



LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

**COUNCIL MEETING
MONDAY 22 SEPTEMBER 2014**

LAUNCESTON CITY COUNCIL

COUNCIL AGENDA

Monday 22 September 2014

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

Date: 22 September 2014

Time: 1.00 pm

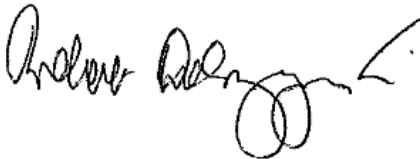
Section 65 Certificate of Qualified Advice

Background

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

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the agenda items for this meeting.



Robert Dobrzynski
General Manager

LAUNCESTON CITY COUNCIL

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES**2 DECLARATION OF PECUNIARY INTERESTS****3 CONFIRMATION OF MINUTES****RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 8 September 2014 be confirmed as a true and correct record.

4 DEPUTATION**5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME**

Meeting Date & Item #	Question	Answer	Officer Responsible
8 Sept 2014 10.2	Alderman Peck asked - In regards to an email received from a resident concerning the development works of a property close to their own on Elphin Road, can Council address some of these issues as this matter has been an ongoing one?	I can advise that the Council's Development Services staff have previously investigated and actioned the matters raised in respect to this property. The issues relate to an extension to the dwelling on the property and as the work is being conducted in accordance with a valid Building Permit, there are no outstanding compliance matters.	Michael Stretton (Director Development Services)

Meeting Date & Item #	Question	Answer	Officer Responsible
10.4	<p>Alderman Gibson asked -</p> <p>What is the Status of the Launceston Liquor Accord?</p>	<p>The Annual General Meeting will be held on Thursday, 23 October 2014, commencing at 3.00pm. The meeting will be held in the Town Hall Committee Room, Town Hall, Council offices.</p> <p>Tony Dilger (Treasurer) noted Accord member numbers have declined dramatically over this year's general meetings, to the point that at the last meeting a members' quorum was not reached. With lower attendees at the quarterly meetings, Tony has suggested that the Accord's future could be discussed as an agenda item at the AGM meeting.</p> <p>It should be noted that the President recently resigned from the position due to selling her premises and moving onto a different career path.</p> <p>It should also be noted that all committee positions were not filled at the AGM held in 2013.</p>	Michael Stretton (Director Development Services)
10.5	<p>Alderman McKenzie asked -</p> <p>I would like to follow up on the status of a planning motion I put forth at the Council meeting on January 28 2014.</p>	<p>A planning forum is being prepared in accordance with the Notice of Motion for 16 October 2014. Further details and invitations will be provided over the next couple of weeks.</p>	Michael Stretton (Director Development Services)

6 PUBLIC QUESTION TIME

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to item 7.1.

7 PLANNING AUTHORITY

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign

FILE NO: DA0340/2014

AUTHOR: Leon Murray (Development Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Ghd Pty Ltd
Property:	63 Boland Street, Launceston
Zoning:	Commercial
Receipt Date:	7/08/2014
Validity Date:	12/08/2014
Further Information Request:	N/A
Further Information Received:	N/A
Deemed Approval:	23/09/2014
Representations:	6 (1 received outside advertising period)

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted for Hotel Industry bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign at 63 Boland Street, Launceston in accordance with the endorsed plans and subject to the following conditions.

- 7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)**
-

ENDORSED PLANS & DOCUMENTS

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

- a. Proposed Site Plan, Prepared by GHD, Drawing No. SK001, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet, Rev No. B, Dated 29/07/2014
- b. Proposed Internal Alterations Plan, Prepared by GHD, Drawing No. SK002, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet, Rev No. B, Dated 06/08/2014
- c. Proposed Floor Plan, Prepared by GHD, Drawing No. SK003, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet, Rev No. A, Dated 06/08/2014
- d. Proposed Signage Plan, Prepared by GHD, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet
- e. Traffic Impact Assessment, Prepared by GHD, Project Name Steve's Liquor Warehouse Pty Ltd 63 Boland Street, Launceston, dated July 2014

LEGAL TITLE

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

LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

NO STORAGE OUTSIDE BUILDING

All goods and packaging materials must be stored inside buildings. No external storage is permitted.

USE LIMITATION

This permit allows the use for Hotel Industry as defined in the Launceston Interim Planning Scheme 2012. The use is limited to:

- a. Wholesale sales of liquor within the area specified as the wholesale sales area only
 - b. Retail sales of liquor within the area specified as the retail sales area only
 - c. The identified office area being used as integral and subservient to the bottle shop use.
-

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7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

A new permit will be required to extend, substantially change or intensify the use on the site.

BUSINESS HOURS

The operation of the wholesale or retail component of the use must be confined to:

- a. 9:00am and 5:30pm Monday to Friday.
- b. 9:00am and 2:00pm Saturdays.
- c. Closed Sunday and Public Holidays.

SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

REMOVAL OF EXISTING SIGNS

Prior to the erection or display of the signs approved by this permit, all other signs on the subject land must be removed.

CAR PARKING CONSTRUCTION

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must;

- a. Be designed to comply with the following suite of Australian Standards AS 2890.1 Off-street car parking, AS 2890.2 Off-street commercial vehicle facilities (*where applicable*), AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities.
 - b. Be properly constructed to such levels that they can be used in accordance with the plans,
 - c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
 - d. Be drained to Councils requirements,
 - e. Be line-marked or otherwise delineated to indicate each car space and access lanes,
-

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

- f. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;

Parking areas and access lanes must be kept available for these purposes at all times.

AMENITY

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

Notes

Building Permit Required

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

Occupancy Permit Required

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

General

This permit was issued based on the proposal documents submitted for DA0340/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

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

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

d. Any other required approvals under this or any other Act are granted.

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

Restrictive Covenants

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

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

Access for People with a Disability

This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

Appeal Provisions

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

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

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

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

REPORT:

1. THE PROPOSAL

The applicant seeks Council approval for a change of use at 63 Boland Street, Launceston. The proposed use is defined in the Launceston Interim Planning Scheme 2012 (the Scheme) as Hotel Industry which includes *"use of land to sell liquor for consumption on or off the premises..... Examples include a hotel, bar, bottle shop, nightclub and tavern."*

The applicant contends that the bottle shop would not function the way most bottle shops do in that:

- The hours of operation would be between:
 - 9:00am - 5:30pm Monday to Friday;
 - 9:00am - 2:00pm Saturday; and
 - Closed Sunday and Public Holidays.
- The bottle shop would not include any refrigeration equipment for products.

Other components of the proposed use would include:

- Two to four permanent staff and three part time staff are proposed; and
- Medium (8.8m long trucks) anticipated to be used for three inward and three outward deliveries per week with customers visiting the site to pick up the other wholesale purchases.

It is proposed to alter the existing parking arrangements in front of the building line to cater for the number of car parking spaces the applicant's Traffic Impact Assessment deems appropriate for the nature of the use. It is also proposed to provide eight car parking spaces at the rear for staff (and overflow parking should they be required) and a loading bay for the 8.8m long trucks that would service the site.

Internal alterations would be made to the building to facilitate the use with the floor area broken down as follows:

- 575m² of floor area for wholesale sales of liquor (this does not include ~150m² used for forklift manoeuvring or enclosed storage, both of which are not available to the public). This area would not include any refrigeration equipment for products for sale on the site;
 - 340m² office space (this space would not operate as a stand-alone office associated with another use); and
-

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

- 315m² of floor area for retail sales of liquor (this area does not include the 13m² office). This area would not include any refrigeration equipment for liquor or associated products (soft drink etc.).

2. LOCATION AND NEIGHBOURHOOD CHARACTER

The site is located on the northern side of Boland Street, Launceston. The site itself is parallelogram in shape and 4621m² in area. It has a frontage of ~43m, a varying depth between 106m and 108m and is relatively flat. The site currently contains a vacant building with unmaintained landscaping beds and existing car parking in front of the building line.

The locality is characterised by a range of uses. For example, within 150m in any direction uses range from rural pursuits, gymnasiums, bulky goods sales, sports fields to the Racecourse Crescent shopping centre that includes a supermarket, department store and general retail and hire uses. The predominant zoning in the area is Commercial, (with the Racecourse Crescent shopping centre being subject to a Particular Purpose Zone) with other land in the vicinity being zoned Light Industry.

In the wider context the site is ~1.4km to the north-east of the Brisbane Street Mall.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

23 - Commercial Zone

23.1.1 To provide for large floor area retailing and service industries.

23.1.2 To provide appropriate location(s) for larger format land uses such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility which do not necessarily suit a business zone location.

23.1.3 To ensure general retail uses support and do not threaten the established retail and business hierarchy.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Consistent

23.1.1 - Consistent as the proposal would be a large floor area use that incorporates a retail element. The nature of the use (i.e. sale of bulkier items from the wholesale component) and the sale of smaller items is conducive to a larger floor plate as opposed to a smaller bottle shop that is solely retail focussed, contains refrigerated stock and is open outside normal business hours. It is not considered that the nature of the use distorts the retail hierarchy as a use of this size is not likely to be housed in an existing activity centre.

23.1.2 - The site is considered to be an appropriate location for a use that would incorporate the sale of bulky items such as liquor (i.e. cartons of beer, boxes of wine etc.). A business zone location is not the most appropriate area for such a use and therefore, the subject site is appropriate to cater for the anticipated custom this bottle shop would generate (e.g. the majority of sales being wholesale with a smaller component of retail sales).

23.1.3 - N/A. Whilst the use would incorporate a retail component, it is not defined as general retail and hire, it is defined as hotel industry. The bottle shop is not considered to threaten the established retail and business hierarchy as the wholesale oriented use is of a type that is not generally found in activity centres.

Local Area Objectives - There are no local area objectives

Desired Future Character Statements - There are no desired future character statements

23.3 Use Standards

23.3.1 Emissions

Objective

To ensure that emissions to air, land and water are reduced to the greatest extent practicable in consideration of proximity to residential uses.

Consistent

The acceptable solutions are met.

A1 Discretionary use or development not listed in Clauses E12.6.2 or E12.6.3 must be set back from residential uses a minimum distance of 100m.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

<p>Complies The nearest residential use is ~260m away on Racecourse Crescent.</p>
<p>P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise, smoke, odour, dust and illumination.</p>
<p>Not Applicable</p>
<p>A2 All solid waste produced through processing or manufacturing operations on the site must be removed and disposed of:</p> <ul style="list-style-type: none"> a) by a licensed waste removal operator; or b) in an approved land fill; or c) in accordance with a management plan approved by the Environment Protection Authority.
<p>Not Applicable No waste would be produced through manufacturing or processing on the site.</p>

23.3.2 Storage of Goods

<p>Objective To ensure that adequate provision is made for storage of goods materials and waste.</p>
<p>Consistent The acceptable solution can be met by way of condition.</p>
<p>A1 Storage of goods, materials or waste, other than for retail sale, must not be visible from any road or public place.</p>
<p>Complies The applicant has stated storage of waste would occur within or to the rear of the building. It is recommended that, if approved, a condition is placed on the Permit restricting storage of goods, materials or waste to be in locations not visible from any road or public place.</p>

- 7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

23.4 Development Standards

23.4.1 Building Design and Siting

Objective

To ensure that the site and layout, building design and form is visually compatible with surrounding development

Not Applicable

A1 All buildings are to be orientated to:

- a) face a road, mall, laneway or arcade, except where the development is not visible from these locations; and
- b) have the primary pedestrian entrance to buildings off the frontage to a road, mall, laneway or arcade.

Not Applicable

P1 The entrance to a building must be clearly visible from a road and must provide a safe and accessible access for pedestrians from the road to the main entrance to the building.

Not Applicable

A2 Building height must not exceed

- a) 10m; or
- b) the average of the building heights on immediately adjoining titles; whichever is greater

Not Applicable

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

<p>P2 Buildings must be designed to:</p> <ul style="list-style-type: none"> a) be complementary to the streetscape immediately surrounding the site; and b) avoid unreasonable levels of shading to the road, public places or adjoining properties.
<p>Not Applicable</p>
<p>A3 Buildings must be set back a minimum distance of 5.5m from a frontage.</p>
<p>Not Applicable</p>
<p>P3 Frontage setback must be in keeping with, or enhance the streetscape character.</p>
<p>Not Applicable</p>
<p>A4 Buildings can be built up to the side and rear boundaries.</p>
<p>Not Applicable</p>
<p>P4 No performance criteria.</p>
<p>Not Applicable</p>
<p>A5 Where the subject site is located on the boundary of a residential zone, new buildings or alterations to existing buildings must:</p> <ul style="list-style-type: none"> a) be set back a minimum distance of 3.0m from the zone boundary; and b) have solid fencing at least 1.8m high on all boundaries with residential properties.
<p>Not Applicable</p>

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

P5 Buildings must be designed and sited such that there is no unreasonable loss of amenity to the occupiers of adjoining residential uses having regard to the:

- a) bulk and form of the building; and
- b) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and
- c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and
- d) size and proportions of the lot; and
- e) extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and
- f) desirability of locating building openings away from sensitive uses; and
- g) need to orientate external lighting away from sensitive uses; and
- h) need to screen unsightly open storage and other outdoor use areas from public view.

Not Applicable

23.4.2 Streetscape

Objective

To ensure that buildings have an acceptable impact on the streetscape.

Not Applicable

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

A1 Excepting walls built to the lot boundary, new buildings or extensions to existing buildings must:

- a) have external walls constructed of a minimum of 50% brick, concrete, masonry or glass. Unless brick or glass, external walls must be painted or finished with a texture coat; and
- b) have a minimum of 50% glazing to the external walls of offices component of the buildings; and
- c) be designed and orientated to ensure the main pedestrian entrance into the primary building is visible from the road; and
- d) incorporate a protected (by curb, landscaping, bollards or similar device) pedestrian pathway must be provided from the road to the main entrance to the building.

Not Applicable

P1 New buildings or extensions to existing buildings must be designed to ensure that:

- a) the building materials complement the building material evident in the immediate vicinity; and
- b) the entrance to a building must be clearly visible or the location identifiable from the road; and
- c) a safe and accessible access for pedestrians is provided from the road to the main entrance to the building; and
- d) buildings built on corner lots must be designed to address both frontages.

Not Applicable

A2.1 Where employee car parking is proposed it must be located behind or to the side of the principal buildings on the site; and

A2.2 Car parking spaces for visitors and people with a disability must be located as close as practicable to the main entrance to the building.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Not Applicable
P2 Car parking must be located to minimise visual intrusion in the streetscape and no more than 5 car spaces may be located between the primary building and the road.
Not Applicable

23.4.3 Turning and Access

Objective
To ensure that service vehicles can safely and effectively deliver to the site.
Consistent The acceptable solution is met.
A1 It must be demonstrated that a standard rigid truck of 8.8m can enter, turn, unload and exit the site in a forward direction without impact or conflicting with areas set aside for parking or landscaping.
Complies The applicant has demonstrated an 8.8m long truck can enter, turn, unload and exit the site in a forwards motion without impacting on the areas set aside for parking or landscaping.

23.4.4 Site Landscaping

Objective
To ensure that new development provides acceptable levels of site landscaping.
Not Applicable
A1.1 Unless a building is built to the boundary of the lot, a landscaped area with a minimum width of 3.0m must be provided along the frontage of the property (excluding vehicle crossover); or
A1.2 A minimum of 50% of the area within the frontage setback is to be landscaped; and
A1.3 A minimum of 1 tree (capable of growing to a minimum of 10.0m in height) per 250m ² of lot area must be provided. Trees must be located, within a minimum 3.0m diameter landscaped area; and
A1.4 All security fencing over 1.5m high must be located a minimum of 1.0m back from the frontage and the space between the fence and the boundary must be landscaped.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Not Applicable

The site already has a lawfully existing grassed areas that would be re-instated. As the standard does not specify landscaping details, the existing grassed areas are considered acceptable.

E 4 - Road and Railway Assets Code

E4.1.1 The purpose of this provision is to:

- a) ensure that use or development on or adjacent to a road or railway will not compromise the safety and efficiency of the road or rail network; and
- b) maintain opportunities for future development of road and rail infrastructure; and
- c) reduce amenity conflicts between roads and railways and other use or development.

Consistent

The applicant has submitted a Traffic Impact Assessment (TIA) to demonstrate how the relevant performance criteria of the Code are met.

E4.6 Use Standards

E4.6.1 Use of road or rail infrastructure

Objective

To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

Consistent

The standards of this Clause are either not applicable or the performance criteria are met.

A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.

Not Applicable

The site is not within 50m of a Category 1 or 2 road and the use is not sensitive.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day

Does Not Comply

The use would generate more than 40 vehicle entry and exit movements per day.

P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.

Complies

The applicant has submitted a Traffic Impact Assessment (TIA) that demonstrates compliance with the performance criteria. It demonstrates that, based on the anticipated traffic generated by the use, the access points of the site and the safety of all road users (including pedestrians and cyclists) would be maintained to an acceptable level. This is due to the road's ability to cater for the number of vehicle trips per day and those made during the use's peak operating times and the limited impact the increase in vehicle trips would have on pedestrians and cyclists.

A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.

Not Applicable

The road is speed limited to 60km/h.

