



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 22 AUGUST 2019
1.00pm**

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

Date: 22 August 2019

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
General Manager

City of Launceston

COUNCIL AGENDA

Thursday 22 August 2019

22 November 2018

Mr Michael Stretton
General Manager
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

Dear Michael

COUNCIL MEETING

In accordance with regulation 4 of the *Local Government (Meeting Regulations) 2015* which states:

4. Convening council meetings

- (1) *The mayor of a council may convene -*
- (a) *an ordinary meeting of the council; and*
 - (b) *a special meeting of council.*

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following Thursdays for 2019: 24 January; 7 and 21 February; 7 and 21 March; 4 and 18 April; 2, 16 and 30 May; 13 and 27 June; 11 and 25 July; 8 and 22 August; 5 and 19 September; 3, 17 and 31 October; 14 and 28 November and 12 December commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



Councillor A M van Zetten
MAYOR

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

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

3 CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 8 August 2019 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

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

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

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

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

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

7.1.1 Public Questions on Notice - Ms Glenda King - Council Meeting - 8 August 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following questions, asked at Council on 8 August 2019, by Ms Glenda King, have been answered by Leanne Hurst (Director Development Services).

Questions:

1. The owner of the property has publicly written in response to comments in Wednesday's *The Examiner* article on the demolition of the historic 1870s brick wall at 14-16 St Georges Square, that she contacted the Council when purchasing the property to ensure that she could rebuild the wall. She states she would never have bought the property if she had to live with the leaning fence. Given that this would indicate that Council knew of her intentions to demolish and rebuild the wall, was this information passed to Councillors sitting on the Heritage Advisory Committee? Was this known to the Director of Planning and also the Senior Manager of Planning, both of whom sit on the Heritage Advisory Committee together with Councillor McKenzie as Chair and Councillor Walker and if it was not passed on, why not?

Response:

In late 2017, the owner of 14-16 St Georges Square, East Launceston enquired about rebuilding the wall and was advised that repairs and maintenance would not require planning approval. This response to a general enquiry was not referred to Senior Managers or Directors as the wall was not heritage listed and no specific works were proposed at that time.

The previous Development Application was originally advertised with plans that showed the removal of the wall and replacement with an alternative fencing material. It received 56 representations on first application and was subsequently withdrawn by the applicant and a new application (DA0339/2019) was submitted showing that only demolition of the existing dwelling would be sought under the provisions of the Planning Scheme at this time.

As previously advised, the emergency work provisions of the Building Act 2016 were relied upon by the owner to undertake the repairs on the wall and the requisite paperwork has been submitted to the Council's building permit authority. The owner has indicated an intention to rebuild the wall using the salvaged materials.

7.1.1 Public Questions on Notice - Ms Glenda King - Council Meeting - 8 August 2019 ...(Cont'd)

3. Given that the 1870s historic wall at 14-16 St Georges Square was recommended for protection unanimously by the Council's Heritage Advisory Committee, which includes the two Councillors mentioned before and the Planning Director and Senior Management and which is on the Agenda for this Meeting, why was no interim protection able to be applied to the wall until a decision was made by this Council in respect of this Agenda Item?

Response:

The notes from the Heritage Advisory Committee Meeting reflect that the Committee's members supported Council Officers' intention to nominate the property at 14-16 St Georges Square, East Launceston to be included on the local heritage places list as part of the next version of the Launceston Planning Scheme. There is no legislative ability for Councils to change provisions in planning schemes as interim arrangements.

7.1.2 Public Questions on Notice - Ms Jenny Davidson - Council Meeting - 8 August 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question, asked at Council on 8 August 2019 by Ms Jenny Davidson, has been answered by Leanne Hurst (Director Development Services).

Question:

1. The developer involved has written publically and has been quoted in the public domain and being quoted in the press as saying that the wall was *actually deemed dangerous prior to it being taken down today*. Had the Council received any expert engineering report that the fence was a danger because obviously that is significant?

Response:

It has been confirmed that sections of the wall were demolished in accordance with the emergency work provisions of the Building Act 2016, and that the requisite paperwork was submitted to the Council's building permit authority, as required under the Act.

2. I am deeply concerned about the adjoining property *Torkington* that has the two massive sequoia trees. Seeing what happened on Tuesday, can the Council put in place any protection that there will be no further repairs or excavations in the area of those trees because obviously the root system extends into 14-16 St Georges Square? The arborist from *Torkington* says they would be in a lot of danger if there was excavation especially as trees were being removed with an excavator from next door. Whose responsibility will that be if the trees suffer? Can Council put in place a proper management of the tree safety before any further works occur on that site?

