



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 15 JUNE 2023
1.00PM**

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

Date: 15 June 2023

Time: 1.00pm

Certificate of Qualified Advice

Background

To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
 - (a) the general manager certifies, in writing -
 - (i) that such advice was obtained; and
 - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the agenda item.



**Michael Stretton
Chief Executive Officer**

AUDIO of COUNCIL MEETINGS

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made in accordance with our Council Meetings - Audio Recording Policy - 14-Plx-008.

This Council Meeting will be streamed live to and can be accessed at:
www.launceston.tas.gov.au/Council/Meetings/Listen.

PUBLIC ATTENDANCE AT THE COUNCIL MEETING

At the Council Meeting, please take care to follow signage and the directions of Council Officers to ensure that physical distancing and other COVID-19 safe behaviour is observed.

PUBLIC QUESTION TIME - AGENDA ITEM 8

A limit of three questions received in writing by Wednesday of the week prior to the Council Meeting are treated as Questions on Notice. Your question and an answer will be published in the Agenda of the Council Meeting. Questions may be submitted to the Chief Executive Officer at contactus@launceston.tas.gov.au, PO Box 396, Launceston TAS 7250, or Town Hall, St John Street, Launceston.

If attending the Council Meeting in person, you may ask up to three questions during Public Question Time. If accepted, your questions will be either answered at the Meeting, or Taken on Notice and answered at a later Council Meeting.

PUBLIC COMMENT ON AGENDA ITEMS

When attending the Council Meeting, you will be asked if you wish to comment on an item in the Agenda. Prior to debate on that Agenda Item, you will be invited by the Chair to move to the public microphone at the doors to the Council Chambers and state your name and address.

Please note the following important information:

- Each item on the Agenda includes a Recommendation prepared by a Council Officer.
- You may speak for up to two minutes, either for or against the Recommendation.
- You may not ask questions or enter into debate with Councillors or Council Officers.
- Your statement is not to be defamatory, inappropriate or abusive, or be intended to embarrass any person, including Councillors or Council Officers.
- The Chair may direct you to stop speaking if you do not follow these rules, or if your statement repeats points that have already been made.
- Audio from our Council Meetings is streamed live via YouTube.

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

At the City of Launceston, the positions of General Manager Community and Place, General Manager Organisational Services, General Manager Infrastructure and Assets and General Manager Creative Arts and Cultural Services do not assume the functions and powers of the term *general manager* in a legislative sense: any legislative functions and powers to be delegated to these roles will be made by Council or the Chief Executive Officer. At the City of Launceston, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, *Chief Executive Officer* means *General Manager* for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

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1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2. MAYORAL ACKNOWLEDGEMENTS

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

4. 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 1 June 2023 be confirmed as a true and correct record.

5. COUNCIL WORKSHOPS

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

5.1. Council Workshop Report - 1 and 8 June 2023

FILE NO: SF4401

AUTHOR: Anthea Rooney (Council and Committees Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

Local Government (Meeting Procedures) Regulations 2015 - Regulation 8(2)(c)

RECOMMENDATION:

That Council, pursuant to Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, notes the Council Workshops conducted and attended since the last Council Meeting, for the purposes described:

1. pre-Council Workshop conducted on 1 June 2023:

Design Tasmania Presentation

Councillors were provided with a presentation and overview of Design Tasmania's 2023 Program and Masterplan.

In Attendance: Acting Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

2. Workshop conducted on 8 June 2023:

Junction Arts Festival Presentation

Councillors were provided with key achievements highlighting and identifying some key programmed events for the 2023 Junction Arts Festival.

Commissioner for Children and Young People

Councillors received further details about the Commissioner for Children and Young People Annual Report 2021/2022.

Improving Community Health and Wellbeing - Critical Age Periods

Councillors were presented with a project update on improving community health.

Community Health and Wellbeing

Councillors were provided with a presentation on creating a healthy, happy and active community.

Overview of the Council's Health and Wellbeing Initiatives

Councillors were provided with an overview of the health and wellbeing activities and initiatives currently being delivered and/or supported by the City of Launceston.

Heritage Review

Councillors discussed the recent directed consultation regarding the updating of the heritage listings.

Motions - Local Government Association of Tasmania General Meeting - 30 June 2023

Councillors were provided with an opportunity to discuss impending Notices of Motion for the upcoming Meeting.

In Attendance: Acting Mayor Councillor M K Garwood, Acting Deputy Mayor Councillor A E Dawkins, Councillor D C Gibson, Councillor D H McKenzie, Councillor A G Harris, Councillor T G Walker, Councillor Dr G Razay, Councillor J J Pentridge, Councillor A J Palmer, Councillor L M McMahon, Councillor S Cai and Councillor A J Britton.

REPORT:

Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshops held since the last Meeting.

Attendance is recorded for noting and reporting in the Council's Annual Report.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

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 Councillors).

No Community Reports have been identified as part of this Agenda

7. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

No Councillors' Leave of Absence Applications have been identified as part of this Agenda.

8. PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1. Public Questions on Notice

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

8.1.1. Public Questions on Notice - Ron Baines - Parking, Tree Removal and C H Smith - 1 June 2023

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following questions, asked at the Council Meeting on 1 June 2023 by Ron Baines, have been answered by Dan Ryan (General Manager Community and Place Network), Shane Eberhardt (General Manager Infrastructure and Assets Network) and Nathan Williams (Chief Financial Officer).

Questions:

1. My first question is directed to all duly elected Councillors, not the administrative branch of the Council. Council is aware that few people read the Public Notices column in *The Examiner*, yet chose to hide a massive 39% increase, plus yearly indexation in parking penalties. Parity pricing with other areas is not needed or justifiable. Therefore, I ask, will Councillors extend the time period available for submissions to enable full transparency and honesty toward our motorists and complete understanding of the consequences of the by-law way on an article in *The Examiner* and online?

Response:

As part of the by-law making process, the Council is required to provide notice of the proposed by-law and invite submissions from members of the public. On 6 May 2023, the Council published a notice in The Examiner Newspaper that invited members of the public to make a submission. A copy of the notice and associated documentation was also placed on the Council's website and displayed at Town Hall. The period for submission expired on 29 May 2023. Given that the legislative process was followed, there is no intention to extend the period for submission.

2. Trees are aesthetically pleasing and provide cover for inclement weather including harsh sunlight, therefore, I fail to understand the Council's motive for cutting down nine trees adjacent to the Albert Hall given the proposed greening plan. Could the Council please explain why they intend to kill nine trees?

Response:

The assumption is that Mr Baines is referring to the Albert Hall Renewal Project (the project). The trees to be removed were considered in the assessment of the required Development Application (DA0108/2022). Although the Council's policy is not to unnecessarily remove trees, it is considered that the benefit to be delivered by the project outweighed the removal of the trees.

In summary a total of 10 existing trees are to be completely removed; two will be transplanted and relocated to a location off site and a further one tree will be transplanted within the project area. The removal and relocation of the selected trees will open up the vista between the Albert Hall and City Park. The majority of trees and plantings in the immediate northeast area of the Albert Hall, were planted after 1955. None of the trees identified for removal have listed significant heritage value. There are four trees identified within the Albert Hall surrounds that date back prior to 1920 and these trees will all be retained.

3. Could the Council provide a profit or loss statement for the C H Smith parking area owned by the Council as it always appears to be empty?

Response:

An extract from the Council's financial statements that relate to the C H Smith Car Park is provided below:

CH Smith Car Park	
Statement of Financial Performance	
	2023 YTD to 31 May
Income	
Parking Fees	\$217,878
Other Revenue	\$150
Pensioner Concessions	\$1,766
Remissions - Parking	\$0
Total Revenue	\$219,794
Expenditure	
Employee Benefits	\$5,058
Materials and Services	\$64,496
Utilities	\$16,859
Land Tax	\$107,177
Insurance	\$17,429
Total Core Operations Expenditure	\$211,019
Core Operations Net Result	\$8,775
Non-Core Operations Expenditure	
Internal Parking Revenue	(\$13,911)
Depreciation	\$83,569
Total Non-Core Operations Expenditure	\$69,658
Operating Result	(\$60,883)

8.1.2. Public Questions on Notice - Malcolm Cowan - Mayoral Election Costs - 6 June 2023

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to Council in writing on 6 June 2023 on by Malcolm Cowan has been answered by Leanne Purchase (Acting Manager Organisational Services Network).

Questions:

1. How much will the upcoming election for the position of Mayor cost the ratepayers of Launceston?

Response:

The Tasmanian Electoral Commission has suggested that costs may be in the vicinity of \$250,000, however, firm pricing is not yet available. The quoted figure does not include the Council Officer's time, or local expenses, such as advertising the availability of the General Manager's Roll. For the 2022 Local Government Elections, the cost per elector was \$9.84 exclusive of GST. It is expected the by-election cost to be less than \$9.84 per elector, with fewer Tasmanian Electoral Commission staff and administration costs required.

Notably, however, this cost includes an estimate for the follow-up of non-voters which will be a first for a Local Government election in Tasmania. Given that last year's general election was the first to involve compulsory voting, the Commission decided not to pursue non-voters at that time.

8.2. Public Questions Without Notice

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

9. ANNOUNCEMENTS BY THE MAYOR

9.1. Mayor's Announcements

FILE NO: SF2375

Friday 2 June 2023

- Presented awards for music section of the Launceston Competitions, Earl Arts Centre

Saturday 3 June 2023

- Presented medals at the Interweave Gumboot Gala, Inveresk
- Attended the New Horizons Yellowstone Gala, Tailrace Centre

Sunday 4 June 2023

- Attended the Vigil for Shyanne-Lee in City Park
- Attended the opening of *Indeterminate Landscape: A cancer carers creative journey* exhibition at s.p.a.c.e. gallery

Tuesday 6 June 2023

- Provided a welcome at LGBTIQ+ Disability Forum, University of Tasmania, Newnham

Thursday 8 June 2023

- Attended the 2023 Pay It Forward breakfast, Tailrace Centre

Friday 9 June 2023

- Attended the Wildlife Photographer of the Year exhibition Launch at Queen Victoria Museum and Art Gallery, Inveresk

Saturday 10 June 2023

- Attended the Basketball Tasmania Clinic, Elphin Sports Centre
- Attended the McGrath Launceston Running Festival pre-event dinner, Peppers Silo Hotel

Sunday 11 June 2023

- Attended *Property Rites*, Launceston Youth Theatre Ensemble, Earl Art Centre
-

10. COUNCILLORS' REPORTS

(This item provides an opportunity for Councillors 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 COUNCILLORS

11.1. Councillors' 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 Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be provided in writing).

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

11.2. Councillors' 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. Northern Youth Coordinating Committee Meeting - 9 May 2023

FILE NO: SF0136

AUTHOR: Stephanie Armour (Community Development Officer)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To receive a report from the Northern Youth Coordinating Committee.

RECOMMENDATION:

That Council receives the report from the Northern Youth Coordinating Committee Meeting held on Tuesday, 9 May 2023.

REPORT:

The Northern Youth Coordinating Committee (NYCC) met on Tuesday, 9 May 2023 at Futures Isle in Invermay and the following business was conducted:

- a presentation by Rotary Club of Tamar Sunrise, speaking about Rotary with particular emphasis on Rotary's Youth Programs.
- a written update from the Northern Midlands Council was provided on the recent formation of their own youth advisory group as well as youth week activities.
- Youth Network of Tasmania provided a verbal update on their current Youth Transitions project.
- a verbal update from West Tamar, George Town and Launceston Councils regarding Youth Week activities and current youth advisory group actions.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 1: We connect with our community and our region through meaningful engagement, cooperation and representation.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities and address the future challenges facing our community and region.

Focus Areas:

1. To develop and consistently utilise contemporary and effective community engagement processes.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

12.2. Audit Panel Meeting - 16 May 2023

FILE NO: SF3611

AUTHOR: Anthea Rooney (Council and Committees Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Audit Panel Meeting held on 16 May 2023.

RECOMMENDATION:

That Council receives the report from the Audit Panel Meeting held on 16 May 2023.

REPORT:

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

6.1 Internal Audit Report

Details Remaining audits for 2023 were noted and outcomes of a dark web credential scan were discussed.

Action The Audit Panel noted the item.

7.1 External Audit Report

Details A new risk relating to a computer information systems audit was identified and some outstanding issues were resolved.

Action: The Audit Panel noted the item.

8.1 Outstanding Internal and External Audit Items

Details Approved the resolution of resolved items and noted the inclusion of updates and comments for remaining items.

Action: The Audit Panel approved nine outstanding items as resolved.

9.1 Capital Report

Details The Panel noted the results for the quarter ending 31 March 2023.

Action The Audit Panel noted the item.

9.2 Budget Amendments

Details The Panel noted the 2022/2023 Budget Amendments.

Action The 2022/2023 Budget Amendments were approved at Council Meetings.

9.3 Financial Statements (Analysis and Commentary)

Details The Panel noted the results for the quarter ending 31 March 2023.

Action The Financial Statements for the period ending 31 March 2023 are presented within this Council Agenda.

10.1 Investment Returns and Balances

Details Discussed the provided summaries.

Action The Audit Panel noted the item.

11.1 Work Health and Safety

Details Noted the Work Health and Safety report dated April 2023.

Action The Audit Panel noted the item.

12.1 Chief Executive Officer's Risk Certificate

Details The Chief Executive Officer's priority list of risk issues were presented and discussed.

Action The Audit Panel noted the item and discussed the various issues raised.

13.1 Investment Strategy

Details Council's recently approved Investment Strategy was discussed and the Panel suggested that the Council utilise an independent investment strategist.

Action The Audit Panel noted the item.

13.2 Proposed Statutory Estimates and Annual Plan 2023/2024

Details Discussed the provided summaries and noted documents had been approved for release for public consultation.

Action The Audit Panel noted the item. The Council's Officers noted the Audit Panel's suggestion.

13.3 Investment Returns and Balances

Details Noted minimal change in documentation from 2022.

Action The Audit Panel considered the item.

13.4 Asset Management Documents

Details Discussed the documentation and aim to simplify the Council's asset management system and timing of future reviews.

Action The Audit Panel considered the item.

13.5 Dark Web Credential Scan

Details Noted the actions taken in response to the dark web credential scan.

Action The Audit Panel noted the item.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

12.3. Tender Review Committee Meeting - 1 June 2023

FILE NO: SF0100/CD.052/2023

AUTHOR: Anthea Rooney (Council and Committees Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee.

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tender submitted by the Baker Group (Tas) Pty Ltd for the Birch Avenue Pitch Drainage Design and Construct - CD.052/2023 at a cost of \$267,015.60 (excluding GST).

REPORT:

The Tender Review Committee Meeting, held on 1 June 2023, determined the following:

That the tender submitted by the Baker Group (Tas) Pty Ltd for the Birch Avenue Pitch Drainage Design and Construct - CD.052/2023 at a cost of \$267,015.60 (excluding GST) be accepted.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

13. COMMUNITY AND PLACE NETWORK

13.1. Request to Waive Planning Permit Fees - 10-16 Wellington Street, Launceston

FILE NO: SF6440/DA0180/2023/DA0181/2023

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

To consider a request to waive the fee for a lodged Development Application.

RECOMMENDATION:

That Council refuses a request to waive the assessment fee for DA0181/2023 (139 hotel room, bar and food services associated with the hotel, as well as changes to the car parking).

REPORT:

The Council has received a request to waive the Development Application fee for an application lodged for 10-16 Wellington Street, Launceston (DA0181/2023).

On 25 January 2023 the Council received a Development Application (DA0032/2023) to redevelop the old TAFE building site at 10-16 Wellington Street, Launceston to include a 139 room hotel, 13 dwellings, food services, hotel industry and car parking. Due to the cost of development, the application attracted the maximum application fee of \$34,405.00, which has been paid. Assessment of the application has been progressed and it is currently on stopclock awaiting further information from the applicant.

Since the lodgement of the Development Application, the owner has proposed to undertake a staged application process for the development; which involves the lodgment of the following two separate Development Applications for the proposal:

1. DA0180/2023 - lodged on 20 April 2023, includes 13 dwellings, food services, hotel industry and car parking changes; and
2. DA0181/2023 - also lodged on 20 April 2023, includes a 139 hotel room, bar and food services associated with the hotel, as well as changes to the car parking.

It is the understanding of the Council's Officers that this approach has been undertaken to de-risk the process and support an accelerated path to commencement of work.

The assessment of these two Development Applications has not progressed at this stage because the fees have not been paid and the information that has been provided is deficient. Due to the development costs of both applications, both attract the maximum fee of \$34,405.00.

Discussions with the owner reveals that they intend to withdraw DA0032/2023 and transfer the already paid fees to one of the new applications (DA0180/2023) which can be accommodated as part of the Council's standard process.

In addition, the owner is seeking for the Council to waive the fee for the second application (DA0181/2023).

The Council's Officers do not have delegated authority to waive a Development Application fee, therefore, a decision of Council is required.

It is acknowledged that the splitting of the original Development Application would potentially allow for work and use to commence on the first application, noting the hotel component of the proposal within in the second application is likely to attract some community concern, due to factors like building height.

Notwithstanding, the splitting of the application into two individual Development Applications will require additional resources to assess the project as both applications (DA0180/2023 and DA0181/2023) are not without their complications and will need to be separately managed. There will also be a significant amount of re-work as issues like traffic and parking for the site will need to be considered relative to the needs of the separate proposals for the site.

The preferred approach by the Council's Officers is that the single Development Application is continued, allowing for the project to be considered in its entirety. This approach will provide a more transparent pathway and will remove the complications associated with assessing the applications separately. It is noted that a staged approach to the construction of the development could still be applied by the owner in this model if a Planning Permit is issued.

Whilst a single application pathway is the preference of the Council's Officers, it is acknowledged that the chosen approach is at the discretion of the site owner. However, it is the view of staff that the assessment fee should apply. The Council has applied the assessment fee in the past for applicants who have submitted multiple revised applications for a development proposal on a site and therefore, the recommendation of this report is consistent and equitable with these prior decisions.

There is also concern that the waiving of fees for the second application may set a precedent that encourages the splitting of Development Applications for future large-scale developments which simply adds to the complexity and reduces the transparency of what is being proposed for a particular site.

RISK IMPLICATIONS:

As stated within the report, there is concern that the waiving of fees for the second application may set a precedent that encourages the splitting of Development Applications for future large-scale developments.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 7: We are a City planning for our future by ensuring our approach to strategic land-use, development and infrastructure is coordinated, progressive and sustainable.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment and transport solutions within our municipality and region.

Focus Areas:

1. To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.

BUDGET AND FINANCIAL IMPLICATIONS:

Information contained within the report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14. ORGANISATIONAL SERVICES NETWORK

14.1. Lease - St Leonards Memorial Hall

FILE NO: SF2967

AUTHOR: Michelle Grey (Lease and Licensing Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider leasing an area of land situated at the St Leonards Sports Complex known as the St Leonards Memorial Hall to the Tamar Bridge Club as marked on the attached plan.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 13 August 2018 - Agenda Item 18.3 - Lease - Tamar Bridge Club

RECOMMENDATION:

That Council:

1. by absolute majority, in accordance with section 179 of the *Local Government Act 1993 (Tas)*, agrees to lease part of St Leonards Sports Centre to the Tamar Bridge Club Incorporated (CT103535/1) as indicated on the plan below:



2. authorises the Chief Executive Officer to enter into a formal lease under the following terms:
 - the term shall be five years commencing on 1 July 2023;
 - the commencing rent shall be \$323.96 per annum based on 182 fee units;
 - tenant to be responsible for all outgoing costs such as:
 - i. energy costs;
 - ii. volumetric usage and service charges for water;
 - iii. fire service checks;
 - iv. security monitoring fees; and
 - v. all other service fees and charges associated with maintenance of the building.
 - tenant shall continuously maintain:
 - i. contents insurance
 - ii. public liability insurance of at least \$20 million.
 - the exact dimensions of land to be leased and all remaining terms to be determined by the Chief Executive Officer.
 3. authorises the Chief Executive Officer to exercise any right, option or discretion exercisable by Council under the lease.
 4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

REPORT:

The St Leonards Memorial Hall is located within the St Leonards Sports Complex and has been leased to the Tamar Bridge Club Incorporated (TBC) since 1997. The most recent lease expired on 30 September 2021 and since which time the TBC has been in holding over.

