



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 28 NOVEMBER 2016
1.00pm**

City of Launceston

COUNCIL AGENDA

Monday 28 November 2016

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: 28 November 2016

Time: 1.00pm

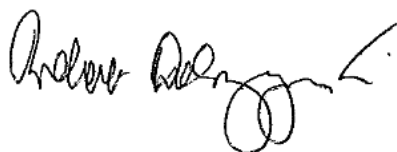
Section 65 Certificate of Qualified Advice

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 14 November 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.)

6.1 Interweave Arts Association - Ms Karen Revie and Ms Kim Schneiders

Ms Revie and Ms Schneiders will present to Council and outline the role of Interweave Arts Association within the Launceston community. Details of current projects Revive, Mechanoptera, Feet to Street and REMADE 2016, the Sustainable and Wearable Art Show, which has been supported by the City of Launceston Event's Program will also be highlighted.

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.)

No Public Questions on Notice have been identified as part of this Agenda

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 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings

FILE NO: DA0425/2016

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:	Woolcott Surveys
Property:	82-90 Balfour Street, Launceston
Zoning:	Inner Residential
Receipt Date:	19/09/2016
Validity Date:	23/09/2016
Further Information Request:	28/09/2016
Further Information Received:	12/10/2016
Deemed Approval:	29/11/2016
Representations:	3

PREVIOUS COUNCIL CONSIDERATION:

D26/89 - use for the purpose of flats - Not acted on.
D119/89 - redesign of D26/89 - use for the purpose of flats - Not acted on.
S195/88 - subdivision 3 lots plus adhesion - Not acted on.
S20/96 - 2 lot subdivision and boundary adjustment - Not acted on.

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

RECOMMENDATION:

That, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted from Council, for Residential - single dwelling; subdivision of land into four lots plus section of road; demolition of an existing building; construction of four single dwellings at 82-90 Balfour Street, Launceston subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Proposed subdivision; Prepared by Woolcott Surveys, Job no. 2016-60. Drawing No. 2016-60_PROP_PLAN_270516, Scale:1:200@A3, Dated 27/05/2016.
 - b. Existing site plan, Prepared by Prime Design, Project/Drawing PD160016-02, Rev 05, Scale: 1:200@A3, Dated 14/09/2016.
 - c. Proposed site plan, Prepared by Prime Design, Project/Drawing PD160016-03, Rev 05, Scale: 1:200@A3, Dated 14/09/2016.
 - d. Perspectives, Prepared by Prime Design, Project/Drawing PD160016-04, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
 - e. Street Elevation (North and South), Prepared by Prime Design, Project/Drawing PD160016-06, Rev 05, Scale: 1:200@A3, Dated 14/09/2016. Amended Plans Required.
 - f. Dwelling 1 - Ground floor plan, Prepared by Prime Design, Project/Drawing PD16007-01, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - g. Dwelling 1 - First floor plan, Prepared by Prime Design, Project/Drawing PD16007-02, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - h. Dwelling 1 - Second floor plan, Prepared by Prime Design, Project/Drawing PD16007-03, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - i. Dwelling 1 - Elevations, Prepared by Prime Design, Project/Drawing PD16007-05, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
 - j. Dwelling 1 - Elevations, Prepared by Prime Design, Project/Drawing PD16007-06, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
 - k. Dwelling 1 - Roof plan, Prepared by Prime Design, Project/Drawing PD16007-07, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - l. Dwelling 2 - Ground floor plan, Prepared by Prime Design, Project/Drawing PD16019-01, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - m. Dwelling 2 - First floor plan, Prepared by Prime Design, Project/Drawing PD16019-02, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - n. Dwelling 2 - Second floor plan, Prepared by Prime Design, Project/Drawing PD16019-03, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
 - o. Dwelling 2 - Roof plan, Prepared by Prime Design, Project/Drawing PD16019-04, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
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8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

- p. Dwelling 2 - Elevations, Prepared by Prime Design, Project/Drawing PD16019-06, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
- q. Dwelling 2 - Elevations,, Prepared by Prime Design, Project/Drawing PD16019-07, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
- r. Dwellings 3 and 4 - Ground floor plan, Prepared by Prime Design, Project/Drawing PD16016-01, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
- s. Dwellings 3 and 4 - First floor plan, Prepared by Prime Design, Project/Drawing PD16016-02, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
- t. Dwellings 3 and 4 - Second floor plan, Prepared by Prime Design, Project/Drawing PD16016-03, Rev 05, Scale: 1:100@A3, Dated 14/09/2016.
- u. Dwellings 3 and 4 - Roof plan, Prepared by Prime Design, Project/Drawing PD16016-04, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
- v. Dwellings 3 and 4 - Elevations, Prepared by Prime Design, Project/Drawing PD16016-05, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.
- w. Dwellings 3 and 4 - Elevations, Prepared by Prime Design, Project/Drawing PD16016-06, Rev 05, Scale: 1:100@A3, Dated 14/09/2016. Amended Plans Required.

2. AMENDED PLANS REQUIRED

Prior to the issue of building approval for the proposed dwellings, amended plans must be submitted to the satisfaction of the Manager Planning Services to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed by the Manager Planning Services and will then form part of the Permit. The amended plans must show:

- a. External treatment of brickwork walls:
 - (i) The brickwork walls to Balfour Street must be of facebrick or have an applied finish that allows the texture of the bricks and brick courses to be revealed.
 - (ii) Use of materials/structural elements to reduce to visual height of dwellings 2, 3 and 4, particularly the depth between the window head of the upper level windows and the top of the parapet wall.
 - (iii) The proportions and details of windows and their surrounds are to be modified to be consistent with windows in surrounding buildings of a similar scale including a setback within the wall (at least a brick width) and window sills. The fenestration of dwellings 3 and 4 must be redesigned for the glazing panels to be interspersed by the use of solid panels.
 - b. The bricks and bluestone being removed from the existing building are to be salvaged and used in either fences or walls on the Balfour or Ethel Street elevations.
 - c. The ceiling height of the upper floors is to be lowered to 2.4m.
 - d. Obscure glazing or similar must be applied to the two windows of the upper floor of dwelling 4 of the eastern elevation with a sill height less than 1.7m. Alternately, the sill height must be increased to 1.7m.
-

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

- e. The kitchen window of dwelling 4 must either have the sill height lifted to 1.7m or be obscured.
- f. The fencing to Balfour Street must be constructed one of the following:
 - (i) Hardwood timber with a high quality clear or painted finish (to match that proposed for Lot 1).
 - (ii) Brickwork of a colour and style selected to tie in with surrounding development, which may include bricks recycled from the brick wall fronting Balfour Street which is proposed to be demolished to make way for this development.
 - (iii) High quality steel pickets between steel posts, compatible with surrounding traditional iron or steel fencing.

3. STAGING

Prior to the commencement of works, a staging plan must be submitted to and approved by Manager Planning Services. Once approved, the Staging Plan will form part of this approval. The staging plan must address how the site will be managed for active workings and rehabilitation of previous stages.

4. AMENITY

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

5. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA No. 2016/01403-LCC2016/01403-LCC) (attached).

6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

7. FENCING

Fencing and gate construction to the King Street frontage is limited to

- a. Solid fencing to a maximum height of 1.2m above natural ground level; and;
 - b. any further height to 1.8m must be 50% transparent.
-

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

8. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
- b. Such covenants or similar controls are expressly authorised by the consent in writing of the Council.
- c. Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.

9. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer (at the time of sealing the Final Plan) procured at the subdivider's expense.

10. CONSTRUCTION MANAGEMENT PLAN & TRAFFIC MANAGEMENT PLANS

The applicant must prepare a detailed construction management plan for the works. The plan must incorporate a description of the construction method, the estimated time frames for each stage of the works, a description of required traffic management works to be employed and the identification and proposed liaison with affected property owners. The construction management plan is to be submitted for approval of the Manager Planning Services Prior to commencing any works on site.

Where it is necessary for works to occur within the road reserve, or for occupation of the road reserve, of Balfour Street, King Street and/or Ethel Street which impact upon vehicle access, the express written permission of the Director Infrastructure Services is required. Application for the works/occupation must be made 14 days prior to date of the scheduled works or occupation and detailing (but not limited to):

- a. The nature, starting date and duration of the works and/or occupation,
- b. The name and contact details of the contractor,
- c. The traffic management works that are must employed to provide for the continued safe use of the road reserve by pedestrians and vehicles,
- d. Any alternative pedestrian routes to be provided where the existing footpaths are unavailable for use due to the delivery of materials,
- e. Any temporary works required to maintain the serviceability of the road or footpath.

Any approval issued for any works and/or occupation may be subject to conditions limiting or specifying:

- i. The nature, dates and duration of the occupation and/or works;
 - ii. Any temporary works required to maintain the serviceability of the road or footpath,
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8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

- iii. All remedial works required to repair any damage to the road reserve resulting from the occupation and/or works.

Inspections must be arranged for prior to the commencement of the occupation and at the completion of the works.

All works in the road reserve (eg service installation), or requiring the occupation of the road reserve (eg delivery of goods and materials to site), must be undertaken in accordance with a traffic management plan prepared in accordance with AS1742.3.

11. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is to undertake all necessary steps to prevent damage to Council assets, including roads, footpaths and vegetation including the Silver Birch tree located along the Balfour Street frontage.

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

12. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

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

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

13. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

Pavements. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

14. VEHICULAR CROSSINGS

No new vehicular crossing shall be installed, or any existing crossing removed or altered (including but not limited to the alteration of the kerb and channel or the placement of additional concrete segments against the existing apron) without the prior approval of Technical Services.

An application for such work must be lodged electronically via the Councils eServices web portal or on the approved hard copy form.

All redundant crossovers and driveways must be removed prior to the occupation of the development.

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

15. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

16. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

17. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Electricity infrastructure including street lighting.
 - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
 - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

18. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public and private infrastructure works to provide reticulated services and vehicle access to each of the lots created, including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
- b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services for any public works to be vested in the Launceston City Council.
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period for any such works.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

19. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the Director Infrastructure Services, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the Subdivider.

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

20. AMENITY

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

21. REMEDIATION PLAN

Development of the dwellings must not proceed until the site has been investigated and remediated as required, in accordance with the Remediation plan prepared by Tasman Geotechnics 30.9.2016 and endorsed by Environmental Service and Design. An Environmental Site Assessment prepared by a site contamination practitioner must be submitted to council prior to any building works proceeding.

22. NO BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (eg. Launceston Waste Centre).

23. DEMOLITION

The Developer must:

- (a) protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- (b) not undertake any burning of waste materials on site;
- (c) remove all rubbish from the site for disposal at a licensed refuse disposal site;
- (d) dispose of any asbestos found during demolition in accordance with the Worksafe Tasmania *'How to Safely Remove Asbestos' Code of Practice 2012* or any subsequent versions of the document

24. SWIMMING POOLS IN CLOSE PROXIMITY TO NEIGHBOURING PROPERTIES

- (a) All electrical equipment, including pumps and filters installed in association with the swimming pool must be housed so as not to create a noise nuisance to neighbouring properties;
 - (b) If an air conditioner (heat pump) is installed in association with the swimming pool it must operate in compliance with the *Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2014*, in particular, *Section 13 Noise emitted from air conditioners*; and
 - (c) Pool treatment chemicals must be stored in a location that will ensure that they are kept dry.
-

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

25. LEGAL TITLE

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

Notes

A. Building Permit Required

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

B. Occupancy Permit Required

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

C. Plumbing Permit Required

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

D. General

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

This permit takes effect after:

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

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

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E. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

F. Appeal Provisions

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

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

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

G. Permit Commencement

If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

REPORT:

1. THE PROPOSAL

The proposal is to demolish the existing building, subdivide the land into four lots and construct four dwellings as follows:

Stage 1 - Demolition.

The site contains a brick clad workshop that has recently been used by a vehicle mechanic which, along with the surrounding corrugated iron fencing, is to be demolished and removed.

Once the building is demolished tests are proposed to establish if there are any contamination issues on the site and therefore to ascertain if there is any potential environmental harm and any remediation that may be necessary.

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Stage 2 - Subdivision.

The land consists of two titles, C.T.28444-1 (727m²) and C.T.28444-2 (510m²) totalling 1237m² which is proposed to be subdivided into four residential lots and a small 'road' lot, Lot 101, of approximately 3m² on the north western corner. The proposed lots, from west to east, consist of:

- Lot 1 - 361m²
- Lot 2 - 360m²
- Lot 3 - 250m²
- Lot 4 - 250m²

Stages 3, 4 and 5 - construction of dwellings.

The next stages involve the development of lot 1 (stage 3), lot 2 (stage 4) and then lots 3 and 4 (stage 5). Each dwelling is proposed to front and address Balfour Street where they will appear as two storey. Vehicular access to lot 1 will be off the Ethel Street while access to the other three titles will be off King Street, King Street serving as the 'rear'. Due to the fall of the land dwellings are partly three storeys to King Street. The dwellings are to be clad in rendered brickwork and harditex sheeting but each dwelling has its own façade treatment/concept. The dwellings will have contemporary design to King Street and a more conservative and traditional form to Balfour Street.

Stage 3 - Dwelling on lot 1.

Lot 1 will have frontage to Ethel Street in addition to Balfour and King Streets. A lower ground floor level of the dwelling is to contain a two car garage and main entry accessed off Ethel Street, a laundry, service room and lift, and underside of a swimming pool. At ground level are two bedrooms, a study, sitting room/rumpus room and outdoor pool and deck. On the upper level is the main bedroom suite, a fourth bedroom/study, an open plan kitchen with a walk-in pantry, a dining area, living area and outdoor kitchen/alfresco area.

Stage 4 - Dwelling on lot 2.

The lower ground floor level is to contain a two car garage with a storage/workshop area at the rear, and the underside of a swimming pool. At ground level with the main entrance off Balfour Street, are two bedrooms, a bathroom, a room/rumpus room, outdoor pool and outdoor kitchen/alfresco area with an outdoor fireplace. On the upper level is the main bedroom suite, a study, an open plan kitchen with a walk-in pantry, a dining area, living area and outdoor dining/living area.

Stage 5 - Conjoined dwellings on lot 3 and 4.

The lower ground floor level of each dwelling will be a single car garage, a rumpus room and bathroom. At ground level, with the main entrance off Balfour Street, are two ensuited bedrooms, a laundry and lift. On the upper level is a study, an open plan kitchen, a dining and living area with a north facing deck.

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2. LOCATION AND NEIGHBOURHOOD CHARACTER

Site Description

The two existing land parcels form a rectangular shape with a total area of 1237m². The western portion is predominantly developed with an unused building, previously used for commercial service type uses including mechanical repairs. Once the building is demolished tests are proposed to establish if there are any contamination issues on the site and therefore to ascertain if there is any potential environmental harm and any remediation that may be necessary.

To the eastern side of the building is a vacant unmaintained portion of land that is partially sealed and contains a scattering of vegetation.

Site Location

The site is located on the north western side of Balfour Street between major streets of Charles and Wellington Street. The site itself is also bordered by the narrow one-way streets of Ethel Street to the south west and King Street to the north west.

Neighbouring properties are primarily used for residential purposes including single and two storey dwellings (with some dwellings also having a partial lower floor). A number of properties are of historic heritage significance and are listed by the Tasmanian Heritage Council. The character and design of dwellings in the area varies significantly and includes some more recently of commercial buildings.

Location of existing access to the site

The site currently has access off the three streets.

Slope

The overall site has a diagonal fall from the south eastern corner on Balfour Street over to the north western corner from 101.6m to 98.2m. This allows for a split level character to be encompassed by the future development.

Site Services

The surrounding streets are sealed and drained to Council standard and the site is able to be connected to all reticulated services.

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3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

11.0 Inner Residential Zone

11.1.1 Zone Purpose Statements

11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

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

11.1.1.3 To allow increased residential densities where it does not significantly affect the existing residential amenity, ensure appropriate location of parking, and maintain vehicle and pedestrian traffic safety.

11.1.1.4 To maintain and develop residential uses and ensure that non-residential uses do not displace or dominate residential uses.

11.1.1.5 To provide for development that provides a high standard of amenity and contributes to the streetscape.

Consistent

The proposal will allow for a residentially zoned site to be developed and used for medium density inner city residential purposes. The site is close to essential services being within ten minutes' walk of the CDB. There are three supermarkets within three blocks, restaurants around the corner in Charles Street and the general hospital a block away to the south. There are number of buildings of historic significance in the area to which development must be considerate of. These are of a variety of architectural styles, ages, materials and levels of maintenance.

There is limited amenity provided to the street by the existing development on the site. Although the proposed development is recognizably new, its completion will result in four new homes that are sympathetic to the built form and character of the street.

11.4 Development Standards

11.4.1 Setback from a frontage for single dwellings

Objective:

To ensure that the setback from frontages:

- (a) assist in the establishment of the streetscape character;
- (b) enhance residential amenity;
- (c) provide a transition space between the road and private dwelling allowing mutual passive surveillance for community safety; and
- (d) respond to slope and other physical characteristics of a lot and assist in attenuation of traffic noise.

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Consistent

The proposed development is considered to meet the objectives zone by compliance with the development requirements. While discretions are sought, the development will allow for demolition of a poorly maintained and vacant light industrial charactered building being replaced by four contemporary dwellings that can be detailed to complement the varied setbacks and character in the street. The design also provides connectivity between buildings and adjoining public spaces. The level of amenity of the proposed and existing dwellings will be protected as the design considers the terrain of the site and the integrated design of the existing land. The design also provides connectivity between buildings and adjoining public spaces.

A1 Unless within a building area shown on a plan of subdivision, the wall of a single dwelling (excluding minor protrusions) must have a setback from a frontage that is:

- (a) no less than 4.5m from a primary frontage; and
- (b) no less than 3m to a frontage other than a primary frontage; or
- (c) a distance which is no more or less than the maximum and minimum setbacks of the dwellings on immediately adjoining lots; or
- (d) no less than the existing dwelling setback if less than 4.5m.

Relies on Performance Criteria

Demolition of the buildings on a site is considered to create a vacant site for the purpose of establishing setbacks. In this case, following demolition of the existing building, four new residential lots will be created, each with their own characteristics. Where a property has more than one frontage to the street, the shortest boundary is considered to be the 'primary' frontage. All four lots will have frontage to both Balfour and King Streets with proposed Lot 1 also having frontage to Ethel Street.

The dimensional characteristics of each lot follow:

<i>Lot number</i>	<i>Balfour St (m)</i>	<i>King St (m)</i>	<i>Ethel St (m)</i>	<i>Primary frontage</i>
1	14.87	14.75	24.81	King St
2	14.83	14.75		King St
3	10.29	10.24		King St
4	10.27	10		King St

Therefore the technical primary frontage of each lot is King Street requiring a setback of 4.5m to comply with A1 (a) above.

Balfour Street is the secondary frontage requiring a setback of 3m to comply with A1 (b) above. As the adjoining dwellings to the east along Balfour Street are constructed up to the street frontage and dwellings over Ethel Street to the west are setback approximately 8m, the setback for the proposed dwellings is able to be between zero and 3m.

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Therefore, to Balfour Street:

- Lot 1 will adjoin a vacant lot and 90 Balfour Street and require a setback of 3m. The proposed minimum setback is 2.82m.
- Lot 2 and 3 will have vacant lots either side requiring a setback 3m. The proposed minimum setback is 720mm.
- Lot 4 has an adjoining building at 80 Balfour Street with a zero setback to allow for a zero setback. The proposed setback minimum setback is 2.23m.

Each dwelling seeks a variation to the setbacks from their future boundaries.

P1 The setback from frontage must:

- (a) provide transitional space between the road and private dwelling allowing mutual passive surveillance;
- (b) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site;
- (c) provide measures to ensure that noise generated by traffic will not adversely impact on residential amenity and vehicular egress provides for the safe use of the road; and
- (d) have regard to streetscape qualities or assist the integration of new development into the streetscape.

Complies

King Street

Each dwelling requires a setback of 4.5m to the primary frontage to King Street. As the dwellings are designed simultaneously the relationship of each to the other is unified. Generally, the design of dwellings to King Street is very contemporary with each having glass facade and skillion roof. The majority of fencing along the frontage will be a 1.8m high fence clad with horizontal stratco boards. The first 1.2m in height will be solid and the top 600mm portion will be 50% transparent.

Dwelling 1:

The dwelling proposed for Lot 1 encroaches on the setback for approximately a third of the width of the frontage, with the setback varying over the different floor levels. At lower ground floor level the front wall is setback 2.8m but has supports for the floor above setback a minimum of 748mm. At mid floor level, which is the ground floor to Balfour Street a deck adjoining the swimming pool has a setback of 748mm. On the upper level the building steps back to be 5.44m from the frontage.

As the setback encroachment is for only part of the frontage the impact is minimised. Where the dwelling extends into the streetscape the development consists of an elevated swimming pool and outdoor living space which minimises the bulk of the development and allows for passive surveillance of the street. The remainder of the frontage contains a courtyard.

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The dwelling will not be impacted by passing traffic as the network of King, Batten and Ethel Streets is of narrow, and partly one way sections, that serve the residents of the area. Vehicular access to the site remains off one of the existing entrances off Ethel Street. In addition, a fence of stratco horizontal boards, up to a height of 3.3m, is proposed to surround the corner of King and Ethel Streets and will reduce traffic noise and lights impacting on the site.

The visual impact on the streetscape of the proposal will be minimised as King Street is the 'rear' of existing properties on the southern side of King Street, and as the two properties being developed as part of this proposal all have a similar design concept. It is inevitable however that in the transition from a vacant site to the four larger dwellings that the street will change character. This is considered a desirable change in line with the zone intent.

Dwelling 2

Dwelling 2 extends into the front setback for a width of 5m over two storeys with the north western corner extending to the street. The encroachment is on the western side of the site, adjoining the elongated section of dwelling 1 and also contains an elevated swimming pool and outdoor living space. The upper level is setback 10.8m along the western side boundary. The driveway occupies the remainder to the frontage and is to be secured by a 1.8m gate that will be setback 1.4m from the title boundary.

The proposal is similar in design to the dwelling on lot 1. The front wall surrounding the swimming pool extends to the front boundary for the height of the ground floor and the balustrading above the swimming pool. As there is no footpath on the southern side of the street and the deck above allows for passive surveillance of the street the encroachment is considered to meet P1 (a).

Similar to the proposed dwelling 1 the visual impact on the streetscape of the proposal will be minimised as King Street is the 'rear' of existing properties on the southern side of King Street, and as the two properties being developed as part of this proposal all have a similar design concept.

Dwellings 3 and 4

The dwelling proposed for Lot 3 has a setback of 7.475m to King Street, and dwelling 4 has a setback of 7.710m to King Street. As the building will have a setback between the reduced setbacks of dwellings 1 and 2 and the existing dwelling at 80 Balfour Street, the setback will meet the acceptable solution.

Dwelling 3 and 4 are proposed to be co-joined and are more modest in their design than the other two dwellings. The garages are setback from King Street, with the remaining area of the frontages are to be open space enclosed by a complying front fence.

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In general:

Therefore, the bulk of buildings facing King Street will change the visible streetscape from King Street. It is considered acceptable for the reasons outlined. There will be ample visual surveillance of the street, the building will be compatible with the other proposed buildings and as King Street is one way there will not be passing traffic that will impact on the amenity of the street.

In relation to compatibility with streetscape there is no particular character to King Street. The facades to King Street are very contemporary. Other dwellings to the east are set forward to the Balfour Street frontage. There are three dwellings on the northern side of King Street. Two of the three extend to their front boundaries with number 12 only occupying part of its width, as are the proposed dwellings. They are typically single storey weatherboard clad dwellings with pitched roofs.

Balfour Street

Dwelling 1

The dwelling proposed for Lot 1 has a minimum setback of 2.02m to Balfour Street, as a secondary frontage. At the front south eastern corner of the lot the setback increases to 2.01m with a 579mm setback off Ethel Street and for this reason requires assessment against the performance requirements.

The dwelling is primarily two storey to Balfour Street although the front south western corner of the dwelling will be 8m in height which is the lowest part of the site. A garden and low front fence is proposed between the dwelling and the street to provide some separation to the street. Both floor levels of the dwelling have a number of windows to provide passive surveillance of the street. The building height it is not considered to be out of character as the dwellings on the western side of Ethel Street are a similar scale. The provision of a pitched roof for this southern section of the dwelling allows it to be more compatible with the neighbouring dwellings.

Although the dwelling will have a minimal setback to Balfour Street the level of traffic at the intersection is relatively low. Any impact of traffic impact will therefore be limited especially as the floor level is approximately 2m above the street at the corner.

The impact of the dwelling on the streetscape is considered to be relatively minimal in respect of the zoning. As the site is heritage listed, principally due to the status of adjoining properties, further considerations are necessary. The façade of the main portion of the building at the corner of Ethel and King Streets is similar to the dwellings to the west, the buildings being 'stately' and likely to have been the homes of wealthier families. The treatment includes windows of a similar scale and size but the façade will be 'flat' other than small window sills as some level of definition, given the materials to be

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used. This will be further discussed under the heritage code.

Dwelling 2

Dwelling 2 has a minimal setback of 720mm to Balfour Street to its front eastern corner with this increasing to 1011m at the western end. The proposed alignment will extend the frontage proposed by the setback encroachment for dwelling 1. There will be an area for a garden to separate the dwelling from the street with the property to be enclosed by a low garden front fence. As the floor level is higher than the street traffic and pedestrian impacts will be reduced.

The dwelling has a number of narrow windows proposed within the elevations of the two storeys that front onto Balfour Street to acknowledge design elements within the street and in relation to dwelling 1 next door. The windows provide passive surveillance with street assisted by the presence of the front door.

P1 (d) requires consideration of the streetscape. As the dwelling has a flat roof its context within the streetscape is partly reduced. The main visual impact is considered to be that it finishes too rigidly for its height. Capping is proposed to 'top' the façade and as the buildings are new and proposed within a mixed character street setting this is not a specific concern.

Dwelling 3 and 4

As the dwelling at 80 Balfour Street is constructed to the street boundary the proposed building is also able to seek such a zero setback and is considered to comply with the setback provisions.

Ethel Street**Dwelling 1**

The dwelling proposed for Lot 1 has a setback of 557mm to Ethel Street. Other than for the driveway the northern end of the frontage is to be contained within a high fence and the southern portion a return of a garden from the Balfour Street frontage.

As dwelling 1 is replacing the existing building in this section of the site it is considered appropriate. The development and use will be more compatible with the zone, windows in western wall will allow surveillance of the street and the higher floor level of the ground floor above the street will protect the amenity of residents from the street.

In general:

Each of the dwellings are setback a sufficient distance from the street to allow for a garden and front fence to be installed and therefore provide a transition between the street and the dwelling, both visually and to provide a level of privacy and security from the street. Other than the neighbouring single storey dwellings to the east other

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dwelling in the street have some degree of setback, a low fence and a garden between the dwelling and the street.

Impacts of vehicular noise to each of the dwellings should not be compounded by the setback of buildings from the street. The proximity of the properties to the CBD and arterial routes of Wellington and Bathurst Streets will have a greater impact.

