



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport, on Monday 26 August 2019, commencing at 5:30pm.

**The meeting will be open to the public at 5:30pm.**

## QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Matthew Atkins  
ACTING GENERAL MANAGER

**21 AUGUST 2019**

## SEPTEMBER 2019

Meeting	Date	Commencement Time
Governance, Finance & Community Services	16 September 2019	5:30pm
Council Meeting	23 September 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 26 AUGUST 2019 IN THE ABERDEEN ROOM, paranaple centre, 137  
ROOKE STREET, DEVONPORT AT 5:30PM**

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**Council meeting Agenda 26 August 2019**

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Agenda of an ordinary meeting of the Devonport City Council to be held in the Aberdeen Room, paranaple centre, 137 Rooke Street, Devonport on Monday, 26 August 2019 commencing at 5:30pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chair	Cr A Rockliff (Mayor)		
	Cr A Jarman (Deputy Mayor)		
	Cr J Alexiou		
	Cr G Enniss		✓
	Cr P Hollister		
	Cr L Laycock		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

**ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**1.0 APOLOGIES**

The following apology was received for the meeting.

Councillor's Name	Apology or Leave of Absence
Cr Enniss	Leave of Absence

**2.0 DECLARATIONS OF INTEREST**

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### **3.0 PROCEDURAL**

#### **3.1 CONFIRMATION OF MINUTES**

##### **3.1.1 COUNCIL MEETING - 22 JULY 2019**

#### **RECOMMENDATION**

That the minutes of the Council meeting held on 22 July 2019 as circulated be confirmed.



### 3.2 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 153/19 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (meeting Procedures) Regulations 2015*.
  2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes and Declarations of Interest.
  3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
  4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
  5. A maximum of 2 questions per person are permitted.
  6. A maximum period of 3 minutes will be allowed per person.
  7. If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.
  8. Questions are to be succinct and not contain lengthy preamble.
  9. Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.
  10. A question by any member of the public and an answer to that question are not to be debated.
  11. Questions without notice and their answers will be recorded in the minutes.
  12. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
  13. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
  14. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.
-

### 3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

File: 35817 D561278

Responses to questions raised at prior meetings are attached.

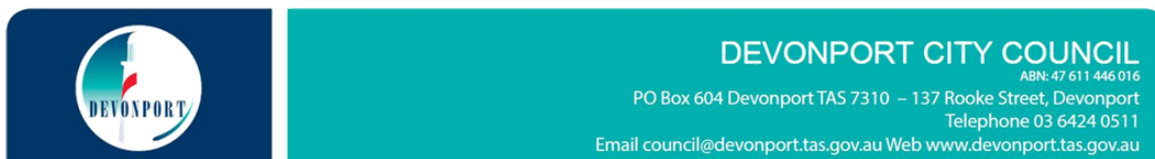
#### ATTACHMENTS

- [1.](#) GMGOV - Letter - Response to Question Without Notice - Council Meeting - 22 July 2019 - Trevor Smith
- [2.](#) GMGOV - Letter - Response to Question Without Notice - Council Meeting - 22 July 2019 - Tony Butler
- [3.](#) GMGOV - Letter - Response to Question Without Notice - Council Meeting 22 July 2019 - Jennie Claire
- [4.](#) GMGOV - Letter - Response to Question Without Notice - Council Meeting - 22 July 2019 - Graeme Nevin
- [5.](#) GMGOV - Letter - Response to Question Without Notice - Council Meeting 20190722 - Bob Vellacott
- [6.](#) GMGOV - Letter - Response to Question Without Notice - IWD 20190812 - Rodney Russell

#### RECOMMENDATION

That the responses to questions from Mr Trevor Smith, Mr Tony Butler, Ms Jennie Claire, Mr Graeme Nevin and Mr Bob Vellacott at the 22 July 2019 Council meeting, from Mr Rodney Russell at the Infrastructure, Works & Development committee meeting on 12 August 2019, be noted.

Author:	Matthew Atkins
Position:	Acting General Manager



25 July 2019

*In reply please quote:*  
File 35817

Trevor Smith  
7 Glen Court  
DEVONPORT TAS 7310

Dear Mr Smith

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 22 JULY 2019**

I refer to your questions raised at the Council Meeting on Monday 22 July 2019 and provide the following responses:

**Q1.**

When will the painting maintenance be allocated, for the light pole structures in the Rooke Street Mall? When was the last time maintenance was carried out on these structures? How long have these structures been in place in the Rooke Street Mall?

**Response**

The poles were installed in 2005. Minor maintenance has been undertaken as required, however the poles have not been fully repainted since installation. An allocation has been included in the 2019/20 Budget to refurbish furniture and fixtures in the Rooke Street Mall. This will be spent on priority items within the Mall, which will most likely include some of the poles.

**Q2.**

Recently I looked at your website, under Tenders Recently Awarded, you have files listed for 2014-15, 2015-16, 2016-17. Why have you excluded the years for 2017-18 and 2018-19, for tenders? Have you got an agenda to keep this information from the ratepayers of Devonport? With a staff of over 165 plus casuals, one would have thought this wouldn't be such a huge task to complete! Will this blunder be rectified, with the relevant tender information and be put back where it belongs?

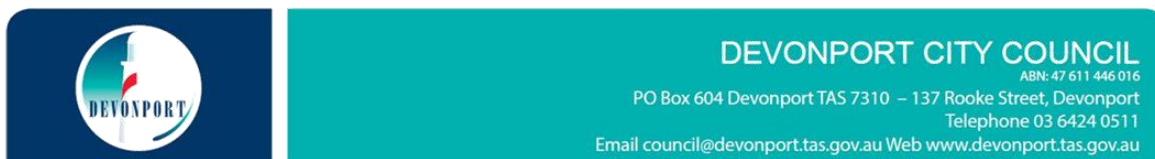
**Response**

Information related to tenders awarded in 2017-18 and 2018-19 is available in the Annual Reports for the two years and is reported bi-monthly to Council's Infrastructure, Works and Development Committee. Both the Annual Report and the Committee agenda are public documents and available on Council's website. The information will be added in the format requested as part of ongoing improvements to Council's website.

Yours sincerely

Matthew Atkins  
ACTING GENERAL MANAGER





25 July 2019

*In reply please quote:*  
File 35817

Tony Butler  
2 Drew Street  
EAST DEVONPORT TAS 7310

Dear Mr Butler

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 22 JULY 2019**

I refer to your question raised at the Council Meeting on Monday 22 July 2019 and provide the following response:

**Q1.**

Over the years Bass Street has been a concern to a lot of people. Now Bass Street has been taken over, a believe, by the Council. Not much has been done, I'm still the lawn mower and somebody has put a garden up in the top end towards the Hotel and if you have got to come down there, you can only get one car through, there is nowhere to park. At the bottom end there is big lumps of concrete coming out and it needs attention.

**Response**

Council resolved to take ownership of Bass Street in 2018 and "to establish a base level standard of maintenance in line with the existing condition of the roadway". An inspection this week has shown that the condition of the road is fundamentally the same as when Council took ownership.

In relation to the extent of maintenance, the grassed areas are considered nature strips, maintainable by the adjacent owner. Council would only intervene if long grass represented a hazard.

At the southern end of the street, more than 50% of the width of the road is private property, which includes the garden bed. Refer to the plan on page two.



- 2 -



Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Atkins'.

Matthew Atkins  
ACTING GENERAL MANAGER



## DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

25 July 2019

*In reply please quote:*

File 35817

Ms Jennie Claire  
57 Gunn Street  
DEVONPORT TAS 7310

Dear Ms Claire

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 22 JULY 2019**

I refer to your question taken on notice at the Council Meeting on Monday 22 July 2019 and provide the following response:

**Question**

Is the building of the Waterfront Park contingent on getting a Federal Government grant, are there any time constraints on that grant? Do Council have to start building by a certain time or the grant lapses?

**Response**

Yes, Council is reliant on the \$10M Federal Government grant to construct the Waterfront Park. The grant deed outlines that payment will be made by instalments based on the completion of agreed milestones. The first instalment is payable by 31/1/20 and contingent on the project being 25% complete by that point. As with most grant deeds there is provision for milestones to be extended or modified.

Yours sincerely

Matthew Atkins  
ACTING GENERAL MANAGER

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25 July 2019

*In reply please quote:*

File 35817

Mr Graeme Nevin  
145 Percy Street  
DEVONPORT TAS 7310

Via email: graeme.nevin@bigpond.com

Dear Mr Nevin

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 22 JULY 2019**

I refer to your questions taken on notice at the Council Meeting on Monday 22 July 2019 and provide the following response:

**Question 1.**

Did Council procure a legal practitioner to provide advice regarding the agreement to engage Projects and Infrastructure (and any extension of that agreement) as consultant and/or development manager regarding the Living City project?

**Response**

Yes

**Question 2.**

Did Council prior to entering the Development Agreement dated 9 December 2016 made between Council and the State Government receive advice from a legal practitioner regarding that Development Agreement?

**Response**

Yes

Yours sincerely

Matthew Atkins  
ACTING GENERAL MANAGER

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30 July 2019

*In reply please quote:*

File 35817

Mr Bob Vellacott  
11 Cocker Place  
DEVONPORT TAS 7310

Dear Mr Vellacott

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 22 JULY 2019**

I refer to your question taken on notice at the Council Meeting on Monday 22 July 2019 and provide the following response:

**Question**

Mayor for the sake of natural justice I now respectfully ask will you on behalf of Mr Gardam and myself, give notice of motion, at the next meeting, scheduled for 26th August 2019 to rescind the motion declaring that we are difficult customers?

**Response**

I refer to your previous letter (3/9/18) to Council, requesting removal of the resolution regarding Council's Dealing with Difficult Customers Policy relating to yourself and Mr Malcolm Gardam, and the subsequent responses provided by the General Manager.

