



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 25 JANUARY 2024
1.00PM**

File No: SF2346
KH

Your Ref:

2 January 2024

Mr Michael Stretton
Chief Executive Officer
City of Launceston
P O Box 396
LAUNCESTON TAS 7250

Dear Michael

COUNCIL MEETINGS

In accordance with regulation 4 of the *Local Government (Meeting Procedures) 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 dates for 2024:

25 January	8 February	22 February	7 March
21 March	4 April	18 April	2 May
16 May	30 May	13 June	27 June
11 July	25 July	8 August	22 August
5 September	19 September	3 October	17 October
31 October	14 November	28 November	12 December

commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



Councillor M K Garwood
MAYOR

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: 25 January 2024

Time: 1.00pm

Certificate of Qualified Advice

Background

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

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

Certification

I certify that:

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



Michael Stretton
Chief Executive Officer

AUDIO of COUNCIL MEETINGS

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

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

PUBLIC QUESTION TIME - AGENDA ITEM 8

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

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

PUBLIC COMMENT ON AGENDA ITEMS

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

Please note the following important information:

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

Your respectful contribution is welcome and appreciated.

LEGISLATIVE TERMINOLOGY - GENERAL MANAGER

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

ORDER OF BUSINESS

1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES.....	9
2. MAYORAL ACKNOWLEDGEMENTS	9
3. DECLARATIONS OF INTEREST	9
4. CONFIRMATION OF MINUTES.....	9
5. COUNCIL WORKSHOPS	10
5.1. Council Workshop Report - 18 January 2024	10
6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS	12
7. COMMUNITY REPORTS	12
8. PUBLIC QUESTION TIME	12
8.1. Public Questions on Notice.....	12
8.1.1. Public Questions on Notice - Ray Norman - Mural - Paterson Street East Car Park - 30 December 2023 and 12 January 2024.....	12
8.1.2. Public Question on Notice - Malcolm Cowan - Clean Air Strategy - 2 January 2024	15
8.1.3. Public Questions on Notice - Robin Smith - Meeting Disruption Procedures - 17 January 2024	16
8.1.4. Public Questions on Notice - Robin Smith - Offensive Graffiti - 17 January 2024	17
8.1.5. Public Questions on Notice - Ray Norman - Council Delegations - 17 January 2024	19
8.2. Public Questions Without Notice.....	20
9. PLANNING AUTHORITY	21
9.1. DA0505/2023 - 22 Stone Street, West Launceston - Subdivision - Subdivide One Lot into two; Residential - Construction of a Dwelling on Proposed Lot 2	21
9.2. DA0479/2023 - 12 Queen Street, Invermay - Residential - Demolition of Two Outbuildings and Construction of a Secondary Residence.....	28

10. ANNOUNCEMENTS BY THE MAYOR	39
10.1. Mayor's Announcements.....	39
11. COUNCILLORS' REPORTS	41
12. QUESTIONS BY COUNCILLORS	41
12.1. Councillors' Questions on Notice.....	41
12.1.1. Councillors' Questions on Notice - Councillor J J Pentridge - Tasmanian Civil and Administrative Tribunal (TASCAT) Appeals - 15 January 2023	41
12.1.2. Councillors' Questions on Notice - Councillor J J Pentridge - Gilmore Street Flooding - 15 January 2023.....	45
12.2. Councillors' Questions Without Notice.....	46
13. COMMITTEE REPORTS	47
13.1. Homelessness Advisory Committee Report - 28 November 2023.....	47
13.2. Access Advisory Committee Report - 6 December 2023.....	49
13.3. Tender Review Committee Meeting - 14 December 2023	51
13.4. Transport Committee Meeting - 14 December 2023.....	53
13.5. Cultural Advisory Committee Meeting - 6 December 2023.....	55
14. ORGANISATIONAL SERVICES NETWORK	57
14.1. 2023/2024 Budget - Budget Amendments.....	57
14.2. Lease - Veteran Car Club of Australia (Tasmania) Inc.....	67
14.3. Disposal of Interest in Land - 18A High Street, East Launceston - Electricity Infrastructure Easement.....	71
15. CHIEF EXECUTIVE OFFICER NETWORK	79
15.1. Transfer of York Park to Stadiums Tasmania.....	79
15.2. Appointment - Acting Chief Executive Officer	89
16. CLOSED COUNCIL	92
16.1. Confirmation of the Minutes.....	92

16.2. Edinburgh Street (Nunamina Avenue to Quarantine Road) - Pavement Rehabilitation - CD.029/2023	92
16.3. End of Closed Session	92
17. MEETING CLOSURE.....	92
18. NEXT COUNCIL MEETING DATE.....	92

1. OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2. MAYORAL ACKNOWLEDGEMENTS

3. DECLARATIONS OF INTEREST

Local Government Act 1993 (Tas) - section 48

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

4. CONFIRMATION OF MINUTES

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

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 14 December 2023 be confirmed as a true and correct record.

5. COUNCIL WORKSHOPS

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

5.1. Council Workshop Report - 18 January 2024

FILE NO: SF4401

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RELEVANT LEGISLATION:

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

RECOMMENDATION:

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

Workshop conducted on 18 January 2024:

UTAS Boland Street Update

Councillors were provided with an update on the Boland Street road closures.

Homelessness Strategy

Councillors received a summary presentation on the Homelessness Strategy, the feedback received and discussed the recommended changes to the plan.

Revised Greater Launceston Plan - Update

Councillors received an update on the project to deliver a revised Greater Launceston Plan.

Development Assessment Panel Framework

Councillors discussed and provided guidance for the City of Launceston submission on the Development Assessment Panel framework.

York Park/UTAS Stadium Update

Councillors were provided with an update on the outcomes of the advertising process for the transfer of UTAS Stadium as well as next steps.

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

REPORT:

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

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

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

6. COUNCILLORS' LEAVE OF ABSENCE APPLICATIONS

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

7. COMMUNITY REPORTS

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

No Community Reports have been identified as part of this Agenda

8. PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

8.1. Public Questions on Notice

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

8.1.1. Public Questions on Notice - Ray Norman - Mural - Paterson Street East Car Park - 30 December 2023 and 12 January 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 30 December 2023 and 12 January 2024 by Ray Norman, have been answered by Phillipa Lees (Acting General Manager Community and Place Network).

Questions:

1. Will the Mayor in concert with all Councillors please explain to Council's constituents et al, his, and by extension all Councillors', implementation of the Paterson Street East Carpark Public Art Project without it being deliberated upon and approved in Open Council and without providing Council's constituency an opportunity to make representations?

Response:

The Paterson Street East Carpark Mural and other art installations around the City are the first major operational elements of the City of Launceston Public Art Strategy 2023 - 2031, which encourages collaborative, place-based creative practice for temporal and permanent outcomes to create accessible and inspiring artwork in Launceston's public places and provide opportunities for artists in Launceston.

The Public Art Strategy was produced through broad community consultation and endorsed by Council unanimously at the Council Meeting held on March 9, 2023. The Cultural Advisory Committee provides advice and support for cultural development within the municipal area, consistent with the Council's strategies and policies, including the implementation of City of Launceston's Cultural Strategy 2020-2030 and Public Art Strategy 2023-2031.

City of Launceston collaborated with Vibrance to complete an Expression of Interest to generate a pool of Tasmanian artists for this work, and ultimately select the artists based on a range of criteria.

While Elected Members are not required to endorse the proposed artwork they will be presented with a concept of the mural artwork(s) in Late February before the artists begin.

2. Will the Mayor and/or whoever he nominates please explain to the city's citizenry the rationale that drives the Paterson Street East Carpark Project without there being a community consultation process and/or the need for the endorsement of the elected representatives?

Response:

The Council endorsed the Public Art Strategy (the Strategy) in 2023 which was developed in consultation with City staff, the arts, and general community. The Strategy includes approved public art commission models and processes, which have been followed by Council officers.

Council officers collaborated with Vibrance and the City's Cultural Advisory Committee (CAC) to identify sites suitable to display public art, develop an Expression of Interest for Tasmanian artists for this project, and assemble a selection panel to select the artists. The CAC has a specific role, as outlined in the Public Art Strategy, to advise on matters relating to public art and they have fulfilled that role through the commissioning of this mural.

As outlined in the Strategy, detailed design of the commissioned artwork does not require assessment from the CAC and approval to proceed can be made at a senior management level. In addition, it mentions that informing, consulting, and/or engaging the community should be considered on a case-by-case basis and that information may take the form of an artist talk at a public launch marking the end of a project, which will be considered at the time of finalisation of the Paterson Street Car Park mural.

8.1.2. Public Question on Notice - Malcolm Cowan - Clean Air Strategy - 2 January 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 2 January 2024 by Malcolm Cowan, has been answered by David Mullenger (Manager Health and Compliance).

Questions:

1. When can we expect the completion of the Clean air Strategy and when will the draft be open to public consultation?

Response:

The City of Launceston has conducted research on contemporary Clean Air Strategies and have held conversations with the Environment Protection Authority (EPA) and internal stakeholders in the development of a draft plan. It is intended that the draft plan will be completed by July 2024 and will undergo a public engagement process thereafter.

8.1.3. Public Questions on Notice - Robin Smith - Meeting Disruption Procedures - 17 January 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 17 January 2024 by Robin Smith, has been answered by Louise Foster (General Manager Organisational Service Network).

Questions:

1. Are there guidelines available to the council covering the physical removal of a member of the public from a public meeting where they cannot be ignored and are considered to be committing an offence under the foregoing provisions of *the Local Government [(Meeting Procedures)] Regulations 2015* s.41, short of requesting the assistance of a police officer?

Response:

Section 41 of the Local Government (Meeting Procedures) Regulations 2015 notes that the chairperson may take reasonable steps to remove a person from a meeting or closed meeting, including requesting the assistance of a police officer in removing the person.

The City of Launceston's Unreasonable Customer/Complainant Conduct Policy (05-Pix-021) notes some behaviours that maybe seen as unreasonable and the actions that may be made taken by City of Launceston staff regarding unreasonable conduct. This policy does not specifically note Council Meetings and a procedure to support the chairperson and Council Officers in this situation is being developed for continuous improvement.

8.1.4. Public Questions on Notice - Robin Smith - Offensive Graffiti - 17 January 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 17 January 2024 by Robin Smith, has been answered by Leigh Handley (Manager Operations - Infrastructure and Assets Network).

Questions:

1. I asked at Council's General Meeting on Thursday 14 December 2023 about council officers refusing the removal of graffiti swastikas on the basis the council guidelines only extend to an offensive 'word' and not a 'symbol' as indeed a swastika is. I thought I was at pains to clarify that point in the meeting during the question time but the answer appears to have missed that point. Might I have a word in reply on this matter again please?

Response:

Our current graffiti management practice includes our cleansing teams undertaking daily inspections across the CBD in order to identify graffiti sites. In the instance that the graffiti is of an offensive nature, our teams will prioritise and aim to remove this immediately. This includes racism based comments or symbols.

Where the graffiti occurs on private property, it is the responsibility of the property owner to remove it. As you can perhaps appreciate, the level of urgency that is applied to the removal process by private property owners varies, and City of Launceston has limited influence in regard to this. Our teams are proactive in notifying owners of these occurrences when they are observed and City of Launceston will intervene if necessary if the content is offensive to ensure timely removal.

To support effective management of graffiti by the community, we have developed a suite of resources that are designed to both educate and support best practice, including targeted brochures for businesses, schools and residents. We also encourage the reporting of graffiti by our community and our Snap Send Solve phone app is well used to report such instances.

City of Launceston works very closely with community on graffiti management and through participation in groups such as the Launceston Safer Communities Partnership, and our own Youth Advisory Group we actively seek and contribute feedback to discussions on how more positive outcomes can be achieved.

Council has recently endorsed City of Launceston's Public Art Strategy, which will also positively contribute to a reduction in graffiti across the city with several tagging hot spots already identified as potential sites for installation of public art.

8.1.5. Public Questions on Notice - Ray Norman - Council Delegations - 17 January 2024

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 17 January 2024 by Ray Norman, has been answered by Louise Foster (General Manager Organisational Services Network).

Questions:

1. Will Council now expeditiously to remove all of Council's Delegated Authorities forthwith and when/if required in the future, only grant Delegated Authorities to personnel with the demonstrable qualifications, substantial experience relevant to the authority, and in possession of relevant competencies?

Response:

At this point in time there is no intention to alter the current practice of assigning or administering Delegated Authorities to the Chief Executive Officer role or within the Council.

The response provided in the Council Agenda of 15 December 2022 provides clear details of the functioning of the Council's Delegations Register. It has been reproduced for reference.

... Delegations enhance efficiency at the City of Launceston by devolving the execution of administrative matters and functions to appropriate levels within the organisation. The City of Launceston's Delegations Register is publicly available via www.launceston.tas.gov.au. The Delegations Register clearly indicates the functions and powers that have been delegated by a decision of Council. Decisions of Council are frequently sought in relation to the review of delegations, or to respond to changes in legislation.