The main impact of the proposal is the integration into the predominantly heritage listed streetscape. As noted there a number of differing architectural styles within the street indicating differing times and socio-economic levels. To the east the homes are more modest in scale, being single storey worker type cottages with a render finish. To the southern side of the street the dwellings are a mix of single storey homes constructed above street level but commanding some level of place, and terrace homes, also indicating construction above working class. Dwellings on the southern side of the street are clad in brick and weatherboards. Along to the west are more elaborate and stately homes being two/three storey in construction and clad in brickwork. The neighbouring dwellings to the west reflect their era of construction and have narrow width and more limited window openings and pitched roofs.

The proposal attempts to acknowledge the context of the streetscape and this will be further discussed under the heritage code.

11.4.2 Site coverage and rear setback for single dwellings

Objective:

To ensure that the location and extent of building site coverage:

- (a) facilitates the provision of open space, gardens and other outside areas on the site that contribute to residential amenity;
- (b) assists with the management of stormwater;
- (c) provides for setback from the rear boundary; and
- (d) has regard to streetscape qualities.

Consistent

The proposed development is considered able to meet the requirements in respect of site cover, open space, amenity, drainage and streetscape, especially given the inner city location of the properties and the medium to higher density development allowed the zone.

A1 A site coverage of no more than 50% excluding building eaves and access strips where less than 7.5m wide.

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Relies on Performance Criteria

The site cover of each dwelling complies other than for dwelling 1 as follows:

Lot number	Lot area	Roofed area	% site cover
1	364.2m ²	202m ²	55.5%
2	359.3m ²	177.9m ²	49.5%
3	245.9m ²	120m ²	48.8%
4	253.5m ²	120m ²	47.3%

P1 Site coverage must:

- (a) provide for useful areas of open space for gardens and outdoor recreation purposes;
- (b) allow areas to be retained for the absorption of rainwater into the ground; and
- (c) have regard to streetscape qualities.

Complies

Dwelling 1 encroaches on the site cover by 5% and is considered to meet the performance requirements. Fronting onto the corner of Ethel and King Streets dwelling 1 has an area of paved space adjoining King Street that can be used as outdoor recreation space. There is also a deck on the mid-level with associated open space, with this an extension off the rumpus room, which also has a balcony on two sides. Off the upper level dining room is a partly enclosed alfresco area.

11.4.3 Building envelope for single dwellings

Objective:

To ensure that the siting and scale of single dwellings:

- (a) allows for flexibility in design to meet contemporary dwelling requirements;
- (b) protects the residential amenity of neighbours through minimising visual bulk and overshadowing; and
- (c) has regard to streetscape qualities.

Consistent

The proposed development is considered to meet the objectives of the clause. The design is contemporary and is considered to protect the amenity of the adjoining properties given the configuration of spaces and concentration of development to the southern portions of the lots. In this regard solar orientation can be maximised and continuity of development to the Balfour Street frontage is maintained.

A1 All single dwellings (excluding minor protrusions extending less than 1.5m) must be contained within either of the following building envelopes:

- (a) determined by a setback of no less than 3m from side boundaries and no less than 4m from the rear boundary and a building height of no more than 5.5m; or
- (b) determined by projecting at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary to a building height of no more than 8.5m above natural ground level (see Figures 11.4.3 A and 11.4.3 B); and walls are setback:

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- (i) no less than 1.5m from a side boundary; or
- (ii) less than 1.5m, provided the wall is built against an existing boundary wall or the wall or walls have a total length of no greater than 9m or one third of the boundary with the adjacent property, whichever is the lesser.

Relies on Performance Criteria

The proposed development encroaches on the building envelope as specified:

Lot no.	Clause	East side	West side	Balfour St	Height
1	(b)	1.29m	NA	1.51m	10.4m
2	(b)	1.39m	1.5m	720mm	9.4m
3	(b)	0	1.54m	2.38m	9.4m
4	(b)	1.96m	0	2.32m	9.4m

The rear setback does not apply to this development given the configuration of the lots with a double frontage.

P1 The siting and scale of single dwellings must be designed to:

- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:
 - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than three hours between 9.00am and 5.00pm on June 21 or by increasing existing overshadowing where greater than above;
 - (ii) overlooking and loss of privacy; and
 - (iii) visual impacts when viewed from adjoining lots: and
- (b) take into account steep slopes and other topographical constraints; and
- (c) have regard to streetscape qualities.

Complies

The proposed development is considered able to meet the performance requirements where the building envelope is encroached.

The positioning of the dwellings to the south the proposed lots so that they address Balfour Street, will minimize amenity impacts on existing development in the vicinity. Balfour Street is a wide street with a variety of dwelling styles and is considered capable of accepting the changes that will result from this proposal.

Overshadowing

Although the proposed dwellings are partly three storey overshadowing of lots opposite to the north of them in King Street should be minimal. The dwellings on those lots are older and have only small window openings to the street. Their open spaces areas are to their north.

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Overshadowing between the proposed dwellings is minimised by the integrated design of the proposal. While there is a single storey dwelling to the east of dwelling 4, at 80 Balfour Street, the proposed dwelling will be setback from the neighbours' western boundary by a minimum of 1.96m. Therefore, there will be ample opportunity for solar gain by 80 Balfour Street during the day.

Overlooking

Similar to above the location and design of the proposed dwellings will have minimal impacts on adjoining properties. There are two windows along the eastern elevation of the upper most floor of dwelling 4 that do not meet the acceptable solution of clause 11.4.5 A2 and so a condition is to be recommended to the effect that obscure glazing or similar must be applied to the two windows along the eastern elevation to windows with a sill height less than 1.7m or increase the sill height to 1.7m.

Visual impacts

The proposal is for development of primarily three new buildings. They replace an industrial building of approximately 7m in height at the western portion of the site along with an unmaintained yard to the site's eastern portion, that is fenced by a white painted corrugated iron fence. There will be clearly a visual change within the street. As the site falls to the north west by approximately 3m, each dwelling appears as two storey to Balfour Street and 3 storey to the northern and King Street side. As noted above, the integrated siting and design of the dwellings will protect the amenity of the new dwellings and should principally protect any significant building impacts given they are to the south of properties in King St, dwelling 4 is to the west of 80 Balfour Street and other nearby properties are separated by Ethel or Balfour Streets. The dwellings have 2.70m high ceiling heights and is considered that a height of 2.40m. A condition is to be included to recommend the lesser height.

Streetscape qualities

With consideration of the streetscape generally, and as noted above under clause 11.4.2 the design is generally in keeping with the nature of the existing residential development.

As a number of buildings in the street are of heritage significance consideration must be given to the possible impact the proposed buildings may have. More specific consideration will be included in the assessment under the heritage code.

A2 For internal lots, all single dwellings must be contained within a building envelope (excluding minor protrusions extending less than 1.5m) determined by a setback of no less than 3m from all boundaries, excluding the access strip, and a building height no greater than 5.5m.

Complies

The existing and proposed lots are not internal.

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11.4.4 Frontage setback and width of garages and carports for single dwellings

<p>Objective: To ensure that the location and size of garages or carports:</p> <ul style="list-style-type: none"> (a) do not dominate the facade of the dwelling or dominate the streetscape; (b) do not restrict mutual passive surveillance of the road and dwelling; and (c) provides for safe vehicular access to and egress from the site.
<p>Consistent Each of the dwellings is proposed with an included garage. In each case that part of the dwelling is not considered to dominate the dwelling or streetscape setting especially as each lot has at least a double frontage, the garages to the lesser travelled streets and upper level decks to assist with passive surveillance.</p>
<p>A1 Garages or carports within 12m of the frontage whether free-standing or part of the dwelling:</p> <ul style="list-style-type: none"> (a) must have a total width of openings facing the primary frontage of no greater than 6m or half the width of the frontage, whichever is the lesser; and (b) must have: <ul style="list-style-type: none"> (i) a setback from frontage measured to the door, post or supporting column no less than required for a single dwelling in 11.4.1 A1; or (ii) a setback from the primary frontage no less than 0.5m if the ground slopes up or down for 10m from the frontage at more than 1:5.
<p>Complies The proposed garage for dwelling 1 is to be accessed off Ethel Street which is not the primary frontage. The width of the garage is 5.5m.</p> <p>Dwelling 2, 3 and 4 have a garage fronting King Street as the primary frontage and comply with the acceptable solution. The garage opening for dwelling 2 is 5.5m wide and setback approximately 10.8m. Dwelling 3 and 4 have single garages with a 3.2m wide opening and setback 7.473m and 7.710m respectively.</p>

11.4.5 Privacy for single dwellings

<p>Objective: To ensure that the location and design of windows of habitable rooms, balconies, decks, roof gardens, parking spaces and carports maintain residential amenity by minimising the potential for overlooking between neighbours.</p>
<p>Consistent The simultaneous design of the dwellings allows for privacy between the dwellings to be considered as an integral component to minimise overlooking. Where the acceptable solutions are not met the dwellings include measures to protect the residents' privacy.</p>
<p>A1 Balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) that have a finished surface or floor level greater than 1m above natural ground level must have a side setback of no less than 3m and a rear setback of no less than 4m.</p>

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Relies on Performance Criteria

Each dwelling has outdoor areas to their upper floors, that are a level greater than 1.0m off the ground and within 3.0m of a side boundary.

P1 The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or offset or by use of solid or translucent screening.

Complies

The eastern elevation of dwelling 1 is within 3.0m of dwelling 2. It has a swimming pool on the mid-level fronting King Street that will be shielded by a slatted privacy screen and tile clad feature wall to a height of 1.7m (note a 1.7m high screen is considered an appropriate means of addressing privacy in the General Residential zone). On the upper level is an alfresco outdoor dining area that is also within 3.0m of the boundary which is to be screened by a 1.7m high render finish wall.

Dwelling 2 proposes a pool along its western side on the mid-level fronting King Street and an alfresco area along the eastern side. Both side elevations have a slated screen along the side walls. The eastern elevation includes a full height section of wall with a full height screen separating the sections of open space. On the upper level is a further deck that is sufficiently setback off the western boundary. An alfresco area on the eastern side is to be shielded by a full height screen and narrow width frosted glass window.

Dwellings 3 and 4 area "mirror imaged" and again with open space areas to the northern elevation. They each have a 1.5m deep balcony off the two bedrooms at mid-level, each end having a solid full height wall. 3.0m deep decks are also proposed on the upper level with full height walls to provide privacy between residential properties.

A2 Windows of habitable rooms which have a floor level greater than 1m above natural ground level must:

- (a) have a side setback of no less than 3m; or
- (b) be offset no less than 1.5m from the windows of habitable rooms on adjacent lots where on the same horizontal plane; or
- (c) have a window sill height of no less than 1.7m.

Relies on Performance Criteria

To maximise sun penetration into the dwellings each side elevation of the dwellings do have window openings within 3.0m of their side boundaries.

Window openings in the eastern elevation of dwelling 1 have sill heights of at least 1.8m. A low window appears within the elevation but the section of wall is setback 2.4m in from the external wall.

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Dwelling 2 has windows within the eastern elevation where the floor levels are greater than 1m. A number of the windows are for utility rooms, are frosted or are off-set from windows on the same level. In addition, the western elevation of dwelling 3 only has windows on the upper not mid-level. These have sill heights of approximately 1.3m but the windows in the near vicinity of dwelling 2 are low and frosted.

Windows in the eastern elevation of dwelling 4 has windows on the upper level. The lounge window has a sill height of 1.8m. The window closest to the Balfour Street front will view out over the roof of the adjoining property. The window of the kitchen is therefore the only window that does not meet the acceptable solutions.

P2 The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation and offset or by use of solid or translucent screening.

Complies

The kitchen window of dwelling 4 has the potential to overlook into the rear yard of the dwelling at 80 Balfour Street. A condition is to be imposed for the window to either have the sill height lifted to 1.7m or be frosted.

11.4.6 Frontage fences for single dwellings

Objective:

To ensure that the height and design of frontage fences:

- (a) provides adequate privacy and security for residents while allowing for mutual passive surveillance of the road and dwelling; and
- (b) enhances streetscapes.

Consistent

Each of the designs for the proposed dwellings include frontage fences to each street frontage that are considered able to meet the objective.

A1 The building height of fences on and within 4.5m of a frontage must be no greater than:

- (a) 1.2m if solid; or
- (b) 1.8m provided that the part of the fence above 1.2m has openings which provide a minimum 50% transparency.

Relies on Performance Criteria

The detail of the fencing to the King Street frontage has been verified and will meet the requirements of the acceptable solution. The first 1.2m will be horizontal boards with no gaps and the remaining height to 1.8m boards with 50% transparency.

Fencing adjoining the corner of Ethel and King Streets, and returning for a short length along each boundary, is horizontal boards to a maximum height of 3.3m.

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<p>Part of dwelling 2 extends to part of the front boundary in King Street with the remainder to the frontage to be enclosed by electronic gates setback 1.4m from the frontage. Dwellings 3 and 4 also have gated entrances to their driveways with the remainder of the frontage open space.</p> <p>Proposed fences to Balfour Street are 800mm high. The fence for Dwelling 1 to Balfour Street will be steel pickets while for the other dwellings the fencing had rounded tops with a powder coated finish.</p> <p>Other than the fence on the corner of Ethel and King Streets all the fencing complies with the acceptable solutions.</p>
<p>P1 Fences on and within 4.5m of a frontage must be designed to:</p> <ul style="list-style-type: none"> (a) take account of steep slope or other topographical constraints; (b) provide for security and privacy of residents while allowing for mutual passive surveillance of the road; (c) take account of the prevailing height, design and character of neighbouring fences; (d) attenuate noise from high volume traffic; and (e) have regard to streetscape qualities.
<p>Complies</p> <p>The higher section of fencing on the corner will block the site from view but it will visually tie in with cladding surrounding the garage of dwelling 1. The outdoor recreation areas and extent of glazing at the northern end of the dwelling will ensure that there will be adequate surveillance of the street.</p>

11.4.21 Outbuildings and swimming pools

<p>Objective:</p> <p>To ensure that outbuildings and swimming pools:</p> <ul style="list-style-type: none"> (a) do not detract from the character of the surrounding area; (b) are appropriate to the site and respect the amenity of neighbouring lots; and (c) dwellings remain the dominant built form.
<p>Consistent</p> <p>Two of the proposed dwellings include swimming pools but these are integral to the dwellings and not proposed as separate structures. The objective is considered to be met.</p>
<p>A2 A swimming pool must be located:</p> <ul style="list-style-type: none"> (a) no closer to the primary frontage than the main building; or (b) in the rear yard; and (c) decking around a swimming pool must be no greater than 600mm above existing ground level.

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Relies on Performance Criteria

Proposed dwelling 1 and 2 both have swimming pools that are effectively located on the mid level of their respective buildings. The pool for dwelling 1 is setback 3.5m from the King Street primary frontage, although it is within the building structure. This is considered to comply. The pool for dwelling 2, again within the building structure extends to the front boundary and complies.

Both pool areas have decking that is greater than 600mm above ground and therefore is to be considered against the performance requirements.

P2 A swimming pool must be designed and located having regard to:

- (a) the topography of the site;
- (b) the streetscape;
- (c) any overlooking or overshadowing of adjoining sensitive uses;
- (d) any existing or proposed screening; and
- (e) the character of the surrounding area.

Complies

Both swimming pools and their associated decks have screens along their outer boundaries. The swimming pools are located within the building structures and will not require any excavation works on the sloping sites. They are to be screened along the side boundaries to a height of 1.7m. Glass balustrading is proposed fronting King Street, with its north orientation. While this will not visually screen the pool areas from the street the situation is no different to balustrading of a deck without a swimming pool but as they face the low trafficked narrow street of King Street overlooking is not a concern. While the use of glass is a contemporary form of balustrading it is not in conflict with the mixed streetscape setting and the performance requirements are met.

11.4.22 Earthworks and retaining walls

Objective:

To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.

Consistent

Proposed earthworks result from the topography of the site. Amenity of adjoining properties should not be impacted.

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (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.

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Relies on Performance Criteria

All of the earthworks proposed involve excavation rather than filling of land. Therefore, impacts on adjoining properties should be minimal. The south eastern corner to the site, and future dwelling 4, requires the highest extent of excavation where there is currently a low bank. This adjoins an existing dwelling at 80 Balfour Street where the floor level of the lower ground floor is approximately 2m above the existing ground and street level.

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:

- (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.

Complies

Given the earthworks involve cut rather than fill, the relative impact of the proposal in relation to next door is reduced, especially impacts of overshadowing and overlooking. The wall is setback at least 1.9m off the common boundary which should provide a suitable space for the installation of drainage.

11.4.24 Lot size and dimensions

Objective:

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

Consistent

The proposed lots are considered to be appropriate for their intended residential use.

A1.1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have a minimum area of no less than:
 - (i) 300m² ; or
 - (ii) 500m² where the average slope of the lot is 15% or greater; and
- (b) be able to contain
 - (i) for lots of between 300 to 500m² , a rectangle measuring 10m by 12m; or
 - (ii) for lots larger than 500m² , a rectangle measuring 10m by 15m; or

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

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.

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Relies on Performance Criteria

Proposed lots 1 and 2 each contain an area of 360m² and a building envelope of 10m x 12m. Lots 3 and 4 can each contain the required building envelope but have areas of only 250m² and as such rely on the performance criteria.

Proposed lot 101 has an area of only 3m² and complies with (a) for the purpose of facilitating the function of the street corner.

P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use having regard to:

- (a) the relevant acceptable solutions for development of buildings on the lots;
- (b) the likely location of buildings on the lots;
- (c) the likely provision of on-site parking and manoeuvrability for vehicles;
- (d) the topography of the site;
- (e) the presence of any natural hazards;
- (f) adequate provision of private open space; and
- (g) the existing pattern of development in the area.

Complies

Lots 3 and 4 are able to contain dwellings that have been assessed as complying with the performance requirements within the zone. They are also assessed as meeting the zoning intent of providing for medium to high density development in close proximity to the services offered by the central city area. Existing development in the area includes a range of lot sizes and dwelling types. Development proposed on each lot indicates adequate open space, car parking, solar access and services without impacting on the pattern of development in the area.

11.4.25 Frontage and access

Objective:

To ensure that lots:

- (a) provide appropriate frontage to a road;
- (b) provide safe and appropriate access suitable for the intended use.

Consistent

Each lot has an appropriate frontage for the intended use and for safe and suitable access.

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.

Complies

Each lot has a primary frontage of at least 10m.

A2 No acceptable solution.

Relies on Performance Criteria

P2 Each lot, or a lot proposed in a plan of subdivision, must be 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;

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- (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

Lot 1 will have level vehicular access directly off Ethel Street to the west, with lots 2, 3 and 4 all to be accessed off King Street.

11.4.26 Discharge of stormwater

Objective:

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

Consistent

The site is able to be suitably drained.

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

The land is serviced by a combined drainage system to which approval has been granted from TasWater.

11.4.27 Water and sewerage services

Objective:

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

Consistent

The land is serviced by reticulated water.

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

Complies

Water service is under the jurisdiction of TasWater. Approval for the subdivision has been granted.

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

Complies

The land is serviced by a combined drainage system to which approval has been granted from TasWater.

11.4.28 Lot diversity

Objective:

To provide a range and mix of lot sizes to suit a variety of dwelling and household types.

Consistent

The proposal offers differing lot configurations to allow for a variety of development.

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A1 Subdivision is for five lots or less.
Complies

11.4.29 Solar orientation of lots

Objective: To provide for solar orientation of lots and solar access for future dwellings.
Consistent Each lot allows for ample solar access for residential development.

E2.0 Potentially Contaminated Land Code

E2.1 The purpose of this provision is to: (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.
Consistent The existing site is identified with an alert as a potentially contaminated site due site due to the previous use as an Engine works (motor mechanic). The application includes submissions as to the levels of contaminants on the site concluding that the development will not adversely impact on human health or environment. The application includes a peer review of an Environmental Site Assessment (ESA's) for baseline survey/pre-purchase assessment. Deficiencies were found therefore the review recommends the following: <i>There is a high likelihood that the site is suitable for residential use without the need for remediation. To satisfy Council's requirements for an ESA, I recommend the following: Compile a site history report on the basis of Mr Taylor's report, supplemented with information from EPA's databases, Dangerous Goods Licence information and the Community History branch at the QVMAG.</i> <ul style="list-style-type: none"> • Carry out soil sampling as follows: <ul style="list-style-type: none"> - In the (likely) vicinity of historical drum and waste oil storages, and - Where (damaged) cars were parked. <i>Sampling would target the natural soil underlying any fill. I expect 8 soil samples, with 1 duplicate samples, would suffice. Sampling could be undertaken at the time the building is about to be demolished, as there will be an excavator on site to help clear any fill or concrete slabs. The samples would be analysed for TRH, BTEXN and PAH.</i> A condition is recommended for the site to be appropriately remediated and cleared of any potential contamination issues prior to any further development on site for either creation of the lots or construction of the dwellings.

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E2.5 Use Standards

Objective: To ensure that potentially contaminated land is suitable for the intended use.
Consistent The development is not considered to adversely impact on human health or environment.
A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.
Relies on Performance Criteria A plan is to be established to manage any potential contamination issues following the demolition of the existing building. The application proposes this course of action and this is acceptable to Council's environmental service officers as a means of addressing any potential contamination issues.
P1 Land is suitable for the intended use, having regard to: (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health or the environment that includes: (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use commences; and (iii) a statement that the land is suitable for the intended use.
Complies The land is not considered likely to be a risk but further investigations are proposed following demolition of the existing building. A plan is to be required as a condition of approval to specifically address (c) above. The plan must be prepared by a registered practitioner to demonstrate the site is suitable for residential purposes.

E2.6 Development Standards

E2.6.1 Subdivision

Objective: To ensure that subdivision of potentially contaminated land does not adversely impact on human health or the environment and is suitable for its intended use.
Consistent The proposed subdivision should not impact on human health or the environment.
A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on

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health or the environment and is suitable for its intended use.
<p>Relies on Performance Criteria It is considered that the subdivision as such will not impact on safety. The Director or delegate has not yet signed off on the proposal.</p>
<p>P1 Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or (c) a plan to manage contamination and associated risk to human health and the environment that includes: <ul style="list-style-type: none"> (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and (iii) a statement that the land is suitable for the intended use or development.
<p>Complies The impending development will ensure that the site is 'cleared' of any contaminants for future use and development. The applicants have also made the request below:</p> <p><i>The Demolition of the Building is key to this testing of the site as once this building is removed it will make it easier to test within the footprint. As we have done on past projects it could be made a condition of the permit that the Final Plan of Subdivision cannot be sealed until a Report from a Suitably Qualified Person is completed clearing the site of Contamination for Residential Use.</i></p> <p>Our Environmental Health officers have considered the course of action satisfactory and recommended a condition of approval.</p>

E2.6.2 Excavation

<p>Objective: To ensure that works involving excavation of potentially contaminated land does not adversely impact on human health or the environment.</p>
<p>Consistent The proposed development will require excavation of the site with danger considered minimal given the considered low level of contamination on the site.</p>
<p>Relies on Performance Criteria</p>

E4.0 Road and Railway Assets Code

<p>E4.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (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.
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Consistent

The proposed development involves the provision of access to three additional lots and is considered able to meet the purpose of the code in respect of safety, efficiency and use conflicts.

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 provision of four residential lots and associated access points will not impact of the safety and efficiency of the surrounding streets and their junctions.

A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Complies

King and Ethel Streets are not category 1 or 2 roads.

A2 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 more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

Complies

King and Ethel Streets have speed limits less than 60km/h.

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.

Complies

The access points will effectively be new in that a total of four residential lots will be created with the use changing for the existing light industrial non-conforming use to a no-permit required use class of residential.

Currently the site has a wide access to Ethel Street and a crossover which is principally contained within future lot 3.

E4.5.2 Existing level crossings

Objective:

To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.

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Consistent

There is no rail network in the vicinity of the proposal.

A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.

Complies

There is no rail network in the vicinity of the proposal.

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Consistent

The development site does not adjoin a category 1 or 2 road, nor a rail network.

A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:

- (a) new buildings;
- (b) other road or earth works; and
- (c) building envelopes on new lots.

A1.2 Buildings must be:

- (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or
- (b) an extension which extends no closer than:
 - (i) the existing building; or
 - (ii) an immediately adjacent building.

Complies

There development site does not adjoin a category 1 or 2 road, a rail network of road with a speed limit greater than 60km/h.

E4.6.2 Road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

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<p>Consistent The access points will effectively be new in that a total of four residential lots will be created with the use changing for the existing light industrial non-conforming use to an 'no-permit required use class of residential</p>
<p>A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>
<p>Complies There development site does not adjoin a road with a speed limit greater than 60km/h.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p>Relies on Performance Criteria Dwelling 1 is proposed with a triple width crossover to Ethel Street. This consists of a double width access for the garage plus a crossover to an adjacent single car space. The use and development of the site requires alterations to the existing crossover, therefore consideration of the performance criteria is necessary.</p> <p>Each of the remaining lots will have a single access point onto King Street that will each provide entry and exit.</p>
<p>P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.
<p>Complies</p>

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

<p>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.</p>
<p>Consistent The location of the access points is considered to provide sight distances between vehicles.</p>
<p>A1 Sight distances at:</p> <ul style="list-style-type: none"> (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.

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Relies on Performance Criteria

The new access points will not have an 80km/h site distance, as required by the table, in part because of the nature of the historic road network where side streets were short and narrow as they had a service type nature.

P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the frequency of use of the road or rail network;
- (c) any alternative access;
- (d) the need for the access, junction or level crossing;
- (e) any traffic impact assessment;
- (f) any measures to improve or maintain sight distance; and
- (g) any written advice received from the road or rail authority.

Complies

The access off Ethel Street is existing, the nature and its crossover detail altering. As noted Ethel Street is a one way street and will be subject to low levels of local traffic.

Along King Street the development will result is one relocated and two new crossovers. While the accesses will be less than 80m from Ethel Street they will be a suitable distance off Charles Street. Traffic passing will enter off Charles Street and be local in nature.

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.

Consistent

An appropriate level of parking is proposed on each individual site for each of the single dwellings. The properties benefit by being within 15 minutes of a relatively flat walk to the CBD and five minutes of the General Hospital. Charles Street is served by metro bus services.

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E6.5 Use Standards

E6.5.1 Car parking numbers

<p>Objective: To ensure that an appropriate level of car parking is provided to meet the needs of the use.</p>
<p>Consistent An appropriate level of parking will be provided for each dwelling.</p>
<p>A1 The number of car parking spaces must:</p> <ul style="list-style-type: none"> (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.
<p>Complies Table 6.1 requires one car space per bedroom with two spaces required per three bedrooms. Dwellings 1 and 2 each have a two garage and dwellings 3 and 4 each have a single garage with a tandem parking space in front of the garage.</p>

E6.6 Development Standards

E6.6.1 Construction of parking areas

<p>Objective: To ensure that parking areas are constructed to an appropriate standard.</p>
<p>Consistent Parking will be appropriately constructed.</p>
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (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 means to delineate parking spaces.
<p>Complies The proposed garages and parking areas will be constructed as part of and in conjunction with the construction of the dwellings. The garage floors and accesses will be at a grade less than 10% and will be suitably drained.</p>

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E6.6.2 Design and layout of parking areas

Objective:

To ensure that parking areas are designed and laid out to provide convenient, safe and efficient parking.