In responding, the General Manager states his intention to enact the intent of the Policy in circumstances where he believes it to be appropriate. It should be noted that at the time of the resolution, Council had responded to 610 questions, solely in relation to LIVING CITY from yourself and Mr Gardam. In the 11 months since, Council has continued to respond to a further 287 questions from yourself and Mr Gardam, which has required a significant allocation of Council resources.

As noted in the previous correspondence, to overturn a resolution requires a Councillor to provide a Notice of Motion. The Mayor has advised that she does not intend to provide a Notice of Motion on this matter.

Yours sincerely

Matthew Atkins  
ACTING GENERAL MANAGER

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14 August 2019

**In reply please quote:**

File 35817

Rodney Russell  
225 Steele Street  
DEVONPORT TAS 7310

Dear Mr Russell

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 12 AUGUST 2019**

I refer to your question taken on notice at the Infrastructure Works & Development Committee meeting on 12 August 2019 and provide the following response:

**Question.**

Good repair job on the roof of the Best Street entry to the multi-story carpark and pleased to see the light in the stairs has been fixed. Is it known what caused the damage to the roof, and the light to become unattached?

**Response**

The damage to both the roof and the light was caused by vandalism.

Yours sincerely

Matthew Atkins  
ACTING GENERAL MANAGER

*The City with Spirit*

**3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**

File: 27452 D561312

**MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

Questions on notice received from Mr Bob Vellacott on 16 August 2019 **are reproduced as attachment 1.**

- Q1.** I note that Council will be assessing the tenders for the Waterfront Park Land and therefore ask the Acting General Manager **has a dollar assessment** been made as to what the **actual ongoing maintenance cost will be** for-
- (a) the Elevated Walkway ?
  - (b) the parkland?
- And
- (c) will **two full time** ongoing jobs be created as per the Hill PDA report?

**Response**

As previously advised Council make an allowance for operational expenses in its long-term financial plan for all new assets. This is undertaken on a percentage basis for the "new" component of any capital project. Detailed costing is then undertaken as part of the budget process in the year in which the asset comes on line. In the case of the waterfront park and elevated walkway this will occur during the 2021/22 budget deliberations.

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- Q2.** In regard to the above costings; so as the Mayor and Councillors can make a proper informed and qualified assessment to proceed or otherwise with the project and so as to not "Just vote to build it, as it were, and not worry about the future ongoing costs in **actual dollar terms**, of the impact on future rates and essential services or infrastructure; -Acting General Manager-
- (a) have they all, been provided with the necessary information? And
  - (b) if not will they be provided with that information ?

**Response**

Yes, Councillors are aware of the process of budgeting for operational expenses associated with new assets and have been provided with a copy of Council's long-term financial plan.

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- Q3.** As of this date has Council received from TasPorts and TasRail the necessary written approval for all work in regard to rail crossings, fencing, river side changes and infrastructure etc that may impinge on property and space under their jurisdiction?

**Response**

No

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- Q4.** Will the council give the people of Devonport a guarantee or assurance that council will **NOT** give any rates subsidy to the new hotel owner or any other form of subsidy or benefit to encourage the construction or continued operation of the new hotel?

**Response**

As previously advised Council has not agreed to provide any subsidy to assist in the development or operations of the Waterfront Hotel. Whilst there is currently no

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consideration to do so, it is not possible to guarantee the outcome of any future decision that Council may determine in regard to the matter.

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- Q5.** Council has said the new hotel will generate significant rates
- (a) what is the predicted rate revenue? And -
  - (b) will this equal the annual cost of maintaining the new park ?

**Response**

- (a) The rates on any property are not determined until it is constructed and valued. The owner is then advised with a confidential rate notice. However, as a guide annual rates on a \$40M commercial property in Devonport would be in the order of \$180k.
  - (b) No.
- 

**MR MALCOLM GARDAM – 4 BEAUMONT DRIVE MIANDETTA**

Questions on notice received from Mr Malcolm Gardam on 16 August 2019 **are reproduced as attachment 2.**

**Audio Recording “technical difficulties”**

- Q1.** Reference the notation “**Please Note: Due to technical difficulties, the audio recording of the Council Meeting is incomplete and stops at item 6.4.**” as included with the ordinary meeting Audio Recording of the 22/7/19 on the DCC Website. This is the first time, from memory, that I have seen such a notation and therefore assume this is the first time “technical difficulties” have been experienced which actually resulted in a section of a meeting not being recorded. Accordingly, will Council please advise as to each of the following as separate questions:
- a) Is this the first time in the last four years that such technical difficulties have been experienced and if so what was the last most recent occurrence?

**Response**

The digital recording has failed in the past, although the actual dates cannot be recalled. The most recent time the digital recording failed was at the Infrastructure and Works meeting on 12 August 2019.

Council uses a backup analogue recording device in the event the digital audio recording fails. Due to human error, the analogue recording was not captured of the Open Session of the July Council meeting. Although the digital recording for the Infrastructure and Works meeting did not function, the analogue recording did capture the audio of that meeting and was posted to the Council website.

- b) What precisely were the technical difficulties?

**Response**

An issue has been raised with the Audio-Visual solution provider to identify and work towards a resolution.

- c) Noting that the all-important discussion and ultimately the passing of a resolution to audio record the Closed Session that followed on the night, was that Closed Session in fact audio recorded?

**Response**

The analogue audio recording device was enabled at the conclusion of the Open Session and captured the Closed Session.

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d) If the answer to Q1(c) is "no", then why not?

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### Waterfront Precinct- Marina statements

**Q2.** Reference the Fairbrother Living City Waterfront Hotel Quarterly Reports.

Clearly, the 2019 March Report inferred a speedy start to the Marina with "A concept design that provides up to 10 berths in the first stage of development has been finalised and is deemed viable by the proponent. The marina is seen as a possible early works package that could be completed towards the end of 2019."

However, the 2019 June Report all but sounds a death knell on the marina (that many always felt was unviable anyway even if TasPorts approval was received to construct it in the nominated location) with "As previously reported, the development of the marina remains feasible, albeit marginal and subject to certain foreshore realignment works undertaken as part of the waterfront parklands works. With that works now seemingly unlikely to occur, no further work has occurred in relation to the marina."

Accordingly, will council please advise as to each of the following as separate questions:

a) Noting the statement that the concept proceeding to reality seems to have been contingent on ".....certain foreshore realignment works undertaken as part of the waterfront parklands works." will the Deputy General Manager please advise precisely what those works involved?

### Response

Proceeding with a marina would have always required some onshore works and initial consideration was that these works would be undertaken as part of the park redevelopment. However, these works were never progressed to design stage as the detailed parkland design resulted in limited work in the marina vicinity and certainty in regard to the marina feasibility has not been achieved.

b) As those "certain foreshore realignment works" were identified as being part of the waterfront parklands works, will the Deputy General Manager please advise why these particular works, apparently now not proceeding, were ever necessary to facilitate and/or make viable a private development at ratepayer cost?

### Response

Discussions between Council and Fairbrother in regard to the marina development have not progressed to a detailed costing stage.

c) What was the estimated value of the "certain foreshore realignment works" apparently now removed from the tendered parkland works that on the surface has rendered the marina now marginally viable and reason it is not proceeding?

### Response

Estimates have not been undertaken

### Waterfront Precinct – Lot 1 Land Sale

- Q3.** Council has previously advised that the Lot 1 land sale for a proposed new waterfront hotel has been sold to the legal entity Fairbrother Pty Ltd and the deposit has been paid in accordance with the sale agreement; accordingly, **will Council please confirm if the full sale price has since been paid to Council?**

**Response**

No, payment is due upon settlement of the contract.

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- Q4.** Council has previously disclosed (Advocate 23/3/19) that Council retains an option to "buy-back" Lot 1 at a reduced price if the proposed new hotel does not proceed in an agreed time-frame; accordingly, **will Council also confirm if Fairbrother is contractually obliged to pay a penalty, in addition to the reduced land "buy-back" price if the hotel does not substantially start within 18 months**, despite being provided an exclusivity benefit on the site for three and a half years plus around two years while Stage 1 was being constructed?

**Response**

No, the contract does not include a penalty

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- Q5.** The Mayor is quoted as stating in The Advocate article "November start for hotel" dated 15/8/19 that "*Council has a legally binding land sale contract with Fairbrother which includes the necessary safeguards to ensure the project proceeds.*" As this is contrary to earlier council advice that there was no guarantee that a hotel would be built as part of the land sale agreement **will Council please clarify as to which Council statement is correct as it currently stands in relation to the Lot 1 land sale agreement?**

**Response**

Council has made the Fairbrother quarterly report publicly available. This is the most current and accurate document in regard to the hotel status.

---

**Providore Place – Fitout Costs Update**

- Q6.** Council has previously advised that the tenancy "fitout" costs (excluding tenant-specific "base build costs) as being \$651,899, will Council advise as to the current cumulative amount of expenditure against the \$850,000 provisional sum allowance?

**Response**

There has been no further expenditure since the previous advice.

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- Q7.** Council has previously advised that the individual tenancy expenditures totalling \$651,899 (inc. GST) were authorised under delegation of authority to the General Manager but that future expenditures (noted as \$218,439 excluding GST remaining from the provisional sum) would require Council approval; has there been any further tenancy fitout expenditures requested of or approved by Council or under further delegation of authority?

**Response**

No

- Q8.** If "Yes" to Q4 then what is the value of those approved fitout costs and as approved by who?
-

**Response**

N/A

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**Providore Place – Head Lease Governance**

**Q9.** Have any of the current Councillors who voted in favour of the Providore Place Head Lease on or about the 24/10/16 declared a conflict of interest associated with current meetings and decisions regarding the Providore Place Head Lease? If yes, how is this being managed?

