevation. The acceptable solution is therefore not met in relation to either the northern or eastern elevations for the balconies associated with units 7 and 8.

The balconies for units 9 and 10 are setback 4.3m from the side boundary of 8 Merivale Street and 1m from the rear boundary of 10 Merivale Street. Given the setback to the side boundary of 8 Merivale Street is in excess of 3m, compliance with the Acceptable Solution is achieved. The proposed 50% transparent timber screens along the eastern elevation of the balconies of units 9 and 10 do not meet the Acceptable Solution.

With respect to setbacks of the balconies to private open space of the existing dwellings on the same site, it is assessed that the balconies are setback a minimum of 11.6m from the private open space areas associated with unit 2 and 14.3m from the private open space areas associated with unit 4, therefore compliance with respect to (c)(ii) is achieved and given the private open space is situated between the existing units and the proposed dwellings, compliance with (i) is also achieved.

P1 A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or
- (b) another dwelling on the same site or its private open space; or
- (c) an adjoining vacant residential lot.

Does not comply

Non-compliance is stated as compliance could only be achieved by condition.

The balconies on the eastern elevation of all proposed dwellings with timber slat screening to a minimum transparency of 50% are not considered to meet P1 in that they will allow for direct overlooking into the private open space areas associated with 8 and 10 Merivale Street and given the close proximity of the balconies to the common boundaries, the proposed screening is not considered adequate.

A condition of permit to require a uniform transparency of no more than 25% along the eastern side screen would be required for compliance with the acceptable solution.

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With respect to the northern elevation of the balconies of units 7 and 8, it is considered that the 1m high balustrade will not prevent or minimise overlooking into the dwelling of 27 Peel Street. Given the owners of this property are party to this application and any future owners will be aware of potential overlooking issues prior to purchase, it is considered that a condition of permit to raise the height of the balustrade to 1.5m with a uniform transparency of no more than 25% would satisfy the requirements of P1.

Appropriate privacy could only be achieved by permit conditions requiring amended plans to comply with the requirements of P1.

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

- (a) The window or glazed door:
 - (i) is to have a setback of at least 3m from a side boundary; and
 - (ii) is to have a setback of at least 4m from a rear boundary; and
 - (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.
- (b) The window or glazed door:
 - (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or
 - (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.

Relies on Performance Criteria

Units 7 and 8

The floor level of unit 7 is less than 1m above natural ground level, therefore compliance with A2 is achieved. The floor level of unit 8 is more than 1m above natural ground level and given it is sited 1m from the rear boundary of 8 Merivale Street, assessment against (b) is required. The sill heights of the kitchen and bathroom windows on the eastern elevation are less than 1.7m and no screening is proposed. The applicants have sought to rely on the performance criteria in this regard. The southern most window on the bedroom meets the setback requirements and therefore complies with A2 (i), whilst the northerly window in the bedroom also relies on the performance criteria.

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Units 9 and 10

The floor level of unit 9 is less than 1m above natural ground level, therefore compliance with A2 is achieved. The floor level of unit 10 is more than 1m above natural ground level and given it is sited 1m from the boundaries of 10 and 10 Merivale Street, assessment against (b) is required. The sill heights of all the windows is less than 1.7m and no screening is proposed. The applicants have sought to rely on the performance criteria in this regard.

All proposed units are setback a minimum of 6m from the private open space of the existing units on the site and given the private open space is located between the existing units and the proposed units, the minimum required setback to a window or glazed door to a habitable room of 6m is also achieved. Therefore, compliance with A2(a)(iii) and (iv) is achieved.

P2 A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling; and
- (c) an adjoining vacant residential lot.

Complies

Consideration against each of the matters to be addressed under the Performance Criteria for each unit is provided below.

Unit 8

The sill height of the kitchen windows is 0.9m with the window having maximum height of 0.6m and is relatively small in size. Taking this into consideration, the view into the extent of the rear private open space area of 8 Merivale Street will be limited and given the size of this private open space is considered to minimise direct views and meet the Performance Criteria.

It would be necessary to condition the permit to require the bathroom windows to have fixed obscure glazing extending to a height of at least 1.7m above ground level, thereby meeting A2(b)(ii).

The northern most bedroom window will only look into the rear corner of 8 Merivale Street and again given the small size of the window, the proposed discretion is considered acceptable in terms of the extent of overlooking.

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Unit 10

The sill height of the kitchen windows is 0.9m with the window having a maximum height of 0.6m and is relatively small in size. Taking this into consideration, the view into the extent of the rear private open space area of 10 Merivale Street will be limited and given the existence of a large mature tree on the rear boundary of 10 Merivale Street at this location to minimise direct views and meet the Performance Criteria.

It would be necessary to condition the permit to require the bedroom and bathroom windows and the to have fixed obscure glazing extending to a height of at least 1.7m above ground level, thereby meeting A2(b)(ii).

10.4.7 Frontage fences for all dwellings

Objective:

To control the height and transparency of frontage fences to:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

10.4.8 Waste storage for multiple dwellings

Objective:

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

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

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

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

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Complies

A 4m² bin storage area is proposed within the ground floor for each unit. It therefore meets the requirements of the Acceptable Solution in that each unit block contains a separate bin storage area for each unit within that block within the communal ground floor area and is not visible from the frontage and has an impervious surface.

10.4.9 Site facilities for multiple dwellings

Objective:

To provide adequate site and storage facilities for multiple dwellings.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

A1 Each multiple dwelling must have access to 6m³ of secure storage space not located between the primary frontage and the facade of a dwelling.

Complies

Each unit is provided with 10.6m³ secured storage space located within the ground floor of each unit building.

A2 Mailboxes must be provided at the frontage.

Complies

Masonry/timber mailboxes are proposed to be located on the eastern side of the Peel Street entrance.

10.4.10 Common property for multiple dwellings

Objective:

To ensure that common areas are easily identified.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

A1 Site drawings must clearly delineate private and common areas, including:

- (a) driveways;
- (b) parking spaces, including visitor parking spaces;
- (c) landscaping and gardens;
- (d) mailboxes; and
- (e) storage for waste and recycling bins.

Complies

The site plans clearly show common and private areas of private open space, driveways, parking spaces, landscaping and gardens, mailboxes and storage for waste and recycling bins.

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10.4.12 Earthworks and retaining walls

<p>Objective: To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:</p> <ul style="list-style-type: none"> (a) be located no less than 900mm from each lot boundary; (b) be no higher than 1m (including the height of any batters) above existing ground level; (c) not require cut or fill more than 1m below or above existing ground level; (d) not concentrate the flow of surface water onto an adjoining lot; and (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.
<p>Does Not Comply There are two retaining walls proposed to be located between the shared driveways for units 7/8 and /10 and the existing units. Both walls have a maximum height of 2.1m and one is 9m long and the other is 12m long. The proposal therefore relies on the performance criteria in this regard.</p>
<p>P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the appearance, scale and extent of the works; (c) overlooking and overshadowing of adjoining lots; (d) the type of construction of the works; (e) the need for the works; (f) any impact on adjoining structures; (g) the management of groundwater and stormwater; and (h) the potential for loss of topsoil or soil erosion.
<p>Complies The proposed retaining walls are sited in the middle of the proposed lot and therefore will not impact the amenity of adjoining lots as they will not be visible from them. The application documentation notes that the retaining walls will be 190mm block work retaining walls which will be planted with creeping vines. Ag--drains with geo-fabric filters and compacted back fill will be installed behind the retaining walls to disperse any ground water from behind the wall to a reticulated system.</p>

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It is noted that a geotechnical assessment has been undertaken for the site which concludes that cut slopes should be limited to 1m in vertical height, with cuts greater than 1.5m to be reviewed by a geotechnical engineer. Fill earthworks should be limited to 1 metre. No design of the retaining walls has been provided so it is difficult to gain an understanding of the extent of cut and fill required. If a permit issued it would have to contain a condition requiring compliance with Section 6.1 Limitations on Development of the Geotechnical report to ensure the detailed design complies with these stipulations.

10.4.13 Location of car parking

<p>Objective: To:</p> <ul style="list-style-type: none"> (a) provide convenient car parking for residents and visitors; (b) protect residents from vehicular noise within sites; and (c) minimise visual impact on the streetscape.
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 Shared driveways or car parks of residential buildings (other than for single dwellings) must be located no less than 1.5m from the windows of habitable rooms.</p>
<p>Relies on Performance Criteria The shared driveways will abut the unit buildings and therefore be within 1.5m of the windows to the living/dining areas and bedroom 2.</p> <p>The shared driveways are located a minimum of 1.5m from existing units.</p>
<p>P1 Shared driveways or car parking spaces (other than for single dwellings) must be located to not unreasonably impact on the amenity of the adjoining habitable rooms, having regard to:</p> <ul style="list-style-type: none"> (a) the width of the driveway; (b) the location of the existing dwellings and habitable rooms; (c) the location of car parking spaces; (d) the number of car spaces served by the driveway; and (e) any noise mitigation measures including screening or landscaping.
<p>Complies It is considered that the proximity of shared driveways to habitable rooms is acceptable taking account:</p> <ul style="list-style-type: none"> (a) The width of the driveway (b) Discretion is not triggered in relation to existing dwellings.

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- (c) Six of the nine parking spaces are located on the ground floor of the unit buildings (three on each) and therefore the shared driveway needs to extend to the carports to provide them with access.
- (d) The shared driveway serves nine spaces.
- (e) No noise mitigation measures are proposed.

A2.1 Car parking must not be located in the primary front setback, unless it is a tandem car parking space in a driveway located within the setback from the frontage.

A2.2 Turning areas for vehicles must not be located within the primary front setback.

Relies on Performance Criteria

Two visitor car parking spaces and a passing bay is proposed within the front setback. It is noted that two existing car parking spaces servicing existing units 1 and 2 are provided within the front setback, however as these are existing and Westbury Road is the secondary frontage, they are not required to be assessed against the performance criteria.

P2 The location of car parking and turning areas must be safe, convenient and minimise the visual impact on the streetscape having regard to:

- (a) the visual impact of the car parking location viewed from the road;
- (b) access for users of the site;
- (c) pedestrian and vehicular traffic safety;
- (d) the nature and characteristics of the street;
- (e) the need for the location;
- (f) any landscaping of the car parking or turning area location; and
- (g) construction methods and pavement types.

Complies

The location of the car parking spaces within the front setback meets the requirements of P2 in that:

- The visual impact will be ameliorated by the existing vegetation to be retained between the proposed car parks and Peel Street.
- The car parking location does not differ considerably from the existing location of the car parking and the addition of the passing bay at the junction with the car parks will ensure access to the spaces is safe and will allow for exit from the site in a forward direction.

10.4.15 Lot size and dimensions

Objective:

To ensure the area and dimensions of lots are appropriate for the intended use of the lots.

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<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have a minimum area of no less than 500m² ; and (b) be able to contain a rectangle measuring 10m by 15m; or</p> <p>A1.2 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and</p> <p>A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>
<p>Complies The proposed subdivision and consolidation will result in lots with the following areas:</p> <ul style="list-style-type: none"> • Lot 1: 3278m² • Lot 2: 825m² • Lot 3: 628m² <p>Each lot will contain the prescribed rectangle.</p>

10.4.16 Frontage and access

<p>Objective: To ensure that lots provide: (a) appropriate frontage to a road; and (b) safe and appropriate access suitable for the intended use.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.</p>
<p>Complies Each resultant lot will have frontage in excess of 3.6m.</p>
<p>A2 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>

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P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:

- (a) the topography of the site;
- (b) the distance between the lot or building area and the carriageway;
- (c) the nature of the road and the traffic;
- (d) the character of the area; and
- (e) the advice of the road authority.

Complies

The access points to each resultant lot will not be impacted as a result of the subdivision.

10.4.17 Discharge of stormwater

Objective:

To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.

Complies

Each resultant lot is already connected to the public stormwater system.

10.4.18 Water and sewerage services

Objective:

To ensure each lot provides for appropriate water supply and wastewater disposal.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.

A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.

Complies

Each resultant lot is connected to a reticulated water supply.

A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.

Complies

Each resultant lot is connected to a reticulated sewerage system.

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10.4.19 Integrated urban landscape

Objective: To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.
A1 Subdivision does not create any new road, public open space or other reserves.
Complies No new roads, public open spaces or reserves are created.

10.4.20 Walking and cycling network

Objective: To:
(a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists;
(b) design footpaths, shared path and cycle path networks that are safe and accessible; and
(c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.
A1 Subdivision does not create any new road, footpath or public open space.
Complies

10.4.21 Lot diversity

Objective: To provide a range and mix of lot sizes to suit a variety of dwelling and household types.
Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.
A1 Subdivision is for 10 lots or less.
Complies Complies. The subdivision and consolidation will result in 3 lots in total.

10.4.22 Solar orientation of lots

Objective: To provide for solar orientation of lots and solar access for future dwellings.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 Any lot for residential use with an area of less than 500m², in a subdivision of 10 or more lots, must have the long access between 30 degrees west of north and 30 degrees east of north.</p>
<p>Complies The subdivision is for fewer than 10 lots.</p>

10.4.23 Neighbourhood road network

<p>Objective: To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 Subdivision does not create any new road.</p>
<p>Complies</p>

10.4.24 Public transport network

<p>Objective: To provide for access to public transport.</p>
<p>Consistent The proposed development has been assessed as being consistent with the objective of the standard. Refer to assessment against the specific provisions of the standard in the report below which demonstrates compliance.</p>
<p>A1 Subdivision does not create any new road.</p>
<p>Complies</p>

E1.6.5 Vulnerable uses

E3.0 Landslide Code

<p>E3.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that use and development subject to risk from landslide is appropriately located and managed; and (b) ensure that use and development does not cause, or have potential to cause an increased risk of landslide.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

Consistent

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

E3.6 Development Standards

E3.6.1 Development on Land Subject to Risk of Landslip

Objective:

To ensure that development is located and constructed to manage landslide risk through suitable measures to avoid the risk of injury to, or loss of human life, or damage to land, property and public infrastructure.

Not Consistent

It is considered that that material supporting the application does not adequately demonstrate that the design of the units is sufficient to mitigate and manage the risk of landslide.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Human life, land, property and public infrastructure is protected from landslide risk, having regard to:

- (a) the level of risk identified in a landslide risk management assessment;
- (b) any declaration of a landslip area under Part 9A of the *Mineral Resources Development Act 1995*;
- (c) measures proposed to mitigate the risk;
- (d) the nature, degree, practicality and obligation for any management activities to mitigate the risk;
- (e) the need for and permanency of any on-site or off-site maintenance arrangements;
- (f) the responsibility for and the permanency of any on-site or off-site maintenance arrangements;
- (g) impacts on public infrastructure; and
- (h) the impact of any mitigation works on the character of the area.

Does Not Comply

The Landslide Risk Assessment accompanying the application shows that the development presents a low risk level provided the limitations listed in Section 6 of the report are incorporated in the design.

Those limitations include:

- Permanent cut slopes should be designed at 55° (1v:1.4H) or flatter. Cut slopes should be limited to 1m in vertical height. Cuts greater than 1m should be retained by an engineer designed retaining wall. Any proposed cuts greater than 1.5m should be reviewed by a Geotechnical Engineer.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

- Fill earthworks should be limited to a maximum height of 1m.

Given the proposed design indicates fill earthworks greater than 1m, it is considered that the low risk profile is not attained. Given no further details are provided in the application that demonstrate the measures to mitigate the risk, it is considered that the proposal does not meet the Performance Criteria.

E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

The proposed development has been assessed as being consistent with the purpose of the Code. Refer to the assessment against the relevant standards and provisions which demonstrates compliance.

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Relies on performance criteria

The existing access onto Peel Street serves existing Unit 1. The RTA Guide to Traffic Generating Developments (NSW) estimates traffic generation for medium density residential buildings (up to two bedrooms) at 4.5 movements per dwelling per day. Therefore, the use of the existing Peel Street access can be estimated to be 4.5 movements per day. It is proposed that this access will service five dwellings in total, therefore creating daily movements of 22.5 which represent an increase of more than 20%. Therefore, the application relies on the Performance Criteria.

P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

Complies

Infrastructure services have reviewed the application and indicated that the design of the proposed access is satisfactory although note that significant works will be required to achieve the design as proposed.

E4.6 Development Standards

E4.6.4 Sight distance at accesses, junctions and level crossings

Objective:

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.

A1 Sight distances at:

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and
- (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

Complies

The existing access onto Peel Street complies with the SISD of 80m.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of parking facilities are provided to service use and development;
- (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

Consistent

The proposed development has been assessed as being consistent with the purpose of the Code. Refer to the assessment against the relevant standards and provisions which demonstrates compliance.

E6.5 Use Standards

E6.5.1 Car parking numbers

Objective:

To ensure that an appropriate level of car parking is provided to meet the needs of the use.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.

A1 The number of car parking spaces must:

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

Relies on Performance Criteria

Table E6.1 requires two spaces per dwelling for a two or more bedroom dwelling plus one dedicated space per four dwellings. Given there are 8 x 2-bedroom dwellings and 2 x 1-bedroom dwellings on the site, the required number of car parking spaces is 21 and provision of 19 spaces is proposed therefore the application relies on the Performance Criteria.

P1.1 The number of car parking spaces for other than residential uses, must be provided to meet the reasonable needs of the use, having regard to:

- (a) the availability of off-road public car parking spaces within reasonable walking distance;
- (b) the ability of multiple users to share spaces because of:
 - (i) variations in car parking demand over time; or
 - (ii) efficiencies gained by consolidation of car parking spaces.
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (e) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

- (f) an assessment of the actual car parking demand determined in light of the nature of the use and development;
- (g) the effect on streetscape; and
- (h) the recommendations of any traffic impact assessment prepared for the proposal; or

P1.2 The number of car parking spaces for residential uses must be provided to meet the reasonable needs of the use, having regard to:

- (a) the intensity of the use and car parking required;
- (b) the size of the dwelling and the number of bedrooms; and
- (c) the pattern of parking in the locality; or

P1.3 The number of car parking spaces complies with any relevant parking precinct plan.

Complies

The proposed reduction in number of car parking spaces is considered acceptable. Each of the existing two bedroom units are provided with two spaces directly adjacent to them and given the size of these units, this is considered acceptable. The new units have three carport spaces provided for each unit block with a separate visitor car space. Again, considering the size of these units and taking account their proximity to the City and proximity to public transport (two stops within 170m), the reduction is considered acceptable.

A2 The number of accessible car parking spaces for use by persons with a disability for uses that require six or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time.

Complies

There is no requirement

E6.6 Development Standards

E6.6.1 Construction of parking areas

Objective:

To ensure that parking areas are constructed to an appropriate standard.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.

A1 All parking, access ways, manoeuvring and circulation spaces must:

- (a) have a gradient of 10% or less;
- (b) be formed and paved;
- (c) be drained to the public stormwater system, or contain stormwater on the site;
- (d) except for a single dwelling, and all uses in the Rural Resource, Environmental Management and Open Space zones, be provided with an impervious all weather seal; and
- (e) except for a single dwelling, be line marked or provided with other clear physical

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

means to delineate parking spaces.
<p>Relies on Performance Criteria</p> <p>The proposed driveway will have a gradient of approximately 18% therefore not complying with (a). The driveway including parking, access ways, manoeuvring and circulation spaces will be formed and paved with an impervious all weather seal and will be clearly delineated.</p>
<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing and line marking.
<p>Complies</p> <p>The slope of the proposed driveway is considered acceptable taking account the topography of the site and the fact that it will be sealed.</p>

E6.6.2 Design and layout of parking areas

<p>Objective:</p> <p>To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>
<p>Consistent</p> <p>The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.</p>
<p>A1.1 Car parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) provide for vehicles to enter and exit the site in a forward direction where providing for more than four parking spaces; (b) have a width of vehicular access no less than the requirements in Table E6.2, and no more than 10% greater than the requirements in Table E6.2; (c) have parking space dimensions in accordance with the requirements in Table E6.3; (d) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table E6.3 where there are three or more car parking spaces; and (e) have a vertical clearance of not less than 2.1m above the parking surface level.
<p>A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.</p>

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

A1.3 Accessible spaces for people with disability must be designated and signed as accessible spaces where there are six spaces or more.