Response:

The current application for the demolition of the dwelling at 14-16 St Georges Square, East Launceston is expected to be determined at the 5 September 2019 Council Meeting. There is scope for any approval to include conditions requiring the provision of a management plan for the protection of trees during demolition and future use of the site.

7.1.3 Public Questions on Notice - Mr Mark Melville - Council Meeting - 8 August 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question asked at Council on 8 August 2019, by Mr Mark Melville, has been answered by Leanne Hurst (Director Development Services).

Questions:

1. Continuing on from the previous speaker regarding what measures Council can put in place to ensure the heritage of built environment and that the trees and vegetation are protected in the future. The original sub-division Development Application had provisions regarding these protections but they seem to have been ignored and also, in the Development Application for the demolition there seem to be some rather vague commitments to do something in the future. Sequoia trees have been living for over 1,000 years and you are also looking at trees with a root system that could spread for 8-9 metres - they are quite unique. They will extend into the building envelope's structure. Just from a practical point of view, I need to know what compliance arrangements Council would have and how they would be enforced?

Response:

The current application for the demolition of the dwelling at 14-16 St Georges Square, East Launceston is expected to be determined at the 5 September 2019 Council Meeting. There is scope for any approval to include conditions requiring the provision of a management plan for the protection of trees during demolition and future use of the site.

7.2 Public Questions Without Notice

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

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

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

8 PLANNING AUTHORITY

No Development Applications have been identified as part of this Agenda

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

Thursday 8 August 2019

- Attended the *Change Overnight* official launch party at Room A 25 York Street
- Attended the official opening of the refurbished RACT Office

Monday 12 August 2019

- Attended the Opening Night *Tarzan* and officially thanked crew afterwards

Tuesday 13 August 2019

- Attended a breakfast with Federal Treasurer, The Hon Josh Frydenberg MP
- Co-launched *Launceston Learning Festival* with Richard Ford

Wednesday 14 August 2019

- Attended welcome theatre drinks for Stuart Loone

Friday 16 August 2019

- Attended the Tasmanian Leaders Program event

Saturday 17 August 2019

- Officiated at the official opening of Riverbend Park and Community Celebration
- Attended the New Horizons 007 Bond Ball

Sunday 18 August 2019

- Officiated at the Vietnam Veterans Day Commemorative Service and placed a wreath
- Officiated at a Civic Reception following the Memorial Service at RSL

Tuesday 20 August 2019

- Attended Book Week at Lilydale Primary School
 - Attended a White Ribbon - *Club Respect* event
-

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

Wednesday 21 August 2019

- Attended *Matilda: The Musical* - Launceston College production
-
-

10 COUNCILLOR'S REPORTS

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

11 QUESTIONS BY COUNCILLORS**11.1 Questions on Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

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

11.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

12 COMMITTEE REPORTS

No Committee Reports have been identified as part of this Agenda

13 COUNCIL WORKSHOPS**13.1 Council Workshop Report****FILE NO:** SF4401**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

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

Workshops conducted on 15 and 22 August 2019:

Northern Tasmania Development Corporation Ltd

Councillors were provided with an update on Hydrogen Energy, the Population Program and the status of the Draft Regional Economic Development Plan.

Cataract Gorge Area - Development Assessment Framework

Councillors reviewed the documentation and report of the Reimagining the Cataract Gorge and provided input on how Council will consider development proposals in the area in future.

MONA FOMA 2020

Councillors were provided an update on MONA FOMA 2020.

Development Proposal

Councillors were provided with initial documentation on a development proposal within the CBD.

Shopping in the City Retail Report

Councillors were provided with the draft Shopping in the City Report.

Notice of Motion Response: Free Parking

Councillors were provided with the findings of an investigation in 90-minute free parking in multi-storey car parks.

13.1 Council Workshop Report ...(Cont'd)

Invermay Traffic Masterplan

Councillors were provided with the Invermay Traffic Masterplan.

Tasmanian Government's Draft Waste Action Plan

Councillors provided feedback on the Tasmanian Government's Draft Waste Action Plan.

REPORT:

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

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

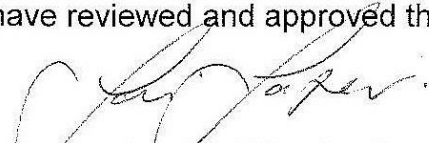
Not considered relevant to this report.

13.1 Council Workshop Report ...(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.



Louise Foster: Director Corporate Services

14 NOTICES OF MOTION

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

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

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS**15.1 *My Place My Future* - Final Plan****FILE NO:** SF6770/SF6504**AUTHOR:** Nicole Lucas (Northern Suburbs Project Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider the Launceston City Deal Northern Suburbs Revitalisation Plan now titled *My Place My Future* - A plan for living, working and playing north of the river.