**Response**

Conflicts of Interest that have been declared by Councillors are recorded in the minutes of each Council meeting.

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**Q10.** It is likely Council will suffer a significant overall loss as a result of the existing Providore Place Head Lease approved by councillors on or about the 24/10/16; accordingly, please provide answers to each of the following as separate questions:

- a) If there is a Providore Place Head Lease loss then who is going to pay for the loss?
- b) In addition to any claim against the Head Lessee, will Council seek qualified advice regarding Council's avenues to pursue compensation for any loss arising from the inability of the Providore Place Head Lease to protect Council's position, in particular recovery of the loss from the Councillors who approved the Head Lease and/or senior management who gave advice/recommendation regarding the Head Lease, if they have acted in breach of their obligations under the Local Government Act 1993 regarding the Head Lease?
- c) In considering and deciding the answer to Question 10(b), have the current four councillors who were also members of Council in October 2016, had any input?
- d) If Council currently asserts that it is not likely to suffer a significant loss as a result of the existing Providore Place Head Lease, will Council assure/guarantee the Devonport Community that Council will not suffer a significant financial loss regarding the current Providore Place Head Lease?

**Response**

Council has nothing further to add in regard to Providore Place, other than what has previously been stated.

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**Ownership of existing Magistrates Court**

**Q11.** It was reported in the Mercury on the 10/12/15 that "*The Government also promised in the lead-up to the 2013 election that it would also transfer the Magistrates Court land to the council. The Government has promised to build a new court next to the Devonport Police Station.*" Notwithstanding this was a Labor/Green government promise at the time but matched by the Liberal Opposition, what is the situation with the current State Government regarding the existing Magistrates Court?

**Response**

There has been no further developments in regard to the relocation of the Courthouse. It remains a long-term objective within the LIVING CITY Master Plan, which is supported by the

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current State Government, however Council's current focus is on implementing the LIVING CITY Waterfront Precinct.

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**Q12.** Given since that time it has also been reported that a new Magistrates Court to be built alongside the Wenvoe Street police station was in doubt and the then Mayor Steve Martin stated if it didn't proceed then Council would give the existing Magistrates Court back to the State Government, what is the current status as to ownership and who is responsible for maintenance and rates?

**Response**

The Devonport Magistrates Court is owned and maintained by the State Government.

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**Q13.** Has the State Government since given Council any form of commitment to build a new Magistrates Court in Devonport?

**Response**

Refer Q11.

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**MR DON WILLING – P O BOX 113E, EAST DEVONPORT**

Questions on notice received from Mr Don Willing on 18 August 2019 **are reproduced as attachment 3.**

**Q1.** Your claim in the newspaper that Living City would "Inject more than \$112 million into the local economy every year." (HillPDA report actually stated "over \$112 million in additional output generated annually by the operational phase of LIVING CITY" based on its untested assumptions)

How were you able to make the assertions in the Advocate knowing that the Council undertook no analysis of their own?

**Q2.** You also stated that Living City will "Generate more than 830 new, ongoing jobs upon project completion" (HillPDA report actually stated that the estimated job numbers were based on "assumptions....") I suggest that these jobs were not to include employees relocated within the municipality such as Council, Library/Linc, Courthouse, and the separately Council claimed 120 odd relocated Taswater employees.

**Q3.** Given that you are prepared to misquote the untested report projections, what do you think of the new 289 office professionals projection that form part of the HillPDA full-time jobs in their projection sheet (refer attachment prepared and distributed by myself over 3 years ago). That is, do you believe it was at all realistic given that it would triple the number currently employed in that classification.

**Q4.** Given the Consultant's projected 7 day food pavilion activity against what is the current market reality, including anchor restaurants and other tourism like businesses in the food pavilion, to what extent in terms of jobs do you believe that the current failure of Stage 1 would have impacted the HillPDA "template" projection and how has that influenced your statement in the Advocate?

**Q5.** Does the Mayor consider that even though Council has never validated the HillPDA year on year job numbers and dollar injection and you may have done your own, as there is no immediate evidence of these economic outcomes to the region, how many years do you believe will elapse before a smidgen of these projections will materialise?

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Report to Council meeting on 26 August 2019

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- Q6.** If you have not in fact undertaken yourself nor are you aware of any study performed by anybody of the jobs and economic benefits resulting from the \$70 million Living City spend, why do you believe it appropriate to peddle such extreme optimism to the general public via a newspaper circulating in the region, when the real "anecdotal evidence" viewed by retailers, tourist operators and general ratepayers who periodically visit downtown Devonport, is the opposite?
- Q7.** Have you been authorised by councillors to make such misleading assertions in the media, about jobs and benefits relating to the Living City big spend?

**Response**

In 2014 Council and the State Government commissioned Hill PDA to undertake an economic assessment of the benefits of LIVING CITY. Hill PDA are a reputable national firm and provided an independent assessment of the likely economic impact on the region once the LIVING CITY Master Plan is successfully implemented. Council has always stated the Plan is long term and it will take 10 to 20 years to realise the full benefits. Whilst the job figures will always be open to interpretation at a micro level, Council is confident that after only 5 years into the Plan, the economic benefits are being achieved.

**ATTACHMENTS**

- [1](#). Letter - Questions on Notice - 26 August 2019 - Council Meeting - Bob Vellacott
- [2](#). Letter - Questions on Notice - 26 August 2019 - Council Meeting - Malcolm Gardam
- [3](#). Letter - Questions on Notice - 26 August 2019 - Council Meeting - Don Willing

**RECOMMENDATION**

That Council in relation to the correspondence received from Mr Bob Vellacott, Mr Malcolm Gardam and Mr Don Willing, endorse the responses proposed and authorise their release.

Author:	Jacqui Surtees	Endorsed By:	Matthew Atkins
Position:	Executive Officer	Position:	Acting General Manager



New Quay - Wf Park Walkway and Hotel for 26 Aug 2019 - to send

BOB VELLACOTT RATEPAYER  
11 COCKER PLACE  
DEVONPORT

THE MAYOR AND COUNCILLORS  
DEVONPORT CITY COUNCIL

**QUESTIONS ON NOTICE FOR DCC MEETING 26<sup>th</sup> AUGUST 2019**

**Subject - Waterfront Parkland Elevated Walkway and Hotel**

Mayor and Councillors,

**Question 1-** I note that Council will be assessing the tenders for the Waterfront Park Land and therefore ask the Acting General Manager **has a dollar assessment** been made as to what the **actual ongoing maintenance cost will be** for-

- (a) the Elevated Walkway ? Answer. \$.....
- (b) the parkland? Answer. \$.....

And -

- (c) will **two full time** ongoing jobs be created as per the Hill PDA report?

**Question 2** – In regard to the above costings; so as the Mayor and Councillors can make a proper informed and qualified assessment to proceed or otherwise with the project and so as to not “Just vote to build it, as it were, and not worry about the future ongoing costs in **actual dollar terms**, of the impact on future rates and essential services or infrastructure; -Acting General Manager-

- (a) have they all, been provided with the necessary information? And
- (b) if not will they be provided with that information ?

A simple yes or no answer will suffice for both.

*I note that special mention has been made in the current Local Government Act Review about the importance of ensuring councils do not build or develop infrastructure without due consideration to the ongoing costs of maintaining them. And I contend this would surely apply to the above mentioned project.*

**Question 3-** As of this date has Council received from TasPorts and TasRail the necessary written approval for all work in regard to rail crossings, fencing, river side changes and infrastructure etc that may impinge on property and space under their jurisdiction?

**Question 4-** Will the council give the people of Devonport a guarantee or assurance that council will **NOT** give any rates subsidy to the new hotel owner or any other form of subsidy or benefit to encourage the construction or continued operation of the new hotel?

**Question 5** – Council has said the new hotel will generate significant rates

- (a) what is the predicted rate revenue? And -
- (b) will this equal the annual cost of maintaining the new park ?

*Please include - All of the above and the answers in the DCC August the 26<sup>th</sup> Ordinary Meeting Agenda and in the minutes for that meeting.*

*R.B. Vellacott -* 15<sup>TH</sup> AUGUST 2019

16<sup>th</sup> August 2019

Devonport City Council  
137 Rooke Street  
**DEVONPORT TAS 7310**

Malcolm Gardam  
4 Beaumont Drive  
**MIANDETTA TAS 7310**  
(Mobile No: 0417 355 813)

**ATTENTION: MR. MATTHEW ATKINS – ACTING GENERAL MANAGER (MAYOR & COUNCILLORS)**

**RE: LIVING CITY – GOVERNANCE AND OPERATIONAL QUESTIONS ON NOTICE (Ref. File 32161)**

Dear Sir,

The following are submitted as questions on notice for the next Ordinary Meeting of Council scheduled for Monday 26<sup>th</sup> August 2019.

**Audio Recording “technical difficulties”**

- Q1.** Reference the notation “**Please Note: Due to technical difficulties, the audio recording of the Council Meeting is incomplete and stops at item 6.4.**” as included with the ordinary meeting Audio Recording of the 22/7/19 on the DCC Website. This is the first time, from memory, that I have seen such a notation and therefore assume this is the first time “technical difficulties” have been experienced which actually resulted in a section of a meeting not being recorded. Accordingly, will Council please advise as to each of the following as separate questions:
- a) Is this the first time in the last four years that such technical difficulties have been experienced and if so what was the last most recent occurrence?
  - b) What precisely were the technical difficulties?
  - c) Noting that the all-important discussion and ultimately the passing of a resolution to audio record the Closed Session that followed on the night, was that Closed Session in fact audio recorded?
  - d) If the answer to Q1(c) is “no”, then why not?

**Waterfront Precinct- Marina statements**

- Q2.** Reference the Fairbrother Living City Waterfront Hotel Quarterly Reports.

