



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 5 OCTOBER 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: 5 October 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 21 September 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 - 21 September and 28 September 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 21 September 2023:

Community Recognition Policy

Councillors considered the adoption of a Community Recognition Policy.

Cyber Security

Councillors received a presentation on cyber security at the City of Launceston.

In Attendance: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, 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 28 September 2023:

Development Session - Urban Planning and Transport

Councillors participated in a discussion on urban planning and the roles that transport and road design have in creating a vibrant city.

Princess Theatre

Councillors were provided with an update on procurement of architectural services for the Princess Theatre.

AFL Memorandum of Understanding

Councillors were presented with the Draft AFL Memorandum of Understanding for consideration.

Street Mural Art - Paterson Street East Car Park

Councillors received a briefing regarding development of mural artwork at the Paterson Street East Car Park.

In Attendance: Mayor Councillor M K Garwood, Deputy Mayor Councillor D H McKenzie, Councillor D C Gibson, Councillor A E Dawkins, 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 Acting General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

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

7. 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).

7.1. Ben Smith (Chief Executive Officer) - Basketball Tasmania

FILE NO: SF6368

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

SUMMARY OF PRESENTATION

Ben will provide Council with a short overview of the current activity of Basketball Tasmania, its member clubs and associations. Information will also be provided on a snapshot of Basketball Tasmania's strategic plan and priorities for 2024 and beyond.

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 - Tree Removal

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, asked at the Council Meeting on 21 September 2023 by Ron Baines, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. [With reference to work undertaken by Gwenda Sheridan], does the Council still require the 10 trees, adjacent to the Albert Hall to be killed?

Response:

A response to this question was provided at the Council Meeting on 29 June 2023 (Agenda Item 8.1.4 - Public Question on Notice).

8.1.2. Public Questions on Notice - Jim Dickenson - Albert Hall Development

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following questions, submitted in writing to the Council on 25 September 2023 by Jim Dickenson, have been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network).

Questions:

1. Why was the SHAPE contract not approved by the Tender Review Committee?

Response:

Given the significance of the project, it was appropriate for all of Council to contribute to the decision.

2. What is the contract sum? If the contract sum is for more than \$11m how is it funded? What are the specific construction start/finish dates? What procedures are in place to deal with time over-runs?

Response:

The Council Minutes of 29 June 2023 documented that the decision made in Closed Council was:

Councillors accepted the Mains Works Proposal submitted by SHAPE Australia Pty Ltd for Building and Construction of the Albert Hall Renewal Project - Stage 3 - Contract No. CD.025/2022 for the Guaranteed Maximum Price of \$13,307,756.90 (exclusive GST).

This was also covered in the Council's media release on 17 July 2023.

SHAPE is currently onsite with expected completion in quarter 4 of 2024. The nature of the procurement and contract are specifically tailored to minimise the risk of contract overruns.

3. What is the result of the negotiations with the Federal Government regarding non-compliant tendering as outlined in the May Report?

Response:

The question suggests that the Council undertook a non-compliant tendering process. This is incorrect. Stage 1 works, which primarily involved improvements to the existing Hall, were tendered and unfortunately the Council did not receive any compliant tenders. The Council is currently exploring options to deliver this work through a variation of the existing SHAPE contract. It should be noted that many organisations are adopting similar approaches to tendering and procurement in order to manage the inflationary pricing that is occurring across a range of projects.

8.1.3. Public Questions on Notice - Ray Norman - Russells Plains Road and Housing Crisis

FILE NO: SF6381

AUTHOR: Anthea Rooney (Council and Committees Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to the Council on 27 September 2023 by Ray Norman, has been answered by Shane Eberhardt (General Manager Infrastructure and Assets Network) and Richard Jamieson (Acting General Manager Community and Place Network).

Questions:

1. Will Council, that is the elected representatives and [the] Council's Officers, revisit the determination made at the last Open Council Meeting [21 September 2023] and stop the implantation of the demolition process until such time as the Council can assure its constituency that due process is being observed in order that a meaningful land use assessment can be carried out in an open, transparent and accountable manner?

Response:

The decision to demolish the house and investigate the potential future use of the land was made in an Open Council Meeting on 21 September 2023 in order to provide the requisite transparency and accountability for Councillors and the constituency.

2. Will Council, that is the elected representatives et al, proactively put in place an open public consultation process that is transparent and accessible to all citizens with an interest in place making; fully accountable on the record and in accord with best practice relative to 21stC democratic governance; carried out at arm's length from the Council's operations; draws upon best practice evident in the implementation of strategies like Citizen's Assemblies/Juried Search Conferences, etc. and the process focuses upon future land use strategies relative to planning this land's and adjoining land's potential in a 21stC regional city context.

Response:

Council, at its Open Meeting held on 21 September 2023, determined that, should the land at 126-128 Russells Plains Road, Rocherlea not be required for landfill operations, it would undertake a land use study to investigate options for its potential development. That study, nor the format it will take to garner that information, has not yet commenced.

3. Will Council, that is the elected representatives et al, proactively initiate a review of [the] Council's planning provisions to enable the placement of a diversity of temporary dwellings on land where there is a permanent dwelling and appropriate conditions can be met; the placement of temporary dwellings on public land where the kind of conditions applying to such temporary infrastructure on private property and that enables an open public consultation process that affords transparent accountability in a municipality wide context.

Response:

The Tasmanian Planning Scheme already contains provisions that substantially achieve the intents of the author's question.

Placement of an additional dwelling (temporary or otherwise) on land that contains an existing single dwelling is provided for in two primary ways. Firstly the scheme provides for a secondary residence to be established. The scheme defines a secondary residence as:

an additional residence which is self-contained and: (a) has a gross floor area not more than 60m²; (b) is appurtenant to a single dwelling; (c) shares with the single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters; and (d) may include laundry facilities.

Secondary residences are allowable in all cases where there is an existing dwelling and can be established without the need for a planning permits in zoned such as the General Residential Zone and the Inner Residential Zone subject to compliance with the applicable scheme standards.

The second option applies to proposals for additional dwellings that are outside the secondary residence provisions. These are generally classified as multiple dwellings and can be approved in most urban zones where single dwellings are allowable, subject to an assessment against the applicable standards in the scheme.

Temporary dwellings on public land are specifically provided for in the general provisions of the scheme at Clause 7.13. This clause provide a broad power for temporary housing to be established for or on behalf of the Director of Housing or a housing support provider in a range of zone including residential zones the community purpose, recreation zone and the open space zone.

The degree to which there is public involvement in planning depends on the nature and location of what is proposed. The scheme provides for community consultation only for proposals that require discretion to be exercised.

For the reasons outlined it is not considered necessary for Council to make any changes to the planning scheme in this regard.

It is worth noting however that the State Planning Office are currently under taking a review of the residential standards within the state planning provisions. One of their stated objectives in this work is to encourage residential use and development that is

affordable, liveable, and sustainable and meets Tasmania's housing targets and accommodation needs.

8.2. Public Questions Without Notice

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

9. PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

**9.1. 181 Westbury Road, Prospect (described as CT 51268/3 and CT 51268/4)
Rezone Land from the Particular Purpose Zone - P6.0 Prospect Business Precinct to the Low Density Residential Zone**

FILE NO: PSA-LLP0016

AUTHOR: Catherine Mainsbridge (Senior Town Planner)

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

DECISION STATEMENT:

To make a recommendation to the Tasmanian Planning Commission subsequent to the public exhibition period for a draft amendment to the Tasmanian Planning Scheme - Launceston.

PLANNING APPLICATION INFORMATION:

Applicant: PDA
Area of the Site: 181 Westbury Road, Prospect (CT 51268/3 - 4153m² and CT 51268/4) 8213m²
Existing Zones: Particular Purpose Zone - P6.0 Prospect Business Precinct
Existing Use: Vacant land
Receipt Date: 14 June 2023

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS COUNCIL CONSIDERATION:

Council - 10 August 2023 - Agenda Item 9.1 - rezone 181 Westbury Road, Prospect (described as CT 51268/3 and CT 51268/4) from the Particular Purpose Zone - P6.0 Prospect Business Precinct to the Low Density Residential Zone.

RECOMMENDATION:

That Council, in accordance with section 40K of the *Land Use Planning and Approvals Act 1993*, notifies the Tasmanian Planning Commission that no representations were received during the public exhibition period for Amendment PSA-LLP0016 and that Amendment PSA-LLP0016 be approved as certified and exhibited.

REPORT:

An application was lodged under section 37 of the *Land Use Planning and Approvals Act 1993* (the Act), by PDA Surveyors, Engineers and Planners, for an amendment to the Tasmanian Planning Scheme Launceston to rezone land at 181 Westbury Road, Prospect (described as CT51268/3 and CT51268/4) from the Particular Purpose Zone - P6.0 Prospect Business Precinct to the Low Density Residential Zone.

Council initiated the planning scheme amendment at its Meeting of 10 August 2023. The proposed amendment was exhibited from 19 August until 15 September 2023. The amendment appeared in *The Examiner* on two separate occasions: 19 and 23 August 2023.