During 2021 TBC and Council officers agreed to a month-by-month tenancy pending longer term arrangements being made. There had been discussions since 2016 around Council 'remodelling' Soldiers Memorial Hall and relocating TBC there.

Although TBC wrote to Council expressing the preference to remain at their current location, they were open to the possibility of moving to Soldiers Memorial Hall or a purpose-built facility.

TBC has in the interim continued to occupy St Leonards Memorial Hall and wishes to remain. Negotiations apparently stalled due to staff changes, necessitating confirmation of instructions from Council officers. No relocation is currently planned.

The TBC has been a model tenant and continues to maintain the premises in good working order. The TBC has requested a further lease. It is, therefore, recommended that Council offer a five year lease.

Section 179 of the *Local Government Act 1993* (Tas) provides that the Council may lease public land for a period not exceeding five years without requiring the need for advertising.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

There is no economic, environmental or social impact with this proposal other than to allow successful tenants to continue to provide an important recreational opportunity for Launceston.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14.2. 2022/2023 Budget - Budget Amendments

FILE NO: SF7463/SF6939

AUTHOR: Samuel Kelty (Acting Manager Finance)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

For Council to:

1. consider changes to the Council's 2022/2023 Statutory Estimates.

A decision for Recommendation 1. requires an absolute majority of Council in accordance with section 82(4) of the Local Government Act 1993 (Tas).

2. consider adjustments made during 1 May to 31 May 2023 by the Chief Executive Officer to the 2022/2023 Budget.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993 (Tas)* and by an absolute majority, approves the following changes to the 2022/2023 Statutory Estimates:
 - (a) Revenue
 - i. the net increase in revenue from external grants and contributions of \$853,325.
 - (b) Expenses
 - i. the net decrease in operations expenditure of \$200,000.
 - (c) Capital Works Expenditure
 - i. the net increase in expenditure from external funds of \$853,325.
 - ii. the decrease in the Council's funded expenditure of \$200,000.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$16,319,122 (including capital grants of \$24,611,118) for 2022/2023.
 - (b) the capital budget being increased to \$38,240,222 for 2022/2023.
 3. pursuant to section 82(7) of the *Local Government Act 1993 (Tas)*, receives the Chief Executive Officer's report on adjustments to the 2022/2023 budget for the period 1 May to 31 May 2023.
-

REPORT:

1. Budget Amendments

The budget amendments are changes to the Statutory Estimates which require a Council decision. The changes relate to external grant revenue and transfers between Operations and Capital projects.

	Operations \$'000	Capital \$'000
Statutory Budget as 01/07/2022	(4,931)	16,737
Adjustments Approved by Council to 30/04/2023	20,197	20,850
Balance Previously Advised as at 30/04/2023	15,266	37,587
Amendments		
Additional Council Funds	0	(400)
Capital to Operations	0	0
Operations to Capital	200	200
Operations	0	0
External Funds	853	853
External Funds Not Received	0	0
Statutory Budget as at 31/05/2023	16,319	38,240
Deduct Capital Grants and Contributions	(24,611)	
Underlying Operating Budget Surplus/(Deficit)	(8,292)	

The table summarises all other Budget Agenda Items and includes reconciliations of the budgeted operating result and capital expenditure.

Details of the amendments are as follows:

1(a) The following items need to be allocated additional/reduced Council funding:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24441	QVMAG Phenomena Factory Redevelopment	\$550,000	\$400,000	\$0	\$150,000
	TOTALS	\$550,000	\$400,000	\$ 0	\$150,000

The project scope of works:

A grant deed has now been signed for funding from Arts Tasmania to undertake the redevelopment of the Phenomena Factory at the Queen Victoria Museum and Art Gallery totaling \$800,000.

As grant funding has been allocated against this project, this allows the Council to hand back \$400,000 of the Council's funding and allocate the remaining \$150,000 of the Council's funding towards the purchase of the benchmark Digistar7 planetarium hardware and content.

Additional Council Funding	Capital
QVMAG Phenomena Factory Redevelopment	(\$400,000)
TOTAL	(\$400,000)

1(b) The following items need to be reallocated from Operations to Capital:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
OP22532	Infrastructure and Engineering Stormwater Management	\$451,731	\$200,000	\$0	\$251,731
CP24495	Stormwater Pipeline - Gallopers Rise	\$0	\$0	\$200,000	\$200,000
	TOTALS	\$451,731	\$200,000	\$200,000	\$451,731

The project scope of works:

An additional stormwater pipeline is required to provide an adequate stormwater service for the remaining stages of the Gallopers Rise subdivision.

This project is currently included in the 2023/2024 budget, pending Council approval and additional funds are required.

This budget transfer will allow for the project to be fully funded, these costs will then be recovered as the development progresses.

Operations to Capital	Operations	Capital
Stormwater Pipeline - Gallopers Rise	(\$200,000)	\$200,000
TOTAL	(\$200,000)	\$200,000

1(c) 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
GL.10.0.1059. 1000.12517	QVMAG Capital Contributions - Cash	(\$60,000)	\$50,000	\$0	(\$110,000)
CP24492	QVMAG Natural Sciences Equipment	\$0	\$0	\$50,000	\$50,000
	TOTALS	(\$60,000)	\$50,000	\$50,000	(\$60,000)

The project scope of works:

Recognition of a kind donation for the purchase of high end photographic equipment for use of Natural Sciences in the production of high quality 3D microscopic images of the vast and unique specimens.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
GL.10.0.1059.1 000.12735	Capital State Grants - Museum	\$0	\$800,000	\$0	(\$800,000)
CP24441	QVMAG Phenomena Factory Redevelopment	\$150,000	\$0	\$800,000	\$950,000
	TOTALS	\$150,000	\$800,000	\$800,000	\$150,000

The project scope of works:

A grant deed has now been signed for funding from Arts Tasmania to undertake the redevelopment of the Phenomena Factory at the Queen Victoria Museum and Art Gallery. This budget amendment recognises the grant funding as budget on the capital project where work will be undertaken.

As grant funding has been allocated against this project, this allows the Council to hand back \$400,000 of the Council funding and allocate the remaining \$150,000 of the Council's funding towards the purchase of the benchmark Digistar7 planetarium hardware and content.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
GL.10.0.1059.1 000.12517	QVMAG Capital Contributions - Cash	(\$110,000)	\$3,325	\$0	(\$113,325)
CP24388	QVMAG Butterfly and Insect Cases	\$17,246	\$0	\$3,325	\$20,571
	TOTALS	(\$92,754)	\$3,325	\$3,325	(\$92,754)

The project scope of works:

A behind the scenes tour of the Museum's natural science collection was held in December with a number of members of the public who had kindly made donations to enable entomology cabinets to be purchased to house the Lambkin/Knight butterfly collection.

After the visit, one family was so impressed they wanted to make a further donation to enable another cabinet to be purchased.

This budget amendment recognises the income from the donation and provides the corresponding budget on the capital project to enable the cabinet purchase to be undertaken.

External Funding	Operations	Capital
QVMAG Natural Sciences Equipment	(\$50,000)	\$50,000
QVMAG Phenomena Factory Redevelopment	(\$800,000)	\$800,000
QVMAG Butterfly and Insect Cases	(\$3,325)	\$3,325
TOTAL	(\$853,325)	\$853,325

2. Chief Executive Officer's Report on Adjustments

Pursuant to section 82(6) of the *Local Government Act 1993* (Tas), Council has authorised the Chief Executive Officer to adjust budgets up to \$500,000 so long as the adjustments do not alter revenue, expenditure, borrowings or capital works estimates in total. The Budget Management Policy (12-PI-001), adopted by Council on 13 October 2014, refers to section 82(7) of the *Local Government Act 1993* (Tas) which requires the Chief Executive Officer to report any adjustment and an explanation of the adjustment at the first Ordinary Meeting of Council following the adjustment.

Project Number	Project Description	Budget Before This Adjustment	Adjustment	Revised Budget	Type of Change
CP24441	QVMAG Phenomena Factory Redevelopment	\$950,000	(\$150,000)	\$800,000	Decrease
CP24494	Digistar Planetarium Hardware	\$0	\$150,000	\$150,000	Increase
CP24395	Parks Footpath Reseal Program 2022/2023	\$82,092	(\$32,500)	\$49,592	Decrease
CP24478	West Tamar Viewing Platform – Deck Replacement	\$0	\$32,500	\$32,500	Increase
	TOTALS	\$1,032,092	\$0	\$1,032,092	

The following capital project adjustments have occurred in the period 1 to 31 May 2023:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24441	QVMAG Phenomena Factory Redevelopment	\$950,000	\$150,000	\$0	\$800,000
CP24494	Digistar Planetarium Hardware	\$0	\$0	\$150,000	\$150,000
	TOTALS	\$950,000	\$150,000	\$150,000	\$950,000

The project scope of works:

A grant deed has now been signed for funding from Arts Tasmania to undertake the redevelopment of the Phenomena Factory at the Queen Victoria Museum and Art Gallery. This budget amendment recognises the grant funding as budget on the capital project where work will be undertaken.

As grant funding has been allocated against this project, this allows the Council to hand back \$400,000 of the Council's funding and allocate the remaining \$150,000 of the Council's funding towards the purchase of the benchmark Digistar7 planetarium hardware and content.

The Digistar7 platform is the world leading planetarium system synonymous across all major museums in the northern hemisphere and includes unique astronomical and STEAM

based content for royalty free use in addition to on-demand cloud-based streaming directly from the Smithsonian and other major institutions.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24395	Parks Footpath Reseal Program 2022/2023	\$82,092	\$32,500	\$0	\$49,592
CP24478	West Tamar Viewing Platform - Deck Replacement	\$0	\$0	\$32,500	\$32,500
	TOTALS	\$82,092	\$32,500	\$32,500	\$82,092

The project scope of works:

The West Tamar Viewing Platform deck was burnt down and needed replacing. This budget amendment is to transfer budget to the project to fund the works undertaken to replace.

There are no further commitments to CP24395: Parks Footpath Reseal Program 2022/2023.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14.3. Financial Report to Council to 31 March 2023

FILE NO: SF3611

AUTHOR: Samuel Kelty (Acting Manager Finance)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the Council's financial performance for the period ended 31 March 2023.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Audit Panel - 21 February 2023 - Agenda Item 9.1 - Capital Report

Audit Panel - 21 February 2023 - Agenda Item 9.3 - Financial Statements (Analysis and Commentary)

RECOMMENDATION:

That Council receives the operational and capital financial reports for the period ended 31 March 2023, noting the operational report discloses an underlying deficit of \$5.923m as compared to the budgeted underlying deficit of \$7.798m, comprising of a \$4.085m favourable revenue variance and a \$2.210m unfavourable expenditure variance.

REPORT:

Operational Report:

The Statement of Comprehensive Income for the nine months ending 31 March 2023 follows the below commentary discussing significant variances.

The report discloses an underlying deficit of **(\$5.923m)** as compared to the budgeted underlying deficit of **(\$7.798m)**, comprising a favourable \$4.085m revenue variance (excluding Capital Grants) and a **(\$2.210m)** unfavourable expenditure variance (excluding Loss on Disposal of Fixed Assets).

Revenue growth compared to the budget continued for the March Quarter, regarding Rates, Fees and Charges and Interest Earnings in particular.

The expenditure variance includes favourable labour savings due to vacancies across Networks, however these vacancies have had an unfavourable effect on Materials and Services with higher than budgeted levels of contract labour needing to be utilised.

Unfavourable costs for the Northern Recreational Hub and the Flood Response (which are anticipated to be partially repaid) have been incurred, along with other operational costs such as fuel and building maintenance are higher than anticipated due to external economic factors.

Depreciation costs remain unfavourable to budget, primarily due to revaluations of multiple asset classes late in the previous financial year.

The Council's Underlying Result Year to Date remains favourable when compared to the Budgeted Underlying Result.

Typically, the last quarter of the financial year includes significant expenses, all budgeted for, including:

- contribution to the defined benefits superannuation fund;
- burning cost adjustment for workers compensation;
- recognition of the change in the rehabilitation provision for the Launceston Waste Centre; and
- contributions payable to TasWater for:
 - (i) reimbursement of a proportion of TasWater's capital costs pertaining to the Combined Drainage System; and
 - (ii) a contribution for the Tamar Estuary River Health Action Plan.

REVENUE

Rates Income

Attributable to supplementary valuations and favourable growth in rating base.

324,960

User Fees and Charges

QVMAG - *Archies 100* Exhibition - the highly successful exhibition raised an unbudgeted \$187,228 in admission charges when the Exhibition finished in January, and provided additional temporary employment for attendants and benefits to the local community in recognition of the state-wide and Melbourne promotional campaign.

187,228

Other QVMAG Activities - Planetarium, Learning, Public Programs and Venue Hire. Please note the Planetarium has reported a \$20,000 favourable variance to 31 March, and this represents the best YTD figure in over 15 years.

56,175

QVMAG - Bookshop Revenue continues to grow and the variance represents the highest July - March YTD income in the history of the bookshop and is \$160,000 greater than the same period last year.

The large-scale Exhibitions do increase the bookshop sales, combined with the bookshop's online sales presence.

Bookshop purchases have also increased.

202,761

446,164

Launceston Waste Centre - External Trade Income (\$285,062) and cash sales (\$69,447) excluding State Government Landfill Levy. This represents a (\$82,000) income decrease as compared to July 21 - March 2022 when an increase was expected due to growth and an increase in the waste disposal fees.

(354,509)

State Government Landfill Disposal Levy - eroded by an unfavourable variance with the Landfill Levy liability payable by Council to Natural Environment and Resources.

164,386

Gas Regeneration at Launceston Waste Centre - Sale of Australian Carbon Credit Units.

81,950

Budget Variance
Favourable/ (Unfavourable)

	Budget Variance	
	Favourable/ (Unfavourable)	
On-street Parking - the uptake of the <i>EasyPark</i> app has seen compliance across the city increase over the past 12 months. Another contributing factor has been the installation of the new parking meters which offer credit card payments, reducing the down time of meters due to faults.	294,505	
Off street Parking - there has been a shift from off street parking to on-street parking in recognition of the <i>EasyPark</i> App.	(81,824)	212,681
Launceston Aquatic - growth in the areas of:		
- Admissions	87,803	
- Facility Hire	29,312	
- Merchandise Sales	45,013	162,128
York Park Match Trading Income, derived from Catering Rights and Other Event Income, offset by (\$76,714) expenditure unfavourable variance		80,374
Carr Villa Income - favourable budget variance and an increase of \$196,000 compared to July 2021 - Mar 2022		184,729
Other Fees and Charges where net variance is individually +/- \$50,000.		62,789
		1,040,692
Statutory Fees and Charges		
Parking Infringements - A full team of parking officers is now employed, which has allowed Parking to broaden their patrol footprint. A new enforcement provider has been engaged, which provides for the infringements to be issued more accurately and faster than before.		643,741
Building Survey Fees		133,565
Development Applications and Planning Amendment Requests		144,106
Property Transfers of Ownership - issue of Rates Certificates and Certificate of Powers and Rights Over Land. Reflects a downturn in property transfers as compared to the budget		(100,683)
Other variances individually +/- \$50,000		(6,368)
		814,361
Capital Grants		93,202

	Budget Variance	
	Favourable/ (Unfavourable)	
Other Operational Grants		
Federal Government Employee Traineeships and Incentives - apprentices employed by Parks Services and Road Services.	97,099	
Funding for Suicide Prevention Officer.	75,000	
External Funding for Major Operaitons Projects (incl Roads & QVMAG), offset by increased Major Ops Expenditure	36,990	
Other Operational Grants variances individually +/- \$50,000.	34,622	243,711
Interest Revenue		
Increases to the Official Cash Rate have been higher than budgeted for.		1,001,130
Bequests Income		(6,090)
Other Income		
Refund of Workers Compensation Premium for prior years, in accordance with the Workers Compensation Burning Cost Adjustments.	199,699	
Insurance Settlement for Russell Plains House.	180,128	
Lease, Licence and casual hire faciity income, incl utility reimbursements made be the leasee under terms of the lease	159,428	
Asset Disposal Gains	92,317	
Other variances individually +/- \$50,000	35,403	666,975
Total Revenue Variance		4,178,941
<u>EXPENDITURE</u>		
Employee Benefits		
Labour variance attributable to staff vacancies, noting there is a flow on effect with an unfavourable contract labour variance of (\$552,951) incurred in filling front of house operations due to vacancies.	2,952,114	

	Budget Variance	
	Favourable/ (Unfavourable)	
Workers Compensation Premium - represents an increase of \$229,000 as compared to the prior year. Please note the Workers Compensation Premium may vary in accordance with a Burning Cost Adjustment calculation in June 2023.	(210,019)	2,742,095
Materials and Services		
Corporate Software Applications Replacement Program (CARP)	(68,099)	
Traffic, Road, Bridge & Stormwater Maintenance and Management	(158,702)	
Northern Recreation Hub Asbestos Removal - Council Contribution as approved by Council (not budgeted).	(759,164)	
Contract Labour - significant contract labour has been incurred at front of house operations due to vacancies - Launceston Waste Centre (\$222,488), Inveresk Precinct (\$146,012), Parks Services (\$85,784) other contract labour across CoL within a +/- \$50,000 variance attributable to a single area (\$98,637).	(552,921)	
<i>Flood Response</i> - clean-up and recovery to be partially funded by insurance claim and grant funding.	(466,208)	
Impact of higher fuel costs effecting Major Plant and the Light vehicle fleet.	(297,030)	
Transfer of Regional Waste Management Fund to NRM North. This will be in part covered by an adjustment to the labour budget in recognition of the labour costs provided by Council to NRM North to 30 June 23, which will reduce the unfavourable variance to (\$187,000) at year end.	(278,318)	
Kerbside Waste, Recycling and FOGO Collection Contract - attributable to the high fuel cost and a higher than forecast annual CPI increase.	(160,323)	
QVMAG Bookshop - increase in stock purchases in relation to higher sales revenue.	(111,277)	

	Budget Variance	
	Favourable/ (Unfavourable)	
AFL Event Hosting, offset by favourable revenue variance		(76,714)
York Park & Inveresk Facility Maintenance.		(219,195)
QVMAG Building Maintenance.		(62,352)
Churchill Park Sportsground Maintenance.	(103,013)	
Other Parks Facility & Sports Facility Maintenance	(119,133)	(222,146)
Annual Land Tax (State Revenue Office adjusting land values after Council's Budget was set).		(161,772)
Election Costs (Tas Electoral Office)		(106,853)
Electricity.		307,558
Taswater Charges		(74,780)
Expert Advice.		120,135
Recruitment Costs		(55,548)
Bequest Expenditure.		96,144
Other Net Variances, where the individual variance is within a +/- \$50,000 tolerance.		(23,558)
Impairment of Debts		11,625
Depreciation		
<i>Roads</i> - a full revaluation was undertaken during the 2021/2022 year for the Roads Asset Class. The revaluation resulted in overall increases across the asset class of approximately 12%.		(894,539)
<i>Buildings</i> - a full revaluation was undertaken during the 2021/2022 year for the Buildings Asset Class. This independent valuation resulted in an approximate asset cost increase of 13.5% for the buildings asset class. In addition, the Council acquired the YMCA Building at Kings Meadows towards the end of the 2021/2022 year. This building does not have a depreciation budget for the 2022/2023 year and an annual unbudgeted depreciation cost of \$25,000 will be incurred.		(263,495)