8.2. Public Questions Without Notice

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

9. PLANNING AUTHORITY

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

9.1. DA0505/2023 - 22 Stone Street, West Launceston - Subdivision - Subdivide One Lot into two; Residential - Construction of a Dwelling on Proposed Lot 2

FILE NO: DA0505/2023

AUTHOR: Catherine Mainsbridge (Senior Town Planner Development)

ACTING GENERAL MANAGER APPROVAL: Michelle Ogulin (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Design To Live Pty Ltd
Property:	22 Stone Street, West Launceston
Zoning:	General Residential
Receipt Date:	27/10/2023
Validity Date:	13/11/2023
Further Information Request:	03/11/2023
Further Information Received:	15/11/2023
Deemed Approval (extension granted):	25/01/2024
Representations:	3

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

STANDARDS REQUIRING PLANNING DISCRETION:

8.4.2 P1 & P3 - Setbacks and building envelope for all dwellings
8.4.3 P1 & P2 - Site coverage and private open space for all dwellings
8.4.6 P1 - Privacy for all dwellings
8.6.1 P1 - Lot design

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, DA0505/2023 Subdivision - Subdivide one lot into two; Residential - Construction of a dwelling on proposed lot 2 at 22 Stone Street, West Launceston, pursuant to a delegation from Council, be refused on the following grounds:

1. The proposed subdivision of Lot 2 fails to meet the Performance Criteria P1 (a), (b), (c), (e), and (f) of Clause 8.6.1, as the lot does not have sufficient useable area and dimensions suitable for development of a dwelling and the provision of private open space, given the existing topography. Proposed Lot 2 is also inconsistent with the pattern of development existing on established properties in the surrounding area.
 2. The proposed dwelling does not meet the Performance Criteria P1 (a) (iv) and (b) of Clause 8.4.2 as the proposal does not have a frontage setback compatible with the streetscape.
 3. The proposed dwelling does not meet the Performance Criteria P3 (a) (iv) of Clause 8.4.2, as the dwelling will cause a visual impact in respect to its apparent scale, bulk and proportion, when viewed from an adjoining property.
 4. The proposed dwelling does not meet the Performance Criteria of P1, P2 and P3 of Clause 8.4.3 as the dwelling is not compatible with the amenity and character of the area and does not provide for sufficient area for outdoor recreation, planting of gardens and landscaping and private open space.
-

REPORT:

1. THE PROPOSAL

It is proposed to subdivide the site into two and construct a dwelling on the new lot.

The existing 884m² lot consists of an original title with an area of 629.53m² which contains a substantial federation style, weatherboard clad dwelling. An area of 268.85m², which was previously part of the road reserve, was purchased from Crown in 2021, following Council's resolution to agree to a road closure at the end of 2020. The purpose was to provide additional recreational space for the dwelling. The additional parcel is now proposed to be subdivided from the greater parcel and developed with a single dwelling.

Following the narrow elongated shape of the proposed lot the 146.68m² dwelling covers 54.56m² of the site. Vehicular access to the site will adjoin that of the existing dwelling at the western and more elevated part of the site, and provide access to a two car garage. As the site is on the side on the hillside, and rises to the north and west, the habitable section of the dwelling is 2m lower than the garage and accessible by a stairwell along the north western side of the garage along the property boundary. Accommodation consists of two bedrooms, a bathroom and combined kitchen, dining and living area. A small deck extends off the eastern end of the lounge area.

The south eastern portion of the dwelling is supported by concrete blockwork retaining structures and SHS (steel hollow section) posts. Cladding of the garage is brick veneer

and the habitable portion of the dwelling, light weight vertical boards. Select timber cladding will feature over the front door. The skillion roof of the habitable portion will be clad in Colorbond Custom Orb.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



22 Stone Street, West Launceston (not to scale)

The site is located on the lower section of the hillside just west of the central city. Stone Street extends off the northern side of Hillside Crescent with the site on its north western corner with Frederick Street. The existing dwelling is constructed adjoining the Stone Street frontage and is accessed at the south western corner off Frederick Street.

The site generally rises diagonally across the street from the south eastern front street corner, from 42m AHD to 55m AHD with a slope of approximately 26.6%.

The area contained in proposed Lot 1 is developed in association with dwelling. Proposed Lot 2 is grassed with rock outcrops. It is partly bordered by a timber picket fence and has a trampoline on its more elevated portion.

Surrounded by predominantly single dwellings constructed around 1900, commencing from the western side of Margaret Street, the area has an historic residential character.



The site contains the dwelling and area contained within the sections of picket fence. Photo taken from the corner of Stone and Frederick Streets.



View across proposed Lot 2. Photo taken adjoining site in Frederick St.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Tasmanian Planning Scheme - Launceston is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2023/01537-LCC. It contains advice that the existing combined system does not have the capacity for additional flows of stormwater and the Drainage Authority should refuse the application or condition the development to ensure the current service standard of the combined system is not compromised. A condition for on-site detention has been recommended for inclusion if a permit is granted.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 18 November to 4 December 2023 and three representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors on 18 January 2024.

<p>Issue 1 The proposal is at odds with other residences in the vicinity and the established pattern of development.</p>
<p><i>Response 1</i> A new proposal does not have to replicate the surrounding development but as the design is relying on performance criteria it should consider the character of existing buildings within the area.</p>

<p>Issue 2 It appears that all aspects of the building have been conceived to dominate the streetscape with no attempt to 'nestle' the form to the hill as other buildings in the street. The dwelling could be split level to reduce the platform effect with the monopitch roof pitched the opposite way.</p>
<p><i>Response 2</i> The design does give consideration to the terrain of the site given it steps down the site from west to east, the height in the front south eastern corner a result of the north/south crossfall. There is not enough width in that direction to step the floor plan. The dominance is considered to relate more to the position of the site on the elevated street corner. If the site was an infill site it would have less of an impact.</p>
<p>Issue 3 The application is heavily reliant on performance criteria, where it fails and is not justified.</p>
<p><i>Response 3</i> The acceptable solutions are one way of achieving and, if justified, performance criteria can still attain a suitable outcome. In this case inappropriate justification is provided.</p>
<p>Issue 4 The details of land ownership are not provided and so it is unclear whether the land is held in a manner which permits the construction of a private dwelling.</p>
<p><i>Response 4</i> The subject land is within private ownership and is zoned General Residential. An application and subsequent permit (if issued) is associated with a land parcel and not an owner.</p>
<p>Issue 5 The property is not appropriate for the proposal and should be refused other than if the concerns raised are addressed by conditions.</p>
<p><i>Response 5</i> The application is recommended for refusal.</p>
<p>Issue 6 Stone Street has historical importance by showing how Launceston developed in the second half of the 19th Century and the building will contrast its surroundings. It is also noted in the Launceston Heritage Study for its "significance of place in the major phase of development of Launceston, aesthetic value for its fine form and detail, some social value as part of the collective timber housing that makes Launceston a desirable place to live and for its streetscape value. Each building in this large group of houses is distinctive and adds to the collective value as well as having individual significance".</p>
<p><i>Response 6</i> The area was developed around the 1900s with Stone Street having its own character. There is no heritage listing applying to the street. The proposal will contrast with the surrounding buildings.</p>
<p>Issue 7 The development appears to be on the road reserve.</p>
<p><i>Response 7</i> Land within proposed Lot 2 was previously road reserve but was purchased by the owner with the current title effective in May 2021.</p>

6. CONCLUSION

The proposed Lot 2 with an area of 269m² does not have sufficient area for the development of a dwelling due to the proposed lot dimensions and topography of the site. It is considered that the proposed dwelling will cause a visual impact in respect to its apparent scale, bulk and proportion when viewed from an adjoining property and the dwelling is not compatible with the amenity and character of the area. It is considered that the proposal does not comply with the Planning Scheme and it is therefore recommended for refusal.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

1. DA0505 2023 22 Stone Street West Launceston Planning Scheme Assessment Council [9.1.1 - 19 pages]
2. D A 0505-2023 - 22 Stone Street West Launceston - Advertised Plans - Council Meeting 25 January 2024 [9.1.2 - 15 pages]
3. D A 0505-2023 - 22 Stone Street West Launceston - Tas Water SPAN - Council Meeting 25 January 2024 [9.1.3 - 2 pages]

9.2. DA0479/2023 - 12 Queen Street, Invermay - Residential - Demolition of Two Outbuildings and Construction of a Secondary Residence

FILE NO: DA0479/2023

AUTHOR: Rachael Huby (Town Planner)

ACTING GENERAL MANAGER APPROVAL: Michelle Ogulin (Community and Place Network)

DECISION STATEMENT:

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

PLANNING APPLICATION INFORMATION:

Applicant:	Alsocan Architects
Property:	12 Queen Street, Invermay
Zoning:	General Residential
Receipt Date:	17/10/2023
Validity Date:	19/10/2023
Further Information Request:	22/11/2023
Further Information Received:	06/12/2023
Deemed Approval (extension granted):	25/01/2024
Representations:	3

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

PREVIOUS COUNCIL CONSIDERATION:

D270/97 - Proposed Garage with Office above for Home Occupation

Planning permit granted under delegation.

The plans denote a similar design and size of building to those that are currently being proposed. An overall building height equating to approximately 5m was approved.

A building application was submitted and amended plans endorsed for *only* the garage component (no office above) construction at the time (1997).

STANDARDS REQUIRING PLANNING DISCRETION:

8.4.2 Setbacks and building envelope for all dwellings P1, P3

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme - Launceston, a permit be granted for Residential - Demolition of two outbuildings and construction of a secondary residence at 12 Queen Street, Invermay, subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

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

- a. Application Letter prepared by alsoCAN Architects dated 17/10/2023.
- b. Existing Site Plan, Prepared by alsoCAN Architects, Drawing TP01, Project No. 2304, Dated 17/10/2023
- c. Existing Streetscape Photos, Prepared by alsoCAN Architects, Drawing TP02, Project No. 2304, Dated 17/10/2023
- d. Existing Ground Plan 1:200, Prepared by alsoCAN Architects, Drawing TP03, Project No. 2304, Dated 17/10/2023
- e. Existing First Plan 1:200, Prepared by alsoCAN Architects, Drawing TP04, Project No. 2304, Dated 17/10/2023
- f. Existing Ground Plan 1:100, Prepared by alsoCAN Architects, Drawing TP05, Project No. 2304, Dated 17/10/2023
- g. Existing First Plan 1:100, Prepared by alsoCAN Architects, Drawing TP06, Project No. 2304, Dated 17/10/2023
- h. Existing Roof Plan 1:100, Prepared by alsoCAN Architects, Drawing TP07, Project No. 2304, Dated 17/10/2023
- i. Existing Elevations 1:100, Prepared by alsoCAN Architects, Drawing TP08, Project No. 2304, Dated 17/10/2023
- j. Proposed Site Plan 1:250, Prepared by alsoCAN Architects, Drawing TP09, Project No. 2304, Dated 17/10/2023
- k. Proposed Ground Plan 1:200, Prepared by alsoCAN Architects, Drawing TP10, Project No. 2304, Dated 17/10/2023
- l. Proposed First Plan 1:200, Prepared by alsoCAN Architects, Drawing TP11, Project No. 2304, Dated 17/10/2023
- m. Proposed Ground Plan, Prepared by alsoCAN Architects, Drawing TP08 (2), Project No. 2304, Dated 17/10/2023
- n. Proposed First Plan, Prepared by alsoCAN Architects, Drawing TP09 (2), Project No. 2304, Dated 17/10/2023
- o. Proposed Roof Plan, Prepared by alsoCAN Architects, Drawing TP10 (2), Project No. 2304, Dated 17/10/2023
- p. Proposed Elevations, Prepared by alsoCAN Architects, Drawing TP09 (3), Project No. 2304, Dated 17/10/2023
- q. Proposed Perspective Views, Prepared by alsoCAN Architects, Drawing TP12, Project No. 2304, Dated 17/10/2023
- r. Proposed Roof Plan, Prepared by alsoCAN Architects, Drawing TP14, Project No. 2304, Revision A, Dated 23/11/2023
- s. Proposed Elevations, Prepared by alsoCAN Architects, Drawing TP14, Project No. 2304, Revision A, Dated 23/11/2023
- t. Proposed Perspective Views, Prepared by alsoCAN Architects, Drawing TP16, Project No. 2304, Revision A, Dated 23/11/2023