In accordance with section 40k of the *Land Use Planning and Approvals Act 1993*, Council must, within 35 days of the close of the exhibition period, send a report to the Tasmanian Planning Commission to advise that no representations were received and to make recommendations in regard to the draft amendment.

CONCLUSION

As there were no representations received, no errors have been identified in the draft amendment and no corrections are considered necessary, it is appropriate that the amendment be forwarded to the Tasmanian Planning Commission with a recommendation that it be approved without change.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

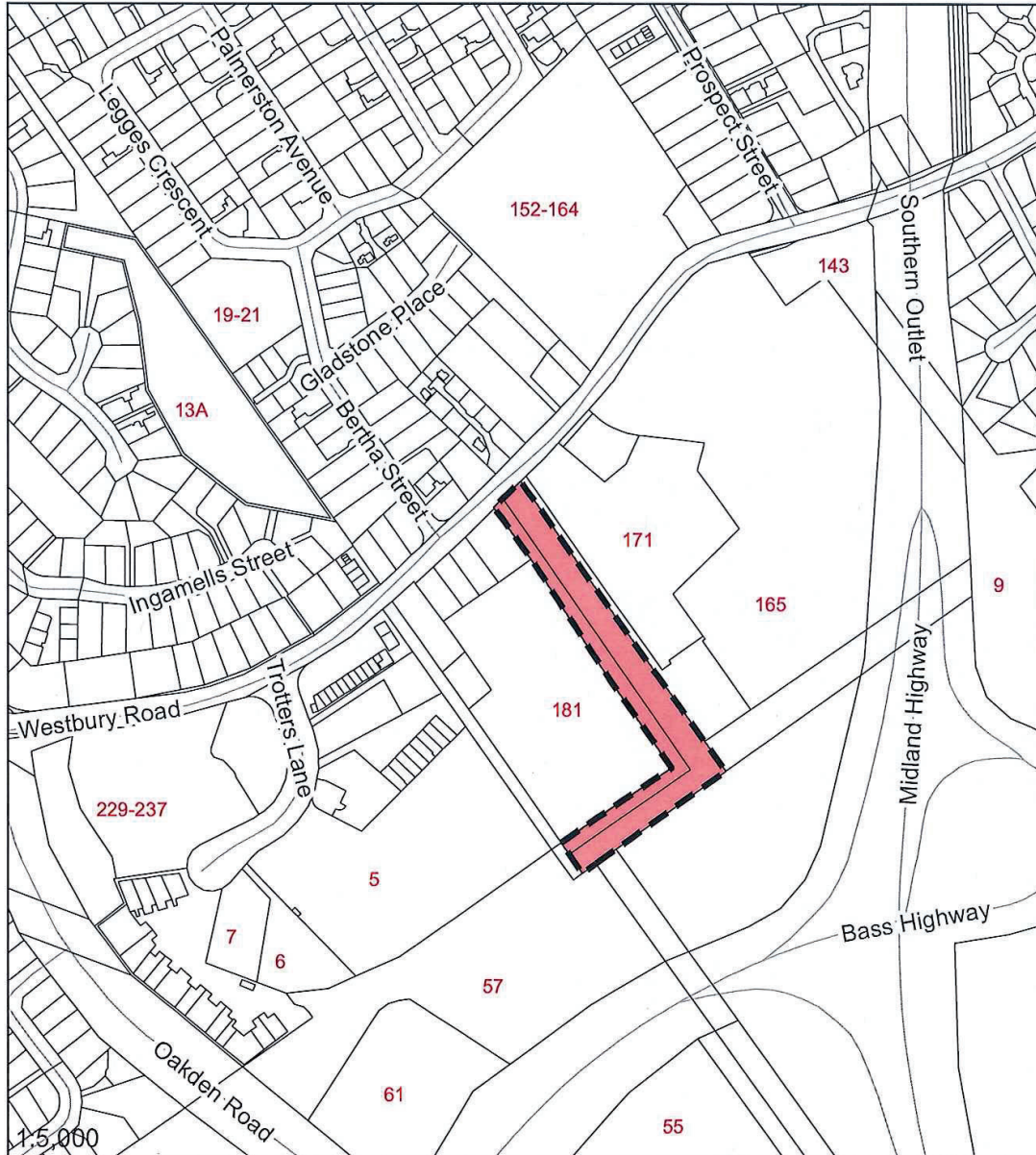
The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. PSA-LLP0016 - Plan - Signed Instrument [9.1.1 - 1 page]

TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP016

Part 181 Westbury Road, South Launceston (described as CT 51268/3 and CT 51268/4) from the Particular Purpose Zone - P6.0 Prospect Business Precinct to Low Density Residential Zone.

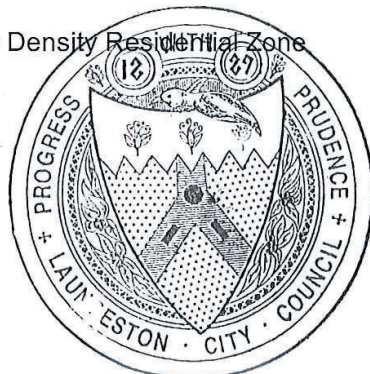


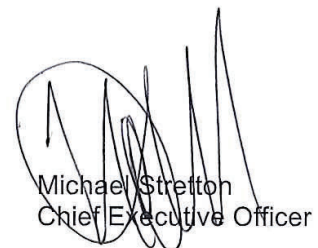
Zoning



Low Density Residential Zone

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -




Michael Stretton
Chief Executive Officer

Date *16 August 2023*

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10. ANNOUNCEMENTS BY THE MAYOR

10.1. Mayor's Announcements

FILE NO: SF2375

Friday 22 September 2023

- Attended a dinner in honour of Local Government Representatives, Government House, Hobart

Monday 25 September 2023

- Visited Shepparton Art Museum, Shepparton and Museum of Vehicle Evolution, Shepparton

Tuesday 26 September 2023

- Visited GMHBA Stadium, Geelong and Deakin's Waurin Ponds Campus to view their High Performance Centre and School of Exercise and Nutrition Sciences

Wednesday 27 September 2023

- Officiated at the Launceston Basketball Association Seniors Grand Final, Elphin Sports Centre

Thursday 28 September 2023

- Attended the 2024 Spirit Super Business Excellence Awards launch, Peppers Silo Hotel

Friday 29 September 2023

- Attended *Minds Do Matter* Exhibition launch, Queen Victoria Museum and Art Gallery at Inveresk

Sunday 1 October 2023

- Officiated at the Lilydale Playground opening, Lilydale

Tuesday 3 October 2023

- Officiated at the Ribbon Cutting and Cauldron Lighting for the Centenary of Legacy, Launceston Cenotaph

Wednesday 4 October 2023

- Attended the Local Government Association Tasmania Mayor's Workshop, Hobart
-

11. 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).

12. QUESTIONS BY COUNCILLORS

12.1. 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

12.2. 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).

13. COMMITTEE REPORTS

13.1. Heritage Advisory Committee Meeting - 30 August 2023

FILE NO: SF2965

AUTHOR: Marcus Grantham (Team Leader Place Making)

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

DECISION STATEMENT:

To receive and consider a report from the Heritage Advisory Committee Meeting held on 30 August 2023.

RECOMMENDATION:

That Council receives the report from the Heritage Advisory Committee Meeting held on 30 August 2023.

REPORT:

The Heritage Advisory Committee met on 30 August 2023 and discussed the following:

- Acknowledgement of Dr John Forge's resignation from the Committee due to work relocation.
- Ideas and suggestions for the best use of the Council's heritage funds to maximise its heritage impact.
- This year's *Heritage Snap!* competition, including themes and methods to improve its exposure to the youth target audience.
- Extending the Council's bursary policy to potentially include heritage training for tradespeople.
- Disposal and salvaging of building materials pre/post demolition, including financial incentives and public/trades education into these valuable materials.
- The role of the Council in promoting heritage in the City which may have occurred previously in the Council Architect position, which now resides within the remit of the Place and Heritage Officer position.
- Other general business including the commencement date for the Council's Place and Heritage Officer, highlighting Civic Square's pavers that feature historic accounts and the Committee's final meeting date for 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 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.

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.

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

Focus Areas:

1. To promote and enhance Launceston's rich heritage, culture and natural environment.

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

13.2. Tender Review Committee Meeting - 21 September 2023

FILE NO: SF0100/CD.033/2023

AUTHOR: Anthea Rooney (Council and Committees Officer)

GENERAL MANAGER APPROVAL: Louise Foster (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 Crossroads Civil Contracting Pty Ltd, for Brooklyn Road (Alma Street to Number 34) Pavement Rehabilitation, Contract No: CD.033/2023 at a cost of \$331,599.57 (exclusive of GST).