Consistent

The parking areas will provide convenient, safe and efficient parking.

A1.1 Car parking, access ways, manoeuvring and circulation spaces must:

- (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.

A1.2 All accessible spaces for use by persons with a disability must be located closest to the main entry point to the building.

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

Each dwelling requires only two car spaces that comply with the dimensional requirements. The ability to enter and exit the site is not required.

E6.7.1 Precinct 1 - Launceston Central Business District Parking Exemption Area

E6.7.1.3 Local area provisions

Objective:

To limit on-site car parking within the Launceston Central Business District Parking Exemption Area.

Consistent

The proposal site is two street blocks south of the CBD parking exemption area.

E13.0 Local Historic Cultural Heritage Code

E13.1 The purpose of this provision is to:

- (a) protect and enhance the historic cultural heritage significance of local heritage places and heritage precincts;
- (b) encourage and facilitate the continued use of these places;
- (c) encourage the maintenance and retention of buildings and places of assessed historic cultural heritage significance; and
- (d) ensure that development is undertaken in a manner that is sympathetic to, and does

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not detract from, the historic cultural heritage significance of the places and their settings.

Consistent

The proposal will result in a residential development that is sympathetic to the historically significant residential area of the city. While a building is being demolished its previous use and character are not considered to contribute to place or setting.

E13.6 Development Standards

E13.6.1 Demolition

Objective:

To ensure that the demolition or removal of buildings and structures does not impact on the historic cultural heritage significance of local heritage places and their setting.

Consistent

The demolition of the existing building and surrounding fencing will have a positive impact on the streetscape setting. Council's Heritage Planner notes that "*The primary significance of the subject site and the reason for the subsequent heritage listing of the site is considered to lie in its potential contribution to the Balfour Street streetscape, and not in the building currently standing on the site.*"

A1 No acceptable solution.

Relies on Performance Criteria

P1 Buildings or parts of buildings and structures may be demolished, provided there is no unreasonable impact on the historic cultural heritage significance of the local heritage place and setting, having regard to:

- (a) the physical condition of the local heritage place;
- (b) the extent and rate of deterioration of the building or structure;
- (c) the safety of the building or structure;
- (d) the streetscape or setting in which the building or structure is located;
- (e) the cultural heritage values of the local heritage place;
- (f) the need for the development;
- (g) any options to reduce or mitigate deterioration;
- (h) whether demolition is the most reasonable option to secure the long-term future of a building or structure; and
- (i) any overriding economic considerations.

Complies

While the building itself is not considered to contribute to the Balfour Street streetscape, it is noted that a large part of the front wall of the existing building is of brick construction in a traditional bond and that it is built on a bluestone (or local dolerite) foundation. This wall, and the entire building, has been highly modified, but is obviously of a significant age, has some visual interest, some heritage value in telling the story of the site, and a potential monetary value for the owner.

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Therefore, it is considered that the proposed demolition will not *'unreasonably impact on the historic cultural heritage significance'* of the local heritage place or its setting, if these older bricks on the site are to be salvaged and re-used on the site. It is recommended that these bricks be required, by condition to any planning permit, to be used as an element in fences or walls to the Balfour Street frontage of the site.

E13.6.3 Lot size and dimensions and frontage

Objective:
To ensure that subdivision does not impact on the historic cultural heritage significance of local heritage places and their settings.

Consistent
The proposed lots will not impact on the historic cultural heritage significance of the area as they will be of a similar size and orientation to other residential lots in the vicinity.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Subdivision must not unreasonably impact on the historic cultural heritage significance of local heritage places or their settings, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the historic development pattern of the area;
- (c) the separation of buildings or structures from their original setting;
- (d) the lot sizes, dimensions, frontage, access and orientation;
- (e) the suitability of the proposed lots for their intended uses; and
- (f) the removal of vegetation, significant trees or garden settings.

Complies
The area contains a range of lots sizes and dwelling types that reflect the historic and varied nature of development that is characteristic of the area. The proposed lots are similar in configuration to surrounding properties and will facilitate an appropriate scale of development.

E13.6.4 Site coverage

Objective:
To ensure that site coverage is compatible with the historic cultural heritage significance of local heritage places.

Consistent
The proposed lots will allow for a suitable scale of development to be achieved.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The site coverage is compatible with the historic cultural heritage significance of local heritage places or their settings, having regard to:

- (a) the topography of the site;
- (b) the cultural heritage values of the local heritage place and setting;
- (c) the site coverage of buildings on sites in the surrounding area; and

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(d) the pattern of development in the surrounding area.

Complies

The proposed lots will allow for a suitable degree of development to be undertaken that will comply with the zone requirements and maintain the historic character of the area. Development in the area contains lots of a variety of sizes and configurations with the density of development on each lot also varying.

E13.6.5 Height and bulk of buildings

Objective:

To ensure that the height and bulk of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The height of the proposed four new homes will be consistent with the streetscape and is consistent with the historic cultural heritage significance of local heritage place and settings.

P1 The height and bulk of buildings are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the character and appearance of the existing building or place;
- (c) the height and bulk of other buildings in the surrounding area;
- (d) the historic cultural heritage significance of adjacent places; and
- (e) the streetscape.

Complies

The maximum height of the dwellings varies with their differing designs and as a result of the changing terrain in the street and over the site.

Along Balfour Street the buildings appear to step up the hillside with the heights of buildings similar to the heights of the buildings to either side.

The land also falls away to the north and King Street frontage. The height of the buildings increases to three storeys and the maximum height is 10.0m at the north western corner of dwelling 1. The building forms become more complex in detail and clearly contemporary. This is not considered to be a concern in regard to impact on heritage values as the site is considered to be heritage listed for its potential contribution to the Balfour Street streetscape, and is not known to be highly visible from any distant viewpoints to the north.

E13.6.6 Site of buildings and structure

Objective:

To ensure that the siting of buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

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<p>Consistent The proposed buildings are considered to be compatible with the place and the streetscape setting.</p>
<p>A1 No acceptable solution.</p>
<p>Relies on Performance Criteria</p>
<p>P1 The front, side and rear setbacks must be compatible with the historic cultural heritage significance of a local heritage place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the topography of the site; (c) the size, shape, and orientation of the lot; (d) the setbacks of other buildings in the surrounding area; (e) the historic cultural heritage significance of adjacent places; and (f) the streetscape.</p>
<p>Complies The residential character of both the immediate and general area is varied. It reflects various levels of economic wealth and history. Therefore, there is no one style that dominates or specifically influences setbacks, architectural style or materials for future development. The proposed dwellings have a more contemporary design to the north with the southern side fronting Balfour Street more conservative and reflective of development in Balfour Street.</p>

E13.6.7 Fences

<p>Objective: To ensure that fences are compatible with the historic cultural heritage significance of local heritage places and their setting.</p>
<p>Consistent The proposed fences are considered able to meet the objectives.</p>
<p>A1 New fences must be designed and constructed to match existing original fences on the site.</p>
<p>Relies on Performance Criteria The existing fencing is being removed. The proposed fencing includes a horizontal board type fence to King and Ethel Streets low garden style fencing to Balfour Street.</p>
<p>P1 New fences must be compatible with the historic cultural heritage significance of a place and its setting, having regard to: (a) the cultural heritage values of the local heritage place and setting; (b) the architectural style of the dominant building on the site; (c) the dominant fencing style in the setting; and (d) the original or previous fences on the site.</p>

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Complies

The proposed fencing along the King Street frontage is contemporary to suitably blend in with the current form of development proposed for this frontage. Its construction is to meet the requirements of being solid up to a height of 1.2m and 50% transparent up to a height of 1.8m.

The steel picket fencing to the Balfour Street side of lot 1 is considered appropriate but the curved top fencing to the front of the other two buildings is not. Council's Heritage planner recommends that the fencing material be altered to either timber pickets, a low brick fence or high quality steel pickets.

E13.6.8 Roof form and materials

Objective:

To ensure that roof form and materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent

The roof forms are able to meet the performance requirements to ensure that the buildings are compatible with the historic cultural heritage significance of local heritage places and their settings.

A1 No acceptable solution.

Relies on Performance Criteria

Dwelling 1 proposes a pitched roof while dwellings 2 and 3/4 have low pitched concealed roofs hidden by facades.

P1 Roof form and materials are compatible with the historic cultural heritage significance of a place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting;
- (b) the design, period of construction and materials of the dominant building on the site;
- (c) the dominant roofing style and materials in the setting; and
- (d) the streetscape.

Complies

The roof form for dwelling 1 meets the requirements. It is compatible with the surrounding dwellings especially those to the west.

Council's Heritage Planner comments that *while flat roofs are not common in this street, or the surrounding area, replication of traditional forms is not required by heritage legislation or guidelines. Lower profile roofs minimise the visual impact of the proposed development on the skyline. It is therefore considered that a successful outcome requires some change to the Balfour Street frontages.*

Some form of roof structure would assist the streetscape. Otherwise it is recommended that the facades of the building include some means of reducing the visual height of the facades especially above the upper level windows. This could most easily be achieved by recognising the proposed use of brickwork for the cladding, whether it be a face

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brickwork, the inclusion of some form of horizontal banding or by the use of lighter finish than typical render so that the joints are still able to be recognised. Use of more than one cladding material could also achieve a similar result. Following discussion with the applicant it is agreed that conditions be applied if approval is granted to address the appearance of the dwellings to Balfour Street frontage requiring amendments be made to the plans for further approval by the Manager Planning Services.

A further means of addressing the form of the building without necessary constructing a roof is to alter the window configuration to Balfour Street. This is particularly necessary for dwellings 3 and 4 where the width of the window panes is excessive.

Council's Heritage Planner suggests that windows to each building be reconsidered along with other design elements *specifically that window frames must be set back within the wall (at least a brick width), and that window sills be provided to openings.*

E13.6.9 Wall materials

Objective:
To ensure that wall materials are compatible with the historic cultural heritage significance of local heritage places and their settings.

Consistent
The proposed wall materials are able to meet the performance requirements to ensure that the buildings are compatible with the historic cultural heritage significance of local heritage places and their settings. While the proposed render finish is not inappropriate it is considered that the visual character of the development could be improved by conditions.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Wall material for buildings and structures must be compatible with the historic cultural heritage significance of a place and its setting, having regard to:
(a) the cultural heritage values of the local heritage place and setting;
(b) the design, period of construction and materials of the dominant building on the site;
(c) the dominant wall materials in the setting; and
(d) the streetscape.

Complies

Council's Heritage Planner comments:
The wall materials and detailing currently proposed for the Balfour street frontage are not considered to be 'compatible with the historic cultural heritage significance' of the place and its setting. There is a simple palette of materials existing in the street, with the dwellings and commercial buildings being almost exclusively constructed from brick, and a relatively consistent character of buildings built between 1850 and 1920, with double hung windows of relatively consistent scale, proportion and layout.

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It has been suggested that the developer is open to some changes which may assist the development in meeting this performance criteria, and so it is proposed that a condition be applied to any planning permit requiring the following changes to the wall materials, window layout and detailing of the Balfour and Ethel Streets facades of the proposed buildings.

1. *The walls to Balfour Street must be constructed of either painted or face brickwork.*
2. *The bricks to be recycled from the existing wall/s are to be used in either fences or walls on the Balfour or Ethel Street elevations.*
3. *The proportions of windows to Balfour Street are to be modified to be consistent with the proportions of windows in surrounding buildings of a similar scale.*
4. *The layout of windows within walls facing Balfour Street is to be reconsidered and designed to be consistent with the pattern of fenestration on surrounding buildings of a similar scale.*
5. *The placement of windows/glazing within wall openings facing Balfour Street is to be reconsidered and designed to be consistent with the pattern of fenestration on surrounding buildings, specifically that window frames must be set back within the wall (at least a brick width), and that window sills be provided to openings.*
6. *Consideration must be given to breaking down the scale of expanses of wall above windows by visual means, specifically on the Balfour Street façade of lot 2.*

It is therefore recommended that the facades of the building include a mix of materials to provide some textural and depth to otherwise flat surfaces which can have the effect of reducing the height visual height of the buildings. This could most easily be achieved by use of brickwork for the cladding, whether it be facebrick including some horizontal banding or with a light render finish so that the joints are still able to be recognised. Use of more than one cladding material could also achieve a similar result. Discussion with the applicant has resulted in changes that will be introduced by a condition requiring amended plans to be lodged.

E13.6.11 Driveways and parking

Objective:

To ensure that driveways and parking are compatible with the historic heritage significance of local heritage places and their settings.

Consistent

Car parking is proposed to be located in garages built into the new buildings and for all but dwelling 1, are oriented to face King Street. Due to the terrain of the site the garages and driveways will be located at a lower level than Balfour Street and therefore will not be visible from the most important streetscape. This is considered to be 'compatible with the historic cultural heritage significance' of the place and its setting.

E13.6.12 Tree and vegetation removal

Objective:

To ensure that the removal, destruction or lopping of trees or the removal of vegetation

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does not impact on the historic heritage significance of local heritage places and their settings.

Consistent

The only vegetation to be removed as part of the development is unmaintained poor quality materials. Therefore, there will be no loss that will impact on the historic heritage significance of local heritage places and their settings.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Services	Conditional consent provided.
Environmental Health	Conditional consent provided. This includes the necessity for further referrals relating to site contamination.
Parks and Recreation	N/A
Heritage/Urban Design	<p>Comments from Council's Heritage Planner are summarised below:</p> <p>With some modifications to materials and detailing, the proposed development and subdivision may be considered to meet the relevant performance criteria set out in the Local Historic Cultural Heritage Code of the Launceston Interim Planning Scheme 2015, and therefore may be approved, with appropriate conditions.</p> <p>Conditions should be applied to any planning permit requiring amended plans addressing the issues outlined in the report above. These are as follows.</p> <ol style="list-style-type: none"> 1. The older bricks on site (i.e. from the front wall) proposed for demolition, are to be salvaged and re-used on the site wherever possible, in the fences or walls to the Balfour Street frontage of the site. 2. The walls to Balfour Street must be constructed of either painted or face brickwork. 3. The bricks to be recycled from the existing wall/s are to be used in either fences or walls on the Balfour or Ethel Street elevations.

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	<ol style="list-style-type: none"> 4. The proportions of windows to Balfour Street are to be modified to be consistent with the proportions of windows in surrounding buildings of a similar scale. 5. The layout of windows within walls facing Balfour Street is to be reconsidered and designed to be consistent with the pattern of fenestration on surrounding buildings of a similar scale. 6. The placement of windows/glazing within wall openings facing Balfour Street is to be reconsidered and designed to be consistent with the pattern of fenestration on surrounding buildings, specifically that window frames must be set back within the wall (at least a brick width), and that window sills be provided to openings. 7. Consideration must be given to breaking down the scale of expanses of wall above windows by visual means, specifically on the Balfour Street façade of lot 2. 8. The fencing to Balfour Street frontage must be constructed and finished in one of the following ways. <ul style="list-style-type: none"> • Hardwood timber with a high quality clear or painted finish (to match that proposed for lot 1). • Brickwork of a colour and style selected to tie in with surrounding development, which may include bricks recycled from the brick wall fronting Balfour Street which is proposed to be demolished to make way for this development. • High quality steel pickets between steel posts, compatible with surrounding traditional iron or steel fencing.
<p>Building and Plumbing</p>	<p>Standard notes are to be applied if a permit is granted.</p>

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EXTERNAL	
TasWater	Conditional consent provided. TasWater has issued a Development Certificate of Consent TWDA 2016/01403-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 the 15 October until the 28 October 2016. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

ISSUE	COMMENTS
There seems to be no mention of how the development might affect the availability of on-street car parking spaces in King Street. King Street is quite narrow and already parking is not permitted opposite the existing rear of Balfour Street driveways. This is because cars exiting driveway onto such a narrow lane, need 'swing room' to be able to turn into the lane. At present, there are only eight parking spaces in the street, yet including corner King Street blocks, there are 9 King St properties and 3 rear-entrance Balfour Street properties. (As it is, we find the Resident parking system does not guarantee us any on-street parking when we get home from work. We are a two car household and realistically, putting two vehicles in	Each of the proposed dwellings will have sufficient on-site car parking for at least two cars to park and this meets the requirements of the car parking code. Parking in any public street is not 'owned' by any particular property. Long term parking of trucks in a residential street is a matter for the Police.

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<p>our back driveway doesn't work. We would like to park outside our cottage in Balfour Street, but it is rare to find a space there. Indeed, one unknown person parks a couple of vans outside our house for weeks on end, without moving them: i.e. 'long term storage'</p>	
<p>It appears that two power poles will be removed from King Street. At a street meeting of residents with Council some years ago, we asked that all poles be removed, as there is an ongoing issue with access for emergency vehicles, recycling and garbage vehicles in this narrow street. All the poles might be removed from King Street (i.e. that the power for the properties on the north side of King Street be connected underground.) As well as improving access, it might also free up one parking space further up the street.</p>	<p>Relocation of power poles for any development is at the developers cost. The concerns are more related to the existing status quo of the street and not the proposed development under consideration.</p>
<p>How much does the proposed development extend towards the back (i.e. to the King Street boundary). Views of West Launceston hillside may be lost from adjoining dwellings and backyard. The roofline of the proposed developments will be no higher than that of the existing cottages but while this is a good thing, from the Balfour Street skyline perspective, the new two storey housing will extend deeper into the blocks than the neighbouring Heritage cottages (76-80 Balfour).</p>	<p>The proposed dwellings are primarily developed fronting Balfour Street with setbacks from King Street varying. Dwellings 3 and 4, at the eastern end, do extend beyond the depth of the neighbouring properties but the co-joined building will be set 2m off the common boundary and while some views will be lost the adjoining properties will not be subject to overlooking or overshadowing.</p>
<p>There are subsidence issues in King Street that is cause by a subterranean watercourse that flows from the southern side of Balfour Street. Therefore, will the proposed retaining walls in the southern eastern portion of the site will impact on</p>	<p>To gain building approval engineering detail must be provided along with certificates of occupancy. This will be addressed at the building approval stage.</p>

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adjoining land.	
The adjoining lots to the east will suffer a loss in privacy from the proposed development.	There are no windows or areas of open space on the upper levels of dwellings 3 and 4 within 3m of the boundary as restricted by the planning scheme.
The heritage character of the streetscape and precinct must be maintained with being more sympathetic to the heritage context and built environment.	This is considered an appropriate concern and is discussed under the zone assessment and that of the heritage code. The main concerns are the size of the window openings facing Balfour Street, of dwelling 3 and 4, texture of materials and the lack of capping off of height of the dwellings 2, 3 and 4. These have addressed by recommended conditions.
The definition of primary frontage, where a lot has two frontages, is considered to be that with the shortest dimension. In this case King Street is the primary frontage but Balfour Street should also be considered a 'frontage' and not the rear setback as reference in the Planning report submitted with the application.	The planning assessment considers King Street as the primary frontage and Balfour Street as the secondary frontage, not rear boundary. Both frontages have been assessed against the performance requirements of 11.4.1.
Clause 10.4.2 deals with site coverage and rear setback. It is considered that the property does not have a 'rear' and that the application does therefore not comply must be considered against the performance requirements. Site cover should therefore be considered. The three storey form of development is not sympathetic to the surrounds and there are other design options that would provide the same level of accommodation. The facade and roof elements require further consideration in relation to the window openings and lack of parapet treatments	Site cover is only encroached by dwelling 1. Therefore site cover is addressed for dwelling 1 only. In respect of building height, the dwellings are only two storey to Balfour Street and the overall height of dwelling 1, and indeed the other proposed dwellings, is no greater than of other existing properties in Balfour Street. The buildings to King Street are partly three storey but this is not for the total floor area. The dwellings on what is the southern side of King Street are all constructed to principally front Balfour Street. Dwelling 1 is the more decorative of the three buildings and does have a pitched roof. Conditions of approval are recommended to address the façade treatment of all the four dwellings to ensure that their form is more in keeping with the streetscape.
The application does not meet the objectives in relation to the building envelope particularly part (c) in	The proposed dwellings do encroach on the building envelopes but are not considered to significantly impact on the streetscape. While it is

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

<p>reference to neighbours amenity with 'neighbours' not defined in the scheme. Properties over the road should be considered a neighbour and therefore the visual appearance of the dwellings in the streetscape context, in this case particularly Balfour Street. The proposal should be conditioned to require the development to meet the building envelopes upon each lot.</p>	<p>agreed that the dwellings adjacent to dwelling 4 are only single storey their overall height is not considered inappropriate. The overall street has a number of architectural styles and building heights including the relationship of floor levels to street level.</p> <p>The planning scheme references building heights not the number of stories. Modifications are sought via conditions but these are limited more to decorative treatments versus a change in design.</p>
<p>It is acknowledged that the design of dwelling 1 attempts to address the character of the Balfour Street historic precinct but dwellings 2, 3 and 4 all lack detail including a pitched roof. The dwellings are considered to be excessive in height, not have any horizontal elements, wall materials, fencing and have windows with too wider panes. The three storey buildings are proposed within a street of predominantly single storey dwellings. The heights of the building could be reduced by lowering the ceiling of the upper level to 2.4m in height rather than 2.7m as proposed.</p>	<p>Dwelling 1 is clearly more in keeping with the streetscape, particularly the dwellings to the west. The concerns of the representation in relation to the facade detail/treatment have been raised in the report. Conditions are to be imposed to require amended elevations to illustrate an increased level of sympathy to the streetscape, including the reduction in the ceiling height of the upper level to 2.40m and materials to be used for the front fencing.</p>

6. CONCLUSION

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

The only concern of the proposal is the finishes and detail of the facades to Balfour Street. It is considered that conditions can be applied to deal with matters raised in the heritage assessment.

8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)

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.

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

- 8.1 82-90 Balfour Street, Launceston - Residential - Single Dwelling; Subdivision Of Land into Four Lots Plus Section of Road; Demolition of an Existing Building; Construction of Four Single Dwellings ...(Cont'd)**
-

ATTACHMENTS:

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

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

Tuesday 15 November 2016

- Attended the Launceston Chamber of Commerce Networking Function for Walker Designs at Chalmers Church

Thursday 17 November 2016

- Attended the Corner Stone Youth Services Tasmanian Youth Services Coalition and MoU Signing and Launch at LINC, Civic Square

Friday 18 November 2016

- Attended the Heart Foundation Morning Tea in the Town Hall Reception Room
- Attended the launch of Ten Days on the Island Festival at the John Heart Conservatory in City Park
- Officiated at Christmas in the City in the Brisbane Street Mall

Saturday 19 November 2016

- Officiated at the 'Kid I Am' event at the Launceston Silverdome
- Judged motor cycles following the Awareness Ride at the Rocherlea Football Club
- Participated in the charity cricket match at the NTCA Grounds for the McGrath Foundation
- Attended the Vietnam Veterans Annual Christmas Dinner at the Launceston RSL

Sunday 20 November 2016

- Participated in Sally's Ride Tamar Valley Cycle Challenge 2016

Wednesday 23 November 2016

- Attended Theatre North's 2017 Season launch at the Princess Theatre
-

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

Thursday 24 November 2016

- Presented at the Launceston Historical Society Prize Presentations 2016 at the Town Hall Reception Room
- Attended the TasRail Networking Event at Cafeone0six in Launceston
- Attended the Launceston Catholic Schools 14th Annual Concert and Awards Evening at St Patrick's College

Friday 25 November 2016

- Attended the White Ribbon 'Brunch in the Bays' at the Tasmanian Fire Service in Paterson Street
- Attended the Aldermen's and EMC Christmas event at Pierre's

Saturday 26 November 2016

- Judged the Christmas Parade in the City
- Attended the Tramway Museum 21st Anniversary Lunch at the Tramway Museum
- Attended the Launceston City Band 140th Anniversary Concert at the City Baptist Church
- Attended the Black with a Touch of Gold St Michaels 50th Anniversary Gala Ball at Silks Restaurant

Sunday 27 November 2016

- Attended the Stan Siejka Cycling Classis VIP Function and lunch in the viewing marquee outside City Park
-

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.)

11.1.1 Aldermen's Questions on Notice - Council Meeting - 14 November 2016**FILE NO:** SF2375**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

QUESTION and RESPONSE:

Alderman J G Cox asked the following question:

Has Council ever considered a memorial to be included in the plans for the Gorge redevelopment that recognises those who have lost their lives at the Cataract Gorge First Basin?

Response:

(Mr H Galea - Director Infrastructure Services)

It is considered that a public memorial is not appropriate in this recreational setting unless the Council can quantify and identify all those who drowned at the Cataract Gorge First Basin and the adjacent sections of the South Esk River. To identify all persons would be problematic given, that, if we miss or add an individual, this could result in offending family and friends. It is considered more appropriate for a family/friends to seek a modest plaque (whether set independently or as part of furniture) to be erected as a memorial to their loved one. This would be undertaken on a case by case basis.

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 Pedestrian and Bike Committee Meeting - 18 October 2016****FILE NO:** SF0618**AUTHOR:** Julie Tyres (Administration Officer - Technical Services)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Meeting of the Pedestrian and Bike Committee held on 18 October 2016.

RECOMMENDATION:

That Council receives the report from the Pedestrian and Bike Committee Meeting held on 18 October 2016.

REPORT:

The following matters were discussed at the Pedestrian and Bike Committee Meeting held on 18 October 2016:

- Bike counts have been completed and the results are consistent with previous years.
- Damien Fitzgerald gave a presentation on the Launceston City Heart project in relation to Civic Square. The Pedestrian and Bike Committee notes and promotes the shared pedestrian and bike space in Civic Square.
- The Pedestrian and Bike Strategies have the potential to be used more broadly within the Council. The Council should consider process for implementing actions throughout the organisation. This could be considered at a Council workshop.
- It was noted that in the Greater Launceston Metropolitan Passenger Transport Plan is to be endorsed by the Council and that actions from this plan should be linked to the Council's strategies.

ECONOMIC IMPACT:

Not considered relevant to this report.

12.1 Pedestrian and Bike Committee Meeting - 18 October 2016 ...(Cont'd)

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 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 -

6. To promote active and healthy lifestyles

Priority Area 3 - A city in touch with its region

Ten-year goal - To ensure Launceston is accessible and connected through efficient transport and digital networks

Key Direction -

2. To improve and maintain accessibility within the City of Launceston area, including its rural areas

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 -

5. To offer equitable access to services and facilities, including the design of public spaces that are accessible and suited to all abilities

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goal - To continue to ensure the long-term sustainability of our Organisation

Key Direction -

5. To strategically manage our assets, facilities and services

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

12.1 Pedestrian and Bike Committee Meeting - 18 October 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.



Harry Galea: Director Infrastructure Services

12.2 Municipal Emergency Management Committee Meeting - 1 November 2016**FILE NO:** SF3177**DIRECTOR:** Rod Sweetnam (Director Facilities Management)

DECISION STATEMENT:

To receive and consider a report from the Municipal Emergency Management Committee.