E4.7 Development Standards

E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways

Objective

To ensure that development on or adjacent to class 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:

- a) ensure the safe and efficient operation of roads and railways; and
- b) allow for future road and rail widening, realignment and upgrading; and
- c) avoid undesirable interaction between roads and railways and other use or development

- 7.1 **63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)**

Not Applicable

The site is located adjacent to the rail way on its northern boundary. However, no development would occur within 50m of it.

E4.7.2 Management of Road Accesses and Junctions

Objective

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

Consistent

The acceptable solution is met.

A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.

Complies

The existing entry and exit of the site would remain unchanged.

A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.

Not Applicable

The speed limit is 60km/h.

E4.7.3 Management of Rail Level Crossings

Objective

To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.

Not Applicable

The proposal does not access the rail line.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

Objective

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Consistent

The acceptable solution is met.

A1 Sight distances at

- a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and
- b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or
- c) If the access is a temporary access, the written consent of the relevant authority has been obtained.

Complies

The submitted TIA indicates the safe site distances are met.

E6 - Car Parking and Sustainable Transport Code

E6.1.1 The purpose of this provision is to:

- a) ensure that an appropriate level of car parking facilities are provided to service new land use and development having regard to the operations on the land and the nature of the locality; and
 - i) ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas; and
 - ii) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; and
 - iii) ensure that parking does not adversely impact on the amenity of a locality and achieves high standards of urban design; and
 - iv) ensure that the design of car and bicycle parking space and access meet appropriate design standards; and
 - v) provide for the implementation of parking precinct plans.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Consistent

The relevant acceptable solutions or performance criteria of the Code are met.

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective: To ensure that an appropriate level of car parking is provided to service use.

Consistent

The performance criteria are met. Moreover, as the submitted TIA demonstrates how the business model of the proposed bottle shop use would require fewer parking spaces than required by the Scheme, the objective is met as it has been demonstrated an appropriate level of car parking is provided to service the proposed use.

A1 The number of car parking spaces:

- a) will not be less than 90% of the requirements of Table E6.1 (except for dwellings in the General Residential Zone); or
- b) will not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone); or
- c) will be in accordance with an acceptable solution contained within a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone); or
- d) If for dwellings in the General Residential Zone, not less than 100% of the requirements of Table E6.1.

Does Not Comply

For clarification in how the parking numbers have been calculated, the rationale for the calculation must be outlined. Table E6.1 requires one parking space per 20m² of net floor area. However, there is no definition in the Scheme for 'net floor area'. On this basis, a logical interpretation of net floor area has been applied. The result has included all areas that are available to the general public and to exclude areas that are not e.g. any office component or areas used for loading or restricted storage areas.

Based on this interpretation of net floor area, the total required for 883m² of net floor area is 40 parking spaces, or 90% of that required by Table E6.1 (44 spaces). As the applicant proposes 24 spaces, the proposal relies on the associated performance criteria.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

P1 The number of car parking spaces provided must have regard to:

- a) the provisions of any relevant location specific car parking plan; and
 - b) the availability of public car parking spaces within reasonable walking distance; and
 - c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
 - d) the availability and frequency of public transport within reasonable walking distance of the site; and
 - e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
 - f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
 - g) an empirical assessment of the car parking demand; and
 - h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
 - i) the recommendations of a traffic impact assessment prepared for the proposal; and
 - j) any heritage values of the site; and
 - k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
 - i) the size of the dwelling and the number of bedrooms; and
 - ii) the pattern of parking in the locality; and
 - iii) any existing structure on the land; and
 - l) The performance criteria contained within a relevant parking precinct plan.
-

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Complies

As a precursor to addressing the performance criteria (in particular P1 (g) and (i)) it should be noted the definition of 'hotel industry' encompasses a wide range of uses that involve the consumption of liquor on or off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling. The majority of these inclusions involve patrons staying on the site for extended periods e.g. dining and entertainment, using gaming machines and/or accommodation in combination.

As the business model of the proposed bottle shop is a significant departure from the abovementioned uses that require medium term parking (therefore greater parking numbers), it is considered that the deemed to comply parking requirements are onerous for this particular use and it is reasonable for an empirical assessment to determine what parking numbers are appropriate. Compliance with the relevant points of the performance criteria has been demonstrated as follows:

- a) N/A. The site or area in general is not subject to a specific car parking plan.
 - b) There is limited on-street parking in front of the site should the on-site parking be taken up (see Point g)).
 - c) N/A.
 - d) There are two bus stops within 100m of the site but it is not envisaged that public transport would be widely utilised by customers of the bottle shop.
 - e) N/A.
 - f) See Point b).
 - g) The applicant's TIA has provided an empirical assessment of the likely parking demand based on a similar operation at Derwent Park, Glenorchy. It has been demonstrated that, based on the anticipated number of transactions in peak hour trading on Friday (generally the busiest day) there is a 1% chance of parking take up exceeding 13 spaces on site (the site proposes 16 spaces at the front of the property for customers). Should these 16 spaces be taken up, there is on-street parking that could be used. Whilst not considered likely, as the shoulder of the road is not completely sealed, should a potential customer not wish to use the on-street parking, it is likely they will frequent a bottle shop that has capacity to park on-site rather than travelling the ~150m to park in the K Mart car park and walking back to the site.
 - h) It is considered there would be no detrimental impact on the streetscape, amenity and vehicle, pedestrian and cycle safety. This is because it has been demonstrated there would be sufficient on-site parking for the majority of times the business operates.
 - i) See Point g).
 - j) N/A. There are no heritage values on the site.
 - k) N/A. No residential buildings would be associated with the proposal.
 - l) N/A. The site is not subject to any parking precinct plan.
-

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

E6.6.2 Bicycle Parking Numbers

Objective: To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.

Consistent

The performance criteria is met and the level of formal bicycle parking provided is considered appropriate for the nature of the use. On this basis, the objective is met.

A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or

A1.2 The number of spaces must be in accordance with a parking precinct plan that has been incorporated into the planning scheme for a particular area.

Does Not Comply

Whilst there is capacity to provide the nine bicycle spaces required on site (one space per 100m² of net floor area) there is only provision for two bicycle hoops that would result in four formal bicycle parking spaces.

P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:

- a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and
- b) location of the site and the distance a cyclist would need to travel to reach the site; and

availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.

Complies

Due to the nature of the use (e.g. wholesale sales or retail purchases of alcohol) it is considered that four bicycle parking spaces is adequate to cater for the number of persons likely to travel to the site by bicycle. The applicant's TIA has justified no bicycle parking requirements based on the use but two parking spaces have been provided in any case.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

E6.6.3 Taxi Drop-off and Pickup

Objective: To ensure that taxis can adequately access developments.

Consistent

The acceptable solution is met.

A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).

Complies

One taxi bay is provided in the existing parking area. It is recommended that, if approved, the taxi bay is marked as 'taxi bay' with text at least 200mm high.

E6.6.4 Motorbike Parking Provisions

Objective: To ensure that motorbikes are adequately provided for in parking considerations.

Consistent

The acceptable solution is met.

A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.

Complies

As 40 parking spaces are required, two motorcycle parking bays are required. These would be provided in the existing parking area.

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective: To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Consistent

The acceptable solution can be met by way of condition.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

A1 All car parking, access strips manoeuvring and circulation spaces must be:

- a) formed to an adequate level and drained; and
- b) except for a single dwelling, provided with an impervious all weather seal; and
- c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.

Complies

The applicant's submitted plans and report indicates the parking layout will remain sealed and be line marked to reflect the new layout. Council's Development Engineer has recommended that, if approved, the standard condition for car parking construction be imposed.

E6.7.2 Design and Layout of Car Parking

Objective: To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

Consistent

Parking in front of the building line lawfully exists and this layout would be modified to accord with the performance criteria.

A1.1 Where providing for 4 or more spaces, parking areas (other than for dwellings in the General Residential Zone) must be located behind the building line; and

Does Not Comply

The existing parking layout in front of the building line would be modified and more than four parking spaces would be provided.

A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.

Not Applicable

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:

- a) the layout of the site and the location of existing buildings; and
- b) views into the site from the road and adjoining public spaces; and
- c) the ability to access the site and the rear of buildings; and
- d) the layout of car parking in the vicinity; and
- e) the level of landscaping proposed for the car parking.

Complies

The modified parking layout would replace the lawfully existing parking in front of the building line. On this basis the net impact on the streetscape is minimal and there would be no detrimental impact. Moreover, due to the location of the existing building the most appropriate location for the proposed parking is in front of the building line. On this basis, the performance criteria is met.

A2.1 Car parking and manoeuvring space must:

- a) have a gradient of 10% or less; and
- b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and
- c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and
- d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply:
 - i) there are three or more car parking spaces; and
 - ii) where parking is more than 30m driving distance from the road; or
 - iii) where the sole vehicle access is to a category I, II, III or IV road; and

A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Does Not Comply

The parking area is flat and vehicles would be able to enter and leave the site in a forwards motion. The width of access would be greater than that specified in Table E6.2 and triggers discretion. A2.1 d) is not applicable as access to the parking at the rear of the site whilst A2.2 is met.

P2 Car parking and manoeuvring space must:

- a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and
- b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.

Complies

The proposed parking layout is similar in nature that what has been utilised by previous uses on the site. The wider access to the rear of the site is not considered to have a detrimental impact on the safe and efficient use of the site as it is wider than the deemed to comply requirements of the acceptable solution and would effectively cater for the vehicles that would visit the site.

E6.7.3 Car Parking Access, Safety and Security

Objective: To ensure adequate access, safety and security for car parking and for deliveries.

Not Applicable

Less than 20 spaces would be provided in one area on the site.

A1 Car parking areas with greater than 20 parking spaces must be:

- a) secured and lit so that unauthorised persons cannot enter or;
- b) lit and visible from buildings on or adjacent to the site during the times when parking occurs.

Not Applicable

Less than 20 spaces would be provided in one area on the site.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

E6.7.4 Parking for Persons with a Disability

Objective: To ensure adequate parking for persons with a disability.

Consistent

The acceptable solution is met.

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

Complies

The disabled spaces would be located closest to the main entrance of the building.

A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with Australian Standards AS/NZ 2890.6 2009.

Complies

As 24 parking spaces are proposed, two disabled spaces are required. Two would be provided in accordance with AS2890.6.

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

Objective: To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Consistent

The acceptable solution is met.

A1 For retail, commercial, industrial, service industry or warehouse or storage uses:

- a) at least one loading bay must be provided in accordance with Table E6.4; and
- b) loading and bus bays and access strips must be designed in accordance with Australian Standard AS/NZS 2890.3 2002 for the type of vehicles that will use the site.

Complies

One loading bay would be provided at the rear of the site in accordance with Table E6.4 to service the use.

- 7.1 **63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)**

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

Objective: To ensure that cyclists are provided with adequate end of trip facilities.

Consistent

Due to the nature of the use and the anticipated low bicycle patronage, it is considered shower facilities are not required and the end of trip facilities are adequate.

A1 For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.

Does Not Comply

As the net floor area is 883m², nine bicycle spaces should be provided to accord with the acceptable solution. On this basis, one shower would need to be provided.

P1 For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, end of trip facilities must be provided at adequate level to cater for the reasonable needs of employees having regard to:

- a) the location of the proposed use and the distance a cyclist would need to travel to reach the site; and
- b) the users of the site and their likely desire to travel by bicycle; and
- c) whether there are facilities on the site for other reasons that could be used by cyclists; and
- d) the opportunity for sharing bicycle facilities by multiple users.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

Complies

The applicant does not intend to provide shower facilities. The performance criteria are met because:

- a. The use is located in an area proximate to public transport (within 100m of bus stops on both sides of Boland Street) which would reduce the likelihood of staff using bicycles as a mode of transport.
- b. There is sufficient car parking on the site for staff car parking which would further reduce the likelihood of bicycles being used as a mode of transport.

E6.8.2 Bicycle Parking Access, Safety and Security

Objective: To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Consistent

The performance criteria is met.

A1.1 Bicycle parking spaces for customers and visitors must:

- a) be accessible from a road, footpath or cycle track; and
- b) include a rail or hoop to lock a bicycle to that meets Australian Standard AS 2890.3 1993; and
- c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and
- d) be available and adequately lit in accordance with Australian Standard AS/NZS 1158 2005 Lighting Category C2 during the times they will be used; and

A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.

Complies

The applicant intends to provide two bicycle hoops in front of the building line which would provide for four bicycle parking spaces. These would be accessible from Boland Street and would be within 50m of the building. As the hours of operation are restricted to daylight hours, no external lighting is required. Informal bicycle parking for staff members would be provided undercover within the building.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

<p>A2 Bicycle parking spaces must have:</p> <ul style="list-style-type: none"> a) minimum dimensions of: <ul style="list-style-type: none"> i) 1.7m in length; and ii) 1.2m in height; and iii) 0.7m in width at the handlebars; and b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.
<p>Complies Bicycle parking would be provided in excess of these requirements in terms of dimensions and unobstructed access.</p>

E6.8.5 Pedestrian Walkways

<p>Objective: To ensure pedestrian safety is considered in development.</p>
<p>Consistent The performance criteria is met.</p>
<p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p>
<p>Does Not Comply If more than 11 car parking spaces are required, a separate pedestrian access is necessary. Whilst one has been provided on the northern end of the car parking area, the southern car parks (fronting Boland Street) would not have separate pedestrian access.</p>
<p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p>
<p>Complies The pedestrian access within the car park is considered safe and a separate pedestrian access between the entrance of the building and the road is not required. This is because of the number of parking spaces in front of the building, the anticipated low turnover of vehicles and circulation characteristics of the car park, combined with the envisaged low pedestrian patronage of the business would not require a separate pedestrian access.</p>

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

E6.6.4 Local Area Provisions

Objective: To remove the need for new use or development to provide onsite car parking within the exemption area.

To establish parking maximums within the exemption area.

Not Applicable

The site is not within the parking exemption area.

E18 - Signs Code

E18.1.1 The purpose of this provision is to:

- a) provide opportunities for appropriate business advertising and information essential to support and encourage business activity;
 - i) promote the use of well designed signs that complement and enhance the streetscape and the City and do not contribute to visual clutter and detract from the visual amenity of the locality;
 - ii) ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values; and
 - iii) ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

Consistent

The Code Purpose is met as the relevant acceptable solutions of the Code are met.

E18.5 Development Standards

E18.5.1 Inappropriate signage

Objective

To prevent inappropriate signage.

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

<p>Consistent The acceptable solution is met.</p>
<p>A1 Must not be a:</p> <ul style="list-style-type: none"> a) Third Party Sign b) Roof Sign c) Sky Sign d) Bunting (Flag and Decorative Elements) e) lashing Lights
<p>Complies None of the above signs have been applied for.</p>

E18.5.2 Design and siting of signage

<p>Objective</p> <p>To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.</p>
<p>Consistent The acceptable solution is met.</p>
<p>A1 A sign must:</p> <ul style="list-style-type: none"> a) meet the requirements for the relevant sign type set out in E.18.6; and b) be located within the applicable zone set out in E18.6
<p>Complies The wall sign would be 4.5m long x 1m high, would not extend laterally beyond the wall or above the top of the wall to which it is attached and it would not occupy more than 25% of the wall area.</p> <p>The wall sign accords with Table E18.6 in that it is appropriate in the Commercial Zone.</p>

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

A2 A sign must be a minimum distance of 2m from the boundary of any lot in the Residential Zone.
Complies The sign would not be within 2m of any lot in the residential zone.
A3 A maximum of one of each sign type per building or tenancy unless otherwise stated in E18.6
Complies One wall sign is proposed. The applicant has stated the existing signage on the property would be removed. If approved, a condition on the Permit would ensure this occurs.
A4 A sign must not be illuminated or contain; flashing lights, animation, moving parts and moving or changing messages or graphics.
Complies The signage applied for would not be illuminated, contain flashing lights, moving parts or changing messages or graphics. If approved, a condition on the Permit would ensure the signage remains as applied for.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditional consent provided. Conditions recommended in relation to: <ul style="list-style-type: none"> • Car parking construction
Environmental Health	Conditional consent provided. The standard condition relating to the following was recommended: <ul style="list-style-type: none"> • Amenity
Parks and Recreation	N/A
Heritage/Urban Design	N/A
Building and Plumbing	Noted a Building Permit and Occupancy Permit would be required.
EXTERNAL	
TasWater	N/A
DIER	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

- 7.1 **63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)**

5. REPRESENTATIONS

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 16 August 2014 to 29 August 2014. Six representations were received (one was received outside the advertising period). The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report.