REPORT:

The Tender Review Committee Meeting, held on 21 September 2023, determined the following:

That the tenders submitted by Crossroads Civil Contracting Pty Ltd, for Brooklyn Road (Alma Street to Number 34) Pavement Rehabilitation, Contract No: CD.033/2023, at a cost of \$331,599.57 (exclusive of 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

14. ORGANISATIONAL SERVICES NETWORK

14.1. Disposal of Interest in Land - Easement at 26 Beverley Hills Road, Newstead

FILE NO: SF1168

AUTHOR: Robert Bujnowski (Acting Team Leader Legal Services)

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

DECISION STATEMENT:

To consider the disposal of an interest in land at 26 Beverley Hills Drive, Newstead

This decision requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)

PREVIOUS COUNCIL CONSIDERATION:

Council - 28 July 2022 - Agenda Item 10.1 - DA0202/2022 - 26 Beverley Hills Road, Newstead - Subdivision - Sub-divide One Lot into Three Lots

Workshop - 20 July 2023 - Disposal of Interest in Land - Easement at 26 Beverley Hills Road, Newstead

RECOMMENDATION:

That Council:

1. notes the valuation advice of LG Valuation Services Pty Ltd relating to the relevant easements (ECM Document Set ID 4952651, Attachment 1).
2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993 (Tas)*, to dispose of an interest in land by reducing the width of a Council easement existing over Certificate of Title 40967/17 from 8.52m wide to 4m wide.



3. makes Recommendation 2 subject to the owner of 26 Beverley Hills Road, Newstead paying the following costs:
 - (a) \$3,152 (plus GST) for Council's fee for a disposal of an interest in Council land;
 - (b) \$720 (plus GST) for the cost of obtaining a valuation;
 - (c) \$1 for the easement if demanded; and
 - (d) all associated costs with land titles office registration.
4. permits the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to cause the easement to be amended in accordance with these recommendations.
5. 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:

Introduction

The Park At Invermay Pty Ltd (the applicant) is the owner of 26 Beverley Hills Road, Newstead (the property). The applicant has approached the Council seeking to reduce the width of a 8.52m wide drainage easement at the rear of the property to 4m. The request is made to help facilitate a three-lot subdivision.

The Council is not currently using the entire 8.52m width of the easement and has no intention to do so. Advice from Council's Engineering Team (Infrastructure and Assets Network) is that a 4m wide easement would be sufficient for the Council's current and future needs, therefore, the additional width of the easement is redundant as it serves no practical purpose.

Title Details

The property is sized 2,720m² and is zoned General Residential. The land is comprised of Certificate of Title Volume 40967 Folio 17. An extract of that folio plan is shown below (Figure 1):

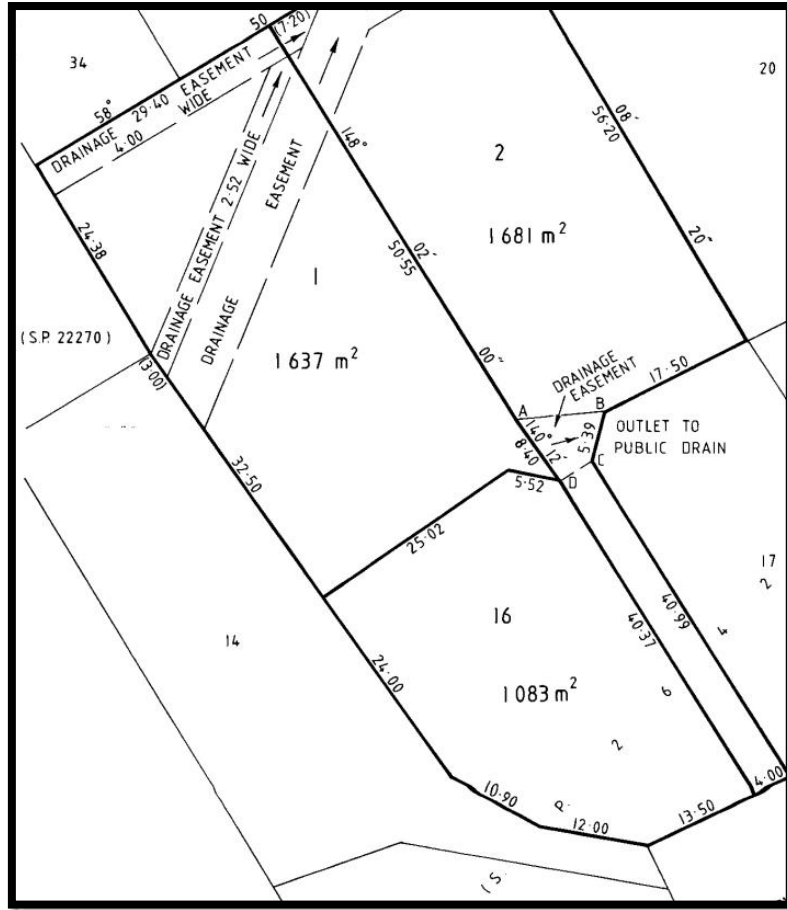


Figure 1 - Folio Plan Extract for Certificate of Title 40967/17

The property consists of Lots 1 and 16, which together form Lot 17. This is noted in the folio plan which says, *LOT 1 AND LOT 16 TOGETHER FORM LOT 17*, an extract of which is shown below (Figure 2):

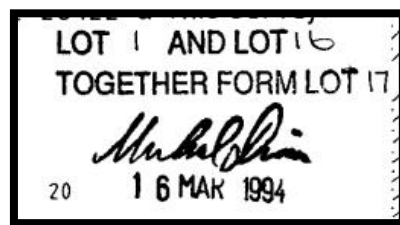


Figure 2 - Folio Plan Extract for Lot 17

The property contains three easements marked as follows:

1. 4.00m wide (rear of property)
2. 2.52m wide (diagonally across property)
3. 6.00m wide (diagonal across property)

The three easements are clearly delineated on the folio plan, an extract of which is shown below (Figure 3):

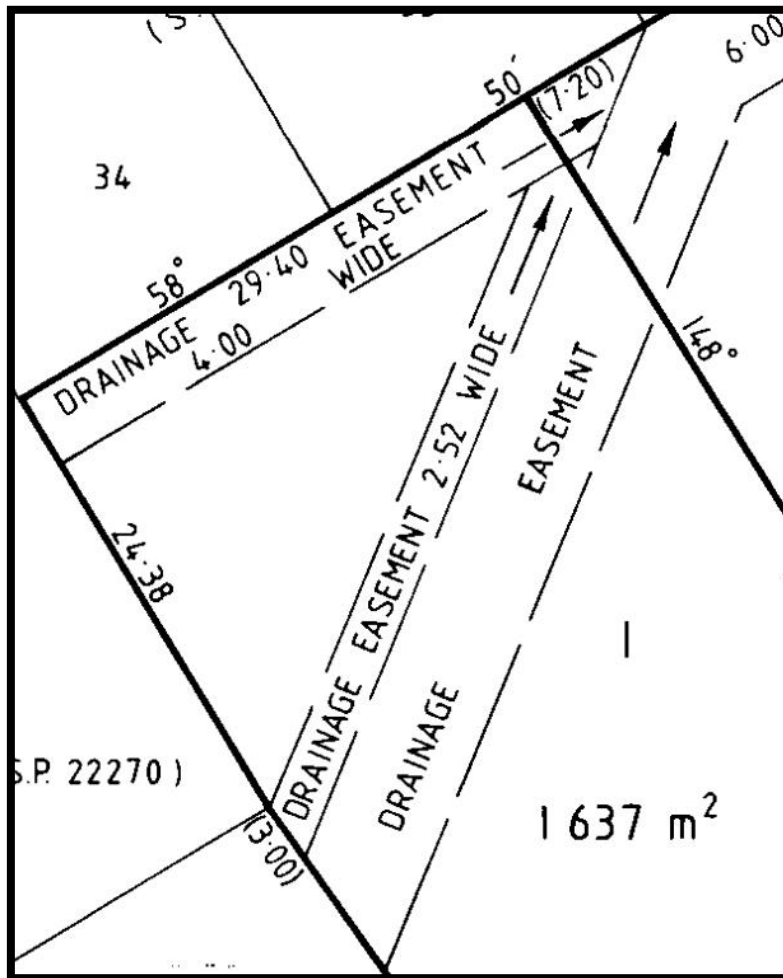


Figure 3 - Folio Plan extract for Certificate of Title 40967/17 Showing Three Easements

The property's Schedule of Easements refers to the easement as a *Right of Drainage*, which the *Conveyancing And Law Of Property Act 1884 (Tas)* defines as follows:

A right of drainage (including the right of construction of drains) for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment for the purpose of carrying away stormwater and other surplus water from the dominant tenement or any such part thereof over or under the land herein indicated as the land over which the right is to subsist, and through all sewers and drains which may hereafter be made or passing under, through, and along the last-mentioned land and the right for every such person and his surveyors and workmen from time to time and at all times hereafter if he or they should think fit to enter into and upon the last-mentioned land and to inspect, repair, cleanse, and amend any such sewer or drain without doing unnecessary damage to the said land.

Existing Infrastructure

The relevant easement contains two parallel sets of pipes as shown in the image below (Figure 4) which are comprised of:

1. sewer infrastructure owned by TasWater (red); and
2. stormwater infrastructure owned by the Council (green).