RECOMMENDATION:

That Council receives the report from the Municipal Emergency Management Committee Meeting held on Tuesday, 1 November 2016.

REPORT:

The Meeting of the Municipal Emergency Management Committee held on 1 November 2016 discussed:

1. Members reports.
Members provided an update on their current activities.
2. Flood Debrief.
Members discussed what actions have taken place since the June floods and how the communities were recovering.
3. Code of Conduct.
Members present unanimously agreed to adopt the Code of Conduct for the Municipal Emergency Management Committee.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

**12.2 Municipal Emergency Management Committee Meeting - 1 November 2016
...(Cont'd)**

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 5 - A city that values its environment
Ten-year goal - To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards
Key Directions -
3. To enhance community awareness and resilience to uncertain weather patterns

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.



Rod Sweetnam: Director Facilities Management

12.3 Northern Youth Coordinating Committee Meeting - 3 November 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 3 November 2016.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on 3 November 2016.

REPORT:

The Northern Youth Coordinating Committee (NYCC) met on Thursday, 3 November 2016 and the following business was conducted:

- A presentation by Cornerstone Youth Service, Headspace, National Joblink and a youth representative about the Prime Minister's visit to Launceston. The Prime Minister met with four youth representatives at Headspace and discussed issues surrounding mental health for young people. The youth representative stated it was an opportunity to share their story and be heard.
 - An update from the Communities for Children Conference in October was received by Anglicare. Topics covered at the conference included:
 - Working towards a Child Friendly City.
 - Collaborative work practices.
 - Prioritising children's voices.
 - Current research by Communities for Children on local children's wishes hopes and dreams for their community.
 - An update on the Youth Network of Tasmania (YNOT) draft budget submission for the Department of Treasury and Finance on specific recommendations on how State Government should distribute its resources to ensure that the lives of young people can be improved. Recommendations include: Youth Health Nurses, Youth Conferences and a Youth Suicide Prevention Strategy. The final submission will be completed by December 2016.
-

**12.3 Northern Youth Coordinating Committee Meeting - 3 November 2016
...(Cont'd)**

At the Meeting, members agreed:

- To support a funding request from Relationships Australia on behalf of Ravenswood Action Group for \$500 to host a Battle of the Bands at Ravenswood Neighbourhood House. The family friendly event is a joint venture between organisations that are part of the Ravenswood Action Group whose aim is to improve and increase community engagement, service delivery and positive outcomes within the Ravenswood area.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Consideration contained in 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

BUDGET & FINANCIAL ASPECTS:

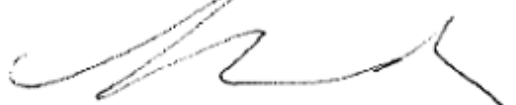
Not considered relevant to this report.

**12.3 Northern Youth Coordinating Committee Meeting - 3 November 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

12.4 Audit Panel Meeting - 10 November 2016**FILE NO:** SF3611**AUTHOR:** Paul Gimpl (Manager Finance)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive and consider a report from the Audit Panel following the Meeting on 10 November 2016.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 10 November 2016.

REPORT:

The following is a precis of the substantive Agenda Items dealt with at the Meeting.

6.2 Internal Audit

Details Issues raised by the Internal Auditors (Crowe Horwath) were discussed, issues resolved agreed on and progress on issues not yet resolved discussed. The Audit Plan for 2016/2017 was also discussed and agreed upon by the Panel.

Action The Human Resources/Employee performance Audit Project to be amended to include Key Person Risk.

7.2 External Audit

Details The Audit Report was discussed with the Tasmanian Audit Office noting there were no significant matters.

Action The Panel noted the reports.

9.1 Budget Amendments

Details The Panel received the report and noted the changes to the 2016/2017 budget

Action The Budget Amendments to be recommended to Council.

9.2 Budget Reallocations

Details The Panel received the report on transfers within the budget that do not require a change to the total budget.

12.4 Audit Panel Meeting - 10 November 2016 ...(Cont'd)

Action The Panel noted the reallocations and transfers.

9.3 Budget Funding Overview

Details The Panel received the report and noted that amendments relating to a transfer from Capital to Operations and increases to external funds received.

Action The Panel recommend the changes to the 2016/2017 statutory Budget be presented to Council for approval.

9.4-10.4 Financial Reports & KPI's

Details The Panel received the operating results for the three months to 30 September 2016 as well as reports on capital, debts and investments.

Action The Panel noted the reports.

11.1 Investment Strategy

Details The Panel received the report showing the breakdown of funds held at 1 July 2016.

Action The Panel recommended the General Manager approve the Strategy.

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

Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders and to continue to ensure the long-term sustainability of our Organisation

Key Direction -

6. To maintain a financially sustainable organisation

12.4 Audit Panel Meeting - 10 November 2016 ...(Cont'd)

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

12.5 Heritage Advisory Committee Meeting - 17 November 2016**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design and Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the from the Heritage Advisory Committee Meeting held on 17 November 2016.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee Meeting held on 17 November 2016.

REPORT:

The Heritage Advisory Committee met on Thursday, 17 November 2016 and noted the following:

1. Code of Conduct for members of Special Meetings - the Committee noted the contents and acknowledged that they had received of copy of the Code.
2. Terms of Reference - the Committee noted the changes and these will be recommended for endorsement by Council on the 28 November 2016.
3. Heritage List Review - noted the ongoing progress.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

12.5 Heritage Advisory Committee Meeting - 17 November 2016 ...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders

Key Direction -

1. To develop and consistently use community engagement processes.

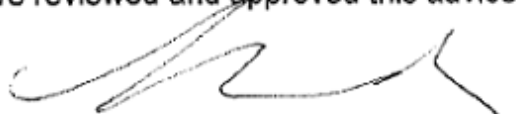
BUDGET & FINANCIAL ASPECTS:

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

13 COUNCIL WORKSHOPS

Council Workshops conducted on 21 November 2016 were:

- CH Smith Site Development
- Festivale
- Launceston City Heart Project - St John Street Bus Locations
- Committee Representation Details

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 Event Sponsorship Policy****FILE NO:** SF0984**AUTHOR:** Eve Gibbons (Grants and Sponsorship Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the revised Event Sponsorship Policy (05-PI-012)

Due to significant changes to this policy the changes have not been underlined.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 21 November 2016 - Agenda Item 4.2 - Event Sponsorship Policy
Council - 29 April 2013 - Agenda Item 14.1 - Event Sponsorship Policy (05-PI-012)
Council - 12 December 2011 - Agenda Item 13.2 - Event Sponsorship Policy (05-PI-012)

RECOMMENDATION:

That Council approves the Events Sponsorship Policy (05-PI-012) as set out below.

PURPOSE:

The purpose of the Event Sponsorship Policy is to provide a framework to support events that will deliver community, social, cultural, tourism and economic benefits to the Launceston community, building our profile and reputation as a great place to live, visit and invest.

SCOPE:

Applies to applications seeking funding assistance for events held within the Launceston Municipality or that demonstrate substantial benefit to Launceston and the region.

POLICY:***Funding Overview***

Applications for event sponsorship for the following categories will be assessed under this policy against the relevant assessment criteria.

15.1 Event Sponsorship Policy ...(Cont'd)

General Event Sponsorship Program

Small Events - up to \$5,000

Funding will be provided to small community events held in the Launceston Municipality where the local community is the main audience. These events will deliver an inclusive experience, encouraging community participation, creativity, and will foster pride and positivity in our city. They may also commemorate or celebrate a significant occasion. Small community events will support a diverse major events calendar and will contribute to making Launceston a desirable place to live, work and invest.

The City of Launceston will pre-commit a three year funding allocation commencing 2017/2018 to fund a maximum of four events that celebrate or commemorate a specific tradition in an annual calendar. Annual reporting on event outcomes, budget, and the next year's plan is required prior to release of funds for the following year's event.

Links to Event Strategy - Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Major Events - \$5,001 - \$20,000

Funding will be provided to major events held in the Launceston Municipality, where local, intrastate, interstate and international attendees are the main audience. These events will deliver an inclusive experience, encouraging community participation, creativity, and will foster pride and positivity in our city. They will also deliver tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest.

Funding will be available under two levels.

Level 1 - up to \$12,500

Would typically be an event held in the Launceston Municipality attracting audiences from local and intrastate areas.

Level 2 - up to \$20,000

Would typically be an event held in the Launceston Municipality attracting larger audiences, from local, intrastate, interstate and/or international areas.

Council will allocate an annual amount in the budget specifically for General Event Sponsorship, separate from and in addition to the other event sponsorship programs.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

15.1 Event Sponsorship Policy ...(Cont'd)

Signature Event Sponsorship Program

Funding will be provided to support established major annual events that deliver a uniquely memorable experience in the Launceston Municipality. Events will deliver an inclusive experience, encouraging community participation, creativity, and will foster pride and positivity in our city. They will also deliver significant tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest. They will operate under multi-year strategic and marketing plans and epitomise best practice in event delivery.

The City of Launceston on a tri-annual basis will identify established major annual events that will be eligible for three years of continuous funding support. Events must deliver a unique experience to Launceston, have received a minimum of three years continuous funding support as a City of Launceston Signature Event or Level 2 Major Event recipient and the event continues to deliver Event Strategy outcomes.

Council will pre-commit a three year funding allocation commencing 2017/2018 specifically for Signature Events. Annual reporting on event outcomes, budget, and the next year's business and marketing plans are required prior to release of funds for the following year's event.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

New Year's Eve Event Sponsorship Program

The New Year's Event Sponsorship Program provides support to the primary New Year's Eve event to be held in the Launceston municipality. The event will deliver an inclusive experience, encouraging community participation, creativity, and will foster pride and positivity in our city. As a major community event, it may also deliver tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest.

The City of Launceston on a triannual basis will commit to three years of continuous funding to the primary New Year's Eve event, commencing 2017/2018. Annual reporting on event outcomes, budget, and the next year's business and marketing plans are required prior to release of funds for the following year's event.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

15.1 Event Sponsorship Policy ...(Cont'd)

Start-up Event Sponsorship Program

Funding is provided to encourage new annual events held in the Launceston Municipality where the local community is the main audience. These events will deliver an inclusive experience, encouraging community participation, creativity, and fostering pride and positivity in our city. They will have a vision to develop and grow into a major event delivering tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest.

Council will allocate an annual amount in the budget specifically for Start-up Event Sponsorship, separate from and in addition to the other event sponsorship programs.

Links to Event Strategy - Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Special Event Sponsorship Program

A 'Special Event' is defined as an irregular or one-off event that has the ability to attract significant attendees from local, state and interstate attendees. These events will deliver an inclusive experience, encouraging community participation, creativity, and fostering pride and positivity in our city. They will also deliver tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest.

Council will allocate an annual amount in the budget specifically for Special Event Sponsorship, separate from and in addition to the other event sponsorship programs.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Funding Rounds

General Event Sponsorship and Start up Event Sponsorship

There will be two funding rounds per financial year and the timeframe for applications to be considered is as follows:

Round	Applications Open	Applications Close	Applications Assessed	Council Decision
Round 1 (events 1 August - 31 December)	1 February	15 March	April	May
Round 2 (events 1 January - 31 July)	1 May	15 June	July	September

15.1 Event Sponsorship Policy ...(Cont'd)

For General Event Sponsorship, round one covers a five month period and will be allocated 40% of the annual budget; this allocation will be pre-committed by Council. Round two covers a seven month period and will be allocated 60% of the annual budget. Any City of Launceston budgeted funds remaining from the first funding round will be allocated to the remaining funding round, within the same financial year.

Signature Event Sponsorship Program

The City of Launceston on a tri-annual basis will identify established major annual events that will be eligible for three years of funding support. Event organisers will be required to submit an application to support their funding request, up to an amount to be determined by a decision of Council. Applications will open on a triannual basis and the timeframe for funding applications to be considered is as follows:

Round	Applications Open	Applications Close	Applications Assessed	Council Decision
	1 February	15 March	April	May

For Signature Event Sponsorship, the Council decision will incorporate a pre-commitment of funds by Council.

New Year's Eve Event Sponsorship Program

The City of Launceston on a tri-annual basis will open an expression of interest process and the timeline will be as follows:

Round	Applications Open	Applications Close	Applications Assessed	Council Decision
	1 February	15 March	April	May

For New Year's Eve Event Sponsorship, the Council decision will incorporate a pre-commitment of funds by Council

Special Event Sponsorship

Expressions of interests can be made for Special Event funding and will be ongoing until the budget allocation has been exhausted within that given financial year.

Expressions of interest for Special Event funding will generally be considered by Council within six weeks of receipt of a formal application.

15.1 Event Sponsorship Policy ...(Cont'd)

Funding Assessment

Assessment of all eligible applications will be made by the City of Launceston Event Sponsorship Assessment Panel and will operate under a Council endorsed Terms of Reference.

Funding decisions will be made by the Council, following recommendations made by the Panel. Funding endorsement will be subject to the budget available.

Funding Agreement

Successful applicants will be required to sign a funding agreement which will detail the conditions and reporting requirements specific to the funding level.

The City of Launceston reserves the right to reconsider any funding decision if any variation is made to an event after funding is endorsed.

Funding Limitations

No funding will be granted to an event that has started or completed prior to the application being assessed.

An event under this Policy will only be eligible to receive funding from one City of Launceston Event Sponsorship program per financial year. The event will also be ineligible to receive funding support from any other City of Launceston funding program (eg. Community Grant).

PRINCIPLES:

Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

Event Sponsorship Guidelines 05-Rfx-015

Event Sponsorship Assessment Panel Terms of Reference 05-Plx-018

Individual Grants Policy 05-PI-011

Community Grants (Organisations) Policy 05-PI-010

Approval of Holding Civic Events (receptions/functions) Policy 05-PL-006

Mayoral Communications Flow Chart 17-HLPr-002

Mayoral Community Assistance Fund Policy 05-PI-001

RELATED LEGISLATION:

N/A

REFERENCES:

N/A

DEFINITIONS:

N/A

15.1 Event Sponsorship Policy ...(Cont'd)

REVIEW:

This policy will be reviewed in line with the City of Launceston Events Strategy or more frequently if dictated by operational demands and with Council's approval.

REPORT:

The Event Sponsorship Policy has been reviewed in accordance with the endorsed City of Launceston Events Strategy 2016-2019.

The Event Sponsorship Policy is contained within the recommendation.

The following themes/criteria will guide the strategic outcomes of the Event Sponsorship Policy and will inform the funding application guidelines.

General Event Sponsorship Themes/Criteria

Small Events - Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
- Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
- Community Spirit - Fosters pride and positivity in our city, building community spirit.
- Inclusiveness - Inclusive and accessible to residents within our community.
- Asset Usage - Utilises and activates community assets.

AND

- Celebration - the event celebrates or commemorates a specific tradition in an annual calendar (required for the celebratory events).

Links to Event Strategy - Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Measures of Success (as per event strategy)

Key measures of success will be:

- A diverse calendar of community-focused events throughout the year, catering for large sections of the community.
 - High levels of community participation, engagement and satisfaction with events
 - Community pride and sense of belonging.
 - Increased usage and economic yield from City of Launceston's event venues.
-

15.1 Event Sponsorship Policy ...(Cont'd)

Major Events - Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
- Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
- Community Spirit - Fosters pride and positivity in our city, building community spirit.
- Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment.
- Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.
- Asset Usage - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Measures of Success (as per event strategy)

Key measures of success will include:

- High levels of community participation, engagement and satisfaction with events
- Community pride and sense of belonging.
- An increase in the number of events generating a significant tourism impact including:
 - An increase in the number of event visitors;
 - Increased length of stay and economic yield from visitors (measured by accommodation occupancy, visitor numbers and likely spend per visitor).
- An increased profile and positive exposure for Launceston.
- High levels of satisfaction of event organisers and event visitors.
- A diversified calendar of events, spread throughout the year, including outside of peak tourism season.
- Increased usage and economic yield from City of Launceston's event venues.

Signature Events Themes/Criteria

Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
 - Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
 - Community Spirit - Fosters pride and positivity in our city, building community spirit.
 - Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment.
-

15.1 Event Sponsorship Policy ...(Cont'd)

- Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.
- Progressive - Demonstrates a future strategic vision for growth and continued sustainability.
- Asset Usage - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Measures of Success (as per event strategy)

Key measures of success will include:

- High levels of community participation, engagement and satisfaction with events
- Community pride and sense of belonging.
- An increase in the number of events generating a significant tourism impact including:
 - An increase in the number of event visitors;
 - Increased length of stay and economic yield from visitors (measured by accommodation occupancy, visitor numbers and likely spend per visitor).
- An increased profile and positive exposure for Launceston.
- High levels of satisfaction of event organisers and event visitors.
- A diversified calendar of events, spread throughout the year, including outside of peak tourism season.
- Increased usage and economic yield from City of Launceston's event venues.

New Year's Eve Event - Themes/Criteria

Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
 - Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
 - Community Spirit - Fosters pride and positivity in our city, building community spirit.
 - Inclusiveness - Inclusive and accessible to residents within our community.
 - Progressive - Demonstrates a future strategic vision for growth and continued sustainability.
 - Asset Usage - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets.
-

15.1 Event Sponsorship Policy ...(Cont'd)

Potential Additional Benefits

- Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment.
- Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Measures of Success (as per event strategy)

- Key measures of success will be:
- A diverse calendar of community-focused events throughout the year, catering for large sections of the community.
- High levels of community participation, engagement and satisfaction with events
- Community pride and sense of belonging.
- Increased usage and economic yield from City of Launceston's event venues.

Start-up Events Themes/Criteria

Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
- Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
- Community Spirit - Fosters pride and positivity in our city, building community spirit.
- Inclusiveness - Inclusive and accessible to residents within our community.
- Development - Demonstrates a vision for growth and sustainability.
- Asset Usage - Utilises and activates community assets.

Measures of Success (as per event strategy)

Key measures of success will be:

- A diverse calendar of community-focused events throughout the year, catering for large sections of the community.
 - High levels of community participation, engagement and satisfaction with events
 - Community pride and sense of belonging.
 - Increased usage and economic yield from City of Launceston's event venues.
-

15.1 Event Sponsorship Policy ...(Cont'd)

Links to Event Strategy - Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Special Event Sponsorship Themes/Criteria

Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
- Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
- Community Spirit - Fosters pride and positivity in our city, building community spirit.
- Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment.
- Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.
- Asset Usage - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets.

Links to Event Strategy - Goal 1 (Economic, Tourism and Profile), Goal 2 (Community, social and lifestyle) & Goal 3 (Asset Usage)

Measures of Success (as per event strategy)

Key measures of success will include:

- High levels of community participation, engagement and satisfaction with events
- Community pride and sense of belonging.
- An increase in the number of events generating a significant tourism impact including:
 - An increase in the number of event visitors;
 - Increased length of stay and economic yield from visitors (measured by accommodation occupancy, visitor numbers and likely spend per visitor).
- An increased profile and positive exposure for Launceston.
- High levels of satisfaction of event organisers and event visitors.
- A diversified calendar of events, spread throughout the year, including outside of peak tourism season.
- Increased usage and economic yield from City of Launceston's event venues.

Cool Season Event/Strategy

As part of the City of Launceston Events Strategy and following discussions with key stakeholders, it is recognised that the City has a key role to play in supporting a strategy to boost visitation during the cool months. It is recommended that consideration be given to making provision for financial support for a cool season strategy as a specific line item within the forward estimates for the 2017/2018 financial year.

15.1 Event Sponsorship Policy ...(Cont'd)

ECONOMIC IMPACT:

Consideration contained in this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Consideration contained in this report.

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

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 2016-2019

Goal 1: Maximise the economic, tourism and profile benefits achievable from events.

Goal 2: Community, social and lifestyle outcomes

Goal 3: Maximising the promotion, usage of and financial return of City of Launceston owned and managed facilities and infrastructure as event venues.

15.1 Event Sponsorship Policy ...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The cash budget for Events Sponsorship for 2016/2017 is made up of:

General Sponsorship	\$170,000
Signature Event	\$145,000
Celebration Event	\$31,000
Event Incentive	\$25,000
	\$371,000

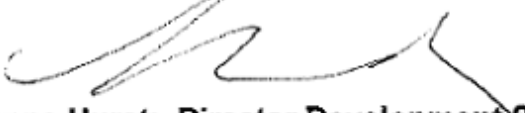
The final decision on available funding for 2017/2018 will need be made in the lead up to the budget as funding allocation decisions are made prior to the final budget determination.

These decisions will need to be made in the context of the overall financial position, in particular the strategic objective of delivering an ongoing operating surplus.

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 Event Sponsorship - Signature Events 2017/2018**FILE NO:** SF5791**AUTHOR:** Eve Gibbons (Grants and Sponsorship Officer)**ACTING DIRECTOR:** Wendy Newton (Manager Community, Tourism and Events)

DECISION STATEMENT:

To consider events as eligible to apply for funding support via the Signature Event Sponsorship Program commencing 2017/2018.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 21 November 2016 - Agenda Item 4.3 - Event Sponsorship - Signature Events 2017/2018

Council - 24 January 2016 - Agenda Item 15.2 - Signature Events and Signature Celebration Events Sponsorship

Council - 11 May 2015 - Agenda Item 15.2 - Signature Event Sponsorship

Workshop - 8 April 2015 - Signature Events Sponsorship Program

Council - 29 April 2013 - Agenda Item 14.1 - Event Sponsorship Policy

Council - 9 July 2012 - Agenda Item 14.1 - Signature Events Sponsorship

RECOMMENDATION:

That Council approves the following established major annual events as eligible for three years of funding support via the Signature Events Sponsorship Program commencing in the 2017/2018 financial year:

1. Festivale
2. Junction Arts Festival
3. The Stan Siejka Launceston Cycling Classic
4. Symphony Under the Stars
5. Launceston Ten
6. Launceston Tennis International
7. Launceston Cup
8. Tasmanian Open DanceSport Championships
9. Tasmanian Breath of Fresh Air Film Festival

Subject to the assessment of funding submissions to determine that the criteria for the Signature Events Sponsorship Program has been satisfied.

15.2 Event Sponsorship - Signature Events 2017/2018 ...(Cont'd)

REPORT:

The draft Event Sponsorship Policy includes a Signature Event category and states:

Funding will be provided to support established major annual events that deliver a uniquely memorable experience in the Launceston Municipality. Events will deliver an inclusive experience, encouraging community participation, creativity, and will foster pride and positivity in our city. They will also deliver significant tourism and economic returns to the Launceston community, building our profile and reputation as a great place to live, visit and invest. They will operate under multi-year strategic and marketing plans and epitomise best practice in event delivery.

The City of Launceston, every three years, will identify established major annual events that will be eligible for three years of continuous funding support. Events must be unique to Launceston, have received a minimum of three years continuous funding support as a previous City of Launceston Signature Event or Level 2 Major Event recipient and continue to deliver Event Strategy outcomes.

The events listed have been identified in line with the Signature Event criteria as being established major annual events that deliver a uniquely memorable experience. All events have received a minimum of three years continuous funding support from the City of Launceston through the Signature Event Program or Level 3 or 4 of previous Event Sponsorship Policy (now equivalent to Level 2).

The events deliver an inclusive experience, encourage community participation, creativity, and foster pride and positivity in our city. They deliver significant tourism and economic returns to the Launceston community, and build our profile and reputation as a great place to live, visit and invest. With significant attendance figures from local, intrastate, interstate and international audiences, these events continue to deliver Event Strategy outcomes and demonstrate excellence in epitomising best practice in event delivery.

It should be noted that a Cultural Strategy is currently being prepared, which will include consideration of support for cultural events, such as Symphony Under the Stars. As this work is not yet completed, those events that might otherwise be considered under a separate cultural funding program, have been recommended for inclusion at this time in the Signature Events pool.

Additionally, the 2016 New Year's Eve event will have a new organiser and format for the first time in several years, who has not yet had an opportunity to demonstrate a track record for that event, as per the criteria used to identify the recommended signature events. However, it is recognised that the New Year's Eve event is a unique celebration that may not necessarily attract intra and interstate audiences at this time, but nevertheless is a significant annual event for the City.

15.2 Event Sponsorship - Signature Events 2017/2018 ...(Cont'd)

For that reason it is recommended that funding for a New Year's Eve event be allocated under a separate program, as identified in the Events Sponsorship Policy, and that expressions of interest be called for funding for the event from 2017.

Further, it is anticipated that a significant event or strategy to attract visitation during the cool months will require a commitment of funding. It is recommended that this activity be supported through a specific budget allocation, separate to the Signature Events program.

It is therefore recommended that the events as listed be invited to apply for Signature Event Sponsorship for the 2017/2018, 2018/2019 and 2019/2020 financial year.

Events will be required to submit an application to support their funding request. The timeframe for funding applications to be considered are as follows:

Round	Applications Open	Applications Close	Applications Assessed	Council Decision
	1 February	15 March	April	May

For Signature Event Sponsorship, the Council decision will incorporate a pre-commitment of funds by Council.

The following themes (criteria) will guide the assessment of applications.

Themes/Criteria

- Participation - Enables social connections to take place within the community, including volunteering and participation opportunities.
- Creativity and Innovation - Encourages and supports creativity, innovation and local talent.
- Community Spirit - Fosters pride and positivity in our city, building community spirit
- Economic - Demonstrates positive economic benefits through visitor spend, employment and/or investment.
- Tourism and profile - Demonstrates positive tourism benefits, through the promotion of Launceston and the region, building our profile and reputation.
- Progressive - Demonstrates a future strategic vision for growth and continued sustainability.
- Asset Usage - Utilisation and activation of community assets including cultural, entertainment, sport and recreation venues, including Council owned and operated assets.

ECONOMIC IMPACT:

Consideration contained in the report.

15.2 Event Sponsorship - Signature Events 2017/2018 ...(Cont'd)

ENVIRONMENTAL IMPACT:

Consideration contained in the report.

SOCIAL IMPACT:

Consideration contained in the report.

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

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

4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar

6. To facilitate direct investment in the local economy to support its growth

City of Launceston Event Strategy 2016-2019

Goal 1: Maximise the economic, tourism and profile benefits achievable from events.

Goal 2: Community, social and lifestyle outcomes

Goal 3: Maximising the promotion, usage of and financial return of City of Launceston owned and managed facilities and infrastructure as event venues.

15.2 Event Sponsorship - Signature Events 2017/2018 ...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

The cash budget for Events Sponsorship for 2016/2017 is made up of:

General Sponsorship	\$170,000
Signature Event	\$145,000
Celebration Event	\$31,000
Event Incentive	\$25,000
	\$371,000

The final decision on available funding for 2017/2018 will need be made in the lead up to the budget as funding allocation decisions are made prior to the final budget determination.

These decisions will need to be made in the context of the overall financial position, in particular the strategic objective of delivering an ongoing operating surplus.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item. The Director of Development Services, Mrs Leanne Hurst, has declared an interest in this Agenda Item and as a consequence the report and associated recommendations has been endorsed by Ms Wendy Newton, acting as Director for this item.