	Budget Variance	
	Favourable/ (Unfavourable)	
<p><i>Plant</i> - A replacement plant item for the Launceston Waste Centre was purchased during 2021/2022 after the 2022/2023 budget calculations were finalised. Additionally, the original plant item was not disposed of and was retained as a backup. The total variance attributable to this decision is approximately \$125,000 for the financial year.</p>	(219,923)	
<p><i>Computers</i> - A timing difference has contributed to the variance in which a large batch of replacement laptop computers were received and installed earlier than the estimated purchase date used for depreciation purchases.</p>	(220,397)	
<p>Other Variances.</p>	249,076	(1,349,278)
<p>State Government Landfill Levy Disposal tonnages are less than budgeted, however it was not considered the Levy is payable on cleanfill, sawdust and asphalt rubble which is essential for the Waste Centre to operate. Council is in the process of requesting a Levy Exemption with regard to these disposals.</p>		(288,249)
<p>Rate Remissions and Abatements</p>		4,563
<p>Loss on Disposal of Fixed Assets Includes: (i) Replacement of on-street parking meters as part of Capital Renewal Project, and (ii) Road Disposals, noting the majority of the losses on Road Disposal relate to current capital project replacements and some lighting replacements.</p>		(436,723)
<p>Total Expenditure Variance from Operating Activities</p>		(2,647,090)
<p>Comprehensive Result - Variance from Operations</p>		\$1,531,851

CITY OF LAUNCESTON
Statement of Comprehensive Income
For Year to Date 31 March 2023

	2022/23 YTD \$ Actual	2022/23 YTD \$ Budget	Variance YTD \$ Fav/(Unfav)
REVENUES FROM ORDINARY ACTIVITIES			
Rates	59,524,688	59,199,728	324,960
User Fees and Charges	18,291,761	17,251,069	1,040,692
Statutory Fees & Charges	4,408,966	3,594,605	814,361
Capital Grants	9,253,327	9,160,125	93,202
Financial Assistance Grants	1,185,981	1,185,981	0
Other Operational Grants	1,164,422	920,711	243,711
Interest	2,271,067	1,269,936	1,001,130
Interest Committed	-	-	0
Investment Revenue	2,043,000	2,043,000	0
Bequests	80,160	86,250	(6,090)
Other Income	2,128,412	1,461,438	666,975
	<u>100,351,784</u>	<u>96,172,843</u>	<u>4,178,941</u>
EXPENSES FROM ORDINARY ACTIVITIES			
Maintenance of Facilities and Provision of Services			
Employee Benefits	33,681,669	36,423,764	2,742,095
Materials and Services	34,582,094	31,250,971	(3,331,123)
Impairment of Debts	-	11,625	11,625
Finance Costs			
Interest on Loans	125,878	125,878	0
Provision for Rehabilitation	37,500	37,500	0
Change in Rehabilitation Provision	-	-	0
Depreciation	20,131,687	18,782,409	(1,349,278)
State Government Fire Service Levy	6,589,093	6,589,093	0
State Government Landfill Levy	1,606,780	1,318,531	(288,249)
Rate Remissions and Abatements	267,200	271,763	4,563
Loss on Disposal of Fixed Assets	736,723	300,000	(436,723)
Write Down of Assets Held For Sale	-	-	0
	<u>97,758,624</u>	<u>95,111,534</u>	<u>(2,647,090)</u>
Comprehensive Result Surplus/(Deficit)	<u>2,593,160</u>	<u>1,061,309</u>	<u>1,531,851</u>
Loss on Disposal of Fixed Assets	(736,723)	(300,000)	(436,723)
Capital Grants	9,253,327	9,160,125	93,202
Infrastructure Take Up	-	-	0
Other Comprehensive Income	-	-	0
	<u>8,516,604</u>	<u>8,860,125</u>	<u>(343,521)</u>
Underlying Result Surplus/(Deficit)	<u>(5,923,443)</u>	<u>(7,798,816)</u>	<u>1,875,372</u>

**CITY OF LAUNCESTON
STATEMENT OF FINANCIAL POSITION
As at 31 March 2023**

	2022/23 YTD \$	2021/22 YTD \$	2020/21 YTD \$
EQUITY			
Capital Reserves	241,794,778	222,424,332	216,781,254
Revenue Reserves	969,157,021	969,529,758	1,031,679,000
Asset Revaluation Reserves	886,685,961	765,657,870	686,351,864
Investment Reserves	(21,054,758)	(27,404,666)	(44,150,425)
Trusts and Bequests	2,548,018	2,442,043	2,362,739
Operating Surplus	2,593,160	4,856,956	(781,701)
TOTAL EQUITY	<u>2,081,724,180</u>	<u>1,937,506,293</u>	<u>1,892,242,732</u>
Represented by:-			
CURRENT ASSETS			
Cash and Cash Equivalents	92,708,372	81,375,083	22,792,397
Rates and Sundry Receivables	20,551,554	18,045,122	15,152,717
Less Rates not yet Recognised	(19,661,333)	(18,673,640)	(17,782,388)
Investments	-	-	62,623,682
Inventories	1,075,910	929,806	708,553
Assets Held for Sale	1,116,285	4,518,168	3,401,885
	<u>95,790,789</u>	<u>66,194,539</u>	<u>66,896,846</u>
NON-CURRENT ASSETS			
Deferred Receivables	257,556	257,556	257,556
Investments	232,052,353	225,702,446	208,956,687
Superannuation Surplus	2,864,000	2,025,000	-
Intangibles	3,810,820	4,036,059	4,809,861
Infrastructure and Other Assets	1,602,511,812	1,473,884,136	1,407,329,099
Right of Use Assets	187,937	223,175	258,413
Museum Collection	203,866,696	203,691,191	240,800,370
	<u>2,045,551,173</u>	<u>1,909,819,562</u>	<u>1,862,411,985</u>
TOTAL ASSETS	<u>2,141,341,962</u>	<u>1,996,014,100</u>	<u>1,949,308,831</u>
CURRENT LIABILITIES			
Deposits and Prepayments	2,900,816	2,653,207	579,724
Employee Provisions	7,421,532	7,500,669	7,664,542
Rehabilitation Provision	8,400,351	7,919,825	-
Interest-bearing Liabilities	-	-	-
Lease Liabilities	30,519	28,506	26,586
Contract Liabilities	-	-	-
Sundry Payables and Accruals	4,077,914	1,771,088	4,818,259
	<u>22,831,131</u>	<u>19,873,295</u>	<u>13,089,110</u>
NON-CURRENT LIABILITIES			
Employee Provisions Non Current	1,016,438	1,024,329	942,964
Superannuation Obligation	-	-	2,906,000
Interest-bearing Liabilities Non Current	26,000,000	26,000,000	25,000,000
Lease Liabilities	204,472	234,991	263,497
Rehabilitation Provision	9,565,741	11,375,191	14,864,528
	<u>36,786,651</u>	<u>38,634,511</u>	<u>43,976,989</u>
TOTAL LIABILITIES	<u>59,617,782</u>	<u>58,507,806</u>	<u>57,066,099</u>
NET ASSETS	<u>2,081,724,180</u>	<u>1,937,506,293</u>	<u>1,892,242,732</u>

Unaudited - Internal Use Only

Change in Accounting Treatment

A change in the accounting treatment for the 2021/2022 year discloses:

1. term deposits maturing in less than 90 days are now recognised as *Cash and Cash Equivalents*. These term deposits were included under the heading of *Investments* in prior years.
2. rates paid in advance as at 30 June are now recognised as a Current Liability as of the 2021/2022 financial year (included under Deposits and Prepayments). Previously the value of prepaid rates as at 30 June was deducted from the value of the Rates and Sundry Receivables Current Asset.

Loan Balances

The loan balance as at 31 March 2023 is \$26m. The loan balance is interest free in accordance with the State Government's Local Government Loans Program, with repayments due on the below dates:

22 January 2024	\$10,000,000
27 May 2024	\$10,000,000
21 May 2025	<u>\$6,000,000</u>
	\$26,000,000

Capital Report:

The Capital Report shows a total approved budget of \$80.9m, including both the Council's and external funds.

Total actual and committed expenditure year-to-date is \$32.68m, which is comprised of:

- work in progress expenditure, from capital projects that which have been carried over from previous financial years of \$11.61m;
- actual year-to-date expenditure of \$11.76m; and
- committed expenditure of \$9.31m.

Available Funds

	Total \$m
Gross Carryover 1 July 2022	43.5
Funding - Council 31 March 2023	13.7
Funding - Other 31 March 2023	<u>23.7</u>
Total Estimate	<u>80.9</u>

The following table provides a progress report showing the number and value of projects:

Program Status	Projects		Budget	
	No.	%	\$'000	%
NS - Not Started	66	31.1	8,328	10.3
PD - Preliminary Design	38	17.8	29,419	36.3
IP - In Progress	56	26.3	39,619	49.0
PC - Practical Completion	36	16.9	3,570	4.4
CA - Cancelled	17	7.9	0	0.0
	213	100.0%	80,936	100.0%

The table shows that 49.0% (49.3% as at 31 December 2022) of projects in value are in progress and 4.4% (2.5% as at 31 December 2022) are completed as at 31 March 2023.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

As detailed within the report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. Capital Expenditure Report - Summary by Network 1 [**14.3.1** - 1 page]



City of Launceston - Capital Expenditure Report

Summary by Network

For the Period to : 31 March 2023

PROJECT DESCRIPTION	Funds	Actual Expenditure				Projected Expenditure			Variance	
	TOTAL ESTIMATE	W.I.P. JULY 1	ACCRUED ORDERS	YTD EXPEND.	TOTAL ACTUAL EXPEND.	COMMITTED COSTS	ACTUAL PLUS COMMITTED	PERCENT OF BUDGET	COMPLETED PROJECTS	POSSIBLE INCOMPLETE PROJECTS
	\$	\$	\$	\$	\$	\$	\$	%	\$	\$
GRAND SUMMARY NETWORK										
Office of the Chief Executive	-	-	-	9,541	9,541	-	9,541	0%	(9,541)	(9,541)
Organisational Services	1,343,294	148,095	11,216	320,621	479,932	10,342	490,274	36%	(1,364)	(1,364)
Creative Arts & Cultural Services	3,173,715	893,091	1,250	618,167	1,512,507	20,190	1,532,697	48%	(2,484)	(2,484)
Community and Place	3,289,622	86,471	-	387,772	474,243	315,287	789,529	24%	(21,554)	(21,554)
Infrastructure and Assets	67,128,891	10,397,798	70,074	10,366,438	20,834,310	8,967,890	29,802,200	44%	77,180	77,180
Land Sales (see analysis below)	6,000,000	86,532	-	(26,987)	59,545	-	59,545	0%	-	-
GRAND TOTAL	80,935,522	11,611,986	82,540	11,675,550	23,370,077	9,313,709	32,683,786	40%	42,237	42,237
Analysis of Land Sales for 2022/2023										
Paterson Street (24127.0002)	6,000,000	86,532	1,800	2,632	90,964	-	90,964			
South Esk Drive, Trevallyn (24472.0000)	-	-	-	(31,824)	(31,824)	-	(31,824)			
Total Land Sales	6,000,000	86,532	1,800	(29,192)	59,140	-	59,140			

14.4. Weber Bros Circus - Unpaid Debt

FILE NO: SF0889

AUTHOR: Wezley Frankcombe (Acting Team Leader Legal Services)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the circumstances and subsequent course of action relating to the outstanding debt of Weber Bros Entertainment Pty Ltd (trading as Weber Bros Circus). If the recommendation is adopted, enforcement and recovery of the debt will be actioned in line with the Council's usual process.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council does not exercise its power pursuant to section 207 of the *Local Government Act 1993 (Tas)* to remit hire fees of \$9,855.00 owed by Weber Bros Entertainment Pty Ltd (trading as Weber Bros Circus).

REPORT:

Background

Weber Bros Entertainment Pty Ltd (trading as Weber Bros Circus) (the hirer) occupied Royal Park between 3 - 25 October 2022 for the purpose of a circus. Circus shows scheduled for 13 October 2022 (two shows), 15 October 2022 (three shows) and 16 October 2022 (two shows) were cancelled due to severe weather events.

The hirer is refusing to pay the fees associated with the use of Royal Park due to the weather and flooding event.

As per the Council's fees and charges schedule, the hirer was to be charged \$657 per day x 18 days = \$11,826. The Council reduced the hire fee by the three days affected by the severe weather event: \$657 x 3 = \$1,971. The amount of \$1,971 is not considered to be a fee remission because the site was closed to the hirer. Hire fees are, therefore, \$11,826 - \$1,971 = \$9,855 and the Council is seeking this amount.

Further to the payment of the site fees, it is also necessary to demand a further \$1,190.35. The \$1,190.35 is the cost incurred by the Council to repair damage the hirer caused to the Council's infrastructure (not related to the severe weather event). The amount of \$1,190.35 does not form part of Recommendation as it is not a fee or charge determined by the Council, but is explained below for completeness.

Damage Caused by the Hirer

The direct actions of the hirer resulted in damages to the training levy wall as well as underground water infrastructure.

The training levee was used to bolt down the tensioners/supports for the circus tent by the hirer. The bolt holes were filled in by the circus crew before they departed the site.

From what the Council Officer can determine, the damage was minor. The Council Officer noted that it is not possible to access inside the structure to inspect for any other potential damage.

The hirer did not have permission to tension anything to the training levee and site plans previously provided to the Council did not have this detail on them.

The damage caused by the hirer to the underground water infrastructure included a main water feed (water ring main) pierced with a peg and crushed irrigation valve with decoder (irrigation infrastructure). Contractors were engaged by operations staff to urgently repair the damage as the water feed to the site was temporarily out of service affecting the event.

Local Government Act 1993 (Tas) (the Act) Considerations

The Council has the power to remit all or part of the hire fees pursuant to section 207 of the Act. Below are the considerations as they relate to the Act:

Section 207

207. Remission of fees and charges

A council may remit all or part of any fee or charge paid or payable under this Division

Section 76

76. Writing off bad debts

- (1) *A council may write off any debts owed to the council -*
 - (a) *if there are no reasonable prospects of recovering the debt; or*
 - (b) *if the costs of recovery are likely to equal or exceed the amount to be recovered.*
- (2) *A council must not write off a debt unless the general manager has certified -*
 - (a) *that reasonable attempts have been made to recover the debt; or*
 - (b) *that the costs of recovery are likely to equal or exceed the amount to be recovered*

A write-off is not appropriate at this time as section 76 of the Act has not been satisfied. Reasonable efforts in this context and in keeping with usual practice, would involve using a monetary collection agency to recover the debt, which is not the case to date.

Commercial Event

The operation of the hirer's event was of a commercial nature. The hirer is a Pty Ltd company operating on a commercial basis and it is not a registered not-for profit entity. As a commercial entity, the hirer may choose to dispute the fees through civil dispute.

The Council's Officers consider that the reduction in fees for the days the site was not available is reasonable. There are no further extenuating circumstance that would reasonably be considered appropriate to recommend-remission of all or part of the fees levied.

RISK IMPLICATIONS:

Not considered relevant to this report if the recommendation is adopted.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

There is a small positive or negative effect on the Council's budget depending on the decision of Council, but the implications of either are considered negligible.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14.5. Public Consultation Feedback - 2023/2024 Budget and Annual Plan

FILE NO: SF6937

AUTHOR: Nathan Williams (Chief Financial Officer)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the 2023/2024 proposed Budget and Annual Plan public consultation process, the responses submitted and the Council's response to each submission.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 4 May 2023 - Agenda Item 16.1 - Proposed 2023/2024 Annual Plan and Statutory Estimates

Workshop - 25 May 2023 - Public Consultation Feedback

RECOMMENDATION:

That Council:

- 1 receives the submissions from:
 - (a) Tim Vosper; and
 - (b) Tracey Davenport.
 2. notes that no amendments are proposed to the Draft 2023/2024 Annual Plan or Budget resulting from the submissions received.
 3. notes that the Council Meeting of 29 June 2023 is the intended date at which the 2023/2024 Annual Plan and Budget will be adopted the rate struck.
-

REPORT:

On 4 May 2023 Council approved the release of the Proposed 2023/2024 Annual Plan and Statutory Estimates, which included the Capital Program and Major Operational Projects.

The Council invited feedback from the community, with submissions and proposed responses were presented to Councillors at a Workshop on 25 May 2023.

The City of Launceston issued a media release regarding the submission period with the relevant documents were uploaded to the Council's website. Physical copies were available on request in Customer Service at Town Hall.

Two submissions were received. They are listed below, together with the Council's response.

Tim Vosper - 5 May 2023

Feedback:

Just complaining about the rates rise this year. The City (outside of Civic Square) is becoming less inviting with anti-social behaviour everywhere, no new services and old services don't look like they are being carried out.

I've had to put in service requests this year for basic footpath access on main roads. I shouldn't have to.

With our 4.5% this year, how about not spending excess on your own facilities and putting in some CCTV to combat the increasing anti-social behaviour around town?

We'd rather see you address the issues that are plaguing Launceston than bury your head in the sand and say it's a State Government/Police matter, thank you. It's a collective issue for all!

It's time to act now before this matter becomes completely out of hand (although I think we are already there).

Response:

Whilst it is understood that increasing financial pressures face many Tasmanians, rate increases are necessary to fund many services that the Council provides to the community along with maintenance of the Council's existing assets and facilities. Just like private businesses, the Council must contend with the rising cost of providing these essential services and account for the differences in its budget.

The Council has endeavoured to keep rate increases as low as possible and below CPI. The rise is notably lower than those being explored by surrounding councils. The City of Launceston aims to be transparent on where this money is being spent and cover this in detail in its Annual Report.

Feedback is welcomed from residents on issues affecting them in order to align the Council's budget with those priorities. The mentioned issues relating to CCTV and anti-social behaviour are the shared responsibility of different tiers of government and Tasmania Police. It is agreed that these are collective issues and ones the Council is actively working hard towards improving.

The Council has an annual footpath renewal program which is forecast to be over \$1m in 2023/2024. It is acknowledged that assets sometimes fail unexpectedly and the City of Launceston relies on community feedback so that these matters can be attended to.

Tracey Davenport - 8 May 2023

Feedback:

To whom this may concern. I am a little disappointed as I wanted to have my say about the rate rises but it seems there is nowhere to have our say on this. Interest rate hikes, fuel prices, food, electricity, water and now you have decided to put up our rates. It was interesting hearing it on the radio with it being said don't worry we will have provisions in place for people that suffer hardship, I think that is very disheartening hearing that because this means you know that people are going to suffer hardship, but you still think this is a great idea. We are suffering home owners, people that are renting are going to feel it to as the owners pass this cost on to tenants by putting up rent, we are already struggling enough but you think yes, let's put up rates and make it that much harder, then give Council workers a pay rise and spend money on the Mall. When we only just had money spent in the mall and let's put the price up on parking, have you ever thought people don't come to town as it's too expensive to park. I think the rate rise is going to put a lot of people at tipping point. You need to really think about this I might be only one person but there are so many people out there that feels the same way. Where do I go to have my say and put this in a public forum just so you can see what you are really doing putting up the rates?