- u. Proposed Carport Dwelling Elevations and Perspectives, Prepared by alsoCAN Architects, Drawing TP17, Project No. 2304, Revision A, Dated 23/11/2023
- v. Proposed Ground Plan, Prepared by alsoCAN Architects, Drawing TP12, Project No. 2304, Revision A, Dated 21/11/2023
- w. Proposed Shadow 9am 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP09, Project No. 2304, Dated 17/10/2023
- x. Proposed Shadow 10am 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP010, Project No. 2304, Dated 17/10/2023
- y. Proposed Shadow 11am 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP11, Project No. 2304, Dated 17/10/2023
- z. Proposed Shadow 12pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP12, Project No. 2304, Dated 17/10/2023
- aa. Proposed Shadow 1pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP13, Project No. 2304, Dated 17/10/2023
- ab. Proposed Shadow 2pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP14, Project No. 2304, Dated 17/10/2023
- ac. Proposed Shadow 3pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHP15, Project No. 2304, Dated 17/10/2023
- ad. Existing Shadow 9am 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX09, Project No. 2304, Dated 17/10/2023
- ae. Existing Shadow 10am 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX10, Project No. 2304, Dated 17/10/2023
- af. Existing Shadow 11am 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX11, Project No. 2304, Dated 17/10/2023
- ag. Existing Shadow 12pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX12, Project No. 2304, Dated 17/10/2023
- ah. Existing Shadow 1pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX13, Project No. 2304, Dated 17/10/2023
- ai. Existing Shadow 2pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX14, Project No. 2304, Dated 17/10/2023
- aj. Existing Shadow 3pm 21 Jun Winter, Prepared by alsoCAN Architects, Drawing SHX15, Project No. 2304, Dated 17/10/2023
- ak. Proposed Shadow 9am 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHP09, Project No. 2304, Dated 17/10/2023
- al. Proposed Shadow 10am 21 Jun Winter including boundary trees,, Prepared by alsoCAN Architects, Drawing SHP010, Project No. 2304, Dated 17/10/2023
- am. Proposed Shadow 11am 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHP11, Project No. 2304, Dated 17/10/2023
- an. Proposed Shadow 12pm 21 Jun Winter including boundary trees,, Prepared by alsoCAN Architects, Drawing SHP12, Project No. 2304, Dated 17/10/2023
- ao. Proposed Shadow 1pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHP13, Project No. 2304, Dated 17/10/2023
- ap. Proposed Shadow 2pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHP14, Project No. 2304, Dated 17/10/2023
- aq. Proposed Shadow 3pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHP15, Project No. 2304, Dated 17/10/2023
- ar. Existing Shadow 9am 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX09, Project No. 2304, Dated 17/10/2023
- as. Existing Shadow 10am 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX10, Project No. 2304, Dated 17/10/2023

- at. Existing Shadow 11am 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX11, Project No. 2304, Dated 17/10/2023
- au. Existing Shadow 12pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX12, Project No. 2304, Dated 17/10/2023
- av. Existing Shadow 1pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX13, Project No. 2304, Dated 17/10/2023
- aw. Existing Shadow 2pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX14, Project No. 2304, Dated 17/10/2023
- ax. Existing Shadow 3pm 21 Jun Winter including boundary trees, Prepared by alsoCAN Architects, Drawing SHX15, Project No. 2304, Dated 17/10/2023
- ay. Planning Report prepared by alsoCAN Architects.

2. 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.

3. NON REFLECTIVE EXTERIOR FINISH

All external boundary walls cladding and roofing of the building must be of a non-reflective nature and must be finished in dark muted colours to the satisfaction to the Council.

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2023/01489-LCC, dated 06/12/2023 and attached to the permit.

5. HOURS OF CONSTRUCTION

- a) Unless otherwise approved in writing by the Manager Health and Compliance construction activities must only be carried out between the hours of:
 - i. Monday to Friday - 7 am to 6 pm; and
 - ii. Saturday - 8 am to 6 pm.
- b) Notwithstanding the above paragraph, construction activities must not be carried out on public holidays that are observed state-wide (Easter Tuesday excepted).

6. ON-SITE DETENTION (TASWATER ADVICE TO DRAINAGE AUTHORITY)

Where required as a result of Advice to the Drainage Authority provided on a TasWater Submission to Planning Authority Notice (SPAN), issued for the development, On-site detention storage must be provided to limit the peak rate of piped stormwater discharge and overland flows, from the site to that generated by the site at its current level of development for a 1 in 5 storm event of 1 hour duration. The volume of the detention structure must be the difference between the above discharge (pre-development) and the discharge from the site post development.

Prior to the commencement of works, the plans and calculations must be submitted to the General Manager, Infrastructure & Assets Network for approval. On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

7. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

8. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

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

The explicit permission of General Manager - Infrastructure & Assets Network is required prior to undertaking works where the works:

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

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

9. APPLICATION TO ALTER A STORMWATER SERVICE

An application must be made using the Council's eServices web portal, or on the approved form, and accompanied by the prescribed fee to install a new connection, or physically remove/relocate or alter an existing service connection.

All work must be carried out by a suitably experienced contractor and in accordance with Council standards. All costs associated with these contractors are to be borne by the applicant.

10. SOIL AND WATER MANAGEMENT PLAN

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

11. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). The payment of the scheduled Occupation Fee (comprising a minimum base fee and a square metre weekly rate) is required prior to the occupation commencing. No occupation of the road reserve is permitted without approval.

12. 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.

13. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development to be undertaken on-site. Any such waste materials are to be removed to a licensed waste disposal facility (e.g. Launceston Waste Centre), reclaimed or recycled.

14. DEMOLITION

The developer must:

- a) protect property and services which are to either remain on or adjacent to the site from interference or damage;
- b) not undertake any burning of waste materials or removed vegetation;
- c) remove all rubbish from the site for disposal at a licensed waste disposal site;
- d) dispose of any asbestos found during demolition in accordance with the Safe Work Australia 'How to Safely Remove Asbestos: Code of Practice, July 2020', or any subsequent versions of the document

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0479/2023. 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 Tasmanian Civil & Administrative Appeal Tribunal (TASCAT) is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

The permit lapses after a period of two (2) years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to Council.

B. 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 enquiries as to whether the proposed development is affected, 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.

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil & Administrative Tribunal (TASCAT).

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 Tasmanian Civil & Administrative Tribunal (TASCAT) website www.tascat.tas.gov.au <<http://www.tascat.tas.gov.au>>

D. Permit Commencement.

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

E. Fixed Equipment Use

Use of fixed equipment (e.g. heat pumps, water pumps, swimming pool pumps) is subject of the Environmental Management and Pollution Control (Noise) Regulations 2016 or any subsequent versions of this regulation.

F. No Approval for alterations to Driveway Crossover

No approval to install a new, or alter an existing, driveway crossover in any way has been granted or is implied by the issue of this Planning Permit.

REPORT:

1. THE PROPOSAL

The development proposal is for the demolition of two existing outbuildings and the construction of a building containing a secondary residence above an outbuilding (carport) in the north eastern corner of the site with frontage onto Graham Street. The proposal will be situated in the location of the current garage. The footprint area is demonstrated below:

Outbuilding	Dimensions	Area	% change
Existing	4.2m x 8.24m	34.6m ²	
Proposed	5.8m x 7.0m	40.6m ²	+ 28%

The outbuilding will comprise two storeys, the ground floor comprising a carport, laundry and an external stairwell to the upper floor. The upper storey will comprise a bedroom, bathroom, kitchenette and living/dining area.

The floor area of the upper level secondary residence is 36m² and therefore meets the definition as prescribed per Table 3.1 of the Scheme.

The carport has vertical slatted screens and is a predominately open space apart from the fire rated wall along the eastern side boundary.

The building has an overall height of 6.2m (to the ridgeline of the roof) and a 5.1m fire rated wall to the boundary. The building is therefore outside the building envelope.

It is understood that the large existing Birch tree in the centre of the Graham Street frontage will be retained on the subject site and no other vegetation removal is required to facilitate the development.

The proposed development will not alter the supply or demand for on-site parking. The site access from Graham Street will also be maintained with a carport door on the frontage to be re-instated. A pedestrian gate will also be added.

2. LOCATION AND NEIGHBOURHOOD CHARACTER



12 Queen Street, Invermay (not to scale)

The property is located at 12 Queen Street, Invermay, and falls within the General Residential zone and has a size of 553m². The site features a rectangular shape with flat terrain and boasts existing access through two frontages, Queen Street and Graham Street, along with crossovers onto both streets. The site currently comprises a double-storey dwelling positioned towards the Queen Street frontage and two outbuildings situated at the rear of the lot. The site is adorned with planted residential vegetation, including several large established trees.

The property is connected to all reticulated services. The surrounding land exhibits a mix of land uses, incorporating single and multiple dwellings (both single and double storey), interspersed with light industrial and commercial structures.

The property shares boundaries with a public reserve to the west.

The site is subject to overlays such as the Invermay/Inveresk Flood Inundation Specific Area Plan and the Airport Obstacle Limitation Area.

3. PLANNING SCHEME REQUIREMENTS

The assessment against the Launceston Interim Planning Scheme 2015 is detailed in Attachment 1.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure and Assets Network	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	Standard notes recommended for the permit.
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2023/01489-LCC dated 06/12/2023.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 9 December 2023 to 3 January 2024. Three representations were received. The issues raised are summarised in the following table. All representations received for this application were circulated to Councillors on 18 January 2024.

Issue 1
The proposed development will be imposing on the boundary
<i>Response 1</i>
<i>The proposal is outside the building envelope for the zone and is assessed against the performance criteria at clause 8.4.2 P1 and P3. It is considered that the proposal satisfies the performance criteria.</i>

Issue 2 The proposal will affect the street character of the cul the sac.
<i>Response 2</i> <i>The proposal is situated amongst properties of mixed use with single and multiple dwellings (single storey and double storey) and associated outbuildings interspersed with light industrial and commercial buildings and structures. The subject site is also adjoined by a public reserve to the west. The assessment of the character of the development has not been triggered by this proposal and therefore those clauses within the scheme are not required to be addressed. However, the development meets the purpose of the General Residential Zone which states: to provide for residential use or development that accommodates a range of dwelling types.</i>
Issue 3 Concern that the development will create traffic parking congestion at the end of the street
<i>Response 4</i> <i>The development and use is not expected to generate an increase in traffic volume greater than current existing residential volumes. The development is appurtenant to the existing dwelling and it has been assessed that there is adequate off-street parking to service this development. The proposal has also been assessed by the Council's Infrastructure Team as being compliant.</i>
Issue 5 The proposal could be quite intrusive to anyone that attends the adjacent park in terms of privacy/onlooking from the second storey development.
<i>Response 5</i> <i>The proposed development is to be situated in the north eastern corner of the subject site. The park that is adjacent to the subject site is located on the western side of the lot. The existing primary dwelling is 2 storey. In addition, there is a buffer of private open space and other large established trees within the subject site. There are other existing 2 storey developments in the immediate area located at 1 Graham Street and 10 Queen Street.</i>
Issue 6 The development contributes to overdevelopment of the area and the secondary residence increases the density on the subject site.
<i>Response 6</i> <i>The proposed secondary residence meets the allowable gross floor area provision as defined within the planning scheme and the secondary residence is appurtenant to the existing single primary dwelling located on the subject site. The existing dwelling is also situated amongst an existing multiple use area of Invermay whereby there are existing non-dwelling developments of varying size located on lots within the zone. The proposal has been assessed against the zone criteria as being compliant.</i>
Issue 7 The proposed development will affect my property value
<i>Response 7</i> <i>Property value is outside the scope of the planning scheme.</i>

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.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

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

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

1. DA0479 2023 12 Queen Street Invermay Planning Scheme Assessment Council Meeting [9.2.1 - 11 pages]
2. D A 0479-2023 - 12 Queen Street Invermay - Plans to be Endorsed - Council Meeting 25 January 2024 [9.2.2 - 49 pages]
3. D A 0479-2023 - 12 Queen Street Invermay - Tas Water SPAN - Council Meeting 25 January 2024 [9.2.3 - 2 pages]

10. ANNOUNCEMENTS BY THE MAYOR

10.1. Mayor's Announcements

FILE NO: SF2375

Friday 15 December 2023

- Attended 2023 School Presentation Assembly, Brooks High School
- Attended 2023 End of Year Expo, Big Picture School
- Attended Women in Trades Expo, Brisbane Street Mall

Saturday 16 December 2023

- Launched ArtRage 2023, Queen Victoria Museum and Art Gallery, Royal Park

Monday 18 December 2023

- Attended Celebrate Christmas - Liberal Party Drinks, The Boathouse

Tuesday 19 December 2023

- Attended 2023 End of Year Awards, Lilydale District School
- Visited Calvary Riverside to judge Christmas Door Decoration competition, Riverside
- Attended Farewell 2023, S. Group

Wednesday 20 December 2023

- Attended 2023 Grade 6 Presentations, Ravenswood Heights Primary School

Monday 25 December 2023

- Officiated at the Launceston City Community Christmas, Door of Hope

Wednesday 27 December 2023

- Officiated at the start of the Launceston to Hobart Yacht Race, Beauty Point

Thursday 28 December 2023

- Officiated at the Launceston Cycling Classic Carnival, Silverdome

Sunday 31 December 2023

- Attended Beerfest, Riverbend Park

Wednesday 4 January 2024

- Attended VIP 2024 Season Launch, IO Headquarters

Friday 12 January 2024

- Attended Twilight Session Hobart International, Domain Tennis Centre

Tuesday 16 January 2024

- Attended Australian Open, John Cain Arena

Wednesday 24 January 2024

- Officiated at Citizenship Ceremony, Tramsheds
-

11. COUNCILLORS' REPORTS

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

12. QUESTIONS BY COUNCILLORS

12.1. Councillors' Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

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

12.1.1. Councillors' Questions on Notice - Councillor J J Pentridge - Tasmanian Civil and Administrative Tribunal (TASCAT) Appeals - 15 January 2023

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following questions, submitted to Council on 15 January 2024 by Councillor J J Pentridge, have been answered by Michelle Ogulin (Acting General Manager Community and Place Network).

Questions:

1. TASCAT has rejected the Council's position on 112 Tamar Street. Has the Tribunal allocated costs against the Council in this action and how much has Council spent in defending its position?

Response:

While the application was ultimately approved by Tascat on 21 December 2023, it is important to note that the design of the project was modified to reduce impacts as part of the process. The Tascat order advised that a costs application could be made within 21 days. No party has applied for or been awarded costs as a result of the appeal at the present time.