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



Wendy Newton (Acting for this Item) / Manager Community Tourism & Events

15.3 Event Sponsorship Assessment Panel Terms of Reference**FILE NO:** SF0984**AUTHOR:** Eve Gibbons**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the Event Sponsorship Assessment Panel Terms of Reference (05-Plx-018).

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 21 November 2016 - Agenda Item 4.4 - Event Sponsorship - Signature Events 2017/2018

RECOMMENDATION:

That Council approves the Event Sponsorship Assessment Panel Terms of Reference (05-Plx-018) as set out below.

Event Sponsorship Assessment Panel Terms of Reference

The Event Sponsorship Assessment Panel is a Special Committee of Council as defined under section 24 of the *Local Government Act (Tas)*.

PURPOSE:

The primary purpose of the City of Launceston (CoL) Event Sponsorship Assessment Panel is to review and assess sponsorship applications in accordance with the Event Sponsorship Policy and Guidelines.

The Assessment Panel recommendations will allow for informed decision making by Council when approving funding allocation for events.

ROLE:

The role of the Event Sponsorship Assessment Panel is to:

- To consider review and assess event sponsorship applications against the relevant Event Sponsorship Program assessment criteria.
 - Provide recommendations to Council on events to be approved for funding.
-

15.3 Event Sponsorship Assessment Panel Terms of Reference ...(Cont'd)

MEMBERSHIP:

The Event Sponsorship Assessment Panel will consist of representatives from the City of Launceston (Alderman and Officers) and external stakeholders for the following positions:

- City of Launceston Alderman, to Chair the Panel and will be nominated and endorsed by the Council
- A representative of Tourism Northern Tasmania
- A representative of Events Tasmania
- A representative of CityProm
- A cultural representative
- A sports representative
- A community representative

The cultural, sports and community representatives will be appointed by a decision of Council.

Council officers will provide advice to the Assessment Panel.

MEETING ARRANGEMENTS:

The Panel will meet twice a year, normally May/July, which will coincide with the event sponsorship rounds and other times as necessary. A minimum of three weeks' notice will be provided to panel members of meeting date and time. All event sponsorship applications will be assessed in the first instance via an online assessment process. Panel meetings will provide an opportunity for discussion and review of assessments and to confirm recommendations to Council. The length of each meeting will be determined on number of applications received.

MEETING QUORUM:

An absolute majority is considered a quorum for meetings of the Event Sponsorship Assessment Panel.

HOW THE PANEL WILL OPERATE:

- The Grants and Sponsorship Officer will coordinate the Event Sponsorship assessment process;
 - The Panel will assess all Event Sponsorship applications through an online assessment process prior to a Panel meeting;
 - Panel members will independently review and assess each sponsorship application in accordance with the relevant Event Sponsorship Program assessment criteria;
 - Once applications have been pre-scored, the Panel will meet to finalise assessment scoring which will determine the applicant's eligibility for funding, and form the Panel's recommendation to Council; and
-

15.3 Event Sponsorship Assessment Panel Terms of Reference ...(Cont'd)

- All final decisions on Event Sponsorship funding will be made by Council and are subject to the available budget available for that round.

CODE OF CONDUCT:

All Panel members must adhere to the Code of Conduct for Committees. Aldermen and Council Officers must also adhere to their own relevant Code of Conduct.

CONFLICT OF INTEREST:

If a Panel member has a declared interest in an event they must declare prior to assessment of the application. A declared interest will result in the inability to assess that specific application. The Panel member must withdraw from the meeting during the discussions of the application, finalisation of scoring and subsequent recommendation to Council.

The declaration of interest will be noted in the report outlining the panel's recommendation to Council.

RESOURCES:

The Grants and Sponsorship Officer will coordinate the assessment process; ensuring panel members have all the necessary support to undertake the assessment process.

HONORARIUMS:

Council will not pay any honorariums or expenses to any member on the panel.

REVIEW:

The Terms of Reference including membership will be reviewed in conjunction with the review of the City of Launceston Event Sponsorship Policy.

REPORT:

The Event Sponsorship Assessment Panel is a Specific Purpose Internal Committee, established under section 24 of the *Local Government Act 1993 (Tas)*. The primary purpose of the Panel is to review and assess event sponsorship applications in accordance with the Event Sponsorship Policy and Guidelines.

An Event Sponsorship Assessment Panel Terms of Reference has been drafted under the City of Launceston requirement that all Specific Purpose Internal Committees operate in accordance with a Council endorsed Terms of Reference.

15.3 Event Sponsorship Assessment Panel Terms of Reference ...(Cont'd)

The event sponsorship assessment process has been reviewed in conjunction with the Events Sponsorship Policy. Good governance is required to ensure a robust transparent process surrounds the assessment of event sponsorship requests.

ECONOMIC IMPACT:

Consideration contained in report.

ENVIRONMENTAL IMPACT:

Consideration contained in report.

SOCIAL IMPACT:

Consideration contained in report.

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

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

4. To promote and attract national and international events and support the sector to ensure a diverse annual events calendar

6. To facilitate direct investment in the local economy to support its growth

15.3 Event Sponsorship Assessment Panel Terms of Reference ...(Cont'd)

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders; to seek and champion collaboration to address major issues for Northern Tasmania; to ensure decisions are made in a transparent and accountable way; to continue to meet our statutory obligations and deliver quality services and to continue to ensure the long-term sustainability of our Organisation

Key Directions -

3. To ensure decisions are made on the basis of accurate and relevant information
4. To continually improve our service delivery and supporting processes

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

15.4 Greater Launceston Area Urban Salinity Strategy**FILE NO:** SF3935**AUTHOR:** Andrew Newton (Planning Compliance Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider receiving the final report of the Greater Launceston Urban Salinity Strategy 2016 (the Strategy) from the Launceston Salinity Action Group.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 21 November 2016 - Agenda Item 4.8

Council - 15 June 2010 - Agenda Item 11.2

RECOMMENDATION:

That Council adopts the Greater Launceston Area Urban Salinity Strategy 2016 (ECM Number 3912846).

REPORT:

Salinity has long been recognised as a hazard within the greater Launceston area, particularly for its impacts on buildings and infrastructure within urban areas.

The Launceston Salinity Action Group was formed in 2009 to further delineate salinity hazard areas and to explore best practice solutions. This is a collaborative, regional group comprising representation from the City of Launceston, West Tamar and Meander Valley Councils, and TasWater.

The Strategy was developed over a five year project, which involved expert consultants from the University of Canberra and the NSW Department of Primary Industries.

The Strategy provides an analysis of the hydrogeological landscapes of the greater Launceston urban area and a strategy for dealing with known and emerging salinity problems in urban areas. Salinity issues in rural areas have not been assessed as part of the Strategy.

15.4 Greater Launceston Area Urban Salinity Strategy ...(Cont'd)

The Strategy provides a regional response to this development issue for the benefit of the Greater Launceston Area, and represents over five years of collaborative work. Both the West Tamar and Meander Valley Councils have received the Strategy, and it is anticipated that the Strategy will be released to the public before the end of 2016.

In brief summary, the Strategy recommends that:

- Training and awareness programs be developed to be provided to the community, and the building and construction industry;
- Monitoring of water usage, groundwater levels and infrastructure assets continue in order to compile this data into existing GIS Maps to graphically highlight salinity impacts and changes spatially; and
- The development of policies based on the identification of specific salinity risk areas, that detail and manage risk to the environment and development through the planning and building approval processes.

The Greater Launceston Urban Salinity Strategy will be launched on 30 November, 2016.

ECONOMIC IMPACT:

The impacts of salinity in urban environments can lead to significant costs to the community and land owners if not appropriately managed or mitigated when planning for and designing urban development.

ENVIRONMENTAL IMPACT:

Consideration contained within the report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

Greater Launceston Plan 2014 - Project E3: Greater Launceston Urban Salinity Strategy Action Plan.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

15.4 Greater Launceston Area Urban Salinity Strategy ...(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. Greater Launceston Area Urban Salinity Strategy 2016 - Extract from Report of Executive Summary Contents and Conclusions (distributed electronically)
-

15.5 Heritage Advisory Committee - Terms of Reference**FILE NO:** SF2965**AUTHOR:** Fiona Ranson (Urban Design and Heritage Planner)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the revised Terms of Reference for the Heritage Advisory Committee.

PREVIOUS COUNCIL CONSIDERATION:

Council - 24 October 2011 - Agenda Item13.2

RECOMMENDATION:

That Council adopts the Heritage Advisory Committee's Terms of Reference (18-Plx-021) as listed below:

Heritage Advisory Committee - Terms of Reference (18-Plx-021)

The Launceston Heritage Advisory Committee is a Special Committee of Council as defined under section 24 of the *Local Government Act (Tas)*.

PURPOSE:

The primary purpose of the Launceston Heritage Advisory Committee is to provide advice to the Council on heritage matters and to promote the value of heritage places within the Municipality.

ROLE:

The role of the Heritage Advisory Committee is to:

- Provide advice and recommendations on the development of Council policy relating to heritage matters;
 - Provide advice on and participate in the overview of heritage studies undertaken by Council;
 - Provide advice and recommendations on applications made by Council for heritage funding;
 - Consult with stakeholders to determine community aspirations relating to heritage places and objects;
 - Promote Council's objectives and the principles of reuse of heritage assets in the City;
 - Promote community participation in and awareness of heritage activities; and
-

15.3 Event Sponsorship Assessment Panel Terms of Reference ...(Cont'd)

- Consider and provide advice to Council on development proposals involving and/or impacting on heritage values on properties either heritage registered or covered by heritage precinct or overlay.

MEMBERSHIP:

The Heritage Advisory Committee will consist of the following members:

- Up to two Aldermen (one to be the liaison officer to the Council)
- A representative from Heritage Tasmania
- A representative from the National Trust of Australia (Tasmania)
- A representative from the UTAS School of Architecture and Design
- A representative from the Real Estate Institute of Tasmania
- A representative from the Launceston Historical Society
- Community Representation with relevant experience to promote the ideals of the Committee to be nominated by the Committee and approved by Council
- The Chairperson and Deputy Chairperson are to be elected by the Committee at the beginning of each new Council cycle.

Supporting the Committee will be the City of Launceston's Urban Design and Heritage Planner. Relevant officers of the City of Launceston will attend meetings as necessary.

All community positions are for a two year period with every second election coinciding with the anniversary of Council elections (November).

Vacancies will be filled in accordance with the Community Appointments to Advisory Committees Policy (14-Plx-029).

MEETING ARRANGEMENTS:

The Heritage Advisory Committee will generally meet six times per year (and at other times as required).

CODE OF CONDUCT:

All Committee members must adhere to the Council's Code of Conduct for Committees. Aldermen and Council Officers must also adhere to their own relevant Code of Conduct.

RESOURCES

The City of Launceston will provide an administrative support officer to organise meetings, take minutes and distribute follow up actions.

REVIEW

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

15.3 Event Sponsorship Assessment Panel Terms of Reference ...(Cont'd)

REPORT:

The Heritage Advisory Committee began operation in February 2008. The current Terms of Reference were approved by Council on 24 October 2011.

The revision of the Heritage Advisory Committee's Terms of Reference results from a decision to review all of the City of Launceston's Special Committees' Terms of Reference and to have consistency.

The Heritage Advisory Committee has considered and expressed support for the proposed Terms of Reference (18-Plx-021). Minor amendments were made to the previous Terms of Reference in order to be consistent with the current Council policy. Council officers will no longer be identified as Committee members, but will attend meetings as necessary to provide professional advice and support. Additionally, the Code of Conduct for members of committees has also been incorporated into the revised Terms of Reference.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Launceston's unique built heritage is a significant asset to the city and is highly valued by the community.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders
Key Direction -
1. To develop and consistently use community engagement processes.

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

15.5 Heritage Advisory Committee - Terms Of Reference ...(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

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

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 Polish Memorial in Kings Park****FILE NO:** SF0859**AUTHOR:** Barry Pickett (Natural Environment Manager)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

That Council, in its capacity as land owner, considers a request from the Polish Pioneers Foundation to install a Memorial at Kings Park to commemorate the contribution of the Polish Community in Tasmania.

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 October 2016 - Council deferred consideration of providing 'owners' support on proposed commemorative structure

SPPC - 19 September 2016 - Agenda Item 4.2 - Report to consider details of Memorial

SPPC - 4 July 2016 - Agenda Item 4.1 - Polish Pioneers Deputation presenting proposal

RECOMMENDATION:

That Council provides consent to the Polish Pioneers Foundation to lodge a Development Application to install a Memorial at Kings Park subject to the following conditions:

- (a) Application to include the vertical column lighting on the basis that the operation of the lights is approved by the General Manager generally on special occasions and/or events related to the Polish community.
 - (b) In accordance with the 'Kings Park Commemorative Precinct' Policy (26-PI-016), that the ongoing maintenance responsibilities shall be:
 - Council responsibility - Condition 9 (weeds, soft infrastructure, power costs, graffiti removal);
 - Proponent responsibility - Condition 9 (damage, vandalism, wear and tear).
-

REPORT:

A deputation from the Polish community at the 4 July 2016 Strategic Planning and Policy Committee Meeting sought to install a Memorial at Kings Park to commemorate the contribution of the Polish Community in Tasmania and particularly their involvement with the Hydro Schemes. The presentation showed a column-style Memorial with special occasion vertical flood lights.

18.1 Polish Memorial in Kings Park ...(Cont'd)

The Memorial is estimated to cost over \$200,000 and will be funded and constructed by the group. The development requires a Planning Permit with the only item likely to be contentious being the operating rules for the vertical flood lights. The application is discretionary and will seek public comment before assessment.

A Planning Application has now been received which appears to be identical to the proposal presented during the deputation. A number of operational details have been sought that provides a complete picture. A copy of the proposal and statements on the operating regime are provided as Attachments 1 and 2 respectively. The location of this Memorial at Kings Park is consistent with the 'Kings Park Commemorative Precinct' Policy (26-PI-016). The site occupied is identified as Site H - a copy of the Policy site plan (annotated with the Polish Memorial) is provided as Attachment 3. The Policy provides guidance on ongoing responsibilities which is inconsistent with the claim in the further information which seeks to gift the memorial to the Council.

The Council has a dual role as owner of the land and Planning Authority. This report is presented in terms as the Council is 'owner' to ensure that the application is consistent with the Council's expectations before moving to the Planning Stage and the accompanying public exhibition component. In due course the Development Application (unless dealt with by delegation) will be presented to the Planning Authority for decision.

Section 52 (1B) (b) of the *Land Use Planning and Approvals Act 1993* requires the Council (or the Crown) to provide direct consent to allow the lodgement of a planning application on land under their respective control.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The proposal provides positive social outcomes as it commemorates the service and sacrifice of Polish Pioneers who migrated to Australia after the Holocaust and worked in Tasmania creating the Tasmanian Hydro Scheme. The design represents the eight locations for the Hydro Scheme with educational signage indicating the history and meaning behind the memorial.

18.1 Polish Memorial in Kings Park ...(Cont'd)

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 Directions -

1. To understand the needs and requirements of key community service providers and stakeholders
2. To plan services and facilities that recognise the changing demographics of our community

BUDGET & FINANCIAL ASPECTS:

The Memorial, estimated to cost over \$200,000, will be funded and constructed by the group. In accordance with the policy, the maintenance responsibilities of the Council will be managed within existing operational budgets. For practical reasons the Memorial lighting scheme will be connected to the Council Park network.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

ATTACHMENTS:

1. Proposal for Polish Pioneers Foundation Public Art Installation (Kings Park) - (distributed electronically)
 2. Response to Request for Further Information
 3. 'Kings Park Commemorative Precinct' Plans showing Polish Memorial location (distributed electronically)
-

Attachment 2 - Response to Request for Further Information

08th September 2016

Launceston City Council
Town Hall
Launceston
Tasmania, 7250



Michael Bernacki
Registered Architect

PO Box 147
Launceston
Tasmania
Australia 7250

Attention: Planning Department

Mobile: 0417541646

Subject:

Email: mbernacki@honedarchitecture.com

Re: Response to Request for Further Information

Dear Marilyn,

Lighting 1. In order to assess the proposal in relation to Clause 8.1.2 and Clause 8.1.3 of the Scheme, please provide more information in regards to the lighting of the proposed sculpture:

- a. Details of the proposed lighting in regards to direction, spill, intensity, etc. **The direction of light will be: For the recessed lighting to seating the direction is downward. For lighting to vertical columns the lighting direction will be upward. For light to column top mounted lights the lighting will be upward. The spill distance will be no greater than 3metres. The intensity will be low.**
- b. Hours of illumination; **The hours of illumination will be placed on a timer and will be no later than midnight. However if charitiys or arts festivals wish to utilise this installation for lighting effects they can apply to council to extend these hours of illumination.**
- c. Height that the flood lighting will extend to; **no greater than 30m**
- d. Any potential aeronautical interference; **I have been in contact with CASA, upon planning and building permits grants this installation will be registered to aircraft flight path plans. The proposed site is not directly in the flight path.**
- e. Any potential disturbance for astronomical observations; **and No**
- f. Any potential nuisance for occupiers on the ground. **Lighting will not be on a horizontal plane so no nuisance would occur. Lighting does provide visual survelience and also provide further personal safety attributes for the public walking through the park.**

Scenic Management 2. The proposal is situated within the Scenic Management - Tamar Estuary Precinct. As there is no Acceptable Solution for Clause E7.6.2 A1 of the scheme, the proposal will need to address the Performance Criteria.

Please provide a written justification for the proposal which addresses the following Performance Criteria:

E7.6.2 Scenic management areas

P1

Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:

- (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; **We believe our proposed installation / monument will add a positive message and a positive contribution to the community in remembering the Polish Pioneers who worked on the Hydro schemes in providing Tasmania with power / electricity.**
 - (b) the impact on skylines, ridgelines and prominent locations; **We are proposing a monument within this park. There are currently other monuments and public art installations within this park. We believe we are making a positive contribution to the community and this park.**
 - (c) the nature and extent of existing development on the site; **Kings park is currently a precinct know for monuments and public art installations. There are 3 public art / memorial approved existing developments on this site.**
 - (d) the retention or establishment of vegetation to provide screening; **No vegetation will be retained or established.**
 - (e) the need to clear existing vegetation; **No vegetation will be removed from the site.**
 - (f) the requirements for any hazard management; **This is to be provide by the building contractor.**
-

- (g) the need for infrastructure services; **Only water and Power infrastructure is to be utilised. These will be connected into existing council infrastructure.**
- (h) the specific requirements of the development; **No specific requirements are require. All aspects are already available on site.**
- (i) the location of development to facilitate the retention of trees; and **Please refer to the project site plan, no vegetation will be effected.**
- (j) design treatment of development, including: **Please refer to the provided project 3D montage perspectives.**
- (i) the bulk and form of buildings including materials and finishes; **Please refer to the provided 3D montage perspectives and external finishes schedules.**
- (ii) any earthworks for cut or fill; **Please refer to provided project sections.**
- (iii) the physical (built or natural) characteristics of the site or area; **Please refer to the provided 3D montage perspectives**
- (iv) the nature and character of the existing development; and
- (v) the retention of trees **Please refer to the provided 3D montage perspectives**

I trust that the contents of this letter is satisfactory and does address the Launceston City Council requirements for a project of this scale and importance. If you require any further information or clarification, please do not hesitate to contact myself.

Thank you.

Kind Regards



Michael Bernacki / Honed Architecture + Design.

09th September 2016

Launceston City Council
Town Hall
Launceston
Tasmania, 7250

Attention: Planning Department

Subject:

Re: Response to Request for Further Information

Dear Marilyn,

Please find below our response to your Further Request for information.

1. In order to assess the proposal in relation to Clause 8.1.2 and Clause 8.1.3 of the Scheme, please provide more information in regards to the lighting of the proposed sculpture:

b. Hours of illumination: The hours of illumination will be:

In Winter - from 5pm - midnight (unless for special events or festivals, then permits will need to be applied for an extension of time)

In Summer - from 8:00pm - midnight (unless for special events or festivals, then permits will need to be applied for an extension of time)

Please note the feature Floodlights will only be turned on for special events and city festivals. These are not for daily use.

Council still has questions in regards to the lighting that need to be addressed for a decision to be reached as landowners to whether we will accept the proposal in Kings Park:

a). How will they be maintained; We are proposing LED technology which require minimal to very low maintenance. As this monument will be gifted to the Launceston City Council, the lighting will fall under LCC maintenance schedule with all other current Kings Park lighting.

b). what happens if the lights are broken; The proposed lighting will be LED technology but lighting failure is very rare. If the lights were to break then this would fall under the manufacturer's warranty for repair. or replacement. Outside of the warranty period LCC will be responsible for its repair.

c). what is the significance of the lighting; The standard monument lighting is designed as a city way finding device. Just like the city way finding signage. It is also for visual surveillance and for the public safety of a night time. Kings Park is known for insufficient lighting from Stillwater to the Launceston Yacht Club. This lighting will be a positive contribution. The significance of the 8 flood lights is that these are the 8 location for each of the locations the Polish Pioneers were based in the construction of the Tasmanian Hydro Scheme.

d). will the floodlights be on every day of the year or only for significant events in the Polish calendar; The feature floodlights will only be turned on for special events and festivals.

e). and will this set a precedent for subsequent memorials. Yes this will. It will bring the community together in educating the youth of the importance of the Polish Pioneers and there sufficient contribution the made in creating the Tasmanian Hydro power scheme.

I trust that the contents of this letter is satisfactory and does address the Launceston City Council requirements for a project of this scale and importance. If you require any further information or clarification, please do not hesitate to contact myself.

Thank you.

Kind Regards



Michael Bernacki / Honed Architecture + Design.



Michael Bernacki
Registered Architect

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Tasmania
Australia 7250

Mobile: 0417541646

Email: mbernacki@honedarchitecture.com

19 CORPORATE SERVICES DIRECTORATE ITEMS

19.1 Quarterly Financial Report to Council - 30 September 2016

FILE NO: SF6329

AUTHOR: Paul Gimpl (Manager Finance)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the Council's financial performance for the quarter ended 30 September 2016.

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 10 November 2016 - Agenda Item 9.4 - *The financial review for the quarter ended 30 September 2016 was noted*

RECOMMENDATION:

That Council adopts the financial report for the quarter ended 30 September 2016 which discloses:

	Actual	Budget	Variance
	<u>\$'000</u>	<u>\$'000</u>	<u>Fav/(Unfav)</u>
			<u>\$'000</u>
Revenue			
Rates	15,899	15,875	24
Fees	5,498	5,758	(260)
Capital Grants and Contributions	1,192	1,177	15
Financial Assistance Grants	1,022	1,037	(15)
Revenue Operations Grants	950	858	92
Interest (Revenue)	555	518	37
Distributions	474	465	9
Other Revenues	833	541	292
Total Revenue	26,423	26,229	194
Expenses			
Labour	8,743	8,960	217
Materials and Services	8,573	9,034	461
Bad Debts Provision	21	21	0
Interest Expense (Loans)	0	0	0
Provision for Rehabilitation	75	75	0

19.1 Quarterly Financial Report to Council - 30 September 2016 ...(Cont'd)

Depreciation	5,102	4,945	(157)
Asset Disposal Losses	2	0	(2)
Levies	1,786	1,786	0
Remissions and Abatements	817	791	(26)
Other			0
Total Expenses	25,119	25,612	493
Surplus / (Deficit)	1,304	617	687
Remove			
Capital Grants and Contributions	(1,192)	(1,177)	(15)
Capital Interest	(26)	-	(26)
Underlying Result			
Surplus/(Deficit)	86	(560)	646

Note: The budgeted deficit of \$560,000 is year to date (30 September 2016). The full year estimate is an underlying surplus of \$1.458m as indicated in the Budget Amendment Agenda Item.

REPORT:

1. Operations Summary

For the period ended 30 September 2016 Council achieved an operating surplus of \$1.304m.

After removing Capital Grants and Interest earned on Capital Grants the underlying year to date result shows an \$86,000 surplus. See summary table:

Operating Results YTD 30 September 2016	Act YTD	Bgt YTD	Var YTD
	\$'000	\$'000	\$'000
Surplus (Deficit)	1,304	617	687
Less Adjustments			
Capital Grants	1,192	1,177	15
Capital Interest	26	-	26
Underlying Surplus (Deficit)	86	(560)	646

A Statement of Comprehensive Income for the reporting period is included below the Operations Summary commentary. The following is an extract of year to date budget variances by item type that are worth highlighting:

19.1 Quarterly Financial Report to Council - 30 September 2016 ...(Cont'd)

Revenue Variances

Fees and Charges revenue is \$260,000 unfavourable.

The major drivers of this variance are:

Launceston Waste Centre fees	\$204,000	<u>unfavourable</u>
Parking on-street fees	\$117,000	<u>unfavourable</u>
Building Services fees	\$ 54,000	<u>unfavourable</u>

These results for the first quarter are forecast to achieve budget over the full year.

Revenue Grants are \$77,000 favourable.

This result is primarily Road Assets operations grants.

Other Income is \$314,000 favourable.

The payment of a debt that was previously treated as bad is the main component of the result.

Expense Variances

Employee Benefits (Labour costs) are \$217,000 favourable.

Largely driven by vacancies in the workforce complement.

Material and Services expenses are \$461,000 favourable.

The major drivers of this variance are:

Operational projects(non-labour) \$440,000 favourable. (2% of Annual Budget)

Depreciation expenses are \$157,000 unfavourable.

Due to the finalisation of asset revaluations at year end, which was after the budget was adopted.

The following table summarises the Operations variances by Directorate.

Operating Results YTD	Net Variances Fav/ (Unfav)		
	Revenue \$'000	Expense \$'000	Net \$'000
Directorate YTD Variance Analysis			
Governance Services	-	24	24
Corporate Services	22	129	151
Facility Management Services	-	46	46
Museum Services	71	(53)	18
Development Services	(40)	260	220
Major Project Services	-	(11)	(11)
Infrastructure Services	7	346	353
	60	741	801
Non-Divisional	67	(202)	(135)
Other Authorities	(2)	23	21
Surplus (Deficit)	125	562	687

19.1 Quarterly Financial Report to Council - 30 September 2016 ...(Cont'd)

Please Note: Unfavourable variances are shown as negative.