Figure 4 - Sewer and Stormwater Drainage Infrastructure

Development Application

The applicant has obtained planning permission to subdivide the property into three lots. The permit was granted on 28 July 2022 (DA0202/2022). An extract of the approved plan is shown below. The relevant easements can be seen running diagonally through lot 3 of the proposed plan below (Figure 5):

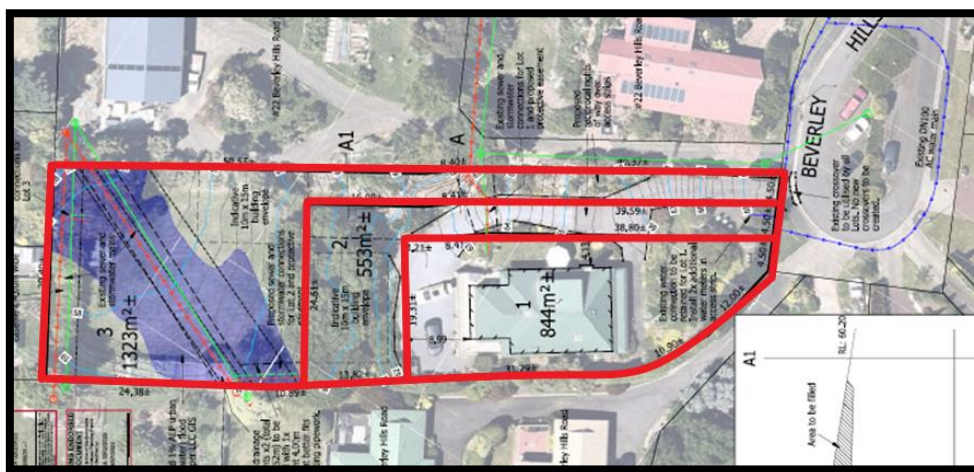


Figure 5 - Extract of Approved Plan From DA0202/2022

Proposed Amendment to Easement

The applicant has engaged registered surveyor Woolcott Surveys who have submitted a draft plan indicating the proposed amendments to the easement. An extract of that draft plan is shown below (Figure 6):

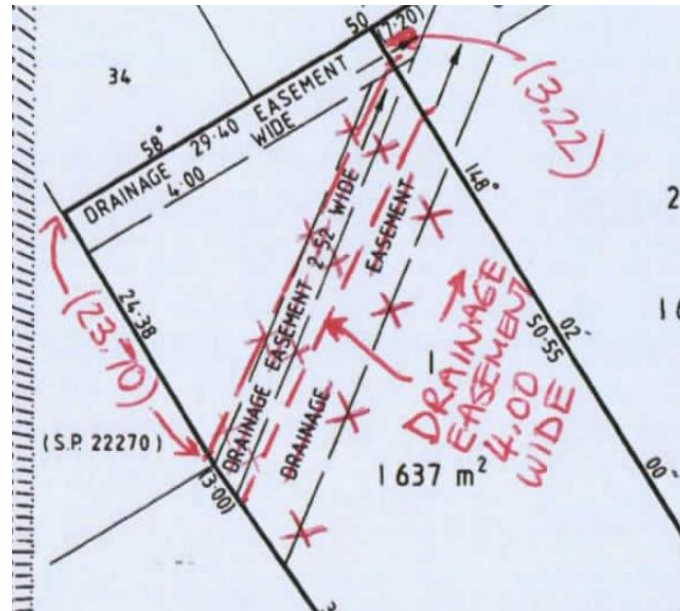


Figure 6 - Image Supplied by Applicant's Surveyor Indicating Proposed Changes to Easement Width

The applicant's surveyor has advised that the proposed reduction in the width of the easement will affect the areas of the easements as follows:

- Total of existing easements: 309m²
- To be disposed: 152m²
- To be added: 10m² (at final plan stage)
- Final easement: 167m²

Access to Easement After Completion of Development

The subdivision plan shows that driveway access may not be directly available to the easement at the rear of the block given the positioning of the building envelope for lot 3, which is shown highlighted in red in the diagram below (Figure 7):

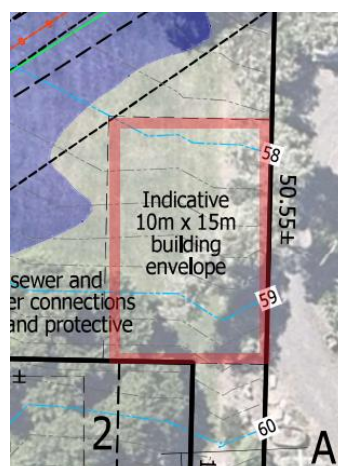


Figure 7 - Building Envelope for Proposed Lot 3

In the event repairs or upgrades at the site of the easement are required, access to the easement would still be available from several other entry points. For example, a neighbouring property could provide access via a driveway that extends to the rear of the neighbour's property, with a potential access point highlighted below (Figure 8):



Figure 8 - Alternative Access Point to Easement Infrastructure

A further diagram indicating this potential access point is shown below (Figure 9):



Figure 9 - Alternative Access Point to Easement Infrastructure

Overland Flow Path

The easements are located within an Overland Flow Path, as highlighted in blue in Figure 10 below:

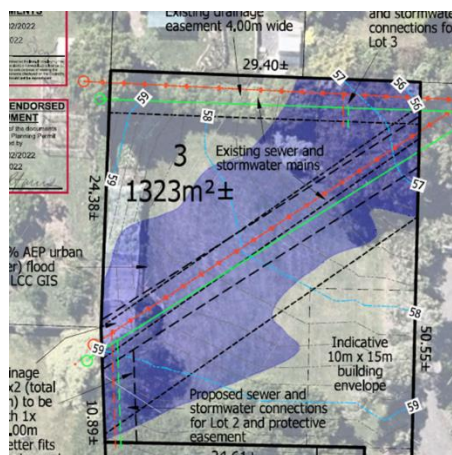


Figure 10 - Location of Overland Flow Path (Shown in Blue)

This means the highlighted area may be subject to potential urban stormwater flooding in that location. Accordingly, the following restrictions apply to that portion of land:

1. habitable dwellings are to be clear of the flow path.
2. there is to be no digging into the site of the flow path.
3. the proposed building envelope is to be located outside of the flow path.

All land within the Overland Flow Path would still be encumbered by the above restrictions, despite any reduced width of easement. However, the reduced easement as proposed would provide the applicant with an incremental increase in the available building envelope.

Valuation Advice

The Council's valuation advice for this area of easement is \$100 per square metre for the subject easement (see Attachment 1). Based on the valuer's calculation, ($\$100/\text{m}^2 \times 152\text{m}^2$), the value of the subject area of easement has been assessed at \$15,000.

Despite the above assessment, it is recommended that the easement be disposed of for \$1 if demanded. Such an approach is consistent with the approach taken by Council in its decision for Agenda Item 19.4 - 135-159 St Leonards Road, St Leonards of the Council Meeting held on 28 January 2021 involving easements. An extract of the relevant folio plans are shown below (Figure 11):

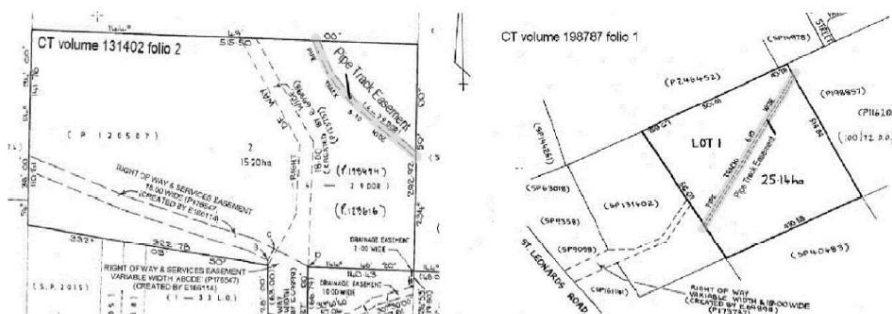


Figure 11 - Sealed Plan SP131402 and Plan 198787

In that decision, Council disposed of the following two redundant easements for \$1 plus all relevant costs:

- (a) 1,220m² pipe track easement; and
- (b) 3,538m² pipe track easement.

It is recommended that Council follow the same approach and dispose of the portion of easement for \$1 (if demanded) given that the portion of easement in this instance is also considered redundant.

Conclusion

The Council is not using the entire 8.52m width of the easement and has no intention to do so. The current easements are encumbering the land to a greater extent than is necessary for the infrastructure at that location. Advice from Council's Engineering Team is that a 4m wide easement is sufficient for the Council's current and future needs. As

such, the applicant's request to reduce the width of the easement may be viewed as removing an unnecessary encumbrance.

The proposal to dispose of a 152m² portion of the easement will not impact the community and would not unreasonably prevent any future repair or upgrade of the associated infrastructure should it be required. The additional portion of the easement's width may therefore be considered redundant as it serves no practical purpose.

Accordingly, if Councillors were supportive of taking a similar approach to that of 135-159 St Leonards Road, St Leonards, it is recommended that Councillors dispose of the portion of easement for \$1 if demanded subject to the relevant fees of the Council plus all associated costs, including valuation costs, being borne by the applicant.