Council's expenses have been consistent with usual costs associated with Tascat appeals. The amount spent was \$31,949.58.

2. How many cases involving Launceston City Council planning decisions have been taken to TASCAT in the last 24 months? What has been the cost of each hearing?

Response:

Over last 24 months 18 planning decisions have been taken to Tascat. The costs of each hearing are shown in the table below. Of those 18 decisions taken to Tascat, three were council decisions contrary to council officer recommendations.

Over the same 24 month period, a total of 1,267 development applications (DAs) were approved by council. The number of appeals taken to Tascat (18) as a proportion of approved DAs (1,267) over 2022 and 2023 was 1.4% of all approved DAs.

Note that there is no longer discretion with Tascat appeals regarding legal representation. It is now a requirement of every Tascat appeal that Council has legal representation. Historically legal representation was not a requirement.

Further, the costs associated with appeals are higher in cases where the council decision differs from the council officer recommendation. In these cases, council has an obligation to hire external expert advice to support the council decision as the testimony of council's officers cannot be relied upon as their recommendation differs from the ultimate council decision.

DA number	Address	Proposal	Lodged by	Officer	Decision	Cost
DA0416/2021	23 Lytton St, Invermay	Additional Dwelling	Third party	Recommended approval	Refused by Council, Upheld by TASCAT	\$25,913.80
DA0722/2021	41-55 Paterson St, Launceston	General Retail and Hire, Residential and Vehicle Parking	Applicant	Recommended refusal	Refused by Council, Approved by TASCAT	\$23,054.38
DA0753/2021	13-15 Russell, Invermay	Partial demolition of the shed and construction of a dwelling	Third party	Recommended approval	Likely consent	\$13,840.75
DA0123/2022	108 Elphin Road, Launceston	Medical Centre	Applicant	Recommended approval	Refused by Council, Consented to grant a permit	\$21,259.37
DA0356/2022	5 Penicola Place, Newnham	Multiple Dwellings	Third party	Recommended approval	Approved by Council; Consent reached with amended plans	\$11,827.75
DA0377/2022	228 Golconda Road, Golconda	Rail Trail x 2	Third party	Recommended approval	Approved by Council, Upheld by TASCAT with altered conditions	\$68,942.60
DA0390/2022	123, 125-133 Paterson Street, 16 Margaret Street, also known as 270 Brisbane Street, Launceston	Gorge Hotel	Third party	Recommended approval	Council decision to approve upheld but now subject to Supreme Court determination	\$34,239.74
DA0403/2022	99 Abels Hill Road, St Leonards	Subdivision	Third party	Recommended approval	Approved by Council - Under consideration at TASCAT	Awaiting invoice(s)
DA0494/2022	14 Audrey Avenue, St Leonards	Outbuilding	Third party	Recommended approval	Approved by Council, Refused by TASCAT	\$10,272.90

DA number	Address	Proposal	Lodged by	Officer	Decision	Cost
DA0524/2022	22 Margaret St, Launceston	Change the use of part of the ground floor to residential & Restaurant to Take away food	Third party	Approved under delegation	Likely consent	\$5,127.38
DA0580/2022	112 Tamar St, Launceston	Construction of two dwellings	Applicant	Recommended approval	Refused by Council, Approved by Tribunal with amended plans	\$31,949.58
DA0646/2022	53 Balfour St, Launceston	Change of use to visitor accommodation	Third party	Approved under delegation	Approved by Council. Consent reached.	\$4,292.09
DA0331/2023	23 Lytton St, Invermay	Additional Dwelling	Third party	Recommended approval	Approved by Council - Under consideration at TASCAT	\$12,394.58
DA0397/2023	20 Solis Rise, Swan Bay	Construction of a dwelling and an outbuilding and vegetation removal	Applicant	Approved under delegation	Consent likely	\$19,547.33
DA0098/2022	2A My Street	Demolish two outbuildings & construction of a dwelling	Third party	Recommended for approval	Third party withdrew after all preparation for the appeal had been undertaken	\$3053.60
DA0622/2021	24-26 Strahan Road	Residential - Construction of two additional dwellings and an additional crossover	Third party	Recommended for approval	Third party withdrew after all preparations for the appeal had been undertaken.	\$2,789.60
DA0044/2022	47 Blaydon Street	Residential - Construction of an additional dwelling	Third party	Recommended for approval	Approved by Council. Consent reached.	\$4,328.50
DA0644/2022	157 St John Street	Community meeting and entertainment - Construction of alterations and additions to a church (Re-advertised)	Third party	Approved under delegation	Limited procedures occurred	\$1,963.50
					TOTAL	\$294,797.45

12.1.2. Councillors' Questions on Notice - Councillor J J Pentridge - Gilmore Street Flooding - 15 January 2023

FILE NO: SF6381

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

CHIEF EXECUTIVE OFFICER: Michael Stretton

QUESTIONS AND RESPONSES:

The following question, submitted to Council on 15 January 2024 by Councillor J J Pentridge, has been answered by Michael Newby (Acting General Manager Infrastructure and Assets Network).

Questions:

1. It has been six months since Council officers inspected the flooding at Gilmore Street opposite the sewage treatment plant. What assessments were made and what remediation has been planned?

Response:

City of Launceston officers have investigated concerns related to flooding associated with the stormwater open drain along Gilmore Street. Due to the low lying nature of this area and local surface levels in the area, and the need for the drain to discharge into the Tamar Estuary, the available fall in the drain is minimal. This reduces the capacity of the drain to discharge stormwater away from the area, and in storm events with rainfall exceeding the capacity of the drain, localised inundation may occur.

Given the topographical constraints of the area, there is very little that can be reasonably done to improve this situation. The City of Launceston continue to manage vegetation in the drain to maintain flow rates, and have recently shifted the drain further away from the adjacent property boundary to reduce the impact to the adjacent property. No further actions are proposed at this time however routine maintenance of the drain will continue.

12.2. Councillors' Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

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

13. COMMITTEE REPORTS

13.1. Homelessness Advisory Committee Report - 28 November 2023

FILE NO: SF7447

AUTHOR: Nindarra Wheatley (Community Development Officer Inclusion)

ACTING GENERAL MANAGER APPROVAL: Michelle Ogulin (Community and Place Network)

DECISION STATEMENT:

To receive a report from the Homelessness Advisory Committee.

RECOMMENDATION:

That Council receives the report from the Homelessness Advisory Committee Meeting held on 28 November 2023.

REPORT:

Guests from Link Technologies presented the software they have created for a By-names list creation for the City of Launceston. This work is underway, and feedback is being provided to Link Technologies.

Guest Julia Mangan, CEO of CatholicCare, shared her experience of By-names creation in Adelaide. Julia will attend the next committee meeting to continue the discussion with guests who have expertise with the By-names concept.

Guest Dr Catherine Robinson, Associate Professor in Housing and Communities, UTAS Australian Housing and Urban Research Institute Centre Director and lead of the UTAS Rough Sleepers Initiative, a new collective impact project which aims to support innovative service design for rough sleepers in Tasmania, informed the committee of the research happening through her work. Dr Robinson will become a member of the Homelessness Advisory Committee for 2024.

The Homelessness Strategy feedback was circulated to the committee.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

2. To define and communicate our role in promoting social inclusion and equity.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
6. To enhance community awareness of the impacts of uncertain weather patterns, natural and other disasters, and build community resilience.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

13.2. Access Advisory Committee Report - 6 December 2023

FILE NO: SF0025

AUTHOR: Nindarra Wheatley (Community Development Officer Inclusion)

ACTING GENERAL MANAGER APPROVAL: Michelle Ogulin (Community and Place Network)

DECISION STATEMENT:

To receive a report from the Access Advisory Committee.

RECOMMENDATION:

That Council receives the report from the Access Advisory Committee held on 6 December 2023.

REPORT:

The committee did not meet quorum despite RSVPs from committee members indicating quorum would be met.

Discussions were held on ways to bolster representation. The broader community has been invited as previously discussed.

Suggestions were made to have meetings bi-monthly and include an MS teams invite to aid those that might not be able to attend in person regularly in an aim to meet quorum for future meetings.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

1. To provide for the health, safety and welfare of the community.
 4. To continually improve our service delivery via a continuous improvement mindset, pursuing efficiency gains and adopting technological and other process innovations.
-

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

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

Focus Areas:

1. To plan for and provide services and facilities that recognises the changing demographics and needs of our community.
2. To define and communicate our role in promoting social inclusion and equity.
3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.
4. To support the delivery of programs and events for people to connect with each other through participation in community activities and civic life.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

13.3. Tender Review Committee Meeting - 14 December 2023

FILE NO: SF0100/CD.040/2023

AUTHOR: Kelsey Hartland (Risk and Insurance Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To receive a report from the Tender Review Committee.

RECOMMENDATION:

That Council notes the decision of the Tender Review Committee to accept the tender submitted by Gradco Pty Ltd. for the Launceston Waste Centre Borrow Pit Rehabilitation, Contract No. CD.040/2023 at a cost of \$1,261,769.06.

REPORT:

The Tender Review Committee Meeting, held on 14 December 2023, determined the following:

That the tender submitted by Gradco Pty Ltd. for the Launceston Waste Centre Borrow Pit Rehabilitation, Contract No. CD.040/2023 at a cost of \$1,261,769.06 be accepted.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014-2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

13.4. Transport Committee Meeting - 14 December 2023

FILE NO: SF7429

AUTHOR: Cathy Williams (Roads and Traffic Officer)

ACTING GENERAL MANAGER APPROVAL: Michael Newby (Infrastructure and Assets Network)

DECISION STATEMENT:

To receive a report from the Transport Committee.

RECOMMENDATION:

That Council receives the report from the Transport Committee Meeting held on Thursday, 14 December 2023.

REPORT:

The Transport Committee, at its meeting held on Thursday, 14 December 2023 discussed:

- a presentation on the Network Risk Assessment, NetRisk;
- the 2024 All Access All Weather bus stop upgrade program;
- the 2024 Vulnerable Road User & Safer Rural Road Projects;
- the Kings Meadows Connector slip lane for southbound traffic.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

13.5. Cultural Advisory Committee Meeting - 6 December 2023

FILE NO: SF3547

AUTHOR: Mengda Liu (Cultural Development Officer)

ACTING GENERAL MANAGER APPROVAL: Michelle Ogulin (Community and Place Network)

DECISION STATEMENT:

To receive a report from the Cultural Advisory Committee Meeting held 6 December 2023.

RECOMMENDATION:

That Council receives the report from the City of Launceston Cultural Advisory Committee Meeting held on 6 December 2023.

REPORT:

The Cultural Advisory Committee met at QVMAG Inveresk on 6 December 2023 to discuss:

- A presentation held by representatives of Ten Days on the Island, and the program's alignment with the Cultural Strategy 2020-2030
- A presentation from Shane Fitzgerald (General Manager Creative Arts and Cultural Services) on QVMAG's Annual Report 2022-2023
- Convict-era archaeological finds in Launceston and potential locations to display the objects for members of the public to view
- An update on the Kings Meadows public toilet block public art project and the Paterson Street East car park mural project.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

14. ORGANISATIONAL SERVICES NETWORK

14.1. 2023/2024 Budget - Budget Amendments

FILE NO: SF6940/SF7558

AUTHOR: Samuel Kelty (Manager Finance)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

For Council to:

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

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

2. consider adjustments made during 1 November to 31 December 2023 by the Chief Executive Officer to the 2023/2024 Budget.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. pursuant to section 82(4) of the *Local Government Act 1993* (Tas) and by an absolute majority, approves the following changes to the 2023/2024 Statutory Estimates:
 - (a) Revenue
 - i. the net decrease in revenue from external grants and contributions of \$8,587.
 - (b) Expenses
 - i. the net increase in operations expenditure of \$195,321.
 - (c) Capital Works Expenditure
 - i. the net decrease in expenditure from external funds of \$8,587.
 - ii. the decrease in the Council's funded expenditure of \$195,321.
 2. notes that amendments from Recommendation 1. result in:
 - (a) the operating surplus being amended to \$13,359,794 (including capital grants of \$18,381,404) for 2023/2024.
 - (b) the capital budget being decreased to \$43,116,696 for 2023/2024.
 3. pursuant to section 82(7) of the *Local Government Act 1993* (Tas), receives the Chief Executive Officer's report on adjustments to the 2023/2024 budget for the period 1 November to 31 December 2023.
-

REPORT:

1. Budget Amendments

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

	Operations \$'000	Capital \$'000
Statutory Budget as 01/07/2023	(2,406)	20,636
Adjustments Approved by Council to 31/10/2023	15,970	22,685
Balance Previously Advised as at 31/10/2023	<u>13,564</u>	<u>43,321</u>
 <u>Amendments</u>		
Council Funds	0	0
Capital to Operations	(195)	(195)
Operations to Capital	0	0
Operations	100	0
External Funds	(109)	(9)
External Funds Not Received	0	0
Statutory Budget as at 31/12/2023	<u>13,360</u>	<u>43,117</u>
 Deduct Capital Grants and Contributions	 <u>(18,382)</u>	
Operating Budget Surplus/(Deficit)	<u>(5,022)</u>	
 <u>Underlying Result Adjustments</u>		
Tamar Estuary River Health Action Plan Contribution	4,500	
South Esk Road Retaining Wall Project	1,080	
Underlying Operating Budget Surplus/(Deficit)	<u>558</u>	

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

These adjustments are required due to a mix of factors, including;

- program budgets being allocated to individual projects;
- changes in project scope;
- additional external funding becoming available;
- expenditure being classified as operational in nature, when budgeted as capital;
- projects completed both over and under budget due to a number of factors.