PREVIOUS COUNCIL CONSIDERATION:

Council - 3 April 2017 - Agenda Item 21.1 - Launceston City Deal

Council - 18 June 2018 - Agenda Item 23.4 - City Deal Annual Progress Report

Council - 11 July 2019 - Agenda Item 22.3 - Launceston City Deal - 2019 Annual Progress Report

RECOMMENDATION:

That Council approves the Launceston City Deal Northern Suburbs Revitalisation Plan now titled *My Place My Future* (ECM Doc Set ID 4112436).

REPORT:

One of the key commitments for the Launceston City Deal is the development by the City of Launceston of a revitalisation plan for Launceston's Northern Suburbs. The suburbs included in the scope of the *My Place My Future* Plan (the Plan) include Invermay, Mowbray, Newnham, Mayfield, Rocherlea, Ravenswood and Waverley. These suburbs, each with their own distinct identity, represent approximately one third of the population within the Launceston municipality. After considerable research and consultation, the Plan is being presented for Council approval (Attachment 1).

The Launceston Northern Suburbs encompass very proud, resilient and vibrant communities. Engaging with community representatives through the development of the Plan has been both rewarding and inspiring for all of the stakeholders involved. The commitment to invest in these suburbs into the future will not just strengthen these communities but will have a lasting effect on the prosperity of greater Launceston.

15.1 *My Place My Future* - Final Plan ...(Cont'd)

The Plan represents new and exciting collaborative opportunities for the three levels of government to work together and build upon the great initiatives already underway in these suburbs. It also creates innovative possibilities for relevant government stakeholders to engage further with the communities to realise their visions for their future.

All levels of government recognise the importance of working together on behalf of the communities that they represent. The Plan has created a real, viable mechanism for this to happen, as well as ensuring that the ongoing story of the Launceston Northern Suburbs and the people that live, work and play there remains a central focal point. The Plan will break down the traditional silos both within and among the Federal, State and Local governments and their departments. The interest, and genuinely collaborative atmosphere in the Workshop held with State Government department representatives in July, is testimony to the recognition that the Plan is embraced.

In approving the Plan, Council will be recognising that we will be pushing the limits of traditional planning methods as all three levels of government look forward with anticipation to the Plan's implementation.

The journey to get to this point

The process for the development of the Plan has been robust, evidence-based, and ensured that the voices of the communities within the Northern Suburbs are heard. The process undertaken was as follows:

- The Northern Suburbs Steering Committee was formed to provide direction and insight for the Plan's development process.
 - Extensive research was undertaken to identify initial strategic focus areas. This research included literature reviews, analysis of previous consultation records and active engagement with key stakeholders.
 - These initial strategic focus areas formed the basis of a community engagement process to confirm the priorities of the themes identified. The engagement stakeholders included community members, local businesses, community and government organisations, the Northern Suburbs Steering Committee and relevant State and Federal government departments.
 - As a result of the engagement process, a Discussion Paper was released at the beginning of 2019 to further test these themes with key stakeholders (including government) and the community.
 - The focus was then directed at developing the Plan in collaboration with key Council staff, the Northern Suburbs Steering Committee and the other levels of government.
 - The development of the Plan has also involved alignment with other regionally significant initiatives, such as the development of the Council's Cultural Strategy and the University of Tasmania Masterplan.
-

15.1 *My Place My Future* - Final Plan ...(Cont'd)

- A Workshop was held with State Government in July 2019. This Workshop was significant as it provided an opportunity for key State representatives and Council officers to discuss the Plan and, in particular, strategies to ensure that a collaborative approach remains a key focus during implementation.
- Drafts of the Plan have been circulated to State and Federal stakeholders and the final draft before Council is the outcome of that collaborative approach.

The Strategic Action Areas within the Plan

The way that information was collected was structured around six pillars; this worked well as a way of guiding conversations. However, it became problematic to structure the Strategic Action Areas and Strategies around these. This was because many of the pillars related to traditional ways of viewing the distribution of responsibilities and it was difficult to acknowledge the way that each of the pillars interacted with each other. Instead, the pillars informed the development of the Strategic Action Areas.

The Plan outlines six Strategic Action Areas. These Strategic Action Areas outline a series of strategies that will provide a framework for action. These Strategic Action Areas are:

- 1: Enterprise Growth
- 2: Employment and Wage Growth
- 3: Celebration of community strengths
- 4: Liveability
- 5: Strengthening the Next Generation
- 6: Access

These Strategic Action Areas are supported by a series of principles that will be used to guide the implementation of the Plan and provide broad direction for the project team and the accountable agencies. Central to the implementation of the Plan is a commitment to undertake shared annual review of programs and services. These conversations will enable the identification of opportunities or areas of collaboration and alignment. Such conversations would not be possible without the *My Place My Future* framework.