Response:

The Council welcomes feedback from the community at all times and on all issues, whether feedback or input is actively being sought. This feedback is important to inform the Council's decision making year-round and can be submitted via its website.

Rates increases are not made lightly, but the Council finds itself in the position where it must deliver the services expected by the community while managing significant cost increases to non-discretionary essentials like fuel, power and water.

Payment terms, as well as remissions for those members of the community suffering genuine financial hardship, can be requested. Applications for financial hardship can be found on the Council's website and the Council's Officers are available during business hours for discussion. Members of the community are encouraged to reach out for assistance.

In constructing the budget, the Council has been mindful of keeping rate increases to an amount that is below CPI. The Hobart CPI was 6.9% for the March quarter.

The Council has also ensured increases to parking fees for 2023/2024 have been very modest, with many fees not increasing at all and on-street meters only increasing by \$0.10 per hour.

RISK IMPLICATIONS:

Not considered relevant to this report. The risk implications for the Budget and Annual Plan process will be discussed in the report presented to Council on 29 June 2023.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Council has a significant economic impact in the region through revenue raising and expenditure. The Budget and Annual Plan contain specific projects and ongoing programs to improve environmental outcomes. The Budget and Annual Plan contain specific projects and ongoing programs to improve social outcomes.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

Feedback from community consultation informs the Council's ongoing budgeting process.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14.6. Progress Against 2022/2023 Annual Plan Actions - 31 March 2023

FILE NO: SF6812

AUTHOR: Courtney Osborne (Team Leader Performance and Planning)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the progress against the Council's 2022/2023 Annual Plan Actions for the period ending 31 March 2023.

PREVIOUS COUNCIL CONSIDERATION:

Council - 23 March 2023 - Agenda Item 18.3 - Progress Against 2022/2023 Annual Plan Actions - 31 December 2022

Council - 17 November 2022 - Agenda Item 16.1 - City of Launceston Annual Plan 2022/2023 - Progress Against Annual Plan Actions for period Ending 30 September 2022

Council - 16 June 2022 - Agenda Item 15.3 - City of Launceston Annual Plan 2022/2023

RECOMMENDATION:

That Council notes progress against the 2022/2023 Annual Plan Actions for the period ending 31 March 2023.

Strategic Priority 1: We *connect with our Community and our Region* through meaningful engagement, cooperation and representation.

Our interactions with our community are authentic, timely, accurate and open. We want to build strong and productive relationships with our community and regional partners.

10-Year Goal: To seek out and champion positive engagement and collaboration to capitalise on the major opportunities, and address the future challenges facing our community and region.

Focus Area To develop and consistently utilise contemporary and effective community engagement processes.		
Action	Network	% Complete
Through the next iteration of the Tomorrow Together program engage with our community on the following:	Organisational Services	100

<p>Theme one: A Social, inclusive and fair City:</p> <ul style="list-style-type: none"> • Trails and Network Strategy • Northern Regional Sports Facility Plan • Urban Tree Canopy Strategy • Smart Cities Strategy • Public Open Space Strategy • City Park and Punchbowl playground renewals • Preliminary Playspace Strategy consultation <p>Theme two: A Mobile and Accessible City:</p> <ul style="list-style-type: none"> • Two-way traffic and more. <p>Launch of the new Community Engagement website.</p> <ul style="list-style-type: none"> • Implementation of compulsory <i>Closing the Loop</i> feedback on all projects. 		
<p>Comment</p>		
<p>Theme one: A Social, inclusive and fair City completed.</p> <p>Theme two: A Mobile and Accessible City was put on hold until Stage Two City Heart commences.</p> <p>Instead, engagement on the Tomorrow Together, A Well-Designed City Theme was undertaken. This included engaging on the following topics:</p> <ul style="list-style-type: none"> • Tourism Plan • Events Strategy • E-scooters • CCTV Strategy • Sustainability Action Plan • Emergency Management • Open data and how we can share it <p>Previous community engagement website www.yourvoicemyourlaunceston.com.au was replaced with a refreshed look and renamed www.tomorrowtogetherlaunceston.com.au.</p> <p>Closing the loop feedback on all projects has been made compulsory.</p>		
<p>Focus Area To advocate and collaborate to enhance regionally significant services and infrastructure for the benefit of our communities</p>		
<p>Action</p>	<p>Network</p>	<p>% Complete</p>
<p>Complete Regional Sports Facility Plan (the Plan) in conjunction with sporting clubs, the State Government and neighbouring Councils.</p>	<p>Infrastructure and Assets</p>	<p>80</p>

Comment

Engagement has occurred with the Council's Clubs and Associations on their needs along with an analysis of where the current and future demand will be generated. The Plan will be released by 31 March 2024.

Strategic Priority 2: We *Facilitate Prosperity* by seeking out and responding to opportunities for growth and renewal of our regional economy.

We use our influence and resources to deliver the foundations for ongoing economic development. We want Launceston to be the heart of a thriving regional economy.

10-Year Goal: To have realised opportunities that grow and sustain our economy, and foster creative and innovative people and industries.

Focus Area

To actively market the City and region and pursue investment.

Action

Develop and Implement Smart Cities Strategy (the Strategy).

Network

Organisational Services

% Complete

85

Comment

The Strategy was presented to Councillors in April 2023.

Community feedback and research has informed a broadening of the scope to include more focus on innovating. This focus will ensure all solutions (technical and non-technical) are considered and that processes are in place to realise value and benefit, while protecting the community's interests.

Strategic Priority 3: We are a *Progressive Leader* that is accountable to our governance obligations and responsive to our community.

Our decision-making and actions are evidence-based, strategic, transparent and considered. We are ethical, fair and impartial in complying with and enforcing the law.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Area

To fairly and equitably discharge our statutory and governance obligations.

Action

Provide information and advice to prospective Councillor candidates and support the Tasmanian Electoral Commission in the delivery of the Local Government election.

Network

Organisational Services

% Complete

100

Comment

Local Government elections have been conducted.

Focus Area		
To fairly and equitably discharge our statutory and governance obligations.		
Action	Network	% Complete
Engage with the community and commence a review of the Corporate Strategic Plan.	Organisational Services	5
Comment		
The review preparation has been delayed due to staffing changes. A brief has been completed for the project and it is expected to begin in the new financial year.		
Focus Area		
To ensure decisions are made on the basis of accurate and relevant information.		
Action	Network	% Complete
Deliver End of Term Report.	Chief Executive Officer	100
Comment		
Completed.		
Focus Area		
To ensure decisions are made on the basis of accurate and relevant information.		
Action	Network	% Complete
Level of Service Planning Stage 1 Develop a project plan to document service levels, review appropriateness of services, and engage with the community around expectations.	Organisational Services	5
Comment		
Resourcing issues have required a review of timelines around this project.		
Focus Area		
To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.		
Action	Network	% Complete
Implement the Organisational Cultural Development Roadmap.	Organisational Services	85
Comment		
The Council's Values Champions (VC) have recently reviewed the Champions Guidelines and the VCs are developing a plan for 2023 to continue to embed Our Values.		
The organisation's Culture Re-survey has been completed. A Communications Plan outlines the organisation's approach to share results across teams in the coming months and commence action planning within teams to continue to build a positive and constructive workplace culture. This work is the trigger for the organisation's Cultural Development Roadmap to be reviewed and updated by Executive Leadership Team, with initiatives that will continue to build the organisation's desired culture.		
Focus Area		
To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.		
Action	Network	% Complete
Undertake the Corporate Application Replacement Program (CARP).	Organisational Services	75

Comment		
<p>The CARP project commenced with Project Blueprints Workshops for all of the key modules in phase one. All key milestones have been met to date.</p> <p>A tender for the document management system has closed and the Tender Evaluation Panel are in the process of selecting a vendor. Key personnel have been recruited to fill the Change Officer and Data Migration positions.</p>		
Focus Area		
To maintain a financially sustainable organisation.		
Action	Network	% Complete
Implement the recommendations of the UTAS Stadium Future Direction Plan.	Chief Executive Officer	60
Comment		
<p>Meetings have occurred with Infrastructure Tasmania Officers as well as the new Stadiums Tasmania Chair, Mike Mogridge, in respect to the proposed sub-division at Inveresk. The Council is awaiting confirmation that both are comfortable with the proposed plan. Once this is received, the advertising process will commence.</p> <p>Discussions between the Government and Chief Executive Officer in respect to the AFL and local content Memorandum of Understanding are on-going.</p> <p>The Council's Officers are also continuing to work with the State Government in respect to the Stage 1 re-development of UTAS Stadium.</p>		
Focus Area		
To maintain a financially sustainable organisation.		
Action	Network	% Complete
Implement recommendations of the QVMAG Futures Plan.	Chief Executive Officer	50
Comment		
<p>The Council's Officers have been focussed on addressing the strategic needs of the QVMAG and determining future workforce arrangements over the first half of this year. Staff have held meetings in respect to the future funding of QVMAG. Work will commence on the development of the <i>QVMAG Future Direction Action Plan</i> shortly.</p>		

Strategic Priority 4: We value our City's Unique Identity by celebrating our special heritage and culture and building on our competitive advantages to be a place where people choose to live, work and visit.

We facilitate our community's sense of place by enhancing local identity. We want people to be proud to say that Launceston is my City.

10-Year Goal: To sustain and promote Launceston as a unique place to live, work, learn and play.

Focus Area		
To promote and enhance Launceston's rich heritage, culture and natural environment.		
Action	Network	% Complete
Launceston Heritage List Review and Precincts - continuing the review of the City of Launceston's local heritage list as part of the final stage of this five-year project.	Community and Place	75
Comment		
Informal consultation has been undertaken with property owners. Feedback to be collated and reviewed in preparation for the Council to initiate formal public exhibition in July 2023.		
Focus Area		
To promote and enhance Launceston's rich heritage, culture and natural environment.		
Action	Network	% Complete
Launceston Place Brand implementation and commencement of monitoring of usage.	Community and Place	90
Comment		
A report on the first 12 months' usage of the Place Brand is being finalised by the Tourism and Events team and is expected to be ready by the end of April. The team is also developing a strategy to guide the Place Brand's ongoing implementation over the next two - three years, with the aim of having this strategy in place by July 2023.		
Focus Area		
To promote and enhance Launceston's rich heritage, culture and natural environment.		
Action	Network	% Complete
Continue to work with the newly formed Cultural Advisory Committee to implement the first four-year action plan from the Cultural Strategy.	Community and Place	75
Comment		
Regular meetings are continuing with the Cultural Advisory Committee. With Council's approval of the Public Art Strategy, the Cultural Advisory Committee will be asked to provide advice on public art installations around Launceston.		
Focus Area		
To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.		
Action	Network	%Complete
Undertake review of the City of Launceston Open Space Strategy.	Infrastructure and Assets	5
Comment		
Due to challenges with project delivery the commencement of this project has been delayed.		
Focus Area		
To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.		
Action	Network	% Complete
Continue the Albert Hall Renewal program.	Infrastructure and Assets	10

Comment		
It is a challenging environment for procuring services for building works which is impacting the affordability and timeframes for delivery. Council was provided with an update on the Albert Hall Renewal Project at the Council Meeting held on 4 May 2023.		
Focus Area		
To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.		
Action	Network	% Complete
Develop and implement an improvement plan for Princess Theatre and Earl Arts Centre upgrade implementation.	Infrastructure and Assets	10
Comment		
The Council is engaged with Theatre North in planning for renewal of the Theatre. During the next quarter it is planned to acquire design services for the project.		
Focus Area		
To support the central business district (CBD) and commercial areas as activity places during day and night.		
Action	Network	% Complete
Develop and commence implementation of Stage 2 Launceston City Heart Project which includes the following key areas of investment: Greening of our City. <ul style="list-style-type: none"> Improved public transport infrastructure. Creating greater opportunities for pedestrianisation of the CBD. 	Community and Place	0
Comment		
On hold pending outcomes of negotiations on bus interchange, funding application and confirmation of project outcomes. Recent progress on the Birchalls redevelopment through the initiation of a terms sheet. Initial meetings held with State Government on key outcomes from bus interchange project.		

Strategic Priority 5: We Serve and Care for our Community by providing equitable and efficient services that reflects needs and expectations of our community.

We are invested in our community's long term health, well-being, safety and resilience. We want to be trusted and respected by our community.

10-Year Goal: To offer access to services and spaces for all community members, and to work in partnership with stakeholders to address the needs of vulnerable communities.

Focus Area		
To plan for and provide services and facilities that recognise the changing demographics and needs of our community.		
Action	Network	% Complete
Implement Council commitments from the <i>My Place My Future Plan</i> and support State and Federal Governments on implementation of their actions.	Community and Place	75

Comment		
The Northern Suburbs Project Officer continues to collaborate with local service providers in the Northern Suburbs, delivering a range of grassroots events and programs including International Women's Day Morning Tea on 8 March (attended by the Mayor); Neighbour Day Brekkie Rocherlea on 26 March and Digital Marketing small business Workshop on 30 March at Northern Suburbs Community Centre. Attending local meetings including the FARM Steering Committee Meeting.		
Focus Area		
To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.		
Action	Network	% Complete
Continue to roll out the ABCDE Learning Sites community development program, with the Invermay learning site to commence in July 2022.	Community and Place	75
Comment		
The Invermay ABCDE Learning Site is progressing very well with strong community participation. Fifteen community led projects are underway with the completion of the Learning Site to occur in December 2023. Support and connection is also occurring with past Learning Site Community Builders.		

Strategic Priority 6: We Protect our Environment by caring for our unique natural assets and amenity and sensitively managing future development opportunities.

We strive to minimise the impact of our actions on the environment, while planning for, adapting to and managing the impact of climate change. We want to protect the special character and values of our city for future generations.

10-Year Goal: To enhance the unique natural character, values, and amenity of our City by minimising the impacts of our organisation's and our community's activities in the environment.

Focus Area		
To contribute to air and river quality improvements in Launceston.		
Action	Network	% Complete
Participate and support the Tamar Estuary Management Taskforce.	Infrastructure and Assets	75
Comment		
The Council continues to support the activities of the Tamar Estuary Management Taskforce.		
Focus Area		
To contribute to air and river quality improvements in Launceston.		
Action	Network	% Complete
Support TasWater and NRM North with the implementation of the \$157m River Health Action Plan to improve catchment management and reduce overflows from the combined system.	Infrastructure and Assets	75

Comment		
There has been active engagement and assistance of TasWater in the planning and delivery of the River Health Action Plan.		
Council gifted land near the Ti Tree Bend Wastewater Treatment Plant to enable the construction of a storage facility.		
Focus Area		
To reduce our and the community's impact on the natural environment.		
Action	Network	% Complete
Develop City of Launceston Sustainability Action Plan which sets out how the organisation will achieve sustainable outcomes for operations, service delivery and assets. The Sustainability Action Plan focuses on six key priority areas: <ul style="list-style-type: none"> • Leadership and Advocacy • Towards Zero Emissions • Adaption and Resilience • Material Efficiency, Recovery and Optimisation • Natural Capital • Smart Assets 	Infrastructure and Assets	100
Comment		
The Sustainability Action Plan is complete and has been adopted by Council. Implementation of priority actions has commenced.		

Strategic Priority 7: We are a City Planning for our Future by ensuring our approach to strategic land-use, development and infrastructure investment is coordinated, progressive, and sustainable.

We play a leading role in balancing the enviable amenity of our municipality with the needs of future development and growth. We want to influence the delivery of the right investment for our City and Region.

10-Year Goal: To facilitate appropriate development via integrated land-use planning, infrastructure investment, and transport solutions within our municipality and region.

Focus Area		
To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.		
Action	Network	% Complete
Participate in the Northern Regional Land Use Strategy Review.	Community and Place	75
Comment		
Participation is ongoing with the first development being the housing demand study expected to be finalised by mid-2023.		

Focus Area		
To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.		
Action	Network	% Complete
Develop a Placemaking Framework.	Community and Place	40
Comment		
The Placemaking Framework is currently under development.		
Focus Area		
To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.		
Action	Network	% Complete
Continue work on St Leonards Residential Growth Strategy and Masterplan and obtain Council endorsement for a structured plan and delivery framework for development within St Leonards and the Eastern Growth Corridor.	Chief Executive Officer	5
Comment		
A temporary position has been created and filled via an internal secondment to fast-track work on the St Leonards Residential Growth Strategy and Masterplan to support increased land supply for the housing market in the Launceston municipality.		
Focus Area		
To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.		
Action	Network	% Complete
Continue work on South Prospect Residential Growth Strategy and Masterplan and initiate planning scheme amendments to facilitate development with the South Prospect Growth Corridor.	Chief Executive Officer	78
Comment		
The focus has been on finalising the alignment of roads and stormwater, engagement with Department of State Growth on a left in/left out access point, completion of the Kate Reed Mountain Biking Masterplan, the residential and commercial supply and demand studies, an assessment of masked owl habitat and undertaking a bushfire assessment. Work is underway on a potential headworks framework for discussion with developers. The Council is currently developing a community engagement plan to socialise the need for greenfields development and the role of development south of Prospect to alleviate the pressure on housing.		

Focus Area		
To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.		
Action	Network	% Complete
Implement the Launceston Transport Strategy with the following key actions: <ul style="list-style-type: none"> • Support the new formed Transport Committee. • Develop implementation plan for traffic calming in the City. • Undertake the first stage of a review of speed limits. • Implementing the Network Operating Plan. 	Infrastructure and Assets	75
Comment		
The Council has been delivering the Launceston Transport Strategy through: <ul style="list-style-type: none"> • Supporting the new formed Transport Committee. • Commenced a review of speed limits. • Continued implementation of the network operating plan. 		
Focus Area		
To ensure our suite of strategic planning initiatives are coordinated and representative of our community's needs and aspirations.		
Action	Network	% Complete
City Deal Agreement Continue to work with the Commonwealth and State Governments to successfully implement all of the City of Launceston's commitments under the City Deal program to deliver a range of economic and social benefits to the City.	Chief Executive Officer	52
Comment		
Work on Launceston City Deal projects is continuing in collaboration with the Commonwealth and State Governments.		
The Federal Government has confirmed its commitment to all current city and regional deal commitments. They have advised they are currently looking at streamlining the work being undertaken with Deals and how these can be delivered most efficiently.		
A meeting with Minister King, the Australian Government Minister for Infrastructure, Transport, Regional Development and Local Government was organised for early May to progress these discussions.		
Proposed Extension Projects are progressing.		

REPORT:

Progress against the 2022/2023 Annual Plan Actions for the period ending 31 March 2023 is summarised in the following table:

Action Status	Number of Actions	%
Not Started	1	3
In Progress	24	83
Complete	4	14
Recommended for Deferral	0	0
Total Number of Actions	29	100

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

14.7. Representation at the Climate Summit for Local Government 2023

FILE NO: SF0121

AUTHOR: Liz Lynch (Personal Assistant Councillor Rooms)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the attendance of Councillor A E Dawkins at the Climate Summit for Local Government 2023 in Melbourne 6 - 8 September 2023.

RECOMMENDATION:

That Council approves the attendance of Councillor A E Dawkins to the Climate Summit for Local Government 2023 in Melbourne 6 - 8 September 2023.

REPORT:

It is considered appropriate that the Council is represented at this Conference as the learnings will have direct benefit for a number of current key priorities of the Council.

The key Conference themes for this event are:

- Electrify Everything
- Preparing Communities for a Clean Economy
- Addressing Climate Risk
- Three Levels of Government Working Together to Tackle Climate Change
- Local Government Role in Climate Action

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 6: We protect our environment by caring for our unique natural assets and amenity and sensitively managing future development opportunities.

10-Year Goal: To enhance the unique natural character, values and amenity of our City by minimising the impacts of our organisations and our community's activities in the environment.