The below table summarises the final budget adjustments by project, as we recognise the complexity of the amendments that need to occur.

Project Number	Project Description	Budget Before This Adjustment	Adjustment	Revised Budget	Type of Change
GL.10.0.6080 .1000.12750	State Major Operational Grants - Roads	(\$229,713)	(\$100,000)	(\$329,713)	Decrease
CP24553	Vulnerable Road User Program	\$122,200	(\$122,200)	\$0	Decrease
CP24556	Blackspot Program 2023/2024	\$200,000	(\$39,708)	\$160,292	Decrease
CP24554	Safer Rural Roads Program	\$86,000	(\$86,000)	\$0	Decrease
GL.10.0.1075 .1000.12731	State Capital Grants - Roads	(\$135,587)	\$8,587	(\$127,000)	Increase
OPM25297	OPM2024 Hoblers Bridge Pedestrian Refuge	\$27,800	\$15,151	\$42,951	Increase
OPM25316	OPM2024 Dowling Street Pedestrian Refuge	\$0	\$60,000	\$60,000	Increase
OPM25307	OPM2024 Blaydon Street Pedestrian Refuge	\$0	\$20,000	\$20,000	Increase
OPM25313	OPM2024 Glen Dhu Street Crossing	\$0	\$38,170	\$38,170	Increase
OPM25328	OPM2024 Second River Road and Bangor Road	\$0	\$130,000	\$130,000	Increase
OPM25329	OPM2024 Patersonia Road	\$0	\$15,000	\$15,000	Increase
OPM25301	OPM2024 George/Balfour Kerb Outstands	\$0	\$17,000	\$17,000	Increase
CP24603	North Lilydale Road Guard Rail	\$0	\$44,000	\$44,000	Increase
	TOTALS	\$70,700	\$0	\$70,700	

Details of the amendments are as follows:

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

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24553	Vulnerable Road User	\$122,200	\$107,200	\$0	\$15,000
OPM25297	OPM2024 Hoblers Bridge Pedestrian Refuge	\$27,800	\$0	\$15,151	\$42,951
OPM25316	OPM2024 Dowling Street Pedestrian Refuge	\$0	\$0	\$47,049	\$47,049
OPM25307	OPM2024 Blaydon Street Pedestrian Refuge	\$0	\$0	\$20,000	\$20,000
OPM25313	OPM2024 Glen Dhu Street Crossing	\$0	\$0	\$25,000	\$25,000
	TOTALS	\$150,000	\$107,200	\$107,200	\$150,000

The project scope of works:

The allocated budget for the Vulnerable Road User program as at the beginning of each financial year is an estimate of the expected funding requirements for that financial year, which are allocated against a singular holding capital project. Final approved funding requirements are not actually known until the time the projects are scoped, costs are estimated and they are submitted to and approved by the Department of State Growth. When projects are nominated and approved, individual projects are created in the relevant area and budget is transferred accordingly.

As at 1 July 2023, the approved amount on the holding capital project was \$150,000, which comprised of \$50,000 Council funding and \$100,000 of grant funding. An amount of \$27,800 has already been reallocated to the Hoblers Bridge Pedestrian Refuge project at the Council meeting of 21 September 2023, (comprising of \$7,800 of Council funding, and \$20,000 grant funding). This left \$122,200 of budget on the holding project of which \$42,200 is Council funding and \$80,000 is grant funding.

The following Vulnerable Road User projects have been scoped, costs have been estimated and the projects have been submitted to and approved by the Department of State Growth. The projects are classified as Major Operational projects and a budget adjustment to move budget from the holding capital project to the individual major operational projects is required. The approved Department of State Growth projects and their funding split are listed below:

- Dowling Street Pedestrian Refuge - \$40,000 Council, \$20,000 Grant.
- Blaydon Street Pedestrian Refuge - \$20,000 Grant.
- Glen Dhu Street School Crossing - \$13,170 Council, \$25,000 Grant.

Cost escalations on the Hoblers Bridge Road Pedestrian Refuge required an additional \$15,151 of Council funding, above that, which was originally approved on 21 September 2023, which is tabled in the above amendment.

Summarising the changes above, a transfer of \$68,321 of Council funds and \$65,000 of grant funding is required. This indicates a funding shortfall of Council funds of \$26,121 and an unallocated amount of \$15,000 from the estimated/budgeted grant funding allocated against the Vulnerable Road User holding project.

As a result of the Department of State Growth approved funding splits between Council and grant funding, there is a shortfall of Council funding of \$12,951 on the Dowling Street Pedestrian Refuge project and a shortfall of Council funding of \$13,170 on the Glen Dhu Street Crossing project. It is proposed that the \$12,951 shortfall on the Dowling Street Pedestrian Refuge project and \$9,757 of the \$13,170 shortfall on the Glen Dhu Street Crossing project are to come from unallocated Council funding on the Black Spot program, this is listed in the table below. The remaining \$3,413 required for the Glen Dhu Street Crossing project is to come from unallocated Council funding from the Safer Rural Roads program project, also listed in a table below.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24556	Blackspot Program 2023/2024	\$200,000	\$39,708	\$0	\$160,292
OPM25316	OPM2024 Dowling Street Pedestrian Refuge	\$47,049	\$0	\$12,951	\$60,000
OPM25313	OPM2024 Glen Dhu Street Crossing	\$25,000	\$0	\$9,757	\$34,757
OPM25301	OPM2024 George/Balfour Kerb Outstands	\$0	\$0	\$17,000	\$17,000
	TOTALS	\$272,049	\$39,708	\$39,708	\$272,049

The project scope of works:

The allocated budget for the Blackspot program as at the beginning of each financial year is an estimate of the expected funding requirements for that financial year, which are allocated against a singular holding capital project. Final approved funding requirements are not actually known until the time the projects are scoped, costs are estimated and they are submitted to and approved by the Department of State Growth. When projects are nominated and approved, individual projects are created in the relevant area and budget is transferred accordingly.

As at 1 July 2023, the approved amount on the holding capital project was \$200,000, which comprised of \$100,000 Council funding and \$100,000 of grant funding.

The following Blackspot project has been scoped, costs have been estimated and the project has been submitted to and approved by the Department of State Growth. The project is classified as a Major Operational project and a budget adjustment to move budget from the holding capital project to the individual major operational project is required.

The approved Department of State Growth project and the funding split is listed below:

- George/Balfour Kerb Outstands - \$17,000 Grant.

As mentioned above in the adjustment of Vulnerable Road User funding, there is a shortfall in Council funds on the Dowling Street Pedestrian Refuge project of \$12,951 and a shortfall of Council funds of \$13,170 of the Glen Dhu Street Crossing project. Due to capacity of Council to deliver works, it is not anticipated that all Blackspot Council funding will be utilised in the current financial year. As such, it is proposed that the Council funding shortfall of \$12,951 on the Dowling Street Pedestrian Refuge project and \$9,757 of the \$13,170 shortfall in Council funding on the Glen Dhu Street Crossing, totaling \$22,708, be covered by Council funding originally allocated to the Blackspot Program project. The remaining \$3,413 of Council funding required for the Glen Dhu Street Crossing is expected to come from unallocated Council funds from the Safer Rural Roads project, which is tabled below.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24554	Safer Rural Roads Program	\$86,000	\$48,413	\$0	\$37,587
OPM25313	OPM2024 Glen Dhu Street Crossing	\$34,757	\$0	\$3,413	\$38,170
OPM25328	OPM2024 Second River Road and Bangor Road	\$0	\$0	\$40,000	\$40,000
OPM25329	OPM2024 Patersonia Road	\$0	\$0	\$5,000	\$5,000
	TOTALS	\$120,757	\$48,413	\$48,413	\$120,757

The project scope of works:

The allocated budget for the Safer Rural Roads program as at the beginning of each financial year is an estimate of the expected funding requirements for that financial year, which are allocated against a singular holding capital project. Final approved funding requirements are not actually known until the time the projects are scoped, costs are estimated and they are submitted to and approved by the Department of State Growth. When projects are nominated and approved, individual projects are created in the relevant area and budget is transferred accordingly.

As at 1 July 2023, the approved amount on the holding capital project was \$150,000, which comprised of \$50,000 Council funding and \$100,000 of grant funding. An amount of \$64,000 has already been reallocated to the John Lees/Windermere Intersection project at the Council meeting of 21 September 2023, (Comprising of \$11,587 of Council funding, and \$52,413 grant funding). This left \$86,000 of budget on the holding project of which \$38,413 is Council funding and \$47,587 is grant funding.

The following Safer Rural Road projects have been scoped, costs have been estimated and the projects have been submitted to and approved by the Department of State Growth. The projects are classified as Major Operational projects and a budget adjustment to move budget from the holding capital project to the individual major operational projects

is required. The approved Department of State Growth projects and their funding split are listed below:

- Second River Road & Bangor Road - \$30,000 Council, \$100,000 Grant.
- Patersonia Road - \$5,000 Council, \$10,000 Grant.
- North Lilydale Road Guard Rail (Capital Project - CEO's Adjustments tabled below) - \$44,000 Grant.

As part of nominating projects under the Safer Rural Roads program, Council has been successful in receiving an additional \$106,413 of Safer Rural Roads Grant funding on top of the originally budgeted \$100,000 of grant funds, this is to be recognised in the external funds section below. Of the additional \$106,413, \$100,000 has been recognised in our Major Operational budget, with the remaining \$6,413 being recognised in Capital.

As mentioned in the budget adjustments listed prior to this. There was a shortfall of Council funds on the Glen Dhu Street Crossing project and \$3,413 of unallocated Council Funds on the Safer Rural Roads project, it is proposed that this is used cover the shortfall on the Glen Dhu Street Crossing project.

Capital to Operations	Operations	Capital
Vulnerable Road User	\$107,200	(\$107,200)
Blackspot Program	\$39,708	(\$39,708)
Safer Rural Roads	\$48,413	(\$48,413)
TOTAL	\$195,321	(\$195,321)

1(b) The following items have been affected by external funding changes and affect both the Capital and Operations budgets:

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24553	Vulnerable Road User Program	\$15,000	\$15,000	\$0	\$0
GL.10.0.1075 .1000.12731	State Capital Grants - Roads	(\$135,587)	\$0	\$15,000	(\$120,587)
	TOTALS	(\$120,587)	\$15,000	\$15,000	(\$120,587)

The project scope of works:

As mentioned in a table above, during the budgeting process, an estimate of the expected council and grant funding requirements are allocated against a holding capital project for the Vulnerable Road User Program, issued by the Department of State Growth.

Final approved funding requirements are not known until after projects are nominated and accepted under Vulnerable Road User program for the financial year. This year, after Council had nominated projects and had these projects approved under Vulnerable Road User program, there is a \$15,000 variance between the estimated grant funds and the grant figure approved by the Department of State Growth.

As such, Council will need to remove the difference between our estimated grant funds and approved grant funding under the program. This will equate to a \$15,000 reduction in budget on the Vulnerable Road User Program project.

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
GL.10.0.1075 .1000.12731	State Capital Grants - Roads	(\$120,587)	\$6,413	\$0	(\$127,000)
GL.10.0.6080 .1000.12750	State Major Operational Grants - Roads	(\$229,713)	\$100,000	\$0	(\$329,713)
CP24603	North Lilydale Road Guard Rail	\$0	\$0	\$6,413	\$6,413
OPM25328	Second River Road and Bangor Road	\$40,000	\$0	\$90,000	\$130,000
OPM25329	Patersonia Road	\$5,000	\$0	\$10,000	\$15,000
	TOTALS	(\$305,300)	\$106,413	\$106,413	(\$305,300)

The project scope of works:

As mentioned in a table above, during the budgeting process, an estimate of the expected council and grant funding requirements are allocated against a holding capital project for the Vulnerable Road User program, issued by the Department of State Growth. The process is the same for the Safer Rural Roads program.

After successful project nomination Council has obtained an additional \$106,413 under the Safer Rural Roads program, above the estimated \$100,000 initially budgeted for by Council.

This increase in approved grant funding is required to be recognised as budget against the individual Major Operational and Capital projects.