Clearly, the 2019 March Report inferred a speedy start to the Marina with “*A concept design that provides up to 10 berths in the first stage of development has been finalised and is deemed viable by the proponent. The marina is seen as a possible early works package that could be completed towards the end of 2019.”*”

However, the 2019 June Report all but sounds a death knell on the marina (that many always felt was unviable anyway even if TasPorts approval was received to construct it in the nominated location) with *"As previously reported, the development of the marina remains feasible, albeit marginal and subject to certain foreshore realignment works undertaken as part of the waterfront parklands works. With that works now seemingly unlikely to occur, no further work has occurred in relation to the marina."*

Accordingly, will council please advise as to each of the following as separate questions:

- a) Noting the statement that the concept proceeding to reality seems to have been contingent on *".....certain foreshore realignment works undertaken as part of the waterfront parklands works."* will the Deputy General Manager please advise precisely what those works involved?
- b) As those *"certain foreshore realignment works"* were identified as being part of the waterfront parklands works, will the Deputy General Manager please advise why these particular works, apparently now not proceeding, were ever necessary to facilitate and/or make viable a private development at ratepayer cost?
- c) What was the estimated value of the *"certain foreshore realignment works"* apparently now removed from the tendered parkland works that on the surface has rendered the marina now marginally viable and reason it is not proceeding?

#### Waterfront Precinct – Lot 1 Land Sale

- Q3. Council has previously advised that the Lot 1 land sale for a proposed new waterfront hotel has been sold to the legal entity Fairbrother Pty Ltd and the deposit has been paid in accordance with the sale agreement; accordingly, **will Council please confirm if the full sale price has since been paid to Council?**
- Q4. Council has previously disclosed (Advocate 23/3/19) that Council retains an option to "buy-back" Lot 1 at a reduced price if the proposed new hotel does not proceed in an agreed time-frame; accordingly, **will Council also confirm if Fairbrother is contractually obliged to pay a penalty, in addition to the reduced land "buy-back" price if the hotel does not substantially start within 18 months**, despite being provided an exclusivity benefit on the site for three and a half years plus around two years while Stage 1 was being constructed?
- Q5. The Mayor is quoted as stating in The Advocate article "November start for hotel" dated 15/8/19 that *"Council has a legally binding land sale contract with Fairbrother which includes the necessary safeguards to ensure the project proceeds."* As this is contrary to earlier council advice that there was no guarantee that a hotel would be built as part of the land sale agreement **will Council please clarify as to which Council statement is correct as it currently stands in relation to the Lot 1 land sale agreement?**

**Providore Place – Fitout Costs Update**

- Q6.** Council has previously advised that the tenancy “fitout” costs (excluding tenant-specific “base build costs”) as being \$651,899, will Council advise as to the current cumulative amount of expenditure against the \$850,000 provisional sum allowance?
- Q7.** Council has previously advised that the individual tenancy expenditures totalling \$651,899 (inc. GST) were authorised under delegation of authority to the General Manager but that future expenditures (noted as \$218,439 excluding GST remaining from the provisional sum) would require Council approval; has there been any further tenancy fitout expenditures requested of or approved by Council or under further delegation of authority?
- Q8.** If “Yes” to Q4 then what is the value of those approved fitout costs and as approved by who?

**Providore Place – Head Lease Governance**

- Q9.** Have any of the current Councillors who voted in favour of the Providore Place Head Lease on or about the 24/10/16 declared a conflict of interest associated with current meetings and decisions regarding the Providore Place Head Lease? If yes, how is this being managed?
- Q10.** It is likely Council will suffer a significant overall loss as a result of the existing Providore Place Head Lease approved by councillors on or about the 24/10/16; accordingly, please provide answers to each of the following as separate questions:
- a) If there is a Providore Place Head Lease loss then who is going to pay for the loss?
  - b) In addition to any claim against the Head Lessee, will Council seek qualified advice regarding Council’s avenues to pursue compensation for any loss arising from the inability of the Providore Place Head Lease to protect Council’s position, in particular recovery of the loss from the Councillors who approved the Head Lease and/or senior management who gave advice/recommendation regarding the Head Lease, if they have acted in breach of their obligations under the Local Government Act 1993 regarding the Head Lease?
  - c) In considering and deciding the answer to Question 10(b), have the current four councillors who were also members of Council in October 2016, had any input?
  - d) If Council currently asserts that it is not likely to suffer a significant loss as a result of the existing Providore Place Head Lease, will Council assure/guarantee the Devonport Community that Council will not suffer a significant financial loss regarding the current Providore Place Head Lease?

**Footnote in reference to Q10(a) to Q10(d) inclusive:** I note council has issued public notice to sell up four private properties to recover \$28,000 in unpaid rates. In relation to Providore Place the Mayor was authorised to disclose certain (unknown) information some five months ago in March 2019. To date, besides a statement of “working through” the head lease issues, I assume associated with a reported \$250,000 “rent reprieve” to which the Mayor refuses to confirm as being a waiver of payment, deferral of payment or if rent

is now being paid, we have heard nothing from the Mayor in relation to the current situation or how council is addressing the matter despite repeatedly being questioned by ratepayers.

**Ownership of existing Magistrates Court**

- Q11.** It was reported in the Mercury on the 10/12/15 that *"The Government also promised in the lead-up to the 2013 election that it would also transfer the Magistrates Court land to the council. The Government has promised to build a new court next to the Devonport Police Station."* Notwithstanding this was a Labor/Green government promise at the time but matched by the Liberal Opposition, what is the situation with the current State Government regarding the existing Magistrates Court?
- Q12.** Given since that time it has also been reported that a new Magistrates Court to be built alongside the Wenvoe Street police station was in doubt and the then Mayor Steve Martin stated if it didn't proceed then Council would give the existing Magistrates Court back to the State Government, what is the current status as to ownership and who is responsible for maintenance and rates?
- Q13.** Has the State Government since given Council any form of commitment to build a new Magistrates Court in Devonport?

Please acknowledge receipt and ensure inclusion in full in the August meeting Agenda.

Yours sincerely,

Malcolm Gardam  
CC: Mayor & Councillors

Don Willing  
PO Box 113E  
EAST DEVONPORT 7310  
email:donwilling@gmail.com

Attention: Acting General Manager

Dear Sir,

The following questions are submitted as questions on notice for the Ordinary Meeting of the Devonport City Council Monday 26 August 2019 to be answered by Mayor Rockliff.

Since the release of the HillPDA report "LIVING CITY – An assessment of its Regional Benefits and Opportunities" in December 2014, all Mayors of Devonport City Council and the Tasmanian Government have repeatedly and unambiguously quoted the benefits which should flow from the Living City project.

The HillPDA Report estimated job numbers by using the average job numbers, per square metre of floorspace, for known businesses and applied to the square meterage for new businesses promoted and included on paper in the Living City Master Plan. From this same data the broader benefits were extrapolated as could be expected from the Living City initiative. The HillPDA Report also stated "The actual estimation of visitor growth including extra spend can only be determined through a series of business case feasibility studies as the next level of detailed analysis which Living City will require." In response to ratepayer questioning Council stated "Council did not consider it necessary to undertake further validation of the HillPDA assessment" - Source: Devonport City Council letter - File 32161; 26/2/2016.

As the HillPDA Report recommendations (dated December 2014) were not acted on by Council the benefits remain unsubstantiated and therefore very questionable as to likely eventuating, despite having been repeated so often as to be almost fact.

The latest promotion of these "benefits" have been made by the Mayor in The Advocate 1 August 2019 being a repletion of projected benefits which may be delivered by Living City.

Question 1

Your claim in the newspaper that Living City would "Inject more than \$112 million into the local economy every year." (HillPDA report actually stated "over \$112 million in additional output generated annually by the operational phase of LIVING CITY" based on its untested assumptions)

How were you able to make the assertions in the Advocate knowing that the Council undertook no analysis of their own?

Question 2

You also stated that Living City will "Generate more than 830 new, ongoing jobs upon project completion" (HillPDA report actually stated that the estimated job numbers were based on "assumptions....") I suggest that these jobs were not to include employees relocated within the municipality such as Council, Library/Linc, Courthouse, and the separately Council claimed 120 odd relocated Taswater employees.

How were you able to make the assertions in the Advocate knowing that the Council undertook no analysis of their own?

Question 3

Given that you are prepared to misquote the untested report projections, what do you think of the new 289 office professionals projection that form part of the HillPDA full-time jobs in their projection sheet (refer attachment prepared and distributed by myself over 3 years ago). That is, do you believe it was at all realistic given that it would triple the number currently employed in that classification.

Question 4

Given the Consultant's projected 7 day food pavilion activity against what is the current market reality, including anchor restaurants and other tourism like businesses in the food pavilion, to what extent in terms of jobs do you believe that the current failure of Stage 1 would have impacted the HillPDA "template" projection and how has that influenced your statement in the Advocate?

Question 5

Does the Mayor consider that even though Council has never validated the HillPDA year on year job numbers and dollar injection and you may have done your own, as there is no immediate evidence of these economic outcomes to the region, how many years do you believe will elapse before a smidgen of these projections will materialise?

Question 6

If you have not in fact undertaken yourself nor are you aware of any study performed by anybody of the jobs and economic benefits resulting from the \$70 million Living City spend, why do you believe it appropriate to peddle such extreme optimism to the general public via a newspaper circulating in the region, when the real "anecdotal evidence" viewed by retailers, tourist operators and general ratepayers who periodically visit downtown Devonport, is the opposite?

Question 7

Have you been authorised by councillors to make such misleading assertions in the media, about jobs and benefits relating to the Living City big spend?

I would appreciate the inclusion of these questions in the August meeting Agenda.