State and Federal Government Feedback on the Plan

Feedback from the State and Federal governments is as follows:

Federal Government (via email)

The Australian Government appreciate Council officials consulting Commonwealth agencies on the development of the My Place My Future Plan and look forward to working with Council on the implementation of the plan.

15.1 My Place My Future - Final Plan ...(Cont'd)

State Government (excerpt from Minutes of Workshop held 4 July 2019)

The Health Department and Communities Tasmania outlined that they did not require any changes to be made to My Place My Future and that there was general support for the content and structure of the plan as presented to the meeting.

State Government (via email)

State Growth via the Director of Policy and Coordination confirmed on 9 August 2019 that the agency had received the final version of My Place My Future plan and that the agency is looking forward to being part of the work to progress its implementation.

ECONOMIC IMPACT:

The Plan outlines a series of Strategic Action Areas, each of which include a range of strategies. These strategies will not only result in economic outcomes for all those who live, work and play in the Launceston Northern Suburbs, but will also impact the broader Launceston municipality.

ENVIRONMENTAL IMPACT:

The implementation of the Plan will determine the environmental impact.

SOCIAL IMPACT:

The Plan outlines a series of Strategic Action Areas, each of which include a range of strategies. These strategies will result in social outcomes for all those who live, work and play in the Launceston Northern Suburbs. Indeed, these social outcomes are likely to result in a ripple effect, and affect the broader Launceston municipality. The goals of the Plan have been structure to capture the social impact over time.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

Launceston City Deal

BUDGET & FINANCIAL ASPECTS:

No impact in the current financial year.

15.1 *My Place My Future* - Final Plan ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. *My Place My Future* Plan (electronically distributed)
-

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS**16.1 Lease of Basement Area - Macquarie House****FILE NO:** SF2307**AUTHOR:** Andrew McCarthy (Acting Manager Architectural Services)**DIRECTOR:** Shane Eberhardt (Acting Director Facilities Management)

DECISION STATEMENT:

To consider the leasing of the basement area at Macquarie House to a commercial operator.

RECOMMENDATION:

That Council:

1. pursuant to section 178 of the *Local Government Act 1993 (Tas)*, resolves that it intends to lease the basement area of Macquarie House to commercial operator.
 2. requests the General Manager publish and display Council's intention to lease the property in accordance with the requirements of section 178 of the *Local Government Act 1993 (Tas)*.
 3. notes that the terms of the lease will be determined at a future meeting of Council, once the publishing and objection requirements of section 178 of the *Local Government Act 1993 (Tas)* have been met.
-

REPORT:

On 13 June 2019, Council approved the lease of the top three floors of Macquarie House to Enterprize Tasmania Inc. This approval also allowed Council to lease the basement area, including the outside lower area of the building to a commercial operator.

Council has recently sourced legal advice as to legislative implications for disposal of public land and the advice identified that Macquarie House sits on public land.

The public land status of the property requires that section 178 of the *Local Government Act 1993 (Tas)* must be complied with. Relevantly, Council's intention to lease the property must be published twice in the local newspaper and copies of the notice so published are to be placed against the relevant property. Members of the public are able to object to the disposal within 21 days of the first advertisement.

16.1 Lease of Basement Area - Macquarie House ...(Cont'd)

If objections are received, Council must consider such objections before it can proceed with its intention. If an appeal is made to the Appeal Tribunal, Council may not proceed with its intention unless that appeal has been determined in Council's favour.

If no objections are received, Council is able to lease the property in accordance with its published intention.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

16.1 Lease of Basement Area - Macquarie House ...(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.



Shane Eberhardt: Acting Director Facilities Management

16.2 Carr Villa Fees and Charges**FILE NO:** SF0817**AUTHOR:** Ralf Goetschenberg (Coordinator Carr Villa)**DIRECTOR:** Shane Eberhardt (Acting Director Facilities Management)

DECISION STATEMENT:

To consider the proposed changes to the Carr Villa Memorial Park fees and charges.

RECOMMENDATION:

That Council, pursuant to section 205 of the *Local Government Act 1993* (Tas), approves a fee of \$550 for the placement of cremated remains at selected areas at Barakee Waters and Claygrove for Carr Villa Memorial Park defined by:

Barakee Waters	Bed 1	Number 1 - 42
	Bed 2	Number 41 - 71
	Bed 3	Number 1 - 56
	Bed 6	Number 3 - 39
Claygrove	Bed 7	Number 1 - 88
		Number 277 - 338

REPORT:

Carr Villa undertakes approximately 250 ash placements a year, predominately being placed in Barakee Waters which was developed during 1993-1994 and Claygrove from 1995 onwards. Both sites have been overwhelmingly popular with families and only around 10% (120) of placements are remaining at Barakee Waters and 18% (650) at Claygrove.