External Funding	Operations	Capital
Vulnerable Road User Program	\$15,000	(\$15,000)
North Lilydale Road Guard Rail	(\$6,413)	\$6,413
Second River Road and Bangor Road	\$90,000	\$0
Patersonia Road	\$10,000	\$0
State Major Operational Grants - Roads	(\$100,000)	\$0
TOTAL	\$8,587	(\$8,587)

2. Chief Executive Officer's Report on Adjustments

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

Project Number	Project Description	Budget Before This Adjustment	Adjustment	Revised Budget	Type of Change
CP24554	Safer Rural Roads Program	\$37,587	(\$37,587)	\$0	Decrease
CP24603	North Lilydale Road Guard Rail	\$6,413	\$37,587	\$44,000	Increase
	TOTALS	\$44,000	\$0	\$44,000	

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

Project Number	Project Description	Current Approved Amount	Transfer From	Transfer To	New Budget
CP24554	Safer Rural Roads Program	\$37,587	\$37,587	\$0	\$0
CP24603	North Lilydale Road Guard Rail	\$6,413	\$0	\$37,587	\$44,000
	TOTALS	\$44,000	\$37,587	\$37,587	\$44,000

The project scope of works:

The allocated budget for the Safer Rural Roads program as at the beginning of each financial year is an estimate of the expected funding requirements for that financial year, which are allocated against a singular holding capital project. Final approved funding requirements are not actually known until the time the projects are scoped, costs are estimated and they are submitted to and approved by the Department of State Growth. When projects are nominated and approved, individual projects are created in the relevant area and budget is transferred accordingly.

As at 1 July 2023, the approved amount on the holding capital project was \$150,000, which comprised of \$50,000 Council funding and \$100,000 of grant funding. An amount of \$64,000 has already been reallocated to the John Lees/Windermere Intersection project at the Council meeting of 21 September 2023, (Comprising of \$11,587 of Council funding, and \$52,413 grant funding). This left \$86,000 of budget on the holding project of which \$38,413 is Council funding and \$47,587 is grant funding. The approved Department of State Growth projects and their funding splits are listed below:

- North Lilydale Road Guard Rail - \$44,000 Grant.
- Second River Road & Bangor Road (Major Operational Project - Previously tabled in the Capital to Operations transfers above) - \$30,000 Council, \$100,000 Grant.
- Patersonia Road. Capital Project (Major Operational Project - Previously tabled in the Capital to Operations transfers above) - \$5,000 Council, \$10,000 Grant.

Additional external funding of \$6,413 on the North Lilydale Road Guard Rail has been recognised above under the external funds section of this report. This table is to move

\$37,587 of already approved funding from the Safer Rural Roads Program project to the North Lilydale Road Guard Rail project.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

BUDGET AND FINANCIAL ASPECTS:

As per the report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

14.2. Lease - Veteran Car Club of Australia (Tasmania) Inc.

FILE NO: SF0905, SF9892, SF2967

AUTHOR: Michelle Grey (Properties and Legal Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider leasing an area of land situated at 47-67 Lawrence Vale Road, South Launceston (CT15631/1) to the Veteran Car Club of Australia (Tasmania) Inc as marked on the attached plan.

Under section 179 of the Local Government Act 1993, a Council may lease public land for a period not exceeding five years without complying with section 178.

RELEVANT LEGISLATION:

Section 179 *Local Government Act 1993* (Tas)

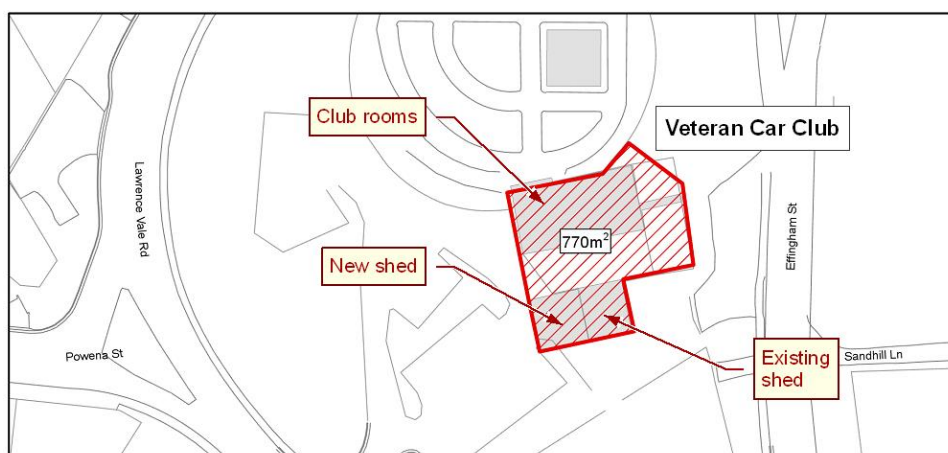
PREVIOUS COUNCIL CONSIDERATION:

Council – 24 September 2018 - Agenda Item 18.2 - The Veteran Car Club of Australia (Tasmania) Inc.

RECOMMENDATION:

That Council:

1. by absolute majority, in accordance with section 179 of the *Local Government Act 1993*, agrees to lease an area of land situated at 47-67 Lawrence Vale Road, South Launceston (CT15631/1) known as the Transport & Safety Centre to the Veteran Car Club of Australia (Tasmania) Inc as indicated on the plan below, for the purposes of a community recreational area (car restoration) and meeting rooms.



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

REPORT:

The current Lessee, the Veteran Car Club of Australia (Tasmania) Inc has met and worked at the Transport & Safety Centre since November 1983. The Lessee has over 750 club members statewide (224 in the Northern section) with a large collection and variety of cars, trucks and motorcycles, numbering over 1000.

The Lessee is a not-for-profit organisation with members who share a common interest in preserving, restoring and maintaining old motor vehicles. The Lessee's members work only on vehicles and motorcycles at least 30 years old and roadworthy.

In October 2016 the Lessee submitted a planning permit application for the construction of an additional shed to accommodate a vehicle hoist for pre-registration and inspection of motor vehicles. It met all costs and was supported by Council.

The Lessee is currently in 'holding over', the Lease having expired on 31 October 2023.

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

The Lessee is a community organisation. A community lease is recommended pursuant to Council's Lease and Licence Policy. The rental subsidy is set out in the table below.

RENTS AND RENTAL SUBSIDIES		
ELEMENT	AMOUNT	HOW AMOUNT CALCULATED
Current Market Rental Value of Property	\$15,200	From the AAV result from the Valuer-General's property report (14/8/2018).
Less Rental Rebate (if applicable)	100%	Based on Council's Lease and Licence Policy.
Rental per annum	\$323.96 for the first year	182 fee units
Add other expense allowances to rent	As per Part B	As per Part B.
Add GST on applicable Rent		10% of goods and services.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

1. To provide for the health, safety and welfare of the community.
2. To fairly and equitably discharge our statutory and governance obligations.

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

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

Focus Areas:

5. To promote and support active and healthy lifestyles of our community.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

14.3. Disposal of Interest in Land - 18A High Street, East Launceston - Electricity Infrastructure Easement

FILE NO: SF0873

AUTHOR: Michelle Grey (Properties and Legal Officer)

GENERAL MANAGER APPROVAL: Louise Foster (Organisational Services Network)

DECISION STATEMENT:

To consider the disposal of an interest in land at 18A High Street, East Launceston.

RELEVANT LEGISLATION:

Sections 177 and 178 *Local Government Act 1993*

PREVIOUS COUNCIL CONSIDERATION:

Council - 2 November 2023 - Agenda Item 13.5 - Tender Review Committee Meeting - 19 October 2023

RECOMMENDATION:

That Council:

1. pursuant to section 178 of the *Local Government Act 1993* (Tas), forms an intention to dispose of an interest in land by granting an easement over part of 18A High Street, East Launceston to TasNetworks for nominal consideration with such easement to total approximately 250m² over Certificate of Title 246404/1 and as generally indicated in the aerial photo below;



2. requests the Chief Executive Officer to publish Council's intention to dispose of an interest in public land.

3. notes that the transfer of the easement, as a result of forming the intention at Recommendation 1, will not occur until each of the following events has occurred:
 - (a) completion of the 21 day public objection period as required by subsection 178(4) of the *Local Government Act 1993* (Tas);
 - (b) any objection received as part of that objection process has been formally considered by Council; and
 - (c) where an appeal is made to the Tasmanian Civil and Administrative Appeals Tribunal, the determination of such appeal.
 4. requests the Chief Executive Officer to determine the exact dimensions and parameters of the easement to be created and to exercise Council's powers in respect of the *Local Government Act 1993* (Tas) in order to carry through with the intention formed at Recommendation 1 subject to the satisfaction of the requirement of Recommendation 2.
 5. permits the Chief Executive Officer to do all things and exercise all functions and/or powers necessary to cause the easement to be granted in accordance with these recommendations.
 6. notes, for the avoidance of doubt Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
-

REPORT:

In FY2022/2023 the Launceston Leisure & Aquatic Centre (LAC) successfully submitted an application to the State Government's Local Roads and Community Infrastructure grant program to receive funding for upgrades to the Centre's Air Handling Units (AHUs).

Upgrading the 14-year-old air handling system to improve heat recovery and fresh air modulation was identified by COVA Engineering as the Centre's best value opportunity to reduce energy consumption and improve air handling efficiency.

The key objectives of the project are to:

- **Improve energy efficiency:** by retrofitting existing AHUs with state-of-the-art, energy-efficient components that will reduce energy consumption, lower operating costs and contribute to a more sustainable facility for future years.
- **Optimise climate control:** the project will ensure that the AHUs are capable of maintaining precise temperature and humidity levels. This will potentially improve the comfort for patrons and staff at the Centre.

COVA Engineering also identified, whilst the AHU upgrade would improve current energy efficiency, to achieve the best possible efficiencies, the ability to draw higher power in peak periods would be required.

Council officers engaged TasNetworks to determine a solution to be able to access higher peak power demands including costs.

TasNetworks identified the following issues:

- The current substation's capacity could not supply the peak power required;
- To achieve identified limits a new substation would be required;
- The current line capacity was not able to handle the higher loads required; and
- The required upgraded substation's footprint was larger than the available space at the current location on York Street and a new location would need to be identified

Through discussion with Council Officers it was determined that a location closer to the Centre would be better suited.

TasNetworks advised that the total customer contribution required to deliver the required works and meet the power demands would be \$200,474 excluding GST.

Upon review of the works required to upgrade the AHUs (Superheat Pty Ltd) and upgrade the substation (TasNetworks), it was determined that both upgrades could be achieved within the budget of the grant funding. This would allow us to achieve the optimum energy usage from the current AHUs.

For reference the budget allocation for the upgrade is below:

Component	Approved Budget
Name of Capital Project: CD009/2023 LAC Air Handling Upgrade	\$870,000
Total Funds Available	\$870,000

Total Project Cost

	Cost
Tender Sum - (Superheat Pty Ltd)	\$553,662
Substation upgrade	\$200,474
Design, Investigation and Development Application <i>(Budget Expenses and Commitments to Date)</i>	\$50,453
Project Management and Contract Administration	\$
Contingency	\$65,411
TOTAL PROJECT COST (\$exc. GST)	\$870,000

Consultation with the Tasmanian Heritage Council and CoL internal Heritage Officer has been conducted regarding the potential relocation of the substation. Whilst a request from our internal Heritage Officer was that screening should be consider to conceal the structure, they approved the relocation.

To allow access to maintain the substation, TasNetwork will require an easement, the estimated value of the proposed easement is \$24,594.52 based on a calculation of the AAV as set out in the following table.

Area (m2)	\$/m2	AAV 17/3/2022 (\$)
37 610	98.38	3,700,000
250	98.38	24,594.52

Section 178 of the *Local Government Act 1993* requires that disposals of public land be advertised.

It is proposed that TasNetworks does not pay for the easement, as the request to move the substation is due to the changing requirements of the Centre.

Title Details

The property is 3.761 Hectares in area and is zoned X. The land is comprised of Certificate of Title Volume 246404 Folio 1. An extract of that folio plan is shown below (Figure 1).

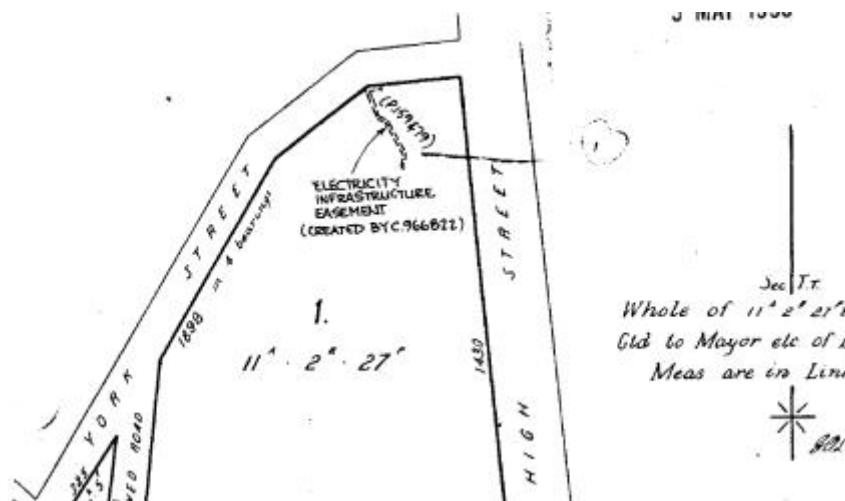


Figure 1 - Folio Plan extract

Proposed substation

The proposed easement is to contain TasNetworks' substation (shown in the figure below) to service the LAC's anticipated peak power demand on the grid.