Don Willing

CC: Mayor & Councillors

Attachment – Assessment of claimed 830 full-time operational jobs in Devonport CBD

### Assessment of claimed 830 full-time operational jobs in Devonport CBD

Table 1					
Precinct	Development component	DCC assertion	Advance Devonport Interest Group opinion		
		Jobs	Jobs	Reason	
Waterfront	Hotel 80 suites	70	70	Yet to see anybody even look like investing in a hotel. Hard to build a business case to invest \$20 million on the back of a few conventions and asserted increase in tourists.	
	Cafes	36	18	This is not Southbank	
	Residential units	5	0	Where do you need jobs for 15 residential units (cleaners?)	
	Gallery	6	1	Maybe one more than at present for increased patronage after relocation to the DECC.	
	Parkland	2	0.5	How much gardening can you do?	
	Marina	2	0	Will not happen, never would. MYC do this as part of 1 person's part time job.	
Retail	Retail/ Supermarket	68	0	Hill St in Oldaker Street have killed any chance of a supermarket at LC.	
	Retail/ Shopping centre non-leasable area	10	0	What is this?	
	Retail DDS	96	24	Allow for 25% chance of this happening (Big W)	
	Mini Major	39	0	An example of this type of operator is ?	
	Mini Major	41	0	An example of this type of operator is ?	
	Retail	31	5	Clothes?Gadgets?VWidgets?	
	Cafes	14	0	Refer "waterfront cafes" above	
	Food market	35	17	Brave entrant with deep pockets will do this 7 days a week.	
	Retail culinary/hospitality school	4	4	DCC have already employed someone to head this activity.	
	Retail/Civic Multipurpose (Convention centre City First	20	0	City First (?) no longer wish to manage this area	
	Library/Linc/Service Tasmania	25	0	Relocation only ( from previouslyState owned demolished building)	
	Council offices	78	0	Relocation only (from ratepayers owned demolished building)	
	900 space multi-storey parking	1	0	Will put at least one parking inspector out of a job or should do.	
Professional	Office	289	0	Someone must have sat on the number pad in error when constructing this Furphy.	
	Cafes	21	0	Three cafes allowed for above - how many cafes can we support (including tourists)	
	Courthouse	50	0	Relocation at best (could be minus if it is relocated to Ulverstone or Burnie)	
	Medical facilities	24	0	Relocation unless all the tourist become sick each and every day of their visit.	
	Residential development 15 units	5	0	What jobs could be created for this part of LC even if they were built which is highly unlikely	
	250 space parking	1	0	Valet parking not required	
		973	139.5	Total	
The DCC assertion is based on the table shown on page 29 of the report delivered by Hill PDA which was commissioned to assist in obtaining a Federal grant. The Advance Devonport Investment Group believes that the ongoing jobs expected to be generated by the DCC initiative described as Living City to be so highly optimistic as to be delusional and thereby misleading so as to justify the demolition of perfectly suitable buildings and mammoth borrowings.					
There is nothing in the Hill PDA report which provides background/justification/reasoning for the ongoing jobs for the Living City Project. as shown in their table on page 29					



**3.2.3 Question without notice from the public**

### **3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

At the time of compilation of the agenda, no questions had been received from Councillors.

### **3.4 NOTICES OF MOTION**

#### **3.4.1 SENIOR CITIZENS CLUB PARKING**

**File: 27452 D612555**

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor A Jarman.

#### **ATTACHMENTS**

Nil

#### **MOTION**

"That Council hold a workshop to discuss the possibility of allowing a permit for all Senior Citizens Club members to be able to access parking at the boat ramp car park during the out of season months e.g. April through October."

#### **SUPPORT**

The council made changes to parking near the Senior Citizens Club for the restricted parking of boats and RV parking and this has been a great change to the area however during winter the car park is generally not used during the day, during the week and no cars are allowed to use this space. I would like us to consider allowing a weekday permit to be offered to the members of the club to allow use of the empty car park space during winter months. The permit would be only allowed in the member's car. The signage would only need to be modified to add "Permit holder cars only"

#### **OFFICER'S COMMENTS**

There are a number of nearby alternative parking options:

- Free 2 hour spaces on Victoria Parade, south of the Senior Citizens Club
- Free 3 hour spaces on Victoria Parade, north of the boat ramp area
- The private car park at 7 Victoria Parade

Some club members may have limited mobility, so these options may not be ideal, but even from the boat ramp area, they would be required to step up and down a kerb and cross a two lane road without any supporting infrastructure. The only suitable spaces are the 9 spaces on the site.

The NOM outlines that Senior Citizen Club Members be able to park in the boat ramp parking area between April and October. Although this is generally the low use season for boat trailers, good boating/fishing conditions do occur at times during this period, which does generate significant boat trailer traffic in the parking area.

The boat trailer area is also designated RV parking which serves an important purpose of providing RV parking close to the Visitor information Centre and the CBD. Keeping this space free for RVs is important for the visitor experience. RVs visit Devonport all year round.

Any relaxation of the current ban on cars parking in the boat ramp area is likely to exacerbate the existing poor compliance issue. Since the project was completed, 100's of infringements have been issued. Allowing some cars to park in the area is likely to create confusion and even frustration toward Council. Keeping the parking controls simple was a

**Report to Council meeting on 26 August 2019**

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key objective of the boat ramp upgrade project as confusion and compliance with the previous layout was an issue.

### 3.4.2 LAND SALE - SPREYTON

File: 36217 D612569

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor S Milbourne.

#### ATTACHMENTS

Nil

#### MOTION

"That Council investigate selling the vacant land at 16 Woodrising Avenue, keeping one block and a pathway for public space."

#### SUPPORT

This area of Spreyton is becoming a popular area for families and retirees with new subdivisions selling quickly. There has been interest in developing these blocks and with the new Country Club development nearby the area is becoming sought after. This sale should support (ie potentially sold with a caveat that it is built by the purchaser) a nature based playground installation on one of the blocks.

#### OFFICER'S COMMENTS

The plan below identifies the land parcel in question.



**Report to Council meeting on 26 August 2019**

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During the 19/20 budget deliberations Council discussed the disposal of vacant land for residential development, the installation of play equipment and a review of footpaths in the Woodrising Avenue area. As a result of these discussions an action to undertake this task was included within the 2019/20 Annual Plan. Work will commence in the coming months.

### **3.4.3 PATHWAY FEASIBILITY STUDY**

**File: 36217 D612577**

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor S Milbourne.

#### **ATTACHMENTS**

Nil

#### **MOTION**

"That Council investigates the costs and environmental impact of a path from Mulligan Drive, Spreyton and subsequent bridge over Figure of Eight creek to Maidstone Park."

#### **SUPPORT**

The subdivision of Mulligan Drive included a pathway to Figure of Eight creek (at the cost of a house block). Presently there is no strategy to implement a bridge and pathway to Maidstone Park/Bay drive. Investigations into this infrastructure should be presented in the 2020/2021 budget.

This pathway will provide a safe alternative to children living in the area walking or riding to Spreyton Primary or sport at Maidstone Park. Currently children are walking along Mersey Main Road past increasingly busy Sheffield Road intersection.

#### **OFFICER'S COMMENTS**

Investigations into this matter can be undertaken during coming months and a report prepared for consideration during next year's budget deliberations. There is currently no allocation in the 5 year capital expenditure program for this project.





## **4.0 PLANNING AUTHORITY MATTERS**

There are no items in this agenda to be considered by Council in its capacity as a Planning Authority.

## 5.0 REPORTS

### 5.1 JULIE BURGESS OPERATIONAL REVIEW

File: 29120 D575887

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest

#### SUMMARY

This report provides a review of the Julie Burgess operations and considerations for future operations of the vessel.

#### BACKGROUND

The Julie Burgess is a historic two-mast sailboat, known as a fishing ketch. It is a collection item of the Bass Strait Maritime Centre and currently operates as a seasonal sailing attraction.

The vessel was built in Launceston for Captain Harry Burgess, in 1936. The vessel was purpose built to harvest crayfish in Bass Strait and regularly transited the Strait to Stony Point in Westernport Bay, Victoria. The Julie Burgess was the last specifically built vessel of the Burgess family fishing ketches, operating out of their home port of Devonport.

The Julie Burgess is now owned by the Devonport City Council. In 2009, Council received a Federal Government, Jobs Fund grant for the project *Julie Burgess: Maritime Discovery Centre*.

The vessel was restored under the supervision and guidance of a Marine Architect, Marine Surveyors for Marine and Safety Tasmania (MAST) under the regulations administered by the Australian Maritime Safety Authority (AMSA) to operate as a passenger carrying sailing vessel in sheltered and coastal waters.

Since its inaugural season as a sailing visitor attraction in 2012, the operating model has focussed on thrice-weekly two-hour passenger sailings between October and June (one sail on Wednesday, two on Sunday). The season was determined based on favourable weather conditions and allows for a period of 'lay-up' to complete maintenance. More recently, the sailing program has consolidated to sailing once on Sunday, unless demand requires additional sailings.

The Julie Burgess is listed on the Australian Register for Heritage vessels and is a classified ship with the National Trust.

#### STATUTORY REQUIREMENTS

The vessel is required to undergo an annual survey, as instructed by Marine and Safety Tasmania (MAST), which determines the vessel's capacity to operate as a passenger carrying vessel.

The vessel operates under a safety certificate issued by Australian Maritime Safety Authority (AMSA).

## DISCUSSION

The Julie Burgess currently operates as a visitor attraction, with a public sailing season typically between October and June. The normal operations include taking up to 22 passengers on two-hour sailings, out the mouth of the Mersey River, for a short sailing experience in sheltered waters of Bass Strait.

The visitor experience aboard the vessel provides a rare opportunity to experience sailing in Bass Strait as it was at the early part of the twentieth century. The experience is intrinsically linked to Devonport's maritime history. The volunteer crew are professional and passenger feedback is largely positive.

The vessel is also available for charter and special events, such as spreading of ashes.