**Statement of Comprehensive Income
For Year to Date 30 September 2016**

	2016/17 YTD \$ Actual	2016/17 YTD \$ Budget	Variance YTD \$ Fav/(Unfav)
REVENUES FROM ORDINARY ACTIVITIES			
Rates	15,899,224	15,875,047	24,177
Fees and Charges	5,497,957	5,757,943	(259,986)
Revenue Grants			
Financial Assistance	1,021,689	1,037,250	(15,561)
Other Grants	950,514	858,196	92,317
Interest	529,304	518,279	11,025
Interest Committed	26,257	-	26,257
Investment Revenue	473,902	465,000	8,902
Bequests	22,537	43,969	(21,432)
Other Income	810,595	496,609	313,987
	<u>25,231,979</u>	<u>25,052,293</u>	<u>179,686</u>
EXPENSES FROM ORDINARY ACTIVITIES			
Maintenance of Facilities and Provision of Services			
Employee Benefits	8,743,292	8,959,985	216,693
Materials and Services	8,572,818	9,033,648	460,830
Impairment of Debts	21,105	21,105	-
Finance Costs			
Interest on Loans	-	-	-
Provision for Rehabilitation	75,000	75,000	-
Depreciation	5,102,166	4,945,347	(156,819)
State Government Fire Service Levy	1,785,947	1,785,947	-
Rate Remissions and Abatements	816,854	790,875	(25,979)
	<u>25,117,181</u>	<u>25,611,907</u>	<u>494,726</u>
OPERATING SURPLUS / (DEFICIT)	114,798	(559,614)	674,412
Capital Grants	1,191,564	1,176,544	15,020
Non-Operating Expenses			
Loss on Disposal of Fixed Assets	2,189	-	(2,189)
Comprehensive Result	<u>1,304,173</u>	<u>616,930</u>	<u>687,243</u>

Unaudited - Internal Use Only

19.1 Quarterly Financial Report to Council - 30 September 2016 ...(Cont'd)

2. Balance Sheet as at 30 September 2016

STATEMENT OF FINANCIAL POSITION

As at 30 September 2016

	2016/17 YTD \$	2015/16 YTD \$	2014/15 YTD \$
EQUITY			
Capital Reserves	171,941,773	161,324,758	153,662,206
Revenue Reserves	910,522,664	888,793,651	863,726,764
Asset Revaluation Reserves	586,507,631	607,044,375	425,562,965
Trusts and Bequests	2,202,342	2,352,662	1,674,726
Operating Surplus	1,304,173	3,816,560	967,094
TOTAL EQUITY	1,672,478,583	1,663,332,007	1,445,593,756
Represented by:-			
CURRENT ASSETS			
Cash at Bank and on Hand	383,556	3,265,227	2,654,365
Rate and Sundry Receivables	43,222,103	45,262,983	39,922,698
Less Rates not yet Recognised	(47,444,950)	(46,392,167)	(42,978,998)
Short Term Investments	76,056,473	64,399,748	62,554,683
Inventories	638,878	717,252	661,446
Assets Held for Sale	-	415,000	-
	72,856,061	67,668,043	62,814,193
NON-CURRENT ASSETS			
Deferred Receivables	257,556	257,556	257,556
Investments	233,483,915	229,156,688	262,303,000
Intangibles	4,618,896	4,535,399	4,561,287
Infrastructure and Other Assets	1,152,693,190	1,152,464,183	919,610,345
Museum Collection	237,111,940	236,034,766	232,237,706
	1,628,165,496	1,622,448,591	1,418,969,894
TOTAL ASSETS	1,701,021,557	1,690,116,634	1,481,784,088
CURRENT LIABILITIES			
Deposits and Prepayments	1,220,511	1,157,948	899,222
Employee Provisions	5,959,335	6,134,939	5,937,383
Interest-bearing Liabilities	2,241,370	2,131,602	2,706,541
Sundry Payables and Accruals	8,477,265	5,561,014	3,351,705
	17,898,481	14,985,503	12,894,851
NON-CURRENT LIABILITIES			
Employee Provisions Non-Current	1,777,114	1,416,691	836,215
Superannuation Obligation	247,080	457,080	2,550,080
Interest-bearing Liabilities Non-Current	3,126,299	5,367,669	10,091,186
Rehabilitation Provision	5,494,000	4,557,684	9,818,000
	10,644,493	11,799,124	23,295,480
TOTAL LIABILITIES	28,542,974	26,784,627	36,190,332
NET ASSETS	1,672,478,583	1,663,332,007	1,445,593,756

Unaudited - Internal Use Only

19.1 Quarterly Financial Report to Council - 30 September 2016 ...(Cont'd)

3. Loan Balances

The loan balance as at 30 September 2016 is \$5.368m.

Loans are consistent with forecasts and Council is well positioned for the future.

Existing loans have fixed interest rates (ranging from 4.64% to 6.08%) and there is limited ability to payout existing loans early.

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

Ten-year goals - To ensure decisions are made in a transparent and accountable way and to continue to ensure the long-term sustainability of our Organisation

Key Direction -

6. To maintain a financially sustainable organisation

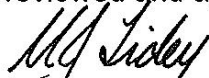
BUDGET & FINANCIAL ASPECTS:

As per 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.



Michael Tidey; Director Corporate Services

19.2 Budget Amendments 2016/2017 - 30 September 2016**FILE NO:** SF3611/SF6329**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 - 10 November 2016 - Agenda Item 9.1 - *it was resolved that the item go to Council for a decision*

RECOMMENDATION:

That:

1. pursuant to Section 82(4) of the *Local Government Act 1993*, Council approves the following amendments to the Statutory Estimates:
 - (a) Revenue
 - (i) the increase in revenue from external grants of \$230,000.
 - (b) Operating Expenditure
 - (i) the increase in expenditure from transfers from Capital of \$43,000.
 - (c) Capital Works Expenditure
 - (i) the decrease in expenditure from transfer to Operations of \$43,000; and
 - (ii) the net increase in expenditure from external funding of \$230,000.
 2. Council notes the amendments from point 1 result in:
 - (a) the operating surplus (including \$16.266m in Capital grants) being amended to \$17.724m; and
 - (b) the capital budget being increased to \$34.645m.
-
-

19.2 Budget Amendments 2016/2017 - 30 September 2016 ...(Cont'd)

REPORT:

The budget amendments are changes to budget estimates that require a Council decision. The changes relate to external grant revenue and a transfer from Capital to Operations expenditure.

	Operations \$'000	Capital \$'000
Statutory Budget	8,025	24,486
Adjustments approved by Council	9,512	9,972
Balance previously advised	<u>17,537</u>	<u>34,458</u>
Capital to Operations	(43)	(43)
External Funds	170	170
Balance as at 30 September 2016	<u>17,664</u>	<u>34,585</u>
 <i>Budget Amendments - October 2016</i>		
External Funds	60	60
Balance as at 19 October 2016	<u>17,724</u>	<u>34,645</u>
Deduct Capital Grants and Contributions	(16,266)	
Underlying Operating Budget Surplus	<u>1,458</u>	

The table summarises all the other budget agenda items and includes reconciliations of the budgeted operating result and capital expenditure. Details of the amendments are as follows:

The following item needs to be reallocated from Capital to Operations.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP23467	University Trail Shared Path 2015/2016	\$268,000	\$43,000	\$0	\$225,000
OP22467	Goderich Street/Forster Street Black Spot	\$0	\$0	\$43,000	\$43,000
	TOTALS	\$268,000	\$43,000	\$43,000	\$268,000

19.2 Budget Amendments 2016/2017 - 30 September 2016 ...(Cont'd)

The project scope of works:

Operations project 22330 Goderich Street/Forster Street Black Spot construction was not completed at 30 June 2016 because the main contractor, Baker Civil, was re-directed to the Launceston City Heart Quadrant Mall project. The Black Spot funding budget of \$43,000 was transferred from operations project 22330 to capital project 23467 University Trail project. Capital Project 23467 University Trail Shared Path construction is now complete. The original Black Spot component has only re-aligned existing infrastructure and line marking so there is no capital value and the expenditure and the not received funds must be transferred to an operations project in line with the Council's approved accounting treatment.

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
G10067.12565	Marine and Safety Tasmania (MAST) Grant	(\$17,000)	\$170,000	\$0	(\$187,000)
CP23528	Windermere Jetty Reserve Remediation	\$20,000	\$0	\$170,000	\$190,000
	TOTALS	\$3,000	\$170,000	\$170,000	\$3,000

The project scope of works:

The Windermere Boat Ramp Improvement Committee has been successful in obtaining a \$170,000 grant from Marine and Safety Tasmania (MAST) to re-grade the existing boat ramp and install a new single ramp pontoon. Council is undertaking some remedial works under capital project 23528 Windermere Jetty Reserve Remediation which includes some repairs to the eroded embankment adjacent to the boat ramp and some path works. Therefore, Council has agreed to project manage the funds on behalf of the Committee. The money will be managed as part of the existing capital project and the expenditure will be separated by work orders so that we can readily report on the grant funds.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
G10075.12160	Department State Growth - Black Spot Funding	\$0	\$60,000	\$0	(\$60,000)
CP23625	Hobart Road - Opossum Road Intersection	\$120,000	\$0	\$60,000	\$180,000
	TOTALS	\$120,000	\$60,000	\$60,000	\$120,000

19.2 Budget Amendments 2016/2017 - 30 September 2016 ...(Cont'd)

The project scope of works:

This project will be partially funded by \$60,000 Black Spot funding not yet received from Department of State Growth. The original Black Spot project for the intersection works at Hobart/Opossum Roads was created as a major operational project for 2015/2016. This project did not go ahead as it was necessary to wait for the completion of the Hobart Road drainage works. The section of road between Blaydon Street and Opossum Road is scheduled to be resealed 2016/2017 and is required to be done in conjunction with the intersection works, for this reason it has been determined to combine both projects as the intersection will need to be separated in the asset register and the assets will be capitalised.

Summary Table

External Funding	Operations	Capital
Windermere Jetty Reserve Remediation	(\$170,000)	\$170,000
Hobart Road - Opossum Road Intersection	(\$60,000)	\$60,000
TOTAL	(\$230,000)	\$230,000

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
 Ten-year goals - To continue to meet our statutory obligations and deliver quality services
 Key Direction -
 3. To ensure decisions are made on the basis of accurate and relevant information

19.2 Budget Amendments 2016/2017 - 30 September 2016 ...(Cont'd)


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

19.3 Rates and Charges Structure - 2018 Financial Year**FILE NO:** SF0556**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To determine the Rates and Charges Structure for residential properties that will apply for the financial year ending 30 June 2018 and subsequent years.

There are a number of rating provisions in the Local Government Act 1993 that form part of the annual rating resolution decision that require an absolute majority. The outcome of this item will be reflected in a future rating resolution and so if a decision were to be made contrary to the recommendation it should be made by absolute majority so as to avoid the possibility of future disagreement.

PREVIOUS COUNCIL CONSIDERATION:

Council - 23 November 2015 - Agenda Item 14.1 - Notice of Motion - Alderman R J Sands - Flexible Rating Structure

Council - 8 February 2016 - Agenda Item 14.1 - Notice of Motion - Alderman R J Sands - Flexible Rating Structure

RECOMMENDATION:

That Council:

1. in accordance with section 86A (General principles in relation to making or varying rates) and section 90 (General rate) of the *Local Government Act 1993*, continues the existing policy of determining and applying general rates for residential properties based on the value of the property; and
 2. not utilise the provisions of Division 6A (Average area rates) of the *Local Government Act 1993*, for the determination of general rates for residential properties, due to the regressive nature of this method and the resultant adverse impact on those ratepayers with the least capacity to pay.
-

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

REPORT:Executive Summary

The Council decided to undertake a review of aspects of its rating structure in the year leading up to the next revaluation of the properties in the municipality. This report is the final step in regard to one of the actions from that review. Actions from this review (an increased general charge and rating differentials) were implemented as of 1 July 2016. The review process has involved extensive modelling of alternatives followed by presentations to and discussions with Aldermen of the impact of the various alternatives and their alignment with the Council's objectives, taxation principles and the legislation.

As Aldermen will understand the consideration of this report and its recommendations only relates to the rating of residential properties, it does not affect the rating of non-residential properties (commercial, industrial, primary production, etc).

It is very important for the Council's rating structure to align with its overall strategic objectives and to comply with the key principles for a sound taxation system of equity or fairness and capacity to pay. The modelling and analysis presented to Aldermen at a number of meetings have shown how the Average Area rate system:

- (a) Is regressive tax in that it takes a larger percentage of the asset value from lower valued properties than higher valued properties;
- (b) Would potentially increase rates on more than 18,000 properties and decrease rates on 8,000 properties; and
- (c) Would affect transfer rates to the more socio-economically disadvantaged areas of the City.

A rating structure based on property values aligns with section 86A of the *Local Government Act 1993* (the Act) and the Council's Strategic Objective.

There is capacity within the provisions of the Act to vary the allocation or distribution of rates through the amount of the general charge and the use of differential rates. These tools are used by the majority of Tasmanian Councils including the City of Launceston; three Councils have chosen to adopt the Average Area rate model.

Rating systems are not simple to administer or explain; the additional steps required (ie the calculation of rates based on values with a further calculation of averages usually based on localities) for the calculation and communication of Average Area rates means that it is at least as, if not more complex than the normal rating structures to determine and administer.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

A rating structure based on property values can be refined and adapted over time as circumstances change. Council should not consider the use of the Average Area Rate system as a trial that can be easily undone, with the increase in rates on lower valued properties and the reduction in rates for higher valued properties that would result from the Average Area Rate system it would be politically difficult to revert back and undo the change and the expectations that are created for higher valued properties by this system.

The final task from this review process will be to present an analysis of the effects of the municipal revaluation and to discuss the rating structures, in particular the general charge and the rating differentials for the next financial year. This task will be completed when the valuation data becomes available around April 2017.

Background

There were a number of Council decisions made between November 2015 and February 2016. The decision from the Meeting of 23 November 2015 is set out in Attachment 1. The outcomes included a request for specific modelling to be undertaken related to the rates and charges structure for the 2016/2017 financial year and for further modelling of options for the 2017/2018 financial year. These actions have been largely completed with the last presentation and discussion at the Council Workshop on 3 October 2016. The analysis and discussions that occurred over the year included:

- Background sessions to confirm a common understanding of rating structures and legislation.
- In accordance with the decision a system of rating differentials or variations was implemented for the 2016/2017 financial year with an increase (\$147 to \$250) in the general charge and a resultant reduction in the general rate.
- More recently modelling and analysis has been presented to Aldermen of the effect of the adoption of alternative valuation bases or the average area residential rate that are permitted under the Act.
- The purpose of this report is to enable a decision, as required by point 3 of the Council decision of 23 November 2015, that is does Council intend to continue with residential rates based directly on property values or to adopt the average area residential rating alternative.

It is recommended that the final consideration of the merits of the alternative valuation (assessed annual value, capital value or land value) bases occur prior to the setting of the rates for the 2017/2018 financial year, in conjunction with the analysis of the result of the municipal revaluation, once the data becomes available.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

Strategic Objective

The objective for the Council should be to raise the rates and charges in combination with other sources to generate the revenue necessary for a financially sustainable organisation and at a level that the community can reasonably afford.

The Council strategies to achieve this objective should in turn be:

- (a) to raise the rate revenue in accordance sound taxation principles; and in compliance with the Act; and
- (b) to ensure the total of the rates required are affordable to the community as a whole and to individual ratepayers through the settings used to allocate those rates.

The overall financial strategy for revenues needs to consider when (pay for use) fees should apply and how the mix of these fees, fixed charges and value based rates affects the liveability and affordability of the City.

The actions that need to be taken to deliver on these strategies and objectives are to adopt appropriate policy positions and to give effect to these with the specific settings in the annual rate resolution. The decisions that are made through these mechanisms include setting fixed or flat charges that apply uniformly to all and rates that apply to property values including any variations attributable to other factors, such that the contribution from different sectors or localities mitigates unintended outcomes.

In regard to this report the focus of the actions is on residential properties and consideration of an unusual rating option that is available under the legislation.

Taxation Principles

Discussion of taxation policy usually refers to a number of principles or criteria against which the taxes and the policies on which they are based can be assessed. The main principles for this evaluation of rates are equity or fairness and capacity to pay.

The principles are intended to bring in some objectivity to the assessment; however these principles are not always interpreted the same way. For example, some interpret equity to mean the same as equal, that is everyone paying the same amount, where as in a taxation context it does not relate to an absolute amount but instead to the rate and application of the tax such that taxpayers in similar circumstances are treated the same. The calculation of an amount of tax is based on the consistent application of the rate of the tax to the tax base (ie the property value).

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

Under generally accepted rating structures the rate in the dollar that is applied to a particular category of ratepayers (eg residential properties) would be the same but the amount of the rates payable would vary according to the property value. With Average Area Residential rates the actual amount of the general rate on each property (within a locality) is the same - the amount of the general rate on a property with a value of \$150,000 is the same as one with a value of \$1.5m. Thus, the Average Area rate system is a regressive tax structure with a greater proportionate burden on those with lower valued properties.

In regard to the capacity to pay principle some argue that property value is not able to be realised and so is in a sense is a "stored financial capacity" that is only available when the property is sold. It can equally be argued that those that have the resources to acquire and retain a property of a high value have a greater financial capacity than those with a property with a low value. Again it is generally accepted as evidenced by rating and land tax systems that property value reflects the capacity to pay. The Average Area Residential rate is a flat amount and so does not reflect capacity to pay.

Analysis

The following table provides an overall summary of the allocation of general rates by property usage categories together with the amount of the waste management charge and the fire service rate which is collected on behalf of the Tasmanian Fire Service.

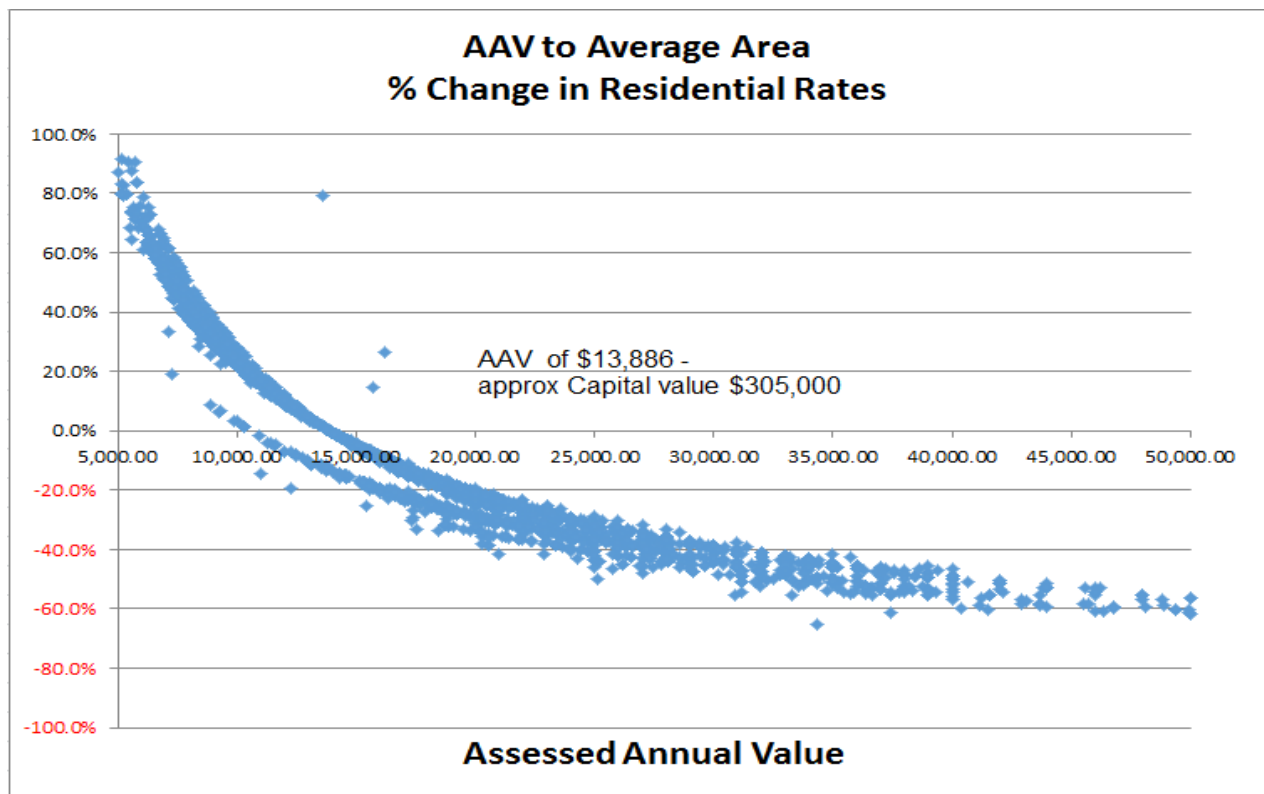
The data shows that the general charge (\$250) makes up 21 percent of the total general rate for residential properties. In addition to the general charge, the waste management charge is determined by the bin size and not by the value of the property. Thus there is a significant proportion of overall rates and charges that are fixed and not based on property values.

Indicative Summary of Property Rates - Year Ending 30 June 2017						
	Property No	Tenancy No	Rate	Charge	Total Rate	Prop'n
General Rates						
Residential	26,740	29,428	27,129,514	7,279,500	34,409,014	65.33%
Commercial	1,873	2,806	9,468,025	733,250	10,201,275	19.37%
Industrial	633	825	2,837,630	204,000	3,041,630	5.77%
Public Service	231	386	2,747,349	148,750	2,896,099	5.50%
Primary Prod'n	569	599	947,648	153,750	1,101,398	2.09%
Quarry & Mining	3	3	4,298	1,250	5,548	0.01%

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

Sport & Rec'n	72	74	225,820	21,250	247,070	0.47%
Vacant	1,130	1,138	489,173	281,250	770,423	1.46%
Total General	31,811	35,259	43,849,457	8,823,000	52,672,457	100%
Waste Charge				3,434,790	3,434,790	
Fire Rate			7,161,608		7,161,608	
Total	31,811	35,259	51,011,065	12,257,790	63,268,855	

The following scatter diagram shows the percentage change in residential rates against the assessed annual value of the property.



Explanatory Notes

1. For this graph the Assessed Annual Value (X axis) has been capped at \$50,000 and the Percentage Change (Y Axis) has been capped at between a decrease of 100% and an increase of 100% in rates.
2. The data on which the graph is based has the rates on 26,711 properties, with 18,689 properties increasing and 8,022 properties decreasing.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

3. The assessed annual value of \$13,886 (an approximate capital value of \$305,000) is the point below which general rates increase and above which general rates decrease under the Average Area Rate alternative. The assessed annual value of \$13,886 is above the estimated median residential assessed annual value of \$12,116 for the 26,711 properties.
4. On a locality basis a change to Average Area rates would potentially
 - a. Increase rates most in areas such as Ravenswood, Waverley, Mayfield and Rocherlea. Ratepayers in Mowbray, Invermay and Newnham are also adversely affected as are ratepayers in Summerhill, Punchbowl, South Launceston and Kings Meadows although the changes vary.
 - b. Decrease rates in East Launceston, parts of Norwood, Newstead, Trevallyn, Dilston, Windermere and Swan Bay.
 - c. There are other areas such as Lilydale and West Launceston where there are a mix of increases and decreases.
5. The estimated rates on a property with an assessed annual value of \$13,886 are as follows

Illustrative Calculation	2016/2017
General Rate	1,037.98
General Charge	250.00
Total General Rate	1,287.98
Waste Charge (140ltr)	102.00
Fire Service Rate (Urban)	190.65
Total Rates and Charges	1,580.63

The modelling uses an Average Area Rate of \$1,288 (General Rate and Charge of \$1,287.98) for analysis purposes. This would represent an 11percent increase in total rates for the median residential property and a greater increase for properties with a lesser value as is shown by the scatter diagram.

6. The next table provides a further breakdown of the change in dollar rates and charges that would apply under the Average Area Rate structure. The dollar ranges in the bands are not uniform so as to show where the majority of changes (increases and decreases) occur.

Change in Rates and Charges (bands)	Properties
Decrease	
By more \$5,001	62
Between \$5,000 and \$1,001	634
Between \$1,000 and \$501	977
Between \$500 and \$0	6,349
	8,022

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

Increase	
Between \$0 and \$49	1,668
Between \$50 and \$99	2,135
Between \$100 and \$199	5,441
Between \$200 and \$499	8,798
By more \$500	647
	18,689

The following two examples are presented to explain the information in this table, for example, there are:

- (a) 977 ratepayers where their rates would decrease by between \$500 and \$1,000; and
- (b) 8,798 ratepayers where their rates would increase by between \$200 and \$499.

Could these changes be reasonably explained and justified to those in the community with lower property values that are adversely affected given they appear to be at odds with established taxation principles?

Alternative Rating Structures

There are rating structures that can be used to alter the distribution of rates other than the Average Area Rate system. The Council has, for a number of years, used the general charge to reduce the proportion of the rates based on property valuations. Since the 2013/2014 financial year the Council has increased the general charge from \$135 to \$250 per tenancy (a significant increase was from \$147 to \$250 this year), this means that more than 20 percent of the general rate revenue from residential properties comes from a fixed charge. The Act allows for this to be increased further, if deemed appropriate.

As of 1 July 2016, when the significant increase in the general charge was implemented, rating variations (or differentials) by property use (residential, commercial, etc) were also introduced. Factors such as these can be used to moderate the effect of significant changes in property values or to modify the distribution based directly on property values.

Final decisions on the amount of the general charge, rating variations and the valuation base should be made once new property valuation data becomes available around April 2017.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

Key Legislative Provisions

Section 86A of the *Local Government Act 1993* states:

- (1) *A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –*
- (a) *rates constitute taxation for the purposes of local government, rather than a fee for a service; and*
 - (b) *the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.*
- (2) *Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.*

Put simply, rates are a tax and property values indicate the capacity to pay.

Sections 86A and 109A were included in the Act from 22 December 2011. Section 109A allows for an average area general residential rate to be introduced within defined localities in a municipality.

Section 109A is within Division 6A of the Act which sets out the extensive procedural requirements for the introduction and implementation of a flat rate structure. These requirements create a significant threshold for a Council to overcome before it implements this structure.

The procedural requirements include a requirement for a certificate to be obtained by the Council from the State Government as to its compliance with the statutory process.

Division 6A of the Act contains the following sections:

- 109A. - Average area rate may be made for locality
- 109B. - Determination of amount of average area rate
- 109C. - Public notice to be given of proposal to obtain authority to make average area rates
- 109D. - Notice of proposal to be given to certain ratepayers
- 109E. - Submissions in respect of proposal
- 109F. - Public meeting in respect of proposal to be held
- 109G. - Applications for certificates
- 109H. - Certificates

This level of oversight of Councils' autonomy and authority by the State Government does not apply in any of the other rating provisions contained in Part 9 - Rates and Charges of the Act.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

General Rating Structure other Tasmanian Councils

The following table provides a summary of the rating structures for the 2016/2017 financial year for Tasmanian Councils taken from information on websites.