Carr Villa is currently developing a plan to cater for placements for the next 20 years at a development cost of around \$1,500,000 over the next six financial years. Development of this area will commence in late 2019/2020. It is planned that the new development will deliver for up to 5,400 placements.

Some of the remaining placement plots are in unfavourable positions near thoroughfare roads and one area facing an unsheltered view of an amenities building.

16.2 Carr Villa Fees and Charges ...(Cont'd)

Minimal sales have occurred since the release of these sites. More recently, Carr Villa staff have re-planted and refreshed these areas, however, they have not resulted in any substantial sales. To support the sale of these sites it is proposed to reduce the current fee of \$1,310 for Barakee Waters and \$970 for Claygrove to \$550. This proposed price is not consistent with the Carr Villa pricing strategy, however, without any financial incentive it is unlikely they will be sold as they are in less desirable locations.

ECONOMIC IMPACT:

The net economic impact of the community is considered to be marginal.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

The proposed fee will provide a lower cost alternative.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals - To continue to meet our statutory obligations and deliver quality services and to continue to ensure the long-term sustainability of our Organisation

Key Directions -

4. To continually improve our service delivery and supporting processes
5. To strategically manage our assets, facilities and services
6. To maintain a financially sustainable organisation
7. To strengthen our workforce capabilities

BUDGET & FINANCIAL ASPECTS:

The adjustment to the fee schedule will result in maximising the use of all available areas but will result in less revenue per placement. It is difficult to forecast this change in revenue but a conservative estimate is \$5,000 to \$10,000 which can be managed in the existing budget.

16.2 Carr Villa Fees and Charges ...(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.



Shane Eberhardt: Acting Director Facilities Management

17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

19 CORPORATE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

20 GENERAL MANAGER'S DIRECTORATE ITEMS**20.1 King Wharf Developments - Developer Contribution****FILE NO:** 114560/116160**GENERAL MANAGER:** Michael Stretton (General Manager)

DECISION STATEMENT:

To consider a developer contribution for construction of the new road between Gleadow Street and Lindsay Street, Invermay.

PREVIOUS COUNCIL CONSIDERATION:

Workshop - 13 December 2018 - Invermay Traffic Masterplan - Update

Council - 22 October 2018 - Agenda Item 18.1 - Invermay Traffic Masterplan

Closed Council - 23 March 2015 - Agenda Item 23.1 - Disposal of Land - Agreement to dispose of 91 Gleadow Street, Invermay

RECOMMENDATION:

In accordance with the Draft Invermay Traffic Masterplan, that the Council provides a development contribution of up to \$1,005,752 to King Wharf Developments for the construction of a new link road on its land between Lindsay Street and Gleadow Street, Invermay pursuant to section 74 of the *Local Government Act 1993* (Tas).

REPORT:

In April 2018, Council considered a report detailing the extent of new developments occurring in the Invermay area and the likely impact of traffic. One of the most significant potential improvements identified in this report was the installation of traffic signals on Gleadow and Goderich Streets, Invermay and the construction of a new link road between Lindsay and Gleadow Streets, Invermay located to the west of the existing Bunnings Warehouse premises.

Congestion at the Lindsay and Goderich Streets intersection has increased over the past five years, primarily as a result of urban growth in Newnham and Alanvale. With anticipated growth in traffic demand as a result of Riverbend Park, the relocated National Automobile Museum and further development in Lindsay Street, it is likely that this intersection will become critically congested in the next five years.

20.1 King Wharf Developments - Developer Contribution ...(Cont'd)

The full final traffic solution for the Invermay area is yet to be adopted by Council, however, the requirement for the new link road was well received during the community engagement and is considered necessary to support current developments.

It is intended the remaining issues with the Invermay Traffic Masterplan, primarily relating to the appropriate intersection controls, will be resolved over the coming few weeks allowing the overall Invermay Traffic Masterplan to be adopted by Council.

Prompted by a proposed subdivision by King Wharf Developments in June 2018, Council made a decision to acquire around 5,649m² from King Wharf Developments to secure the land for the new link road.

Initially it was proposed that the Council would construct the road and the 2018/2019 capital budget included an \$840,000 allocation of which \$420,000 is to be funded by the Department of State Growth, for the construction of the link road. This amount was the initial estimate for the project.