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 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

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

Focus Areas:

3. To provide an environment that is supportive to business and development within the municipality.

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.

Strategic Priority 5: We serve and care for our community by providing equitable and efficient services that reflects needs and expectations of 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 Areas:

1. To plan for and provide services and facilities that recognises the changing demographics and needs of our community.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

1. LG23 /1639 Easement - 26 Beverley Hills Road, Newstead - Report and Valuation
[14.1.1 - 11 pages]

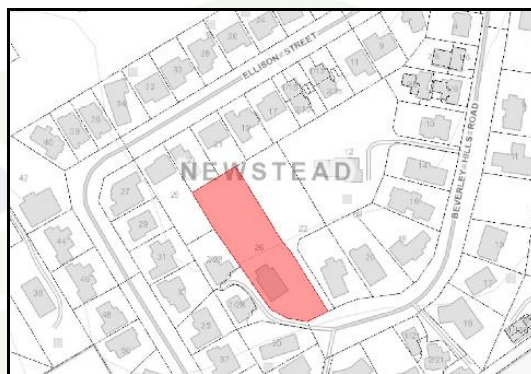


VALUATION REPORT

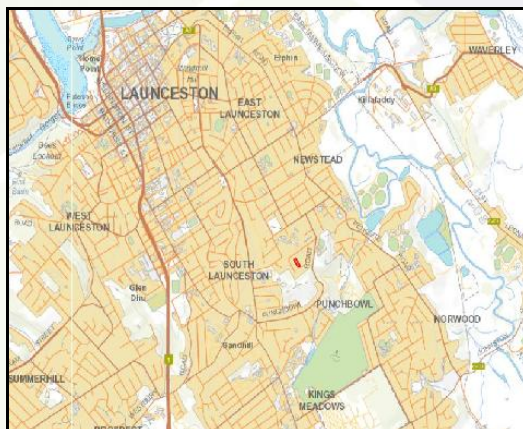
Property Address: Easement located at 26 Beverley Hills Road Newstead

Our Reference: LG23/1639

Date of Valuation: 21st March 2023



Cadastral Plan



Location Plan

TASMANIA

t: +61 (03) 6334 0950
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114 Bathurst Street
Hobart TAS 7000

www.lgvals.com.au

Part of the HMC Property

LG Valuation Services Pty Ltd
ABN 77 095 763 625

City of Launceston Council 26 Beverley Hills Road Newstead	LG Valuation Services Pty Ltd LG23/1639
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Title:

The land which forms the subject of this valuation advice is contained in part of Lot 17 on Sealed Plan 40967.

Ownership:

Title documentation indicates that the land is owned by The Park at Invermay Pty Ltd.

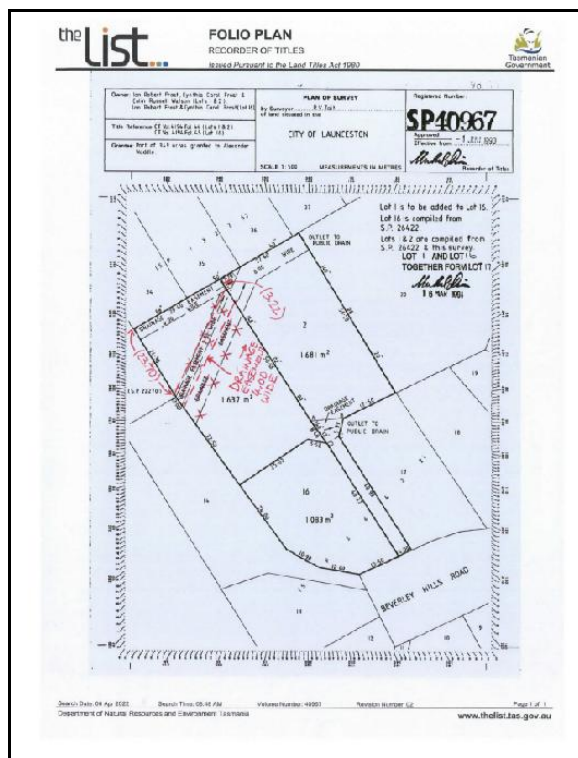
Purpose of Valuation:

To assess the market value of the portion of land, highlighted as “Drainage Easement” as referenced on the Survey Plan below for proposed disposal and legislative compliance.

Subject Land Area:

The easement is located within the North Western rear corner of the parent allotment. The position of the easement is clearly marked on the Plan of Survey (below) marked “Drainage Easement” which was provided by City of Launceston Council.

According to the dimensions indicated on the survey plan, the original drainage easement has a total area of 309 square metres which is now subject to an application for partial removal. The area of the easement for proposed disposal is 152 square metres being the subject of this valuation.



City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639

Land Description:

The parent parcel of land is slightly irregular in shape with a very steep contour from the road to the rear. The site is improved with a residential dwelling together with terraced earthworks.

We have inspected the subject easement site on 21st March 2023 and have been requested to provide a valuation of the section of easement for proposed disposal as described above.

Location:

The subject land is situated within the established suburb of Newstead situated approximately 2.5 kilometres to the Southeast of the Launceston CBD. Surrounding development is predominantly comprised of residential properties with good access to local amenities.

Planning:

The subject land is currently zoned "General Residential" under the Tasmanian Planning Scheme – Launceston. The site is also subject to the following overlays:

"Safeguarding of Airports Code"

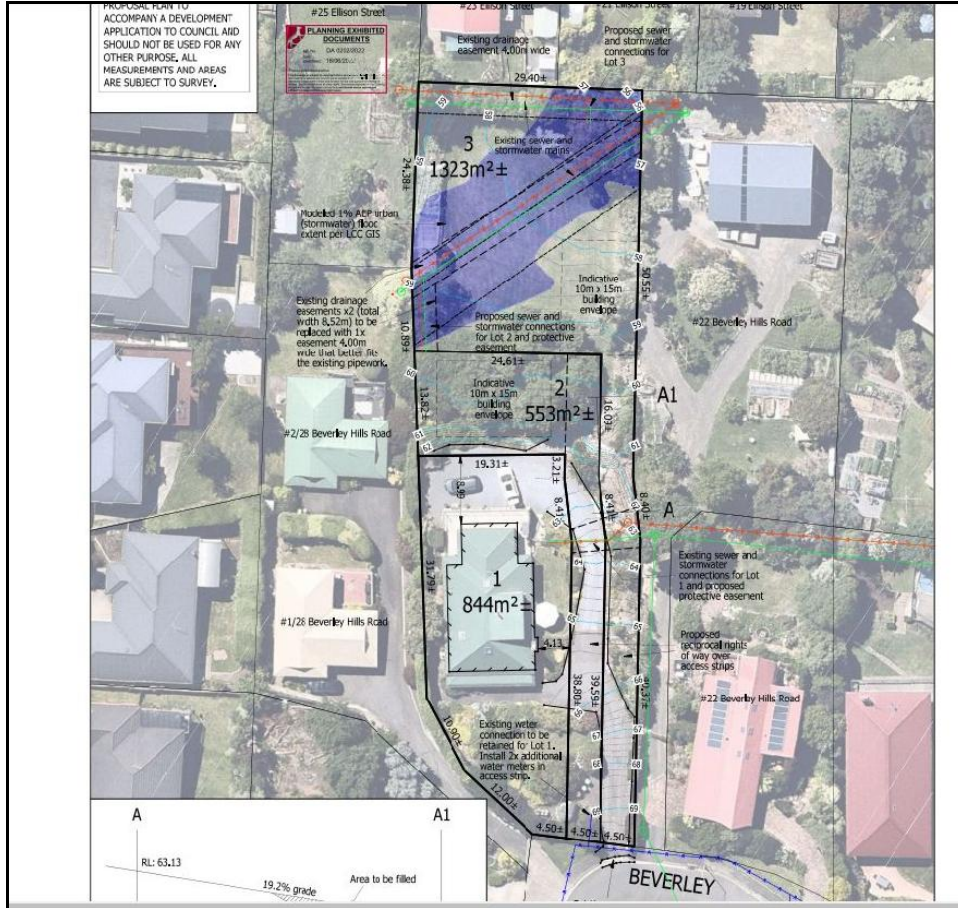
"Landslip Hazard Code – Low hazard band"

Market Sales:

In establishing applicable valuation parameters for the subject property, we have examined market activity within the locality over recent years and have analysed relevant sales for comparison purposes. The whole of the subject property sold on 25th March 2022 for \$940,000 which we now understand is subject to a development approval for a three lot subdivision DA0202/2022. (Site Plan Below)

City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639



Site Plan

Valuation Considerations:

It is assumed that the land has no alternate use other than the proposed used for drainage easement purposes. Considering the easement was not considered a significant impediment to the issue of a development approval; we have applied a 50% impairment to prevailing values for similar land that could otherwise be developed for an alternate use.

Having regard to the available sales evidence, prevailing market conditions, and the particular attributes and characteristics of the subject land, we consider an appropriate value for the subject Easement would be \$100 per square metre.