	Val'n Base	General Rate	General Charge	Minimum Amount	Average Area Rate
Break O'Day	AAV	Y	N	\$529.40	N
Brighton	AAV	Y	N	Y Multiple	Y
Burnie	AAV	Y	N	\$260	N
Central Coast	AAV	Y	N	\$270	N
Central Highlands	AAV	Y	\$345	N	N
Circular Head	AAV	Y	N	\$252	N
Clarence	CV	Y	\$280	N	N
Derwent Valley	-	-	-	-	-
Devonport	AAV	Y	\$300	N	N
Dorset	AAV	Y	N	\$254	N
Flinders	AAV	Y	N	\$435	N
George Town	CV	Y	N	\$668	Y
Glamorgan Spring Bay	AAV	Y	N	Y Multiple	Y
Glenorchy	-	-	-	-	-
Hobart	AAV	Y	N		N
Huon Valley	CV	Y	N	\$320	N
Kentish	AAV	Y	\$350	N	N
King Island					
Kingborough	CV	Y	N	Y	N
Latrobe	AAV	Y	N	\$273 Multiple	N
Launceston	AAV	Y	\$250	N	N
Meander Valley					
Northern Midlands	AAV	Y	N	\$442 Multiple	N
Sorell	-	-	-	-	-
Southern Midlands	AAV	Y	N	\$302	N
Tasman	AAV	Y	\$300.45	N	N
Waratah-Wynyard	AAV	Y	N	\$180	N
West Coast	AAV	Y	\$259.33	N	N
West Tamar	AAV	Y	N	\$163	N

Summary of key points.

- The majority of Councils continue to use Assessed Annual Value as the valuation base.
- A number of Councils have applied a general charge with Launceston having the lowest charge of the available information.
- Minimum rate amounts are now set at a higher level than was the previous local government practice.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

- Three Councils have adopted the Average Area Residential Rate
 - Brighton Council
 - Average Area General Residential Rates amount \$741, \$856, for different localities.
 - George Town Council
 - Average Area General Residential Rates amount \$886, \$936, \$1,036 for different localities.
 - Glamorgan Spring Bay Council
 - Average Area General Residential Rates amount \$550, \$680, \$869, for different localities.

It is important to note these are general rate amounts they do not include waste management, fire rates or other rates that may apply.

The overall conclusion is that most Councils are moving to higher levels of fixed charges through the general charge and minimum rates. From contact with staff in two other cities advice has been received that after a similar processes to Launceston their Councils have determined to continue to base general rates on property values.

Conclusion

There isn't a strategic or taxation reason for the Council to depart from the existing policy of basing residential rates on property values and adopt the Average Area Rate system.

ECONOMIC IMPACT:

Rates are the key revenue source for local government and although structures may vary between municipalities they are not a primary driver of economic outcomes. Alternative structures may provide a marginal benefit or dis-benefit to sectors of the economy. These policy positions may be determined by a Council as part of an overall economic development strategy. However, the overall impact of rates on the local economy is considered to be marginal.

ENVIRONMENTAL IMPACT:

The environmental impact of local government comes principally from the facilities and services provided rather than the rates and charges that are levied.

19.3 Rates and Charges Structure - 2018 Financial Year ...(Cont'd)

SOCIAL IMPACT:

Rates and charges have the potential to have a social impact through the distribution of rates across the socio-economic sectors of the community. This is why it is essential that established taxation principles, in particular, capacity to pay are appropriately applied to ensure that the taxation burden is equitably applied across the community.

It is a fundamental and critical responsibility of local government, in common with the other tiers of government, to not exacerbate the financial challenges of the disadvantaged sectors of the community through the rating policy decisions that it makes.

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 Direction -
6. To maintain a financially sustainable organisation

BUDGET & FINANCIAL ASPECTS:

Decisions on the Rate and Charges Structure are about the allocation of rates between ratepayers, they do not determine the total rate revenue of the City and so do not have direct budget implications.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item. As a ratepayer in the City of Launceston the outcomes of the policy decision will vary consistent with similar ratepayers in the City.

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


Michael Tidey: Director Corporate Services

ATTACHMENTS:

1. Council Agenda Item 14.1 23 November 2015 - Notice of Motion - Alderman R J Sands - Flexible Rating Structure
-

*Attachment 1 - Council Agenda Item 14.1 23 November 2015 - Notice of Motion -
Alderman R J Sands - Flexible Rating Structure*

DECISION: 23 November 2015

Moved Alderman J Finlay, seconded Alderman D W Alexander.

That Council considers a more flexible rating structure that allows for differential rating and the adoption of an Average Area rate for residential properties.

- 1. That Council directs the General Manager to prepare the modelling for the 2016/17 rate resolution to allow for the provision of differential rating across the various uses of the land.**
- 2. Provide a rating model to identify the impact of increasing the fixed rate component of the general rate in preparation for the 2016/17 rate resolution.**
- 3. Provide a rating model to identify the impact of adopting an Average Area rate across residential properties based on locality non-use of the land (vacant land) and current AAV valuation range in preparation for the 2017/18 rate resolution.**

CARRIED 10:0

FOR VOTE: Mayor Alderman A M van Zetten, Deputy Mayor R I Soward, Alderman R L McKendrick, Alderman R J Sands, Alderman D H McKenzie, Alderman J G Cox, Alderman D C Gibson, Alderman J Finlay, Alderman D W Alexander and Alderman S R F Wood

19.4 Delegation from Council to General Manager - *Roads and Jetties Act 1935 (Tas)***FILE NO:** SF6203/SF0113**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the delegation from Council to the General Manager of all Council's functions and powers under the *Roads and Jetties Act 1935 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate to the holder of the position of General Manager, all Council's powers and functions under the *Roads and Jetties Act 1935 (Tas)*.
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegation at 1. will be effected by an instrument of delegation from Council to General Manager that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that the delegation is in writing.
 4. Notes that, on execution of the instrument of delegation, the Council's delegations register will be updated to reflect the delegation described in the instrument.
-

REPORT:

This report is prepared for Council's consideration as part of a process to review and update the delegation of functions and powers at City of Launceston.

The *Roads and Jetties Act 1935 (Tas)* provides for the classification, management and maintenance of Tasmanian roads. Under the *Roads and Jetties Act 1935 (Tas)*, Council has particular functions and powers. Delegation from Council to the General Manager of these powers and functions is sought to provide for the efficient day-to-day operation of the Council.

19.4 Delegation from Council to General Manager - Roads and Jetties Act 1935 (Tas) ... (Cont'd)

The *Roads and Jetties Act 1935 (Tas)* can be viewed at www.thelaw.tas.gov.au.

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced below.

22. Delegation by council

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than—

- (a) this power of delegation, unless authorized by the council; and*
- (b) the powers referred to in subsection (3).*

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

- (a) the collection of rates and charges under Part 9;*
- (ab) the postponement of rates and charges;*
- (b) the remission or rebate of rates and charges;*
- (ba) the writing off of any debts owed to the council;*
- (c) the making of grants or the provision of benefits.*

(3) A council must not delegate any of its powers relating to the following:

- (a) the borrowing of money or other financial accommodation;*
- (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
- (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
- (d) the revision of the budget or financial estimates of the council;*
- (e) the revision of the strategic plan and the annual plan of the council;*
- (f) the appointment of the general manager;*
- (fa) the sale, donation, exchange or other disposal of land or public land;*
- (fb) the decision to exercise any power under section 21(1);*
- (g) the making of by-laws;*
- (h) the making of rates and charges under Part 9;*
- (i) any other prescribed power.*

The further delegation from the General Manager to an employee of the Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced below:

19.4 Delegation from Council to General Manager - *Roads and Jetties Act 1935 (Tas) ... (Cont'd)*

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

(a) any functions or powers under this or any other Act, other than this power of delegation; and

(b) any functions or powers delegated by the council which the council authorized the general manager to delegate.

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by an instrument of delegation from Council to the General Manager, which will be executed by the Mayor if Council determines to delegate.

The Council's delegations register will be updated upon execution of the instrument.

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

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

Ten-year goal - To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

19.4 Delegation from Council to General Manager - *Roads and Jetties Act 1935 (Tas) ... (Cont'd)*

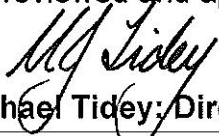
BUDGET & FINANCIAL ASPECTS:

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

19.5 Delegation from Council to General Manager - *Food Act 2003 (Tas)*, *Public Health Act 1997 (Tas)*, *Weed Management Act 1999 (Tas)***FILE NO:** SF0113/SF2424/SF2526/SF6203**AUTHOR:** Leanne Purchase (Governance and Planning Coordinator)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider delegation from Council to the General Manager of Council's functions and powers under the *Food Act 2003 (Tas)*, *Public Health Act 1997 (Tas)*, and the *Weed Management Act 1999 (Tas)*.

RECOMMENDATION:

That Council:

1. Pursuant to section 22 of the *Local Government Act 1993 (Tas)*, determines to delegate to the holder of the position of General Manager, all of Council's powers and functions under the:
 - a. *Food Act 2003 (Tas)*
 - b. *Public Health Act 1997 (Tas)* - with the exception of section 185(1) Council fees
 - c. *Weed Management Act 1999 (Tas)*
 2. As provided for by section 64(b) of the *Local Government Act 1993 (Tas)*, authorises the holder of the position of General Manager to delegate the powers and functions described at 1. to an employee or employees of the Council.
 3. Notes that the delegations at 1. will be effected by instruments of delegation from Council to General Manager, that will be executed by the Mayor to comply with the requirement of section 22(1) of the *Local Government Act 1993 (Tas)* that delegations are in writing.
 4. Notes that, on execution of the instruments of delegation, the Council's delegations register will be updated to reflect the delegation described in the instruments.
-

19.5 Delegation from Council to General Manager - *Food Act 2003 (Tas)*, *Public Health Act 1997 (Tas)*, *Weed Management Act 1999 (Tas)* ... (Cont'd)

REPORT:

The objectives of the *Food Act 2003 (Tas)* are to ensure food for sale is both safe and suitable for human consumption; to prevent misleading conduct in connection with the sale of food; and to provide for the application, in Tasmania, of the Food Standards Code (section 3 Objects of Act).

The purpose of the *Public Health Act 1997 (Tas)* is to protect and promote the health of communities in the State and reduce the incidence of preventable illness (long title).

The *Weed Management Act 1999 (Tas)* provides for the control and eradication of declared weeds and promotes a strategic and sustainable approach to weed management.

These Acts can be viewed in full at www.thelaw.tas.gov.au.

Delegation from Council to the General Manager of all Council's powers and functions under these Acts is sought to allow for the General Manager to exercise Council's powers and functions to provide for the efficient day-to-day running of the Council.

As provided for in the Recommendation, delegation of section 185(1) Council fees under the *Public Health Act 1997 (Tas)* is not sought. This is because Council considers fees and charges on an annual basis as part of City of Launceston's budgeting process.

Council's authority to delegate

Section 22 of the *Local Government Act 1993 (Tas)* permits delegation by Council and is reproduced below.

22. Delegation by council

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than—

(a) this power of delegation, unless authorized by the council; and

(b) the powers referred to in subsection (3).

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

(a) the collection of rates and charges under Part 9;

(ab) the postponement of rates and charges;

19.5 Delegation from Council to General Manager - *Food Act 2003 (Tas)*, *Public Health Act 1997 (Tas)*, *Weed Management Act 1999 (Tas)* ... (Cont'd)

- (b) the remission or rebate of rates and charges;*
- (ba) the writing off of any debts owed to the council;*
- (c) the making of grants or the provision of benefits.*
- (3) A council must not delegate any of its powers relating to the following:**
 - (a) the borrowing of money or other financial accommodation;*
 - (b) the determination of the categories of expenses payable to councillors and any member of any committee;*
 - (c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
 - (d) the revision of the budget or financial estimates of the council;*
 - (e) the revision of the strategic plan and the annual plan of the council;*
 - (f) the appointment of the general manager;*
 - (fa) the sale, donation, exchange or other disposal of land or public land;*
 - (fb) the decision to exercise any power under section 21(1);*
 - (g) the making of by-laws;*
 - (h) the making of rates and charges under Part 9;*
 - (i) any other prescribed power.*

The further delegation from the General Manager to an employee of the Council is permitted with Council's authorisation, as provided for in section 64 of the *Local Government Act 1993 (Tas)*, reproduced below:

64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council –

- (a) any functions or powers under this or any other Act, other than this power of delegation; and*
- (b) any functions or powers delegated by the council which the council authorized the general manager to delegate.*

Section 22(1) of the *Local Government Act 1993 (Tas)* requires that delegation is made in writing. This condition is satisfied by instruments of delegation from Council to the General Manager, which will be executed by the Mayor if Council determines to delegate.

The Council's delegations register will be updated upon execution of the instruments.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

19.5 Delegation from Council to General Manager - *Food Act 2003 (Tas), Public Health Act 1997 (Tas), Weed Management Act 1999 (Tas) ...*(Cont'd)

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

Ten-year goal - To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

Ten-year goal - To continue to meet our statutory obligations and deliver quality services

Key Direction -

4. To continually improve our service delivery and supporting processes

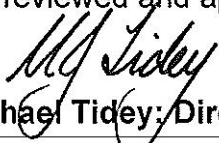
BUDGET & FINANCIAL ASPECTS:

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

20 GENERAL MANAGER'S DIRECTORATE ITEMS**20.1 Appointment of an Additional Delegate to the University of Tasmania Northern Campus Engagement and Advisory Group****FILE NO:** SF2385**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider the appointment of Alderman Hugh McKenzie to the University of Tasmania Northern Campus Engagement and Advisory Group.

PREVIOUS COUNCIL CONSIDERATION:

SPPC - 5 September 2016 - Agenda Item 4.2 - UTAS Relocation - Northern Campus Engagement and Advisory Group

RECOMMENDATION:

That Council appoints Alderman Hugh McKenzie as an additional Council delegate to the University of Tasmania Northern Campus Engagement and Advisory Group.

REPORT:

The University of Tasmania (UTAS) requested two delegates be appointed to its Northern Campus Engagement and Advisory Group. Those delegates are the Mayor and the General Manager.

Following discussions regarding these appointments at the 5 September 2016 Strategic Planning and Policy Meeting, Aldermen considered it desirable to have an additional delegate appointed to the Advisory Group. The UTAS are supportive of such an appointment.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

**20.1 Appointment of an Additional Delegate to the University of Tasmania
Northern Campus Engagement and Advisory Group ...(Cont'd)**

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

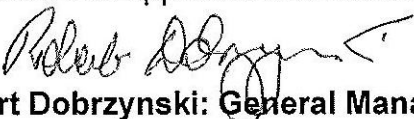
BUDGET & FINANCIAL ASPECTS:

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.



Robert Dobrzynski: General Manager

20.2 CH Smith Site Development**FILE NO:** SF2379**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To determine a proposal seeking a \$9m interest free advance for a period of five years to fund the construction of 300 public car parks on the CH Smith site, subject to certain guarantees.

RECOMMENDATION:

- 1(a) That Council enters into legally binding arrangements with Northern Outlet Developments Pty Ltd for the following:
 - i. The construction of a 200 car space public car parking facility to be managed and owned by the City of Launceston on the CH Smith site.
 - ii. The construction of a further 100 car space public car parking facility to be managed and owned by the City of Launceston on the CH Smith site.
 - (b) Such legally binding arrangements shall be conditional upon the Council receiving \$9m as an interest free loan from the State Government repayable at the conclusion of a five year period.
 - (c) The legally binding arrangements are subject to Northern Outlet Developments Pty Ltd providing the guarantees indicated within 3. below.
 2. That the Council provides a submission to the Tasmanian Treasury Department seeking approval for the provision of a \$9m interest free loan repayable at the conclusion of a five year period for funding of the projects indicated in 1(a) (i) and (ii) above.
 3. That as a pre-requisite to the Council executing any contracts, agreements or formulation of intentions that are legally enforceable relating to 1. and 2. above, the Council shall secure from Northern Outlet Developments Pty Ltd the following legally enforceable guarantees:
 - i. That a 240 car space car parking facility for public use and to be owned and managed by the City of Launceston is constructed on the CH Smith site within a period of 12 months from a Development Approval being granted, or such further period agreed by the Council.
-

20.2 CH Smith Site Development ...(Cont'd)

- ii. That further a 60 car space car parking facility for public use and to be owned and managed by the City of Launceston is constructed on the CH Smith site by 30 June 2018.
 - iii. That a schedule of works and timelines for the redevelopment of the CH Smith buildings and site in a timely manner and restoration of the heritage values of the buildings and site as approved by Heritage Tasmania be agreed with the Council.
-

REPORT:**1. Background**

Aldermen would be aware that the CH Smith site located adjacent the intersection of Charles and Cimitiere Streets, Launceston has been in a derelict state for in excess of 15 years. During this time the property has been under various ownerships, yet the owners have been unable to generate a commercially viable development proposal that could be sustained. The Council has assumed a proactive role in working with the owners in the recent past in order to formulate a development proposal which could be considered. In this regard, two recent development applications for the site have received development approval from Council.

The site contains significant heritage elements which are of major importance in conveying the story of Launceston as the nation's third oldest city. The Council has been in close collaboration with Heritage Tasmania in order to work with the owners in retaining the significant heritage values and advising on the most effective means by which a development proposal could proceed.

The years of neglect on the site have severely compromised the heritage values to the extent that should further deterioration occur, there is a very real prospect that important aspects of the city's history may be irretrievable.

In more recent times, the Council has been made aware of illegal activity occurring on the site, including the presence of squatters. The presence of people on the site has led to serious concerns regarding both in sanitary conditions and safety from injury.

The continuing deterioration of the CH Smith site and the lack of substantial remedial action by the owners despite repeated undertakings, has compelled the General Manager to issue three Emergency Orders on the site seeking the buildings are made secure so as not to pose risk to community safety.

It merits reiterating that the owners have received a number of recent Development Approvals from the Council relating to various development proposals they have put forward for the CH Smith site. None of these proposals have come to fruition.

20.2 CH Smith Site Development ...(Cont'd)

It would appear from the visual assessment and from condition reports relating to buildings on the site that if urgent action is not taken to address continuing deterioration from weather exposure, then the increasing derelict nature of the buildings on the site may leave no viable option other than demolition. This would be an extremely unsatisfactory and regrettable outcome.

2. Community Perception

The CH Smith site lies at a prominent very visible location in the confluence of two major vehicle routes into the city, Cimitiere Street and Wellington/Lower Charles Streets.

The public perception, continually reinforced on a daily basis, is of an increasingly derelict site on a key city location. Inevitably this reflects negatively on the image of the city to both residents and visitors alike.

Additionally, the subjective messaging becomes one that suggests Launceston lacks the capacity or imagination to address a derelict outcome on ostensibly a major city access point through decisive and positive action. This perception continues notwithstanding that the CH Smith site is in private ownership.

These matters have been of major concern to the Council over a lengthy period of time as it undertakes to plan for a vibrant and sustainable city environment appropriate to a contemporary regional service centre.

3. Council Strategic Objectives

The CH Smith site is of major strategic importance to the city as a consequence of the prominence of the site, its scale and due to its potential function in providing a major connection between the CBD and the city's key waterfront areas and onwards to: North Bank, Royal Park, Cataract Gorge and Inveresk.

Development of the site in a manner that is visually appealing, restores the highly regarded heritage values of the buildings and achieves the strategic function of the location is extremely important to both the city and as an expression of confidence to residents and visitors to Launceston.

4. Council Car Parking

The CH Smith site is strategically located to provide important car parking facilities for patrons to Seaport and other adjacent areas and also for the northern aspect of the Launceston CBD.

20.2 CH Smith Site Development ...(Cont'd)

It could reasonably be anticipated that at a future point in time the development needs of the City will promote consideration of a higher value use for the remaining area of the Council owned Cimitiere Street car park, capitalising on the City Heart developments and the transformational capacity of the University of Tasmania Inner City Campus project at Inveresk.

Discussions have been undertaken with management of the extremely popular Harvest Market in order that the Council may integrate the future plans and requirements of the Harvest Market into infrastructure design and implementation for the City Heart project.

At some future point in time it may be necessary for the Harvest Market to relocate to a more bespoke infrastructure location developed at Civic Square.

An important aspect of any future relocation will be the availability of sufficient readily accessible nearby car parking. The CH Smith site is ideally located to fulfil this purpose.

5. Negotiations Undertaken

The Council has been in consultation with a number of parties seeking to reach a solution which enables the strategically important CH Smith site to be developed in a manner that adds value to the Launceston CBD and addresses the blight on the city's landscape that currently characterises the derelict site.

The Council has entered these discussions because it is considered extremely important that the Council positions itself in a manner that is able to influence outcomes on the site.

Three high priority Council outcomes have been identified and brought to bear with these negotiations:

- I. That there is a high level of certainty that the site can be developed in a timely manner and in a way that adds value to the Launceston CBD and restores the important heritage value of buildings.
 - II. That the development does not incorporate retail floor space which has the potential to further fragment the Launceston CBD retail offering and increase the risk of a "hollowing out" of the CBD as a major retail destination. This outcome would be extremely negative for the future economic prosperity of a sustainable CBD and would substantially compromise the Council's City Heart major CBD investment. It would also detract from the compact nature necessary to activate a vibrant, dynamic and appealing CBD environment.
-

20.2 CH Smith Site Development ...(Cont'd)

III. That the Council is able to locate a 300 car space public car parking facility on the site to service the future development of Civic Square, the northern CBD and the interaction with the city's waterfront areas.

Negotiations by the Council have been premised on the basis that legally enforceable guarantees will be entered into to secure guaranteed outcomes on these three high priority objectives.

6. Outcomes

The Council is aware that Errol Stewart and Scott Curran, trading as Northern Outlet Developments Pty Ltd have, by unconditional contract, purchased the CH Smith site and have taken occupancy on a lease basis pending settlement.

Significant work is underway to address the structural and public safety issues related to the precarious condition of buildings on the site, abating further deterioration of heritage value buildings and securing the site from illegal access.

Negotiations regarding the strategic importance of car parking in the CH Smith site have been undertaken with the new owners and also with the State Government.

The State Government have indicated they are prepared to consider a submission to Treasury for a proposal that the State Government provide advanced funding of \$9m for a period of five years, with no interest payable by the Council, under the Northern Economic Stimulus Package recently announced by the Treasurer. This funding could be applied to the construction of 300 car parking spaces as part of a car parking area on the CH Smith site.

It is anticipated that the car parking project would be completed in two stages:

- i. 240 car spaces on the lower level within 12 months from the issuing of development approvals.
- ii. 60 car spaces in conjunction with completion of office development and upper level works by 30 June 2018.

It is understood that Northern Outlet Developments Pty Ltd have made substantial progress on development plans for the CH Smith site. This information has been presented to Aldermen by the principals prior to a Development Application being submitted.

20.2 CH Smith Site Development ...(Cont'd)

ECONOMIC IMPACT:

Considered within the report detail.

ENVIRONMENTAL IMPACT:

To be considered as part of the planning approval process.

SOCIAL IMPACT:

Considered within the report detail and as part of the planning approvals process.

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 -

1. To establish appropriate mechanisms to support the retail sector

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
2. To support the CBD and commercial areas as activity places during day and night
5. To plan for better connections between the river and Launceston

Priority Area 3 - A city in touch with its region

Ten-year goal - To ensure Launceston is accessible and connected through efficient transport and digital networks

Key Direction -

3. To regularly review our strategic approach to parking in Launceston

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 -

2. To plan services and facilities that recognise the changing demographics of our community
-

20.2 CH Smith Site Development ...(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
2. To provide an environment that is conducive to business and development
6. To facilitate direct investment in the local economy to support its growth

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders; to seek and champion collaboration to address major issues for Northern Tasmania; to ensure decisions are made in a transparent and accountable way; to continue to meet our statutory obligations and deliver quality services; to continue to ensure the long-term sustainability of our Organisation

Key Directions -

2. To lead the implementation of the Greater Launceston Plan by collaborating on relevant initiatives
4. To continually improve our service delivery and supporting processes
5. To strategically manage our assets, facilities and services


BUDGET & FINANCIAL ASPECTS:

Financial aspects relating to commercial-in-confidence information regarding yield and rates for public car parking will be provided to Aldermen by way of a presentation.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

20.3 Code of Conduct Panel Determination Report - *Local Government Act 1993* (Section 28ZJ)**FILE NO:** SF0839**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To note the Code of Conduct Panel Determination Report made on 27 October 2016 in relation to a complaint made against Alderman Janie Finlay.

RECOMMENDATION:

That:

1. Pursuant to section 20ZK(4) of the *Local Government Act 1993*, Council receives the Code of Conduct Panel Determination Report made on 27 October 2016 in relation to a complaint made against Alderman Janie Finlay.
2. Council notes the following determination made by the Code of Conduct Panel:

In accordance with section 28ZI of the Act, The Panel determines that the complaint is dismissed.

REPORT:

A Code of Conduct complaint was submitted by Mr Lionel Morrell to the General Manager on 27 July 2016, alleging that on 12 May 2016 and 6 June 2016 Alderman Janie Finlay breached the Launceston City Council Code of Conduct.

The details of the allegations made, the investigations that were undertaken by the Code of Conduct Panel (the Panel) and the determination of the Panel are attached (Attachment 1).

In accordance with section 28ZK(2) of the *Local Government Act 1993* (the Act), the Panel has provided a copy of the Determination Report to Mr Morrell, Alderman Finlay and the General Manager.

Section 28ZK(4) of the Act states:

If the general manager receives a determination report but no addendum, the general manager is to ensure that a copy of the determination report is tabled at the first meeting of the relevant council at which it is practicable to do so and which is open to the public.

**20.3 Code of Conduct Panel Determination Report - *Local Government Act 1993*
(Section 28ZJ) ...(Cont'd)**

In accordance with the legislation, this report is presented to Council for noting at an Ordinary Council Meeting which is open to the public.

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.


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Code of Conduct Panel Determination Report
-

Attachment 1 - Code of Conduct Panel Determination Report**CODE OF CONDUCT PANEL****LAUNCESTON CITY COUNCIL CODE OF CONDUCT****Determination made 27 October 2016***Local Government Act 1993**Complaint against Alderman Janie Finlay*

Code of Conduct Panel: Jill Taylor (Chairperson), Richard Grueber (Legal Representative), Christine Fraser.

1. Summary of the complaint

A Code of Conduct complaint was submitted by Mr Lionel Morrell to the General Manager of the Launceston City Council on 27 July 2016.

The complaint alleges that on 12 May 2016 and 6 June 2016, Alderman Janie Finlay breached:

- Part 7 – Relationships with the Community, Aldermen and Council Staff
- Part 8 – Representation of the Council

of the Launceston City Council Code of Conduct, Version 1, dated 22 September 2014.

As the alleged breaches occurred on 12 May 2016 and 6 June 2016, the Panel considered the complaint against the provision of the *City of Launceston Code of Conduct for Aldermen, Version 1*, adopted on 22 September 2014 which was in effect at Launceston City Council (LCC) at that time.

Mr Morrell alleges that Ald Finlay breached parts 7 and 8 of the Launceston Council Code of Conduct, dated 22 September 2014, because she demonstrated unwarranted harassment and discrimination towards him, violating his dignity and creating an environment that was threatening, intimidating, hostile, degrading, humiliating and offensive. Mr Morrell alleges that this took place at a meeting of the Cataract Gorge Advisory Committee (CGAC) Meeting held on 12 May 2016. He further alleges that Ald Finlay expressed vehement and dictatorial attacks on him at a meeting that took place at the Launceston Town Hall on 6 June 2016.

2. Investigation

In accordance with section 28ZE of the *Local Government Act 1993* (the Act), the Code of Conduct Panel investigated the evidence before it.