A1.4 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities.

Complies

In this instance, the proposed internal driveway including all parking, access ways, manoeuvring and circulation spaces will:

- allow for vehicles to exit the site in a forward direction;
- be designed to comply with the requirements of Tables E6.2 and E6.3; and
- will have a vertical clearance of not less than 2.1m.

E6.6.3 Pedestrian access

Objective:

To ensure pedestrian access is provided in a safe and convenient manner.

Consistent

The proposed development has been assessed as being consistent with the objective of the standard. Refer to the assessment against specific provisions of the standard below which demonstrates compliance.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Roads and Hydraulics	<p>Conditional consent provided.</p> <p>The revised plans which have been submitted have satisfactorily addressed the concerns over the driveway construction. Significant works will be required to achieve what has been shown.</p> <p>As indicated in previous correspondence - the development will need to opt out of the council service as it is not possible to safely place the additional wheelie bins along the steeply sloping Peel Street and there is no practical way to have them moved around to Westbury Road that does not involve dragging them around the road or down the stairs.</p>

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

REFERRAL	COMMENTS
INTERNAL	
	Conditions are imposed in regard to the construction of works which are more complex than simply widening the driveway as there are existing stairs which must be altered and the SEP near the junction with Westbury Road that must be relocated.
Environmental Health	Conditional consent provided.
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes are recommended and are included under the following headings:
EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2015/00403-LCC.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 13 August to 26 August, 2016. While a number of representations were received they were only from eight different parties. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issues raised, it should be read in conjunction with the representations received. These are attached to this report.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

All the representors have been contacted (by phone with one by email). Their concerns were reiterated with each party aware of the content of the submitted documentation.

ISSUE	COMMENTS
The proposed siting of the development is particularly ill-considered in regards to location and height	The proposed position on the lot does not meet the acceptable solutions of Clause 10.4.2 but is able to be considered against the performance requirements (P3).
Concerns to the build over a 2m wide drainage easement.	There is no building works proposed over a drainage easement.
Siting of the dwellings will have a significant invasion of privacy due to height of the build and may impact on our winter sun	The applicants asked for variations to the acceptable solutions to Clause 10.4.6 - Privacy for all dwellings by seeking a variation to the screening on the decks (50% vs 25% and sill height). A justification was provided. The application has been assessed and if approved conditions would be imposed to ensure privacy is maintained.
Proposal is too close to the eastern rear boundary and too high. Privacy will be lost with residents looking straight into backyards and living areas.	While the buildings are close to the rear boundary and the buildings are up to a maximum height of 9.72m overlooking to properties to the east could be addressed by a decrease in the deck screens transparency and obscuring the glass of the windows or increasing the sill heights. The height to the ridge varies along the boundary subject to the fall of the land. The bulk remains the outstanding element.
Views will be lost.	The development is not considered to significantly impact of views from adjoining properties given that the site is lower than those along Merivale Street. Views to the north down the river will not be obscured and those to the west should not be significantly altered. The planning scheme does not specifically address preservation of distant views.
Development will devalue adjoining properties.	While the planning does not require consideration of property values as such but does address the provisions of amenity and include other means in attempt to maximise a variety of lifestyle choices.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

ISSUE	COMMENTS
Adequate notification was not provided to adjoining properties nor on the website especially as if was lodged eight months ago.	The writer lives beyond the scope of neighbours that are specifically notified of an application. The application was correctly advertised and on Council's website for the appropriate time. It was delayed awaiting lodgement of further information.
Concern of the potential for landslip especially given the building height with cracked walls and brickwork likely. The report lacks certainty as to the potential future risk.	If the development of the additional two buildings is approved it will be subject to appropriate engineering designs. If approved the Geotechnical report forms part of the endorsed plans and any requirements must be addressed for the building approval. It is noted that the report limits and qualifies depths of excavations along with other restraints on building on sloping sites, including water runoff.
It is well known that such development often increases neighbour disputes and encourages transient residents as the site currently does	The planning scheme promotes a range of housing types including higher densities on sites that are fully serviced. There is no means to control who lives in a particular property. The applicant has stated that the intent of the development includes upgrading the existing development on the site to improve the value of the site which assists the status of surrounding properties.
The height of the buildings and proximity to the boundary will overshadow adjoining property.	As the proposed development is to the south/south west of adjoining properties it is not considered to impact on adjoining properties given that the sun follows a northerly path. Any overshadowing would be of a late afternoon beyond when residents would have had the opportunity of receiving three hours of sunlight through the greater portion of the day.

The applicants have lodged comments, post assessment, in regard to the representations, as noted below. The conciliations are not considered appropriate to allow an approval.

We have reviewed the representations for DA0618/2015 and have conceded some alterations to reduce concerns with privacy that the eastern residents have brought to our attention.

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

On the eastern side of the balconies we are happy to increase the timber slat obscuring to 75% and obscure the kitchen and bathroom windows with frosted glass. We would however like to keep the bedroom windows un-frosted and would settle for offset screening if it came to it.

Regarding the height concerns (1.3m above the prescribed building envelope), I feel we are not obstructing the amenities, highlighted in the performance criteria, of the Merivale residences and when developing on a hill it is very common to breach this 8.5m guideline. By cutting into the site we have tried to reduce as much height as possible.

Clothes drying locations have been requested and this will be on retractable clothes lines located on the balconies of each unit, concealed from the eastern residences by 75% timber screening.

The proposed units are intended to be high quality residences with owner occupiers. The whole site will get an overhaul not just around the four new dwellings. We have been refurbishing internally already.

The site will be substantially better presented.

6. CONCLUSION

Following the assessment, it has been determined that the proposal does not comply with the Interim Planning Scheme and it is appropriate to recommend refusal for the following reasons:

- The development application does not comply with Clause 10.4.2 P3 (a) (iv) of the on the basis that the proposed setback to the east and building height will result in an unacceptable visual impact in terms of scale, bulk and proportions when viewed from adjoining properties.
 - The development application does not comply with Clause 10.4.3 P1 (a) on the basis that the areas of private open space associated with the existing units 1-6 does not afford occupants suitable privacy and no details of screening measures have been shown on the plans.
 - The development application does not comply with Clause 10.4.6, P2 of the Launceston Interim Planning Scheme 2015 on the basis that the proposed balconies have not been designed to minimise overlooking of the private open space of adjoining lots to the east and the north.
 - The development application does not comply with Clause 10.4.6, P2 of the on the basis that the windows to the habitable rooms on the eastern elevation of both unit blocks have not been designed to minimise direct views to the private open space of the adjacent dwellings.
-

8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(Cont'd)

- The development application does not comply with Clause E3.6.1 Development on Land Subject to Risk of Landslip P1 (a) in that the proposal does not meet the stipulations in the Landslide Risk Assessment (Document reference TG16086/1 - 01 report) that was submitted with the application to achieve a low risk rating. Filling of land exceeds 1m, the maximum depth specified in clause 6.1 of the Landslide Risk Assessment .

If the decision was to approve the application a number of conditions would be required to justify the number of variations to the acceptable solutions that have been sought. There may also be more substantial changes necessary to comply with the geotechnical report (Landslide Risk Assessment report).

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

BUDGET & FINANCIAL ASPECTS:

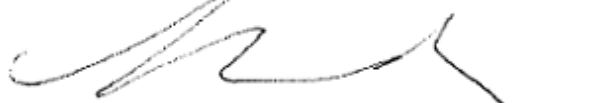
Not considered relevant to this report.

- 8.1 Residential - Multiple Dwellings - Subdivision; Subdivide Land off the Rear of 27 and 29 Peel Street and Consolidate with 51-55 Westbury Road to Allow for Construction and Use of Four Additional Dwellings (Staged)...(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.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (distributed electronically)
 2. Plans (distributed electronically)
 3. Representations (distributed electronically)
-

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO: SF2375**

Tuesday 13 September 2016

- Officiated at a reception at the Albert Hall to thank City of Launceston and Emergency Services personnel for their assistance during the recent floods
- Officiated at the launch of BOFA 2016 at the Penny Royal

Wednesday 14 September 2016

- Attended the Royal Flying Doctors Service (RFDS) launch of the Tasmanian Foodbank Breakfast and the RFDS Oral Health Program at the RFDS Launceston base in Western Junction

Thursday 15 September 2016

- Officiated at the Public Citizenship Ceremony at the Albert Hall

Friday 16 September 2016

- Officiated at the Devonport Chamber of Commerce Breakfast at the Devonport Entertainment Centre
- Officiated at the Opening of the Catholic Women's League Conference at the Church of Apostles Parish Centre in Margaret Street

Saturday 17 September 2016

- Attended the Launceston College Open Day
- Attended the North Launceston Bowls and Community Open Day
- Attended the TSL Grand Final at Aurora Stadium
- Attended Theatre North's Production of Circus Oz 2016 at the Princess Theatre

Monday 19 September

- Attended the production of Peter Pan The Musical at the Princess Theatre

Wednesday 21 September 2016

- Attended the launch of the Launceston Airport Annual Stakeholder Report at QVMAG in Wellington Street
-

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

Thursday 22 September 2016

- Attended the Open Day and Morning Tea for Dementia Awareness Week at Newnham
- Officiated at Singfest 2016 at the Albert Hall

Friday 23 September 2016

- Assisted in presenting prizes to the winners of the Blooming Tasmania Photograph Competition
- Officiated at the Blooming Tasmania launch and Cocktail Party at the Design Centre Launceston

Saturday 24 September 2016

- Attended the Metal Minds Robotics Team's Official launch of their new challenges at the Australian Maritime College at Newnham

Sunday 25 September

- Attended the farewell luncheon for Bishop Ross and Mrs Jenny Nichols at St Johns Church Parish Centre in Launceston
-

10 ALDERMEN'S REPORTS

(This item provides an opportunity for Aldermen to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

11 QUESTIONS BY ALDERMEN

11.1 Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

No Aldermen's Questions on Notice have been identified as part of this Agenda

11.2 Questions without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

12 COMMITTEE REPORTS

12.1 Museum Governance Advisory Board Meeting - 19 August 2016

FILE NO: SF2244

DIRECTOR: Richard Mulvaney (Director QVMAG)

DECISION STATEMENT:

To receive and consider a report from the Museum Governance Advisory Board (MGAB) Meeting held on 19 August 2016.

RECOMMENDATION:

That Council receives the report from the Museum Governance Advisory Board (MGAB) Meeting held on 19 August 2016.

REPORT:

The Museum Governance Advisory Board (MGAB) met on 19 August 2016.

At its Meeting, the Board noted the following items:

- Review Committee recommendations - Arts Consultant will be conducting the second phase of the cultural audit in September 2016.
- The QVMAG Director reported on activities.
- The President of QVMAG Friends reported on activities conducted by QVMAG Friends.
- The QVMAG Arts Foundation report was tabled.
- The MGAB Chairman presented his contribution to the QVMAG Annual Report.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

12.1 Museum Governance Advisory Board Meeting - 19 August 2016...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 1 - A creative and innovative city
Ten-year goal - To foster creative and innovative people and industries
Key Directions -
1. To establish appropriate mechanisms to support the retail sector
6. To contribute towards artistic, cultural and heritage outcomes

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

12.2 Northern Youth Coordinating Committee Meeting - 1 September 2016**FILE NO:** SF0136**AUTHOR:** Claudia Garwood (Youth Development Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee's regular Meeting held on 1 September 2016.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 1 September 2016.

REPORT:

The Northern Youth Coordinating Committee (NYCC) met on Thursday, 1 September 2016 and the following business was conducted:

- A presentation was given by DHHS on the Strong Families, Safe Kids - Child Protection Implementation Plan 2016. A comprehensive redesign of the Child Protection Services was started in 2015 by the State Government in order to improve the child protection system in Tasmania to better protect our most vulnerable children. An overview of the Redesign of Child Protection Services Tasmania: Strong Families, Safe Kids Report 2016 was received.
 - An update from the FUTUREgen16 Conference held in August 2016 was provided by National Joblink. Topics covered at the conference included:
 - Transitioning to work for young people.
 - STEM programs and initiatives to combat skill shortages.
 - Labour market trends that will impact young people.
 - Engaging at-risk youth in employment and education.
 - Supporting and engaging young people from indigenous and multicultural backgrounds.
 - Young people with a disability and from rural/regional areas to achieve their education and employment goals.
-

**12.2 Northern Youth Coordinating Committee Meeting - 1 September 2016
...(Cont'd)**

At the Meeting, members agreed:

- To support a funding request from Working It Out for \$630 to hold a Rainbow Prom. The Rainbow Prom is a celebratory event aimed at LGBTI young people between the ages of 13 and 25. Working It Out service will provide young people the opportunity to gain skills in coordinating an inclusive socially responsible, safe and accessible community space and event.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Consideration contained within this report

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 4 - A diverse and welcoming City of Launceston

Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities.

Key Direction-

4. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community

Youth Engagement Framework 2016-2018

BUDGET & FINANCIAL ASPECTS:

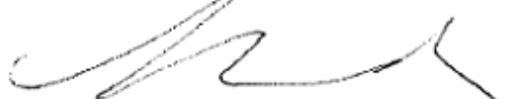
Not considered relevant to this report.

**12.2 Northern Youth Coordinating Committee Meeting - 1 September 2016
...(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.



Leanne Hurst: Director Development Services

13 COUNCIL WORKSHOPS

Council Workshops conducted on 19 September 2016 were:

- Tasmanian Symphony Orchestra
- Leasing and Licensing Policy
- Leisure & Aquatic Centre - Swim Club Lane Hire Rates Report
- Northern Tasmania Development Corporation
- Not for Profit Incorporation - Innovation Hubs

14 NOTICES OF MOTION

Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion have been identified as part of this Agenda

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 Signature Celebration Event Sponsorship - Royal Launceston Show****FILE NO:** SF5962**AUTHOR:** Eve Gibbons (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director of Development Services)

DECISION STATEMENT:

To consider Signature Celebration Event Sponsorship for the Royal National Agricultural and Pastoral Society of Tasmania.

PREVIOUS COUNCIL CONSIDERATION:

Council - 25 January 2016 - Agenda Item 15.3 - Signature Event and Signature Celebration Events Sponsorship

RECOMMENDATION:

1. That Council approves a one year extension to the Royal National Agricultural and Pastoral Society of Tasmania Signature Celebration Event Sponsorship agreement to the value of \$10,000 for the 2016/2017 financial year.
 2. That the extension of sponsorship be subject to the Royal National Agricultural and Pastoral Society of Tasmania (RNAPS) agreeing to meet with the General Manager to discuss the future arrangements and debt payments relating to RNAPS.
-

REPORT:

The Royal National Agricultural and Pastoral Society of Tasmania (RNAPS) previously received funding support through the City of Launceston Signature Celebration Event Sponsorship Program for the Royal Launceston Show. Under a three year agreement which covered the 2013, 2014 and 2015 Launceston Show events, funding to the value of \$10,000 was provided each year for the length of the agreement.

On 25 January 2016, a report to Council recommended the approval of a one year extension to all Signature Celebration Event Sponsorship agreements, due to the pending completion of the City of Launceston Events Strategy and as a result, a revised Event Sponsorship Policy to be implemented for the 2017/2018 financial year.

15.1 Signature Celebration Event Sponsorship - Royal Launceston Show...(Cont'd)

RNAPS was not endorsed for funding as the Council determined that further consideration be given to the organisation upon receipt of a report from the Show Society in accordance with their obligations.

RNAPS has now provided the City of Launceston with reporting information specific to Signature Celebration Event Sponsorship Funding for the 2015 event. Further reporting information required in accordance with their obligations has not yet been completed. However, as the Royal Launceston Show is scheduled to occur from 5-8 October it is recommended that Council now give consideration as to whether to provide a conditional one year extension of the Signature Celebration Event funding agreement for the 2016 Royal Launceston Show.

ECONOMIC IMPACT:

Approval of the recommended Signature Celebration Event Sponsorship will result in a positive economic impact to the Launceston community.

ENVIRONMENTAL IMPACT:

Approval of the recommended Signature Celebration Event Sponsorship will have minimal impact on the environment.

SOCIAL IMPACT:

Approval of the recommended Signature Celebration Event Sponsorship will provide a number of valuable social impacts for our community.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 1 - A creative and innovative city
Ten-year goal - To foster creative and innovative people and industries
Key Direction -
6. To contribute towards artistic, cultural and heritage outcomes

Priority Area 2 - A city where people choose to live
Ten-year goal - To promote Launceston as a unique place to live, work, study and play
Key Directions -
4. To promote Launceston's rich heritage and natural environment
6. To promote active and healthy lifestyles

15.1 Signature Celebration Event Sponsorship - Royal Launceston Show...(Cont'd)

Priority Area 7 - A city that stimulates economic activity and vibrancy
Ten-year goal - To develop a strategic and dedicated approach to securing economic investment in Launceston

Key Directions -

1. To actively market the City and Region and pursue investment
3. To promote tourism and a quality Launceston tourism offering
6. To facilitate direct investment in the local economy to support its growth

City of Launceston Event Strategy 2012-2015

Goal 1 - Lifestyle

Launceston has a vibrant and diverse calendar of events that strengthen Launceston's position as a highly desirable place to live, visit and invest.

Goal 2 - Tourism

Launceston has a portfolio of events that increases interstate visitation, national profile and contributes to the Launceston economy.

Goal 3 - Economic

Events held within the region provide optimum economic benefit to the Launceston municipality, through partnerships and business planning.

BUDGET & FINANCIAL ASPECTS:

Available Funds	\$10,750
Amount recommended	\$10,000
Balance	\$ 750

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.



Leanne Hurst: Director Development Services

15.2 Youth Engagement Policy

FILE NO: SF0134

AUTHOR: Claudia Garwood (Youth Development Officer)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the City of Launceston's Youth Engagement Policy.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting - 14 June 2016 - Agenda Item 15.1 - Youth Engagement Framework (ECM No. 3776720)

RECOMMENDATION:

That Council approves the Youth Engagement Policy 04-PI-06 as set out below.

Youth Engagement Policy

PURPOSE:

To provide a policy for how Council will demonstrate commitment to the vision of the Youth Engagement Framework: The needs, issues and rights of young people are heard, considered, acted upon and upheld in order to create an equitable, cohesive, creative, caring and sustainable community that recognises and values the positive contribution young people make to the City of Launceston.

SCOPE:

Young people aged 12-25 who live, visit, study and work in the Launceston municipality.

POLICY:

Council will work with young people, the local community and relevant agencies to support and enable young people to participate in, contribute to and provide active leadership in the social, cultural, environmental and economic wellbeing of the Launceston community. Council will commit to the Aims, Values and Goals of the Youth Engagement Framework.

The Aim

To engage young people in active citizenship so that they are enabled and empowered to voice their ideas and concerns, and take ownership over action and change for a positive future.

15.2 Youth Engagement Policy...(Cont'd)

The Values

Equity: The right to be heard.

Respect: The right to participate.

Leadership: The right to youth-led and shared decision-making.

Council is committed to:

Goal 1

Young people as leaders in shared decision-making with the City of Launceston and other agencies

Goal 2

A diverse and inclusive youth voice into and out of the City of Launceston

Goal 3

Young people have access to opportunities, resources and support

Goal 4

Young people with a sense of social connectedness

Goal 5

Young people with a sense of civic pride and an active interest in the local affairs of the municipality

Goal 6

The City of Launceston enables leading-edge youth engagement opportunities

PRINCIPLES:

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

Northern Youth Coordinating Committee Policy and Terms of Reference
Youth Engagement Framework

RELATED LEGISLATION:

N/A

REFERENCES:

City of Launceston Strategic Plan 2014-2024
Greater Launceston Plan

15.2 Youth Engagement Policy...(Cont'd)

REVIEW:

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

REPORT:

Background

The Youth Engagement Framework was endorsed by Council on 14 June 2016. Goal 6 of the Framework: *The City of Launceston enables leading-edge youth engagement opportunities* priority action is to promote a whole-of-City of Launceston approach to youth engagement by developing a Youth Engagement Policy for endorsement by Council.