The administration of the vessel is primarily managed from the Bass Strait Maritime Centre (BSMC). Furthermore, the BSMC manage ticket sales, crew and passenger liaison and advertising.

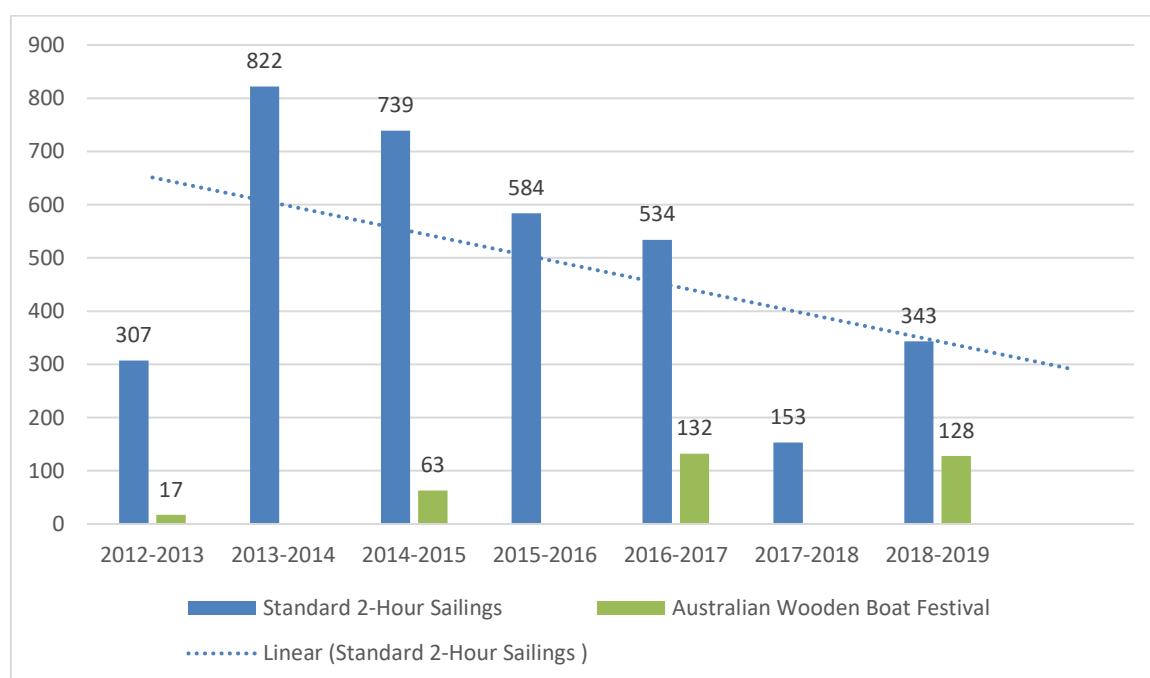
Graham Kent, a Council volunteer, is the recognised Master of the Vessel, who assists with administration of the vessel and liaises with regulatory authorities, such as AMSA and MAST.

The strategic management of the vessel is informed by the Julie Burgess Operations Committee. The committee consists of the Master, volunteers (both crew and maintenance volunteers) and Council Officers. A councillor is not specifically appointed to the Committee; however, councillors regularly attend meetings. The Operations Committee is not a Special Committee of Council under Section 24 of the *Local Government Act, 1993*.

The Operations Committee does provide a report to the Devonport Maritime and Heritage Special Interest Group, which is a Special Committee of Council, and therefore actions and recommendations of the Operations Committee are captured by Council.

Undoubtedly, Council's operation of the Julie Burgess as a visitor attraction, has not only attracted praise, but equally criticism and negativity. The vessel has been the focus of media scrutiny and has been required to undergo costly, unscheduled major maintenance several times to ensure it remained seaworthy.

**Table 1: Annual Passenger Numbers**



Annual passenger numbers across all seven sailing seasons average 497. The average is for passengers out of Devonport only, as part of the Julie Burgess normal operations. The average does not include passengers as part of the Australian Wooden Boat Festival (AWBF). A manifest is kept of all passengers.

The Julie Burgess is invited to attend the biennial AWBF held in Hobart. As part of its participation, the vessel conducts public sailings on the Derwent River. The AWBF does influence the overall passenger data for the vessel, as evidenced in the 2018-2019 season, in which AWBF passengers account for over one-quarter of total passengers for the season.

The most successful sailing season for passenger numbers was the 2013-2014 season, and only twice has the operations delivered on 800 passengers (2014-2015 being assisted by passengers as part of the AWBF).

Notwithstanding the success of the AWBF, the overall passenger trend for two-hour sailings out of Devonport is downwards. It is evident from the decline in passenger numbers that the initial interest regarding the vessel has waned. Importantly, the 2017-2018 season was interrupted by major unscheduled maintenance.

There are several factors that impact passenger numbers. The 2018-2019 sailing season has been largely uninterrupted by unforeseen issues. However, it has failed to meet expected passenger numbers and budgeted revenue targets. Factors impacting the 2018-2019 sailing season are detailed in the following table. This analysis is a guide, as crewing and passengers are intrinsically linked. Often crewing is arranged after passengers are confirmed and once weather is known. Therefore, the order in which cancellations occur impact the accuracy record detailed below.

Pre-season, the sailing schedule targeted a total of 46, possible two-hour sailings.

**Table 2: 2018-2019 Season of Scheduled Sailings - Not including AWBF**

<b>Intended 2hr Sails</b>	<b>46</b>
<b>Cancellations</b>	<b>19</b>
▪ Weather	9
▪ Crew Availability/No Passengers (bookings)	9
▪ Additional Slipping	1
<b>Actual 2hr Sails</b>	<b>27</b>

Of the intended 46, two-hour sailings scheduled and advertised for the 2018-2019 sailing season, 27 (59%) occurred and 19 (41%) were cancelled or did not occur due to lack of passenger bookings. The total number of passengers for standard, scheduled two-hour sailings out of Devonport was 343 passengers over the 27 sailings, resulting in approximately 13 people per-sail, 58% capacity.

The preceding season, 2017-2018, Council intended to maintain sailing on Wednesdays and twice on Sundays. However, the 2017-2018 season recorded the lowest annual passenger numbers since operations began in 2012. The vessel required unscheduled repairs from the start of the season up to the 30 January 2018. This meant the cancellation of 47 scheduled sailings to start the season. For the remainder of the season, there were a further 86 standard two-hours sailings scheduled between January and June 2018. Of the 86, 68 were cancelled. The 153 total passengers, over 18 sailings, represents 8.5 passengers per sailing, 38% capacity:

**Table 3: 2017-2018 Season of Scheduled Sailings**

<b>Intended 2hr Sails</b>	<b>133</b>
<b>Cancellations</b>	<b>115</b>
▪ Unscheduled Maintenance	47
▪ Crew Availability/No Passengers (bookings)	50
▪ Other	10
▪ Weather	8
<b>Actual 2hr Sails</b>	<b>18</b>

The previous two sailing seasons, 2017-2018 and 2018-2019, have impacted the ability to grow the number of passengers on the Julie Burgess, as much negativity has surrounded the operations of the vessel. The following table lists the cancellations for the previous two complete sailing seasons:

**Table 4: Combined 2017-2018 and 2018-2019 Sailing Seasons – Not including AWBF**

<b>Intended 2hr Sails</b>	<b>179</b>
<b>Cancellations</b>	<b>134</b>
▪ Crew Availability/No Passengers (bookings)	59
▪ Unscheduled Maintenance	47
▪ Weather	17
▪ Other	10
▪ Additional Slipping	1
<b>Actual 2hr Sails</b>	<b>45</b>

Weather is often cited as the leading cause of cancellations, however, the ability to attract both passengers and confirm the availability of a crew are greater contributors.

The crew delivers a high level of service. However, the data demonstrates that a volunteer crew and particularly the availability of a qualified skipper and engineer, has an impact on the level of sailing confidence.

Part of the underlying perception of the Julie Burgess' failure is the absence of a definition for success. The annual operating deficit is often cited as a measure for success/failure. The annual operating deficit has been around \$65,000 annually. 2017-2018 was an exceptional year due to unscheduled maintenance. Importantly, low deficits are not necessarily attributed to higher revenue (passenger numbers), as evidenced in the table below which details the previous seven financial years.

**Table 5: Annual Deficits**

<b>Budget</b>	<b>Operational Deficit</b>	<b>Pax out of Dev.</b>	<b>Total Pax</b>
2012-2013	\$89,898	307	324
2013-2014	\$88,998	822	822
2014-2015	\$85,750	739	802
2015-2016	\$60,502	584	584
2016-2017	\$65,679	534	666
2017-2018	\$129,113	153	153
2018-2019	\$66,982*	343	471
<b>Total</b>	<b>\$519,940.00</b>	<b>3,482</b>	<b>3,822</b>

\*End of year estimate, at time of writing report.

Between 2012 and 2019, the total number of passengers who engaged with the vessel out of Devonport was 3,482. At an operational cost to Council of \$519,940, representing an underlying subsidisation of \$149 per-passenger out of Devonport.

When determining success, passenger numbers and budget deficits are often considered before that of the cultural heritage value of the vessel.

In 2009, Council commissioned the SGL Group to devise a tourism development strategy for Devonport. The executive summary of the strategy states:

*Devonport would greatly benefit from using its rich maritime heritage, including the crossing of Bass Strait to supply Melbourne and the mainland, to develop experiences for both the local and visitor markets.*

Understandably, Council at the time would have considered the Julie Burgess visitor attraction to be the ideal mechanism to fulfil the objectives of the Tourism Development Strategy. As a cultural heritage icon, the Julie Burgess is integral to Devonport's tourism identity.