ISSUE	COMMENTS
<p>Car parking rates have been calculated incorrectly and 60 spaces should be required as the office has not be factored into the calculations.</p>	<p>Disagree. The submitted plans have been calibrated and the 'net' floor area has been calculated as 883m². As hotel industry requires one car parking space per 20m² of 'net' floor area 40 spaces are required. With reference to the office not being included in the calculations, the applicant has not applied for a change of use to office. The office would be used in conjunction with the bottle shop and could not be used as a standalone office. To ensure this did not occur, it is possible to impose a condition restricting the use of the office to be directly associated with and subservient to the bottle shop use. The likelihood of the office being used at any significant intensity is not high as the applicant contends that only two to four full time staff and three part time staff would be employed on the site.</p>
<p>Even if more parking was provided at the rear of the site it is not likely they would be used because of the distance from the public access points to the building and this will lead to my client's private car parking area (K Mart Plaza) being used. This will lead to pedestrian safety issues that have not been adequately addressed in the TIA.</p>	<p>Disagree. The submitted TIA has justified the rationale behind the proposed parking numbers on site. As this rationale has been accepted, together with the separation distance between the car park and the proposed development, pedestrians crossing Boland Street to utilise other private car parks is not considered likely.</p>

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

ISSUE	COMMENTS
<p>The application has not provided sufficient information to allow Council to exercise discretion under Clauses 8.10.1 and 8.10.2 and approve the proposal.</p>	<p>Disagree. Whilst the proposed use is discretionary, it is considered that the matters required by s51 (2) of the Act (the objectives of the Resource Management and Planning System) are met. The representations received have been considered where they relate to a particular discretion being exercised as have the relevant Zone and Code Purposes and associated standards. Sufficient information has been provided to allow the Planning Authority to consider the application.</p>
<p>The development application documentation fails to adequately address all of the corresponding performance criteria of Clause E6.6.1.</p>	<p>Disagree. The development application document (including the TIA) demonstrates how the proposed business would operate and why 24 parking spaces on site is sufficient for the use. This is reflected in the relevant standards that have been addressed.</p>
<p>A number of assumptions made in the TIA to base the parking demand on are unjustified or wrong.</p>	<p>Disagree. The TIA has been deemed adequate for the purposes of lodging and assisting the application.</p>
<p>The TIA ignores the fundamental premise that the minimum car parking requirement set by the Scheme requires sufficient parking on-site for all periods, including peak demand time.</p>	<p>Disagree. The Scheme sets minimum parking requirements for each use. In this case, because hotel industry encompasses such a broad range of uses, the rate of one space per 20m² of net floor area is considered onerous for a bottle shop that has a significant wholesale component. The proposed number of parking spaces are considered appropriate for the use in the majority of circumstances. The argument that parking numbers must provide for all periods of time is not accepted. To require a use to cater for parking demand that may occur in all circumstances would result in an inefficient use of land through provision of parking spaces that may only be used on the odd occasion. Should the parking numbers on-site be insufficient at times (e.g. on AFL Grand Final weekend) customers would have the option to patronise another bottle shop or park on the street or at the rear of the site.</p>

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

ISSUE	COMMENTS
The TIA does not contain an analysis of existing parking supply and demand for all other uses within the area.	It is not considered necessary for the TIA to analyse existing parking supply and demand for all other uses within the area. The application is for 63 Boland Street and the TIA has demonstrated how the proposed parking numbers on-site would be adequate to service the use.
A lack of parking would result in the K Mart car park being used and result in traffic safety issues that have not been adequately addressed in the TIA.	The number of parking spaces proposed is considered appropriate due to the nature of the use. Should there be occasional overspill due to peak demand for parking in front of the building line, there are options for customers to park on the street or park at the rear of the site (~90m walk) or to patronise another bottle shop. These parking options are more likely to be taken up than walking ~150m to the nearest unallocated parking spaces in the K Mart car park. In the unlikely event that this occurs K Mart would be able to police their car park and prevent the practice from continuing.

6. CONCLUSION

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

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

COUNCIL AGENDA

Monday 22 September 2014

- 7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)
-

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2012 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2012

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

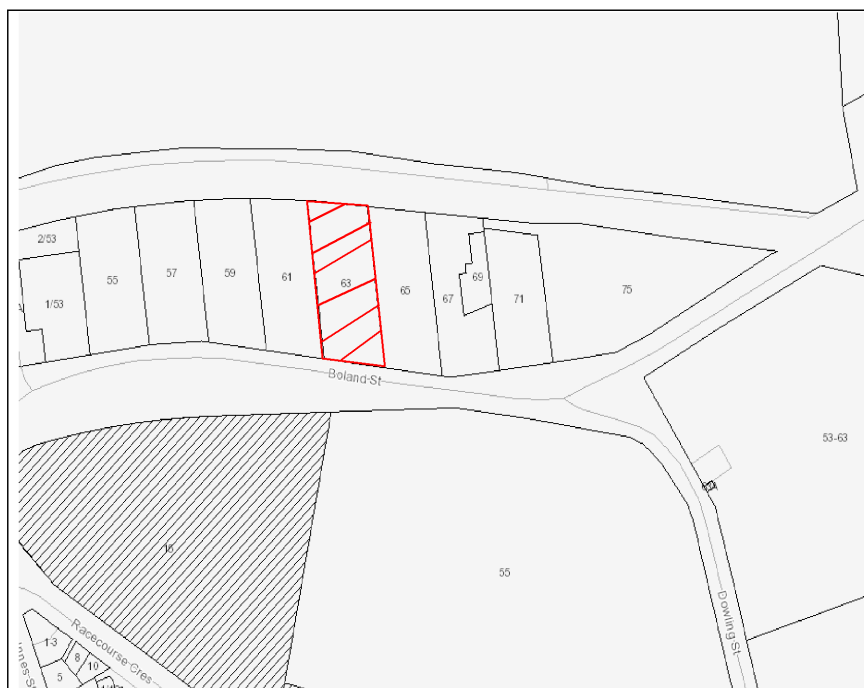
1. Locality Map
 2. Plans to be endorsement - circulated separately
 3. Representations - circulated separately
-



Launceston City Council
A Leader in Community & Government



63 Boland Street, Launceston - DA0340/2014



Scale: This Map Is Not to Scale

8 ANNOUNCEMENTS BY THE MAYOR**8.1 Mayor's Announcements 22 September 2014****FILE NO: SF2375**

Monday 8 September

- Officiated at private citizenship ceremony
- Officiated at Rotary Club of Launceston West

Tuesday 9 September

- Attended Tackling Smoking Campaign Launch
- Attended Honorary Justices' Association of Tas AGM
- Attended LCC Events Stakeholder Forum

Wednesday 10 September

- Attended Junction Arts Festival Opening

Thursday 11 September

- Officiated at Singfest

Friday 12 September

- Attended Official Opening of the 2014 Tasmanian Outdoor Boat and Caravan Show
- Attended UTAS Faculty of Education Book Launch 2014

Saturday 13 September

- Attended North Launceston Bowls & Community Club 2014 Open Day
- Attended Junction Arts Event - Backyard Bands
- Attended Junction Arts Event - The Gospel Hall
- Attended Mowbray Cricket Club - Celebration for 2014-15 Season

Sunday 14 September

- Officially launched 2014 Big Red Kidney Walk
- Officiated at Australian Peacekeepers Day Ceremony, followed by RSL luncheon

Tuesday 16 September

- Attended Tasmanian Breath of Life (BOFA) Film Festival Launch

Wednesday 17 September

- Officially welcomed delegates at Environmental Health Australia 2014 State Conference - "Focusing On Fundamentals"
 - Attended Launceston College Dance Fever - Performance of "Believe"
-

8.1 Mayor's Announcements 22 September 2014...(Cont'd)

Thursday 18 September

- Attended VanDiemen Luxury Craft Official Launch - Sports Limousine 7.5
- Attended Freelifa Church Conference

Friday 19 September

- Attended Government House Reception for Cr. John Watson AM and Mr Anthony Benneworth OAM
 - Attended Rocherlea Football Club Annual Dinner
-

9 ALDERMEN'S/DELEGATES' REPORTS

10 QUESTIONS BY ALDERMEN

COUNCIL AGENDA

Monday 22 September 2014

11 COMMITTEE REPORTS

11.1 Street Tree Advisory Committee 14 August 2014

FILE NO: SF5726

AUTHOR: Andrew Smith (Manager Parks and Recreation)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Street Tree Advisory Committee.

RECOMMENDATION:

That Council receive the report from the Street Tree Advisory Committee meeting held on 14 August 2014.

REPORT:

The Street Tree Advisory Committee held a meeting on the 14 August 2014 and discussed the following items:

1. National Tree Day (27 July 2014)

On National Tree Day there were a number of locations where tree planting projects occurred with various sponsors and schools participated:

- St Leonards Village Green (17 trees were planted)
- Heritage Forest (450 trees were planted)
- Bell Bay Aluminium (500 trees were planted)
- Lilydale Landcare (200 trees were planted).

2. Current Project Works

- Henry Street (completed)
 - High Street (scheduled for August 2014 & January 2015)
 - The Avenue (completed)
 - Aroma's Café (scheduled for December 2014)
 - Inveresk Round About (scheduled for February 2015)
 - St Leonard's Road.
-

11.1 Street Tree Advisory Committee 14 August 2014...(Cont'd)

3. Future Project Works

- Alanvale Road
- Scottsdale Levy
- Gorge Link
- Mowbray
- Forster Street
- Brisbane Street
- Margaret Street.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

N/A

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

COUNCIL AGENDA

Monday 22 September 2014

11.2 QVMAG Museum Governance Advisory Board Committee Meeting 27 August 2014

FILE NO: SF2244

AUTHOR: Leila Wagner (Personal Assistant)

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

DECISION STATEMENT:

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

RECOMMENDATION:

That Council:

1. Receive the report from the QVMAG Museum Governance Advisory Board meeting held on 27 August 2014.
 2. To establish a Governance Working Group comprised of Neil McKinnon, Rodney Paul, Jill Dearing, Patricia Sabine and Richard Mulvaney.
-

REPORT:

The key points raised by the MGAB were:

- **QVMAG Governance models:** That a working group be formed within the Museum Governance Advisory Board (MGAB) to consider possible museum governance models.

It was recognised that LCC was negotiating with the State Government over the funding agreement for QVMAG in the next 12 months and that options provided by the Governance Working Group through to the MGAB to LCC would be beneficial to the negotiations.

- **Finance:** The Chairman reported that he, Janine Healy and Richard Mulvaney had met with senior members of the LCC Finance team to discuss the form of the monthly financial reports. It was noted that Corporate Services are looking at the possibility of dedicating staff to certain business elements within Council such as QVMAG, Aquatic Centre and Aurora Stadium, instead of having several financial officers dealing with finance issues.
-

COUNCIL AGENDA

Monday 22 September 2014

11.2 QVMAG Museum Governance Advisory Board Committee Meeting 27 August 2014...(Cont'd)

- **QVMAG Friends:** Jill Dearing reported that the Olegas Truchanas image cataloguing is now complete. This project has been funded by the QVMAG Friends. There are currently 59 Family (168 individual) memberships and 600 individual memberships.
- **QVMAG Arts Foundation:** Sandra Campbell reported that the Fred Williams exhibition is now open and contains two purchases from the Masterpiece for Tasmania fund raising campaign.
- **Collections Policy:** Martin George (Manager Collections and Research) joined the meeting to provide information on the draft QVMAG Collections Policy. It was noted that this policy incorporates the two current policies titled Accessions and De-accessions and that there has not been significant change in combining the policies. QVMAG is still using the current policies until the draft policy gets approval at a future Council meeting.

ECONOMIC IMPACT:

Consideration contained in Report

ENVIRONMENTAL IMPACT:

Consideration contained in Report

SOCIAL IMPACT:

Consideration contained in Report

STRATEGIC DOCUMENT REFERENCE:

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

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

COUNCIL AGENDA

Monday 22 September 2014

11.3 Northern Youth Coordinating Committee Meeting Report - 4 September 2014

FILE NO: SF0136

AUTHOR: Wendy Newton (Youth and Community Officer)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee meeting held on 4 September 2014.

RECOMMENDATION:

That Council receive the report from the Northern Youth Coordinating Committee meeting held on 4 September 2014.

REPORT:

The meeting of the Northern Youth Coordinating Committee (NYCC) held on 4 September 2014 provided presentations on:

- The Tasmanian Youth Forum on Youth Employment held on 26 August, which was sponsored by the City of Launceston. This has been the biggest Youth Forum from the last ten, with around 250 young people attending from across the state. A communique with the findings will be released in October and will include the practical ideas shared by the young people on the day;
 - An update by the peak body, the Youth Network of Tasmania (YNOT), on the potential impacts of the State Government Budget on young people and youth service providers. YNOT participated in the budget lockdown as well as the TasCOSS State Budget briefing. YNOT will be tracking any budget developments and will report back to NYCC;
 - NRM North's Youth Engagement Strategy, which aims to involve more young people in their activities and events;
 - Cornerstone Youth Services update on upcoming events and competitions, including #switchitround, an arts-based social media project for young people that aims to educate young people on the risk associated with smoking and excessive alcohol consumption; and
-

11.3 Northern Youth Coordinating Committee Meeting Report - 4 September 2014...(Cont'd)

- The City of Launceston's draft Youth Engagement Framework, with a request to agencies to help deliver the engagement strategy in order to involve as many young people as possible in completing the youth survey, particularly those harder-to-reach.

At the meeting, members agreed:

1. To support a funding request of \$400 from Relationships Australia for tools and a mechanic's bike stand for their weekly bike program. The program has been developed in partnership with Youth Health North, the Ravenswood Primary School, Tasmania Police, Young Aboriginal Drug and Alcohol Service and a local bicycle shop. The Police will donate lost and stolen bikes to the program, and coordinators will work with at-risk and disengaged young people to develop skills in repairing, building and maintaining their own bikes, as well as implicit psycho-social skills development, such as self-confidence and self-esteem. In return, participants will repair other bikes that will be provided to members of the local community for transport or recreational activities. The program has scope to become sustainable by recruiting and training community members and previous young participants to become mentors for upcoming participants.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

A state/region that enables young people to participate in activities that they would not normally be able to engage in due to disadvantage helps to create a more inclusive community with greater social capacity and opportunities for young people to benefit directly from the social and economic advantages of the region.

11.3 Northern Youth Coordinating Committee Meeting Report - 4 September 2014...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan 2008/13 - Priority Area 3: Social and Economic Environment. Goal: Promoting a healthy, prosperous and positive community. 3.6 Advocate for enhanced health and community support services. Participate in relevant working groups that seek to improve community services and facilities within the City.

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

COUNCIL AGENDA

Monday 22 September 2014

11.4 Pedestrian & Bike Committee Meeting - 9 September 2014

FILE NO: SF0618

AUTHOR: Julie Tyres (Administration Officer - Road Assets)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider reports from the Pedestrian & Bike Committee.

RECOMMENDATION:

That the Council receive the report from the Pedestrian & Bike Committee Meeting held on 9 September 2014.

REPORT:

The meeting of the Pedestrian & Bike Committee held on 9 September 2014:

- Announced that this year's 'Ride to Work Day' on Wednesday 15 October will incorporate a challenge between the University and the Launceston General Hospital staff regarding the most staff involved. The committee suggested that perhaps Council could join in.
 - Received an update from Damien Fitzgerald about the Launceston City Heart project and was supportive of the general concepts provided.
 - Discussed a Bike Futures Seminar to be hosted by the Launceston City Council and will be held in the Town Hall on 25-26 September.
 - Were informed that TBUG (Tamar Bike User Group) representative Allen Hill has resigned from the committee and will be replaced by Malcolm Reid. The committee would like to thank Allen for his contribution.
 - Noted that Stalley Briton is taking a year away from Council on leave and the committee would like to thank Stalley for her hard work whilst being involved with Cycling pathways, signage and strategies.
-

11.4 Pedestrian & Bike Committee Meeting - 9 September 2014...(Cont'd)

ECONOMIC IMPACT:

The increasing use of non-motorised transport, such as bikes and walking, will provide a net positive economic benefit.

ENVIRONMENTAL IMPACT:

Promoting travel by bicycle reduces the negative impacts of motorized transport and the use of finite fuel resources.

SOCIAL IMPACT:

Increasing opportunities for travel by bicycle will improve access to employment, schools and other services.

STRATEGIC DOCUMENT REFERENCE:

Goals that are considered relevant from the Cycling Strategy are:

- Goal 2.1 - Facilitate a sustainable approach to enhance access to and within the municipality.
- Goal 3.4 - Provide and promote safe city environment.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Harry Galea: Director Infrastructure Services

12 COUNCIL WORKSHOPS

The following Council workshops were held on 15 September 2014:

- Northbank Concept Plan - Wool Store Building
- Proposed New Composting Facility and Organics Kerbside Program
- Private Use of Nature Strips Policy
- Strathroy Argi Park Development.

13 PETITIONS

14 NOTICES OF MOTION - FOR CONSIDERATION

COUNCIL AGENDA

Monday 22 September 2014

DIRECTORATE AGENDA ITEMS

15 DEVELOPMENT SERVICES

15.1 Authorisation of Permit Authority Pursuant to the Building Act 2000

FILE NO: SF0113

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To authorise the General Manager as Permit Authority pursuant to the *Building Act 2000*.

PREVIOUS COUNCIL CONSIDERATION:

Nil.

RECOMMENDATION:

That pursuant to Section 11(5) of the *Building Act 2000* ('the Act'), the Council authorise Robert Dobrzynski, General Manager as Permit Authority to facilitate the powers and/or functions in administration, enforcement and responsibilities in accordance with the Act.

REPORT:

The *Building Act 2000* was enacted to regulate the construction and maintenance of buildings, and building and plumbing matters, and to provide for permits, enforcement matters and resolution of disputes. In order to discharge its responsibilities under the Act the Council may authorise a person or body as Permit Authority to deal with building and plumbing matters.