The Youth Engagement Policy commits to the Vision, Aim, Values and Goals principles of the Youth Engagement Framework and is consistent with previous Council decisions to support youth development in our city. The policy seeks to improve opportunities for young people to engage and contribute within the Launceston community. The Youth Advisory Group reviewed this policy as part of the consultation of the Draft Youth Engagement Framework. The content of the proposed policy is contained within the recommendation.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Consideration contained within this report

15.2 Youth Engagement Policy...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 2 - A city where people choose to live

Ten-year goal - To promote Launceston as a unique place to live, work, study and play

Key Directions -

1. To continue to offer and attractive network of parks, open spaces and facilities throughout Launceston
3. To contribute to enhanced public health and amenity to promote a safe and secure environment
6. To promote active and healthy lifestyles

Youth Engagement Framework 2016-2018

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Youth Engagement Framework (distributed electronically)
-

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre

FILE NO: SF2194/SF5674/SF0873

AUTHOR: Ben Davis (Manager Leisure & Aquatic Centre)

DIRECTOR: Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To determine a resolution on a proposal from Launceston Aquatic Club, with support from other swim clubs, regarding a reduction in off peak lane hire fees and a change in off peak timings.

PREVIOUS COUNCIL CONSIDERATION:

- SPPC - Workshop - 4 April 2016
- SPPC - Workshop - 6 June 2016
- SPPC - Workshop - 19 June 2016
- SPPC - Workshop - 19 September 2016

RECOMMENDATION:

That Council, under the provisions of Section 205 of the *Local Government Act 1993*, resolves:

1. That off peak charges to apply from Monday, 3 October 2016 be as follows:

Off Peak Annual Hire (per hour)	GST inclusive
50m	\$35.00
25m	\$17.50
Off Peak Standard hire (per hour)	
50m	\$35.00
25m	\$17.50

2. Off peak rates for per hour lane hire, annual hire and standard hire be applied for the following hours of Leisure & Aquatic Centre (LAC) operation:
 - a) Monday to Friday 7.00pm to normal closing time; and
 - b) Saturday and Sunday 2.00pm* to normal closing time.
 (* subject to there being no carnival or competitions hiring)

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

REPORT:

Summary

Four swimming clubs currently train at the Leisure & Aquatic Centre (LAC). Approximate member numbers are:

- Launceston Aquatic Club (LAClub) - 40 swimmers and employ a paid professional coach;
- South Esk Swimming Club - 140 members (120 swimmers), a paid amateur coach and volunteer assistant coaches;
- Aussi Masters - 100 swimmers and a paid amateur coach.
- Launceston Triathlon Club - 100 members, currently not regular hirers

LAClub requested Council to review fees and reduce charges inciting financial stress due to the cost of lane hire fees, the other swim clubs support a reduction in lane hire rates.

Weeknights between 3.30pm - 6.30pm the 50m competition pool is at/or near capacity with swim clubs, learn to swim students, recreation space and lap swimmers.

Council's Swim School continues to grow (peak approx. 2,100 members 2015/2016) and currently has future growth impacted by water space capacity challenges during peak times (specifically Monday - Thursday after school).

Currently lanes are hired to swim clubs on a per hour, per lane basis at the following rates (adopted 2016/2017 fees and charges):

Product Type	Pricing Formula	Current 50m Fee (per hour)	Current 25m Fee (per hour)
Standard	Full Price	\$71	\$36
Annual User - Peak	25% discount on Full Price	\$54	\$27
Annual User - Off Peak	30% discount on Full Price	\$50	\$26

In addition LAClub have been receiving an additional discount:

Product Type	Pricing Formula	Current 25m Fee (per hour)
LAClub (3 hour block booking)	15% additional discount off annual user rates (25m only)	\$22.95

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

Note:

- For club members, parents, guardians and friends, no entry fee applies.
- Peak rate applies weekday afternoon/evening until 7.00pm and weekends. All other times are considered off peak.

Swim Club Request

Following further discussions LAClub have proposed and are supported by Swim Clubs (attachment 5 - emails from Swim Clubs) as per the following:

- A reduction in off-peak hire rates from the current 30% discount (50m = \$50, 25m = \$26) down to 50% discount (50m = \$35, 25m = \$17.50). *Note:* This rate would be applied to all hirers, not just annual hirers to allow LAC to maximise off peak hire and reduce the financial impact of an increased discount on the annual budget.
- A change in off peak timings from 7.00pm weekdays back to either 6.30pm or 6.00pm weekdays and the introduction of off peak rates weekend afternoons from 2.00pm.

Any lane hire outside of regular LAC opening hours would remain at peak rate.

The estimated impact on the LAC operating budget, resulting from the request is as follows:

Club Request/Commitment	Impact		
	7.00pm	6.30pm	6.00pm
Off peak rates to be reduced (50m = \$35 / 25m = \$17.50)	-\$12,200	-\$12,200	-\$12,200
If off peak rates commence at 6.30pm weeknights		-\$5,200	-\$5,200
If off peak rates were to commence at 6.00pm weeknights			-\$5,200
Confirmed additional lane hire from swim clubs resulting from reduced off peak rate	\$7,800	\$7,400	\$7,000
SUB TOTAL	-\$4,400	-\$10,000	-\$15,600
Confirmed additional lane hire resulting from weekend off peak rate from 2.00pm	No commitment from clubs	No commitment from clubs	No commitment from clubs
Suggested additional lane hire from swim clubs resulting from reduced off peak rate	\$5,000	\$5,000	\$5,000
Total Estimated Revenue Impact for 12 months	\$600	-\$5,000	-\$10,600

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

Note:

All figures have been rounded to nearest \$100. All usage is based on current hire rates as at September 2016. Currently, there are two additional seasonal hirers that the change in fee would impact on, but this would not have a material impact on the LAC operating budget.

Background

In August 2001 the Council adopted the Regional Aquatic Leisure Centre strategy as the preferred future aquatic facility development. This was due to its:

- Higher user attractions, ie. children, schools, adults, social groups, older adults;
- Ability to share management costs across a range of activity areas and revenue sources;
- Provision of a total leisure centre that promotes active and healthy lifestyles;
- Providing more aquatic areas allowing for closure of high cost, outdated pools;
- Higher users spend generated due to a large range of activities.

In the following years LAC was developed and built to meet these strategic objectives. However most of the planning was for a full service facility, which was not fully completed until the opening of LAfit in 2014.

LAC has long been the subject of public discussion. Since opening in 2009 the strategic direction and focus has been to minimise the recurrent deficit, through both revenue generation and expenditure control. Fees and charges and operational strategies have been developed with the aim to achieve this goal. Through these measures the operating deficit of the Centre has been reducing year on year.

In October 2008 the City of Launceston called for Expressions of Interest (EOI) for Hire of Pool Lane Space. The purpose of the EOI was to *'market test prospective Clubs and other organisations who wish to hire pool lane space at the Regional Aquatic Centre. Potential clubs and organisations will be required to register with Council initially and further negotiations will be undertaken regarding hire times and pool spaces'*.

Following this process discussions were held with the applicants. Four of the six groups that submitted EOIs became hirers of the Centre. The EOI did not indicate or allude to exclusive use of facilities or feeder relationships with the LAC Swim School, or any other business unit of LAC.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

Four swimming clubs currently train at the Launceston Leisure and Aquatic Centre (LAC), approximate member numbers are:

- Launceston Aquatic Club (LAClub) - 40 swimmers and employs a paid professional coach.
- South Esk Swimming Club - 140 members (120 swimmers) and a paid amateur coach and volunteer assistant coaches.
- Aussi Masters - 100 swimmers and a paid amateur coach.
- Launceston Triathlon Club - 100 members - currently not regular hirers

Lane Hire Arrangements

In 2014 Swimming Australia completed comparative benchmarking into water space pricing at Council owned swimming facilities (attachment 1 - Swimming Australia Research). Different arrangements included:

- Free agreed lane space, club swimmers pay public entry rate
- Per lane, per hour charge, with no entry fee for club swimmers*
- Per lane, per hour charge (with free morning hire), club swimmers pay public entry rate
- Per lane, per hour charge, with an annual "club swimmer membership"
- Flat rate per head for agreed lane space

**LAC operates under this arrangement, where there is no entry fee for club swimmers or supervising parents, during the lane hire time.*

From this research Swimming Australia found that "*all clubs using indoor water-spaces (25m or 50m) in Tasmania are currently charged a lane hire fee. Over 40% of clubs pay more than \$20 per lane per hour (30% of respondents did not disclose hire fee rates)*".

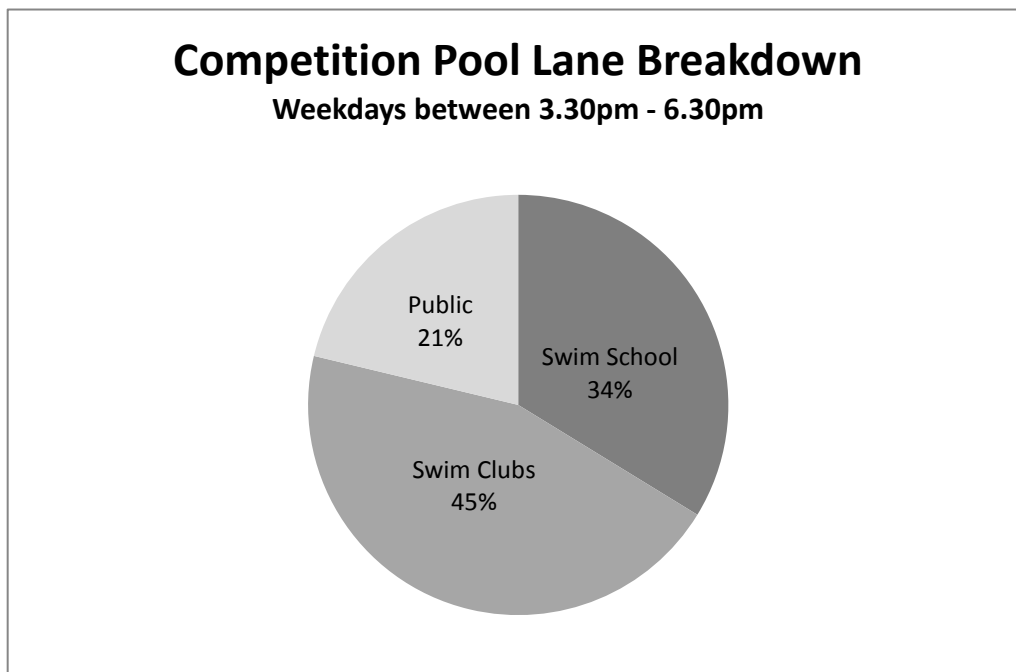
In comparison, Hobart Aquatic Centre's approved FY 2016/2017 hire rates offer a 20% discount (off full rate) for not for profit user groups, and are as follows:

50m Pool Lane Hire	\$64 excluding GST
25m Pool Lane Hire	\$49.60 excluding GST
<ul style="list-style-type: none"> • Boom movement \$40 one way • Spectator \$2 per non-swimming person (still to be introduced) 	

Competition Pool Use and Revenue Sources

The peak use time for LAC is between 3.30pm - 6.30pm on weeknights and during this time the Competition Pool is at or near maximum capacity. The chart below shows a typical weekday evening breakdown of lane allocation between LAC Swim School, swim clubs and public during the peak time.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)



There is capacity to accommodate further bookings for swimming clubs at other times, outside of peak, including mornings, late evenings and weekends. Therefore, increasing the off peak discount from 30% to 50% off full hire rate may allow:

- Clubs to build member numbers in quieter times and save money,
- LAC to entice other user groups to utilise water space outside of peak times.

The four clubs have committed/indicated the following additional hire if a reduction in peak times and off peak rates is approved:

Swim Club	Commitment
Launceston Aquatic Club	No additional lane hire commitment, however, likely lane hire would be: <ul style="list-style-type: none"> • Year 1 - no additional lane hire • Year 2 - club has suggested they will book an additional \$2,000 lane hire
South Esk	Additional lane hire commitment of: <ul style="list-style-type: none"> • Tuesday afternoon - 1 x 25m lane for 1.5 hours • Thursday afternoon - 1 x 25m lane for 3 hours

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

Swim Club	Commitment
Aussie Masters	Additional lane hire commitment of: <ul style="list-style-type: none"> • Monday evening - 1 x 25m lane for 1 hour • Thursday evening - 1 x 25m lane for 1 hour Additional, likely lane hire as suggested by Aussie Masters would be: <ul style="list-style-type: none"> • Wednesday morning - 2 x 25m lane for 1 hour <i>Note:</i> The Club have suggested 4/5 lanes in the outdoor pool Wednesday morning. The most that could be offered would be 2 lanes and as such calculations have been completed on 2 lanes
Launceston Tri Club	No additional lane hire commitment, however, likely lane hire as suggested by Launceston Tri Club would be: <ul style="list-style-type: none"> • Winter - 2 x 25m lanes (weekday evening) • Summer - 4 x 25m lanes (weekday evening) • All year - 2 x 25m lanes (Sunday)

Key Issues raised in Request for Reduction of Lane Hire Charges - Aquatic Centre

All four clubs - LAClub, South Esk, Masters Swimming and Launceston Triathlon Club are supporting a reduction in lane hire charges. (Attachments 2 - 4 Swimming Club Letters of Support).

This has now been transitioned into a request for a reduction in peak times and off peak rates.

Swim Club comments and LAC response

"There is currently vacant lane space in both peak and off peak times"

There is regularly vacant lane space available in off peak times and discussions have been had with clubs to encourage them to take up more off peak time slots and build new membership base in these times. An increased discount in off peak times will assist in filling this water space.

Vacant peak time vacant lane water space is minimal and is caused by hirers booking peak lane space for short periods of time (ie 1 hour lane hire during 3 hour peak period). Priority to block bookings during peak times would assist with this issue.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

"There is sufficient lane space to accommodate the anticipated growth of Learn to Swim (LTS)"

Learn to Swim has grown significantly over the past few years from approx. 600 members to a peak of approximately 2,100 in March 2016. These growth rates have now slowed considerably due to water space capacity during peak times. A modest growth of 100 students year on year has been forecast due to water capacity challenges, however, this growth could be significantly higher (total LTS membership 2,500-3,000) if more, consistent water space was available. This would significantly reduce the operating deficit of LAC.

"The lane hire charges to club impacts fairness and equity and the community's ability to pay"

All fees are Council approved, and based on developed strategies and formulas. Discounts are provided to those issued with government issued concession cards; other discounts are applied after the completion of a business case and approved by Council.

The hire times required by swimming clubs are during the peak period for the Centre, between 3.30pm and 6.30pm on weeknights. At this time the Centre is at or near capacity with not only swimming clubs, but also swim school classes, after work lap swimmers and after school recreation swimmers. During winter, when the outdoor pools are unavailable, the Centre finds it difficult, and at times impossible, to appropriately accommodate other sporting teams, such as football and soccer teams, who request lane space when inclement weather closes their training grounds.

LAC is a regional, community facility, and is focused on maximising use for all user groups, while minimising ongoing costs to ratepayers. The Centre adequately supports community and regional level competition, but the main focus is regular and ongoing community use. There can be over 30 different user groups utilising LAC per month, with regular usage by schools, swim school students and disability groups. This leads to the requirement for compromise among all user groups.

"Price Structure has created a cap on participation rate due to affordability, frequently have 10-15 children in a lane"

Lane hire is not the only cost involved in the sport of swimming. Other costs include coaching fees, registration, competition entry and equipment. These fees are set by either the individual swimming club or Swimming Tasmania. Different clubs have different coaching arrangements with amateur and paid professional coaches.

The introduction of increased discounts in off peak times will allow swim clubs to build membership in quieter times, reducing costs and increasing lane space for members.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

"Many members hold LAC memberships and are price sensitive to incurring additional costs to swim with club"

LAC has no control over club members taking out LAC memberships.

"Outside of peak there is regularly water space available for additional lanes"

There is regularly lane space availability in off peak times. Management at LAC has discussed with clubs the opportunity to hire additional lanes in off peak times reducing pressure on the 3.30pm - 6.30pm weekday timeslot. An increase in off peak discount may entice user groups to hire more water space in off peak periods.

"Equity concerns between users of Aquatic Centre versus users of other Council facilities eg. QVMAG"

All Council facilities are operated as the result of Council decisions, to align with strategic directions. The range of services and facilities offered by Council is diverse, and all facilities have a unique purpose, along with strong community support.

The three major facilities, LAC, Aurora Stadium and QVMAG run at a budgeted operating deficit, however their continued operation has substantial and varied community benefit.

Current LAC Fee Structure (approved 2016/2017 fees and charges):

Product Type	Pricing Formula	Current 50m Fee (per hour)	Current 25m Fee (per hour)
Standard	Full Price	\$71	\$36
Annual User - Peak	25 % discount on Full Price	\$54	\$27
Annual User - Off Peak	30% discount on Full Price	\$50	\$26

In addition LAClub have been receiving an additional discount:

Product Type	Pricing Formula	Current 25m Fee (per hour)
LAClub (3 hour block booking)	15% additional discount off annual user rates (25M only)	\$22.95

Note:

- For club members, parents, guardians and friends, no entry fee applies.
- Peak rate applies weekday afternoon/evening until 7.00pm and weekends. All other times are considered off peak.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

Swim Clubs have requested:

- A reduction in off peak hire rates from the current 30% discount (50m = \$50, 25m = \$26) down to 50% discount (50m = \$35, 25m = \$17.50). *Note:* This rate would be applied to all hirers, not just annual hirers to allow LAC to maximise off peak hire and reduce the financial impact of discount on annual budget.
- A change in off peak timings from 7.00pm weekdays back to either 6.00pm or 6.30pm weekdays and the introduction of off peak rates weekend afternoons from 2.00pm.

Current adopted fees and charges that would be impacted by this request are:

Annual Hirers

Current:

Off Peak Annual Hire Rates (per hour)

Competition Pool - 50m lane hire taxable \$50.00

Competition Pool - 25m lane hire (short course mode) \$26.00

Change to:

Off Peak Annual Hire Rates (per hour)

Competition Pool - 50m lane hire taxable \$35.00

Competition Pool - 25m lane hire (short course mode) \$17.50

Standard hirers do not currently have access to off peak/discount rates; the following fees/charges would be included:

Off Peak Standard Rates (per hour)

Competition Pool - 50m lane hire \$35.00

Competition Pool - 25m lane hire (short course mode) \$17.50

Note, the off peak carnival rate would still remain at 4.00pm on weekends as per current fees/charges.

State and National Level (per hour)

Off Peak Carnival (after 4.00pm on weekends) \$304.00

Rationale

A carnival has a much more significant impact on the operations of LAC. The entire 50m pool is required in summer (long-course season), in addition to a warm up/cool down lane in the outdoor pool. This means there are only four lanes left for lap and recreation swimmers. Starting off peak carnivals any earlier than 4.00pm would have a material negative impact on the Centre.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

Financial Impact on LAC

The projected annual revenue from lane hire by swimming clubs in 2016/2017 based on current usage and approved fees and charges is \$188,000.

The financial impact of each option, calculated on current usage, is as follows:

	Year 1 Revenue	Variance	Year 2 Revenue	Variance	Year 3 Revenue	Variance	3 Year Total	Variance 3 Year Total
Current Approved 2016/17 fees *	\$188,075		\$191,837		\$195,673		\$575,585	
Reduction in Off peak Hire Rates (25M=\$17.50/50M=\$35)*^	\$188,663	\$588	\$194,436	\$2,599	\$198,324	\$2,651	\$581,423	\$5,838
Off Peak commencing at 6.30pm weeknights *^	\$183,038	-\$5,038	\$188,698	-\$3,138	\$192,472	-\$3,201	\$564,208	-\$11,377
Off Peak commencing at 6.00pm weeknights *^	\$177,413	-\$10,663	\$182,961	-\$8,876	\$186,620	-\$9,053	\$546,993	-\$28,592

* All modelling based on swim club usage levels as at September 2016. Any lane hire outside of regular LAC opening hours is charged at peak rate.

^ Includes committed and suggested additional lane hire (including LAClub \$2,000 from year 2)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

LAC aims to provide healthy exercise for all members of the community on an equitable basis.