Focus Areas:

1. To reduce our and the community's impact on the natural environment.
2. To contribute to air and river quality improvements in Launceston.
3. To manage the risks of climate-related events, particularly in the area of stormwater management and riverine flooding.

BUDGET AND FINANCIAL IMPLICATIONS:

Attendance at the Climate Summit can be funded from the Councillor's Development Budget. The costs associated with attendance at this conference are:

\$950 registration fees

\$600 accommodation

\$500 airfares

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. Climate Summit Conference Outline [**14.7.1** - 2 pages]

CITIES POWER PARTNERSHIP

CLIMATE SUMMIT FOR LOCAL GOVERNMENT 2023



Preliminary Program

A reminder that the Summit content is tailored to an audience of elected officials and council executives!



Electric Vehicle Showcase and Drive Day: Wednesday September 6th, 2 - 6pm, Melbourne Showgrounds, Flemington

Agenda



EV Showcase and Drive Day + Summit Welcome Reception

Get up close and personal with the latest zero emission vehicles progressively making it into council fleets. There will be a range of vehicles to view - from EV utes to heavy duty trucks to passenger vehicles - with the opportunity to get behind the wheel and test drive*.

At the conclusion of the Drive Day, a catered reception will be held for participants to chat to colleagues, EV car representatives, and CPP and Climate Council staff.

**Test driving of vehicles available to fully licensed drivers who sign a waiver. Drive Day component is subject to weather conditions and may be altered on the day for safety reasons.*

Conference Day 1: Thursday September 7th, 9am - 4pm, RMIT Storey Hall, Melbourne CBD

Agenda

Conference Welcome and Welcome to Country



Presentation by Climate Scientists followed by Q&A

Climate Science Update from the Climate Council: What Local Governments Need to Know



Keynote Address followed by Q&A

Raising Ambitions: Lessons and Learnings from Innovative Local and Overseas Climate Policies and Initiatives

Morning Tea



Panel Discussion with Leading Councils

Electrify Everything - why electrification is critical + benefits and opportunities for the electrification of councils and communities

- > Going off Gas
- > Energy Efficiency in Buildings
- > Community Batteries and Virtual Power Plants




Panel Discussion led by Industry Experts and Mayors

Preparing Communities for a Clean Economy


Lunch




Conference Day 1: Continued

 **Plenary Presentation on Sustainable Transport**
Inspiring Case Studies - how sustainable and active transport enhance community liveability, health and happiness.

- > Transitioning Fleets to 100% EVs
- > Active Transport
- > Public Transport


 **Concurrent Panels**
Addressing Climate Risk - why climate risk should be at the forefront of council decision making. Hear about the most pressing risks to council operations and to the community, and tactics to mitigate them.


- > For CEOs and Executives: Risk in Operations
- > For Elected Officials: Risk for the Community


 **Awards Gala Dinner 6:30 - 10:30pm, State Library, Melbourne CBD**
 Join us to celebrate the 2023 Climate Award winners, and all that local governments do for climate action in Australia. We will come together to enjoy a three course dinner and drinks at the historic State Library.

Conference Day 2: Friday September 8th, 9am - 4pm, RMIT Storey Hall, Melbourne CBD


Agenda

 **Ministerial Keynote**
Three Levels of Government Working Together to Tackle Climate Change - how governments and communities can work together to accelerate local climate action


 **Panel and Q&A with Local, State and Federal Government Representatives**
Local Government's Role in Climate Action

 **Concurrent Workshops with Industry Experts, Researchers and Mayors**
Adaptation and Resilience: Protecting our Families, the Economy and our Environment

Morning Tea


 **Communications Training: How to Effectively Talk about Climate Change**
 These sessions will be led by our team of world-class media trainers at the Climate Media Centre who will provide tips and tricks on communicating topics such as:


- > Sustainable Transport: Sending the Right Signal
- > Extreme Weather: Making the Link to Climate Change

 **Concurrent Panels**

- > For Regional and Rural Councils: Changing Community Sentiment towards Large Scale Renewables Projects
- > For Urban Councils: How Urban Councils Can Push the Envelope in Climate Action

Lunch

 **Innovate4Cities Marketplace: forging partnerships to accelerate council climate action implementation**
 A shared space to rapidly connect and match solutions providers, funders and supporters to implement city/town climate actions that tackle research and innovation gaps required to safeguard the livelihoods of residents, and help councils progress towards the goals of the Paris Agreement.
**In partnership with the Global Covenant of Mayors for Climate & Energy (GCoM) Global Secretariat*

 **Meet The Experts + Networking**
 Spend quality time with climate scientists, an ABC presenter, leading experts in fields of energy, adaptation and communications - all while networking with fellow elected officials and council executives from around Australia.

Final Presentation



cpp@climatecouncil.org.au
citiespowerpartnership.org.au

14.8. Launceston City Council On-Street Parking Penalties By-Law No. 1 of 2023

FILE NO: SF7397

AUTHOR: Duncan Campbell (Acting Manager Governance)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the making of the *On-Street Parking Penalties By-Law No. 1 of 2023*.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)
Launceston Flood Risk Management Act

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 March 2022 - Agenda Item 19.2 - Intention to Make On-Street Parking Penalties By-Law No. 1 of 2022

Workshop - 3 February 2022 - Parking By-Laws

RECOMMENDATION:

That Council, by absolute majority:

1. notes its decision made on 10 March 2022 that it intended to make a new by-law, generally in the terms set out at Recommendation 2.
2. pursuant to 160 and 161 of the *Local Government Act 1993 (Tas)*, alters the by-law as proposed on 10 March 2022 so that it is in accordance with the text below and authorises the fixing of the Council's seal in order to make the *Launceston City Council On-Street Parking Penalties By-Law No. 1 of 2023*:

LAUNCESTON CITY COUNCIL

**ON-STREET PARKING PENALTIES BY-LAW
NO. 1 of 2023**

A by-law made under sections 145 and 161 of the *Local Government Act 1993* for the purpose of prescribing penalties for infringement notices pursuant to section 100 of the *Local Government (Highways) Act 1982*.

PART 1 – PRELIMINARY

1. Short title

This by-law may be cited as the *On-Street Parking Penalties By-Law No. 1 of 2023*.

2. Repeal

Part 7 of the *Launceston City Council Parking By-Law No. 2 of 2013* is repealed.

3. Interpretation

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

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

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

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

Column 1	Column 2	Column 3	Column 4	Column 5
Section	Offence	Penalty (penalty units)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice (penalty units)	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (penalty units)
Section 97(1)(a)(i)	Remaining parked whilst meter not running	0.5	0.2	0.3
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	0.5	0.25	0.4
Section 97(1)(b)(i)	Parking without parking voucher displayed	0.5	0.2	0.3
Section 97(1)(b)(ii)	Parking longer than	0.5	0.25	0.4

	authorised by a parking voucher			
Section 97(1)(c)	Parking more than one motor vehicle in a space	0.5	0.25	0.4
Section 97(1)(d)	Parking a motor vehicle partly inside and outside a space	0.5	0.2	0.3
Section 98	Obstructing use of parking space	0.5	-	-
Section 99	Parking whilst space closed	0.5	-	-

Seal and Certification

Pursuant to section 161 of the *Local Government Act 1993* and the decision of Council on the day of 2023, the Common Seal of the Launceston City Council was placed upon this document on the day of 2023 in the presence of:

.....
Matthew Garwood
Acting Mayor

I certify that the provisions of the *Launceston City Council On-Street Parking Penalties By-Law No. 1 of 2023* are in accordance with the law.

.....
Duncan Campbell
Legal Practitioner

The *Launceston City Council On-Street Parking Penalties By-Law No. 1 of 2023* has been made in accordance with the *Local Government Act 1993*.

.....
Michael Stretton
Chief Executive Officer
being the General Manager as appointed by Council
pursuant to section 61 of the *Local Government Act 1993*

REPORT:

On 10 March 2022, Council formed an intention to make a by-law, generally in the terms set out at Recommendation 2.

The upcoming expiry of the *Launceston City Council Parking By-Law No. 2 of 2013* (2013 by-law) has provided an opportunity to simplify the by-law regulatory scheme as it applies to parking in Launceston. Splitting the by-law that sets parking penalties applicable under infringement notices for on-street parking offences, from a by-law that relates to general parking controls in facilities, will simplify the law. It will also provide a clearer delineation between those laws that are administered by the Council and those that have equivalents or near equivalents under laws made by the Tasmanian Government.

The proposed by-law appearing at Recommendation 2 will repeal that part of the 2013 by-law that relates to prescribed penalties under infringement notices, which relate only to on-street parking.

It is intended that the remaining provisions of the 2013 by-law will be repealed by the *Parking Facilities By-Law No. 2 of 2023* appearing at following Agenda Item of this Agenda - Agenda Item 13.10 - Launceston City Council Parking Facilities By-Law No. 2 of 2023.

Background to On-Street Penalties Under the 2013 By-Law

When the prescribed penalties for infringement notices were set under the 2013 by-law, such amounts were expressed as a dollar value. Those amounts remained stagnant and did not respond to changes in purchasing power of money since that time.

The 2023 by-law under consideration in this report will bring the City of Launceston into line with other Tasmanian Councils in the setting of its parking penalties as a percentage of a penalty unit as set under the *Penalty Units Act and Other Penalties Act 1987*. Section 4A of that Act ensures that penalty units fluctuate in line with CPI as determined by the calculation set out in that section.

Bringing the penalties to be prescribed by the 2023 by-law into line with the penalties prescribed by the 2013 by-law in real terms will result in an approximately 39% increase in the penalty amount currently applied. This is achieved by converting the dollar value prescribed by the 2013 by-law into a percentage of a penalty unit, rounded to the nearest second decimal place (either 0 or 5) and then applying such penalty unit to the relevant infringement notice.

A comparison between the infringement amounts payable in respect of parking meters and vouchers across Hobart, Burnie and Devonport shows that the proposed changes would result in City of Launceston applying penalties broadly in line with those other councils. A summary of the relevant penalty amounts proposed to be charged in 2022/2023 in respect of an infringement's notice across each Council is provided below:

TABLE 2 - 22/23 Penalty Units \$181.00

Infringement \$\$ Comparison between Launceston, Devonport, Hobart & Burnie Councils Infringement Paid after 28 Days						
		City of Launceston Proposed	Devonport City Council	Hobart City Council	Burnie City Council	Average Infringement Amount
97(1)(a)(i)	Parked with no meter	\$ 90.50	\$ 99.55	\$ 126.70	\$ 70.59	\$ 96.84
97(1)(a)(ii)	exceed maximum period	\$ 90.50	\$ 99.55	\$ 144.80	\$ 70.59	\$ 101.36
97(1)(b)(i)	No voucher	\$ 90.50	\$ 99.55	\$ 126.70	\$ 70.59	\$ 96.84
97(1)(b)(ii)	Longer than authorised	\$ 90.50	\$ 99.55	\$ 144.80	\$ 70.59	\$ 101.36
97(1)(c)	More than one car	\$ 90.50	\$ 99.55	\$ 126.70	\$ 70.59	\$ 96.84
97(1)(d)	Outside parkings space	\$ 90.50	\$ 99.55	\$ 126.70	\$ 70.59	\$ 96.84
98	Obstruction	\$ 90.50	\$ 99.55	\$ 126.70	\$ 70.59	\$ 96.84
99	Parking in closed space	\$ 90.50	\$ 99.55	\$ 126.70	\$ 70.59	\$ 96.84

-1.046243 -\$ 104.15

Infringement \$\$ Comparison between Launceston, Devonport, Hobart & Burnie Councils Reduced penalty if paid to Council within 14 days from date of service of the infringement						
		City of Launceston Proposed	Devonport City Council	Hobart City Council	Burnie City Council	Average Infringement Amount
97(1)(a)(i)	Parked with no meter	\$ 34.81	\$ 28.96	\$ 45.25	\$ 23.53	\$ 33.14
97(1)(a)(ii)	exceed maximum period	\$ 48.73	\$ 28.96	\$ 63.35	\$ 23.53	\$ 41.14
97(1)(b)(i)	No voucher	\$ 34.81	\$ 28.96	\$ 45.25	\$ 23.53	\$ 33.14
97(1)(b)(ii)	Longer than authorised	\$ 48.73	\$ 28.96	\$ 63.35	\$ 23.53	\$ 41.14
97(1)(c)	More than one car	\$ 48.73	\$ 28.96	\$ 45.25	\$ 23.53	\$ 36.62
97(1)(d)	Outside parkings space	\$ 34.81	\$ 28.96	\$ 45.25	\$ 23.53	\$ 33.14
98	Obstruction	NA	\$ 28.96	\$ 45.25	\$ 23.53	\$ 32.58
99	Parking in closed space	NA	\$ 28.96	\$ 45.25	\$ 23.53	\$ 32.58

Infringement \$\$ Comparison between Launceston, Devonport, Hobart & Burnie Councils Reduced penalty if paid to Council after 14 days but withing 29 days of the infringement						
		City of Launceston Proposed	Devonport City Council	Hobart City Council	Burnie City Council	Average Infringement Amount
97(1)(a)(i)	Parked with no meter	\$ 55.69	\$ 48.87	\$ 63.35	\$ 47.06	\$ 53.74
97(1)(a)(ii)	exceed maximum period	\$ 69.61	\$ 48.87	\$ 81.45	\$ 47.06	\$ 61.75
97(1)(b)(i)	No voucher	\$ 55.69	\$ 48.87	\$ 63.35	\$ 47.06	\$ 53.74
97(1)(b)(ii)	Longer than authorised	\$ 69.61	\$ 48.87	\$ 81.45	\$ 47.06	\$ 61.75
97(1)(c)	More than one car	\$ 69.61	\$ 48.87	\$ 63.35	\$ 47.06	\$ 57.22
97(1)(d)	Outside parkings space	\$ 55.69	\$ 48.87	\$ 63.35	\$ 47.06	\$ 53.74
98	Obstruction	NA	\$ 48.87	\$ 63.35	\$ 47.06	\$ 53.09
99	Parking in closed space	NA	\$ 48.87	\$ 63.35	\$ 47.06	\$ 53.09

The applicable penalties are likely to change on 1 July 2023 in accordance with the processes under the *Penalty Units Act and Other Penalties Act 1987* set out above. However, at the time of publication, such figures are not available.

It is important to highlight that the 2023 by-law under consideration does not change the applicable parking fees payable in respect of a parking space, with such fees being set by the Council as part of its annual Fees and Charges decision-making process.

Procedural Requirements to Make a By-Law

The *Local Government Act 1993* (Tas) and the *Launceston Flood Risk Management Act 2015* (LFRM Act) require that a number of further steps and processes are fulfilled before Council can proceed with an intention to make a by-law and carry it into effect. Such requirements and how those requirements have been met, are detailed below.

On 8 July 2022, pursuant to section 24 of the LFRM Act, the Minister for Local Government provided consent to make the proposed by-law.

On 21 September 2022, a Regulatory Impact Statement (RIS) was provided to the Director of Local Government (Director). A copy of this document is available at Attachment 1.

On 13 December 2022, the Council was issued with the Director's section 156A certificate, certifying that the RIS was satisfactory and that the Council may commence public consultation on the by-law.

On 18 January 2023, public consultation commenced. Notices were placed in the Council's Customer Service Centre, on the Council's website, and in *The Examiner* Newspaper on 18 and 21 January 2023. Copies of the notice, the proposed by-law and the RIS were available for free at the Customer Service Centre and on the Council's website.

No public submissions were received.

Making the By-Law

A number of small referencing and formatting changes have been made to the proposed by-law, as identified at Attachment 2. To the extent that such changes amount to an altering of the by-law, the decision to make such changes requires an absolute majority of Council by reason of section 160 of the *Local Government Act 1993* (Tas). Recommendation 2 is written to facilitate this requirement.

If Council determines to proceed with the making of the by-law, the Council's seal will be applied and it will be certified as set out at Recommendation 2. The by-law will then be published in the Tasmanian Government *Gazette*, at which time it will take effect.

Copies of the by-law will be provided to the Director of Local Government and to both Houses of Parliament for tabling. Either House of Parliament has the power to disallow all or part of the by-law.

RISK IMPLICATIONS:

Risks relevant to this report have been discussed above.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

The effect that a change in applicable parking penalties will have on the Council's budget cannot be known until its effect on parking compliance can be measured.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. Launceston City Council On- Street Parking Penalties By- Law Regulatory Impact Statement 21 September [14.8.1 - 8 pages]
2. Launceston City Council 2022 On- Street Parking Penalties By- Law No. 1 of 2023 (from 10 March 2022 [14.8.2 - 3 pages]

On-Street Parking Penalties By-Law No. 1 of 2022

Regulatory Impact Statement

Background

On 10 March 2022, Council resolved, by an absolute majority, that it intended to make a new by-law, specifying the penalties payable in respect of infringement notices issued under the *Local Government (Highways) Act 1982* ("Highways Act"). Once adopted, the by-law will be known as the On-Street Parking Penalties By-Law No. 1 of 2022 ("by-law").

The by-law will repeal the current penalty amounts payable in respect of infringement notices issued under the Highways Act. Those amounts are currently set by the *Parking By-Law No. 2 of 2013*.

The purposes of the new by-law are twofold:

1. The *Parking By-Law No. 2 of 2013* is due to expire on 10 June 2023, which would render Council being unable to issue infringement notices in respect of breaches of a number of parking offences, but for the implementation of the new by-law; and,
2. The new by-law will bring the City of Launceston into line with other Tasmanian councils in the setting of penalty amounts by reference to penalty units rather than dollar amounts.

Legislative compliance

Section 156A(1) of the *Local Government Act 1993* ("the Act") requires Council to prepare a regulatory impact statement ("RIS") in respect of any by-law it intends to make.

Section 156A(2) requires that the RIS includes:

- (a) the objectives of the by-law and the means by which the by-law is intended to achieve them;
- (b) the nature of any restriction on competition;
- (c) an assessment of the costs and benefits of –
 - (i) any restriction on competition; or
 - (ii) any impact on the conduct of business;
- (d) any alternative option considered by the council;
- (e) an assessment of the greatest net benefit or least net cost to the community;
- (f) an assessment of the direct and indirect economic, social and environmental impact of the by-law;
- (g) details of the proposed public consultation process.

This RIS addresses the matters described above at (a) to (g) in respect of the proposed by-law.

Purpose and process of the RIS

An RIS is required to identify whether the benefits of a restriction on competition or an impact on business imposed by the by-law outweigh the costs. This requires an assessment of the direct and indirect social, economic and environmental impacts of the proposed by-law and alternatives considered.

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

Objectives of the by-law and their achievement

What is the issue to be addressed by the by-law?

Parking penalties that apply under infringement notices are currently set by the *Parking By-Law No. 2 of 2013*. That by-law is due to expire on 10 July 2023.

What are the objectives of the by-law?

The objectives of the by-law are to provide Council with an efficient and effective means of enforcing parking controls under the Highways Act. In turn, this will assist in achieving equity of access to parking in, and greater movement around, the city. The by-law does not affect the parking of cars in the Launceston municipality in any other way.

Without the by-law there would be a cost to the community arising from an increase in unlawful parking and or obstructions to the detriment of other road users. Without a mechanism to issue infringement notices, enforcement costs would increase significantly as it would be necessary to instigate court proceedings in order to enforce any relevant parking controls.

The penalties applicable under section 97, 98 and 99 of the Highways Act that are payable upon a successful prosecution through the courts, are unlikely to cover the Council's costs of such prosecution. Further, prosecutions divert valuable court time away from its other judicial activities.

What will the by-law do to address these issues and how will it achieve its objectives?