Section 3 of the *Building Act 2000* defines a Permit Authority as:

‘a person or body authorised for that purpose by the council of the municipal area in which the relevant building work, building, plumbing work or plumbing installation is located, or if the council has not made such an authorisation, the general manager of the council’.

It is up to the Council to authorise a person or body as Permit Authority. If the Council does not authorise a Permit Authority, then the General Manager will assume the role. The role of the Permit Authority is primarily administrative but the position requires a clear understanding of the legislation and requires some technical understanding. Specific duties include:

15.1 Authorisation of Permit Authority Pursuant to the Building Act 2000...(Cont'd)

- issuing building and plumbing permits;
- taking into account matters such as site stability, provision of water and road access;
- responding to applications for a permits in the specified period;
- providing written reasons for refusing an application for a permit;
- issuing Certificates of Completion for building and plumbing work; and
- keeping registers required by the *Building Act 2000*.

The Council has not previously made an authorisation of the Permit Authority role, rather the General Manager has assumed the role by virtue of the non-authorisation. Whilst this is a lawful outcome, it is considered more appropriate for the Council to formally consider and authorise the role of Permit Authority to the General Manager. Accordingly, this is recommended.

The authorisation of the General Manager as Permit Authority will then enable the delegation of duties to appropriately qualified staff within the Building Services Department and Environmental Services Department. Under Section 11(3) of the *Building Act 2000* the Permit Authority may delegate to any person any function or powers under the Act, other than the power of delegation. These delegations were last updated in December 2011 and now require attention due to staffing and role changes within the Departments. It is proposed that Delegations will be provided as follows:

- Michael Stretton, Director Development Services,
- Roger Gillett, Manager Building Services,
- Dayle Stagg, Permit Authority Officer,
- Craig Johns, Technical Support Officer, and
- Louise Foster, Manager Environmental Services (Delegation to be limited to provisions in respect to On-site Waste Water Management Systems).

ECONOMIC IMPACT:

N/A Administrative matter only.

ENVIRONMENTAL IMPACT:

N/A Administrative matter only.

SOCIAL IMPACT:

N/A Administrative matter only.

15.1 Authorisation of Permit Authority Pursuant to the Building Act 2000...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

Priority Area 5: Governance Services - Goal: Engaging our community and delivering responsible management.

BUDGET & FINANCIAL ASPECTS:

N/A - Administrative matter only.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Stretton: Director Development Services

ATTACHMENTS:

1. Current Instrument of Delegation - dated 19 December 2011
-



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BUILDING ACT 2000

**INSTRUMENT OF DELEGATION
 (General Manager to Council Officers)**

This is an Instrument of Delegation pursuant to sections 3, 11 and 260 of the Building Act 2000 (the Act). This Instrument replaces the previous Instrument dated 21 June 2010.

That the General Manager, in the absence of a Council appointment of a Permit Authority, delegates to the person holding the office:

- i) Referred to in column one of the schedule.
- ii) Each of the functions and/or powers referred to in the second column of the schedule; and
- iii) Subject to the conditions (if any) referred to in the third column of the schedule.

The Schedule

Office/Position	Powers / Functions	Conditions (if any)
1. Statutory & Permit Authority Officer	To act in the role of Permit Authority for the Launceston City Council to facilitate the powers and/or functions in administration, enforcement and responsibilities in accordance with the Act.	This delegation does not include the power to delegate under Section 11 - (applies all officers.)
2. Administration Officer (Building Dept)		This delegation is effective in situations when the Statutory & Permit Authority Officer is absent or unable to fulfil the role of Permit Authority. - (applies Officer 2)
3. Manager Building Services		This delegation is effective in situations when the Administration Officer and the Statutory & Permit Authority Officer are absent or unable to fulfil the role of Permit Authority - (applies Officer 3)
4. Director Development Services		This delegation is effective in situations when the Admin Officer, the Statutory & Permit Authority Officer and the Manager Building Services are absent or unable to fulfil the role of Permit Authority - (applies

File No: SF0113 / SF2611 / MS Delegations
 Directorate: Development Services
 Department: Building Services

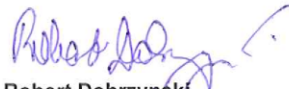


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		Officer 4)
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Dated this *19th* day of *December* 2011


Robert Dobrzynski
GENERAL MANAGER

COUNCIL AGENDA

Monday 22 September 2014

16 FACILITY MANAGEMENT

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks

FILE NO: SF0530

AUTHOR: Robert Dobrzynski (General Manager), Rod Sweetnam (Director Facilities Management) and Melissa Carlton (Acting Parking & Carr Villa Manager)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To determine a policy position in relation to a request from Cityprom for the provision of '1st Hour Free' parking in the Launceston City Council's Paterson St West, Paterson St East and Elizabeth St Multi-Storey Car Parks.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 11 September 2006 - Item 12.2
SPPC Workshop 16 June 2014
Council Meeting 23 June 2014 - Item 15.1
SPPC Workshop 18 August 2014
SPPC Workshop 1 September 2014

RECOMMENDATION:

That in consideration of:

1. The budget revenue foregone by the Council resulting from the introduction of one hour 'free parking' in the Launceston CBD amounting to a figure estimated to be \$720,000.
 2. The amount of \$720,000 indicated above being unbudgeted and would result in the need for significant cuts in other service delivery programs the Council took to the community in its advertised 2014/15 budget.
 3. The uncertainty surrounding the claim by TasWater for payment by the Council of an amount of \$6.8 million each year for the provision of stormwater services, through the combined sewer drainage system, which matter is currently before arbitration.
 4. The fact that foregoing the amount of \$720,000 for one hour 'free parking' in the Launceston CBD would need to be met by all Council's ratepayers.
 5. All Council's ratepayers would bear the cost of 'free parking' provided to residents from outside the Council area who currently pay a user charge for their parking in the CBD.
-

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

6. There is no evidence to indicate the provision of one hour 'free parking' in the Launceston CBD at an annual revenue foregone cost of \$720,000 per annum would result in additional retail patronage of the Launceston CBD.
7. That Council is implementing the Launceston City Heart Project which seeks to work with key community, business and government stakeholders to define the role, and vision for the CBD in a contemporary Launceston.
8. The Council have established that the Launceston City Heart Project is a major priority in developing a high value CBD experience for residents and visitors that is compelling, set in a CBD featuring high quality amenity and infrastructure funded by a major capital revitalisation project undertaken by the Council with State and Commonwealth funding support over a three year period.
9. The perspective that only an integrated holistic strategy such as the Launceston City Heart Project can restore the position of the CBD as an iconic, compelling attractor of patronage, featuring a variety of experiences that are valued by consumers.
10. The fact that 2 hours free parking in off-street multi-storey car parking is currently provided by Council from 3.30pm to 5.30pm (weekdays and weekends).

The Council determines not to proceed with the introduction of one hour 'free parking' in the Launceston CBD and to continue working with all business owners, the community and government to improve the economic conditions within the city and region and to secure funding which delivers the Launceston City Heart Project as a project, redefining the future role of Launceston CBD and consolidating its position as an iconic, exciting, vibrant, must visit visitor/consumer destination.

REPORT:**Introduction****Current context within CBD retail:**

In the most recent shop vacancy survey of the CBD, carried out by Council Officers in August 2014, 65 shops within the Cityprom area were identified as vacant (13.7%). The vacancy rate is higher along the Wellington St approach to the city (15.4%). Anecdotally, traders are reporting reduced foot traffic in CBD. The improvement in the State's retail spend appears not to have been felt in the north of the State with many traders indicating stagnant trading conditions.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

Some traders see 'free parking' as the solution that will draw shoppers back into the CBD. A request has subsequently been submitted by Cityprom to provide a twelve month trial of '1st hour free' parking in the LCC multi-storey car parks to:

1. increase visitation; and
2. encourage longer length of stay.

Current Context within District Centres:

Trends show that households purchase their food items as close as conveniently possible to their residence. District Centre developers have capitalised on this preference with significant growth in retail floor space in Longford, Legana, Prospect and Mowbray District Centres close to major residential developments.

The District Centres are typically characterised by a key anchor tenants (such as a major supermarket and/or a department store) along with a number of specialty stores. The specialty shops are favoured by developers as they help reduce the per square metre cost required to be recovered from the key anchor tenants. Specialty shops in turn benefit from the drawing power of the major tenants.

This phenomenon of growth in District Centres is not unique to Launceston and can be observed at play in a number of regional centres across Australia.

Current Economic Context of the Launceston region:

The last ABS Census data (2006 to 2011) shows gross salaries within the Launceston Statistical District fell by \$99 million per annum and gross revenue fell by \$140 million per annum. A fair observation would be that economic circumstances have worsened since the ABS data period to the current time.

The combined effect of the \$99 million per annum drop in gross salaries in the period from 2006 and 2011 and the significant increases in retail floor space in the District Centres, means there are now more businesses competing for less revenue than ever before. This may result in a reduction in the turnover for a number of businesses faced with increased competition from a greater number of retailers and the on-line shopping phenomena, within a retail environment where less disposable income is available.

Impact on the CBD:

The growth of District Centres, with the expanded retail offering and its attraction to shoppers in areas such as variety of offering, floor space and convenience to home, coupled with generally cheaper rents for retailers at these District Centres compared to the CBD, suggests the role of the CBD is changing and that it is no longer the predominant retail centre for the region.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

The Greater Launceston Plan (GLP) identifies that in order to compete with the District Centres, the CBD needs to redefine its offering to residents in a contemporary City. While retail will continue to be important to the CBD, the offerings may well need to be joined with other cultural, social and entertainment experiences that establish the Launceston CBD as a highly valued, must visit experience.

The Launceston City Heart Project is the Council's strategic response to addressing the challenges faced in the CBD. The project outcomes will include:

- A significant contribution to the range of activities, level of employment, investment, amenity, access and investor perceptions of the Launceston CBD;
- Improve pedestrian access and amenity with clear linkages to the Tamar/North Esk riverfront areas;
- Improved urban design;
- Increased opportunities for inner city living; and
- The adoption of a multi-faceted planning and development approach will mean that a range of projects of varying costs and risks can be identified with a strategy developed to optimise benefits and contain costs.

The Council has established the Launceston City Heart Project as a major priority in developing a high value CBD experience for residents and visitors that is compelling, set in a CBD featuring high quality amenity and infrastructure funded by a major capital revitalisation project undertaken by the Council with State and Commonwealth funding support over a three year period.

It is considered that only an integrated holistic strategy such as the Launceston City Heart Project can restore the position of the CBD as an iconic, compelling attractor of patronage, featuring a variety of experiences that are valued by consumers.

Through the Launceston City Heart Project, the Council, the community and businesses as well as local authorities and community groups have all come together to shape the future heart of the CBD. CoDesign Studio has been enlisted to work with the Council to enable people from across all of these groups to have a say through a creative and participatory engagement process. This process has created an understanding of the future role and function of the CBD to support a strong Launceston and identified the key precincts in the CBD and the improvements needed in them, to bring life into the CBD now and in the future.

To date, the project has progressed well and is being actively embraced by the community. The initial community engagement process has been completed which involved direct consultation with well over 3,000 people. An engagement report is currently being prepared which will detail the outcomes of the consultation process.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

Additionally, some early urban design work has been completed. The engagement report will be considered and commented upon by the Council in the next month or so, prior to progressing with the finalisation of the urban design concepts. These urban design concepts will then be considered by the Council and will be released for a further round of public consultation early in 2015. Once approved by the Council, it is intended to commence construction of the higher priority urban design projects towards the end of the current financial year.

Experience of 'Free Parking' Initiatives:

1st Hour Free

A trial of the '1st hour free' was implemented in Launceston in 2006 for a period of seven months. The aim of the trial was to increase the number of times people visited the City Centre.

The results did show an increase in the number of vehicles entering the multi-storeys. However, the trial also resulted in a reduction in the overall length of stay, with a major increase in the number of vehicles exiting the multi-storey car parks within the 'free period'. It was resolved by Council to discontinue with the '1st hour free' initiative as it was not deemed to have been successful in achieving its aims. The cost of the revenue foregone from the period of the trial was estimated to be \$400,000.

2 Hours Free

2 hours free parking between 3.30pm and 5.30pm weekdays and weekends is currently offered within the multi-storey car parks in Launceston. The usage data shows that there has been an increase in the number of vehicles entering the multi-storeys during the free period. Of note however, is the median length of stay is 45 minutes on weekdays.

Geelong City Council Experience

In early 2014, the Geelong City Council made a decision to provide free on street parking on weekends in the Central Activities area of Geelong. In a report on the trial, Geelong City Council Officers have highlighted an issue with the lack of turnover. They believe there are a number of CBD workers getting in early and taking advantage of the free parking, reducing the number of spaces available for shoppers.

Financially, results are reported to be showing a 10% decrease in on-street income (annual budget of \$7 million) and just under a 10% decrease in parking fine revenues (annual budget of \$4.1 million). Critically Geelong City Council officers have indicated traders have been unable to identify increases in retail activity as a result of the removal of parking fees at this time. Their observations are in privately operated off street car parks occupancy levels appear to be unchanged.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

If continued for a period of twelve months, reduction in revenue would translate to an unfavourable result exceeding \$1 million dollars against budget.

It's important to note that the Launceston City Council already provides free on-street parking all day Sunday and from 11.30am on Saturdays in the outer CBD parking zones.

Comparisons to Hobart City Council Parking Arrangements

Comparisons by traders have been drawn between the parking operations of the Hobart City Council (90 minutes free) and Launceston City Council as an argument for the adoption of 1st hour free parking.

Hobart and Launceston operate within different environments which require different strategies to best manage parking demand and turnover of customers. It is essential to look at the entirety of the operations (population catchment, CBD marketing, district centres, capacity, turnover rates, pricing and penalties) when making comparisons.

Car Park	CBD Location	Parking Bays
Argyle St Carpark	Opposite the Royal Hobart and Hobart Private Hospital. Adjoining Woolworths supermarket Rear of the Elizabeth St Mall	1170 spaces
Centrepoint Carpark	Vertical mix design, sitting above the Centrepoint Arcade. Two blocks from the Elizabeth St Mall	780 spaces
Hobart Central Carpark	Approx. 250m walking distance from Elizabeth St Hobart Mall	462 spaces
Total Hobart City Council multi-storey parking bays		2412 spaces
Total Launceston City Council multi-storey parking bays		780 spaces

The initial aim of the '1st Hour Free' initiative introduced by the Hobart City Council was to increase occupancy levels in the multi-storey car parks. There had been a strong push by the CBD traders to provide the first hour free, but Hobart City Council was only able to implement the initiative as there was empty capacity in the multi-storey car parks to accommodate the increase in demand.

More recently, the promotion has evolved to '90 minutes free'. The strategy has proven to be effective with 54% of customers staying less than 90 minutes.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

District Centres

The CBD of Hobart competes primarily with the large District Centres located outside of its municipal boundaries:

- Glenorchy (Northgate shopping Centre),
- Clarence (Eastlands Shopping Centre and Cambridge Park); and
- Kingborough (Channel Court).

The CBD in Launceston is competing with District Centres located in very close proximity within (Mowbray and King Meadows) and inside the municipal boundary.

Fee Comparisons with Hobart City Council

Hobart balances the impact of the revenue foregone through its fees and charges structure including higher pricing for longer stays, price ranges for on-street meters (depending on location) and greater infringement penalties.

CBD Multi-Storey Pricing:

Length of Stay	Hobart CBD Multi-Storey Parking Fees	Launceston CBD Multi-Storey Parking Fees
1 st hour	Free	\$2.00
1.5 hours		\$3.00
2 hours	\$1.60	\$4.00
2.5hours	\$3.80	\$5.00
3 hours		\$6.00
3.5 hours	\$5.80	\$7.00
4 hours		\$8.00
4.5 hours	\$9.80	\$9.00
5 hours		\$10.00
5.5 hours	\$13.00	\$11.00
6 hours		\$12.00
6.5 hours	\$16.00	\$13.00
7 hours		\$14.00
7.5 hours	\$19.00	\$15.00
8 hours		\$16.00

CBD Meter Parking:

Length of Stay	Hobart CBD Parking Fees (per hour)	Launceston CBD Parking Fees (per hour)
15 minute - 1 hour Parking	\$1.20 - \$4.00	\$2.30
3 hour parking	\$1.20 to \$3.00	\$1.80
Extended parking	\$0.50 to \$2.00 (8 hours)	\$0.70 (9 hours)

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

Parking infringement costs if paid within first fourteen days of issue:

Hobart Council	\$35
Launceston Council	\$25

Private Operators:

There are no private operators competing in the short term parking market in the Hobart CBD. Unlike Launceston where there are a large number of privately operated car parks, the Hobart City Council is the only provider of short term parking

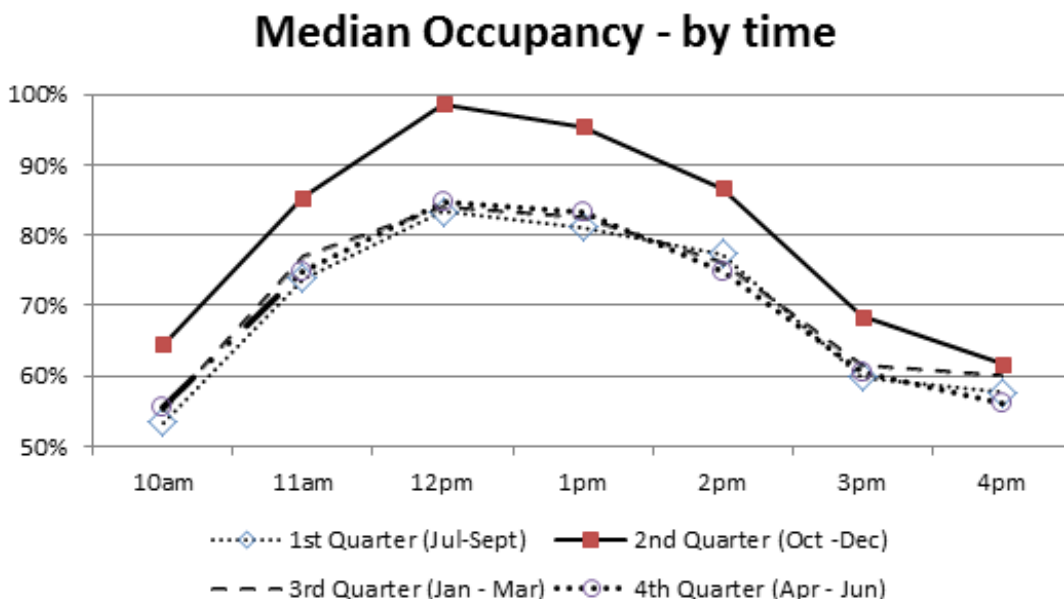
Hobart City Council helps recover revenue foregone from their free parking initiative in the CBD multi-storeys by issuing higher infringement penalties for on street parking and pricing fee structure depending on proximity to CBD.