16.1 Swim Club Hire at Launceston Leisure & Aquatic Centre...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 2 - A city where people choose to live
Ten-year goal - To promote Launceston as a unique place to live, work, study and play
Key Directions -
6. To promote active and healthy lifestyles

BUDGET & FINANCIAL ASPECTS:

All changes to fees and charges have an impact on the operating budget of LAC, estimated variances as per matrix in body of the report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Rod Sweetnam: Director Facilities Management

ATTACHMENTS:

1. Swimming Australia Research Comparative Benchmark Information (3 pages)
 2. Letter from Launceston Triathlon Club dated 9 March 2016
 3. Letter from Launceston Masters Swimming Inc dated 8 March 2016
 4. Letter from South Esk Swimming Club dated 6 March 2016
 5. Emails from Swim Clubs (2 pages)
-

Attachment 1 - Swimming Australia Comparative Benchmark Information (3 pages)



Comparative Benchmark Information Water Space Pricing at Council owed Swimming Facilities

This data has been compiled as a sample for comparing the cost of indoor 50m water space across Victoria, South Australia or Tasmania. In each example the pool is relatively new or has had major renovations undertaken which provide consistency in standard. All pools are Council owned, however, there is a mixture of Council operated and contractor operated facilities. Pool name and associated swimming club are listed.

Casey ARC and Casey RACE: Casey Tigersharks (VIC)

Operator: YMCA

Casey Tigersharks Swimming Club is one of 14 podium centre's supported by Swimming Australia as part of their high performance athlete program. The Tigersharks currently train out of two 50 metre indoor Council owed facilities; Casey ARC and Casey RACE in Melbourne's outer south-eastern fringe. These pools are 20 years and 6 years old respectively. Whilst the YMCA operates the facilities, the swimming club have a facility access agreement with Council, with the terms of this agreement stipulating that the pool operator must support the provisions of the agreement when they tender for the facilities. As a community based club the Tigersharks have access to free water space. Swimmers instead pay pool entry at the same rate as the public, generally in monthly packages to cover each visit to the pool. Council consider youth engagement in sport as an important element of community building.

Kingston Waves: Cheltenham Swimming Club (VIC)

Operator: Kingston Council

Kingston 'Waves' is a 50 metre indoor pool approximately 20 years old. Cheltenham Swimming Club is the local swimming club and have a squad structure from an entry level through to national level operating from the facility. The City of Kingston manage and operate Waves and levy a fee of \$26 per hour per lane to the club with no entry fee for swimmers. This fee is invoiced to the club at the end of each month.

Aquazone Aquatic Leisure Centre : Warrnambool Swimming Club (VIC)

Operator: Warrnambool City Council

Warrnambool Swimming Club is a successful country swimming club in regional Victoria. Aquazone Aquatic Leisure Centre has a 50m outdoor pool and a 25 m indoor pool which were re-developed in 2008. The outdoor 50m is open from October to April while the indoor 25m is open all year round. The Club pays \$3 per hour per lane for each afternoon and evening session. There is no cost for morning sessions. In addition each swimmer pays entry for access to the pool. Club Swimmers are encouraged to take out membership with the centre. The Council in Warrnambool have a strong relationship with the swimming club, being actively involved in an annual swim that brings people into the city. The facility serves a regional population of about 34,000.

**Echuca War Memorial Pool: Echuca Swimming Club (VIC)****Operator: Campaspe Shire Council**

Renovated in 1996, the Echuca War Memorial Pool is a 50metre indoor pool which is the premium swimming facility in the Campaspe and surrounding region. Situated in northern Victoria this venue is one of the first to return to in-house Council management after a long term contractor operation. An agreed amount of lane space is free to the Echuca Swimming Club, but members must pay entry or take out aquatic membership. Until recently the club also has free use of the pool twice a year to run swim meets. An appropriate carnival fee is currently in negotiation. It also has free use of clubroom and storage area.

Boroondara Sporting Complex: Kew Swimming Club (VIC)**Operator: YMCA**

Situated in Melbourne's eastern suburbs Boroondara Sporting Complex was renovated in 2006 and has an outdoor 50m facility that operates year round. Kew Swimming Club and MLC Swimming Club pay \$31.20 an hour per lane. Swimmers do not pay an additional free entry.

Watermarc Greensborough: DVE Aquatic (VIC)**Operator: Belgravia**

New facility in Melbourne's northern suburbs Watermarc was opened in September 2012. DV Aquatic Swimming Club was initially charged \$36 per hour per lane to use the 50m indoor swimming pool when this facility opened, in addition to athletes paying pool entry. This put significant financial strain on the club and it was clear after 12 months that this was not sustainable. After a negotiation with Council they are now paying \$18.70 per lane per hour for 50m space and \$16.87 per hour per lane for 25m access. Athletes still pay pool entry which they are undertaking through an annual swimmer facility membership.

Knox Leisure Works: Boronia Swimming Club (VIC)**Operator: YMCA**

Renovated in 2008, Knox Leisure Works is a 50 metre indoor pool used by Boronia Swimming Club in Melbourne's east. The Club is charged by the facility at a rate of \$3.50 per head. This includes lane hire and athlete entry. The Club has increased numbers since the 2008 renovation and the nature of the agreement with the YMCA provides an incentive to both parties to 'grow' the program.

Noarlunga Leisure Centre: Fleurieu Swimming Club and South Coast Swimming Club (SA)**Operator: Belgravia Leisure**

Located in South Adelaide, Noarlunga Leisure Centre has a 50m indoor water space. Neither the Fleurieu Swimming Club nor the South Coast Swimming Club pay lane hire, however, all swimmers pay pool entry (most take out membership with Belgravia). Belgravia have attempted to instigate a lane hire fee over the years. However, the clubs have demonstrated that as the pool is within a low socio economic area where aquatic programs would not survive if lane hire was charged on top of entry fees.



Tasmanian Swimming Clubs

Results drawn from the findings of the 2014 Swimming Australia Water Space Access Survey. (72% of Tasmanian Swimming Clubs participated in the survey but responses were often limited due to perceived commercial in confidence.)

All clubs using indoor water-space (25m or 50m) in Tasmania are currently charged a lane hire fee. Over 40% of clubs pay more than \$20 per lane per hour (30% of respondents did not disclose lane hire fee rates). Clarence Swimming Club (YMCA operated pool) pay \$28 per lane per hour for 50m water space with no entry fee. Other water space agreements, such as Hobart Aquatic and Riverside, are tied up in coaching right agreements. Only Club's operating out of Devonport Aquatic (indoor 25m) pay both lane hire and pool entry, however, this situation is also appearing to be unsustainable as Clubs are now looking to move away from this new facility due to cost.

National Data

National data suggests that most clubs pay less than \$20 per hour per lane. However, many facilities are outdoor and/or 25m in length. Victorian data, which probably offers the best comparison to Tasmania, suggests that clubs can expect to pay somewhere between \$10 and \$40 per hour per lane for indoor 50m space (average \$22) and between \$5 and \$35 (average \$17) an hour for indoor 25m space.

Ultimately there is no 'one size fits all' best arrangement for facilities agreements. Some facilities and Clubs prefer a lane fee with no entry, whilst others prefer a no lane hire with an entry fee approach. Sometimes, when squads are popular, it is cheaper to pay lane hire per hour (if it a reasonable rate) rather than pool entry. However pool entry only agreements do encourage centres to actively promote swimming club membership as the more bodies they have through the gate the greater revenue they make.

The best way for clubs to ensure that they are getting a fair deal at their local pool is to establish a carefully negotiated MOU agreement with the owner of the facility that considers capacity for the swimming community to pay. The MOU should also consider the benefits provided by the Clubs volunteers and the environment that it creates for its members.

Attachment 2 - Letter from Launceston Tri Club 09/03/16



LAUNCESTON TRIATHLON CLUB INC.
[REDACTED]

09 March 2016

Mr Tim Watson
Launceston Aquatic Club
PO Box 1353
Launceston TAS 7250

Dear Tim,

REDUCTION OF LANE HIRE CHARGES AT LAUNCESTON AQUATIC CENTRE

Launceston Triathlon Club is fully supportive of LAC's proposal for reduced lane hire fees at Launceston Aquatic Centre.

As outlined in your presentation, many members find the cost of club swimming sessions to be prohibitively expensive, in part due to the cost of lane hire but also because many of our members hold memberships of the Aquatic Centre and are therefore wary of incurring any further costs for the use of facilities, to which they already have access.

Any action that can be taken that would help make club swimming sessions more affordable, would assist us in encouraging more children and adults to participate in our swimming activities.

Yours sincerely

A handwritten signature in black ink that reads "Martin Simpson". The signature is written in a cursive, flowing style.

Martin Simpson
Vice President
[REDACTED]

Attachment 3 - Letter from Launceston Masters 08/03/16



Launceston Masters Swimming Inc.
[REDACTED]

8th March 2016

Mr Tim Watson
LAC Swimming Club

Dear Tim

Launceston Masters Swimming Club fully supports the LAC proposal for reduced lane hire fees at the Launceston Aquatic Centre.

Lane hire is by far the largest expense for our swimming club and a reduction in lane hire fees will help us encourage more Launceston adults to participate in our swimming activities.

On behalf of the Launceston Masters Swimming Club, I would be happy to offer any additional support to this proposal.

Yours sincerely,

Bill Woodworth
President

Attachment 4 - Letter from SE Swimming Club 06/03/2016



South Esk Swimming Club Inc. Est. 1910

6 March 2016

Mr Kevin French
President Launceston Aquatic Club
By e-mail

Dear Kevin

As you are aware, the South Esk Swimming Club executive has had several meetings this week. I am pleased to confirm that the executive supports a reduction in lane hire fees for all swimming clubs using the Launceston Aquatic Centre.

Kindly keep us informed of your discussions with the Launceston City Council.

Kind regards,



Jayne Shepherd
President

[Redacted contact information]

c.c Rob Sweetnam - Launceston City Council

South Esk Amateur Swimming Club
2015 Swimming Australia Swimming Club of the Year

[Redacted contact information]

Attachment 5 - Emails from Swim Clubs (2 pages)

From: Tim Watson
Sent: Friday, 9 September 2016 11:43 AM
To: Ben Davis
Subject: Re: LAC lane hire

Ben

As discussed, do not budget any additional lane hire for LAC in year one. In year two I would budget for an additional 2k in lane hire from LAC.

Thks

Tim

From: Jayne Shepherd
Sent: Friday, 9 September 2016 12:51 AM
To: Ben Davis
Subject: RE: MEETING: LANE HIRE
Importance: High

Hi Ben

After preliminary discussions with Ketrina and the SE committee, I'm pleased to confirm South Esk will request to book the following additional lane space subject to the proposal presented by Tim Watson is approved by the Launceston City Council Alderman:

- Tuesday 5.30pm to 7.00pm x1 lane
- Thursday 4.00pm to 7.00pm x1 lane

Ketrina advised South Esk numbers training on Monday and Tuesday afternoons is too high to move to another night. Ketrina also advised there isn't any other times available to meet our needs.

Regards

Jayne Shepherd

Attachment 5 - Emails from Swim Clubs (2 pages)

From: Martin Simpson
Sent: Monday, 12 September 2016 12:54 PM
To: Ben Davis
Subject: RE: LAC lane hire

Hi Ben

I have had no luck with the Triathlon related users.

However, I can say with all honesty that I can see the swim program growing if the proposed cost plan structure is adopted. I would like to think we could get to 2 x 25m lanes in winter and four lanes in summer and perhaps we can get the 2 lanes on Sunday under our banner as well. The aspiration is certainly to grow our swimming programme.

Regards

Martin

Martin Simpson RAIA

Director

From: Woodworth, William (BBA)
Sent: Friday, 9 September 2016 3:13 PM
To: Ben Davis
Cc:
Subject: RE: LAC - swim club proposal

Ben,

The Launceston Masters Swimming Club fully supports your proposal for reducing the off peak hire rates.

If adopted the club would hire at least one additional lane for our current 1 hour sessions on Mondays and Thursdays at 7pm.

We would also be interested in hiring 4 or 5 lanes in the outdoor pool (25m) on Wednesdays at 6am to 7am over summer. This would be dependent on the interest shown by members during a one month trial in November. The proposed reduced rate significantly lowers the threshold of viability of this additional session.

Regards,

Bill Woodworth

17 QUEEN VICTORIA MUSEUM AND ART GALLERY DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

18.1 Proposed Black Spot Projects 2017 - 2018 and Traffic Safety Projects 2016 - 2017

FILE NO: SF5106/SF1264/SF1408/SF1453/SF1549/SF1700/SF2186/SF2151/SF1302/SF1709

AUTHOR: Nigel Coates (Engineering Officer Traffic)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To consider projects to be submitted for funding in the Australian Government 2017/2018 Black Spot program and projects to be included in Council's Traffic Safety Program 2016/2017.

RECOMMENDATION:

1. That the Council approves the following submissions to the Australian Government 2017/2018 Black Spot program:
 - Charles Street/Frederick Street, Launceston - Proposed raised plateau intersection.
 - Elphin Road/Lyttleton Street, East Launceston - Proposed central islands and turning restrictions.
 - High Street/York Street, East Launceston - Proposed aligned right turn lanes.
 2. That the Council support the following traffic safety projects:
 - Elphin Road, Newstead - Proposed Pedestrian Refuge
 - Connaught Crescent/Southern Outlet - Proposed line marking changes
 - Westbury Road/Normanstone Road - Proposed line marking changes (following reseal)
-

REPORT:

This report seeks the Council's approval to forward submissions to the Australian Government's 2017/2018 Black Spot program and support for traffic safety projects.

18.1 Proposed Black Spot Projects 2017 - 2018 And Traffic Safety Projects 2016 - 2017...(Cont'd)

Black Spot funding is allocated by State Growth to projects that comply with the Australian Government's Black Spot criteria, which includes at least three crashes resulting in injury at an intersection over a five year period. Inclusion in the program will depend on the project's benefit/cost ratio. The criteria gives a defined value for each crash type and an estimated crash reduction based on the treatment proposed. The calculation is over a 20 year period with a 7% annual depreciation. We have been invited by State Growth to submit bids for the 2017/2018 program; the results of these bids will not be known until July 2017.

Traffic safety projects are designed to be proactive to address identified safety issues which have not necessarily resulted in crashes. They are funded from Council's operational budget or at times from external grant funding if an appropriate program is available.

These projects were considered by the Launceston Road Safety Consultative Committee on 1 September 2016 and notes of the meeting are included as Attachment 1. A description of the projects and the support of the Committee are provided below.

A. Proposed 2017/2018 Black Spot Program Bids**1. Charles Street/Frederick Street, Launceston - Proposed Raised Plateau Intersection**

Summary of problem being addressed: Six injury crashes (in five years), including one serious involving pedestrians (two), cross traffic (three) and right turn (one).

Proposed works: Raised Plateau Intersection

LRSCC Recommendation to Council to support the proposal: five in favour; zero against.

Proposed bid to Black Spot program: \$200,000

Benefit/cost ratio: 5.40.

Further information:

- The value of crashes that have occurred at this site estimated to be \$822,900.
 - The benefit of this project is based on research done by Austroads (Report AP-R514-16 Achieving Safe System Speeds on Urban Arterial Roads: Compendium of Good Practice) which estimates a 60% reduction in crashes.
 - In addition to the injury crashes there were three property damage crashes.
 - The raised intersection would have ramp gradients of around 1 in 20 (less severe than residential street road humps).
 - Widening of footpaths is required on the two western corners to make adequate provision for wheelchair users.
-

18.1 Proposed Black Spot Projects 2017 - 2018 And Traffic Safety Projects 2016 - 2017...(Cont'd)

- Existing gully pits would deal with stormwater; one pit would need relocating.
- Before implementing this project it will be necessary to follow procedures in Section 31 of the *Local Government Highways Act 1982* which involves giving 28 days' notice of the proposal before seeking approval of the Transport Commission.

A sketch of this proposal is included in [Attachment 2](#).

2. Elphin Road/Lyttleton Street, East Launceston - Proposed Central Islands and Turning Restrictions

- Summary of problem being addressed: Six injury crashes (in five years), including two serious, involving cross traffic (three) and rear end (three).
- Proposed works: Central island in Lyttleton Street south, enlarged island in Lyttleton Street north to prohibit right turn in from Elphin Road (south east) and straight across movement from Lyttleton Street south.
- LRSCC Recommendation to Council to support the proposal: five in favour; zero against
- Proposed bid to Black Spot program: \$60,000.
- Benefit/cost ratio: 9.02.

Further information:

- The value of crashes that have occurred at this site is estimated to be \$494,800.
- The works are estimated to reduce the crash record by 50%.
- In addition to the injury crashes there was one property damage crash.
- The exit from Lyttleton Street north is already restricted to left turn only.
- The project will also assist pedestrians crossing Lyttleton Street.
- Before implementing this project it will be necessary to follow procedures in Section 31 of the *Local Government Highways Act 1982* which involves giving 28 days' notice of the proposal before seeking approval of the Transport Commission.

A sketch of this proposal is included in [Attachment 3](#).

3. High Street/York Street/Clarence Street, East Launceston - Proposed aligned right turn lanes

Summary of problem being addressed: Four injury crashes, involving cross traffic (three) and right turn (one).

Proposed works: Aligned right turn lanes in High Street, right turn lane in Clarence Street.

LRSCC Recommendation to Council to support the proposal: 5 in favour; 0 against.

Proposed bid to Black Spot program: \$10,000.

Benefit/cost ratio: 32.35.

18.1 Proposed Black Spot Projects 2017 - 2018 And Traffic Safety Projects 2016 - 2017...(Cont'd)

Further information:

- The value of crashes that have occurred at this site is estimated to be \$492,900.
- The works are estimated to reduce the crash record by 30%.
- In addition to the injury crashes there were seven property damage crashes.

A sketch of this proposal is included in [Attachment 4](#).

B. Traffic Safety Projects 2016/2017

1. Elphin Road, Newstead - Proposed Pedestrian Refuge

Summary of problem being addressed: Pedestrians crossing Elphin Road without protection

Proposed works: Central pedestrian refuge island, including alterations to line-marking, removal of around six parking spaces and realignment of bike lane

LRSCC Recommendation to support the proposal: 5 in favour; 0 against

Estimated costs: \$30,000

Further information:

- The request to provide this crossing has been received from Launceston Preparatory School who engaged consultant GHD to prepare a report investigating issues around the school and recommending solutions.
- The GHD report estimates that around 30 pedestrians would use this crossing each day to access the school (children accompanied by parents). It would also serve trips to other schools and to adjacent bus stops.
- The pedestrian refuge would be on the crown of the hill to maximise its visibility for pedestrians and drivers.
- A bid for funding for this project has been made to the State Growth Vulnerable Road User Program

A plan showing the location of this proposal is included in [Attachment 5](#).

2. Connaught Crescent/Southern Outlet - Proposed line marking changes

Summary of problem being addressed: Difficulty with two lanes of traffic merging into Howick Street east of the Southern Outlet. Concern about vulnerability of pedestrians from vehicles turning right from Maitland Street

Proposed works: Line marking changes to create dedicated right turn lane and left/ahead lane in Connaught Crescent and split lane in Maitland Street

LRSCC Recommendation to support the proposal: 5 in favour; 0 against

Estimated costs: \$5,000

18.1 Proposed Black Spot Projects 2017 - 2018 And Traffic Safety Projects 2016 - 2017...(Cont'd)

Further information:

- The request for the changes in Connaught Crescent was received from Metro and the changes in Maitland Street received from Tamar Bicycle Users Group

A sketch of this proposal is included in [Attachment 6](#).

3. Westbury Road, north of Normanstone Road - Proposed line marking changes (following reseal of Westbury Road)

Summary of problem being addressed: Drivers exiting Normanstone Road thinking traffic is still in two lanes in Westbury Road. Concern about drivers slowing in left lane to turn left into Normanstone Road.

Proposed works: Single uphill lane, central median, dedicated left turn lane into Normanstone Road

LRSCC Recommendation to defer the proposal until the road is resealed: 5 in favour; 0 against

Estimated costs: Minimal if the changes follow the reseal

Further information:

- The proposal would remove around 220 metres of 'overtaking' lane.
- Some concerns have been raised since the changes recently introduced.
- The central median would assist with right turns into residential driveways and the motel.
- Westbury Road is scheduled to be resealed in 2017/18.