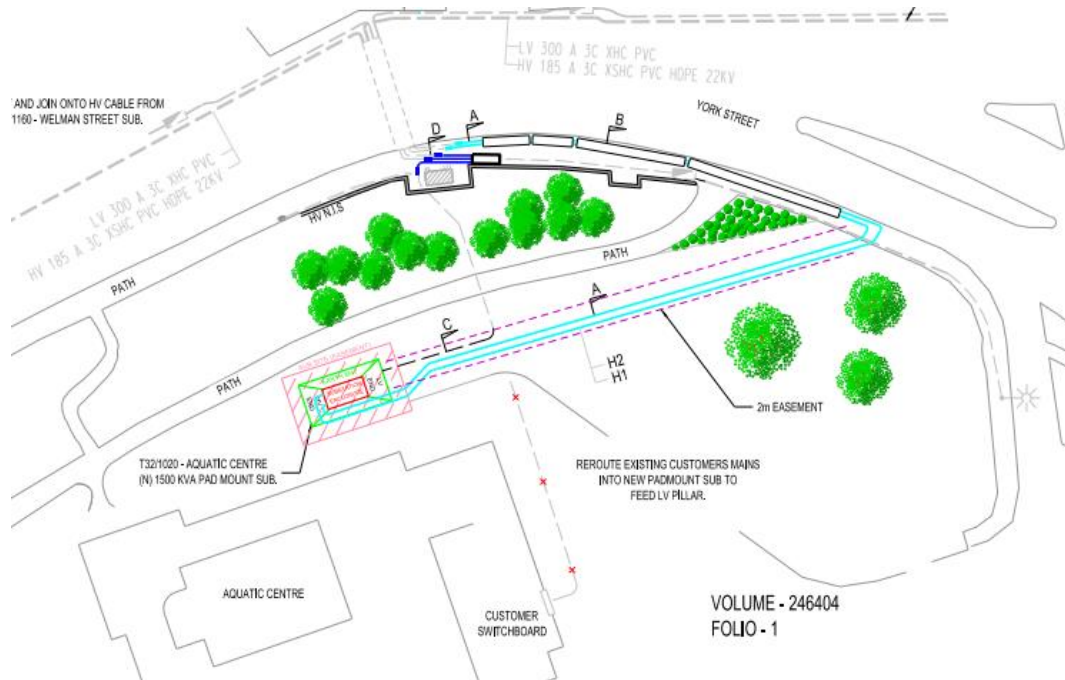


Figure 2 - proposed plan of work and easement

The proposed easement is an estimated 2m wide as shown by the red dotted line, in addition to an area 9.25m x 5.77m.

TasNetworks proposes to construct the substation prior to surveying the area of land subject to the proposed easement.

Council is asked to agree to the proposed estimated easement prior to the proposed substation being constructed.

Access to Easement Post Construction of the Substation Infrastructure

The easement will provide TasNetworks with free access to maintain the substation and associated infrastructure such as powerlines.

Public access to Windmill Hill path which is located at the Northern end of 18A High Street, will not be affected, however the existing pathway towards the LAC will be affected. It is unknown whether the existing pathway towards the LAC will require relocation, until such time as TasNetworks undertakes the works.

Financials

Council obtained a grant from the Federal Government under the Local Roads and Community Infrastructure Program Stage 3, for upgrades to the LAC including upgrading electricity network infrastructure to accommodate the LAC upgrades.

Pursuant to the Grant Deed Council must have the electrical upgrade completed by 30 June 2024.

Valuation of Easement

Whilst it is not proposed that TasNetworks pays for the value of the easement, a rough estimate has been made using the Valuer General's AAV for the property as per the calculation below:

Area (m2)	\$/m2	AAV 17/3/2022 (\$)
37 610	98.38	3,700,000
250	98.38	24,594.52

It is recommended that Council dispose of the easement for \$1 (if demanded) given that it is for infrastructure which supports the LAC upgrades and improvements.

Disposal mechanism

The land under consideration is public land within the meaning of the *Local Government Act 1993* (Tas). That designation triggers the requirements of section 178 of the *Local Government Act 1993* (Tas). Relevantly, that section provides that if the Council forms an intention to sell public land, public notice of that fact is to be given in accordance with the requirements, as detailed below:

If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—

- (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*
- (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and*
- (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*

The Council's officers will ensure that the intention to dispose of the easement is properly given and in line with legislative requirements.

If no objections are received to the disposal and subject to the issue of any planning permits, the transfer can occur at the direction of the Chief Executive Officer in accordance with the authority given by this decision outlined in the recommendations in the report.

If an objection is received, the matter will return to Council for formal consideration.

If an objector subsequently lodges an appeal with the Tasmanian Civil and Administrative Appeals Tribunal (TasCAT), the Council is further prevented from proceeding until that matter has been finalised.

It is important to highlight that there is no intention to transfer until such time as the proposed substation has been constructed and the area surveyed, including the determination of any resultant appeal to TasCAT against the disposal of the easement.

Once all of the above requirements have been met, the transfer can occur by way of the proposed Deed of Easement.

Conclusion

The Council needs the proposed substation infrastructure to be constructed and 'on line' to accommodate the LAC's draw from the grid, both now and into the future.

The proposal to dispose of a 250m² easement in the proposed location at 18A High Street will not impact on users of the LAC.

Accordingly, if Councillors were supportive of taking the approach that the proposed infrastructure will benefit its facilities and community, it is recommended that Councillors dispose of the easement for \$1 if demanded subject to survey and registrations costs being borne by TasNetworks.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

2. To fairly and equitably discharge our statutory and governance obligations.
3. To ensure decisions are made on the basis of accurate and relevant information.

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

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

Focus Areas:

2. To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.

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

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

Focus Areas:

3. To work in partnership with community organisations and other levels of government to maximise participation opportunities for vulnerable and diverse members of the community.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

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

ATTACHMENTS:

Nil

15. CHIEF EXECUTIVE OFFICER NETWORK

15.1. Transfer of York Park to Stadiums Tasmania

FILE NO: SF7455

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To consider the approval of transfer of York Park to Stadiums Tasmania.

The decision for Recommendation 3. requires an absolute majority of Council.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)
Stadiums Tasmania Act 2022 (Tas)

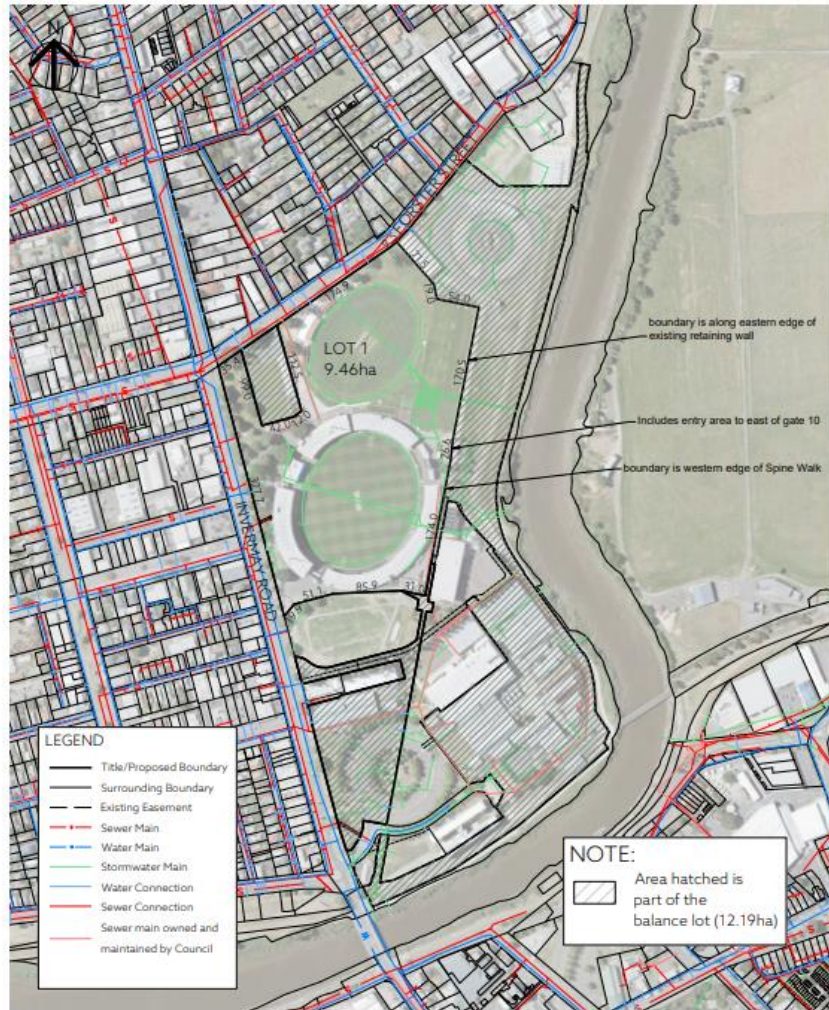
PREVIOUS COUNCIL CONSIDERATION:

Council - 15 December 2022 - Item 16.3 - Intention to Dispose of York Park and Associated Land to Stadiums Tasmania

RECOMMENDATION:

That Council:

1. notes the intention that it formed on 15 December 2022 to transfer York Park and associated land and assets at 2 Invermay Road, Invermay to Stadiums Tasmania for nominal consideration.
2. considers each of the three objections appearing at Attachments 1, 2 and 3, received as part of the public advertising process commencing on 18 November 2023, noting the officer response to each of the three objections as documented as part of the report to this agenda item.
3. by absolute majority, pursuant to section 178 of the Local Government Act 1993, approves the transfer of York Park and associated land and assets at 2 Invermay Road, Invermay to Stadiums Tasmania for nominal consideration, with the dimensions of that land being set out at Attachment 4 and the following plan.



4. notes that the transfer of the land pursuant to these Recommendations, will not occur until each of the following events has occurred:
 - a) where an appeal is made by an objector to the Tasmanian Civil and Administrative Appeals Tribunal, the determination of such appeal; and,
 - b) a planning permit has been issued by the Council in its capacity as Planning Authority to subdivide the relevant land; and,
 - c) the exact dimensions of the land have been confirmed by way of final survey.
5. requests the Chief Executive Officer to determine the exact dimensions and parameters of the land and assets to be transferred and to exercise Council's powers in respect of *the Local Government Act 1993* and the *Stadiums Tasmania Act 2022* in order to facilitate the transfer to Stadiums Tasmania.
6. notes that the term Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*.

REPORT:

Introduction

York Park (known as UTAS Stadium) is a significant asset for Northern Tasmania and generates in excess of \$30m in visitor spending annually in the region. It hosts AFL and AFLW football, Big Bash League cricket, local sports groups, and entertainment events.

While the stadium provides economic returns for the state and the entire Northern region, its operation is funded solely by ratepayers of the Launceston Municipal Area. On average, the City of Launceston invests approximately \$5m per year in operational and capital costs for the stadium.

Some years ago the Council identified that the stadium is approaching a pivotal period for its future with a number of factors converging to cause the Council to reflect and review its future ownership and governance structures, together with its future development needs. Substantial future capital investment is required for the stadium's facilities and assets, which is being driven by factors such as increasing compliance requirements, increasing user expectations as well as community sport and recreation needs.

In 2019, the Council engaged KPMG to conduct a review of the existing ownership structure of the stadium and investigate suitable options for ownership and management of the stadium along with the potential requirements and implications of establishing an alternative governance model for the stadium. The key finding made by KPMG was that *"...The stadium is currently a net financial burden on the Council and Council is not in a position to be able to make significant capital upgrades to the venue, particularly if Tasmania is successful in securing a permanent AFL license."*

Since this time the Council has worked with the State Government in the development of Stadiums Tasmania, a statutory authority which has been established to better coordinate the management and future development of Tasmania's major public stadium infrastructure.

On 15 December 2022, the Council formed the intention to transfer York Park and associated land and assets at 2 Invermay Road, Invermay (the Stadium) to Stadiums Tasmania for nominal consideration and has completed a public notification process as required by section 178(4) of the *Local Government Act 1993* (the Act). This report considers the objections that were received as part of this process and provides a recommendation in respect to the future ownership of the Stadium.

Background

At its meeting on 15 December 2022, the Council confirmed its intention to transfer the Stadium site to Stadiums Tasmania, including the relevant land, assets and employees. It is the view of the Council that this transfer will:

1. enable the Stadium to act commercially, being more responsive and flexible in decision-making than a traditional local government department;
2. provide the ability to operate with independence;
3. recognise that the management of major sports venues is highly specialised and distinct from the traditional roles of government and departments;

4. reduce the Council's and State Government's exposure to the risks involved in the management of major sports facilities, including financial and legal risks; and
5. provide a vehicle for delivering a state-wide stadia strategy.

The site forms part of the broader Inveresk precinct, which comprises the stadium itself, Invermay Park, Queen Victoria Museum (QVMAG), Elizabeth Gardens, flood levees, Invermay Bowls Club and associated facilities, carparks, cafes, gardens, shared pathways, a Tramways museum, Don River Railway (Inveresk Division), the Big Picture School, Tram Shed Function Centre and a number of University of Tasmania assets.

There are 9 Full Time Equivalent (FTE) positions that will be transferred from Council to Stadiums Tasmania as part of the change in ownership.

Stadiums Tasmania was established as a new statutory entity, following the passage of the [Stadiums Tasmania Act 2022](#), to oversee the management and development of Tasmania's major stadium assets and infrastructure, including the Stadium site.

The intention is to centralise the ownership, management, and capital development of the State's major public stadiums under a single entity with a whole of State perspective. This will in turn build their capacity to host major sporting, entertainment, and community events.