Promotion of the CBD

- Promotion of the Hobart CBD is an in-house service provided by Council Officers
- Promotion of the Launceston CBD is done in partnership with Cityprom, an organisation set up specifically to promote the CBD.

Occupancy Trends in the LCC Multi-Storey Car Parks

Graph 1 - Median Hourly Occupancy in the Paterson St West and Paterson St East Multi-Storey Car Parks



16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

Graph 1 shows the weekday median occupancy level for each quarter in 'Paterson St East' and 'Paterson St West' multi-storey car parks. The graph helps to identify the peak periods during the day.

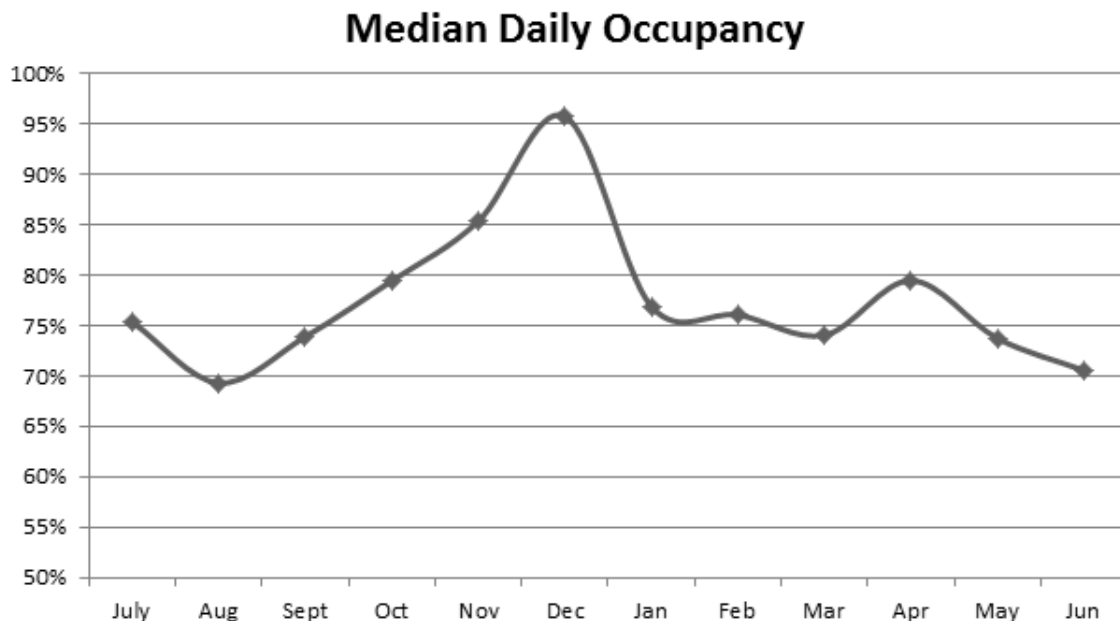
The occupancy levels in the 2nd quarter of the financial year highlights the period leading up to Christmas is where the demand for car parking in the CBD is at its greatest. The three other quarters show relatively similar demand profiles.

Graph 1 indicates that the busiest time during the day is between 11am and 2pm and again the data shows that, in the lead up to Christmas, the car parks are at their busiest, operating close to capacity during this time. Any increase in demand during the lead up to Christmas means customers may be unlikely to secure a car spot in the already busy times. This has the potential to result in a negative experience and may discourage return visits to the CBD.

Capacity to increase utilisation exists in the periods outside of the busy times (before 11am and after 2pm).

A more detailed analysis of the occupancy levels for each of the multi-storey car parks is further examined in Attachment 1 of this report.

Graph 2 - Median Daily Occupancy in the Paterson St West and Paterson St East Multi-Storey Car Parks



16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

Graph 2 shows the median daily occupancy levels over the twelve months between July 2013 and June 2014 for 'Paterson St East' and 'Paterson St West' multi-storey car parks. The graph helps to identify the changes in number of visitors to the CBD at different times of the year.

As can be seen in graph 1, graph 2 also shows that the busiest time of the year in the CBD is the period leading up to Christmas. The daily median occupancy steadily climbs to 85% in November and then 95% in December indicating the car parks are nearly full most of the day for both of these months. The parking fee does not appear to be a deterrent during this time. Based on the data in this graph, the '1st Hour Free' will have minimal impact on increasing visitation to the CBD as the car parks are already close to capacity.

Impact of '1st Hour Free' on Council's Financial Position:

The fees collected from users of the multi-storey car parks are an important revenue stream that enables Council to provide important services and projects for Launceston ratepayers agreed to in the 2014/15 budget.

User Pays

The CBD has been recognised as a Centre that attracts regional customers including those from outside of the city's municipal boundaries. All Launceston ratepayers would be funding the cost of free parking provided to residents from outside the Council area who currently pay a user charge for their parking in the CBD.

Budgeted Services 2014/15

The Council is currently only in the first quarter of a new budget. Reducing the level of funding available by the amount of foregone revenue will restrict Council's ability to deliver on the projects and services agreed to in the 2014/15 budget. The Council would need to identify projects to be removed from the budget adopted by the Council to meet income foregone as a result of any decision to provide 1 hour free parking in the CBD at a cost of \$720,000 per annum.

TasWater - Combined Sewer

There is uncertainty surrounding Council's financial obligation to fund the storm water component of the combined sewer system within Launceston.

Council is now in the situation of likely having to service a substantial recurrent claim, currently \$6.8 million per annum from TasWater for maintenance of the storm water component of the combined system in Launceston.

Council is in arbitration with TasWater contesting the quantum of this figure. Ultimately it is likely there will be a significant sum Council will have to meet on an ongoing basis.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

No funds have been specifically included in the current year's budget to accommodate this expenditure. Going forward Council will be required to collectively budget for tens of millions of dollars. This will have a profound impact on Council budgets. Funds can only be found through increases in revenue (rates) or decreases in levels and/or elimination of services.

Provision of '1st Hour Free' and the subsequent reduction in net revenue can only increase pressure on budgets that will come under stress from TasWater's claims for a funding contribution towards stormwater services utilising their infrastructure.

ECONOMIC IMPACT:

The introduction of '1st Hour Free' parking in the multi-storey car parks is estimated to result in a reduction of income within a budget year of \$720,000. These costs will need to be met by increased rates or a reduction in services provided by the Council to the community.

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

City of Launceston ratepayers will be required to meet the cost of residents outside of the Council area who currently pay parking fees but who will take advantage of the '1st Hours Free' parking should it be introduced.

STRATEGIC DOCUMENT REFERENCE:

Greater Launceston Plan - Launceston Central Area Study Part 1 and 2.

BUDGET & FINANCIAL ASPECTS:


The provision for \$720,000 foregone revenue is unbudgeted in the 2014/15 budget. It could not be accommodated without reallocation and reducing projects and services that have already been approved in the 2014/15 budget.

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Rod Sweetnam: Director Facilities Management

ATTACHMENTS:

1. 2013/2014 Multi-Storey Occupancy Analysis (Pages = 10) (distributed electronically)
-

17 QUEEN VICTORIA MUSEUM AND ART GALLERY

18 INFRASTRUCTURE SERVICES

COUNCIL AGENDA

Monday 22 September 2014

19 CORPORATE SERVICES

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014

FILE NO: SF5910 / SF5652

AUTHOR: Leanne Purchase (Corporate Planning Administration Officer)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the report on progress against Council's 2013/14 Annual Plan for the period ending 30 June 2014.

PREVIOUS COUNCIL CONSIDERATION:

Item 19.1 - Council - 24 June 2013 - *Launceston City Council Annual Plan 2013/14 approved*

Item 18.3 - Council - 10 June 2014 - *2013/2014 Annual Plan Progress Report Period Ending 30 April 2014*

RECOMMENDATION:

That Council:

1. Notes the progress against 2013/14 Annual Plan actions for the period ending 30 June 2014.
 2. Endorses the change in priorities to flooding related issues that results in the Action *Complete a water quality management plan for Newnham Creek* (Action No. 1.1.2.2 ISD Infrastructure Assets) not going ahead.
 3. Endorses the delivery of the Action *Complete Civic Square Precinct Plan* (Action No. 1.1.3.3 ISD Parks and Recreation) as part of the City Heart project during the 2014/15 financial year (Action No. 2.1.2.2 *Launceston City Heart Project*, DSD Management).
 4. Endorses the delivery of the Action *Development of Heritage Precinct provisions in consultation with the Heritage Advisory Committee* (Action No. 2.1.4.1 DSD Management) in 2014/15 under the Action "*Heritage management - Undertake a review of the Council's heritage management function in consultation with the Heritage Advisory Committee to identify priorities and develop a work plan*" (Action No. 2.1.4.1 DSD Planning Services), pending changes to the Historic Cultural Heritage Act.
-
-

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014...(Cont'd)

REPORT:

This report provides an update on the progress of Actions from Council's Annual Plan 2013/14.

Progress is summarised in the following table:

Action status	Actions	Cum %
Completed	50	79
On target (on track) - at least 90% of target achieved	3	84
In progress - between 70 and 90% of target achieved	4	90
Off target (off track)* - less than 70% of target achieved	3	95
Not started/Not continuing*	3	100
Total number of actions	63	

* more information is supplied below in the Report

Attachment 1 (distributed separately) provides additional detail on progress against actions, which are listed in order of Priority Areas taken from the Strategic Plan 2008-2013. (Council's Strategic Plan was extended by Council on 26 November 2012, to expire on 30 June 2014) and also contains the relevant Goals for each Priority Area.

Strategies and Actions in the document are listed in tables following on from their relevant Priority Area. The table includes the following information: the status of each action, progress comments on actions, which Directorate is responsible for each action, percentage complete for each action and the progress against targets set for each action.

This is the final progress report on 2013/14 Annual Plan Actions. Attachment 1 shows that some 2013/14 Annual Plan Actions have not progressed as planned due to, for example, changing priorities and dependencies. Where a subjective decision regarding the final status of a 2013/14 Annual Plan Action was required, Directors considered the progress reported by responsible officers as well as 2014/15 priorities to determine a percentage complete and a final status of Completed, On target, In progress, Off target or Not started/Deferred. For the purpose of transparency, Attachment 1 provides an explanation against Actions that are considered complete in their current form but will continue in a new Action for 2014/15.

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014...(Cont'd)

The progress comments that appear in Attachment 1 will be edited as appropriate for inclusion in the Council's 2013/14 Annual Report.

Progress against targets set for each action is indicated with one of the following icons:

	At least 90% of target achieved
	Between 70 and 90% of target achieved
	Less than 70% of target achieved

The following three (3) actions are off track:

Action: Complete a business plan covering the social, environmental and economic aspects of a kerbside organics collection service (Action No. 1.1.4.1 ISD Management)

Responsible Director: Harry Galea

Comments: Officers are currently working through the anticipated budget for a kerbside organics collection service. Preliminary costs are to be peer reviewed to ensure they are accurate. The project has been delayed due to heavy workload associated with capital works including the construction of the new resale shop and recycling centre. Council is considering seeking some external support to assist with completion of the business case. A business plan will be complete by 31 August 2014. A business case will be delivered to Council by 30 September 2014. This Action will continue in 2014/15 (Action No. 5.1.5.5 ISD Management) with a completion date of 30 September 2014.

Action: Facilitate an integrated Council-wide Community Engagement Framework progressively over a three (3) year period (Action No. 5.1.5.1 GSD Communications)

Responsible Director: Robert Dobrzynski, General Manager

Comments: Two (2) of the seven (7) major Levels of Service - Design and Delivery areas have been completed with another two (2) to be completed in the 2014 calendar year. The remaining three (3) are due to be completed by September 2015 as per the Community Engagement Schedule of Activity. Adjustments to the Major Levels of Service Schedule were made in February 2014 (Parking moved to October to allow for the free parking trial and Major Facilities moved to May 2014). Due to changes in the Infrastructure Services Directorate, Roads, road verges and trees was moved to March 2015. This means two (2) areas will now be completed in the 2014 calendar year (as opposed to the three (3) initially planned) and the final three (3) areas will be completed in the 2015 calendar year. These changes still mean that all seven (7) areas will be completed, as planned, in September 2015.

COUNCIL AGENDA

Monday 22 September 2014

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014...(Cont'd)

Action: Develop a Digital Media Strategy for the Council (Action No. 5.1.5.4 GSD Communications)

Responsible Director: Robert Dobrzynski, General Manager

Comments: Framework for developing the strategy is in progress. Following the unexpected Council re-brand, progress has slowed. At this stage, the strategy will be completed by 31 October 2014.

The following three (3) actions are not started/not continuing:

Action: Complete a water quality management plan for Newnham Creek (Action No. 1.1.2.2 ISD Infrastructure Assets)

Responsible Director: Harry Galea

Comments: This project was not delivered in 2013/14 due to staff vacancies and a change in priorities to flooding related issues. This Action has been reprioritised and is not going ahead.

Action: Complete Civic Square Precinct Plan (Action No. 1.1.3.3 ISD Parks and Recreation)

Responsible Director: Harry Galea

Comments: The Civic Square Masterplan project is not continuing as a stand-alone project and will now be delivered as part of the City Heart project during the 2014/15 financial year (Action No. 2.1.2.2 Launceston City Heart Project). The works completed to date on the Masterplan will be incorporated into the project briefing and community consultation for the broader City Heart project.

Action: Development of Heritage Precinct provisions in consultation with the Heritage Advisory Committee (Action No. 2.1.4.1 DSD Management)

Responsible Director: Michael Stretton

Comments: Draft provisions have been developed for the Glebe. Progress has been deferred pending consideration of the impacts of the changes to the Historic Cultural Heritage Act. This is scheduled to be completed in 2014/15 under the Action "Heritage management - Undertake a review of the Council's heritage management function in consultation with the Heritage Advisory Committee to identify priorities and develop a work plan" (Action No. 2.1.4.1 DSD Planning Services).

COUNCIL AGENDA

Monday 22 September 2014

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014...(Cont'd)

ECONOMIC IMPACT:

The actions contained in the Annual Plan arise from the Community's *Vision 2020* goals - supporting Launceston as a place to invest, developing tourism, marketing of the city, and supporting strategies for the region.

ENVIRONMENTAL IMPACT:

'Natural Environment' actions in the Annual Plan address the Strategic Plan 2008-2014 goals of *Sustainable management of natural resources, parks and recreational areas*.

SOCIAL IMPACT:

'Social and Economic Environment' and 'Cultural Environment' actions in the Annual Plan address the Strategic Plan 2008/2014 goals of *Promoting a healthy, prosperous and positive community* and *Supporting and developing arts and cultural activities*.

STRATEGIC DOCUMENT REFERENCE:

Council's Annual Plan 2013/14 details the major actions Council will work towards achieving in the Strategic Plan 2008-2014.

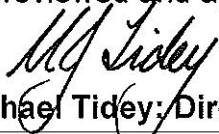
BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. 2013/14 Annual Plan Report - Progress Against Annual Plan Actions Period Ending 30 June 2014 (electronically distributed)
-

19.2 Code of Conduct for Aldermen**FILE NO:** SF2213**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the revised Code of Conduct for Aldermen (14-Plx-032) - formerly 14-Plx-024

PREVIOUS COUNCIL CONSIDERATION:

SPPC Minute 4.2 of 01 September 2014 recommended the policies be presented to a future Council meeting for formal adoption

RECOMMENDATION:

That the Council adopt the Code of Conduct for Aldermen (14-Plx-032) - formerly 14-Plx-024

CODE OF CONDUCT FOR ALDERMEN**Introduction**

This Code of Conduct sets out the manner in which City of Launceston expects those elected to Council to behave in respect to all aspects of their role.