A sketch of this proposal is included in [Attachment 7](#).

ECONOMIC IMPACT:

The costs of injury as a result of road accidents are significant to both the community, in terms of emergency service provision and individuals and their families in terms of trauma and disruption.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

18.1 Proposed Black Spot Projects 2017 - 2018 And Traffic Safety Projects 2016 - 2017...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
 Priority Area 2 - A city where people choose to live
 Ten-year goal - To promote Launceston as a unique place to live, work, study and play
 Key Direction -
 3. To contribute to enhanced public health and amenity to promote a safe and secure environment

BUDGET & FINANCIAL ASPECTS:

Black Spot funding is presented below:

Project	Program*	Total Budget	Grant	Council Budget
Charles Street/Frederick Street, Launceston - Proposed Raised Plateau Intersection	✓	\$200,000	\$200,000	
Elphin Road/Lyttleton Street, East Launceston - Proposed Central Islands and Turning Restrictions	✓	\$60,000	\$60,000	
High Street/York Street/ Clarence Street, East Launceston - Proposed aligned right turn lanes	✓	\$10,000	\$10,000	
Elphin Road, Newstead - Proposed Pedestrian Refuge	X	\$30,000	\$30,000	
Connaught Crescent/Southern Outlet - Proposed line marking changes	X			\$5,000
Westbury Road, north of Normanstone Road - Proposed line marking changes	X			\$0 (if implemented following reseal)

* Black Spot ✓

* Road Safety Program X

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

18.1 Proposed Black Spot Projects 2017 - 2018 And Traffic Safety Projects 2016 - 2017...(Cont'd)

ATTACHMENTS:

1. Notes of the Launceston Road Safety Consultative Committee Meeting held on 1 September 2016
 2. Charles - Frederick Streets Proposed Black Spot Project
 3. Elphin - Lyttleton Roads Proposed Black Spot Project
 4. High - York - Clarence Streets Proposed Black Spot Project
 5. Elphin Road, Newstead - Location of Proposed Pedestrian Refuge
 6. Connaught Crescent/Southern Outlet - Proposed Line Marking Changes
 7. Westbury Road, north of Normanstone Road - Proposed Line Marking Changes
-

Attachment 1 - Proposed Black Spot Projects 2017-18

Launceston Road Safety Consultative Committee Meeting - NOTES 1 September 2016

Infrastructure Services Conference Room - Annexe Building - 11.30am - 12.30pm

PRESENT:

Barry Oliver - Community representative Dallas Steers - Metro Allan Bach - Toll Tasmania Garry Bailey - Bicycle Network John Wallander - Tas Motorcycle Assoc	<i>City of Launceston:</i> Harry Galea, Director Infrastructure Services Raj Pakiarajah - Manager Built Environment Nigel Coates - Engineering Officer - Traffic Julie Tyres - Admin Officer - Technical Services
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APOLOGIES:

Alderman Jim Cox Alderman Robin McKendrick Gary O'Keefe - RACT Michael Johnston - Tas Police	Richard Burk - State Growth Steve Richardson - Tas Fire Damien Arkley - Metro Graeme Pitt - Launceston Towing
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(9-11.30am Bus trip to inspect proposed projects)

WELCOME - Harry Galea

1. Black Spot Projects 2016/17

The Launceston Road Safety Consultative Committee noted the following Black Spot projects supported by the Australian Government:

- 1.1 Joffre Street/Dineen Street, Mowbray - Proposal: Roundabout
- 1.2 Bryan Street, Albion Street, Invermay - Proposal: Roundabout

2. Proposed Traffic Safety Projects 2016/17

2.1 Elphin Road, Newstead - Proposed Central Refuge
Proposal: central refuge between Richards Lane and Hart Street (this project will be subject to Vulnerable Road users Program funding)

Questions:

Garry - Would the bike lanes be continuous?

Answer: Yes, but there would be removal of parking

Recommendation: That the LRSCC support the proposal to construct a pedestrian refuge on Elphin Road between Richards Lane and Hart Street

VOTE: *All in favour of proposal (5)*

2.2 Connaught Crescent/Southern Outlet - Proposed line marking changes

Proposal: line marking changes on Connaught Crescent approach to create a dedicated right turn lane

Recommendation: That the LRSCC support the proposal to alter line marking on the Connaught Crescent approach to Southern Outlet to create a dedicated right turn lane..

VOTE: *All in favour of proposal (5)*

2.3 Westbury Road, north of Normanstone Road - Proposed line marking changes

Proposal: line marking changes on Westbury Road to create a single up hill lane, central median and dedicated left turn lane into Normanstone Road

Questions/Comments:

Barry - unless these is proof of accidents - leave as is

Harry - problem may have been exaggerated - proposal on hold - "wait and see", if any action in the future maybe signage will be a consideration.

Raj - Resealing of the road is scheduled in the near future, if one lane system implemented at that time costs would be much less.

VOTE: *VOTE: All in favour of deferring this proposal, take a wait and see approach and when future sealing to reduce the 2 uphill lanes to one lane. (5)*

3. Proposed Black Spot Projects 2017/18

3.1 Charles Street / Frederick Street - Proposed raised plateau intersection

Questions/Comments:

Harry - clarified that what was viewed was only a diagram, not a design drawing; at this stage council will be applying for funding. May develop up a few options, about a year away.

Garry - asked if this treatment succeeds in solving the crash issues

Answer - An Austroads report states 60% reduction in accidents with this treatment at intersections

Dallas - asked if overhead signals at intersections were an option in this case

Answer - State Growth were not in favour of these as the cost of maintenance required extensive traffic management

Recommendation: That Council support an application to the Australian Government's Black Spot Program for funding to design and build a raised plateau intersection at Charles Street and Frederick Street, estimated cost \$200,000.

VOTE: *All in favour of proposal (5)*

3.2 High Street / York Street / Clarence Street - Proposed aligned right turn lanes and additional signal head.

Questions/Comments:

John - queries the purpose of the island on York at High Street

Answer - the crossfall of the road required this island

The project is revised to only include line marking changes, excluding the new signal head.

Recommendation: That Council support an application to the Australian Government's Black Spot Program for funding to design and install new right turn lanes at High Street/York Street/Clarence Street, estimated cost \$10,000.

VOTE: *All in favour of proposal (5)*

3.3 Elphin Road / Lyttleton Street - Proposed new refuge and alteration to existing to restrict cross and turning movements.

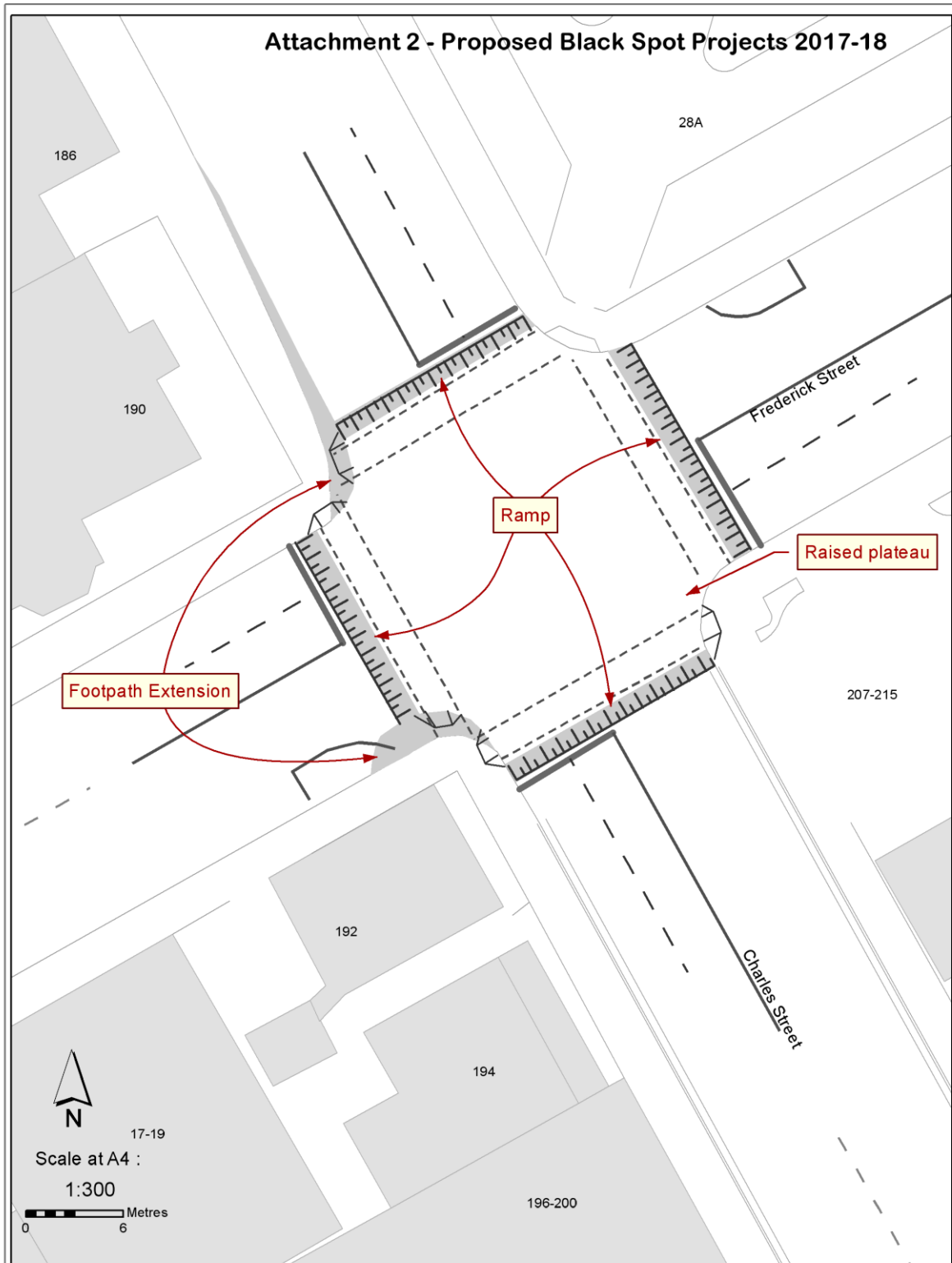
Questions/Comments:

Allan - queried that the traffic then turning right into Dowling Street may create a bank up and delay traffic on Elphin Road

Answer - Nigel will look at 'modelling' results as the project is developed

Recommendation: That Council support an application to the Australian Government's Black Spot Program for funding to design and install a pedestrian refuge and alter an existing island to restrict cross and right turn movements at Elphin Road/Lyttleton Street, estimated cost \$50,000.

VOTE: *All in favour of proposal (5)*



Proposed Black Spot Project
Charles Street/Frederick Street
Raised Plateau

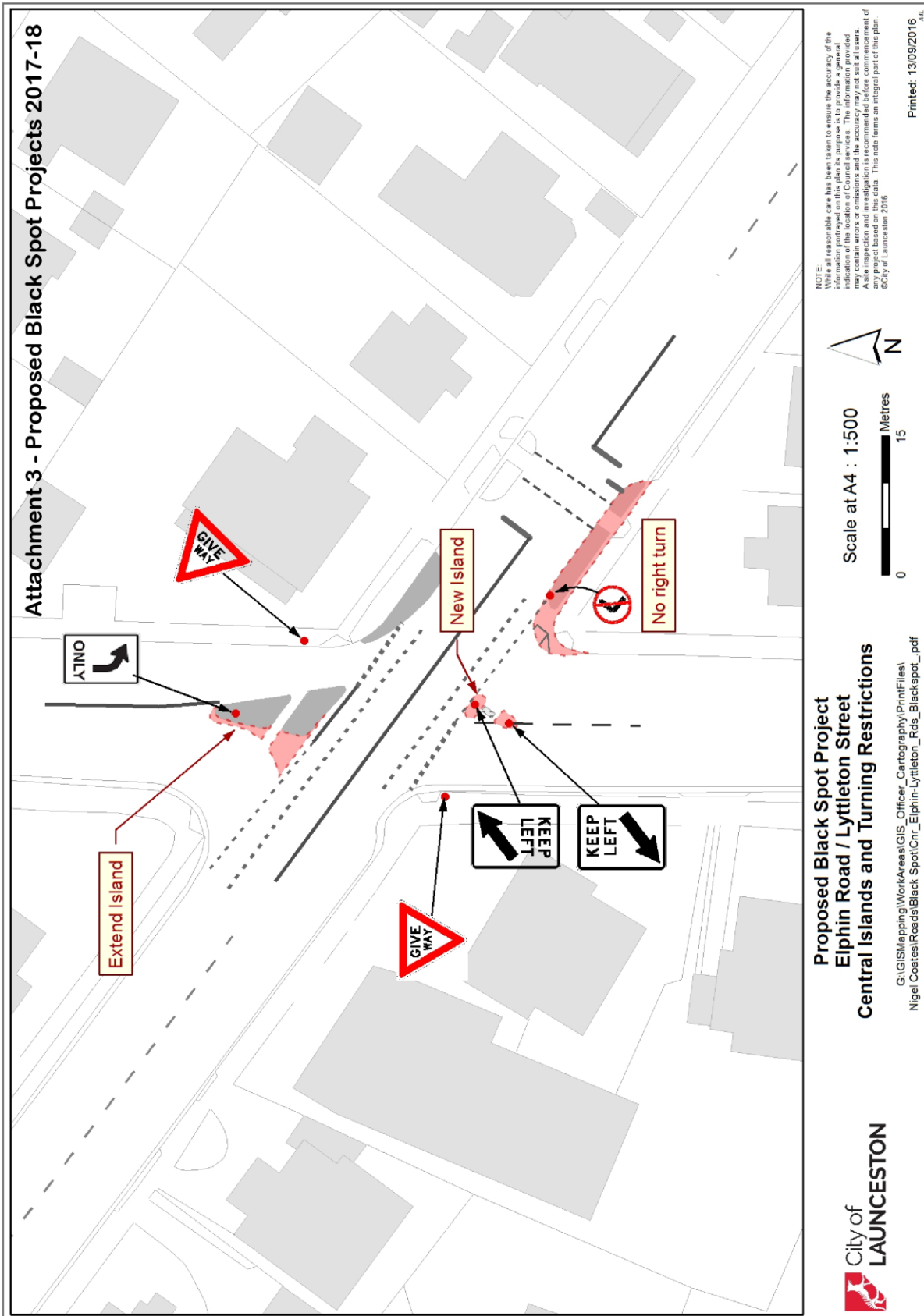
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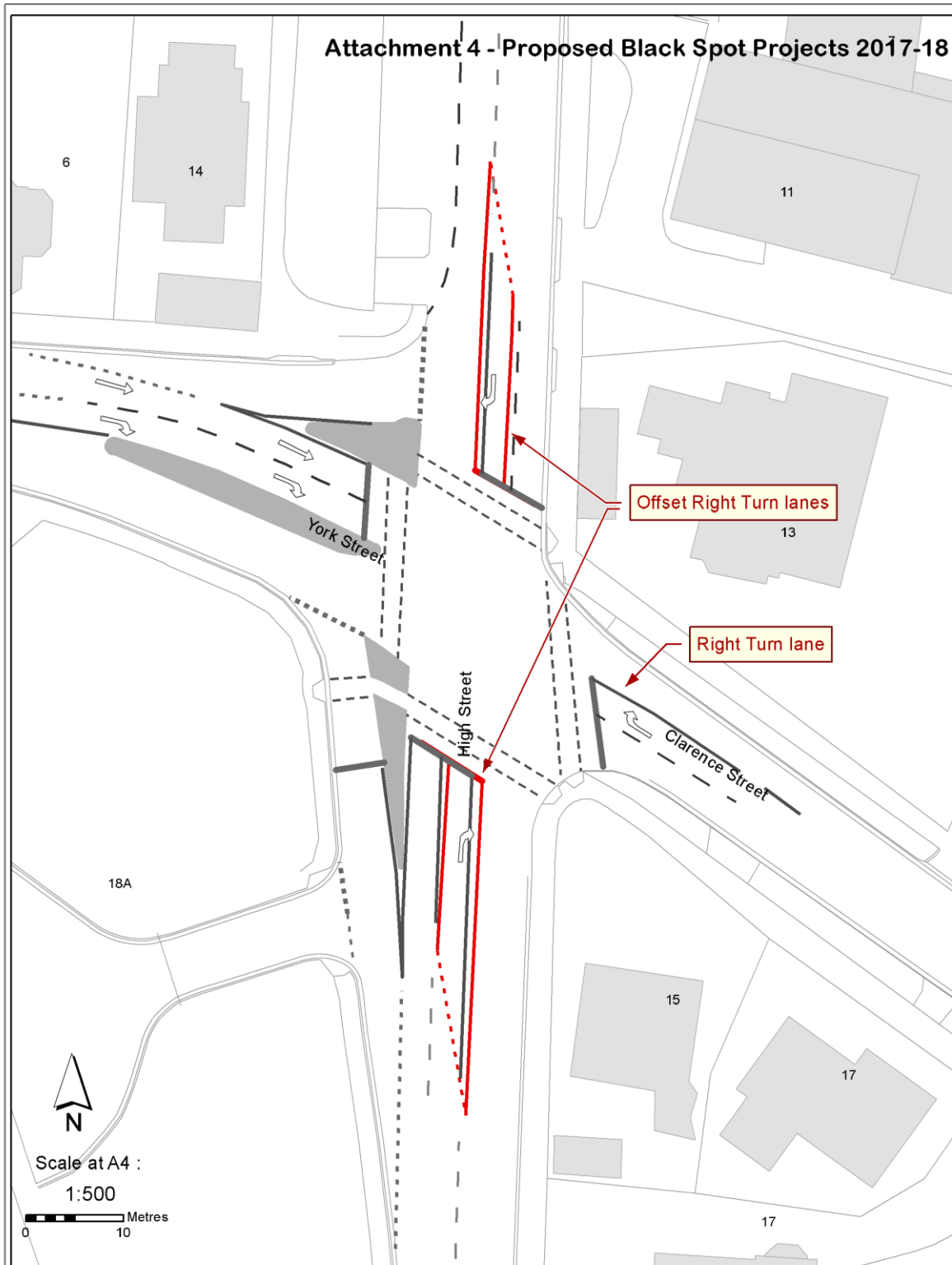


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Roads\Black Spot\Cnr_Charles-Frederick_Sts_Blackspot_.pdf