In March 2019, an amended Development Approval (DA0261/2018.A02) was provided for the subdivision by King Wharf Developments. To support this subdivision, Permit Conditions 10(b) vii to xv required:

Lindsay Street to Gleadow Street link road

- vii. Provision of a fully constructed road 11.8 metres wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel. The road is to include cycle lanes on both sides and parking on one side of the road,*
- viii. Provision of a 1500mm wide footpath located on the western side of the road, a 1500mm wide footpath located on the eastern side across the frontage of Lots 1 and 3 and all necessary pedestrian kerb ramps,*
- ix. Provision of vehicular crossings for Lots 1, 3, 4 and 5 as shown on the proposal plan,*
- x. All necessary line marking including parking bays and cycle lanes, signage and other traffic control devices.*

Link road along southern boundary of Lot 1

- xi. Provision of a fully constructed road 11.0 metres wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel. (The road)*
 - xii. Provision of a fully constructed left turn lane in Goderich Street including new kerb and channel, vegetation removal and changes to the existing shared path*
 - xiii. Provision of a 1500mm wide footpath located on the northern side of the road and all necessary pedestrian kerb ramps,*
 - xiv. Provision of vehicular crossings for Lot 1, as shown on the proposal plan,*
 - xv. All necessary line marking, signage and other traffic control devices.*
-

20.1 King Wharf Developments - Developer Contribution ...(Cont'd)

In reviewing its works program, the Infrastructure Services Directorate has determined that it would be more appropriate for the Developer to complete the road construction project as opposed to the Council in order to provide the best outcome. Specifically, if the road is not designed and constructed as one coordinated package of work along with the other subdivision construction works, then there are risks that:

- ground levels do not match resulting in drainage management issues, creating potential hazards to road users or property, and possibly requiring subsequent remedial works; and
- poor coordination of utilities, telecommunications, power, street lighting water and sewage infrastructure installations, requiring subsequent excavation of the constructed road.

To facilitate an integrated approach to the road construction, it is considered appropriate to provide a contribution to the developer to complete the road construction on the Council's land as part of the broader subdivision works. This contribution is to be made pursuant to section 74 of the *Local Government Act 1993 (Tas)* which says that *a council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82*. In this case, Council is carrying out its functions as a corporation under the *Local Government (Highways) Act 1982 (Tas)*.

Following the detailed design process the developer has provided a revised estimate of \$1,005,752 to construct the road, which includes a 10% contingency. Council officers have undertaken an independent review and cost estimate utilising the same schedule of quantities as provided by the developer and have determined the proposed construction cost is accurate and reasonable.

Given the current available budget provision is \$840,000, Council officers are currently undertaking a design review, including additional onsite investigation work, to potentially reduce road pavement thickness as a cost-saving consideration. Re-use of part of the existing road base construction to the northern side of the Bunnings site (which is within the proposed new road footprint) is also likely to deliver cost savings. Should these savings not be identified, then this work will be prioritised within the broader roads capital program to provide the additional funding - that is, the work will be funded within the estimates adopted by the Council for the 2019/2020 financial year.

Legal advice has been sought and obtained (see Attachment 2) which confirms that section 333A of the *Local Government Act 1993 (Tas)*, in respect to tendering of the project, does not apply in this instance because the road is required to be constructed as a condition of the planning permit. The road is a necessary part of the proposed subdivision development and the Invermay Traffic Masterplan and it is therefore appropriate for the Council to contribute towards its cost.

20.1 King Wharf Developments - Developer Contribution ...(Cont'd)

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

2. To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.

BUDGET & FINANCIAL ASPECTS:

Development contribution of up to \$1,005,752 for construction of the road between Lindsay and Gleadow Streets.

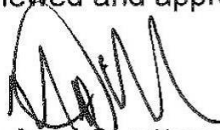
The budget adjustment consideration of this item has been approved by the Director Corporate Services.