It provides guidance to the Mayor, Deputy Mayor and Aldermen to assist them in carrying out their duties in an appropriate manner as well as information to the community on how they can expect their local government representatives to behave.

In developing this Code of Conduct, the Council has been mindful of the statutory requirements related to Codes of Conduct in the *Local Government Act 1993* and the *Local Government (General) Regulations 2005* and also recognises that the standards in this Code of Conduct are in addition to the requirements of the *Local Government Act 1993* and related legislation.

We understand that as Aldermen, we are in a position of trust and that collectively we are responsible for decisions which impact on all in our community.

19.2 Code of Conduct for Aldermen...(Cont'd)

Legislation

Section 28E of the *Local Government Act 1993* currently requires the following:

- 1) A council must adopt a code relating to the conduct of Aldermen by 1 July 2006
- 2) A code of conduct must:
 - a) be consistent with this Act; and
 - b) address any prescribed matters; and
 - c) be reviewed within 12 months after an ordinary election
- 3) The general manager is to make a copy of the council's code of conduct and any amendments to the code available –
 - a) for public inspection at the public office during ordinary office hours; and
 - b) for purchase at a reasonable charge; and
 - c) on its internet site free of charge.
- 4) An Alderman is to comply with the provisions of the code of conduct in performing the functions and exercising the powers of an Alderman.

Moreover, Regulation 22A of the *Local Government (General) Regulations 2005* prescribes that each council code of conduct must contain a number of elements.

These are:

- a) conflicts of interest;
- b) the use of the office of Alderman, mayor or deputy mayor;
- c) the use of council resources;
- d) the use of council information;
- e) the giving and receiving of gifts and benefits;
- f) relationships with the community, other Aldermen and council employees;
- g) the representation of the council.

To see all the regulations prescribing how a complaint must be made and dealt with please go to www.thelaw.tas.gov.au.

19.2 Code of Conduct for Aldermen...(Cont'd)

Statement of Values

We the elected representatives of City of Launceston are committed to discharging our duties conscientiously and to the best of our ability. We will at all times endeavour to:

- Act with impartiality, taking into account all the information available and making decisions solely on merit;
- Treat all people with respect;
- Act honestly, declaring our interests, following policies and processes and exercising powers strictly for the purpose intended;
- Be accountable for our decisions, making clear our reasons, keeping proper records and showing discipline and responsibility;
- Show leadership through demonstrating the behaviour we expect of others and ourselves; and
- Act in the best interests of the entire municipal area and the community, balancing the interests of all stakeholders.

Standards of Conduct

Eight standards of Conduct have been identified. These are:

1. Objective Decision-Making

Aldermen must ensure that they bring an impartial and unprejudiced mind to all matters being decided upon in the course of council duties.

This does not mean that Aldermen are automatically disqualified purely for having held a public view on a matter which is the subject of a council decision. In a case involving a Tasmanian council, the court found that "expressing such views is part of the electoral process" provided that expressing an opinion does not go as far as indicating a decision has been made.

Hobart City Council has received legal advice that Aldermen are entitled to participate in discussions with developers and interested third parties after a development application is lodged and to attend private and public meetings and briefings in relation to an application that will be determined by the Council as a planning authority under the *Land Use Planning and Approvals Act 1993* provided Aldermen keep an open mind and act fairly and impartially.

Elected representatives should adhere to council policy and legal advice in relation to expressing personal versus council views.

19.2 Code of Conduct for Aldermen...(Cont'd)

2. Conflict of Interest

Aldermen must ensure that, when carrying out their public duty, they are not wrongfully influenced by other external interests that they have, or duties that they owe. They must therefore, in all such dealings, put the interests of their community first. The onus is on Aldermen to identify a conflict of interest, whether perceived or real, and take appropriate action to resolve the conflict in favour of their public duty.

3. Proper Use of Office

Aldermen must not improperly use their position to gain an advantage or confer a disadvantage for themselves or anyone else. They must not conduct themselves in a way which could bring the Council or the position of Alderman into disrepute.

4. Proper Use of Resources

Aldermen must ensure that neither they nor others associated with them wrongfully benefit at the expense of the Council and its people, and thus are required to use Council property and resources strictly for the purposes of performing their role.

5. Proper Use of Information

Aldermen must not disclose, without consent, confidential information or other information which they have acquired as a result of their office with Council. Further, they must actively protect all confidential and other information of Council which comes into their possession or knowledge.

6. Gifts and Benefits

Aldermen hold positions of trust within the community. Aldermen must exercise their powers and carry out their duties without being influenced by personal gifts or benefits which they might otherwise enjoy.

7. Relationships with the Community, Aldermen and Council Staff

Aldermen must be familiar with, and adhere to, laws relating to treatment of people (e.g. antidiscrimination laws) and must treat people with courtesy, fairness, dignity and respect.

19.2 Code of Conduct for Aldermen...(Cont'd)

8. Representation of the Council

Aldermen must ensure that when representing the Council they only do so within the ambit of their authority. Furthermore, Aldermen must make clear when a personal opinion, as opposed to a Council policy or decision, is being discussed.

In developing these standards the Council has given consideration to the legislative requirements of a Code of Conduct and the values we wish to support.

Further detail on each of the standards, and examples of breaches of the Code of Conduct in relation to these standards is provided in subsequent sections.

Application of the Code of Conduct

This Code of Conduct applies to an Alderman whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office - that may be mayor, deputy mayor or Alderman; or
- acts as a representative of the Council.

A complaint for the failure to comply with the provisions of the Code of Conduct may be made where the Alderman fails to meet the standard of conduct specified in the Code.

Aldermen should only invoke the provisions of this Code in good faith, where it is perceived that another Alderman has not complied with its provisions or intent. Aldermen should in all cases attempt to resolve matters of disagreement with one another in the first instance and not immediately resort to a formal complaint.

For information on how to make a complaint please:

- talk to the City of Launceston's General Manager; or
- see the attached general information about making a Code of Conduct complaint; or
- see the attached Code of Conduct complaint form.

Standard of Conduct 1 – Objective decision-making**Expectations of Aldermen**

Aldermen must ensure that:

- a) In all of their dealings related to their Council duties, including in making decisions, they strive to do so free of any bias or pre-judgement;
-

19.2 Code of Conduct for Aldermen...(Cont'd)

- b) They make decisions solely on merit and in accordance with their statutory obligations when carrying out public business, including the awarding of contracts or recommending individuals for rewards or benefits; and
- c) In making decisions they must:
 - inform themselves as much as possible;
 - take all relevant facts known to them, or that they should be reasonably aware of, into consideration; and
 - have regard to the particular merits of each case independent of any personalities involved.

Supporting Examples

- 1) If an Alderman makes a public pronouncement about support of, or opposition to, an application prior to a decision of Council or suggests prior to a forthcoming Council or Council Committee meeting that they have already come to a decision, it is likely to give members of the public the view that the Alderman has already pre-judged the matter before a decision is made (whether that view is right or wrong does not matter).
- 2) Aldermen ought not sign a public petition to Council or be party to a legal claim against Council which demonstrates that in their capacity to influence a decision of Council, they will be likely to bring a partial and/or prejudiced view.

Standard of Conduct 2 – Conflict of Interest**Expectations of Aldermen**

- a) Aldermen must exercise reasonable judgement to decide if circumstances have arisen that may place them in a potential or actual conflict of interest situation;
 - b) Aldermen must seek to remove themselves from positions of conflict of interest as far as reasonably possible and so should resolve in favour of the responsibilities of their public office, all conflicts between their Council duties and responsibilities and any other private or personal (including business) duties or interests they have elsewhere, including clubs, memberships and affiliations;
 - c) Aldermen must adhere to principles of transparency and honesty and therefore always declare actual or potential conflicts of interest at any meeting of Council and at any working group or meeting of an outside body to which they are appointed or nominated by the Council. Moreover, they must abide by the rules, policies and law to adequately and appropriately deal with any conflicts;
 - d) Aldermen must act in good faith and exercise reasonable judgement, to determine whether the actual or potential conflict of interest is so material that it demands one or more of the following actions in addition to the expectations set out in paragraphs (a) – (c) above, namely that:
-

19.2 Code of Conduct for Aldermen...(Cont'd)

- Aldermen state their views on the matter for discussion or decision but abstain from participating in any Council decision on the relevant matter; or
 - Aldermen remove themselves physically from any Council discussion and remain out of the room during the decision on the relevant matter.
- e) If in doubt as to whether circumstances might amount or lead to an actual or potential conflict of interest, the Alderman must contact the General Manager to help resolve the course of action.

Supporting Examples

As a key question, when Aldermen are asking themselves whether they have a conflict of interest, they should ask themselves whether they are, or may be, wrongfully influenced by other external interests they have, or duties they owe, in making the relevant Council decision.

As examples only, Aldermen should consider this question in the following contexts:

- 1) If an Alderman is involved in the selection of a contractor or supplier of goods or services to the Council, it would be an unacceptable conflict of interest to place a contract with a family member or business contact without declaring the connection. Aldermen should then either remove themselves from the process for selection, or if they are required to continue in the process, then strictly follow the applicable Council tendering or other relevant procedures for the selection of a contractor.
- 2) If a decision is before Council in which the Alderman has a personal (non-pecuniary) interest because it will assist a not-for-profit organisation of which the Alderman, or a family member, are a member, then it is required that the Alderman clearly declares the nature of their interest. It is unlikely, however, to be so material that it excludes the Alderman from discussion or decision.
- 3) It becomes even less likely that an Alderman will have a conflict of interest the longer it has been since they had a formal involvement with an organisation which may cause conflict.

Note:

Where an Alderman has a direct or indirect financial interest (pecuniary interest), there are specific provisions in the Local Government Act which must be complied with. Complaints related to pecuniary interest matters should be made to the Director of Local Government and cannot be considered by a Code of Conduct Panel.

19.2 Code of Conduct for Aldermen...(Cont'd)

Standards of Conduct 3 – Proper Use of Office**Expectations of Aldermen**

Aldermen must ensure that:

- a) They do not take advantage (nor seek to take advantage) of their position or status to improperly influence others in the performance of their duties or functions, in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person;
- b) In their personal dealings with the Council (e.g. as a ratepayer, recipient of a Council service or applicant for consent granted by Council), they do not expect nor request, expressly or implied, preferential treatment for themselves or any other person or body; and
- c) To act in a manner so as to not bring elected or Council officers into disrepute.

Supporting Examples

- 1) If an Alderman wishes to transact business with the council in a private capacity, they should make clear the capacity in which they are speaking to staff and must not apply implicit or implied influence as an Alderman to obtain preferential treatment for themselves or their family.
- 2) An Alderman should not use the code of conduct for political purposes.

Standard of Conduct 4 – Proper Use of Resources**Expectations of Aldermen**

Aldermen must ensure that:

- a) They use Council resources ethically, effectively, efficiently and carefully in the course of public duties;
 - b) They do not use Council resources for private purposes except strictly as permitted by the Council for reasonable and limited personal use and, where required as part of such permission, proper payment for the use is made;
 - c) They do not convert any property of the Council to their own use unless properly authorised;
 - d) They use Council property appropriately, including intellectual property, official services and facilities and do not permit their misuse by any other person or body; and
 - e) They avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for their own or any other person's or bodies' private benefit.
-

19.2 Code of Conduct for Aldermen...(Cont'd)

Supporting examples

- 1) If the Council provides an Alderman with computer equipment for undertaking public duties, then they should not use that equipment for private work or outside the Council, except strictly in accordance with personal use guidelines or as otherwise expressly permitted by the Council.
- 2) The interest of an Alderman in their re-election is considered to be a personal interest and as a result the reimbursement of travel expenses incurred on election matters is not appropriate. Similarly, council equipment should not be used in a re-election campaign.

Standard of Conduct 5 – Proper use of information**Expectations of Aldermen**

Aldermen must ensure that they:

- a) Protect confidential information in their possession or knowledge;
- b) Only access information needed for them to perform their role;
- c) Do not use confidential information for any non-official purpose;
- d) Only release confidential information if they have authority to do so;
- e) Only use confidential information for the purpose it is intended to be used;
- f) Only release other information in accordance with established Council policies and procedures; and in compliance with relevant legislation/ laws;
- g) Do not use Council information for personal purposes;
- h) Do not disclose any information discussed during a confidential session of a Council meeting; and
- i) Actively protect all commercially sensitive and other confidential information of Council.

Supporting examples

- 1) If an Alderman receives information about an organisation through a closed Council Meeting (agendas, papers, discussion) then they must not disclose any part of that information to persons outside Council.
 - 2) Information used for public duties should not be copied or taken away from the workplace except strictly as necessary for Council purposes and in accordance with any relevant guidelines laid down within Council.
-

19.2 Code of Conduct for Aldermen...(Cont'd)

Standard of Conduct 6 – Gifts and Benefits

Please refer to the Council's Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031).

Standard of Conduct 7 – Relationships with the community, Aldermen and council staff**Expectations of Aldermen**

Aldermen must ensure that:

- a) Where appropriate, they make sure stakeholders have an opportunity to be heard about decisions that affect them;
- b) They do not make allegations to or about other Aldermen or members of the public which are defamatory, slanderous, derogatory or discriminatory;
- c) They behave in a manner that is free from discrimination, bullying or harassment;
- d) They listen to and respect each other's views in Council and committee meetings and any other proceedings of the Council, and make certain that issues, not personalities, are the focus of debate;
- e) They refrain from directing council staff, other than giving appropriate direction to the General Manager in the performance of the Council's functions by way of Council or committee resolution, or by the Mayor exercising his or her functions under Section 27(1(ba)) of the Local Government Act;
- f) They refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff of the Council or a delegate of the Council, in the exercise of the functions of the member or delegate; and
- g) They refrain from contacting an employee of the Council unless in accordance with procedures governing the interaction of Aldermen and Council employees that have been authorised by the General Manager.

Supporting examples

- 1) Aldermen should show respect to all other Aldermen, even if they hold different views and not try to change a view through intimidation or bullying.
 - 2) Aldermen should respect the impartiality and integrity of Council staff and behave towards them in a way that engenders mutual respect.
 - 3) Aldermen should treat all employees with courtesy and respect and observe any guidelines that the General Manager puts in place regarding contact with employees.
-

19.2 Code of Conduct for Aldermen...(Cont'd)

- 4) Aldermen must not victimise another Alderman for having made a complaint.
- 5) Aldermen must not verbally attack another Alderman; only their views should be challenged in a rational and dignified manner.
- 6) When referring to other Aldermen in a public forum, including electronic forms of communication, Aldermen should be conscious of how their comments will be perceived. Aldermen should ask themselves what a reasonable observer would think.

Standard of Conduct 8 – Representation of the Council**Expectations of Aldermen**

Aldermen must ensure that:

- a) When giving information to the community, they accurately represent the policies and decisions of the Council;
- b) They do not speak on behalf of the Council unless they have been specifically authorised or delegated by the Mayor;
- c) They clearly indicate when they are putting forward personal views;
- d) They do not knowingly misrepresent information they have obtained in the course of their duties; and
- e) When representing Council on external bodies, they make efforts to clearly understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such appointment.

Supporting example

The Mayor is spokesperson of Council. This does not mean that Aldermen cannot express a particular view, however, Aldermen must report on Council's policies and decisions accurately and clearly distinguish between their personal views and the official position of the Council.

Interpretation

In this document the following terms have been defined as:

"Alderman" means councillor as defined in Section 3 of the Local Government Act 1993.

"bully / bullying" means to threaten, persecute or oppress, either physically, emotionally, psychologically or morally with the intention to intimidate or frighten.

19.2 Code of Conduct for Aldermen...(Cont'd)

"Close Associate" has the same meaning as defined under Section 51 of the Local Government Act 1993; i.e. a person is a close associate of an Alderman if that person is:

- A body corporate of which the Alderman or member is a director or a member of the governing body; or
- A proprietary company in which the Alderman or member is a shareholder; or
- A public company in which the Alderman or member is directly or indirectly a substantial shareholder; or
- A beneficiary under a trust or an object of a discretionary trust of which the Alderman or member is a trustee; or
- A business partner of an Alderman or member; or
- The employer or an employee of the Alderman or member; or
- A person from whom the Alderman or member has received, or might reasonably be expected to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the council, council committee, special committee, controlling authority, single authority or joint authority; or
- The spouse or partner of the Alderman, member, Alderman's son or daughter or member's son or daughter; or
- The son, daughter, brother, sister, mother or father of the Alderman or member or of their spouse or partner.

"Conflicts of Interest" may arise when an Alderman can be influenced or a reasonable person could perceive that the Alderman could be influenced by a personal interest in a matter being considered by the Council or an Alderman has knowledge that a family member, relative, friend, associate or anybody else close to the Alderman has an interest. A conflict of interest can be of either a pecuniary interest or a non-pecuniary interest.

"Defamatory" means uttering or publishing comments that attacks the good name or reputation of another.

"Discriminatory / Discrimination" has its ordinary meaning as set out in the Anti Discrimination Act 1998 and means treating a person less favourably than others, usually because he/she belongs to a particular group or category.

"Ethically" means applying the principles of morality in relation to what is right and wrong in conduct.