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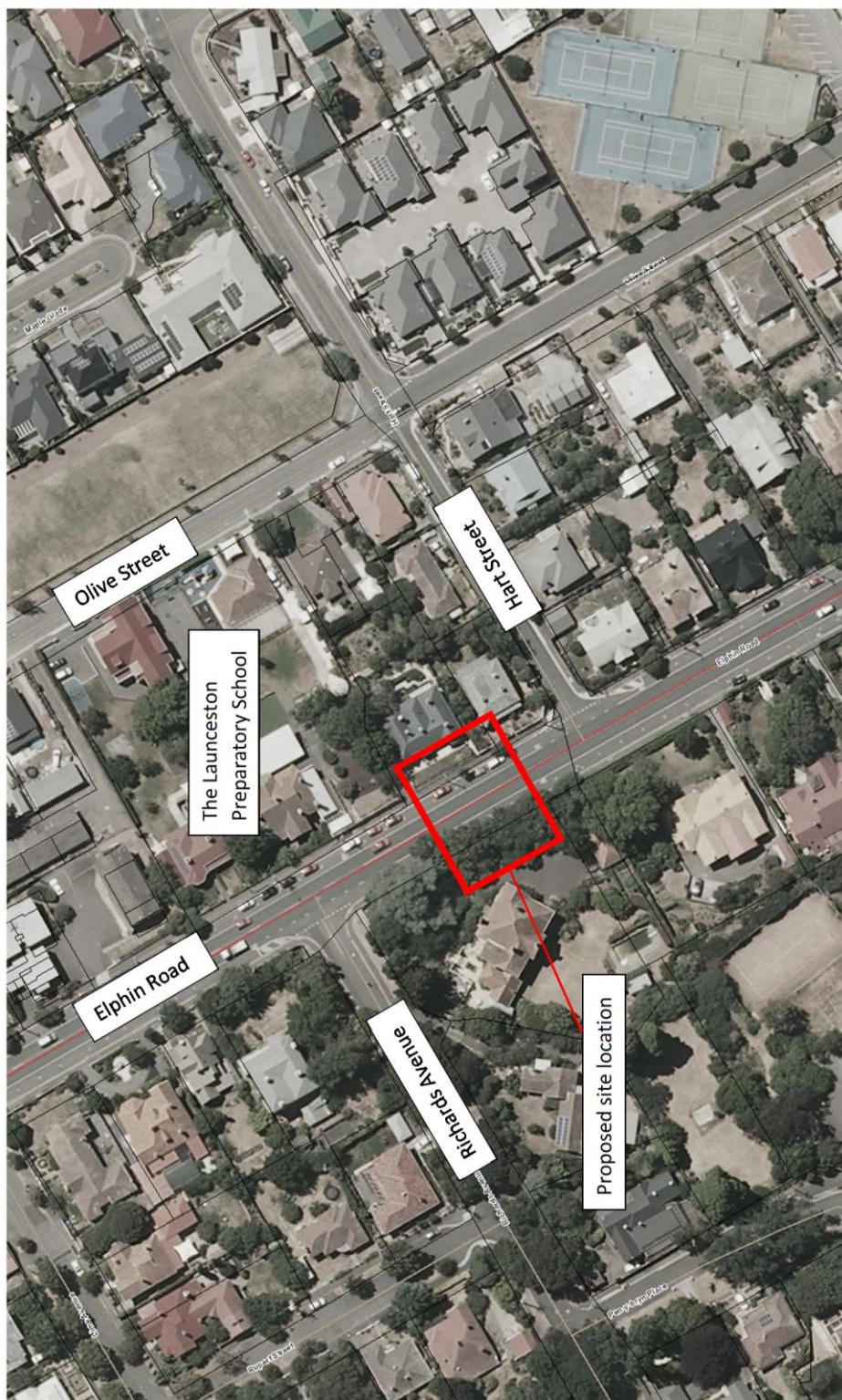


Proposed Black Spot Project
High Street/York Street/ Clarence Street
Right Turn Lanes

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Roads\Black Spot\Cnr_High-York-Clarence_Sts_Blackspot_.pdf

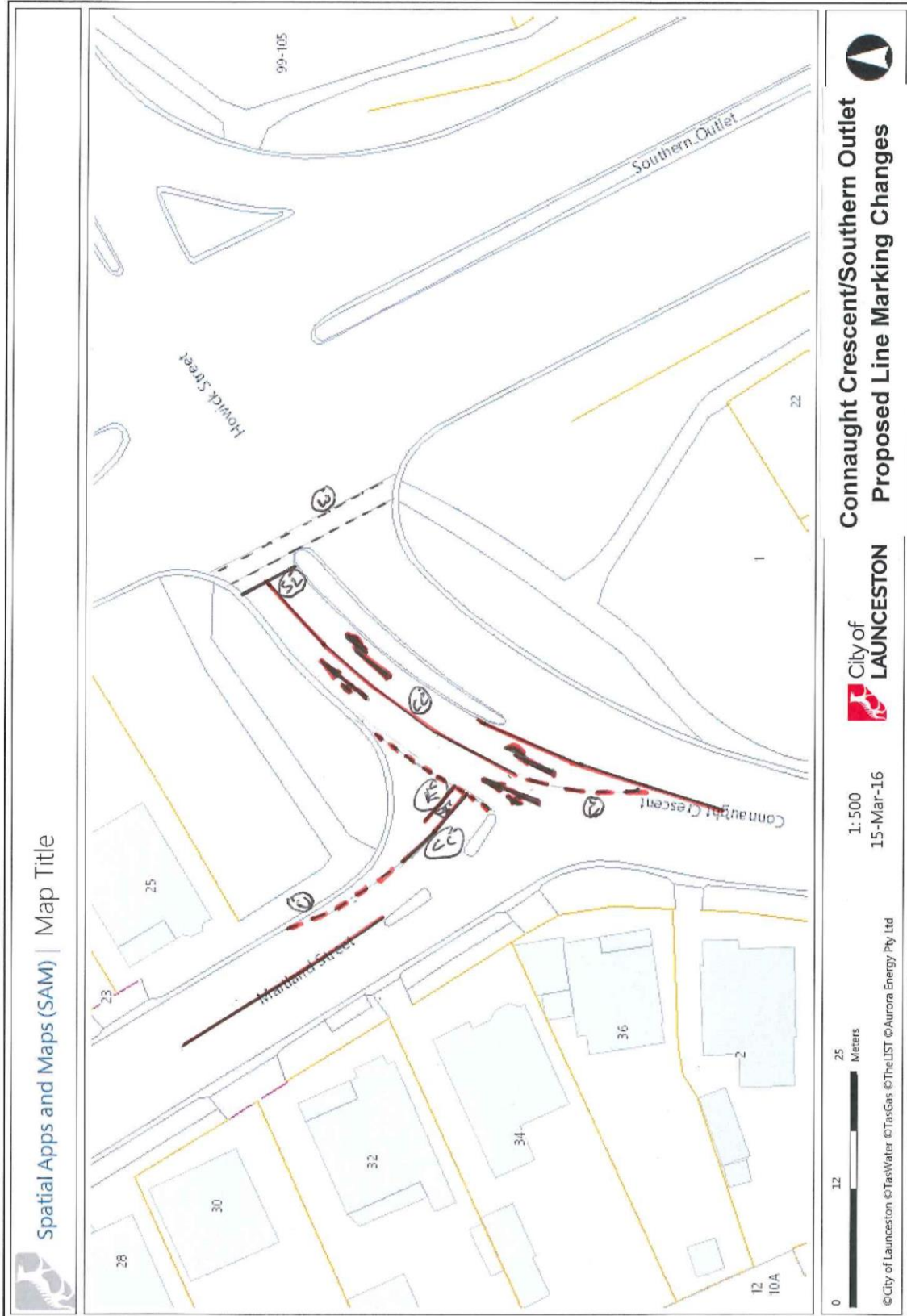
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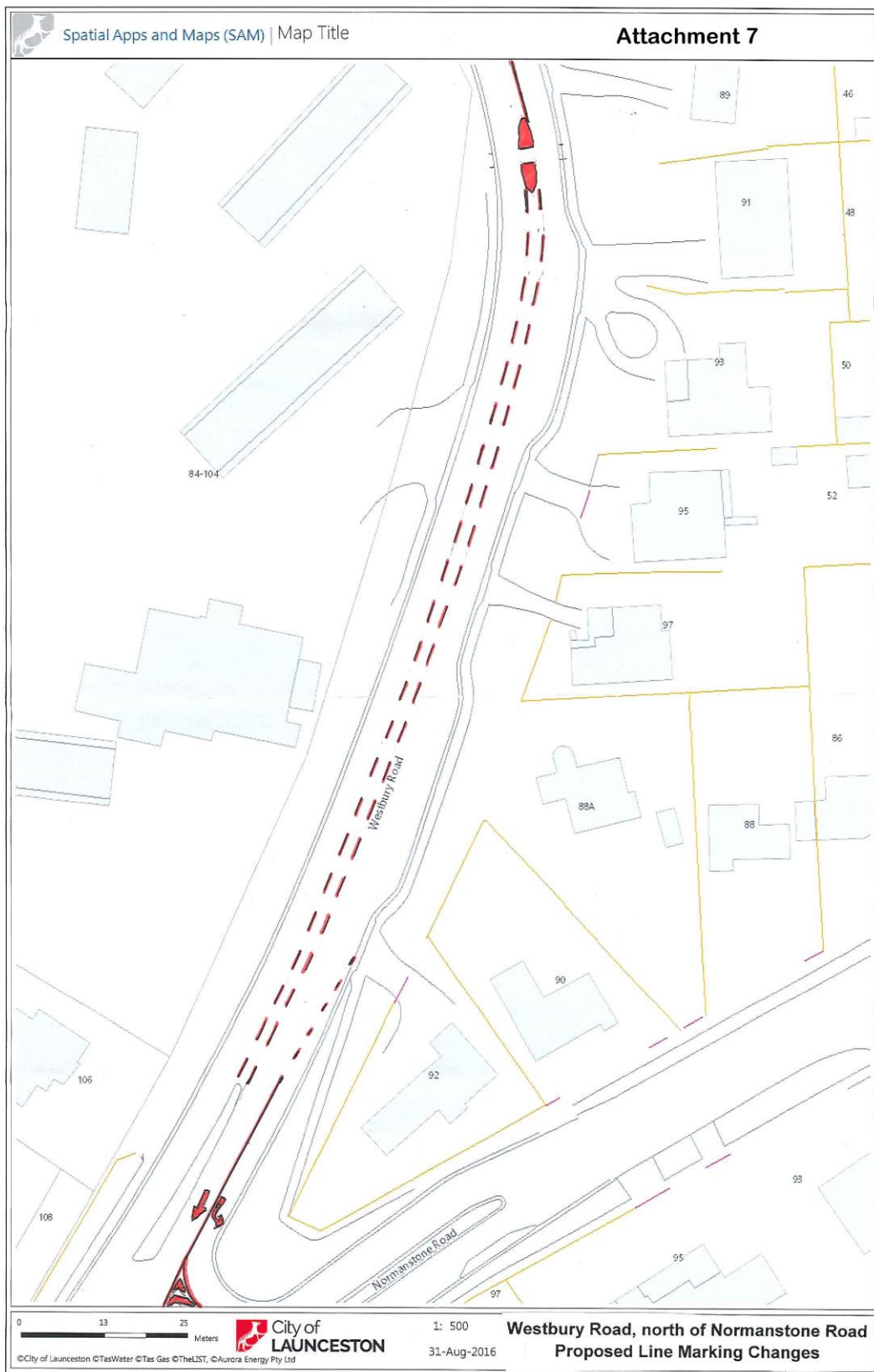
Attachment 5



Elphin Road
Location of Proposed Pedestrian Refuge

Attachment 6





19 CORPORATE SERVICES DIRECTORATE ITEMS**19.1 Activities in Public Spaces (Malls By-Law)****FILE NO:** SF0066**AUTHOR:** Michael Jacques (Senior Corporate Legal Advisor)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider an application for a permit to preach in Brisbane Street Mall and any conditions that might be applied to permits for public speaking more generally.

PREVIOUS COUNCIL CONSIDERATION:

Closed SPPC - 5 September 2016 - Agenda Item 6.2 - Noting that the recommendations have been revised from those originally drafted

RECOMMENDATION:

That Council:

1. That Council offers applicants who are seeking a permit to speak publically other than for the purposes of a commercial promotion, a conditional approval to book space and time to speak:
 - (a) Routinely or regularly:
 - (i) in Prince's Square in the allocated "Speaker's Corner" area during normal retail trading hours (generally 9.00am - 5.00pm Monday to Saturday);
 - (ii) in the Brisbane Street Mall at either end of the Mall alternately each Tuesday and Friday between the hours of 12.00pm and 4.00pm for a maximum period of one hour;
 - (iii) while speaking on a political matter during the conduct of a State, Federal or Local Government election, in Civic Square;
 - (iv) a person who is not seeking to engage in public speaking may display pamphlets, leaflets and other similar materials on political or religious matters in the Brisbane Street Mall or Quadrant Mall. The person is not to make unsolicited approaches to any other person on these matters.
 - (b) for an irregular one-off event not exceeding one day in duration, including a gathering, rally, assembly or protest, in Civic Square.
 2. That Council authorises the General Manager and his delegates to grant, vary, and cancel future permits for this form of activity and to make any decisions as to time, space and other conditions that might be applied to such permits.
-

19.1 Activities In Public Spaces (Malls By-Law)...(Cont'd)

3. That Council notes:
 - (a) the areas designated for the Brisbane Street Mall as shown in Attachment 1 - ECM Document Reference No. 3878149.
 - (b) the terms in Attachment 2 - Public Speaking Permit (non-commercial) - ECM Document Reference No. 3878150 with the key terms reflecting the policy framework from point 1 above.
 4. That Council grants Mr Caleb Corneloup a permit to preach in the Brisbane Street Mall, subject to the terms referred to at point 1 and the availability of a space in the designated area.
 5. That Council in regard to a further request from Mr Corneloup that speakers be allowed to extend their time should no further bookings for the space be made on the day, determines that a maximum time of 1 hour should apply so as to balance the use of and activities in the Brisbane Street Mall and enable the efficient administration of bookings.
 6. That Council adopts a two-step process for allowing people to use a public space controlled by the Council for speaking publically on a matter:
 - (a) Obtain a Public Speaking Permit from the Council's Customer Service Centre; and
 - (b) Book a time to speak within a designated area, subject to availability and permit conditions, through the Council's Customer Service Centre.
-

REPORT:***Background***

On 19 August 2016, a single judge of the Federal Court handed down his decision in relation to a permit application made by Mr Corneloup. The judgement was that:

Our decision to refuse the permit for Mr Corneloup to preach in the Brisbane Street mall is overturned. We are required to consider and determine the applicant's application again.

The Council needs to consider:

- (a) the application of Mr Caleb Corneloup to preach in the Brisbane Street mall, and if granted, what conditions might be imposed; and
 - (b) more generally, the policy for the granting of permits to routinely speak on political or religious matters in areas of the municipality where this is currently restricted.
-

19.1 Activities In Public Spaces (Malls By-Law)...(Cont'd)

The By-laws and Guidelines have been developed to restrict activities that can potentially be disruptive in the malls of Launceston. The Council has intermittently been subject to requests for permits to preach, an activity which could damage the ambience of the areas, which are more suited to passive relaxation.

The main objective of the Malls by-laws is stated in the Regulatory Impact Statement. It is to promote a safe and user friendly environment for the public. It is intended that the controls on use and behaviour detailed in the by-law will provide a behavioural framework for all members of the public.

An applicant, Mr Caleb Corneloup, recently appealed to the Federal Court, seeking a review of a decision to refuse a permit to preach in the Brisbane Street Mall, a decision made in line with Council current Mall Guidelines.

The restrictions, as they were expressed in the Guidelines, did not enjoy judicial favour and were seen by the judge as being applied too inflexibly.

Mr Corneloup tendered evidence at the trial that suggests our current arrangements on public speaking may be more restrictive than several other Australian cities.

Situation

The key issue is how to deal with the competing demands for the use of the busier retail malls in Brisbane Street and the Quadrant. Due to their higher profile and public patronage, the Brisbane Street and Quadrant Malls are the areas being sought by applicants for activity permits.

These areas are not considered to be suitable locations for routine all-day public speaking because:

- The focus of the malls are primarily as a retail space and a relatively quiet area for passive recreation such as outdoor eating;
 - The malls in Launceston are relatively narrow and enclosed by surrounding buildings, enhancing the noise issues in busy periods;
 - Non-commercial and non-recreational uses of the mall, particularly where dealing with matters of potential controversy, can detract from its more frequent use by shoppers and others during economically important trading hours;
 - Groups of people gathering around a public speaker are likely to obstruct the movement of pedestrians around the mall area when it is busy; and
 - Preaching and political speeches obviously cannot be assessed through an auditioning or registration process.
-

19.1 Activities In Public Spaces (Malls By-Law)...(Cont'd)

Against this concern, the right of people to publically express their views on religious and political matter should be accommodated. The implied right of freedom of political communication will be protected if any permit decision goes to judicial review.

Options

There are a number of options for accommodating public speaking in the City. These include:

1. Allowing public speaking as a routine booking in Brisbane Mall and/or Quadrant under terms similar to the current Prince's Square Speaker's Corner conditions and in current busking locations.
2. Allowing public speaking as a routine booking in Civic Square under terms similar to the Prince's Square Speaker's Corner conditions and in current busking locations.
3. No change, retaining "Speaker's Corner" at Prince's Square as the only approved political or religious speaking site.
4. Allow public speaking in a mall location, outside of normal trading hours under terms similar to the Prince's Square Speaker's Corner conditions and in current busking locations.
5. It is recommended that special arrangement be made to accommodate political speaking during elections as previous court judgements place an emphasis on this being a significant time for allowing more open public speaking.
6. Other Areas - it is not recommended that smaller areas such as St John Street be considered as these public thoroughfares are more likely to be obstructed by these activities.

The experience from the recent case is that alternatives other than number 1, are likely to be subject to legal challenge. Based on the risk and costs of such a process and the policies adopted in other cities the first option has thus been adopted as the basis for the recommendation.

ECONOMIC IMPACT:

In suitable areas, the desire of some parties to speak on political or religious matters publicly can be accommodated under certain conditions with minimal economic impact.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

19.1 Activities In Public Spaces (Malls By-Law)...(Cont'd)

SOCIAL IMPACT:

The main objective of the Malls By-law No. 1 of 2010 and the Reserves Parks and Gardens By-law Number 4 of 2009 is to promote a safe and user friendly environment for the public. These By-laws prohibit preaching and political spruiking without a permit.

The restrictions placed on a person's conduct need to be balanced against the rights of freedom of speech and religious expression.

In the light of a recent Federal Court decision *Corneloup v LCC*, this paper suggests ways that we could provide opportunities for freedom of expression in a manner that has a minimal impact on sustaining a safe and user friendly environment for the public in the municipal area.

STRATEGIC DOCUMENT REFERENCE:

The Council's Strategic Plan 2014-2024 has sections that cover 'A diverse and welcoming city' and 'A City that stimulates economic activity and vibrancy'. The legislative reference is:

Section 20 of the *Local Government Act 1993* empowers the Council to:

- (a) to provide for the health, safety and welfare of the community;
- (b) to represent and promote the interests of the community; and
- (c) to provide for the peace, order and good government of the municipal area.

BUDGET & FINANCIAL ASPECTS:

There may be an increased compliance monitoring cost associated with ensuring that the conditions on permits are met.

A specific allocation has not been made for the legal costs involved in this matter. Reallocations will have to be made within the overall budget to cover these costs.

19.1 Activities In Public Spaces (Malls By-Law)...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. Brisbane Street Mall Showing Speaker Areas "H" and "I"
 2. Public Speaking Permit (non-commercial)
-

Permit Holder:
Date of Issue:
Expiry Date:

The holder of this permit is conditionally approved to speak publically in nominated areas until the Expiry Date, subject to the following conditions:

1. The permit holder may speak on a political or religious matters but not for the purposes of commercial promotion.
2. This conditional approval is subject to the availability of an allocated space at the required time. Bookings are to be made at the City of Launceston's Customer Service Centre.
3. Unless advised otherwise, the permit holder may speak:
 - a) in Prince's Square in the allocated "Speaker's Corner" area adjacent to the statue of Dr. William Russell Pugh in the St John Street and Fredrick Street end of Prince's Square, but not on the steps or obstructing the approaches to the steps or any pedestrian walkway during normal retail trading hours (generally 9.00am - 5.00pm Monday to Saturday);
 - b) in the Brisbane Street Mall at either end of the Mall (areas "H" and "I") alternately (see attached map) each Tuesday and Friday between the hours of 12.00pm and 4.00pm for a maximum period of one hour;
 - c) while speaking on a political matter during the conduct of a State, Federal or Local Government election, in Civic Square;
 - d) a person who is not seeking to engage in public speaking may display pamphlets, leaflets and other similar materials on political or religious matters in the Brisbane Street Mall or Quadrant Mall. The person is not to make unsolicited approaches to any other person on these matters; or
 - e) for an irregular one-off event not exceeding one day in duration, including a gathering, rally, assembly or protest, in Civic Square.

The General Manager and his delegated officers may make any decisions as to time, space and other additional conditions that might be applied to such permits.