The Chairperson of the Code of Conduct Panel (the Chair) conducted an initial assessment of the Complaint and determined on 17 July 2016 that it was to be investigated and determined by a Code of Conduct Panel (the Panel) in accordance with section 28ZA(1)(e) of the Act.

The Panel received and considered the following documents:

- Complaint from Mr Morrell dated 27 July 2016
- Replacement page 1 to complaint of 27 July 2016, dated 28 July 2016
- Launceston City Council Code of Conduct dated 22 September 2014 and model Code of Conduct endorsed by LCC on 14 June 2016.
- CGAC Terms of Reference approved by Council on 18 December 2006
- Letter dated 6 August 2015 from Mr Morrell to Mr Andrew Smith indicating his preparedness to continue as a community representative on the CGAC
- Emails from Mr Morrell dated 18 March 2016 and 10 May 2016 (to Ald Finlay) to CGAC members regarding telephone aerials at the Gorge
- Minutes of meeting of the CGAC held on 12 May 2016
- Series of emails between Mr Morrell, Tricia De Leon-Hillier and Barry Picket regarding these minutes
- Emails dated between 2 and 3 May 2016 from Mr Morrell to Ald Finlay requesting information prior to meeting of CGAC
- Series of emails from 23 April to 3 May 2016 between Mr Morrell and Ald Finlay and Ms De Leon-Hillier regarding frequency of meetings
- Email from Mr Morrell dated 23 April 2016 to CGAC regarding an article in the Examiner newspaper
- Letter dated 14 June 2016 from Ald Finlay to Mr Morrell requesting his written resignation following his verbal offer of resignation
- Letter dated 29 June 2016 from Mr Morrell to members of the CGAC regarding lack of action by Ald Finlay concerning an impact on the environmental significance of the Reserve
- Letter dated 28 July 2016 from Mr Morrell to Mayor requesting reasons for cancellation of meetings of CGAC
- Letter dated 29 July 2016 from A/g General Manager, LCC to Executive Officer (EO) Code of Conduct Panel
- Letter dated 3 August 2016 from Mayor to Mr Morrell responding to Mr Morrell's letter regarding reasons for cancellation of meetings of CGAC
- Letter dated 5 August 2016 from Mr Morrell to Chairperson Code of Conduct Panel confirming his wish to proceed with his complaint
- Letter dated 9 August 2016 from Mr Morrell to Chairperson of Code of Conduct Panel referring to Mayor's response dated 3 August 2016
- Letter dated 10 August 2016 from Mr Morrell to Chairperson of Code of Conduct Panel seeking clarification of which version of LCC Code of Conduct he should refer to.
- Letter dated 18 August 2016 from Mr Morrell to Chairperson of Code of Conduct Panel confirming the specific sections Ald Finlay has been alleged to have breached
- Statutory declaration by Ald Finlay dated 29 August 2016
- Email dated 16 September from Mr Morrell to EO, Code of Conduct Panel querying progress of his complaint and providing contact details for all members of the CGAC and commenting on Ms Christine Fraser's appointment to the LCC Code of Conduct Panel
- Letter dated 16 September 2016 from GM, LCC to Mr Morrell removing him from CGAC
- Statutory declaration from Mr Barry Picket dated 19 September 2016
- Statutory Declaration from Rosemary Armitage dated 14 October 2016
- Statutory Declaration from Peter Reynolds dated 14 October 2016
- Statement from Ian Norton dated 14 October 2016

- Letter dated 16 October 2016 from EO Code of Conduct to Mr Morrell advising him of the Hearing and Panel's decision to call Mr Pickett and Ald Williams as witnesses

In reviewing the considerable documentation presented to it, the Panel decided that it would request Mr Barry Pickett of the Launceston City Council to provide a Statutory Declaration and appear as a witness as he was present on both occasions that the alleged breaches of the Code of Conduct occurred.

Both Mr Morrell and Alderman Finlay were invited to call witnesses. Alderman Finlay named Alderman Emma Williams as her witness. Mr Morrell was requested on two occasions to provide details of any witnesses he wished to call, once on 26 September 2016 and then on 11 October 2016. He did not provide details of any witnesses. Prior to and at the Hearing, Mr Morrell said that he thought as he supplied the names of attendees at the meeting held on 12 May 2016, that would be sufficient. However, he supplied those names in an email dated 16 September 2016, prior to the two requests mentioned above. The Panel concluded that he had been given ample opportunity to call his witnesses. Mr Morrell did not formally seek an adjournment and, on balance, the interests of justice favoured proceeding with the Hearing without the delay of an adjournment.

3. Summary of Hearing

The Hearing was convened in Launceston on 27 October 2016. Both Mr Morrell and Ald Finlay were present throughout the Hearing and Mr Barry Pickett and Ald Williams only attended to give their evidence and be questioned by the Panel and Mr Morrell and Ald Finlay. In opening the Hearing, the Chair read out a statement about the purpose of the Hearing, the procedures to be followed and the options available to the Panel in its determination.

Mr Morrell referred to an email from the Chair of the Panel stating that matters he raised which were identified to be operational would be discussed at the Code of Conduct Hearing. The matter went to the cancellation of CGAC meetings after 12 May 2016. The Chair indicated that was an operational matter for Council and it was not unusual for organisations to cancel or postpone meetings for one reason or another. Mr Morrell did not agree with the Panel's view and he was advised that he would need to demonstrate during the Hearing how the matter was related to the alleged breaches of the Code of Conduct.

Mr Morrell outlined his credentials and advised that he has been a member of the CGAC since 2007. He indicated that the genesis of his Code of Conduct complaint against Ald Finlay was his numerous attempts to contact Ald Finlay, at least seeking a conversation with her, or requesting a special meeting of the CGAC be called. The reasons for his attempts to meet with Ald Finlay or hold a special meeting related to two matters, viz.,

- the erection of two mobile network transmitting aerials; and
- Hydro Tasmania's advertisement in the Examiner newspaper dated 23 April 2016 advising of a decision it had reached regarding environmental water flow through Cataract Gorge.

Mr Morrell's contacts were by mail, email and telephone between 18 March 2016 and 10 May 2016.

Ald Finlay acknowledged that she did not respond to all of Mr Morrell's communications immediately but as Chair of the CGAC she took the decision that the matters would be dealt with at the next meeting of the CGAC scheduled for 12 May 2016. Mr Morrell was advised of her decision on 3 May 2016. Mr Morrell indicated to the Panel that he was "annoyed, frustrated and angry" with Ald Finlay's perceived non-action.

In a final email prior to the meeting of 12 May 2016, dated 10 May 2016, Mr Morrell again requested information regarding the matters he had raised prior to the meeting. Ald Finlay told the Panel that the matter of the environmental water flow was more appropriately being handled by another area of Council and the aerals were now the subject of a Planning Application before Council.

The scheduled meeting of 12 May 2016 went ahead but was preceded by an information session. Once the meeting proper commenced, Mr Morrell noted that the two matters were not included in the agenda and requested they be discussed. Ald Finlay told the Panel that the status of these two matters were reported to the meeting. Mr Morrell claims when Ald Finlay denied him a chance to speak on the subjects, he felt harassed and intimidated.

Ald Finlay said that she went into the meeting of the 12 May 2016 with a clear objective to be assertive and manage the meeting as there had been behavioural issues at previous meetings. However, according to Ald Finlay and witnesses Mr Pickett and Ald Williams, the meeting degenerated into a discussion between Mr Morrell and Ald Finlay. There was no evidence of any shouting or any verbal abuse having occurred. However, Ald Finlay said that Mr Morrell, who was sitting next to her had intruded into her personal space and referred to her as "Hitler". It was at this point that she ended the meeting. Mr Morrell denied that he had called her "Hitler" and neither of the witnesses had heard him say it.

Ald Finlay admitted that she may have raised her voice to make herself heard by Mr Morrell. Mr Morrell claimed that on several occasions he tried to call a "point of order" but neither Ald Finlay nor the witnesses recalled hearing this. Ald Finlay said that she had no alternative but to call a premature close to the meeting because there was no progress on the agenda. Ald Finlay said that she was also concerned about the welfare of staff and community members attending the meeting. When asked by the Panel whether she thought that, if Mr Morrell had been provided with the information, there would have been a different outcome to the meeting; Ald Finlay said she did not think so.

Ald Finlay told the Panel that she was concerned that staff were being involved in CGAC matters outside of the formal meetings. When asked if this was covered in the Terms of Reference of the CGAC she said it was not and that the Launceston City Council was reviewing all Committee's Terms of Reference.

At the conclusion of the meeting, held on 12 May 2016, Mr Morrell claimed that Ald Finlay had asked him to resign, Ald Finlay said that when she went into the meeting she had no such intention, but admitted that she could have done so but did not recall. Mr Morrell told the Panel that Ald Finlay said to him "you will offer your resignation" in a raised voice which he described as shrill. Ald Finlay said that she remembered Mr Morrell saying words to the effect "that I don't have to be here".

Subsequent to the meeting Mr Morrell requested a copy of the tape of the meeting. He was advised that the tape had been "wiped" and that this was consistent with a practice of doing so once the minutes had been typed.

A meeting between Mr Morrell, Ald Finlay and Mr Pickett was arranged and held on 6 June 2016 at the Launceston Town Hall. Ald Finlay had asked a Council employee to contact Mr Morrell to arrange the meeting and he told the Panel that, when contacted, was told the meeting was to be "a chat". Ald Finlay indicated to the Panel that this was her intention. She wanted to raise the issue of Mr Morrell's behaviour at CGAC meetings in an informal way. Ald Finlay told the Panel that Mr Morrell's experience and knowledge is highly valued but his behaviour has caused concern with some Council employees and the CGAC. Ald Finlay said she went into that meeting with the possibility of raising mediation with Mr Morrell. Both Mr Morrell and Ald Finlay agreed that the meeting started in a "cordial manner". Mr Pickett, who was attending to other Council matters, came to the meeting after Ald Finlay and Mr Morrell had arrived.

At this meeting Ald Finlay stated that Mr Morrell presented her with a copy of the Launceston City Council Code of Conduct and she saw this as inappropriate and felt the tone of the meeting again degenerated from that point. Mr Morrell did acknowledge he gave Ald Finlay a copy of the Code of Conduct which he claimed she threw on the floor. Ald Finlay denied this, saying she may have put it on a chair and it fell off. Mr Pickett told the Panel that he had no memory of Ald Finlay throwing the documents provided by Mr Morrell to the floor.

Mr Morrell claimed that Ald Finlay had also cut short this meeting and again requested his resignation adding that she would take action to have him replaced. He claims that she spoke in a shrill voice, and again saying "you will offer your resignation".

Ald Finlay acknowledged that it became clear that no progress was going to be achieved regarding Mr Morrell's behaviour. She did indicate that she was providing Mr Morrell with the opportunity to resign rather than being removed.

The Panel called Mr Barry Pickett as a witness because he was present on the two occasions that Mr Morrell alleged Ald Finlay breached the LCC Code of Conduct. Mr Pickett had provided a Statutory Declaration stating that in his opinion Ald Finlay did not verbally threaten or bully Mr Morrell. He added that Ald Finlay asked Mr Morrell if he wanted to resign at the meeting on 6 June 2016 after he made a statement to the effect that "he didn't have to be on the CGAC". He said that Ald Finlay raised her voice but that it was in response to Mr Morrell's persistent questioning of her without allowing her time for response.

Mr Pickett's view of the meeting of the CGAC held on 12 May 2016 was that it became a discussion between Mr Morrell, who was continually asking Ald Finlay questions, and Ald Finlay who was trying to manage the meeting. He said the others present were not engaged and he felt the meeting was not achieving any purpose and was a waste of time. He agreed with Ald Finlay's decision to close the meeting. In response to a question from Mr Morrell, Mr Pickett said his behaviour at meetings was disruptive, adding that whilst Mr Morrell spoke in a considered way, he continually interrupted others, putting his views by "stealth".

Ald Williams, Ald Finlay's witness, was present at the CGAC meeting held on 12 May 2016. She told the Panel that in her view Ald Finlay did not breach the LCC Code of Conduct with her behaviour towards Mr Morrell at that meeting. Ald Williams stated that Ald Finlay was constantly interrupted by Mr Morrell and may have raised her voice to be heard but added Ald Finlay was not shouting. Ald Williams told the Panel that, in her view, the meeting ended early as it was not sticking to the agenda and Mr Morrell was not acknowledging the role of the Chair. At an earlier meeting, Ald Williams said that she thought Mr Morrell had been dismissive of staff and she was concerned that he continually sent correspondence out of session. Ald Williams said that she believed that the Terms of Reference of the CGAC needed to be reviewed.

When asked by Mr Morrell whether anyone had made comment about the tenor of the meeting, Ald Williams said no. Ald Williams told the Hearing that she had gone to the General Manager after that meeting to see if there was a Code of Conduct for Committee members. She was advised that this was not the case and subsequently submitted a formal complaint about Mr Morrell. Mr Morrell stated that this was the first he had heard of this. Ald Williams stated that she had not involved Ald Finlay in her decision to lodge a complaint about Mr Morrell. Ald Williams stated that she would have expected that Mr Morrell be offered mediation/counselling. Ald Finlay stated that this was the purpose of the meeting of 6 June 2016. Ald Williams stated that she did agree with Mr Morrell that the water flow issue was important but this was from her professional perspective and not a matter for the CGAC.

In summing up Mr Morrell said that Ald Finlay failed to treat him with courtesy and respect in the lead up to the meeting held on 12 May 2016, at that meeting, and the subsequent meeting held on 6 June 2016. He contended that the circumstances in which the meeting on 6 June was arranged amounted to an ambush by Ald Finlay to demand his resignation. He added that Ald Finlay had harassed and bullied him by words and actions including a threat to have him removed from the CGAC. He further stated that he has been denied natural justice by removing him from the CGAC without providing any reasons. There was no evidence that Ald Finlay caused this to occur and her evidence was that she excused herself when this matter was before the Council and that she did not participate in the discussion or decision. A Panel can only determine breaches of the Code of Conduct and cannot get involved in operational matters.

In her summary, Ald Finlay denied that she had bullied or harassed Mr Morrell, saying that she has high regard for his knowledge and experience. On both occasions, i.e. 12 May 2016 and 6 June 2016, Ald Finlay stated that she had no intention of requesting Mr Morrell to resign. However, at the meeting of 6 June 2016, realising that Mr Morrell's behaviour was not going to change, she took the opportunity to offer him the chance to resign rather than being removed from the CGAC. Ald Finlay stated that this was not made in a threatening manner.

It is clear on the evidence of all witnesses that the meeting held on 12 May 2016 became unruly and reached an early conclusion when Ald Finlay, as Chair, closed the meeting. Mr Morrell sent several communiques to Ald Finlay and other Council staff prior to the meeting

of 12 May 2016. Whilst the Terms of Reference are silent on this matter, it is customary for matters outside of committee to be forwarded to the Chair only. Mr Morrell's expectation of response time from Ald Finlay may have been unrealistic given her other responsibilities.

Ald Finlay and both witnesses did not believe that Ald Finlay had breached the LCC Code of Conduct at this meeting.

At the meeting held at the Council on 6 June 2016, Mr Morrell took Ald Finlay's request for him to provide his resignation as a threat. Ald Finlay denied this, stating that she was providing Mr Morrell with this opportunity instead of being removed from the CGAC. Apart from Mr Morrell's bare assertion there was no evidence to support his contention that the meeting was an ambush. Both Mr Morrell's evidence and Ald Finlay's evidence indicate that the meeting was quite civil until Mr Morrell's conduct was raised and he produced the Code of Conduct. It then deteriorated as described by Mr Pickett and it appears reasonable that Ald Finlay terminated it to avoid further confrontation.

4. Determination

In accordance with section 28ZH of the Act, the Code of Conduct Panel held a Hearing on 27 October 2016 at 12-16 St John Street Launceston and heard evidence from:

- The complainant Mr Lionel Morrell
- The respondent Ald Janie Finlay
- Mr Barry Pickett; and
- Ald Emma Williams

In accordance with section 28ZI of the Act, the Panel determines that the complaint is dismissed.

5. Reason for determination

The Code of Conduct Panel considered the information provided by Mr Morrell and the response by Ald Janie Finlay along with supporting statutory declarations and evidence presented by witnesses.

The Code of Conduct current at the time of the alleged breaches is dated 22 September 2014 ("the LCC Code of Conduct"). The relevant provisions in the Code of Conduct enlivened by Mr Morrell's complaint are:

- In Part 7: *Aldermen...must treat people with courtesy, fairness, dignity and respect.*
- In Part 8: *Aldermen must ensure that when representing the Council they only do so within the ambit of their authority...*

Mr Morrell's complaint, insofar as it relates to Part 8, is misconceived and must be dismissed. The Standard relates to exceeding authority arising from their position as an Alderman or delegated by the Council. It has no relevance to the alleged impugned conduct of Ald Finlay.

This leaves the question of whether Ald Finlay's conduct breached Standard 7, a matter to be determined on the balance of probabilities.

Mr Morrell asserts that the manner in which he was treated by Ald Finlay was in breach of the Standard, and identified the alleged demands for resignation, alleged threat to have him removed from the CGAC, the termination of the 12 May meeting, the failure to call a further meeting to enable him to address the members and the alleged ambushing at the 6 June meeting, as specific instances of harassment, bullying or intimidation.

Mr Morrell's allegations are denied by Ald Finlay. It therefore falls to the Panel to determine, on the evidence before it, whether it is satisfied on balance that the alleged conduct occurred and that, if it did, whether it amounted to a breach of Standard 7.

The evidence of Mr Morrell that Ald Finlay bullied and threatened Mr Morrell and used *emotional and psychological methods intended to intimidate and frighten* him (Mr Morrell's letter of complaint dated 27 July 2016) is disputed by Ald Finlay and is either not supported by or is disputed by the evidence of Mr Pickett and Ald Williams. It was clear from the way he gave his evidence that Mr Pickett believed that Mr Morrell's own conduct was questionable and that his view of Ald Finlay's conduct had to be seen in that context, but he presented as a truthful and candid witness. Ald Williams also had concerns about Mr Morrell's conduct, sufficient to ground a complaint of her own, but she also presented as a truthful and balanced witness.


At most, the Panel could be satisfied that Ald Finlay raised her voice, asked Mr Morrell to resign and terminated the two meetings. This is supported by the evidence of Mr Pickett and Ald Finlay. The evidence does not indicate that the former was so unreasonable in the fraught circumstances of either meeting, circumstances contributed to by Mr Morrell's conduct, as to constitute a lack of courtesy, fairness, dignity and respect. Neither could the request for Mr Morrell to resign be seen as a breach in the context of the concerns Ald Finlay had about his conduct in CGAC and the outcome of the meeting on 6 June. The decision to terminate the 12 May meeting was clearly appropriate on the evidence of Mr Pickett and Ald Williams. Ald Finlay's conduct must be considered in the context of these surrounding circumstances.

Mr Morrell's claim that he was bullied and harassed by Ald Finlay's lack of response to his request for information and her treatment of him at the CGAC meeting and the meeting on 6 June 2016 was not found to be proven. Ald Finlay's handling of the matters raised by Mr Morrell on the surface appeared reasonable to have the discussion at the next available CGAC meeting. However, the Panel considers that communication back to Mr Morrell could have been more timely and comprehensive. The Panel accepts, that whilst the meeting of 6 June 2016 resulted in Ald Finlay asking for Mr Morrell's resignation, her intention was to give him the opportunity to resign before she called a special meeting of CGAC to seek a recommendation to be put to Council to have him removed from CGAC, as set out in her letter to him dated 14 June 2016. The panel notes that Ald Finlay did not proceed to convene such a meeting. It is difficult to see how the failure to convene any subsequent meeting of the CGAC could be in breach of the Code by preventing Mr Morrell from communicating his position to members when Mr Morrell had evidenced his ability to do just that by his letter to them of 29 June 2016.

The Code of Conduct Panel concludes that based on the evidence presented, it is not proven that Ald Finlay breached Standard 7 of the LCC Code of Conduct.

6. Right to Review

A person aggrieved by the determination of the Code of Conduct Panel is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination on the ground that the Code of Conduct Panel has failed to comply with the rules of natural justice.



Jill Taylor
Chairperson



Richard Grueber
Member



Christine Fraser
Member

20.4 Festivale**FILE NO:** SF4335**GENERAL MANAGER:** Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider an increase of funding for the Launceston Festivale Committee.

RECOMMENDATION:

That:

1. Council advises the Chairman of the Launceston Festivale Committee, the City of Launceston commits to the retrospective doubling of its financial commitment to Festivale for the 2017 year from \$20,000 to \$40,000.
 2. Such funding support shall be in addition to the operational support provided to the Festivale Committee totalling \$7,500 per annum and the non-application of Park Hire fees.
 3. Following the conclusion of the 2017 Festivale event, the Council undertakes to work with the Festivale Committee in order to agree a strategic and policy value proposition for the conduct of future Festivale events which delivers on clearly defined outcomes established as higher priorities for the Council as a prerequisite consideration by the Council to increase the funding support for the Festivale Committee.
 4. The Chairman of the Launceston Festivale Committee be advised increased funding support indicated for the 2017 event and subsequent Festivale events is predicated on agreement between the City Council and Festivale Committee on key deliverables as policy and strategic outcomes by the Committee and the event.
-

REPORT:**Background**

Aldermen would be aware that Festivale is the major festival event held within Northern Tasmania annually. The event showcases food, beer, wine and spirits and the talents of the region and State in a family friendly atmosphere located in the idyllic surroundings of City Park.

20.4 Festivale ...(Cont'd)

Each year Festivale attracts between 25,000 and 30,000 people for the duration of its activities commencing on Friday evening and concluding on Sunday afternoon. In many ways Festivale has become synonymous with Launceston and Northern Tasmania reflecting a level of performance and ambience that brings many interstate visitors back on an annual basis.

Funding Provided by Council

Festivale is a signature event of the City of Launceston receiving funding of \$20,000 per annum guaranteed for a three year period. The current agreement expires at the conclusion of the 2017 event.

Various discussions have occurred amongst Aldermen from time to time regarding the adequacy of funding support for Festivale. Advice from Lou Clark, Chairman of the Launceston Festivale Committee, indicates that the budget for Festivale is circa \$1million per annum. In this context, the Council contribution in funding support of \$20,000 per annum, plus operational support in the management of City Park valued at \$7,500 per annum and the non-application of Park Hire Fees is conservative.

It would be unusual to observe the major festival event in a regional city in Australia with a population in excess of 100,000 receive such minimal funding and in kind support as currently provided.

Festivale is largely run by volunteer effort, with the community receiving enormous value for money in the product provided showcasing all that promotes Launceston and Northern Tasmania.

Policy/Strategic Considerations

It is clear that the strategic importance of Festivale in promoting Launceston for intra- and inter-state visitation, whilst also providing a hallmark event for local celebration, all ostensibly heavily reliant upon volunteer effort, warrants a policy / strategic repositioning by the Council.

Hallmark events, such as Festivale, are enormously strategically important for the Council in showcasing its unique attractions, local talent, produce and the vibe of the city in providing premier lifestyle and natural attractions.

Council is working collaboratively with a range of the stakeholders including the State Government, Tourism Northern Tasmania, CityProm and major event sponsors in order to generate a calendar of events that substantially add value to the tourist and visitor experience in the city and leverage upon the natural attraction of the city and Northern Tasmania as a visitor destination. Festivale, with its enviable reputation, sits as a centrepiece of an effective events calendar for the city.

20.4 Festivale ...(Cont'd)

The Chairman of the Festivale Committee indicated that metrics they have obtained of patronage suggest a yield to the Launceston city economy of \$5million per annum from the conducting of Festivale. By any measure this is a massive injection into the City's economy and through branding achieving a significant reach beyond the city, region and State boundaries.

Put simply, Festivale offers unparalleled value for money for the contribution made by the City Council. How much longer this situation can be sustained is debatable, especially with largely volunteer efforts underpinning the Festivale project team.

Proposal

Discussions have been held with the Chairman of the Launceston Festivale Committee regarding an increase in funding support from the Council to reflect the value of Festivale in achieving the strategic / policy objectives of the City of Launceston as a key pillar event which has become iconic and synonymous with Launceston.

It is understood that the Festivale Committee are operating to an extremely tight timeframe in regard to planning for the 2017 event.

Aldermen have indicated in discussions with the Committee Chairman that the City Council's interests are less in obtaining collateral that promotes the Council commensurate with its sponsorship, but are however more interested in seeing the event progress from its current offering to a point that through the provision of additional financial support enables the Committee to plan a Festivale event which is significantly enhanced and adds new exciting elements enabled by the additional funding support from the City of Launceston.

It is proposed that the City of Launceston work with the Festivale Committee on a partnership with an increased level of support from the City Council that will be mutually beneficial and deliver benefits to the local community and visitor experience.

Aldermen would be aware of the events strategy presentation that the General Manager undertook to a recent Strategic Policy and Planning Meeting. A copy of the presentation is attached (*Attachment 1*) for the information of Aldermen in the context of considering this report.

Whilst the limited timeframe available to influence the Festivale Committee in the planning of the 2017 event requires the Council's urgent consideration of a proposal for retrospective increased funding support to Festivale, it would be envisaged that the normal course would have led to the Council adopting a new strategic policy position for its events strategy, leading to additional funding support within the Council budget reflective of the repositioning of the events strategy as a significant part of the value proposition the City provides to its residents, tourists and visitors.

20.4 Festivale ...(Cont'd)

In order to further the conversation with the Festivale Committee the following is proposed:

1. The Council advise the Chairman of the Launceston Festivale Committee the City of Launceston commits to the retrospective doubling of its financial commitment to Festivale for the 2017 year from \$20,000 to \$40,000.
2. That such funding support shall be in addition to the operational support provided to the Festivale Committee totalling \$7,500 per annum and the non-application of Park Hire fees.
3. That following the conclusion of the 2017 Festivale event, the Council undertakes to work with the Festivale Committee in order to agree a strategic and policy value proposition for the conduct of future Festivale events which delivers on clearly defined outcomes established as higher priorities for the Council as a prerequisite consideration by the Council to increase the funding support for the Festivale Committee.
4. That the Chairman of the Launceston Festivale Committee be advised increased funding support indicated for the 2017 event and subsequent Festivale events is predicated on agreement between the City Council and Festivale Committee on key deliverables as policy and strategic outcomes by the Committee and the event.

ECONOMIC IMPACT:

Increased patronage supporting an enhanced event.

ENVIRONMENTAL IMPACT:

The Festivale Committee pursues positive environmental outcomes in the delivery of the event.

SOCIAL IMPACT:

Enhanced social outcomes from increased resourcing of the Festivale event.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan - 2014-2024

Priority Area 2 - 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 Direction -

4. To promote tourism and a quality Launceston tourism offering
-

20.4 Festivale ...(Cont'd)


BUDGET & FINANCIAL ASPECTS:

Increased funding commitment to be managed as a minor budget adjustment in the 2016/2017 Council Budget.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Events Strategy Presentation (General Manager) (distributed electronically)
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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