Valuation Conclusion:

Our assessment of value of the 152 square metre portion of easement for disposal is assessed at:

\$15,000
(FIFTEEN THOUSAND DOLLARS)

This valuation is exclusive of GST if applicable.

Date of Valuation: 21st March 2023

Signed:



Craig Sullivan AAPI
Certified Practising Valuer
LG Valuation Services Pty Ltd
Valuers and Local Government Specialists
21 March 2023

Clauses:

Compliance:

Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.

Market Change:

Due to the possible changes in market forces and circumstances in relation to the subject property, the report can only be regarded as representing our opinion of the value of the property as at the Date of Valuation.

Currency of Valuation:

This valuation is current as at the Date of Valuation only.

Reliance on Valuation:

We do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of the Period of Valuation Reliance identified below, from the Date of Valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.

Period of Valuation Reliance:

The Period of Valuation Reliance for this report is 3 months. Without limiting the generality of the above, we do not assume responsibility or accept any liability where the valuation is relied upon after the expiration of three months from the date of the valuation.

Environmental Issues:

This valuation has been assessed on the assumption that the property is free from elevated levels of contaminants and is not impacted by any environmental issues that may affect the marketability and/or value of the property. It should be noted that such environmental matters are outside our area of expertise and that the valuation contained herein has been prepared without the benefit of soil tests or external environmental impact reports.

Should any environmental issues subsequently become apparent that may impact on the marketability and/or value of the property then this valuation is not to be relied upon and the report should be returned to the valuer for review and potential revision.

City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639

Instructions

City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639

From: Robert Bujnowski <Robert.Bujnowski@launceston.tas.gov.au>
Sent: Friday, 3 March 2023 4:10 PM
To: Accounts
Subject: Valuation - 26 Beverley Hills Road, Newstead - removal of easement
Attachments: Application to remove easement.pdf

Hi there

I am looking to organise a valuation for the value of a Council easement.

A property owner at 26 Beverley Hills Road, Newstead is seeking to have the easement removed for their property.

- Total of existing easements: 309 m2
- To be disposed: 152m2
- To be added: 10m2
- Final easement: 167m2

Council considers that any disposal of a Council easement is a "disposal of land" pursuant to section 177 of the Local Government Act 1993 (Tas) given that the definition of land includes interests in land, of which an easement comprises. Hence the need for a valuation.

The site is shown on the following plan extract:



Attached is the application from Woolcott Surveys which provides more detail.

Would you be able to send me a quote for the cost of providing this valuation report?

Thank you and I look forward to hearing from you.

Yours sincerely,



Robert Bujnowski
Properties and Legal Officer
T 03 6323 3182 | www.launceston.tas.gov.au

CONTACT HOURS: Monday to Friday, 9.00 am to 5.00 pm.

City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639

PHOTOGRAPHS OF SUBJECT PROPERTY



City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639



City of Launceston Council
26 Beverley Hills Road Newstead

LG Valuation Services Pty Ltd
LG23/1639



14.2. Section 75CA Agreement for Protrusions over a Footpath at 59-61 Frederick Street, Launceston

FILE NO: SF1453

AUTHOR: Robert Bujnowski (Acting Team Leader Legal Services)

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

DECISION STATEMENT:

To consider a request from the owners of 59-61 Frederick Street, Launceston that Council make a declaration pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* allowing for extensions from their building façade to remain over a footpath so long as the building remains.

RELEVANT LEGISLATION:

Conveyancing and Law of Property Act 1884 (Tas)
Local Government (Highways) Act 1982
Local Government Act 1993

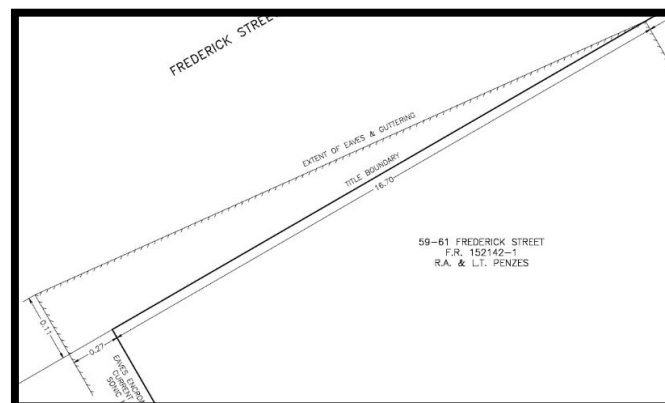
PREVIOUS COUNCIL CONSIDERATION:

Workshop - 3 August 2023 - Agenda Item 1.3 - Section 75CA Declarations Pursuant to the *Conveyancing and Law of Property Act 1884* - 59-61 Frederick Street, Launceston

RECOMMENDATION:

That Council:

1. decides, pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* (Tas), that the protrusions currently extending from the building façade at 59-61 Frederick Street, Launceston, located more than 2.4m above the footpath (the protrusions), and not extending over the footpath by more than 11cm, may remain so long as the building remains.



2. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to execute a deed declaring that the protrusions may remain so long as the building remains.
3. makes Recommendations 1 and 2 conditional upon the owner of 59-61 Frederick Street, Launceston paying any costs associated with preparing the relevant deed and registering the deed in the Registry of Deeds or with the office of the Recorder of Titles.
4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993* (Tas).

REPORT:

Introduction

Mr Leslie Tobor Penzes and Mrs Rosalind Anne Penzes (the applicants) are the owners of 59-61 Frederick Street, Launceston (the building). The applicants have approached the City of Launceston (the Council) seeking to obtain the Council's permission to allow protrusions from the building's front façade to remain above a public footpath.

The applicants have engaged local solicitor, Barry Sproal, who has made an application on their behalf to remedy the encroachment by seeking formal permission from the Council as highway authority.

Title Details

The property at 59-61 Frederick Street, Launceston (the property) is comprised of a 786m² portion of land contained within Certificate of Title Volume 152142 Folio 1. The property is zoned Inner Residential. An extract from Diagram 152142 is shown below (Figure 1):

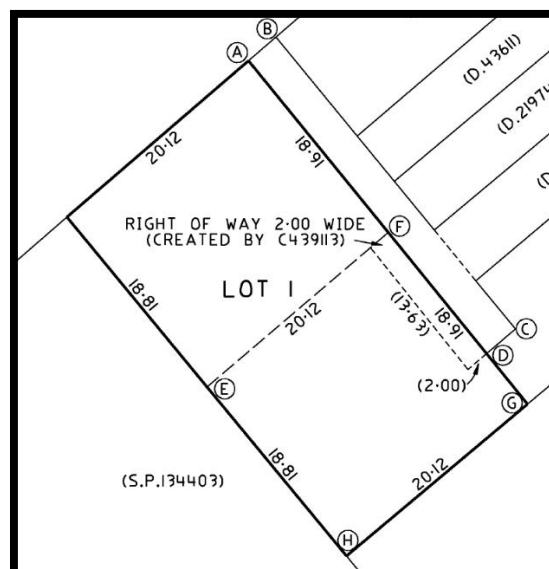


Figure 1 - Folio Plan Extract for Certificate of Title 152142/1

Background

Information available from Land Tasmania (*The List*) indicates that the building is said to have been constructed in 1860. A historical photograph from 2007 shows the protrusions existing at that time (Figure 2):



Figure 2 - 59-61 Frederick Street Frontage - 2007

A more recent photograph of the front of the building, as well as an indication of where the protrusions are located, is shown below (Figure 3):



Figure 3 - 59-61 Frederick Street Frontage - 2023

The protrusions exist at least 2.4m above the footpath's surface and extend by a graduating amount, with the widest point of the protrusion encroaching over the footpath by 11cm. The eastern end (downhill) is within the title and gradually crosses the boundary as it heads up the hill. It appears the protrusions have been in place for many years (at least since 1983). The applicants have owned the property since 2000.