4. Public Speaking Conditions

- a) **Days and Times** - as stipulated in (3) above.
- b) **Permit** - A Speaker's permit is required to be obtained from the Council's Customer Service Centre. The conditions of use are required to be read and signed by the speaker. The speaker must hold a current permit when making bookings and speaking in the designated areas.
- c) **Booking the space** - The speaker's permit is to be presented to the Council's officer for booking purposes and displayed when speaking at all times.
- d) **Duration per speaker** - 1 hour
- e) **Subject material** - A speaker must ensure that the subject material of their presentation does not breach any law and in particular does not amount to discrimination or prohibited conduct as defined in the *Anti-Discrimination Act 1998*.
- f) **Speaker's behaviour** - A speaker must ensure that the manner in which they present their material and their behaviour or actions are not offensive in nature or capable of inciting hatred, serious contempt or severe ridicule under the *Anti-Discrimination Act 1998*.
- g) **Additional speakers** - Only one speaker is permitted at one time. Should additional speakers wish to alternate with a speaker they also must possess a Speaker's permit and be listed as part of the booking (additional speakers do not constitute additional time allowances being granted; therefore the one hour limit for the group is to be observed).
- h) **Elevation** - A speaker may use a stand/device to elevate themselves when speaking. The height of the stand/device is not permitted to exceed 1 metre from the surface beneath (refer below).

Clause 3.9.2.2 of Volume 2 of the Building Code of Australia provides, as far as relevant, that a continuous balustrade or other barrier must be provided along the side of (as far as relevant) any ramp, balcony, deck or the like if:

- (i) it is not bounded by a wall; and
 - (ii) it is level above the surface beneath is more than 1m.
 - (iii) provided the platform or like is less than 1m in height a balustrade or barrier would not be required.
- i) **No amplification** - Speakers are not permitted to use any form of sound application, including microphones, speakers, CD players and musical instruments.
 - j) **Pamphlets and reading material** - A speaker may display pamphlets and reading material for distribution. The materials are to be displayed in a suitable display device, which can contain an explanatory sign indicating who the

speaker is or who the speaker represents or where the speaker is from, for members of the public to collect at their own free will. Pamphlets and reading materials are not to be hand distributed.

- k) **Advertising Material** - A speaker is not permitted to put up any advertisement, signboard, decoration or other sign in, on or over the allocated Speaker's area.
- l) **Approaching and/or harassing public** - Speakers and persons assisting or accompanying speakers are not permitted to approach or harass members of the public at any time. Interaction between members of the public and speakers or persons assisting or accompanying speakers is only permitted as long as the member of public is participating in the allocated Speaker's area.
- m) **Subscriptions/Donations/Sale of Goods** - A speaker is not permitted to solicit and/or collect donations or subscriptions or offer anything for sale to members of the public in the allocated Speaker's area.
- n) **Obstruction** - Speakers must not obstruct or hinder the passage of pedestrians and vehicles.
- o) **Compliance** - Speakers must at all times observe the conditions of their permit and comply with any lawful direction of a police officer or a Council officer.
- p) **Breaches of conditions** - If in the opinion of the General Manager or his delegated officers, the presentation given by a speaker breaches the conditions of their permit the General Manager, or his delegated officers, may cancel all or any licenses or amend the conditions under which they are held.

I have read and understand the above conditions

Permit holder's Signature

Dated ____ / ____ / ____

Full Name (please print)

19.2 Entrepreneurship and Incubator Hub Initiative**FILE NO:** SF5992**AUTHOR:** John Davis (Manager Corporate Strategy)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the resolutions recommended by the Office of the Coordinator-General required to incorporate the company limited by guarantee that will operate the Innovation Hubs.

PREVIOUS COUNCIL CONSIDERATION:

Council - 22 August 2016 - Agenda Item 19.1 - Entrepreneurship and Incubator Hub Initiative Nomination

Workshop - 19 September 2016 - Not for Profit Incorporation - Innovation Hubs

RECOMMENDATION:

That in order to promote innovation and creativity coordinated across key stakeholders the Council resolves as follows:

1. That a company with the name Enterprize Tasmania Limited (Company) be registered in the State of Tasmania as a special purpose public company limited by guarantee.
2. That the proposed constitution be adopted as the initial constitution of the Company, to the exclusion of the replaceable rules.
3. That each of the following entities will be the initial members of the Company:
 - a. State of Tasmania
 - b. University of Tasmania
 - c. Startup Tasmania Inc
 - d. Detached Cultural Organisation Inc
 - e. City of Launceston
4. That the following individuals will be the initial representatives of the initial members of the Company:
 - a. John Perry (representative of the State of Tasmania)
 - b. Brigid Rosaleen Heywood (representative of the University of Tasmania)
 - c. Casey Farrell (representative of Startup Tasmania Inc)
 - d. Sergei Richard Nestor (representative of Detached Cultural Organisation Ltd)
 - e. Darren Alexander (representative of the City of Launceston)

These appointments will take effect upon the incorporation of the Company)

19.2 Entrepreneurship And Incubator Hub Initiative...(Cont'd)

5. That the following individuals will be the initial directors of the company:
 - a. John Perry (appointed by the State of Tasmania)
 - b. Brigid Rosaleen Heywood (appointed by the University of Tasmania)
 - c. Casey Farrell (appointed by Startup Tasmania Inc)
 - d. Sergei Richard Nestor (appointed by Detached Cultural Organisation Ltd)
 - e. Darren Alexander (appointed by the City of Launceston)

These appointments will take effect upon the incorporation of the Company, subject to the written consent of each of the above persons to become a director of the Company.

6. That the initial chairperson of the Company will be John Perry. This appointment will take effect upon the incorporation of the Company.
 7. That the initial Company secretary will be Dennis Hendriks. The appointment will take effect upon the incorporation of the Company, subject to the written consent of that person to become the Company secretary.
 8. That the liability of the members of the Company initially be limited to a guarantee in the amount of \$10.00.
 9. That the initial registered office of the Company will be Level 1 Cornwall Square, 12-16 St John Street, Launceston in Tasmania, which will also be the Company's initial principal place of business.
-

REPORT:

Council determined, at its Meeting on 22 August 2016, to become a member of the Entrepreneurship and Incubator Hub Initiative and nominated Alderman Darren Alexander as a Director of the soon to be established company.

The Office of the Coordinator-General is currently finalising matters required to incorporate the company limited by guarantee that will operate the Innovation Hubs. In order to proceed, they require some consents from both members and directors. With respect to the members they are seeking to achieve this consent through the circulation of a number of resolutions (Attachment 1) which reflect details of the proposed incorporation. They also require consent regarding the Constitution of the company (Attachment 2) which is included in the recommended resolutions.

The goal of the organisation will be to create space for fledgling companies, individuals and students to work and receive hands-on mentoring and training.

The Council's support of the organisation is based on:

- (a) The potential economic benefit through employment and commercial activity, and
 - (b) The skills development that the collaborative environment provides.
-

19.2 Entrepreneurship And Incubator Hub Initiative...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation

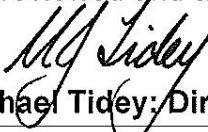
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. Draft Resolutions to Establish the Company
 2. Draft Constitution (distributed separately)
-

Attachment 1 - Draft Resolutions to Establish the Company

Enterprize Tasmania Ltd – Pre-incorporation resolutions

The proposed initial members of Enterprize Tasmania Ltd resolve as follows:

1. **Resolved** that a company with the name **Enterprize Tasmania Ltd (Company)** be registered in the State of Tasmania as a special purpose public company limited by guarantee.

2. **Further Resolved** that the draft constitution attached to these resolutions be adopted as the initial constitution of the Company, to the exclusion of the replaceable rules.

3. **Further Resolved** that each of the following entities will be the initial members of the Company:
 - State of Tasmania
 - University of Tasmania
 - Startup Tasmania Inc
 - Detached Cultural Organisation Ltd
 - Launceston City Council

The consent of each initial member is evidenced by the signature below of that member's duly authorised representative.

4. **Further Resolved** that the following individuals will be the initial representatives of the initial members of the Company:
 - John Perry (representative of the State of Tasmania)
 - Brigid Rosaleen Heywood (representative of the University of Tasmania)
 - Casey Farrell (representative of Startup Tasmania Inc)
 - Sergei Richard Nester (representative of Detached Cultural Organisation Ltd)
 - Darren Alexander (representative of the Launceston City Council)

These appointments will take effect upon the incorporation of the Company.

5. **Further Resolved** that the following individuals will be the initial directors of the company:
 - John Perry (appointed by the State of Tasmania)
 - Brigid Rosaleen Heywood (appointed by the University of Tasmania)
 - Casey Farrell (appointed by Startup Tasmania Inc)
 - Sergei Richard Nester (appointed by Detached Cultural Organisation Ltd)

Darren Alexander (appointed by the Launceston City Council)

These appointments will take effect upon the incorporation of the Company, subject to the written consent of each of the above persons to become a director of the Company.

6. **Further Resolved** that the initial chairperson of the Company will be John Perry. This appointment will take effect upon the incorporation of the Company.
7. **Further Resolved** that the initial Company secretary will be Dennis Hendriks. This appointment will take effect upon the incorporation of the Company, subject to the written consent of that person to become the company secretary.
8. **Further Resolved** that the liability of the members of the Company initially be limited to a guarantee in the amount of \$10.00.
9. **Further Resolved** that the initial registered office of the Company will be Level 1 Cornwall Square, 12-16 St John Street, Launceston in Tasmania, which will also be the Company's initial principal place of business.

Each of the above resolutions is passed by the proposed initial members of the Company, as evidenced by the signatures of their duly authorised representatives below, and each of the resolutions takes effect on and from the date on which the last such representative signs.

Signed for and on behalf of the **State of Tasmania** by its duly authorised representative:

.....
Signature

.....
Date

.....
Full name

.....
Position

Signed for and on behalf of the **University of Tasmania** by its duly authorised representative:

.....
Signature

.....
Date

.....
Full name

.....
Position

Signed for and on behalf of **Startup Tasmania Inc** by its duly authorised representative:

.....
Signature

.....
Date

.....
Full name

.....
Position

Signed for and on behalf of **Detached Cultural Organisation Ltd** by its duly authorised representative:

.....
Signature

.....
Date

.....
Full name

.....
Position

Signed for and on behalf of the **Launceston City Council** by its duly authorised representative:

.....
Signature

.....
Date

.....
Full name

.....
Position

19.3 Budget Amendments 2016/2017 - 15 September 2016**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider changes to the Council's 2016/2017 Statutory Estimates. The decision requires an absolute majority of Council in accordance with Section 82(4) of the *Local Government Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - Agenda Item 9.2 - 15 September 2016 - It was resolved that the item go to Council for a decision.

RECOMMENDATION:

1. That, pursuant to Section 82(4) of the *Local Government Act 1993*, Council approves the following amendments to the Statutory Estimates:
 - a) Revenue
 - i) the decrease in revenue from external grants of \$322,038.
 - b) Operating Expenditure
 - i) the net decrease in expenditure from transfers from Operations to Capital of \$7,081.
 - c) Capital Works Expenditure
 - i) the net decrease in expenditure from external grant funds not received of \$322,038.
 - ii) the net increase in expenditure from transfers from Operations to Capital of \$7,081.
 - iii) the net decrease in expenditure to correct an end of year carry over anomaly of \$200,000.
 2. That Council notes the amendments from point 1 result in:
 - a) the operating surplus (including \$16.079m in Capital grants) being amended to \$17.537m; and
 - b) the capital budget being decreased to \$34.458m.
-

19.3 Budget Amendments 2016/2017 - 15 September 2016...(Cont'd)

REPORT:

The budget amendments are changes to the budget estimates that require a Council decision. The changes relate to external grant revenue, transfers from Operations to Capital, and correction of an end of year carry over anomaly.

	Operations \$'000	Capital \$'000
Statutory Budget	8,025	24,486
Adjustments approved by Council	9,827	10,487
	<u>17,852</u>	<u>34,973</u>
Operations to Capital	7	7
External Funds	(322)	(322)
Capital Carry Over Anomaly Correction		(200)
	<u>17,537</u>	<u>34,458</u>
Deduct Capital Grants and Contributions	(16,079)	
Underlying Operating Budget Surplus	<u>1,458</u>	

The table summarises all of the budget Agenda Items and includes a reconciliation of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

1 a) The following item needs to be reallocated from Operations to Capital.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22426	LCH Activation	\$150,000	\$7,081	\$0	\$142,919
CP23619	LCH Activation Trailer	\$0	\$0	\$7,081	\$7,081
	TOTALS	\$150,000	\$7,081	\$7,081	\$150,000

The project scope of works:

The Major Projects Unit was recently successful in receiving funding of \$7081 through the Stronger Communities Programme to supply and fit out a purpose built double axle trailer with appropriate signage to assist with events and activities as part of the LCH Project and to support community groups and activities within the City of Launceston. Under the Grant Deed we are required to match the funding received (\$7,081), therefore we are requesting that matching funds of \$7,081 be transferred from the LCH Activation budget (Operational Project) into the LCH Activation Trailer capital project.

19.3 Budget Amendments 2016/2017 - 15 September 2016...(Cont'd)

Summary Table

Operations to Capital	Operations	Capital
LCH Activation Trailer	(\$7,081)	\$7,081
TOTAL	(\$7,081)	\$7,081

1 b) The following items have been affected by external funding changes and affect both the Capital and Operations budgets.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G1006712160	External Funds Received	\$0	(\$18,181)		(\$18,181)
CP23602	Ti Tree Play Park	\$0		\$18,181	\$18,181
	TOTALS	\$0	(\$18,181)	\$18,181	\$0

The project scope of works:

This project's implementation in the 2016/2017 financial year is a result of securing federal funding through the National Stronger Communities Program round 2. Of the many projects submitted for the electorate of Bass the Ti Tree Crescent Play Park renewal was selected as a high priority project. Funding contribution provided by the federal government is \$18,181 (GST exclusive) and is matched with a \$20,000 commitment from the City of Launceston. The City of Launceston funds will be transferred from the City Wide Play Space Programme 2016/2017. The impact of this budget amendment will mean that we can meet the grant requirements for Ti Tree Crescent Play Park and result in a reduced budget available to replace any ageing or unsafe city wide play equipment identified during this financial year.

Barry Pickett
A/Parks and Recreation Manager

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G1006712160	External Funds Withdrawn	(\$250,000)	\$250,000		\$0
CP23545	Reimagining the Gorge	\$500,000		(\$250,000)	\$250,000
	TOTALS	\$250,000	\$250,000	(\$250,000)	\$250,000

19.3 Budget Amendments 2016/2017 - 15 September 2016...(Cont'd)

The project scope of works:

The existing \$500,000 budget allocated to this project is made up of \$250,000 internal Council budget and \$250,000 External Funds to be received that was anticipated from Government funding and/or grant contribution. Unfortunately there have been no external funds secured for this project this financial year. Please remove the External Funds to be received from the budget. The impact of this reduced budget will result in review of the Integrated Planning Model tasks listed within the Reimagining the Cataract Gorge Final Plan for the 2016/2017FY to the total estimated sum of \$697,000 and ultimately the prioritisation and significant reduction to the scope of tasks that can be met with the limited funds available.

Barry Pickett
A/Parks and Recreation Manager

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10059.12160	External Funds Museum	(\$194,600)	\$0	\$97,300	(\$97,300)
CP23511	Gallery of the First Tasmanians	\$681,138	\$97,300	\$0	\$583,838
	TOTALS	\$486,538	\$97,300	\$97,300	\$486,538

The project scope of works:

The Gallery of the First Tasmanians will be a new permanent exhibition at the QVMAG to provide educational and cultural resources about the Tasmanian Aboriginal culture. \$97,300 of Grant Funds were received earlier than expected from the Tasmanian Community Fund in June 2016 and by this stage the same \$97,300 was already formulated into the 2016/2017 Capital Budget for approval by Council. The amendment corrects the anomaly restoring the capital budget to a total of \$583,838 (Council funding \$291,938, grant funding \$291,900) which was the original budget developed in the grant deed.

Richard Mulvaney
Director QVMAG

19.3 Budget Amendments 2016/2017 - 15 September 2016...(Cont'd)

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10010.12160	External Funds General	\$0	\$7,081	\$0	(\$7,081)
CP23619	LCH Activation Trailer	\$7,081	\$0	\$7,081	\$14,162
	TOTALS	\$7,081	\$7,081	\$7,081	\$7,081

The project scope of works:

The MPU was recently successful in receiving funding of \$7081 through the Stronger Communities Programme to supply and fit out a purpose built double axel trailer with appropriate signage to assist with events and activities as part of the LCH Project and to support community groups and activities within the City of Launceston.

Dale Sinfield
Director Major Projects

Summary Table

External Funding	Operations	Capital
Ti Tree Play Park	(\$18,181)	\$18,181
Reimagining the Gorge	\$250,000	(\$250,000)
Gallery of the First Tasmanians	\$97,300	(\$97,300)
LCH Activation Trailer	(\$7,081)	\$7,081
TOTAL	\$322,038	(\$322,038)

1 c) The following \$200,000 amendment corrects a 2015/2016 end of year Capital Budget carry over anomaly.

This \$200,000 reduction in the 2016/2017 capital budget is necessary to correct a budget carry over anomaly at 30 June 2016 relating to the completed Kings Meadows High School Detention Basin. The anomaly originated as a result of grant funds received in early 2016/2017 which were expected before 30 June 2016.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
 Priority Area 8 - A secure, accountable and responsive Organisation
 Ten-year goals - To continue to ensure the long-term sustainability of our Organisation
 Key Directions -
 6. To maintain a financially sustainable organisation

19.3 Budget Amendments 2016/2017 - 15 September 2016...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

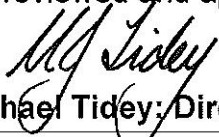
Dealt with in the body of the report.

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

20 GENERAL MANAGER'S DIRECTORATE ITEMS**20.1 Northern Tasmania Development Corporation****FILE NO:** SF3139**AUTHOR:** John Davis (Manager Corporate Strategy)**GENERAL MANAGER:** Robert Dobrzynski

DECISION STATEMENT:

To consider the proposal to:

- (a) wind up Northern Tasmania Development Inc, and
- (b) establish a successor organisation being a company limited by guarantee.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 19 September 2016 - Northern Tasmania Development Corporation

RECOMMENDATION:

That Council:

1. Supports the winding up of Northern Tasmania Development Inc and the transfer of assets and liabilities to the successor organisation.
 2. Supports the successor organisation being titled the Northern Tasmania Development Corporation Limited, a company limited by guarantee.
 3. Becomes a member of Northern Tasmania Development Corporation Limited on and from 1 January 2017.
 4. Endorses the Northern Tasmania Development Corporation Limited Constitution (ECM Document Reference No 3877559).
 5. Endorses the Northern Tasmania Development Corporation Limited Shareholder Agreement (ECM Document Reference No 3877560).
-

20.1 Northern Tasmania Development Corporation...(Cont'd)

6. Approves funding commitments based on the following formulae as set out in clause 14.3 of the proposed Shareholders Agreement:

Member Contribution = Fixed Component plus the variable component

Where:

The Fixed Component is based on three population bands

Less than 5,000 people = \$4,000

Between 5,001 and 10,000 people = \$8,000

More than 10,000 people = \$16,000

And:

The Variable component of \$2.38 per head of population

With:

Both the Fixed Component and the Variable Component subject to annual adjustment based on the Consumer Price Index.

REPORT:

There have been ongoing discussions over an extended period between the Council and Northern Tasmania Development Inc (NTD) about the best way to improve regional economic outcomes. This has culminated in the proposal recommended to Council which is, in part, to wind up NTD and form a successor organisation that would be limited by guarantee. The proposed title for the successor company is Northern Tasmania Development Corporation Limited (NTDC).

As a member of NTD and a proposed member for NTDC, and to enable the transition to the new company, the City of Launceston will be required to support the new arrangements, endorse the proposed Constitution (Attachment 1) and Stakeholder Agreement (Attachment 2) and approve the funding commitments to be calculated as per clause 14.3 of the Shareholder's Agreement over a period of three consecutive years from the date that the funding commences, with a review to be undertaken at the conclusion of each three year cycle.

Also attached, to assist with the decision making process, are the Statement of Purpose (Attachment 3) and a paper outlining the NTDC new governance model FAQs (Attachment 4).