The by-law sets the penalties payable in respect of contraventions of the Highways Act. The applicable penalties are stated as a proportion of a penalty unit, with the value of a penalty unit being set under the *Penalty Units and Other Penalties Act 1987*.

The by-law will provide Council and its parking officers with a quick, cost-effective means of enforcing parking controls.

The presence of a penalty for contravention, and a means of quickly and cost effectively enforcing such requirement, provides a significant deterrent effect on unlawful parking. Accordingly, road users are more likely to comply with parking controls which in turn will help to achieve equity of access and increased CBD mobility.

Restriction on competition and impact on the conduct of business

The by-law has been assessed as not providing any restriction upon competition. There is no competitor for the provision of on-street parking in the Launceston Municipality.

The by-law has no effect on whether parking in a particular instance is lawful or not. Rather, its only function is to set the penalty payable in respect of an infringement notice issued for an alleged contravention.

The by-law has no effect on the operation of existing private car parks, nor does it place any restriction on market entry for new car park operators.

The by-law has the potential to have a positive impact on business by encouraging road users to not overstay limits imposed on parking spaces. The availability of parking close to shops and facilities is an important consideration for many road users, so that the presence of an effective enforcement mechanism promotes lawful parking and is likely to have some impact on the availability of parking spaces for other users.

Assessment of the costs versus the benefits of any restriction on competition or on the conduct of business

As detailed above, the by-law has been assessed as not having any restrictive effect on competition.

In respect of conduct of business, the costs and benefits of the by-law have been assessed and are presented below:

Costs	Benefits
May limit participation (effect on business, potential businesses and user)	The promotion of available on-street parking, accessible and user friendly public places for all (effect on business, government, community)
Enforcement costs (effect on government)	The availability of a cost effective and efficient enforcement mechanism (effect on government, courts, user)
Administrative costs (effect on government)	

The costs identified above relating to potential effects on participation are on the basis that increased parking penalties may discourage some users from utilising on-street parking if they are concerned with receiving an infringement notice. In turn, this could have some effect on the number of people in the city, which in turn could have an effect on the number of potential customers entering a business. Conversely, the availability of a cost effective enforcement mechanism will assist in promoting the fair use of car parking spaces and time limits, which in turn is expected to have a positive effect on availability and may encourage more users into the city. It is also important to highlight that the by-law has no effect on the underlying parking fee structure, and only becomes applicable in the event of non-compliance.

There are also some enforcement costs relating to the issuance of infringement notices. However, the availability of infringement notices avoids the need for Council to refer alleged parking offences to the courts at first instance. The enforcement and administrative costs involved in issuing infringement notices are significantly less than the costs involved were Council required to refer each matter to the courts for determination.

The availability of the infringement notice mechanism allows for the allegation of a parking offence to be made, and the alleged offender may elect to either pay the stated penalty or elect for a court hearing. Where an end user accepts the law has been breached, the infringement notice can simply be paid without adjudication by the courts.

In terms of underlying costs to the end user, a penalty payable in respect of an infringement notice is equal to or less than the penalty if Council elects to have the matter heard at the Magistrates Court. For example, the by-law will set the penalty payable in respect of an offence of parking without the meter running at 0.2-0.5 penalty units, whereas a successful prosecution would see the applicable penalty of up to 1 penalty unit

for the first offence and a 1-2 penalty units for second and subsequent offences. Without the by-law there would be a net cost to the community arising from a decrease in available parking spaces, and an increase in administrative and compliance costs.

On the basis of the above and as required by section 156A(4) of the Act, it has been assessed that the by-law is likely to have a limited impact on business. To the extent that such impact is a negative impact, it is outweighed by the benefits flowing from available, accessible on-street parking.

Alternative options considered by the Council

As an alternative to issuing infringement notices in respect of contraventions of the sections 97 - 99 of the *Highways Act*, Council is able to prosecute alleged offences through the Magistrates Court.

Prosecution is considered inefficient to all parties involved because of the costs incurred by Council, the higher applicable penalty to an offender, and the administrative burden placed upon the Magistrates Courts in hearing traffic matters.

The costs incurred by Council in such matters are unlikely to be offset even in the event of a successful prosecution.

The Parliament has specifically set up an infringement notice regime under section 100 of the Highways Act to ensure that Council's can deal with on-street parking offences in an efficient way.

The availability of an option to issue infringement notices allows for the effective regulation of on-street parking, without the immediate need to refer matters to the courts.

Assessment of the greatest net benefit or least net cost to the community

The proposed by-law seeks to promote compliance and equity of access to parking at minimal cost. Whilst the by-law is intended to increase the amount payable under a relevant infringement notice from that which is currently applicable, such amount is only payable by those alleged to have contravened the requirements of the Highways Act.

It is expected that the increased penalty will encourage users to pay the fees associated with lawful parking, through the proper use of parking spaces, meters and voucher machines.

The cost to the community is borne by those people who do not comply with the relevant parking controls.

The greatest benefit to the community is in terms of the promotion of lawful parking and equity of access, which are expected to provide economic, social and amenity benefits.

Assessment of the direct and indirect economic, social and environmental impact of the by-law

The by-law has been assessed as having no direct economic, social or environmental impact.

Indirectly, the by-law is expected to have some positive economic benefit to the extent that it promotes higher turnover of road users and consequently increased availability of on-street parking.

To the extent that the increased parking penalties discourage people parking in the city, there may be positive environmental impacts by reason of people using alternative transport options including walking, riding or public transport.

Details of the proposed public consultation

As part of the by-law making process, Council is required to provide notice of the proposed by-law and invite submissions from members of the public.

Council will arrange for the publication of a notice in the Examiner Newspaper and for the notice and associated documentation to be placed on its website.

Notice will also be displayed at Town Hall and relevant documentation will be available for inspection and purchase.

Relevance of the Emergency Management Act 2006 and Council's Municipal Emergency Management Plan

The by-law has been assessed as not having an effect on the application of the *Emergency Management Act 2006* ("Emergency Act") and City of Launceston Municipal Emergency Management Plan.

To the extent that the by-law has any effect on emergency management, the Emergency Act prevails.

Do you have any concerns or comments?

Submissions about the by-law and RIS may be made in writing, addressed to and lodged with the Chief Executive Officer by email to contactus@launceston.tas.gov.au or by mail or in person at Town Hall, 18-28 St John Street, Launceston TAS 7250.

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

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

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

It is intended that submissions will be published as part of Council's decision making processes.

If you have any questions about the process, please contact Duncan Campbell, Team Leader Legal Services, on (03) 6323 3000.

LAUNCESTON CITY COUNCIL

ON-STREET PARKING PENALTIES BY-LAW
NO. 1 of ~~2022~~2023

A by-law made under sections 145 and 161 of the *Local Government Act 1993* (~~Tas~~) for the purpose of prescribing penalties for infringement notices pursuant to section 100 of the *Local Government (Highways) Act 1982*.

PART 1 – PRELIMINARY

1. Short title

This by-law may be cited as the *On-Street Parking Penalties By-Law No. 1 of ~~2022~~2023*.

2. Repeal

Part 7 of the *Launceston City Council Parking By-Law No. 2 of 2013* is repealed.

3. Interpretation

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

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

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

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

Column 1	Column 2	Column 3	Column 4	Column 5
Section	Offence	Penalty (penalty units)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice (penalty units)	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (penalty units)
Section 97(1)(a)(i)	Remaining parked whilst meter not running	0.5	0.2	0.3
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	0.5	0.25	0.4
Section 97(1)(b)(i)	Parking without parking voucher displayed	0.5	0.2	0.3
Section 97(1)(b)(ii)	Parking longer than authorised by a parking voucher	0.5	0.25	0.4
Section 97(1)(c)	Parking more than one motor vehicle in a space	0.5	0.25	0.4
Section 97(1)(d)	Parking a motor vehicle partly inside and outside a space	0.5	0.2	0.3
Section 98	Obstructing use of parking space	0.5	-	-
Section 99	Parking whilst space closed	0.5	-	-

Seal and Certification

Pursuant to section 161 of the *Local Government Act 1993 (Tas)* and the decision of Council on the day of 2022-2023, the Common Seal of the Launceston City Council was placed upon this document on the day of 2022-2023 in the presence of:

.....
~~Albert Van Zetten~~ Matthew Garwood
~~Acting MAYOR~~ Mayor

I certify that the provisions of the Launceston City Council On-Street Parking Penalties By-Law No. 1 of 2022-2023 are in accordance with the law.

.....
Duncan Campbell
Legal Practitioner

The Launceston City Council On-Street Parking Penalties By-Law No. 1 of 2022-2023 has been made in accordance with the *Local Government Act 1993 (Tas)*.

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.....
Michael Stretton
Chief Executive Officer
being the General Manager as appointed by Council
pursuant to section 61 of the *Local Government Act 1993 (Tas)*

14.9. Launceston City Council Parking Facilities By-Law No. 2 of 2023

FILE NO: SF7397

AUTHOR: Duncan Campbell (Acting Manager Governance)

ACTING GENERAL MANAGER APPROVAL: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

To consider the making of the *Launceston City Council Parking Facilities By-Law No. 2 of 2023*.

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)
Launceston Flood Risk Management Act 2015

PREVIOUS COUNCIL CONSIDERATION:

Council - 8 September 2022 - Agenda Item 15.1 - Intention to Make the Launceston City Council Parking Facilities By-Law No 1 of 2023

Workshop - 3 February 2022 - Parking By-Laws

RECOMMENDATION:

That Council, by absolute majority:

1. notes its decision made on 8 September 2022 that it intended to make a new by-law, generally in the terms set out at Recommendation 2.
2. pursuant to sections 160 and 161 of the *Local Government Act 1993 (Tas)*, alters the by-law as proposed on 8 September 2022 so that it is in accordance with the text below and authorises the fixing of the Council's seal in order to make the *Launceston City Council Parking Facilities By-Law No. 2 of 2023*:

LAUNCESTON CITY COUNCIL

**PARKING FACILITIES BY-LAW
NO. 2 of 2023**

A by-law made under sections 145, 161 and section 170 of the *Local Government Act 1993*, in respect of the parking of vehicles and other activities on land owned by or under the control of the Launceston City Council and designated a parking area within the municipal area of the Launceston City Council.

PART 1 – PRELIMINARY

1. Short title

This by-law may be cited as the *Parking Facilities By-Law Number 1 of 2023*.

2. Repeal

The *Launceston City Council Parking By-Law No. 2 of 2013* is repealed.

3. Interpretation

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

"article" includes a vehicle, motor vehicle, goods and rubbish.

"authorised officer" means the Chief Executive Officer, a person employed by the Council as a Parking Officer, and a person appointed by the Chief Executive Officer for the purpose of this by-law;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*;

"Council" means the Launceston City Council;

"drive" has the same meaning as under the Dictionary in the *Road Rules 2019*;

"General Manager" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*;

"highway" has the same meaning as a local highway under the *Local Government (Highways) Act 1982*;

"Manager Compliance" means the person holding the position of Manager Compliance with the Council, or a person acting in that position, or other person as authorised by the Chief Executive Officer;

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

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

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

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

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

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

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

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

"ride" includes travel in or on, and drive.

"vehicle" means "wheeled recreational device", "wheeled toy", "scooter", "motorised scooter" and "personal mobility device" as defined by the *Road Rules 2019*;

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

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

PART 2 - DRIVING OF VEHICLES

4. Entry and exit of parking areas

A person driving a motor vehicle must not enter or leave a parking area except by an access point designated by the Council's signs.

Penalty: a fine not exceeding 2 penalty units.

5. Driving of motor vehicles

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

Penalty: a fine not exceeding 2 penalty units.

PART 3 - PARKING

6. Parking of motor vehicles

- (1) A person must not park a motor vehicle which is not wholly within one parking space or parked otherwise than as directed by an authorised officer or signage; or

Penalty: a fine not exceeding 2 penalty units.

- (2) A person must not park a motor vehicle in a disabled parking space unless that person holds a permit or authority issued by a competent authority authorising such parking in the same or similar circumstances.

Penalty: a fine not exceeding 2 penalty units.

7. Parking of motor vehicles

- (1) Subject to sub-clause 7(2), a person must not park a motor vehicle in a parking area:

(a) in a parking space for which there is a parking meter -

(i) unless there is time registered on the parking meter relating to that parking space; or

(ii) for a period longer than the maximum period notified on the parking meter;

(b) in a parking space regulated by any Council sign in the parking area -

(i) for a period longer than the maximum period notified on the sign relating to that parking space;

(c) in a parking space for which a voucher machine is available -

(i) unless the parking of the motor vehicle is authorised by a parking voucher (or parking vouchers) obtained from the relevant voucher machine and clearly displayed on the motor vehicle, or there is time registered on a virtual meter relating to that parking space; or

(ii) for a period longer than the maximum period notified on the voucher machine; or

(d) partly inside and partly outside of a parking space.

Penalty: a fine not exceeding 2 penalty units.

- (2) Sub-clause 7(1) does not apply to:

(a) bicycles and tricycles moved only by human strength;

(b) trolleys with only two wheels if those wheels are less than 310 millimetres in diameter;

(c) motor vehicles used as ambulances being used on urgent ambulance services; or

(d) motor vehicles used by a fire brigade in connection with a fire with which the brigade is then dealing.

- (3) For the purposes of sub-clause 7(1):
- (a) “virtual meter” means a piece of software that can be run on a computer, mobile phone or other electronic device and that allows for payment to be made for parking in a parking space; and
 - (b) a voucher is clearly displayed on a motor vehicle if the voucher is so placed on the dashboard against the interior of a windscreen or window of the motor vehicle, such that all writing and imprinted words, figures, and symbols appearing on the side of the voucher bearing the date and time of issue are capable of being clearly read by a person standing beside the motor vehicle.

8. Reserved spaces

- (1) The Manager Compliance is to decide on the location of, and the conditions applicable to, reserved parking areas and spaces.
- (2) A person must not park or leave a motor vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 2 penalty units.

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

PART 4 - PROHIBITED ACTIVITIES

9. Damage to equipment

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

Penalty: a fine not exceeding 2 penalty units.

10. Unauthorised removal of infringement notice

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

Penalty: a fine not exceeding 2 penalty unit

11. Washing, dismantling and repair of motor vehicles

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

Penalty: a fine not exceeding 2 penalty units.

- (2) A person must not paint or wash any motor vehicle in a parking area without the consent of an authorised officer.

Penalty: a fine not exceeding 2 penalty units.

12. Skidding of motor vehicles

A person must not intentionally drive a motor vehicle so:

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

Penalty: a fine not exceeding 2 penalty units.

13. Damage to the Council's property

A person must not remove or damage the Council's property in any parking area.

Penalty: a fine not exceeding 2 penalty units.

14. Obstruction

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

Penalty: a fine not exceeding 5 penalty units.

15. Use of skates and cycles

- (1) Except as otherwise provided in subclause (2) or (3) a person must not to ride a vehicle or bicycle in a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (2) A person may ride a vehicle or bicycle in a parking area for the purpose of parking in, transiting directly through, or taking the nearest path to a designated exit of, a parking area.

- (3) A person may ride a vehicle in a parking area outside the ordinary operating hours of that parking area, except where such riding is prohibited by a notice at such parking area.

PART 5 - MISCELLANEOUS

16. Supply of name and address

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

Penalty: a fine not exceeding 2 penalty units

17. Request to leave an area

- (1) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a parking area.
- (2) A person who does not obey the directions of an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 2 penalty units.

18. Closure of parking areas

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

19. Use of parking areas for other purposes

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

20. Recovery of expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of a provision of this by-law, an expense incurred by the Council in consequence of that failure or contravention is recoverable by the Council as a debt payable by the person so failing to comply or in contravention.

21. Unauthorised articles

- (1) A person must not leave any unauthorised article on or in a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (2) An authorised officer may seize and remove any unauthorised article found on or in a parking area.

- (3) An article will be an 'unauthorised article' for the purposes of this clause if it has been placed or remains on or in a parking area contrary to this by-law, or without the permission of an authorised officer.

22. Handling of unauthorised articles

- (1) An article removed from a parking area pursuant to sub-clause 21(2) must be stored in a safe place until it has been:
- (a) claimed by the owner (or a person acting on behalf of the owner); or
 - (b) disposed of pursuant to this by-law.
- (2) If an article removed from a parking area pursuant to sub-clause 21(2) is not claimed by the owner (or a person acting on behalf of the owner) within 48 hours of said removal, and the identity of the owner of the article is known, an authorised officer is to give notice to the owner of the removal of the article in accordance with sub-clause 22(3).
- (3) A notice given under subclause 22(2) must contain:
- (a) a description of the article, including any distinguishing features;
 - (b) the place from which the article was removed;
 - (c) the date on which the article was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article; and
 - (f) a statement that, if the article is not claimed within 14 days of receipt of the notice, that article may be disposed of by the Chief Executive Officer.
- (4) If an article removed from a parking area pursuant to sub-clause 21(2) has not been claimed by its owner (or a person acting on behalf of its owner) within 48 hours of said removal, the identity of the owner of that article is not known and cannot be readily ascertained, and the Chief Executive Officer is of the opinion that the value of the article is such that Council ought issue a public notice to attempt to identify the owner, the Chief Executive Officer is to publish, on at least one occasion, a notice in a newspaper circulating in the municipal area containing either:
- (a) the particulars specified in sub-clause 22(3); or
 - (b) a brief description of the article and the location at which interested persons can obtain the particulars specified in sub-clause 22(3).

- (5) If 14 days after:
- (a) the giving of notice pursuant to sub-clause 22(2); or
 - (b) publication of a notice pursuant to sub-clause 22(4),
- an article has not been claimed by its owner (or a person acting on behalf of its owner), the article may be disposed of by the Chief Executive Officer in accordance with clause 24.
- (6) If the owner of an unauthorised article which has been removed from a parking area pursuant to sub-clause 21(2) is not known, and cannot be readily ascertained, no advertising is published in accordance with sub-clause 22(4), and the article is not claimed by the owner (or a person acting on behalf of the owner) within 28 days after the date on which it was removed, the article may be disposed of in accordance with clause 24.
- (7) Notwithstanding sub-clauses 22(1) to 22(6) (inclusive), if in the opinion of the Chief Executive Officer an article removed from a parking area pursuant to sub-clause 21(2) has no material value, the article may be disposed of in whatever manner the Chief Executive Officer sees fit.

23. Fees, costs and charges

- (1) The owner of any article removed from a parking area pursuant to sub-clause 21(2) is liable to pay the Council:
- (a) any fees, costs and charges specified in a notice issued pursuant to sub-clauses 22(2) or 22(4);
 - (b) any further fees incurred in the storage and maintenance of the article once removed, together with any relevant advertising and administrative costs; and
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 24.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (3) The Council may retain an article until all relevant fees, costs or charges incurred pursuant to this by-law have been paid in full.

24. Disposal of unauthorised articles

- (1) The Chief Executive Officer may dispose of an article removed from a parking area pursuant to sub-clause 21(2) if:
- (a) the article is not claimed within 14 days of the service of a notice under sub-clause 22(2);

- (b) the article is not claimed within 14 days of publication of a notice pursuant to sub-clause 22(4);
 - (c) sub-clause 22(6) applies;
 - (c) sub-clause 22(7) applies;
 - (d) the owner of the article has been notified of all applicable fees, costs or charges specified in sub-clause 23(1) and such fees, costs or charges have not been paid within 14 days of such notification; or
 - (e) sub-clause 25(2) applies.
- (2) An article that satisfies one or more of the pre-requisites for disposal prescribed in sub-clause 24(1) or sub-clause 25(2) may be disposed of:
- (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in a manner determined by the Chief Executive Officer if:
 - (i) the Chief Executive Officer is of the opinion that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (3) If an article is disposed of under this clause 24, the Chief Executive Officer must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.
- (4) If an article is disposed of under this clause 24 and the owner is subsequently identified, any proceeds of the disposal must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.