"Harassment" means any form of behaviour that is not wanted and is intended to humiliate, offend or intimidate another person; to disturb persistently, torment; a form of conduct by one person or party towards another person or party that violates their dignity, or that creates an intimidating, hostile, degrading, humiliating or offensive environment.

19.2 Code of Conduct for Aldermen...(Cont'd)

"Honesty" means declaring all interests relating to their public duties and taking steps to resolve any conflicts that may arise in such a way that protects the public interest, following policies and processes and exercising any powers strictly for the purpose intended.

"Integrity" means not being under any financial or other obligation to an individual or organisation that might reasonably be thought to influence the performance of duties or decision making.

"Impartial" means acting in a way that an Alderman is viewed as being unbiased, unprejudiced, and thus acts fairly.

"Non-Pecuniary Interest" means a situation where an Alderman has a private or personal interest in a matter that does not relate to a financial loss or gain for the Aldermen (e.g. a friendship, family, membership of a club or organisation).

"Pecuniary Interest" means a situation where an Alderman has a direct or indirect (through a close associate) financial interest in a matter to be considered by Council (i.e. one in which there is a reasonable likelihood or expectation of an appreciable loss or gain.)

"Respect" means an Alderman recognises and utilises the diversity of the community it serves. Aldermen must treat with respect other Aldermen, staff and community members and the roles they play, treating them with courtesy and respect at all times. This means recognizing the various backgrounds and viewpoints of other people, respecting differing opinions and the rights of individuals.

"Unprejudiced" means an Alderman will keep an open mind, will refrain from developing unfavourable and preconceived opinion or bias against a person or thing.

General information about making a code of conduct complaint

How to make a complaint

Any person may make a complaint if he or she believes an Alderman has breached their Council's Code of Conduct. Code of Conduct complaints must be submitted in writing to the Mayor (or Deputy Mayor if the complaint relates to the Mayor), and may use the 'Code of Conduct Complaint Form', which is designed to make it easier to make a complaint.

19.2 Code of Conduct for Aldermen...(Cont'd)

The complaint must provide details of the alleged failure to comply with the Code of Conduct; i.e., the complaint should detail those sections of the Code of Conduct which have allegedly been breached. The complaint must identify the respondent Alderman (the person who is alleged to have breached the Code of Conduct) and the complainant (the person or persons laying the complaint). It must be lodged within 90 days of the alleged failure. The complainant must also provide contact details so that correspondence about the matter can be provided.

Will my complaint be confidential?

Yes. Under Section 22T of the Local Government (General) Regulations 2005 the Mayor/Deputy Mayor or a member of the Code of Conduct Panel or Standards Panel must not disclose the identity of a complainant or a respondent Alderman or any information relating to the complaint until a determination has been made and time for lodging an appeal has expired.

What happens after a complaint is lodged?

Council will acknowledge receipt of the complaint either verbally or in writing, and will advise as soon as possible if the complaint is accepted for further investigation. A Code of Conduct Panel may reject a complaint if:

- The complaint discloses that an offence or a crime may have been committed;
- The complaint is frivolous or vexatious; or
- The complaint does not relate to a failure to comply with a provision of the Code of Conduct.

Complaints are heard by the local Code of Conduct Panel within 90 days of the complaint being referred to the panel, unless both parties agree to mediation, or the matter is referred to the Local Government Association of Tasmania's Standards Panel.

Complaints may be referred to the Local Government Association's Standards Panel on request of the respondent Alderman, or if the local Code of Conduct Panel does not have the expertise to hear and determine the complaint. If the complaint is referred to the Standards Panel, the parties will be notified in writing. The complaint will be heard within 90 days of being referred to the Standards panel, unless both parties agree to mediation.

The complaint will be upheld or dismissed by the relevant panel, with sanctions imposed if the complaint is upheld. Sanctions include a caution, a reprimand, an apology, or counselling/ training. The Panel will provide a report to the Mayor (or Deputy Mayor), the respondent Alderman and the complainant.

19.2 Code of Conduct for Aldermen...(Cont'd)

A summary report is also required to be tabled at the next available open meeting of council. Matters heard by the Code of Conduct Panel may also be appealed to the Standards Panel by either party. Matters heard by the Standards Panel may be appealed to the Supreme Court.

Can a complaint be withdrawn?

The complainant can withdraw a complaint by writing to the Mayor (or Deputy Mayor if the complaint relates to the Mayor). Depending on the nature of the complaint, the Mayor (or Deputy Mayor if the complaint relates to the Mayor) may seek to pursue the matter if it is in the public interest.

19.2 Code of Conduct for Aldermen...(Cont'd)

CODE OF CONDUCT COMPLAINT FORM

INTRODUCTION

This form is designed to help you comply with the Local Government regulations in relation to making a Code of Conduct complaint. It is not compulsory that it accompany a complaint. It is suggested that this form is read in conjunction with the 'General information about making a complaint' fact sheet.

INSTRUCTIONS

If completing this form by hand, please use black or blue pen and print clearly. Send your completed form to the General Manager of the Council with the prescribed fee. If you require assistance completing this form please contact the Council to make arrangements.

CONTACT DETAILS (of person making the complaint)

Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):

SUMMMARY OF COMPLAINT

Name of the Councillor who you believe has breached the Code of Conduct:	
Provisions of the Code of Conduct that you believe have been breached:	
Date(s) of incident(s):	
Location(s) of incident(s):	

DETAILS OF THE COMPLAINT (further information may be attached)

--

WITNESSES (include anyone with knowledge of what happened and is willing to provide a statement)
<ul style="list-style-type: none">•
HAVE YOU PREVIOUSLY MADE A COMPLAINT ABOUT THIS MATTER?
YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, when did you make the complaint?
DESIRED OUTCOME OF COMPLAINT
Please explain what you would like to happen as a result of lodging this complaint:
PLEASE SIGN AND DATE
SIGNATURE:
Date:

Please return both pages of the completed form to the General Manager:
City of Launceston
Town Hall, St John Street
PO Box 396
Launceston TAS 7250
Fax: 03 6323 3001 Email: council@launceston.tas.gov.au

19.2 Code of Conduct for Aldermen...(Cont'd)

REPORT:

The Code of Conduct for Aldermen is based on the model Code of Conduct for Councillors available via the Local Government Association of Tasmania (LGAT), with minor changes regarding:

- how complaints may be made;
- the removal of information around the acceptance of gifts and benefits and the inclusion of a reference to the new Policy for Acceptance of Gifts and Benefits by Aldermen;
- the inclusion of the Council's contact details on the Code of Conduct Complaint Form.

Additionally, the following text regarding the withdrawal of a complaint has been included at "General information about making a code of conduct complaint", under a new heading "Can a complaint be withdrawn?":

The complainant can withdraw a complaint by writing to the Mayor (or Deputy Mayor if the complaint relates to the Mayor). Depending on the nature of the complaint, the Mayor (or Deputy Mayor if the complaint relates to the Mayor) may seek to pursue the matter if it is in the public interest.

The differences between the Council's existing Code of Conduct for Aldermen (14-Plx-024) and the revised Code of Conduct for Aldermen (14-Plx-032) have not been underlined. This is because the adoption of LGAT's model Code of Conduct for Aldermen has resulted in a revised policy with elements of similar content but with a significantly different format to the existing policy.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:N/A

19.2 Code of Conduct for Aldermen...(Cont'd)

STRATEGIC DOCUMENT REFERENCE:

The policies have been prepared with reference to Council's draft Strategic Plan 2014-2024 and are in keeping with the Council's ten year goals of:

- communicating and engaging consistently and effectively with our community and stakeholders;
- ensuring decisions are made in a transparent and accountable way
- continuing to meet our statutory obligations and deliver quality services

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey, Director Corporate Services

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen**FILE NO:** SF2213**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the new Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031)

PREVIOUS COUNCIL CONSIDERATION:

SPPC Minute 4.2 of 01 September 2014 recommended the policies be presented to a future Council meeting for formal adoption

RECOMMENDATION:

That the Council adopt the Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031)

Policy for Acceptance of Gifts and Benefits by Aldermen***PURPOSE:***

The purpose of this policy is to define the Council's expectations of the Mayor and Aldermen with regard to the acceptance and disclosure of gifts and benefits.

SCOPE:

This policy applies to the Mayor and Aldermen of the City of Launceston and is available for public inspection.

POLICY:

In relation to the acceptance of gifts and benefits by Aldermen of the City of Launceston:

1. Gifts or benefits above the value of \$75 must be disclosed and recorded in the Gifts Register.
 2. A cumulative amount in excess of \$500 of gifts or benefits received under the value of \$75 from any single source within a calendar year is to be declared and recorded in the Gifts Register.
 3. A cumulative amount in excess of \$1,500 of total gifts or benefits received under the value of \$75 within a calendar year is to be declared and recorded in the Gifts Register.
-

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen...(Cont'd)

4. Gifts and benefits may include a meal and/or beverage, tickets to sporting or theatrical events, corporate hospitality at a corporate facility or at a sporting venue, discounted products for personal use, use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.
5. Where the Council may issue tickets to Aldermen to attend Council run or sponsored/funded events, the Alderman is to ensure that details of the event, the Aldermen receiving the tickets and any dollar values are included in the Gifts Register.
6. Gifts to the City presented to Aldermen in fulfilling their civic and ceremonial roles will be retained by the Council and passed to the General Manager. The General Manager will arrange for the gift to be displayed within an appropriate area of the Council.
7. It is acknowledged that, from time to time, Aldermen will be offered tickets to sporting or theatrical events associated with Council managed facilities like Aurora Stadium and Princess Theatre. It is not expected that incidental gifts and benefits of this nature will be recorded in the Gifts Register, except if points 2 and/or 3 above apply.

PRINCIPLES:

In deciding whether it is appropriate to accept a gift or benefit, Aldermen are asked to consider:

- who is giving the gift or benefit, and their relationship to the Alderman/Council;
- is the gift or benefit being offered to influence a decision or seek a return favour?
- will public knowledge of the acceptance of the gift or benefit diminish community trust?

Adapted from the GIFT Test of the Victorian Public Sector Commission.

Expectations of Aldermen

Aldermen must ensure as part of their duties, they:

- a) Never accept an offer of money, regardless of the amount
- b) Do not accept gifts and benefits, other than token gifts, without ensuring each is disclosed and recorded in Council's Gifts Register in keeping with Council policies and procedures; and
- c) Strive to avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing (or attempting to secure) a favour from the Alderman or the Council.

Supporting examples

- 1) If an Alderman is involved in the allocation of tenders for any work supplied to the Council, they must not accept any benefits from the tenderer as this may be expected or perceived to influence the decision making process.
-

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen...(Cont'd)

2) If an Alderman is provided with tickets to the theatre or any form of corporate entertaining, then it should be declared in the Council Gifts Register in keeping with associated policies.

RELATED POLICIES & PROCEDURES:

14-Plx-016 Aldermen's Expenses and Resources Policy

14-Plx-032 Code of Conduct for Aldermen

RELATED LEGISLATION:

Local Government Act 1993 (Tas) S.28E

Local Government (General) Regulations 2005 R.22A

REFERENCES:

Strategic Planning and Policy Committee Notes 01 Oct 12 - ECM document number 2787031

Strategic Planning and Policy Committee Notes 06 Nov 12 - ECM document number 2809613

Model Code of Conduct Template produced by the Local Government Association of Tasmania April 2012; accessed 04 July 2014

Gifts, Benefits and Hospitality Policy Framework produced by the Victorian Public Sector Commission April 2012; accessed 04 July 2014

DEFINITIONS:

"token gifts/benefits" are low-value gifts or benefits that a reasonable person would not perceive are intended to improperly influence an Aldermen. City of Launceston defines token gifts or benefits as those with a value of less than \$75

"disclosed and recorded" means that gifts and benefits are captured in Council's Gift Register by Aldermen declaring the details of the gifts and benefits to the Executive Assistant to the Mayor or the Administration Officer to the Aldermen

REVIEW:

This policy will be reviewed to coincide with Council elections or more frequently, if dictated by operational demands and with Council's approval.

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen...(Cont'd)

REPORT:

The Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031) is a new policy.

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

The policies have been prepared with reference to Council's draft Strategic Plan 2014-2024 and are in keeping with the Council's ten year goals of:

- communicating and engaging consistently and effectively with our community and stakeholders;
- ensuring decisions are made in a transparent and accountable way
- continuing to meet our statutory obligations and deliver quality services

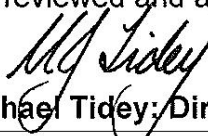
BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

19.4 Aldermen's Expenses and Resources Policy**FILE NO:** SF0973**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the revised Aldermen's Expenses and Resources Policy (14-Plx-016)

PREVIOUS COUNCIL CONSIDERATION:

SPPC Minute 4.2 of 01 September 2014 recommended the policies be presented to a future Council meeting for formal adoption

RECOMMENDATION:

That the Council adopt the Aldermen's Expenses and Resources Policy (14-Plx-016)

Aldermen's Expenses and Resources Policy**PURPOSE:**

To ensure that Aldermen are reimbursed on a consistent basis for actual costs incurred, subject to any agreed limits, so that:

- a) They are not financially 'out of pocket' by their representative duties; and
- b) The parameters for the reimbursement of expenditure is known and understood.

To distinguish between those resources and expenses that are provided and the payment of the Aldermen's allowance paid under Section 340(2A) of the Local Government Act 1993.

Schedule 5 of the Local Government Act 1993 requires Council to adopt a policy in respect of payment of expenses incurred by councillors in carrying out the duties of office and make a copy of the policy available for public inspection.

SCOPE:

The Policy applies to the reimbursement of expenses and the provision of resources and facilities support for the Mayor and Aldermen of the City of Launceston.

The Policy covers expenditure which is additional to the Aldermen's Allowance as determined by legislation.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

POLICY:

Council will reimburse expenditure incurred by Aldermen in undertaking their role as Alderman of the Council.

Expense reimbursement and the provision of resources and facilities will be made consistent with:

- a) Local Government (General) Regulations 2005 (S.R. 2005, No. 64); and
- b) the provisions of this policy (which includes the Regulations).

Resources the Council makes available to Aldermen (for example, a mobile/smart phone, tablet computer, PC or laptop) remain the property of the Council and must be returned at the end of the Alderman's Term of Office. At the end of the term, retiring Aldermen may be given the opportunity of purchasing items at a rate approved by the General Manager.

Any repairs for Council owned equipment must be organised through the General Manager's office.

The Council recognises that Aldermen may have existing arrangements in place around, for example, bundled phone and mobile data/internet access. If this is the case, the Council will make arrangements for reimbursement of expenses with Aldermen on a case-by-case basis, subject to the limits detailed in the policy and the approval of the General Manager.

The support provided by this policy can be categorised as follows:

Resources and Facilities

- Communications and Administrative Support
- Information Technology
- Provision of Gifts to Others
- Mayoral Vehicle
- Parking

Expense Reimbursement

- Travel, Meals, Accommodation and Functions
 - Private Vehicles
 - Child Care
 - Personal Care
 - Claims for Reimbursement Procedure
-

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 1 COMMUNICATIONS AND ADMINISTRATIVE SUPPORT
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- **Report (Agenda and Minute) Distribution**

The arrangements for report distribution are:

- (a) Agendas for Council and Strategic Planning and Policy Committee will be distributed electronically.
- (b) Printed agendas will be available for collection from the Town Hall.
- (c) Minutes will be distributed electronically.

Printed minutes will not be provided.

- ***Phone/s***

Aldermen will, on request, be provided with a mobile phone of the standard make and type that is being acquired by Council at the time of the request.

Phone expenses will be reimbursed as follows:

A maximum of **\$150** per month for mobile telephone costs for a Council provided mobile phone

OR

A maximum reimbursement of **\$150** per month for phone costs for a privately provided mobile phone and/or fixed line.

- ***Office facilities, services and support staff***

Secretarial assistance for Council related correspondence will be made available. Assistance will not be provided for personal/private business matters.

Stationery will be provided for Council related business.

- ***Business Cards***

Aldermanic business cards will be provided on request.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 2 INFORMATION TECHNOLOGY
--

- ***Computer and Internet Access***

Aldermen will be provided with a tablet computer and mobile data service suitable for receiving and accessing electronic Council papers and related documentation. The monthly data allowance will be determined by the Council. **The cost of the mobile data service will be met by the Council.**

Aldermen will, on request, be provided with a PC or laptop computer of the standard make and type that is being acquired by Council at the time of the request. Internet access for the PC or laptop computer will be via the internet service that each Alderman elects to arrange and use with their preferred Internet Service Provider (ISP). Configuration of the PC or laptop for the internet connection is usually part of the Internet Service Provider's (ISP) package.

Aldermen will, on request, be provided with a once-only contribution of **\$250** toward the cost of acquiring an internet connection or a wireless capability.

Aldermen will receive a contribution of **\$50** per month toward the cost of their internet access (service provider charge).

Aldermen are expected to adhere to the basic information technology security principles recommended by the Council in their use of these devices (for example, PIN or password protection).

- ***Software***

The tablet will be supplied with a document distribution application (DocsOnTap). The PC/laptop will be supplied with the same version of Microsoft Windows and Microsoft Office that is installed on Council computers. Virus protection software will also be supplied.

Aldermen may install other applications to meet their own needs. Purchasing, licensing, installation and support of these other products is the responsibility of each Alderman.