20.1 King Wharf Developments - Developer Contribution ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

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

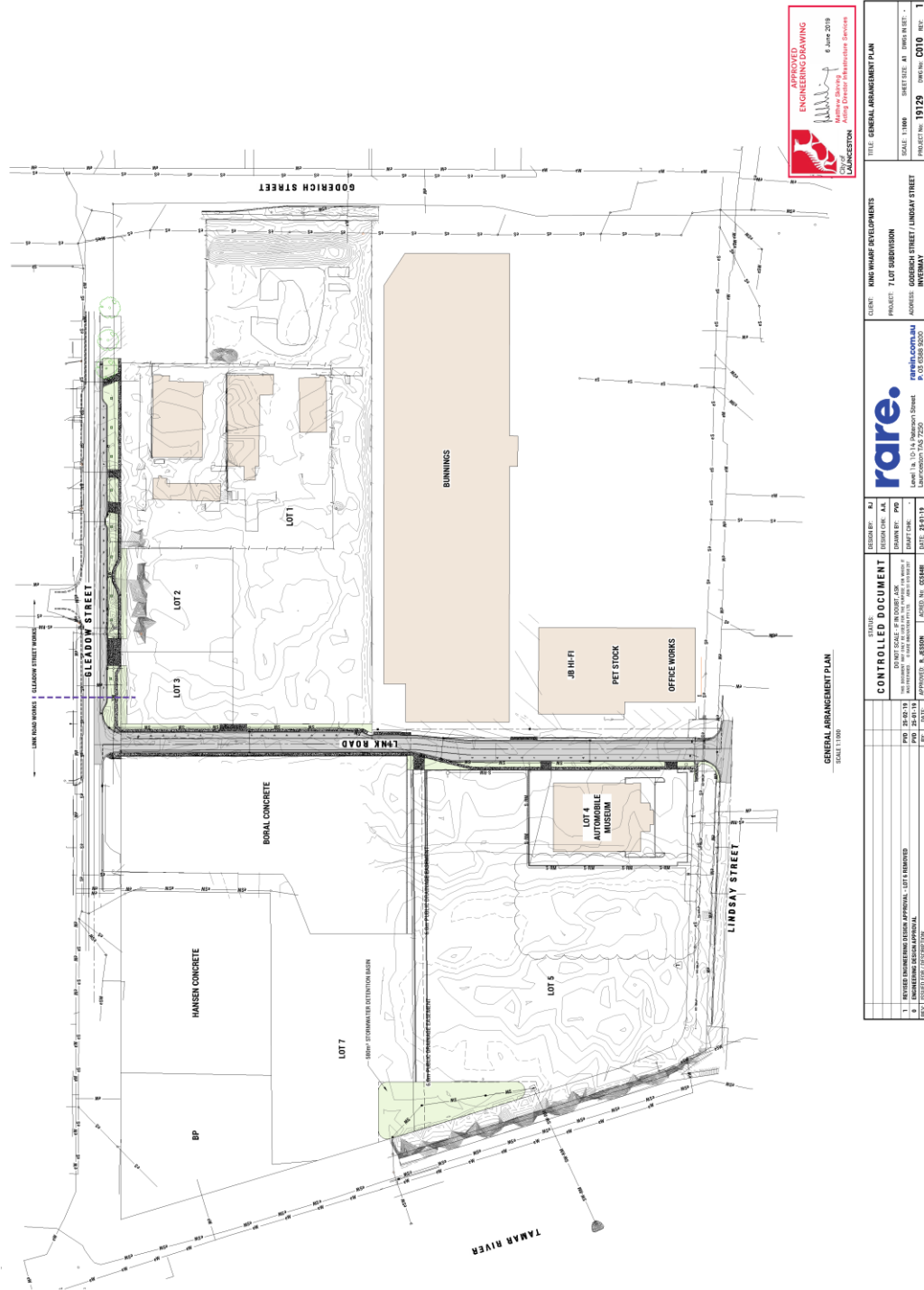


Michael Stretton: General Manager

ATTACHMENTS:

1. Approved Engineering Plan - Gleadow to Lindsay Street Link Road
 2. Legal Advice - Developer Contribution
-

Attachment 1 - Approved Engineering Plan - Gleadow to Lindsay Street Link Road



GENERAL ARRANGEMENT PLAN
SCALE 1:1000

CONTROLLED DOCUMENT PREP: 20.05.19 PWD: 20.05.19 DATE: 20.05.19 APPROVED: A. GIBSON ACTION: N/A DATE: 24.07.19		DESCRIPTION A/L P/D S/D DATE: 24.07.19		TITLE: GENERAL ARRANGEMENT PLAN SCALE: 1:1000 SHEET NO. OF SHEETS: 1 PROJECT NO.: 19129 DWG. NO.: 0010 REV.: 1	
1. REVEALED ENGINEERING DESIGN APPROVAL, LOT 4 BUNNINGS 2. BUNNINGS DESIGN APPROVAL 3. SEWER TREATMENT PLANT		CLIENT: KING WHARF DEVELOPMENTS PROJECT: 7 LOT SUBDIVISION ADDRESS: GLEADOW STREET / LINDSAY STREET INT/STRA LAUNCESTON TAS 7250 P.O. BOX 2020		rare. RARE Engineering Services 10/10 GLEADOW STREET LAUNCESTON TAS 7250 P.O. BOX 2020	

Document Ref: 460322
Version: 3, Version Date: 06/08/2019

Attachment 2 - Legal Advice - Developer Contribution



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19 June 2019

Our ref: GWT:AMM:19/00389
Your ref: Shane Eberhardt

Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Attention: **Mr Shane Eberhardt**
By email*: shane.eberhardt@launceston.tas.gov.au