Despite the tourism identity detailed in the Tourism Strategy, developing engagement in the Julie Burgess is a major challenge for Council and has not been self-generating. Furthermore, engagement is not aided by the visibility of the vessel and its mooring. This could be improved with roadside signage, however, the mooring is not staffed or attended regularly. Therefore, anyone encouraged to stop and visit the vessel will only be able to observe it moored from landside.

Further compounding the poor visibility of the Julie Burgess operations is the limitations of Reg Hope Park as the boarding point. The carpark has only eight designated parking spots for all users of the park, not just the six crew and maximum 22 passengers of the vessel.

Council has delivered consistent and targeted marketing, including marketing initiatives attributed to other areas of Council, such as the Visitor Centre (more broadly Devonport marketing) and the Cradle Country Marketing group.

Throughout the past 18 months, specific marketing initiatives have included:

- advertising on 7AD Radio through their Re-Discover Tasmania package;
- radio interviews with ABC and 7AD;
- advertisements in the Explore magazine, a bi-monthly tourist journal;
- advertisements and feature editorial in Travelways magazine, a nationally distributed tourist journal;
- digital advertisement (video) on the Spirit of Tasmania and at Hobart Airport;
- multiple social media campaigns, through weekly posts during the sailing season and less regular updates throughout maintenance season. Social media campaign includes Instagram, Facebook, and Twitter;
- boosted (paid) advertising posts on Facebook;
- maintaining the Julie Burgess website (to be redeveloped in 2019);
- maintaining a page on BSMC website (to be redeveloped in 2019);
- listing on Discover Tasmania website;
- listing on Council website;
- full coverage of the Quoiba roadside billboard for three months between March and May 2019;

Report to Council meeting on 26 August 2019

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- flyers distributed through the Tasmanian Tourism Brochure Exchange, including flyers on the Spirit of Tasmania, Hobart, Launceston and Devonport airports;
- flyers distributed throughout the Visitor Information Centre Network on the North-West and West Coast, for display in Visitor Information Centres;
- promoted through media releases regarding special offers;
- volunteers deliver flyers to post-boxes twice yearly;
- The Julie Burgess is advertised biennially through the AWBF program and the Festival's associated social media.

The Julie Burgess as an attraction is listed on the Australian Tourism Data Warehouse (ATDW). This listing is a source listing, and the ATDW distributes to over 40,000 tourism websites nationally and overseas. The ATDW provides a listing for the Julie Burgess on Discover Tasmania and Visit Cradle Coast (previously managed by Cradle Coast Authority). Both the Julie Burgess and BSMC are Tourism Industry Council of Tasmania accredited attractions and are therefore included on their website for advertising.

The breadth of marketing initiatives demonstrates that Council is targeting the tourist market and locals through various channels. Currently, the Julie Burgess is listed as the fourth ranked attraction on the tourism website Trip Advisor for Outdoor Activities and Tours, under Things to do in Devonport.

The promotion, booking schedule, maintenance schedule and passenger/crew liaison is resource heavy. In part, the level of resourcing was a contributing factor for the Operations Committee determining to consolidate the sailing program to Sundays for the 2018-2019 sailing season. The intent was to achieve a more successful, smaller season.

The BSMC staff resources include two full-time staff and a pool of casual employees to operate a seven-day cultural attraction, maintain and promote a social history collection and deliver exhibitions and public programs to develop the Centre as a visitor attraction.

The staff resources required to facilitate a single public sailing should not be underestimated. When cancellations occur, staff are responsible for contacting passengers and/or crew. This is obviously complicated when cancellations occur on Saturdays, the day prior to a sailing and a single casual staff-member is responsible for providing customer service at the BSMC and manage Julie Burgess cancellations.

The Julie Burgess sailing program strategy requires passengers to be readily available on Sundays. Furthermore, the strategy is reliant on weather being suitable for sailings and crew being available, specifically a qualified skipper and engineer.

Considering the variables, the strategy is flawed. The experience, as a tourism product is only available to the market, one-in-seven days, 36 weeks of the year. A negative perception could result from an enquiry to sail on any day other than a Sunday. In addition, if the vessel cannot sail due to weather, it creates a compounding latent demand, as tourists cannot be expected change their travel plans by a week to suit.

Statistically, since its inception as a visitor attraction, across all seven sailing seasons, the standard two-hour passenger sails are at approximately 60% capacity. This statistic confirms a lack of demand. Even when sailing once a week, there is not a significant waiting list or back-log of passengers.

Approximately 300,000 tourists visit Devonport annually. Not considering a seasonal influence, it equates to approximately 200,000 over the eight-month sailing season. Therefore, an aspirational target of 800 passengers per season, purely targeting tourists, equates to 1-in-250 (.004%) of the total visitor market to Devonport. Based on a single day,

Sunday, Devonport has a tourism market of approximately 800 people. To sail at capacity within a tourist market, the Julie Burgess is required to engage 1-in-40 people. Even then, this assessment is not accurate as it does not account for local participation.

This basic assessment against the visitor market identifies that the Julie Burgess operational model is not satisfactorily achieving the objectives of the SGL Tourism Development Strategy. The Julie Burgess fails to engage the tourist market.

Putting aside the cultural benefit of the Julie Burgess, if the expectation of the operation is to financially break-even, then income generated from passengers would need to increase considerably to cover the current annual operating deficit. On the current annual deficit of approximately \$65,000 pa, an additional 1,300 full adult paying passengers is required to break-even. This assessment does not consider any additional expenses incurred, such as increased maintenance costs due to increased utilisation.

The annual sailing target would be approximately 1,800 passengers, equating to 90 sailings at 90% capacity. A statistical increase on current sailings of over 300%. Equally, passenger demand would need to increase by over 500%. The concept of the operation financially breaking-even is wholly unrealistic.

The current staff resources dedicated to the Julie Burgess operation is not enough to undertake a diversified or increased operating model. The BSMC operations would be disadvantaged by any increase in allocation of their hours to pursue initiatives for the Julie Burgess. This would also be illogical, as the tourism engagement levels of the BSMC outweigh that of the Julie Burgess. The investment of resources versus return (visitor engagement) of the BSMC is far more effective.

To undertake a diversified or increased sailing program would require Council to provide additional staffing resources to the Julie Burgess Cost Centre. Furthermore, to avoid cancellations due to crew availability, Council would need to contract or employ a crew to maintain consistent sailings.

The result of operating the vessel more regularly, would require increased expenditure in maintenance and advertising. Obviously, with an increase in expenses the passenger target increases exponentially to simply maintain the current deficit of approximately \$65,000 pa.

Based on the 2018-2019 deficits of Council's cultural facilities, the Julie Burgess represents the highest cost when assessed against the level of engagement; approximately \$140 per-person, compared to \$58 per-person and \$33 per-person for the BSMC and paranapple arts centre respectively. This a rudimentary view of Council's cultural investment and does not consider the scale of expenditure.

### **Volunteers**

The Julie Burgess would not operate without volunteers. The volunteers provide maintenance support, crewing and operational support.

Volunteer hours are captured with sign-on and sign-off sheets. This includes volunteers who assist with maintenance and crew the vessel.

**Table 6: Volunteer Hours of the Julie Burgess**

Month	Hours
July	13.33
August	22.55
September	83.76
October	193.44



Month	Hours
November	172.67
December	119.75
January	259.79
February	174.34
March	169.76
April	128.78
May	36.3
June	125.95
AWBF	2729.75
<b>Total</b>	<b>4230.17</b>

The financial value of volunteers is difficult to ascertain, as many are providing specialist skills for both crewing and maintenance. It is accepted that 4,230.17 volunteer hours represents a significant value to Council, and similarly an unidentified cost if Council was required to undertake the operations with paid staff or contracted specialists.

The table below details several of the tasks required to operate the vessel. It shows that the tasks are divided between Council and volunteers:

**Table 7: Volunteer and Council Tasks**

Task	Responsibility
Maintenance:	
• Contractor Coordination	Council
• Mechanical	Council/Volunteers
• Rigging	Volunteers
• Cleaning (above waterline and below decks)	Volunteers
Catering for Long and Special Sails	Volunteers
Financials	Council
Advertising / Marketing	Council
Merchandising	Council
Bookings / Cancellation Notifications	Council
Manifest Correspondence	Council
Special Events / Sailings Planning	Council
Crew:	
• Training Coordination (administration)	Council
• Training Instruction	Volunteers
• Rostering	Council
Sail Crewing	Volunteers
Sailing Approval (Weather and Safety)	Skipper (Volunteers)
Online presence	Council
Administration of Operations Committee	Council
Insurance	Council
Vessel Registrations	Council/Volunteers
Survey	Council/Volunteers
Customer Interaction	
• At time of Booking	Council
• On-Board	Volunteers
Sales of Merchandise On-Board	Volunteers

Task	Responsibility
Operational Documentation	Council/Volunteers

To sail the vessel as per the certificate of operation, the crew must comprise of a Skipper (Master V accredited on similar vessel), and Engineer (MED III, who can also be the Skipper), and up to six Deck Hands.

A broad and rudimentary assessment of standard two-hour sailings crew costs:

**Table 8: A rudimentary guide for staffing costs based per sailing**

No.	Classification	Hourly Rate	Shift	Totals
1	Master V	\$50	3hrs	\$150
1	MED III	\$50	3hrs	\$150
	Coxswain	\$45	3hrs	
	Crew Level 2	\$40	3hrs	
4	Crew Level 1	\$40	3hrs	\$600
				<b>\$900</b>

This assessment provides an indicative cost and is intended to be a guide only. It does not accurately account for variables, such as overheads, additional allowances, or the fact the Master V can also be the MED III crewman. However, it does indicate that if Council opted to pay a crew to provide confidence in the sailing schedule, it would add significant cost.

The concept of paid crew has not been analysed in association with attendance at the AWBF, which would obviously add further cost to the operations.