25. Article required for prosecution

- (1) Where an article removed from a parking area pursuant to sub-clause 21(2) is to be used by the Council as evidence in support of the prosecution of an offence created by this by-law, the article will be released to the owner following the completion or withdrawal of the prosecution, subject to payment by the owner to the Council of any relevant fees, costs and charges payable by operation of clause 23 (unless otherwise directed by a court).
- (2) The Chief Executive Officer may dispose of any article retained by the Council pursuant to sub-clause 25(1):
 - (a) which is not claimed by the owner; and

- (b) in relation to which any fees, costs or charges payable by operation of clause 23 have not been paid in full,

within 30 days of completion of the relevant prosecution.

26. Assistance of police officer

A Police Officer is authorised to assist an Authorised Officer to carry out an action under this by-law.

Part 6 - INFRINGEMENT NOTICES

27. Infringement notices

- (1) In this clause:

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

- (2) An authorised officer may issue an infringement notice in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- (3) An authorised officer may:
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the Chief Executive Officer;
 - (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
 - (c) apply to the Chief Executive Officer for a variation of payment conditions; or
 - (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.

Schedule 1 - Infringement Notice Offences

Column 1 Clause	Column 2 General Description of Offence	Column 3 Penalty (penalty units)
4	Failure to use designated access point to parking area	0.5
5	Exceeding speed limit in parking area	0.5
6(1)	Not parking as directed	0.5
6(2)	Parking in disabled parking space	1
7(1)(a)(i)	Failure to pay parking fee for parking space	0.5
7(1)(a)(ii)	Parking for longer than maximum period	0.25
7(1)(b)	Parking for longer than maximum period regulated by Council sign	0.25
7(1)(c)(i)	Parking without authorisation of voucher or virtual meter	0.5
7(1)(c)(ii)	Parking for longer than maximum period	0.25
7(1)(d)	Park outside parking space	0.5
8(2)	Parking in a reserved space without authorisation	0.5
9	Damaging equipment in a parking area	0.5
10	Unauthorised removal of infringement notice	0.5
13(1)	dismantling and repairing motor vehicle without consent	0.5
13(2)	Washing or painting motor vehicle without consent	0.5
12	Skidding of motor vehicles	0.5
13	Damage to Council property	0.5
14	Obstructing vehicle or foot traffic	0.5
15(1)	Using vehicles and bicycles in a parking area	0.25
16(2)	Fail to provide name and address	0.5
17	Fail to obey request	0.5

Seal and Certification

Pursuant to section 161 of the *Local Government Act 1993* and the decision of Council on the day of 2023, the Common Seal of the Launceston City Council was placed upon this document on the day of 2023 in the presence of:

.....
Matthew Garwood
Acting Mayor

I certify that the provisions of the *Launceston City Council Parking Facilities By-Law No. 2 of 2023* are in accordance with the law.

.....
Duncan Campbell
Legal Practitioner

The *Launceston City Council Parking Facilities By-Law No. 2 of 2023* has been made in accordance with the *Local Government Act 1993*

.....
Michael Stretton
Chief Executive Officer
being the General Manager as appointed by Council
pursuant to section 61 of the *Local Government Act 1993*

REPORT:

On 8 September 2022, Council formed an intention to create a new by-law relating to the parking of vehicles in parking facilities, generally in terms set out at Recommendation 2. The differences between the by-law at Recommendation 2 and an earlier draft of the by-law considered by Council on 8 September 2022 are discussed further below, under the heading Alterations.

The *Launceston City Council Parking Facilities By-Law No. 2 of 2023* appearing at Recommendation 2 (the by-law), is largely the same as the 2013 by-law with a number of redundant clauses removed. It also brings the by-law into line with the contemporary structure and terminology used by the organisation.

The by-law is intended to provide an effective mechanism to regulate the parking of vehicles and other uses of parking areas. Without the by-law, enforcement and

compliance issues become more difficult to manage and would often require reference to the Magistrates Court of Tasmania for determination. Such action is costly for all parties involved.

Key features of the by-law under consideration are as follows:

- Regulation of the way in which cars move in, out and around parking areas (clause 4 and 5);
- Parking requirements for motor vehicles in parking areas, including position, fees, time limits, use of disabled, and closed and reserved spaces and compliance with terms of entry (clause 6, 7, and 8);
- General prohibited activities (clause 9, 10, 11, 12, 13, 14);
- Restriction on use of non-motor vehicles in parking areas (clause 15);
- Disposal of seized items (clause 21, 22, 23, 24 and 25);
- Issuance of infringement notices (clause 27); and
- Infringement notice amounts are calculated by reference to penalty units which index over time, whereas the 2013 by-law infringement amounts have remained stagnant over time. This change is consistent with the proposed *Launceston City Council Parking Penalties By-Law No. 1 of 2023*, which is to be considered at Agenda Item 13.9 - Launceston City Council On-Street Parking Penalties By-Lw No. 1 of 2023 - of this Agenda.

In terms of applicable infringement notices, the by-law brings penalties broadly into line with the penalties that would be applicable if the Council relied upon the *Road Rules 2019*. Offences under the by-law that do not have an equivalent infringement provision have been assigned an infringement penalty of 0.5 penalty units to ensure a level of consistency across the by-law

To ensure consistency across the legislative controls available to the Council, the draft by-law has removed discounts for paying infringement notices early. The removal of discounts is consistent with the approach taken by most other Tasmanian councils.

It is noted that a number of the applicable infringement amounts under the by-law are less than the applicable penalties in other council areas.

The by-law will repeal the remaining provisions of the *Launceston City Council Parking By-Law No. 1 of 2013*.

Procedural Requirements to Make a By-Law

The *Local Government Act 1993* (Tas) and the *Launceston Flood Risk Management Act 2015* (LFRM Act) require that a number of further steps and processes are fulfilled before Council can proceed with an intention to make a by-law and carry it into effect. Such requirements and how those requirements have or will be met, are detailed below.

On 6 February 2023, a Regulatory Impact Statement (RIS) was provided to the Director of Local Government (Director). A copy of this document is available at Attachment 1.

On 24 April 2023, the Council was issued with the Director's section 156A certificate, certifying that the RIS was satisfactory and that the Council may commence public consultation on the by-law.

On 6 May 2023, public consultation commenced. Notices were placed in the Council's Customer Service Centre, on the Council's website and in *The Examiner* Newspaper on 6 and 25 May 2023. Copies of the notice, the proposed by-law and the RIS were available for free at the Customer Service Centre and on the Council's website. The alternate clauses that are incorporated into the by-law at Recommendation 2 were also publicly available during this time.

No public submissions were received.

Section 24 of the LFRM Act prevents the making of a by-law without the consent of either the Minister for Local Government or each of the legislative bodies having an estate or interest in the relevant land. A formal request for Ministerial approval has been made and the Council's Officers are awaiting further advice from the Minister's office. In the event that Ministerial approval is not provided, the Council's Officers will seek approval as otherwise required by the LFRM Act before the by-law is made.

Alterations

The review of the draft by-law considered by Council on 8 September 2022 has identified a number of minor improvements. These improvements are incorporated into the by-law at Recommendation 2, indicated at Attachment 2 and summarised below:

- Replacing the draft clause 7, 8 and 9 so that they align with the requirements of the *Local Government (Highways) Act 1982*, but only for off-street parking. This ensures a level of consistency in definitions across on and off-street parking.
- Deleting clauses 15 and 17, which relate to distributing advertisements and graffiti, as these offences are dealt with more appropriately under the *Litter Act 2007* and *Police Offences Act 1935*.
- A clarification of the seizure and disposal of personal property mechanisms, and associated minor amendment to the definitions in clause 3.
- Renumbering of clauses and infringement notice references to reflect the above changes.
- A number of other small referencing and formatting changes as indicated.

The alterations have been assessed as not substantially changing the purpose, or the effect on the public, of the proposed by-law.

Council is therefore entitled to make the alterations required to make the by-law appearing at Recommendation 2 and must do so by absolute majority.

Making the By-Law

If Council determines to proceed with the making of the by-law, the Council's seal will be applied and it will be certified as set out at Recommendation 2. The by-law will then be published in the Tasmanian Government *Gazette*, at which time it will take effect.

Copies of the by-law will be provided to the Director of Local Government and to both Houses of Parliament for tabling. Either House of Parliament has the power to disallow all or part of the by-law.

RISK IMPLICATIONS:

Risks relevant to this matter are discussed in the report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

Strategic Priority 3: We are a progressive leader that is accountable to our governance obligations and responsive to our community.

10-Year Goal: To ensure decisions are made in a transparent and accountable way, that effectively meet our statutory obligations, support quality services and underpin the long-term sustainability of our organisation.

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.
5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

The budgetary implications arising from changes to applicable parking penalties will not be known until their effect on user compliance can be measured.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. Launceston City Council Parking Facilities By- Law Regulatory Impact Statement 6 February 2023 [**14.9.1** - 7 pages]
2. Launceston City Council Parking Facilities By- Law No. 2 of 2023 (extracted from Minutes), with trac [**14.9.2** - 16 pages]

Parking Facilities By-Law No. 2 of 2023

Regulatory Impact Statement

Background

On 8 September 2022, Council resolved that it intended to make a new by-law, setting out a number of controls to apply to land owned by or under the control of the Council.

Once adopted, the by-law will be known as the *Parking Facilities By-Law No. 2 of 2023* ("by-law").

The by-law will repeal the remaining¹ provisions of the *Parking By-Law No. 2 of 2013*.

The purposes of the new by-law are twofold:

1. The *Parking By-Law No. 2 of 2013* is due to expire on 10 June 2023, which would leave Council without efficient and effective enforcement mechanisms within parking areas;
2. The new by-law will bring the City of Launceston into line with other Tasmanian councils in the setting of penalty amounts by reference to penalty units rather than dollar amounts.

Legislative compliance

Section 156A(1) of the *Local Government Act 1993* ("the Act") requires Council to prepare a regulatory impact statement ("RIS") in respect of any by-law it intends to make.

Section 156A(2) requires that the RIS includes:

- (a) the objectives of the by-law and the means by which the by-law is intended to achieve them;
- (b) the nature of any restriction on competition;
- (c) an assessment of the costs and benefits of –
 - (i) any restriction on competition; or
 - (ii) any impact on the conduct of business;
- (d) any alternative option considered by the council;
- (e) an assessment of the greatest net benefit or least net cost to the community;
- (f) an assessment of the direct and indirect economic, social and environmental impact of the by-law;
- (g) details of the proposed public consultation process.

This RIS addresses the matters described above at (a) to (g) in respect of the proposed by-law.

¹ The *On-Street Parking Penalties By-Law No. 1 of 2023* is intended to repeal Part 7 of the *Parking By-Law No 2. of 2013*, which sets infringement notice penalties under the *Local Government (Highways) Act 1982*. The 2013 by-law will otherwise remain unchanged until repealed by the 2023 by-law under consideration, or expiry.

Purpose and process of the RIS

An RIS is required to identify whether the benefits of a restriction on competition or an impact on business imposed by the by-law outweigh the costs. This requires an assessment of the direct and indirect social, economic and environmental impacts of the proposed by-law and alternatives considered.

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

Objectives of the by-law and their achievement

What is the issue to be addressed by the by-law?

Parking controls available to Council under the *Parking By-Law No. 2 of 2013* will not be available after 10 July 2022, when that by-law is due to expire. It is necessary to implement a new by-law if those controls are to continue past that date.

What are the objectives of the by-law?

The objectives of the by-law are to provide Council with efficient and effective parking controls on the land under its ownership or management. Such controls assist in achieving equitable access to parking in these public facilities.

Without an effective mechanism to issue infringement notices across each of the parking controls, enforcement costs would increase significantly.

The by-law seeks to set clear expectations as to the parking of vehicles and associated behavior on land under its ownership and management.

The by-law also updates the way in which penalties are calculated under infringement notices. Penalties will be calculated by reference to a penalty unit under the *Penalty Units and Other Penalties Act 1987*.

What will the by-law do to address these issues and how will it achieve its objectives?

The by-law is intended to continue to provide Council and its parking officers with a quick, cost-effective means of enforcing parking controls.

The presence of a penalty for contravention, and a means of quickly and cost effectively enforcing such requirement, provides a significant deterrent effect on unlawful parking and other unlawful activities. This assists Council to achieve equity of access in, and support the appropriate management of, Council facilities.

Whilst a number of similar offences apply across a number of Acts and Regulations, consolidation into a single by-law will make it clearer to the public as to which laws ordinarily apply in Council's parking areas.

The by-law sets out the penalties payable in respect of contraventions of each of the applicable clauses. The penalties are stated as a proportion of a penalty unit, with the value of a penalty unit being set under the *Penalty Units and Other Penalties Act 1987*.

Restriction on competition and impact on the conduct of business

The by-law has been assessed as not providing any restriction upon competition. The by-law only applies to land owned or under the control of Council.

In terms of commercial activity that a person may choose to conduct on land subject to the by-law, the presence of the controls in clause 13 (washing and repairing motor vehicles), clause 15 (distributing advertising) or clause 17 (graffiti) do not affect competition because those activities would require the permission of Council even if the by-law did not apply. The relevant clauses simply provide a clear enforcement mechanism with which to deal with such use of the land.

The by-law has no effect on the operation of existing private car parks, nor does it place any restriction on market entry for new car park operators.

The by-law has the potential to have a positive impact on business by encouraging users to not overstay limits imposed on parking spaces, and otherwise by discouraging activities that are to the detriment of other users and facilities. The presence of an effective enforcement mechanism promotes lawful parking and is likely to have a positive impact on the availability of parking spaces for other users.

Assessment of the costs versus the benefits of any restriction on competition or on the conduct of business

As detailed above, the by-law has been assessed as not having any restrictive effect on competition.

In respect of conduct of business, the costs and benefits of the by-law have been assessed and are presented below:

Costs	Benefits
May limit participation (effect on business, potential businesses and user)	Maximises availability of parking, and encourages accessible, orderly and user friendly public places for all (effect on business, government, community)
Enforcement costs (effect on government)	The availability of a cost effective and efficient enforcement mechanism (effect on government, courts, user)
Administrative costs (effect on government)	Contributes to the amenity of parking facilities by discouraging anti-social behaviour

The costs identified above relating to potential effects on participation are on the basis that increased parking penalties may discourage some users from utilising parking facilities if they are concerned with receiving an infringement notice. In turn, this could have some

effect on the number of people in the city, which in turn could have an effect on the number of potential customers entering a business.

Conversely, the availability of a cost effective enforcement mechanism will assist in promoting the fair use of car parking spaces and time limits, which in turn is expected to have a positive effect on availability and may encourage more users into the city.

The availability of the infringement notice mechanism allows for the allegation of a parking offence to be made, and the alleged offender may elect to pay the stated penalty, request a withdrawal of that infringement or elect for a court hearing. The enforcement and administrative costs involved in issuing infringement notices are significantly less than the costs involved were Council required to refer each matter to the courts for determination.

In terms of underlying costs to the end user, a penalty payable in respect of an infringement notice is less than the potential penalty if Council elects to have the matter heard by the Magistrates Court. For example, clause 7 prohibits the parking of motor vehicles without payment of the applicable fee. If Council issues an infringement notice in respect of such offence, the applicable penalty is 0.5 penalty units. If Council were to prosecute, the penalty is up to 2 penalty units.

The applicable penalties under infringement notices and prosecutions are drawn from the closest equivalents under state law, such as those contained in the *Road Rules 2019* and the *Police Offences Act 1935*. The intent of the by-law is that there is no increased detriment to an end user by Council's implementation of the by-law.

Without the by-law there would be a net cost to the community arising from a decrease in available parking spaces, and an increase in administrative and compliance costs.

On the basis of the above and as required by section 156A(4) of the Act, it has been assessed that the by-law is likely to have a limited impact on business. To the extent that there is any negative impact, it is outweighed by the benefits flowing from available, accessible parking facilities.

Alternative options considered by the Council

A number of the offences contained in the by-law have an equivalent or near equivalent in state law, such that Council could let the by-law expire and seek to rely upon the available alternative laws. However, Council does not have an efficient, effective and consistent way to enforce such controls for the reasons explained below.

Clause 9 prohibits the parking of a vehicle in a parking area without the payment of the applicable fee. A similar offence is contained in rule 207 of the *Road Rules 2019*. However, because rule 207 is not a prescribed offence for the purpose of the 43N of the *Traffic Act 1925*, Council is unable to issue an infringement notice for such offence under the *Road Rules 2019*. Rather, each instance of non-compliance would require prosecution in order to effect a penalty. Such action is considered expensive and inefficient, and ordinarily provides no additional benefit to anyone.

Similarly, clause 17 prohibits the marking of graffiti without permission. A similar offence is contained within section 15CA of the *Police Offences Act 1935*. However, Council lacks the ability to issue an infringement notice in respect of such offence under the *Police*

Offences Act 1935. In order for Council to enforce that control on its land, it would be necessary to either prosecute the offence or otherwise involve Tasmania Police. This is considered administratively complicated and an unnecessary use of valuable police resources.

The by-law also highlights Council's behavioral expectations of users in parking areas in a single document, whereas the equivalent or near equivalent controls are contained in number of pieces of legislation and regulations. By consolidating the controls in a single by-law, a reasonable user of facilities would have little need to refer to any external documents or legislation to understand their ordinary obligations in such facility.

Assessment of the greatest net benefit or least net cost to the community

The by-law seeks to promote compliance and equity of access to parking at minimal cost.

The by-law does not set the fees applicable to a parking area, and penalties only become applicable in the event of non-compliance. The cost to the community is borne by those people who do not comply with the relevant controls.

The greatest benefit to the community is in terms of the promotion of lawful parking, equity of access, and maintained or increased amenity of parking facilities more generally.

Assessment of the direct and indirect economic, social and environmental impact of the by-law

The by-law has been assessed as having no direct economic or environmental impact. In terms of social impact, the prohibition of the skidding of vehicles (clause 14), distribution of advertisements (clause 15), and graffiti (clause 17) contribute to the amenity of facilities and are expected to provide a positive social impact to the extent they reduce the occurrence of such activities.

Indirectly, the by-law is expected to have some positive economic benefit by encouraging higher turnover of users and consequently increased availability of parking spaces within facilities.

To the extent that the increased parking penalties discourage people parking in the city, there may be positive environmental impacts by reason of people using alternative transport options including walking, riding or public transport.

Details of the proposed public consultation

As part of the by-law making process, Council is required to provide notice of the proposed by-law and invite submissions from members of the public.

Council will arrange for the publication of a notice in the Examiner Newspaper and for the notice and associated documentation to be placed on its website.

A notice will also be displayed at Town Hall and relevant documentation will be available for inspection and purchase.

Relevance of the Emergency Management Act 2006 and Council's Municipal Emergency Management Plan

The by-law has been assessed as not having an effect on the application of the *Emergency Management Act 2006* ("Emergency Act") and City of Launceston Municipal Emergency Management Plan.

To the extent that the by-law has any effect on emergency management, the Emergency Act prevails.

Do you have any concerns or comments?

Submissions about the by-law and RIS may be made in writing, addressed to and lodged with the Chief Executive Officer by email to contactus@launceston.tas.gov.au or by mail or in person at Town Hall, 18-28 St John Street, Launceston TAS 7250.

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

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

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

It is intended that submissions will be published as part of Council's decision making processes.