- ***Council Network***

The computers will be configured for standalone use. They will not have access to the Council's network. Aldermen are able to use the Council's network facilities via the PCs located in the Aldermen's area.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

[Explanation: In order to protect the overall security (viruses etc.) of the Council's network, there are strict controls on the computers that can be connected to the network. To provide this capability for Aldermen would mean prohibiting the installation of other software on the laptop and restricting internet (site) access. For the expected type of use by Aldermen, a greater benefit and flexibility is provided by stand-alone operation than a restricted network configuration.]

- **Printers**

Aldermen will, on request, be provided with a contribution of **\$200** toward the cost of purchasing or replacing a printer. The printer belongs to the Alderman.

An allowance of **\$10** per month will be provided toward the cost of consumables for personally owned printers.

A suitable printing device, at a standard determined by the General Manager, will be available in the Alderman's area to enable printing.

- **Email**

Council email is accessible externally via an internet connection. The final configuration of email accounts including email redirection facilities will be arranged with individual Aldermen. The Council's information management policies and standards apply to emails.

- **System Backup**

The backup of the data on the tablet and PC or laptop is a matter for each Alderman to manage as appropriate to their needs. Regular system backups are strongly recommended to protect from data loss in the event of failure.

- **System Support**

Training in specialised applications (e.g. DocsOnTap) will be provided as part of the induction process for Aldermen. Any other training for Aldermen (e.g. in the use of Microsoft Windows and Microsoft Office) will be arranged on request through the Aldermen's Administration Officer with an external training provider. The Council will pay for reasonable costs as approved by the General Manager.

Support for the operation of the PC or laptop and tablet will be provided by the IT department during office hours. This support is primarily for equipment problems, not training. Any equipment failures and repairs are to be reported to the IT department so that repairs can be arranged. After hours support will not be available.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

- ***Return of Tablet and PC or Laptop***

When the tablet, PC or laptop is to be replaced or an Alderman leaves the Council, the equipment is to be returned to the IT department for removal of data and any non-standard software applications prior to reallocation or disposal.

Section 3	<u>PROVISION OF GIFTS TO OTHERS</u>
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In fulfilling their civic and ceremonial roles and responsibilities, Aldermen will meet local, national and international delegates and officials.

In circumstances where the exchange of gifts between the host and visitor is considered courteous and expected, Council will provide a gift for the Alderman to exchange.

The provision of corporate gifts by Aldermen will be by request through the General Manager's office and will be of a standard considered appropriate for the event.

The requirement for the disclosure of gifts presented to Aldermen is detailed in the Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031).

Section 4	MAYORAL VEHICLE
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Council is to make a vehicle available to the Mayor, or the Mayor's representative, when representing the City at meetings, functions, and other activities.

The Mayoral Vehicle is to be available on either of the following bases -

	Garaged at Home	Limited Private Use
Private Use	Drive to and from Council	Private use other than when on leave
Periods of Leave	Garaged at Town Hall	Garaged at Town Hall
Mayoral Contributions	Not required	Yes - to cover private use other than to and from Council

Use of the vehicle by other Aldermen and the General Manager will only occur at the Mayor's discretion.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 5 PARKING

Car parking will be made available for Aldermen in the car park near the Town Hall for use on meeting days and whilst conducting Council business.

Parking permits will be made available for use when on Council related business. Permits will relate to both on-street and off-street parking.

Section 6 TRAVEL, MEALS, ACCOMMODATION AND FUNCTIONS
--

- ***Attendee at Seminars/Conferences etc.***

The Council will pay for the cost of Aldermen to attend Council approved seminars, conferences and training programmes, including accommodation and travel expenses providing these are arranged through the General Manager's Office.

The actual cost incurred for meals and incidentals will be reimbursed (where these are not part of Conference Registration package) subject to the presentation of receipts and tax invoices for expenses claimed.

- ***Attendee at Functions***

The Mayor, Deputy Mayor and Aldermen may receive invitations to attend functions in their capacity as an Alderman.

Invitations with Council budgetary implications, will be referred to the General Manager for approval prior to agreeing to attend (retrospective payments will not be provided). Requests for approval will only be considered where the invitation is addressed specifically to the Mayor, Deputy Mayor or an individual Alderman.

The Council will not meet any costs during an election period where the Mayor, Deputy Mayor or particular Alderman standing for re-election is requesting payment.

It is recognised that the Mayor may still need to attend functions as the Council's representative during an election period which will be funded by the Council subject to prior approval by the General Manager.

- ***Accompanying partners/guests***

A partner or guest may accompany an Alderman to conferences or a function where other attendees are generally accompanied by partners.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

The Council will not generally pay or reimburse for guests' or partners' meals, accommodation, travel, social packages or attendance as an accompanying guest, unless specifically approved by a vote of the Council, with the exception that the Council will pay the cost of partners attending conference dinner functions and partners' programs where an Alderman is attending a Council approved State or National conference.

- ***Council Meeting Meal Allowance***

A meal allowance of **\$35** for any Council meeting that extends beyond 5.30pm will be paid.

- ***Sister City Visits***

When an Alderman chooses to participate in an official visit to a Sister City as part of a delegation Council will reimburse 100% of the Alderman's economy airfare.

The Council will determine how many Aldermen participate in overseas visits.

If billets are not available for Aldermen, accommodation costs for up to five nights will be paid by the Council for Aldermen and their partners.

Section 7 PRIVATE VEHICLES

Costs relating to private vehicle use will be reimbursed.

Reimbursement will be for the cost of private vehicle travel to meetings of a committee/group or a function, outside a 37 kilometre radius of the Town Hall, where an Alderman is representing Council at the direction of Council or the Mayor.

The rate of reimbursement is to be based on an appropriate industry reference or Australian Taxation Office rates.

Section 8 CHILD CARE

Council will reimburse the cost of necessary child care expenses incurred by Aldermen in the course of carrying out their duties, including:

- Attendance at Council and Council Committee meetings
 - To attend meetings arising as a result of an Alderman being appointed by Council to an internal or external body or committee except where the body or committee reimburses relevant child care expenses incurred by the Alderman
-

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

- To attend informal briefing sessions or meetings with prior approval of the General Manager

Claims must be accompanied by a receipt from a licensed child care provider showing the date and time care was provided and detail the reason care was needed on each occasion.

Claims must be submitted on a fortnightly basis and be submitted on the approved Child Care Reimbursement Claim Form.

Alderman claiming reimbursement for child care expenses are required to provide the General Manager with documentary evidence regarding their entitlement or non-entitlement to the Commonwealth Government Child Care Benefit Scheme. Any entitlement is to be off-set against the hourly rate charged by the registered Child Care provider.

Section 9 PERSONAL CARE

Where an Alderman is required to employ or engage the services of a personal carer to attend to the needs of a member of the Alderman's immediate family or household, in order for that Alderman to carry out their duties as an Alderman, the Council will reimburse the cost of the personal carer expenses.

Claims must, on each occasion, be accompanied by a receipt from the personal care provider showing the date, time, and detail the reason and for whom the care was provided.

Where an Alderman is able to claim reimbursement for the provision of personal care services under any Commonwealth Government or Private Insurance Health Benefit Scheme, the Council will only reimburse the difference between the amount reimbursed by the scheme and the total cost of the service provided. Claims are to be submitted against any scheme before submission to the Council.

For the purposes of this section, the following definitions apply:

Duties of an Alderman include:

- Attendance at the Council and Council Committee meetings;
 - Attendance at meetings arising as a result of an Alderman being appointed by the Council to an internal or external body of committee;
-

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

- Attendance at informal briefing sessions or meetings with prior approval of the General Manager.

Immediate Family includes:

- Spouse or de facto spouse. (A de facto spouse means a person who lives with the Alderman as their spouse or partner on a bona fide domestic basis); and
- Child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the Alderman.

Section 10 CLAIMS FOR REIMBURSEMENT PROCEDURE
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Claims for reimbursement are to be submitted on a fortnightly basis using the Claim Form provided.

When making claims for reimbursement of expenses, Aldermen must provide original receipts, tax invoices and documentation to support a claim. Each claim must clearly identify the purpose, in order to make clear the basis of the claim and its relation to the policy guidelines.

Claims for reimbursement are to be submitted to the General Manager.

Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part thereof is eligible under this policy, the matter will, in the first instance be brought to the attention of the Mayor who will, in turn, discuss the matter with the Alderman making the claim. Should the question still remain, the matter is to be referred to a Closed Session of Council for a decision.

PUBLICATION

Section 72 of the *Local Government Act* 1993 requires the Council to publish in its Annual Report a statement of the total allowances and expenses paid to the Mayor, Deputy Mayor and Aldermen. These will be reported so that individual's expenses are identified.

PRINCIPLES:

The following principles have been (with some minor modifications/explanation) taken from the Victorian Government guidelines and underpin the basis for this policy.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

1. Appropriate Aldermanic conduct (use of public resources).
2. Diversity in participation, equity and access (not to create a financial barrier to participation).
3. Accountability, transparency and community acceptance.
4. Local flexibility according to complexity, needs and standards.
5. No disadvantage - separation of allowances from reimbursement of expenses and provision of resources and facilities.

There is no right of offset between expense types, where maximum amounts have been set under this policy.

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

17-Plx-006 Record Keeping for Aldermen Policy

14-Plx-031 Policy for Acceptance of Gifts and Benefits by Aldermen

14-Plx-032 Code of Conduct for Aldermen Policy

RELATED LEGISLATION:

Local Government Act 1993

Local Government (General) Regulations 2005 (S.R 2005, No. 64)

REFERENCES:

Mayor and Councillor Entitlements Information Guide, Department of Planning and Community Development - Victoria, November 2008 (last viewed 4 July 2014)

DEFINITIONS:

"duties of office" includes attendance at official Council meetings, approved functions and whilst working on Council business other than at home

"reasonable expenses" means a standard unit or hourly rate that is readily available to members of the public for a similar service

"reimbursement of child care expenses" means reimbursing the cost of securing licensed child care, less any amount received as a Commonwealth Government subsidy for the care provided. This may from time to time be only available from Council nominated child care providers at the discretion of the Council

"phone costs" includes rental and call costs

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

REVIEW:

This policy will be reviewed to coincide with Council elections or more frequently, if dictated by operational demands and with Council's approval.

REPORT:

The Aldermen's Expenses and Resources Policy (14-Plx-016) has been reviewed. This report details the changes to the policy.

The title of the policy has been changed from Mayor and Aldermen's Expenses and Resources Policy to Aldermen's Expenses and Resources Policy for consistency with other policies related to elected members.

Another change to the policy has been to remove reference to the receipt of gifts and benefits (to allow for their consideration in a separate policy document).

Remaining changes to the current version of the document are underlined.

The policy offers Aldermen a once-only contribution of **\$250** toward the cost of acquiring an internet connection or a wireless capability and a contribution of **\$50** per month toward the cost of their internet access (service provider charge).

At the time of writing, an analysis of (NBN) plans with practical data speeds and allowances offered by three internet service providers suggests the contribution of **\$50** per month is appropriate, considering that Council business could reasonably be expected to account for less than 100% of monthly internet usage. This research is reflected in the table below.

Provider	Monthly charge	Data speed	Data allowance	Contract length
iinet	\$54.95	25/5Mbps	20GB Peak + 20GB Off Peak	24 months
Internode	\$54.95	25/5Mbps	30GB	24 months
Telstra	\$80	25Mbps	10GB	24 months

Note that the existing policy provides for the Council to supply and/or support facsimile machines for Aldermen. The supply and/or support of facsimile machines will not be continued. The policy has been updated to reflect this change.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

The policies have been prepared with reference to Council's draft Strategic Plan 2014-2024 and are in keeping with the Council's ten year goals of:

- communicating and engaging consistently and effectively with our community and stakeholders;
- ensuring decisions are made in a transparent and accountable way
- continuing to meet our statutory obligations and deliver quality services

BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Michael Tidey; Director Corporate Services

COUNCIL AGENDA

Monday 22 September 2014

20 GENERAL MANAGER

20.1 LGAT General Meeting 24 September 2014 - Form View on Motions Submitted

FILE NO: SF2217 / SF2218

AUTHOR: John Davis (Manager Corporate Strategy)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider the motions listed for the Local Government Association of Tasmania General Meeting scheduled for 24 September 2014.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council:

1. Adopt the motions presented in the 'Items for Decision at LGAT General Meeting 24 September 2014' table (Attachment 1).
 2. With the exception of the motions listed in Attachment 1, requests the Council's representative to vote accordingly on the remaining motions listed for consideration at the LGAT General Meeting 24 September 2014.
-

REPORT:

The LGAT agenda for the Association's General Meeting to be held in Ulverstone on 24 September 2014 has been circulated to all Aldermen and Directors.

The purpose of this report is to ensure Aldermen are aware of the motions that will be considered by the association and to allow Council the opportunity to consider and provide direction to the Mayor or representative in voting on the respective motions.

Robert Dobrzynski (General Manager) and Michael Tidey (Director Corporate Services) have reviewed the General Meeting Agenda and provide their comments in Attachment 1.

COUNCIL AGENDA

Monday 22 September 2014

20.1 LGAT General Meeting 24 September 2014 - Form View on Motions Submitted...(Cont'd)

ECONOMIC IMPACT:

N/A

ENVIRONMENTAL IMPACT:

N/A

SOCIAL IMPACT:

N/A

STRATEGIC DOCUMENT REFERENCE:

Strategic Plan Priority Area 5: Governance Services


BUDGET & FINANCIAL ASPECTS:

N/A

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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


Robert Dobrzynski: General Manager

ATTACHMENTS:

1. Items for Decision at LGAT General Meeting 24 September 2014 Table (total pages = 2)

Circulated separately

2. General Meeting Agenda 24 September 2014 (total pages = 22)
 3. Attachment to Item 1.1 - General Meeting Minutes 23 July 2014 (total pages = 117)
-

Attachment 1 - LGAT Items for Decision table - 24 September 2014 (total pages = 2)

Items for Decision at LGAT General Meeting 24 September 2014

Ag Item	Pg. No	Motion	Submitting Council/s	City of Launceston Comment
2.1	7	<p>Decision Sought</p> <p>That the Association establish a state wide Local Government Performance Index detailing Tasmanian benchmarking and performance ranking for Councils.</p>	Clarence City	<p>Michael Tidey (Director Corporate Services)</p> <p>Support for indicators and benchmarking</p> <p>Previous efforts in regard to performance indicators have proved challenging and it's unfortunate that the process through the Local Government Division has discontinued.</p> <p>There is now a new set of measures required by the Audit Officer and a range of new requirements that have been introduced in Victoria.</p> <p>The intent is supported, however, an appropriate set of performance indicators must be found.</p>
2.2	8	<p>Decision Sought</p> <p>That LGAT formally request the State Government to review and amend the Government's procedures for the disposal of State owned public land, including property acquired by default, by introducing prior sale conditions that:</p> <p>(a) Requires the Government to have effectively dealt with any environmental rehabilitation and/or the removal of hazardous materials prior to offering the property for sale;</p> <p>(b) As part of the sale process, require prospective purchasers to provide details of the proposed future use of the site and include as a condition of sale that the property is to be developed within a specified timeframe; and</p> <p>(c) Make available to the public the results of any feasibility study accepted as part of a sale contract for re development and future use of the site or premises consistent with the relevant planning scheme and zoning.</p>	Devonport City	<p>Michael Tidey (Director Corporate Services)</p> <p>Support for the intent, in particular part (a).</p> <p>There are practical difficulties in part (b) in regard to the provision of certainty and guaranteeing the future outcomes.</p> <p>Part (c) relates to an open process which seems reasonable.</p>

Items for Decision at LGAT General Meeting 24 September 2014

Ag Item	Pg. No	Motion	Submitting Council/s	City of Launceston Comment
2.3	9	<p>Decision Sought</p> <p>That LGAT supports the position of all state parties in their election commitments to lobby the major federal political parties in opposing super trawlers operating in Australian waters, and support immediate federal legislation to permanently ban super trawlers in Australia's Exclusive Economic Zone (EEZ) but not to affect current fishing operators.</p>	Break O'Day and Northern Midlands	<p>Robert Dobrzynski (General Manager)</p> <p>Support</p> <p>While it could be suggested that the commonwealth currently has sufficient legislative authority to undertake bans on super trawlers that are not seen in the best interests of Australia, the motion, amended from the LGAT General Meeting on 23/07/14 now at least protects local fishing businesses that would have been impacted by a blanket ban.</p>
2.4	10	<p>Decision Sought</p> <p>That the LGAT write to the Minister for Local Government requesting the removal of the mandatory requirement for councils to have an audit panel, unless there is an express reasoning by the Auditor General and supported by the Minister for Local Government in relation to an identified and ongoing issue with a Council.</p>	Meander Valley	<p>Michael Tidey (Director Corporate Services)</p> <p>Not Supported</p> <p>This is a new requirement which has been through a process prior to implementation. It seems too soon to be deciding to abandon it as a mandatory requirement. There needs to be some time to see what benefits are derived from the Audit Panels over time.</p>

21 URGENT BUSINESS

Pursuant to clause 8(6) of the *Local Government (Meeting Procedures) Regulations 2005*

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

23 CLOSED COUNCIL

24 MEETING CLOSURE