Dear Sirs

Construction of new link road between Lindsay and Gleadow Streets, Launceston

On 17 October 2018 the Council issued a planning permit for a subdivision at 65 – 81 Gleadow Street, Invermay. The permit contained a number of conditions one of which, 10.b. provided as follows:

"b. Roads

Gleadow Street

- i. Provision of a fully constructed road 7.0 metres wide (measured from the Centrelink to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,*
- ii. Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,*
- iii. Provision of vehicular crossings for lots 1,2 and 3 as shown on the proposal plan,*
- iv. All necessary line marking including parking bays and cycle lanes, signage and other traffic control devices. "*

It had become apparent in recent years to the Council that traffic congestion had become an issue in the vicinity of the Lindsay and Goderich Streets intersection, such that within the next 5 years the intersection could fail. It was clear to the Council that the subdivision to which we have earlier referred may exacerbate the traffic problem in the area. The new road as well as being a necessary part of the subdivision development provided an opportunity to improve the aforementioned traffic congestion problem. It was apparent to the Council that the new road would serve a wider purpose than just the newly subdivided area and thus it was proposed to the developer that the Council would contribute to the cost of the road. The new road will be constructed between Lindsay and Gleadow Streets. It was obviously desirable that the land

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over which the new road would be constructed should be owned by the Council and thus it moved to acquire 5649m² from King Wharf Development on which land the road could be constructed. The road will be constructed by the subdivider and will ultimately be dedicated as a highway of land within the city of Launceston.

The Council is proposing to expend approximately \$900,000.00 as a contribution to the development of the new road. Section 74 of the *Local Government Act (LGA)* enables the Council to expend its funds for the purpose of exercising its powers or carrying out its functions under the LGA or any other Act within the estimates adopted under s.82 of the LGA. Whilst we are not told, we assume that the Council has a road development budget that is provided for in its estimates and those funds will be expended as a contribution to the cost of the new road.. The Council clearly has powers in respect of local highways which of course the road will become – see s.21 of the LGHA.

Section 7 of the *Local Government (Highways) Act 1982 (LGHA)* provides that a corporation may give its approval to the dedication of land as a highway providing it gives at least 28 days notice to the Transport Commission of its intention to give that approval. In order to give that approval the corporation is required by s.10 to comply with the provisions of s.10(1) of the LGHA.

The road may, at the time that it is constructed, be owned by other than the Council. The Council by use of s.12 of the LGHA may declare that a road that is not a highway shall become a highway maintainable by it. Such a declaration should be made in respect to the new road. In effect there will be a dedication by the owner and an acceptance by the Council. There is a requirement to publish the Council resolution specifying that the road will become a highway maintainable by it – see s.12(4).

The Council is concerned that in proceeding as it proposes to in respect to the road it may be in breach of s.333A of the LGA. That section requires that the Council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services above the prescribed amount. The prescribed amount is, according to Regulation 23 of the Local Government (General) Regulations 2015, \$250,000.00 excluding GST.

In our view s.333A does not apply to the case of the road. We say that for a number of reasons:

1. The Council does not propose to enter into a contract for the supply or provision of goods or services. It has imposed a condition in a planning permit that a road is to be constructed. The road is a necessary part of the proposed subdivision development. The Council, because it recognises the value of that road to traffic management in the area where it is to be constructed it is proposing to contribute towards its cost. There is to be no contract for the provision of goods or services. The road will be constructed as part of a subdivision development.
2. There is no definition in the LGA of the phrase “good or services”. We do not believe that it is a term of art and it should be given its ordinary meaning. In Butterworths Australian Legal Dictionary the phrase is defined as “a collective term for physical commodities and activities that command a price, explicit or implicit, within the economy”. The definition is clearly aimed at the characterisation of that phrase within the Goods and Services tax legislation but it is still an appropriate definition for the phrase in the LGA. We are in no doubt that if the Council were to decide to construct a

roadway and that road was not being constructed by a developer as a necessary part of a subdivision, the road would be regarded as goods and services being supplied to the Council and a tender in accordance with the provisions of s.333A should be called for that work. In this case the Council has not invited the subdivider to enter into a contract for the construction on the road. Rather, because of the need for the road to service the proposed subdivision the Council has required that it be constructed as a condition of approving the subdivision.

We see no conflict with the tendering provisions in the LGA or what the Council is proposing to do concerning the road.

Given that the land is not yet in the ownership of the Council it should enter into an agreement with the developer concerning its contribution.

Yours faithfully
TREMAYNE FAY RHEINBERGER

Per:



GEOFFREY TREMAYNE
gtremayne@tfrlawyers.com.au

* Unless requested, a hardcopy will not be sent

21 URGENT BUSINESS

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

22 CLOSED COUNCIL

No Closed Items have been identified as part of this Agenda

23 MEETING CLOSURE