If you have any questions about the process, please contact Duncan Campbell, Team Leader Legal Services, on (03) 6323 3000.

LAUNCESTON CITY COUNCIL

PARKING FACILITIES BY-LAW
NO. ~~4~~2 of 2023

A by-law made under sections 145, 161 and section 170 of the *Local Government Act 1993* (~~Tas~~), in respect of the parking of vehicles and other activities on land owned by or under the control of the Launceston City Council and designated a parking area within the municipal area of the Launceston City Council.

PART 1 – PRELIMINARY

1. **Short title**

This by-law may be cited as the *Parking Facilities By-Law Number 1 of 2023*.

2. **Repeal**

The *Launceston City Council Parking By-Law Number 2/No. 2 of 2013* is repealed.

3. **Interpretation**

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

"article" includes a vehicle, motor vehicle, goods and rubbish.

"authorised officer" means the Chief Executive Officer, a person employed by the Council as a Parking Officer, and a person appointed by the Chief Executive Officer for the purpose of this by-law;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Council" means the Launceston City Council;

"drive" has the same meaning as under the Dictionary in the *Road Rules 2019*;

"General Manager" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"highway" has the same meaning as a local highway under the *Local Government (Highways) Act 1982*;

"Manager Compliance" means the person holding the position of Manager Compliance with the Council, or a person acting in that position, or other person as authorised by the Chief Executive Officer;

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

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

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

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

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

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

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

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

"ride" includes travel in or on, and drive.

"vehicle" means "wheeled recreational device", "wheeled toy", "scooter", "motorised scooter" and "personal mobility device" as defined by the *Road Rules 2019*.

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

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

PART 2 - DRIVING OF VEHICLES

4. Entry and Exit of Parking Areas

A person driving a motor vehicle must not enter or leave a parking area except by an access point designated by the Council's signs.

Penalty: a fine not exceeding 2 penalty units.

5. Driving of Motor Vehicles

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

Penalty: a fine not exceeding 2 penalty units.

PART 3 - PARKING

6. Parking of Motor Vehicles

- (1) A person must not park a motor vehicle which is not wholly within one parking space or parked otherwise than as directed by an authorised officer or signage; or

Penalty: a fine not exceeding 2 penalty units.

- (2) A person must not park a motor vehicle in a disabled parking space unless that person holds a permit or authority issued by a competent authority authorising such parking in the same or similar circumstances.

Penalty: a fine not exceeding 2 penalty units.

7. Parking of motor vehicles

- (1) Subject to sub-clause 7(2), a person must not park a motor vehicle in a parking area:

(a) in a parking space for which there is a parking meter –

(i) unless there is time registered on the parking meter relating to that parking space; or

(ii) for a period longer than the maximum period notified on the parking meter;

(b) in a parking space regulated by any Council sign in the parking area -

(i) for a period longer than the maximum period notified on the sign relating to that parking space;

(c) in a parking space for which a voucher machine is available –

(i) unless the parking of the motor vehicle is authorised by a parking voucher (or parking vouchers) obtained from the relevant voucher machine and clearly displayed on the motor vehicle, or there is time registered on a virtual meter relating to that parking space; or

(ii) for a period longer than the maximum period notified on the voucher machine; or

(d) partly inside and partly outside of a parking space.

Penalty: a fine not exceeding 2 penalty units.

- (2) Sub-clause 7(1) does not apply to:

- ~~(a) bicycles and tricycles moved only by human strength;~~
- ~~(b) trolleys with only two wheels if those wheels are less than 310 millimetres in diameter;~~
- ~~(c) motor vehicles used as ambulances being used on urgent ambulance services; or~~
- ~~(d) motor vehicles used by a fire brigade in connection with a fire with which the brigade is then dealing.~~

~~(3) For the purposes of sub-clause 7(1):~~

- ~~(a) "virtual meter" means a piece of software that can be run on a computer, mobile phone or other electronic device and that allows for payment to be made for parking in a parking space; and~~
- ~~(b) a voucher is clearly displayed on a motor vehicle if the voucher is so placed on the dashboard against the interior of a windscreen or window of the motor vehicle, such that all writing and imprinted words, figures, and symbols appearing on the side of the voucher bearing the date and time of issue are capable of being clearly read by a person standing beside the motor vehicle.~~

~~7. Payment of Fee~~

- ~~(1) A person must not park a motor vehicle in a parking area without payment of the required fee indicated by signs displayed in the parking area~~

~~Penalty: a fine not exceeding 2 penalty units.~~

- ~~(2) A person may pay any required fee:~~

- ~~(a) by utilising a parking meter or virtual meter applicable to the parking space or parking spaces within that parking area; or~~
- ~~(b) by purchasing a voucher issued by a voucher machine operating in the parking area; or~~
- ~~(c) otherwise in accordance with any instructions on or with any Council sign in the parking area.~~

~~8. Parking Vouchers~~

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

~~Penalty: a fine not exceeding 2 penalty units.~~

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

~~Penalty: a fine not exceeding 2 penalty units.~~

- ~~(3) This clause does not apply to a person who has paid any required fee utilising a parking meter or virtual meter applicable to the parking space or parking spaces within that parking area.~~

~~**9. Parking Longer than Maximum Period**~~

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

~~Penalty: a fine not exceeding 2 penalty units~~

~~**108. Reserved Spaces**~~

- (1) The Manager Compliance is to decide on the location of, and the conditions applicable to, reserved parking areas and spaces.
- (2) A person must not park or leave a motor vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.
- Penalty: a fine not exceeding 2 penalty units.
- (3) An authorised officer may remove or, permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

PART 4 - PROHIBITED ACTIVITIES

~~**119. Damage to Equipment**~~

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

~~Penalty: a fine not exceeding 2 penalty units.~~

~~**1210. Unauthorised Removal of Infringement Notice**~~

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

~~Penalty: a fine not exceeding 2 penalty unit~~

4311. Washing, Dismantling and Repair of Motor Vehicles

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

Penalty: a fine not exceeding 2 penalty units.

- (2) A person must not paint or wash any motor vehicle in a parking area without the consent of an authorised officer.

Penalty: a fine not exceeding 2 penalty units.

4412. Skidding of Motor Vehicles

A person must not intentionally drive a motor vehicle so:

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

Penalty: a fine not exceeding 2 penalty units.

~~15. Distribution of Advertisements~~

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

~~Penalty: a fine not exceeding 2 penalty units.~~

4613. Damage to the Council's Property

A person must not remove or damage the Council's property in any parking area.

Penalty: a fine not exceeding 2 penalty units.

~~17. Graffiti~~

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

~~Penalty: a fine not exceeding 2 penalty units.~~

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

4814. Obstruction

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

Penalty: a fine not exceeding 5 penalty units.

4915. Use of Skates and Cycles

- (1) Except as otherwise provided in subclause (2) or (3) a person must not to ride a vehicle or bicycle in a parking area.

Penalty: a fine not exceeding 2 penalty units.

- (2) A person may ride a vehicle or bicycle in a parking area for the purpose of parking in, transiting directly through, or taking the nearest path to a designated exit of, a parking area.
- (3) A person may ride a vehicle in a parking area outside the ordinary operating hours of that parking area, except where such riding is prohibited by a notice at such parking area.

- ~~(4) In this section, "vehicle" means "wheeled recreational device", "wheeled toy", "scooter", "motorised scooter" and "personal mobility device" as defined by the Road Rules 2010;~~

~~"ride" includes travel in or on, and drive.~~

PART 5 - MISCELLANEOUS

2016. Supply of Name and Address

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

Penalty: a fine not exceeding 2 penalty units

2417. Request to Leave an Area

- (1) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a parking area.
- (2) A person who does not obey the directions of an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 2 penalty units.

2218. Closure of Parking Areas

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

2319. Use of Parking Areas for Other Purposes

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

2420. Recovery of Expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of a provision of this by-law, an expense incurred by the Council in consequence of that failure or contravention is recoverable by the Council as a debt payable by the person so failing to comply or in contravention.

21. Unauthorised articles

(1) A person must not leave any unauthorised article on or in a parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) An authorised officer may seize and remove any unauthorised article found on or in a parking area.

(3) An article will be an 'unauthorised article' for the purposes of sub-clause 21(1) if it has been placed on or in a parking area contrary to this by-law, or without the permission of an authorised officer.

22. Handling of unauthorised articles

(1) An article removed from a parking area pursuant to sub-clause 21(2) must be stored in a safe place until it has been:

(a) claimed by the owner (or a person acting on behalf of the owner); or

(b) disposed of pursuant to this by-law.

(2) If an article removed from a parking area pursuant to sub-clause 21(2) is not claimed by the owner (or a person acting on behalf of the owner) within 48 hours of said removal, and the identity of the owner of the article is known, an authorised officer is to give notice to the owner of the removal of the article in accordance with sub-clause 22(3).

(3) A notice given under subclause 22(2) must contain:

(a) a description of the article, including any distinguishing features;

(b) the place from which the article was removed;

(c) the date on which the article was removed;

- (d) the place from which the article may be claimed;
- (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article; and
- (f) a statement that, if the article is not claimed within 14 days of receipt of the notice, that article may be disposed of by the Chief Executive Officer.

(4) If an article removed from a parking area pursuant to sub-clause 21(2) has not been claimed by its owner (or a person acting on behalf of its owner) within 48 hours of said removal, the identity of the owner of that article is not known and cannot be readily ascertained, and the Chief Executive Officer is of the opinion that the value of the article is such that Council ought issue a public notice to attempt to identify the owner, the Chief Executive Officer is to publish, on at least one occasion, a notice in a newspaper circulating in the municipal area containing either:

- (a) the particulars specified in sub-clause 22(3); or
- (b) a brief description of the article and the location at which interested persons can obtain the particulars specified in sub-clause 22(3).

(5) If 14 days after:

- (a) the giving of notice pursuant to sub-clause 22(2); or
- (b) publication of a notice pursuant to sub-clause 22(4),

an article has not been claimed by its owner (or a person acting on behalf of its owner), the article may be disposed of by the Chief Executive Officer in accordance with clause 24.

(6) If the owner of an unauthorised article which has been removed from a parking area pursuant to sub-clause 21(2) is not known, and cannot be readily ascertained, no advertising is published in accordance with sub-clause 22(4), and the article is not claimed by the owner (or a person acting on behalf of the owner) within 28 days after the date on which it was removed, the article may be disposed of in accordance with clause 24.

(7) Notwithstanding sub-clauses 22(1) to 22(6) (inclusive), if in the opinion of the Chief Executive Officer an article removed from a parking area pursuant to sub-clause 21(2) has no material value, the article may be disposed of in whatever manner the Chief Executive Officer sees fit.

23. Fees, Costs and Charges

(1) The owner of any article removed from a parking area pursuant to sub-clause 21(2) is liable to pay Council:

- (a) any fees, costs and charges specified in a notice issued pursuant to sub-clauses 22(2) or 22(4);

(b) any further fees incurred in the storage and maintenance of the article once removed, together with any relevant advertising and administrative costs; and

(c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 24.

(2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.

(3) The Council may retain an article until all relevant fees, costs or charges incurred pursuant to this by-law have been paid in full.

24. Disposal of unauthorised articles

(1) The Chief Executive Officer may dispose of an article removed from a parking area pursuant to sub-clause 21(2) if:

(a) the article is not claimed within 14 days of the service of a notice under sub-clause 22(2);

(b) the article is not claimed within 14 days of publication of a notice pursuant to sub-clause 22(4);

(c) sub-clause 22(6) applies;

(c) sub-clause 22(7) applies;

(d) the owner of the article has been notified of all applicable fees, costs or charges specified in sub-clause 23(1) and such fees, costs or charges have not been paid within 14 days of such notification; or

(e) sub-clause 25(2) applies.

(2) An article that satisfies one or more of the pre-requisites for disposal prescribed in sub-clause 24(1) or sub-clause 25(2) may be disposed of:

(a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or

(b) in a manner determined by the Chief Executive Officer if:

(i) the Chief Executive Officer is of the opinion that the article has a value that does not warrant the costs of a tender or a public auction; or

(ii) no tender is received, or no bid is made at a public auction.

(3) If an article is disposed of under this clause 24, the Chief Executive Officer must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.

(4) If an article is disposed of under this clause 24 and the owner is subsequently identified, any proceeds of the disposal must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.

25. Article Required for Prosecution

(1) Where an article removed from a parking area pursuant to sub-clause 21(2) is to be used by Council as evidence in support of the prosecution of an offence created by this by-law, the article will be released to the owner following the completion or withdrawal of the prosecution, subject to payment by the owner to Council of any relevant fees, costs and charges payable by operation of clause 23 (unless otherwise directed by a court).

(2) The Chief Executive Officer may dispose of any article retained by Council pursuant to sub-clause 25(1):

(a) which is not claimed by the owner; and

(b) in relation to which any fees, costs or charges payable by operation of clause 23 have not been paid in full,

within 30 days of completion of the relevant prosecution.

25. Seizure of Articles

An authorised officer may remove any article which is on or in a parking area contrary to this by-law or otherwise without a permit or approval of an authorised officer or the Council.

26. Disposal of Article

(1) An article which has been removed from a parking area pursuant to this by-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this by-law.

(2) If an article which has been removed from a parking area pursuant to this by-law is not claimed by the owner or person on behalf of the owner within 48 hours following its removal, and the owner is known, an authorised officer is to give notice to the owner of the removal of the article.

(3) A notice under subclause (2) is to give the following details:

- ~~(a) a description of the article and any distinguishing features;~~
- ~~(b) the place from which it was removed;~~
- ~~(c) the date on which it was removed;~~
- ~~(d) the place from which the article may be claimed;~~
- ~~(e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article;~~
- ~~(f) a statement that if not claimed within 14 days that the article may be disposed of by the Chief Executive Officer.~~

~~(4) If the owner of the removed article cannot be ascertained or found and if the Chief Executive Officer is of the opinion that the value of the article warrants the cost of advertising, the Chief Executive Officer is to publish on at least one occasion a notice containing either:~~

- ~~(a) the particulars specified in subclause (3) in a newspaper circulating in the municipal area; or~~
- ~~(b) a brief description of the seized article and the location at which an interested person can obtain the particulars specified in subclause (3).~~

~~(5) If the owner of the article cannot be ascertained or found, no advertising is published in accordance with clause 27(4), and the article is not claimed by the owner or by a person on behalf of the owner within 28 days after it has been removed, the article may be disposed of in accordance with clause 28(2).~~

~~(6) Subclauses (1)–(5) do not apply to an article of no value or a value determined by the Chief Executive Officer to be insufficient to cover the cost of removal and storage of the article for a period of 28 days.~~

27. Fees, Costs and Charges

- ~~(1) The owner of any article removed pursuant to this by-law is liable to pay:~~
- ~~(a) any fees, costs and charges specified in a notice issued pursuant to clause 26(2);~~
 - ~~(b) any further fees incurred in the storage and further maintenance of the article once removed, together with any relevant advertising and administrative costs in advertising;~~
 - ~~(c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 28.~~

~~(2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.~~

~~(3) The Council may retain an article until any fees, costs or charges are paid.~~

28. Disposal of Unclaimed Articles

- ~~(1) The Chief Executive Officer may dispose of an article if:~~
- ~~(a) the article is not claimed within 14 days of the service of a notice under clause 26(2);~~
 - ~~(b) any fees, costs or charges specified in the notice have not been paid within 14 days of the service of that notice; or~~

~~(c) clause 26(6) applies.~~

- ~~(2) An article may be disposed of under clause 26(5) or 28(1):~~
- ~~(a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or~~
 - ~~(b) in a manner as the Chief Executive Officer determines if:~~
 - ~~(i) the Chief Executive Officer is of the opinion that the article has a value that does not warrant the costs of a tender or a public auction;~~
~~or~~
 - ~~(ii) no tender is received, or no bid is made at a public auction.~~
- ~~(3) If an article is disposed of under this clause, the Chief Executive Officer must notify the owner of the article as soon as possible if the owner can be ascertained or found by reasonable enquiries.~~
- ~~(4) If the owner of the article is identified, then the proceeds obtained from the disposal or sale of the article must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the article.~~

29. Article Required for Prosecution

- ~~(1) Where an article is required by the Council for the prosecution of an offence under this by-law, the article is to be released to the owner following the completion of the prosecution proceedings and on payment of any relevant fees, costs and charges unless otherwise directed by a court.~~
- ~~(2) The Chief Executive Officer may, in accordance with clause 28, dispose of an article required under subclause (1) which is not claimed by the owner or in relation to which fees, costs or charges have not been paid within 30 days of the completion of court proceedings.~~

3026. Assistance of Police Officer

A Police Officer is authorised to assist an Authorised Officer to carry out an action under this by-law.

Part 6 - INFRINGEMENT NOTICES

3427. Infringement Notices

- (1) In this clause:
- "specified offence" means an offence against the clause specified in column 1 of Schedule 1 and generally described in column 2 of Schedule 1.
- (2) An authorised officer may issue an infringement notice in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.

- (3) An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the Chief Executive Officer;
 - (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
 - (c) apply to the Chief Executive Officer for a variation of payment conditions; or
 - (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.

Schedule 1 - Infringement Notice Offences

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty (penalty units)
4	Failure to use designated access point to parking area	0.5
5	Exceeding speed limit in parking area	0.5
6(1)	Not parking as directed	0.5
6(2)	Parking in disabled parking space	1
7(1)(a)(i)	Failure to pay parking fee for parking space	0.5
7(1)(a)(ii)	Parking for longer than maximum period	0.25
8(1)7(1)(b)	Failure to display unexpired parking voucher Parking for longer than maximum period regulated by Council sign	0.5 25
8(2)7(1)(c)(i)	Voucher not clearly visible Parking without authorisation of voucher or virtual meter	0.5
7(1)(c)(ii)	Parking for longer than maximum period	0.25
97(1)(d)	Parking longer than the maximum period Park outside parking space	0.25 5
40(2)8(2)	Parking in a reserved space without authorisation	0.5
449	Damaging equipment in a parking area	0.5
4210	Unauthorised removal of infringement notice	0.5
13(1)	dismantling and repairing motor vehicle without consent	0.5
13(2)	Washing or painting motor vehicle without consent	0.5
4412	Skidding of motor vehicles	0.5
15	Distributing advertising material without consent	0.5
4613	Damage to Council property	0.5
47(1)	Graffiti on Council property	0.5
4814	Obstructing vehicle or foot traffic	0.5
4915(1)	Using vehicles and bicycles in a parking area	0.25
2016(2)	Fail to provide name and address	0.5
2417	Fail to obey request	0.5

Seal and Certification

Pursuant to section 161 of the *Local Government Act 1993* (~~Fae~~) and the decision of Council on the day of __2023, the Common Seal of the Launceston City Council was placed upon this document on the day of __2023 in the presence of:

.....
~~xxxxx~~Matthew Garwood
MAYOR/Acting Mayor

I certify that the provisions of the Launceston City Council Parking Facilities By-Law No. 2 of 2023 are in accordance with the law.

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.....
Duncan Campbell
Legal Practitioner

The Launceston City Council Parking Facilities By-Law No. 2 of 2023 has been made in accordance with the *Local Government Act 1993*

.....
Michael Stretton
Chief Executive Officer
being the General Manager as appointed by Council
pursuant to section 61 of the *Local Government Act 1993*

15. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

15.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

15.2 Approval of Lease - Myrtle Park Recreation Ground, Targa

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.
- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.
- (f) proposals for the council to acquire land or an interest in land or for the disposal of land.

15.3 Electronic Document and Records Management Tender

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

15.4 End of Closed Session

To be determined in Closed Council.

16. MEETING CLOSURE

17. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 29 June 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.