This reform will also ensure that the stadiums operate effectively and efficiently and that they continue to meet the future needs of sporting codes and competitions, other users, and audiences. This approach aligns Tasmania with the approach adopted by other states, where national standard stadiums are managed by government.

Under the Act Stadiums Tasmania has a number of legislated functions, including:

- to be the custodian of major public stadiums;
- to acquire, manage and invest in assigned assets;
- to host sporting, entertainment and event content and services; and
- to ensure the safe, accessible, effective and efficient operation, use and development of assigned assets.

Following the transfer it is intended that the Council would provide the following to support the ongoing operation of the stadium:

- Maintain the Inveresk Northern Carpark, the Half Circle Carpark and broader Inveresk precinct area;
- Maintain the eastern portion of the equestrian grounds (from the retaining wall and including the levee and surrounds);
- Provide on-going access to the Northern Carpark for match days and special events at the stadium;
- Engage in City activation initiatives in the lead up to events at the stadium;
- Provide event attraction funding where the Council identifies an economic and community benefit; and
- Provide transition arrangement to support employees and/or services for a period to be agreed with Stadiums Tasmania.

Consistent with existing arrangements, stadium staff (Stadiums Tasmania) will maintain the Elizabeth Gardens as they provide an important entrance and street appeal for the

stadium site. Stadiums Tasmania have indicated a willingness to enter into an Memorandum of Understanding with the Council to outline the future maintenance standards that will be maintained for this important site, together with a commitment to preserve the existing infrastructure on the site, such as the workers memorial.

The 'old Velodrome site' on the southern boundary of the stadium is not included in the current transfer process, as this site is currently still owned and used by the University of Tasmania (UTAS). The eastern portion of this site is proposed to be used by UTAS for student accommodation, while the western portion will be transferred back into Council ownership by UTAS in due course. This site has previously been identified in the *Future Directions Plan for York Park* as a development site for an indoor stadium as part of a future stage of the stadium re-development. Once the Council assumes ownership of the western portion of the site and in the event that funding and approvals for an indoor stadium on the site are achieved, it is intended that the Council would consider transferring this site to Stadiums Tasmania for that purpose.

The Invermay Bowls club site is intended to remain in Council ownership and under lease to the Invermay Bowls Club.

The State and Federal Governments have committed more than \$130m in funding for upgrades and expansion of the stadium, to be overseen by Stadiums Tasmania, in recognition of the venue's continuing importance as a sporting and entertainment venue. Importantly however, the Council will continue to be represented on the committee overseeing the stadium re-development, while additionally, Stadiums Tasmania has communicated a commitment to establishing a consultative sub-committee which will include membership from the City of Launceston, together with identified stakeholders, to provide guidance and advice in respect to the planning and operations of the stadium site. This sub-committee will consider matters such as, but not limited to, content/event planning and attraction, community use of the stadium as well as precinct management issues such as parking, connectivity, traffic management and the like.

In respect to the future content at the stadium, and in order to demonstrate the intention to maintain existing AFL and AFLW content, the Council and State Government have developed a Memorandum of Understanding to document the Tasmanian Government's and Council's commitments and expectations regarding the future of AFL content in Launceston following the announcement of a Tasmanian AFL and AFLW Club. This MOU provides a commitment for (at least) four AFL roster games and a pre-season game to be held at the stadium each year.

Public notices of the intention to transfer the Stadium

As required by section 178(4) of the Act, public notices of the intention to transfer the Stadium were placed in the Examiner Newspaper on 18 and 22 November 2023 and against each boundary of the site adjoining a public highway (road). A postal address error was identified in the on-site notices and rectified on the morning of 20 November 2023.

As part of the public advertising process, three objections were received. Council is required to consider each objection received. A summary of each objection as well as a response is provided in the table below.

Personal information, such as addresses and phone numbers, has been removed from the objections, however, the names of the objectors are included with their consent.

Objection Summary	Response
<p>Mr Ray Norman, received 25 November 2023.</p> <p>The objection relates to the appropriateness of transferring the Stadium away from Council ownership, the effect that this will have on existing users, and the financial implications of the proposed transfer. The objection is provided at Attachment 1.</p>	<p>Stadiums Tasmania is a public authority responsible for the management of public stadiums in Tasmania. It has a number of legislated objectives, including that it be the custodian of public stadiums, that it ensures accessible and effective use of its assets, and to engage and communicate with users and communities of interest. It subject to public scrutiny and legislative oversight by reason of its status as a public authority.</p> <p>The <i>Stadiums Tasmania Act 2022</i> specifies that Stadiums Tasmania is to attract and deliver international and national sporting, entertainment and event content, but equally it must host statewide, regional and local sporting, entertainment and event content. Accordingly, the interests of local users are protected by the Act.</p> <p>In terms of the effect of the transfer on the public, the ability to use the stadium is not expected to change as a result of the transfer, and the Council has actively engaged with affected stakeholders at the site on its proposal to transfer the facility.</p> <p>In terms of financial considerations, the figures provided in the agenda of the meeting of 15 December 2022 were provided by the Council's accounting department and external, professional valuers. Further accounting and valuation advice will be obtained as the transfer progresses.</p>

<p>Mr Ian Routley, received 29 November 2023.</p> <p>The objection relates to a lack of community engagement and net benefit, and that York Park should remain an asset of the city. The objection is provided at Attachment 2.</p>	<p>The operation of the stadium has been under investigation since the development of the York Park Masterplan in 2016. These investigations have involved engagement with the users and stakeholders of the stadium to ensure their needs and views were fully considered. Additionally, the consideration of divestment of York Park has been the subject of numerous public decisions of Council, including the endorsement of the Future Directions Plan for York Park on 11 February 2021, as well as the decision to form the intention to dispose of York Park on 15 December 2022. Members of the public are entitled to contribute to these discussions either in person, or through their elected representatives.</p> <p>The public notice process in November and December 2023 provided an additional, formal avenue by which members of the public could engage with the proposal. Members of the public will also be entitled to participate in the planning process when a permit is sought to subdivide the land. Further detail on the subdivision process is provided below.</p> <p>In terms of net benefit, ratepayers will be relieved of the financial responsibility to maintain the stadium at a cost of more than \$5 million per annum (on average). The transfer to Stadiums Tasmania will also facilitate the investment of significant funds towards upgrades at the site, providing increased benefit to users of the facility.</p> <p>Whilst the transfer is to occur for nominal consideration, it is being transferred to Stadiums Tasmania that has as one of its legislated functions to be a custodian of public stadiums. It will remain a valuable public asset into the future.</p>
<p>Ms Helene Boyer, received 10 December 2023.</p> <p>The objection relates to the future of the Invermay Bowls Club and Elizabeth Gardens. The objection is provided at Attachment 3.</p>	<p>The Invermay Bowls Club site is not part of the land intended to be transferred to Stadiums Tasmania. It will continue to be owned by the City of Launceston and leased to the club. The current lease with the Invermay Bowls Club expires in September 2026 and it is intended to negotiate a new lease before this time.</p> <p>The Elizabeth Gardens provide an important entrance and street appeal for the stadium site. While the Gardens are included in the land intended to be transferred, they will continue to be maintained by stadium staff (Stadiums Tasmania). Stadiums Tasmania have indicated a willingness to enter into a Memorandum of Understanding with the Council to outline the future maintenance standards for this important site, together with a commitment to preserve the existing infrastructure on the site, such as the workers memorial.</p>

Conclusion

Stadiums Tasmania will bring together a range of experts with specialised skills to grow the stadium's content offering and to identify strategic development priorities. The sole focus of the organisation will be on the management and expansion of the state's major sporting and entertainment venues, significantly enhancing the stadium's ability to attract major national and international sporting competitions, entertainment, and events. This includes a commitment to maintaining and growing the current number of sporting and entertainment content.

While the public notices process of the intention to transfer the Stadium has raised a small number of concerns, there has not been any issue raised that would suggest that the Council needs to alter from its current direction to provide a contemporary and sustainable governance and ownership model for the Stadium.

Given the capital and operational investments required to manage a contemporary stadium, it will be increasingly challenging for the City of Launceston to continue to fund the Stadium's requirements into the future and it is therefore recommended to proceed to transfer the Stadium to Stadiums Tasmania.

Appeal rights

If Council approves the Recommendations to transfer the Stadium, notice must be given to all objectors advising of that decision and the persons' rights of appeal under section 178A of the Act.

Such objectors are entitled to appeal Council's decision to the Tasmanian Civil and Administrative Tribunal (TASCAT). An appeal may only be made on the ground that the decision of Council is not in the public interest in that –

- (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or,
- (b) there is no similar facility available to the users of that facility.

The transfer cannot proceed until the determination of any such appeal by TASCAT.

Dimensions and transfer of the land

The 15 December 2022 decision of Council set out the parameters of the land intended to be transferred. As part the public advertising process, some of the dimensions and parameters were clarified by way of the addition of a small area outside gate 10 and the addition of boundary notations explaining the intended eastern boundary.

Before the Stadium is transferred, it is necessary that a planning permit is obtained to subdivide the land. This is a public process to which members of the public may object.

The subdivision process will include a formal survey of the land, with the exact parameters of the land to be subdivided and transferred to be confirmed at the time of final survey.

Once new titles have been issued, the land can be transferred.

RISK IMPLICATIONS:

Risks relevant to this item are discussed in the officer report above.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The stadium generates in excess of \$30m in visitor spending annually in the region through holding events such as AFL and AFLW football, Big Bash League cricket, local sports groups, entertainment events and the like. This economic activity will continue and likely grow under the guidance of stadium Tasmania. Importantly, in reducing its cost burden to maintain and operate the stadium, it will enable the Council greater financial capacity to fund the renewal and upgrade of regional sporting facilities such as the Northern Tasmania Cricket Association precinct and the St Leonards Multi-sports precinct, which will have a significant social impact for the many local users of these facilities.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

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

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

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

Focus Areas:

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

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

5. To maintain a financially sustainable organisation.

BUDGET AND FINANCIAL IMPLICATIONS:

The transfer will relieve the Council and its ratepayers of ongoing yearly average operational and capital costs of approximately \$5m whilst ensuring that the stadium remains fit for purpose and available for public use. Further detail on the operating costs of the stadium are detailed below:

The successful transfer of the Stadium to Stadiums Tasmania is expected to result in a positive effect on the Council's operating budget, in the order of \$4.053m for the 2024/2025 financial year.

DISCLOSURE OF INTERESTS:

The Chief Executive Officer has no interests to declare in this matter.

ATTACHMENTS:

Nil

15.2. Appointment - Acting Chief Executive Officer

FILE NO: SF5695

CHIEF EXECUTIVE OFFICER APPROVAL: Michael Stretton

DECISION STATEMENT:

To confirm the appointment of Shane Eberhardt as Acting Chief Executive Officer until the commencement of a new Chief Executive Officer.

RELEVANT LEGISLATION:

Local Government Act 1993 (Tas)

RECOMMENDATION:

That Council:

1. pursuant to section 61B of the *Local Government Act 1993 (Tas)* appoints Shane Eberhardt as the Acting Chief Executive Officer from 3 February 2024 until Council determines the appointment of a new Chief Executive Officer.
 2. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*.
-

REPORT:

The City of Launceston has commenced the recruitment process for a new Chief Executive Officer, following the resignation of current CEO Michael Stretton. Mr Stretton announced his resignation in November and will finish at the City of Launceston on 2 February 2024 to take up the position as the Chief Executive Officer at the City of Hobart. The appoint of an Acting Chief Executive Officer will be required until Council determines the appointment of a new Chief Executive Officer and a start date for the successful applicant.

Section 61B of the Act is reproduced here for reference:

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –
 - (a) he or she is absent from duty for any reason; or
 - (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or
 - (c) the position of general manager is vacant.
-

- (2) The mayor may appoint a person to act in the office of general manager if –
- (a) the general manager is absent and no person holds an appointment under subsection (4); or
 - (b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.
- (3) An appointment under subsection (2) ends when the first of the following occurs:
- (a) the general manager returns to duty;
 - (b) the term of the appointment expires;
 - (c) the mayor or the council revokes the appointment;
 - (d) a person is appointed as general manager under section 61.
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.
- (5) An appointment under subsection (4) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:
- (a) the term of the appointment expires;
 - (b) the council revokes the appointment;
 - (c) if the appointment is to the holder of an office, the person ceases to hold that office.
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

Mr Eberhardt has previously served as Acting Chief Executive Officer, most recently during the period 20 November 2023 until 1 January 2024. Mr Eberhardt has the skills and capabilities necessary to perform the role of Acting Chief Executive Officer.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Corporate Strategic Plan 2014 - 2024

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

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

Focus Areas:

- 2. To fairly and equitably discharge our statutory and governance obligations.
- 3. To ensure decisions are made on the basis of accurate and relevant information.

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Chief Executive Officer has no interests to declare in this matter.

ATTACHMENTS:

Nil

16. CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

16.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

16.2 Edinburgh Street (Nunamina Avenue to Quarantine Road) - Pavement Rehabilitation - CD.029/2023

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

16.3 End of Closed Session

To be determined in Closed Council.

17. MEETING CLOSURE

18. NEXT COUNCIL MEETING DATE

The next Ordinary Meeting of Council will be held at 1.00pm on 8 February 2024 at the Council Chambers, Town Hall, 18-28 St John Street, Launceston.