20.1 Northern Tasmania Development Corporation...(Cont'd)

Obligations of Council under the *Local Government Act 1993 (Tas)* (the Act)

According to the Act, under Section 21, **Enterprise Powers**, the following relevant clauses should be noted:

(1) In carrying out any of its functions, a council may –

- (a) form or participate in the formation and operation of a corporation, trust, partnership or other body; and*
- (b) subscribe for, or otherwise acquire and dispose of, shares in or debentures or other securities of a corporation; and*
- (c) become a member of a company limited by guarantee; and*
- (d) subscribe for, or otherwise acquire and dispose of, units in a trust; and*
- (e) acquire and dispose of an interest in a partnership or other body; and*
- (f) enter into partnership or into any arrangement for sharing of profits, union of interest, cooperation, joint venture, reciprocal concession or otherwise, with any person carrying on, or engaged in, or about to carry on or engage in, any business or transaction capable of being conducted so as to directly or indirectly benefit the community; and*
- (g) undertake a project or activity not directly authorised by this or another Act for the purpose of raising revenue.*

(1A) A motion by a council to exercise any of its powers under subsection (1) must be accompanied by a statement of the objectives of the exercise of that power.

There are also other obligations to inform the Minister if expenditure into the enterprise of at least \$250 000 or 5% or more of its general rates revenue for the previous financial year is at stake (S21(2)), but this decision does entail this quantum of expenditure.

Statement of the objectives for Council to exercise its powers pursuant to S21(1A) of the Act

The stated purpose and objectives for the Northern Tasmanian Development Corporation (NTDC) are as follows (as set out in the attached NTDC Constitution and Shareholder Agreement):

20.1 Northern Tasmania Development Corporation...(Cont'd)

NTDC will provide pro-active regional leadership, that is engaged with business and the shareholders to consolidate an agreed vision and implement a strategic economic action plan based on the Northern Regional Futures Plan framework.

The primary objectives of the NTDC are to:

- (a) provide pro-active, engaged and strategic regional economic leadership;
- (b) consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation's Members encompass;
- (c) implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and
- (d) provide effective representation and advocacy to State and Federal Government and other stakeholders.

As an incumbent member of the Northern Tasmania Development Association Inc, Council has been involved in all considerations about the incorporation of that entity into the NTDC, pursuant to the Act. It is considered by Council that the Council, the Municipality and rate payers generally, will benefit from the incorporation of NTDC. The organisation will effect direct and material economic, employment, and investment outcomes, and contribute indirectly to social and community benefits as a consequence of NTDC achieving the objectives that it will be set up to achieve.

ECONOMIC IMPACT:

It is expected that the NTDC will be able to capitalise on three current key industry strengths: food and agribusiness, tourism and competitive manufacturing, with a tangible outcome being an increase in the average weekly pay packet across the region of \$100.

ENVIRONMENTAL IMPACT:

Appropriate economic activity builds the capacity to maintain and enhance the local environment.

SOCIAL IMPACT:

If NTDC meets its objectives, there will be more income across the region and a reduction in persons and families experiencing financial disadvantage.

20.1 Northern Tasmania Development Corporation...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 7 - A city that stimulates economic activity and vibrancy

Ten-year goal - To develop a strategic and dedicated approach to securing economic investment in Launceston

Key Directions -

1. To actively market the City and Region and pursue investment
2. To provide an environment that is conducive to business and development
3. To promote tourism and a quality Launceston tourism offering
4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar
5. To support sustainable population growth in Launceston
6. To facilitate direct investment in the local economy to support its growth

BUDGET & FINANCIAL ASPECTS:

Director Corporate Services - Michael Tidey

The contribution to the NTD under the existing arrangement for the Council is \$170,681 (exc GST) for the 2016/2017 financial year.

The Shareholders Agreement in clause 14.3 provides the following details for the calculation of the Members annual contribution for 2016/2017 as the base year:

Member Contribution	=	Fixed Component plus the Variable Component
Fixed Component	-	based on a population of more than 10,001 is \$16,000
	-	to be annual indexed by CPI
Variable Component	-	\$2.38 per head of population
	-	to be annual indexed by CPI
Member Contribution	=	\$16,000 + (67,000 x \$2.38)
	=	\$16,000 + \$159,460
	=	\$175,460

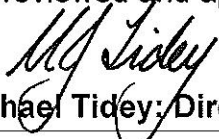
(The difference of approximately \$5,000 may relate to a slightly different population estimate. The Council contribution for 2016/2017 will be \$170,681 as previously determined.)

20.1 Northern Tasmania Development Corporation...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

ATTACHMENTS:

1. NTDC Constitution (distributed electronically)
 2. NTDC Shareholders Agreement (distributed electronically)
 3. NTDC Statement of Purpose
 4. NTDC New Governance Model FAQs
-

Statement of Purpose – a Regional Economic Development Organisation in Northern Tasmania

Background

The North and North East has been lagging behind the rest of the State when it comes to employment growth, youth unemployment, productivity, and overall economic performance. There is agreement that this performance is unacceptable and needs to be urgently addressed.

The current economic lead indicators in the Northern region are unacceptable and having aspirational targets without agreed priorities and implementation plans is also unacceptable - as is doing nothing. We cannot rely on one big investment or the general economy to improve, there has to be leadership and change now. Worst case scenario planning paints a bleak picture for the Northern economy and for our quality of life.

Feedback from key State and Commonwealth stakeholders indicates that one of the reasons is due to the failure of the region to present agreed positions when advocating for investment, and articulate its consistency on regional priorities, the region underperforms and is not maximising on its economic outcomes.

The Northern Regional Futures Plan for the North recommends that we capitalise on three current key industry strengths (i.e. known as pillars): Food and Agribusiness; Tourism and Competitive Manufacturing.

The plan also indicates the need to foster other emerging industries to help achieve these economic aims. Two emerging sectors already identified as economic and social drivers within the region are Health and Community Services and Education.

Targets

The North and North East is targeting major improvements to its economic performance over the next 10 years to 2026. By increasing our **Gross Regional Products (GRP) by 5% pa to 2026, compared to 0.5% pa over the past 10 years and below Tasmania's growth over this period (1.05% per year)**.

We need to create 8,000 new jobs over the same period to reduce our unemployment rates below the national average, and we need to place particular emphasis on our issue of high youth unemployment that has reached the 18-19% range in recent months.

To see the **average weekly pay packet across the region increase by \$100 (in real terms) by 2026**, and in recognising the variation in incomes across multiple sectors, we need a priority placed on improving productivity and the development of private sector higher value jobs. This will allow for more discretionary income to be spent on services and products in our region. It is also understood these targets need to be revised and reviewed annually as conditions change and new data becomes available.

A Case for Change

We cannot afford to maintain a 'business as usual' approach and expect a different result. The perceived lack of coherence across the region sends confused and contradictory messages, this in turn creates doubt about the merit of both private and/or government investment. Doubt leads to either inaction or a suggestion that a new strategy or study is required.

It is noted in the Bill Fox Report that "the North spends too much time planning and not enough doing".¹

All influential stakeholders should be provided with an opportunity to share a common goal. One which puts the region's sustainable economic performance at the centre of any priorities. This means

¹ Review of Regional Bodies in Northern Tasmania – Final Report February 2016

² Competitiveness and the Role of Regions by Prof. Michael E. Porter 2002

Statement of Purpose – a Regional Economic Development Organisation in Northern Tasmania

parochialism and intra-sector competition needs to be discarded. The region's stakeholders need to place greater value on collaboration and co-operation to achieve outcomes with a unity of purpose.

Co-ordinating industry groups based on contemporary models of collaboration² around our industry pillars will encourage sharing experiences and knowledge, and better define impediments (to remove barriers) with the purpose of increasing productivity, resource sharing, and increasing resilience and sustainability within the sectors.

A regional economic development organisation for the North has a major role to:

- Facilitate the skills development requirements across the sectors;
- Identify and plan to address impediments/enablers within the region;
- Support and advocate for the most important enabling infrastructure projects; and
- Communicate opportunities for the private and community sectors.

Purpose

The new organisation is required to provide pro-active regional leadership, that is engaged with business and the shareholders to consolidate an agreed vision and implement a strategic economic action plan based on the Northern Regional Futures Plan framework. The organisation needs to be a strong advocate to government and investors to promote the region. It is understood that the regional city of Launceston, is dependent on the success of the North's regional towns and rural areas success and vice-versa.

The organisation will be governed by a skills-based board and independent chair, with the majority of membership coming from the private and community sectors.

The inaugural funding will comprise the current funding model of Northern Tasmania Development i.e. member Councils as major shareholders. It will be the intent of the new organisation to raise other funding support from other private and government sources, which must also be strategically aligned. Not funding without focus on the outcomes and accountabilities set by Council shareholders.

The new organisation will also adopt a process to determine the top regional priorities and to give these the necessary focus to ensure successful outcomes. This will be achieved through the following:

- must be strategic, research-based and market-driven,
- must be socially and environmentally considerate;
- prescribing the 'what', 'how' and 'when' of success;
- better engagement/connection with the business sector and the broader community;
- aligning projects with State and Federal priorities; and
- promoting private sector investment.

The 'How' of the New Organisation

It is agreed that meeting KPIs and outcomes will be particularly important for the new organisation, as is the 'how'. The need to be an exemplar of contemporary best practice and collaboration throughout the region is a must.

This can be underpinned by staff secondments between agencies and co-location with other pro-active agencies to ensure the new organisation exposes as many stakeholders as possible to contemporary and innovative practices.

¹ Review of Regional Bodies in Northern Tasmania – Final Report February 2016

² Competitiveness and the Role of Regions by Prof. Michael E. Porter 2002

NTDC NEW GOVERNANCE MODEL - FAQs as at 7 September 2016



- 1 **Q. What are the primary objectives of the new organisation?**
A. The New NTDC will be an engaged, pro-active and strategic regional economic development organisation facilitating collaboration and co-ordination in the North. NTDC will also be a strong advocate to government and investors in promoting the region. The new organisation's objectives are:
 - provide pro-active, engaged and strategic regional economic leadership;
 - consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation's Members encompass;
 - implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and
 - to provide effective representation and advocacy to State and Federal Government and other stakeholders.

- 2 **Q. What is the purpose of a new NTDC Board?**
A. It is the intention that Board will be drawn from the private sector and community leaders in our region. Their job will be to fulfil the requirements of the shareholders by meeting set KPIs based around the Northern Regional Futures Plan Goals, or similar. It is likely that NTDC Board will initiate forming project groups by industry priority sectors that drive our economy (Food/agriculture; Competitive Manufacturing; Tourism; Health and Community Services; and Education).

The type of issues the NTDC Board and project groups will consider include:

 - Facilitating the skills development requirements across the sectors;
 - Identifying and addressing impediments/enablers within the region;
 - Supporting the most important enabling infrastructure projects; and
 - Communicating opportunities to the private and community sectors.

- 3 **Q. How often will Shareholders meet?**
A. The new NTDC Board will report back to Shareholders on a semi-annual (twice yearly) basis and one of these meetings will be in the lead up to the annual planning development of NTDC. This will allow Shareholders the opportunity to provide input to priorities and issues for consideration by NTDC.

It is also intended that Council Shareholders (by majority vote) can request an issue be considered by the NTDC Board at their next meeting and report back prior to the following meeting.

- 4 **Q. What funding cycle commitment is being requested by the new organisation?**
A. That current Council members of NTD agree to fund the new NTDC for a three year period from 2017-18 to 2019-20 inclusive based on the formula outlined in point 6 as the minimum level of funding, with 12 months-notice provided to the organisation if a member wishes to withdraw their membership.

5 **Q. What is the base amount of funding for the organisation to be viable?**

A. The current budget for NTD of approximately \$400,000 pa or 25 shares (of the new NTDC). This is based on the current formula for funding to NTD by member Councils. Council shareholders can apply to increase their shareholding if desired by increasing the annual allocation.

The current (and proposed future) financial contributions to NTD are based on the formula that takes into account a fixed and variable component (including population of the municipality). This amount then increases annually by the Hobart CPI.

6 **Q. Why does this differ from the \$750,000 budget proposed in the Bill Fox Report?**

A. Meetings have been held with State Government representatives who have indicated little interest in becoming a shareholder of the organisation. However there is an expectation that a pro-active, engaged and strategic NTDC is likely to attract project funding to deal with issues like those outlined in question 2.

There will also be some shares available (up to 18 shares) for other organisations/entities to become members if the majority of current members agree and they meet other criteria.

7 **Q. How will the shares be allocated?**

A. Based on 2016-17 financial contributions by current members, the share allocation would be as follows:

- Break 'O Day – 2 shares
- Flinders – 1 share
- George Town – 2 shares
- City of Launceston – 9 shares
- Meander Valley – 4 shares
- Northern Midlands – 3 shares
- West Tamar – 4 shares

Total 25 shares

Dorset Council will be encouraged to become shareholders of NTDC and **two (2) shares** have been set aside for this purpose. A total of 45 shares would be available to NTDC which would allow another 18 shares to be allocated for other entities to become shareholders of the organisation as long as they meet the objectives of the organisation, pay their dues, and the majority of current shareholders agree. However, it is not the intention for the current members/shareholders to lose control of the NTDC.

- 8 **Q. Can the organisation obtain, or seek to obtain, any debt funding for any purpose?**
A. According to 15.1 of the Shareholders Agreement – this cannot occur without a unanimous resolution of member Shareholders.
- 9 **Q. What is the criteria for membership of the new organisation?**
A. Current Member Councils are the Initial Members of the new company, however anyone is eligible to become a member as long as they:
1. Support the purpose and objectives of NTDC;
 2. Are willing to become bound by the Constitution of NTDC and any other written instrument or obligation purporting to bind Members; and
 3. Pays an application of money for membership or for the issue of shares; and
 4. Is formally approved by the majority of Shareholders.
- 10 **Q. Who are the representatives of the Council Shareholders?**
A. Council Shareholders will be represented by the Mayors of each of the Council Shareholders, or a proxy as requested. At Shareholder meetings the usual method of voting is for each member/shareholder to vote on a motion based on one member = one vote. However, if a party with multiple shares is unhappy with the outcome of a vote they can insist on a poll which would equate to a number of votes = number of shares.
- 11 **Q. Is there any requirement provided for executive powers initially for the Chair position?**
A. The statutory requirements of the Corporations Law requires a minimum of three Directors. The new NTDC is not planned to commence until 1 January 2017. The current timelines (see Q 17) provides for the appointment of the Chair and the Directors prior to the 1st of January 2017. If for some reason the appointment of Directors is delayed, it is possible that shareholders decide to appoint appropriate person/s to step in as Directors for a short period until the appointments have concluded.
- 12 **Q. Do Shareholders have the capacity to remove the Chair and/or Board?**
A. Yes, if a majority of shareholders are unhappy with the performance of a Director, the Chair, or the whole Board they can be removed.
- 13 **Q. Who will make up the Selection Committee for the recruitment of the new Chair?**
A. The following representatives were approved at the LGC meeting on 2 September:
1. A Council Shareholder representative (the Local Government Committee appointed Robert Dobrzynski of the City of Launceston)
 2. A senior business representative (to be nominated by the Chamber/s and the Council members in the region and appointed by the Implementation Committee); and
 3. A representative from the Implementation Committee (nominated by the Implementation Committee).

It has been requested that the issues of diversity and the understanding of the geographic spread of the region are to be considered when appointing the other two members of the Selection Committee.

- 14 **Q. What is the criteria for selecting the Chair of the Board?**
A. The criteria to be considered by the Selection Committee are as follows:
- Strong leadership and communication skills.
 - Competency and experience in chairing meetings and facilitating discussion.
 - Competency and contemporary experience in business, marketing, finance and corporate governance.
 - Strategic planning skills.
 - Sound understanding of shareholder issues, be politically astute, with the ability to build trust and confidence with shareholders, stakeholders and the community.
 - Commitment and connection to the region.
 - Experience of the priority industries as highlighted in the Northern Regional Futures Plan.
 - Ability to drive an agreed vision and a strategic economic development plan for the region to meet shareholder outcomes (through KPIs).
 - High levels of Emotional Intelligence and the capacity to adopt best practice collaborative processes.
 - Ability to build linkages between other regions and engage State wide.
 - Undertaken Director education such as Australian Institute of Company Directors Course or similar.
- 15 **Q. Is there any remuneration for the roles of the Chair and/or Directors?**
A. Yes, Council Shareholders will offer up to \$30,000 per annum to secure a highly skilled independent Chair. It is recognised that in the first 12 months the Chair will be required to invest many hours into the new organisation to appoint a CEO and gain the confidence of Shareholders and stakeholders.
- Board Directors (other than the Chair) will be paid a nominal sitting fee.
- 16 **Q. What is the criteria for Directors of the skills-based Board?**
A. Directors will be selected on the basis of the following:
- A spread of skills that would ‘value-add’ to the NTDC’s objective of implementing an economic action plan based on the industry priorities listed in the Northern Region Futures Plan;
 - Plus general Board Director skills such as: previous board experience; understanding of contemporary governance issues; financial literacy; political sensitivity; commercial acumen; and
 - local knowledge and connection in the Northern Tasmanian region; and
 - selection of Directors must also reflect diversity and understanding of the geographic spread of the region.

- 17 Q. **What are the important milestones/timings in moving to the new organisation?**
A. **2 September** – St Helens – General Meeting – included consultation and discussion of the legal documents and John Kirwan of Implementation Committee attended to provide background on the Implementation Committee’s Report and recommendations.

Week of 5 September – make any suggested changes to (legal) documentation from 2 September meeting.

Month of September – Finalise support of each Council – timing as follows:

- 5 September – Northern Midlands Workshop
- 7 September – George Town Workshop
- 8 September – Flinders Workshop
- 12 September – BODC
- 13 September – Meander Valley
- 19 September – Northern Midlands
- 19 September – Launceston Council Workshop
- 20 September – West Tamar Workshop and Meeting
- 21 September – George Town
- 22 September – Flinders
- 26 September – Launceston

14 September – Notice of AGM and special business advice.

30 September – Launceston – AGM and Special General Meeting Business. New constitution and Shareholder Agreement to be adopted along with a three year funding agreement.

First week in October – advertise for Chair (including communications plan) with three weeks to gain applications. NTD office to support the administration process (including short-listing, but provide a full list of all applications and the basis on which they are short-listed). Also need to gain clarification on who will answer questions from potential applicants.

First week in November – interviews for short-listed applicants.

Third week in November – New Chair in place. The new Chair examines the Board skills matrix (and CEO recruitment process) and advertises for Directors and appoints by end of December (with Selection Committee).

31 December – old association wound up (final financials required).

1 January – New corporation entity officially formed.

Early January – CEO recruitment commences.

18 Q. What advice has NTD and Council members received when developing this proposal?

A. The Review of Regional Bodies in Northern Tasmania was independently prepared by Bill Fox & Associates and finalised in February 2016. The report was developed with extensive input from industry, enterprise, non-profit organisations and government in Northern Tasmania. It also took into account successful regional models in other regions including Geelong, Townsville and Central Coast. A copy of the report can be viewed via this link: [Review of Regional Bodies in Northern Tasmania Feb 2016](#)

One recommendation from this report was to appoint an Implementation Committee to assist in the transfer to a new governance model. NTD appointed the Implementation Committee in May 2016 to assist with the development of the Statement of Purpose and other recommendations. The Implementation Committee have met three times to date as well as providing feedback via email and attend various meetings with State Government Ministers and other representatives to support the new NTDC becoming a reality.

The membership of the Implementation Committee is as follows:

- John Kirwan, Royal Flying Doctor Service
- Ray Mostogl, Bell Bay Aluminium
- Donna Bain, Launceston Chamber of Commerce (and Self Help Workplace)
- Kim Seagram, Fermentas
- Rebecca Duffy, Holm Oak Vineyards
- Greg Bott, Roberts Limited
- Maree Tetlow (Interim EO)

Matthew Pawson, CEO of Levis Stace & Cooper and Partner of Rae & Partners, has collated the legal documentation and is providing legal advice on the transition from our current NTD association to the NTDC as a corporation limited by guarantee.

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.

No Urgent Items have been identified as part of this Agenda

22 CLOSED COUNCIL

Local Government (Meeting Procedures) Regulations 2015 - Regulation 15(2)

No Closed Items have been identified as part of this Agenda

23 MEETING CLOSURE