Survey Plan

The applicants have engaged registered surveyor, Cohen and Associates. A survey plan showing a plan of the protrusions below in the images below (Figures 4, 5 and 6):

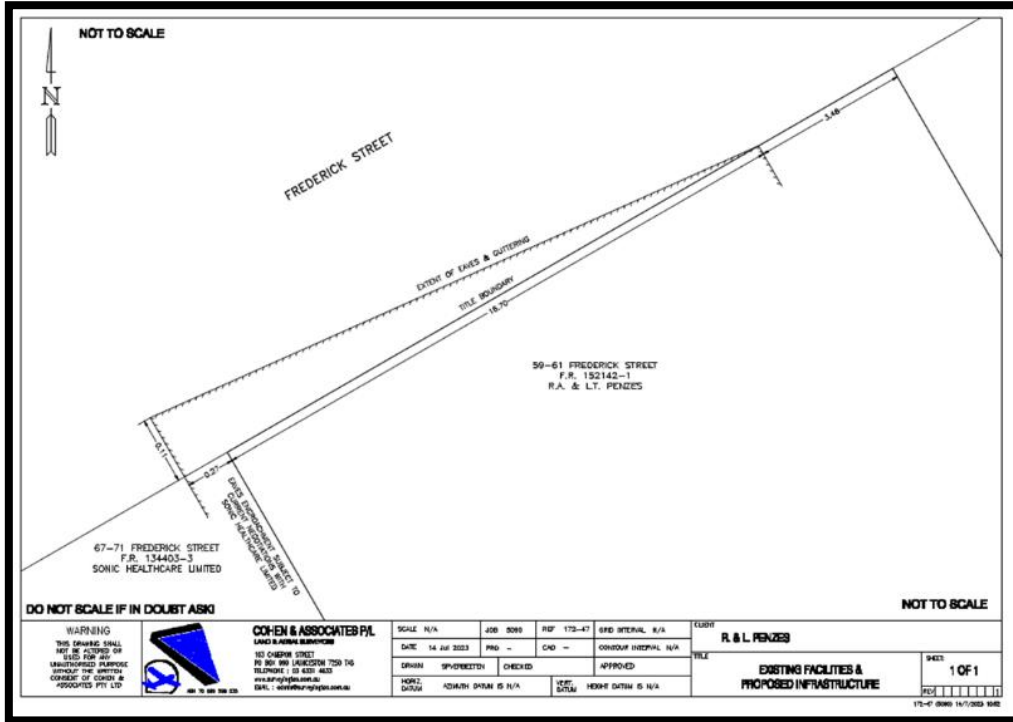


Figure 4 - Survey Plan

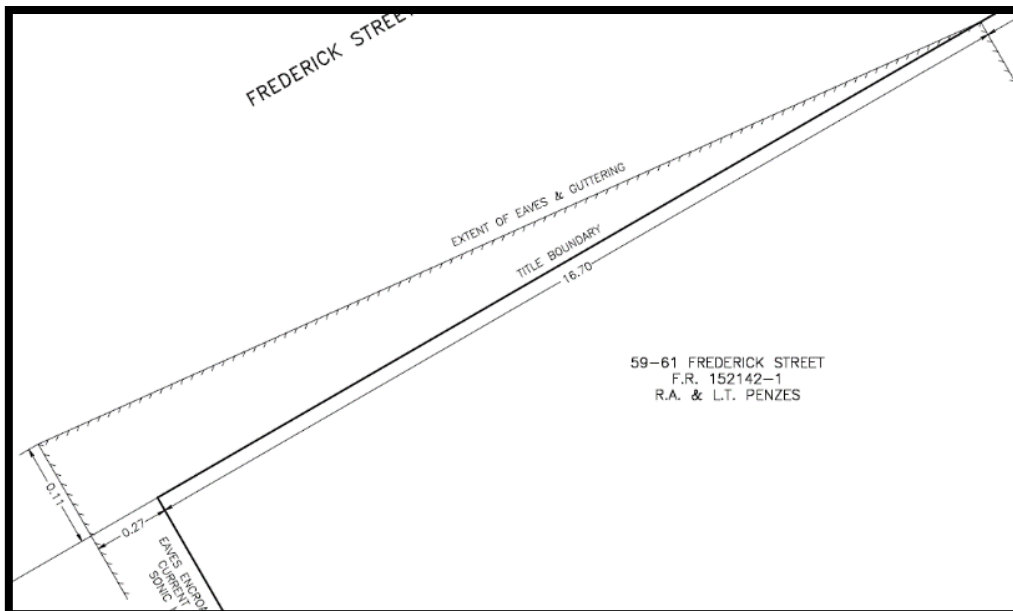


Figure 5 - Survey Plan (Close-Up)

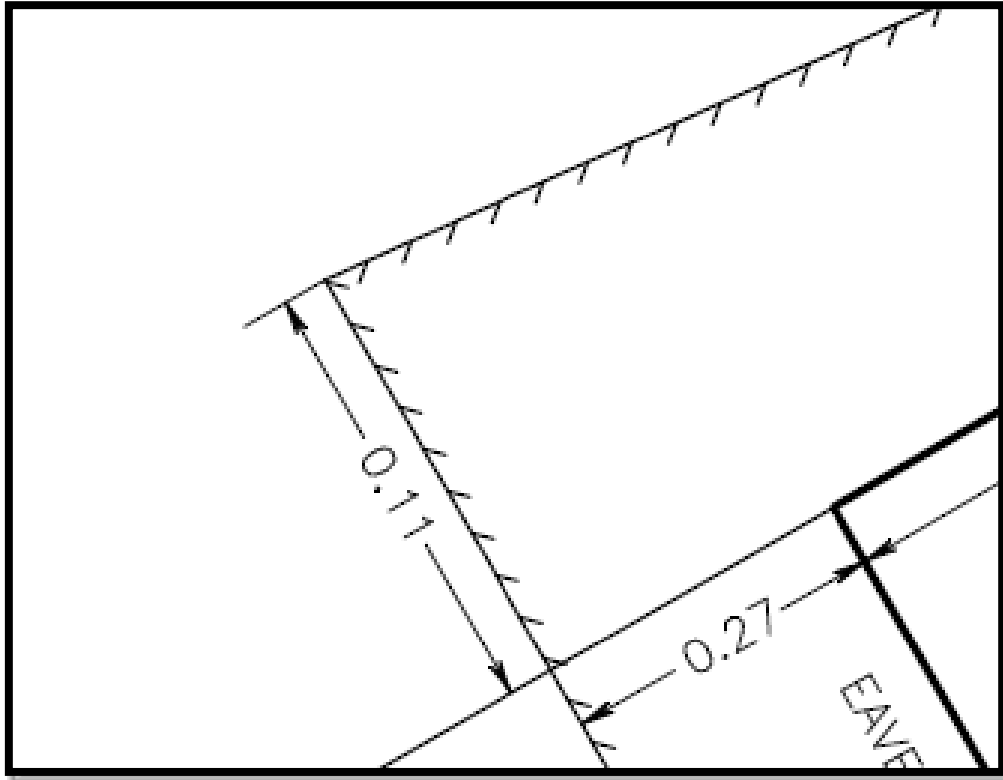


Figure 6 - Survey Plan (Close-Up Showing Extent of Protrusion)

Council as Highway Authority

The Crown owns the road lot comprising Frederick Street. However, the Council is the relevant highway authority responsible for the care, control and management of Frederick Street. This is evidenced by Council's *Local Government Act* section 208 map, an extract of which is shown below (Figure 7) which indicates Frederick Street as a Council-maintained highway in red:



Figure 7 - Extract from the Council's Section 208 Local Government Act 1993 (Tas) Map

The Council, as highway authority, has the necessary authority to make such declarations with respect to Frederick Street, Launceston. This authority arises from section 21(3) of the *Local Government (Highways) Act 1982* which says that:

The local highways in a municipality that are maintainable by the corporation vest in the corporation.

As such, despite the Crown owning Frederick Street's underlying road lot title, its care, control and management (as well as its associated footpaths) vests in the Council.

Applicable Legislation

Section 75CA of the *Conveyancing and Law of Property Act 1884* (Tas) provides that a highway authority may sign a deed declaring that protrusions may remain above a footpath if certain requirements are met. A copy of the relevant section is pasted below:

Section 75CA - Irregular boundary with highway

- (1) *Where a building is built on land a boundary of which is a boundary of an adjoining highway and the building extends -*
- (b) *over -*
- (i) *a footpath of that highway and at least 2.4m above it;*

the authority having the care and management of that highway may declare by deed that the extensions or any of them (in all cases specifying them) may remain so long as the building remains.

In this instance the surveyor has advised that the protrusions are at least 2.4m above the footpath. Therefore, the height requirements of section 75CA(1)(b)(i) of the *Conveyancing and Law of Property Act 1884* (Tas) are met.

The Council's Officers are not aware of any previous authority or declaration being made in relation to the encroachments.

Deed

The Deed would include a copy of the survey plan and the wording would be based on the following text:

The extensions:

- (i) *are gutters and surrounds that extend beyond the title boundary by 0.11m as shown on the enclosed plan herein; and*
- (ii) *are more than 2.40m above the footpath*

The extensions over the highway may remain so long as the building remains.

Conclusion

The granting of permission for the protrusions to remain will not impact any users of Frederick Street and would not unreasonably impact any future re-development of the footpath or local highway should it be deemed desirable by the Council.

Accordingly, it is recommended that Council agree to the request to declare that the protrusions may remain, pursuant to section 75CA *Conveyancing and Law of Property Act 1884*, with all costs, including those costs associated with the deed's registration, to be borne by the applicants.

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 2: We facilitate prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.

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

Focus Areas:

3. To provide an environment that is supportive to business and development within the municipality.

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:

3. To improve and maintain accessibility, transport options and infrastructure within the Launceston area, including its rural areas.

BUDGET AND FINANCIAL IMPLICATIONS:

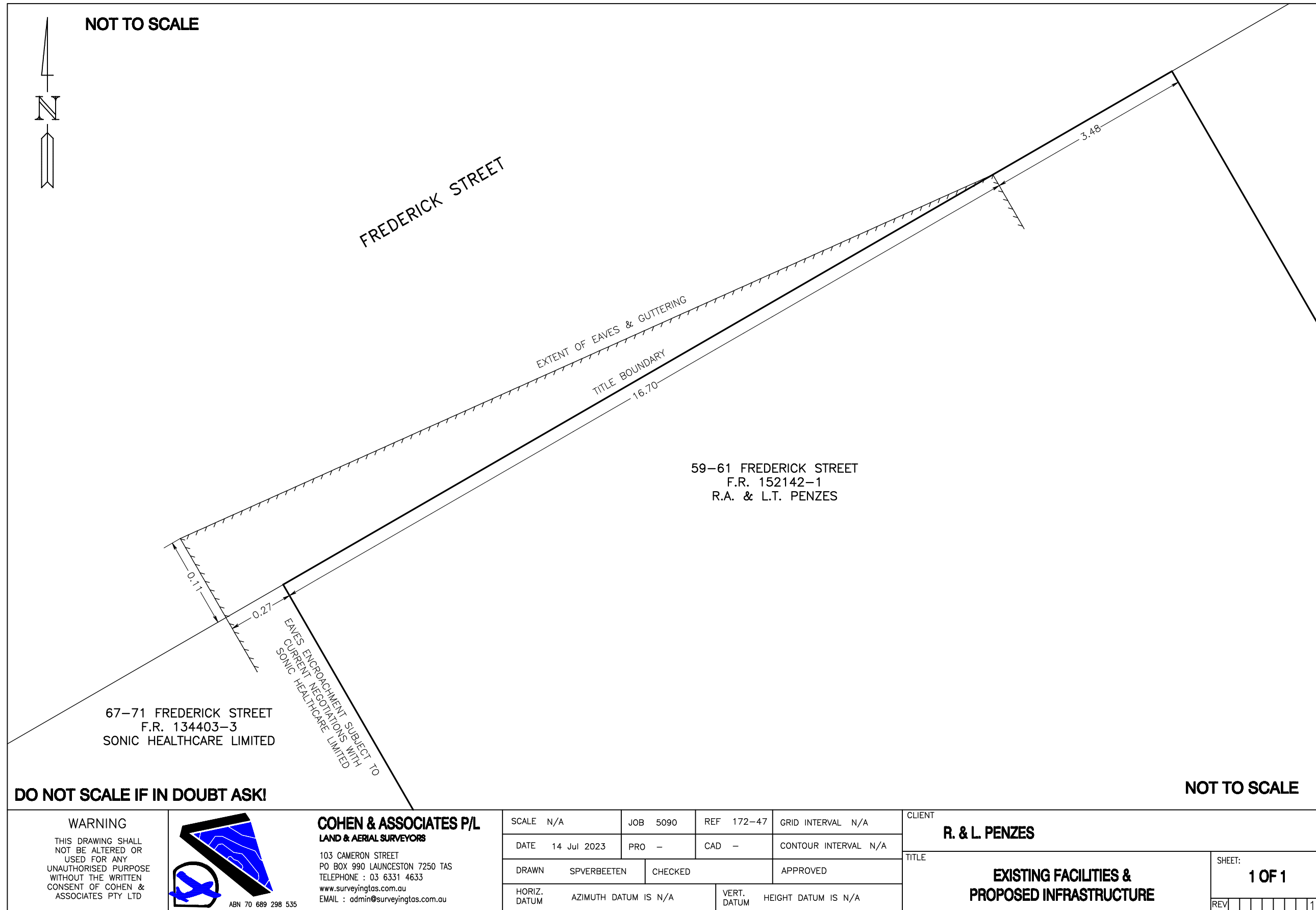
Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

1. 5090 Penzes - Launceston City Council Plan - 14 July 2023 [14.2.1 - 1 page]



172-47 (5090) 14/7/2023 10:52

14.3. 2023/2024 Budget - Budget Amendments

FILE NO: SF6940/SF7558

AUTHOR: Nathan Williams (Chief Financial Officer)

ACTING GENERAL MANAGER: Leanne Purchase (Organisational Services Network)

DECISION STATEMENT:

For Council to consider changes to the Council's 2023/2024 Statutory Estimates.

A decision for Recommendation 1 requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas) (section 82(4))

PREVIOUS COUNCIL CONSIDERATION:

Closed Council - 29 June 2023 - Agenda 18.2 - Albert Hall Renewal Project

Council - 4 May 2023 - Agenda Item 15.1 - Albert Hall Renewal Project

Workshop - 30 March 2023 - Albert Hall

Workshop - 2 February 2023 - Albert Hall Update

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 2023/2024 Statutory Estimates:
 - (a) Capital Works Expenditure
 - i. the increase in the Council's funded expenditure of \$5,635,000.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus remaining at \$12,812,841 (including capital grants of \$17,731,131) for 2023/2024.
 - (b) the capital budget being increased to \$42,569,744 for 2023/2024.
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REPORT:

1. Project Background

The Albert Hall Renewal Project includes an \$11m Federal Government commitment as part of the Launceston City Deal, with the balance of funding being provided by the City of Launceston and will be completed in three distinct stages.

The project will modernise and greatly enhance the much loved qualities of Albert Hall by integrating it into the City Park and ensuring it is fit for purpose as a contemporary meeting and exhibition space, offering significant accessibility and functionality enhancements. The redevelopment will include a new reception area, foyer, cafe and function kitchen at ground floor level and a new foyer and meeting room at the first floor level.

Procurement was undertaken in a staged approach with the initial stages being awarded to SHAPE Australia Pty Ltd (SHAPE) by the Council's Tender Review Committee in 2022. This allowed SHAPE the opportunity to partner with the design team and provide a price to undertake the construction works.

Through the first stage of procurement, SHAPE demonstrated that they had the capability to meet the necessary safety requirements. Given that the Council does not regularly undertake large building works, a specialist building project management firm, Commercial Project Delivery (CPD), has been engaged to provide the City of Launceston advice ahead of Stage 3 of the project.

On 29 June 2023, SHAPE was awarded the contract for Stage 3 of the Albert Hall Renewal Project for a Guaranteed Maximum Price of \$13,307,756.90 (exclusive GST).

Implicit in awarding this contract for Stage 3 was the need for a future budget amendment, with that amount totaling \$5,635,000. This is a significant budget adjustment and the following alternative options were also considered:

- terminate the current process with SHAPE and go to market with a lump sum contract. Based on current market condition this alternative is considered high risk and may result in a higher price or possibly no market engagement.
- the City of Launceston reduces the scope of work, address the compliance issues and some usability improvements for the Hall. These works could be delivered over a number of years and would cost in the order of \$3.8m to \$4.8m. Advice from the Australian Government is that the current grant amount of \$10m is unlikely to be available for these works.

The pricing provided by SHAPE is considered to provide value for money in the current climate. The current budget for works is \$11,469,396, this includes other costs involved in the project unrelated to the works carried out by SHAPE.

The value of this contract will increase the required budget of the project to \$17,104,396 which leaves a shortfall that requires the Council's funding of \$5,635,000. This is dealt with in this Agenda Item.

Depreciation (non-cash cost) is often used as the benchmark for developing the total of the Council's Capital Budget annually. Council has approved moderate Capital Budget Programs in recent years, well below budgeted depreciation costs, which allows for scope in the Council's cash reserves for this additional funding to be approved.

Cash flow analysis has been undertaken to ensure that the Council can meet all its obligations and still fund the additional amount of \$5,635,000 required.

2. Budget Amendment

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 01/07/2023	(2,406)	20,636
Adjustments Approved by Council to 31/08/2023	15,219	16,299
Balance Previously Advised as at 31/08/2023	<u>12,813</u>	<u>36,935</u>
<u>Amendments</u>		
Council Funds	0	5,635
Capital to Operations	0	0
Operations to Capital	0	0
Operations	0	0
External Funds	0	0
External Funds Not Received	0	0
Statutory Budget as at 30/09/2023	<u>12,813</u>	<u>42,570</u>
Deduct Capital Grants and Contributions	<u>(17,731)</u>	
Operating Budget Surplus/(Deficit)	<u>(4,918)</u>	
<u>Underlying Result Adjustments</u>		
Tamar Estuary River Health Action Plan Contribution	4,500	
South Esk Road Retaining Wall Project	1,080	
Underlying Operating Budget Surplus/(Deficit)	<u>662</u>	

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 funding:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24140	Albert Hall Upgrade and Refurbishment	\$11,469,396	\$0	\$5,635,000	\$17,104,396
	TOTALS	\$11,469,396	\$0	\$5,635,000	\$17,104,396

The project scope of works:

Additional Council Funding	Operations	Capital
Albert Hall Upgrade and Refurbishment	\$0	\$5,635,000
TOTAL	\$0	\$5,635,000

RISK IMPLICATIONS:

The contract is a Guaranteed Maximum Price and the Council is holding a \$700,000 contingency, therefore, the financial risk is considered low.

The risk of not approving the amended budget will lead to a reduction in the scope of works that can be completed and a less than optimal outcome in the redevelopment project.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

As detailed in the 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 Acting General Manager have no interests to declare in this matter.

ATTACHMENTS:

Nil

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 Princess Theatre Redevelopment

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:

(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

15.3 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 19 October 2023 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.