The operations have struggled to attract Skippers (Master V accredited in similar vessel). The Master of the Vessel, Graham Kent, has skippered most sailings since operations began. At present the operations relies on three Master V accredited skippers, Graham Kent, Dave Burcham and Justin Jones. Graham Kent has indicated his need to step-down as a skipper.

### **Future Maintenance**

Due to its nature, the vessel will require future maintenance. A new Main Mast was fitted in 2018, however the Mizzen Mast is likely to require replacing in the near future. The cost is difficult to ascertain, as the previous mast replacement included donated timber that was worked by volunteers and installed while the vessel was slipped for other reasons.

The sails are also vulnerable, and full replacements are not kept on hand. In addition, the vessel has a significant amount of rigging and associated hardware. The vessel is powered by a Gardner engine, originally installed in 1966, and rebuilt as part of the restoration. Auxiliary power is from an Onan Kubota linked to a 6.5 kVA 240volt generator. The mechanical is a good order; however, it is not inconceivable that there will be unforeseen future costs associated with repairs and replacements.

If any component of the vessel fails while the vessel is in service (during a sailing season), it would severely impact upon the success of the sailing program. If componentry was damaged to an extent that the vessel needed immediate slipping (for example a mast breaking) it is not inconceivable the costs, including lost revenue, would exceed \$10,000.

Mechanical equipment includes several pumps for fresh water, saltwater, grey water and sullage systems. And specialised electrical equipment that includes radar, identification systems, radio and sonar equipment.

It is the opinion of Council, that the current expenditure on maintenance maintains the vessel to its restored working order. However, the budget is not enough to undertake a preventative maintenance schedule, nor react to major incident, componentry failure or equipment breakdown.

Based on industry standards, a preventative maintenance budget would ideally be based on 5% of the asset value (if not greater), equating to \$75,000 pa. This would provide a level of assurance against mechanical, hydraulic or structural failure, the effect of which would greatly impact on Council. The maintenance expenditure for 2018-2019 was approximately \$15,000, representing 1% of the vessel's value.

Without a consolidated preventative maintenance schedule (a shutdown) investigating and refurbishing mechanical and hydraulic componentry, it is feasible that the risk of major, unscheduled maintenance (or system failure) is increasing.

Furthermore, without funds in reserve to react to any immediate equipment or mechanical failure, the continuation of service is at great risk, again impacted by lost revenue and labour and slipping charges.

A detailed cost analysis of repairs and replacements was not prepared as part of this report. While the mechanical, hydraulic and instrumental components are not showing signs of deterioration or immediate failure, it is feasible, and should be accepted, that repairs and/or replacements will be required in the future and that those costs will be substantial.

The structure of the vessel, including the planking, is sound after recent repairs and replacements in 2018.

While much of the repairs, including the replacement mast, is conducted with volunteer labour with items donated or purchase at reduced rates, this does not reflect the true cost of maintaining the vessel if Council was to fully reflect the cost of maintenance.

### **Summary of Operations**

Ultimately, if Council is to continue to operate the vessel as a visitor attraction, success needs to be defined. Once defined, resources need to be appropriately allocated to achieve success.

It is evident, that Council cannot deliver significant improvements without additional resources allocated to the Julie Burgess operations. The current business plan is to continue to operate with a volunteer crew, which exposes ongoing operations to the risk of uncertainty. The draft business plan presented to Council, previously, details several actions, particularly marketing actions, that would require additional staff resources and an increase in expenditure to achieve, thus increasing the substantially increasing the deficit.

If increased passenger numbers are identified as a key measure for success, then additional staff resources and paid/contracted crew is required. Data indicates securing a crew to sail, is greater, if not equal, to any other reason for cancellations.

A break-even position is not achievable. Forecasts of passengers beyond 1,500-1,800 annually, does provide for additional revenue. However, that revenue is clearly insignificant to the approximate \$80,000-\$100,000 required to resource the operations effectively.

Increasing the ticket price beyond \$50 is of little benefit and does not align with market.

More informative is the fact that since its inception the vessel only achieves approximately 60% capacity. This indicates that by increasing advertising and the number of sailings, the likelihood of increasing passengers is not evident. There is not, and has not, been a significant backlog of passengers that indicates if more sailings were available, that they would be filled. The passenger demand is not evident in the data.

**Future Considerations**

The option exists to maintain the Julie Burgess as a visitor attraction, honouring its cultural significance to Devonport, but reduce, or eliminate the two-hour sailing program. This would require the vessel to be moored, semi-permanently in a position that allows visitors to view and easily board the vessel.

This option would greatly reduce the staffing resource required to maintain a sailing program, while keeping the vessel in Devonport. The vessel would still be available to sail on special occasions and to the AWBF should it be a desired by Council.

The operational budget would reduce slightly, however the major costs of insurance and maintenance would likely remain unchanged. The probability of a major or catastrophic incident or mechanical failure would be greatly reduced, as the vessel would sail less frequently.

There are successful examples of historic vessels as moored visitor attractions. The Polly Woodside is a restored 1885 Tall Ship located in Melbourne. It is permanently moored on the Yarra River and does not sail. It provides a range of visitor experiences, including a history gallery, wharf with picnic facilities and children's Crew Calls. It also hosts Children's Birthday parties, Pirate Sundays, live theatre and school excursions. *Polly Woodside* is managed by the National Trust.

A similar attraction could be built around the Julie Burgess, with land-based resourcing that celebrates and tells the story of the Devonport's maritime history. This would achieve the goals of the SGL Tourism Development Strategy (2009), which states: *'Devonport would greatly benefit from using its rich maritime heritage, including the crossing of Bass Strait to supply Melbourne and the mainland, to develop experiences for both the local and visitor markets.'*

With the Living City Stage 2 developments underway, it would seem an appropriate time for Council to consider the relocation and adoption of a new purpose for the Julie Burgess without the regular two-hour sailing program. The data indicates that if Council decide to cease the two-hour sailing program, it affects less than 500 people per-year on average.

There is no data to indicate how engagement levels would increase if the vessel was regularly accessible as a static, moored visitor attraction. In a high-profile position with land-based infrastructure interpreting the local maritime history, it is conceivable the Julie Burgess can have a greater impact as a visitor attraction than its current operation. Furthermore, with less frequent sailings, the opportunity to book a berth on specialised sailings would be sought-after.

Alternatively, if Council were to remove itself from the operations. Two viable options exist:

1. Gift the vessel and its existing assets to an independent operator/organisation. Such organisations exist, the Lady Nelson, out of Hobart, is managed by the Tasmanian Sail Training Association (TSTA), which is a not-for-profit volunteer organisation responsible for sailing and maintaining the Lady Nelson. This action would ensure the vessel remains in operation locally.
2. Dispose of the vessel. Council would be required to manage a deaccession process with the BSMC. Furthermore, Council would likely receive a negative reaction from both supporters of the Julie Burgess and detractors of the operations.

Council is not obligated by conditions of the Jobs Fund, Federal Government grant to continue operating the vessel. Any assets acquired through the project were to be retained for period of five years after the end date of the funding agreement. This period expired in 2017.

Options 1 and 2 are informed by the afore discussion. Notwithstanding, the operational cost-saving, removing Council from the operations will improve the productivity of the current resourcing of the BSMC and provide a slight resourcing relief for Infrastructure and Works.

Council can continue to operate with the current model, identifying the expected benchmark for passengers would be regarded as 400 – 550 per annum, depending on the AWBF.

### **COMMUNITY ENGAGEMENT**

Community consultation has not been undertaken as part of this report. However, the Julie Burgess Operations Committee does include community member representation.

### **FINANCIAL IMPLICATIONS**

If Council continue to operate the vessel as visitor attraction, with no additional resourcing, the operating deficit is expected to remain between \$60,000-\$80,000 pa.

To increase the levels of engagement, and in turn increase passenger numbers to 1,000+, Council will be required to allocate additional resources of administration staffing and crew. This is likely to result in an annual operating deficit of approximately \$115,000-\$135,000.

Importantly, current engagement levels do not indicate a need to increase the sailing schedule, with the vessel operating consistently at 60% capacity.

If Council were to gift the vessel to an independent operator, it would recognise a saving for future operational budgets.

If Council resolve to dispose of the vessel, based on the insurance value and the vessel's significance assessment, the value is between \$1.5M and \$2M. However, any disposal would be greatly impacted by market forces.

### **RISK IMPLICATIONS**

Operating a historic sailing vessel has inherent safety risks. In simple terms, Council is permitting up to 22 members of the public, to sail on a vessel in Bass Strait that consists of multiple moving parts and trip hazards that would be unfamiliar to most, in the care of volunteers.

It is a testament to the Master of the Vessel's tutelage of the crew, that thus far, the operations have not experienced a significant, or even low number of public incidents.

It is without question that the crew regard passenger safety highly, however, this does not reduce or exclude the inherent physical risk to passengers and crew.

Furthermore, the Lady Nelson, a similar visitor attraction that regularly operates out of Hobart, has recently undergone lengthy repairs in Devonport due to damage sustained in Bass Strait. Evidently, there is always a risk that the Julie Burgess will sustain damage, including irreparable damage. This particular risk extends to passenger and crew safety.

If Council cease operating the vessel as a visitor attraction, the Council's reputation will be subject to media and public scrutiny, including the process by which Council obtained the funding to undertake the restoration.

Likewise, if Council increases expenditure to diversify the sailing schedule, but cannot demonstrate an increase in engagement or passengers, Council's management practices will be further scrutinised.

## CONCLUSION

The experience on-board the vessel, during a two-hour public sail is a unique visitor experience offered in Devonport. The volunteer crew are professional and provide exceptional customer service.

The relevant data detailed in this report demonstrates that Council does not have the capacity, or human resources to increase and diversify the operations of Julie Burgess as a visitor attraction.

Council can continue to operate the vessel, with little or no change to the current operations, therefore accepting the current levels of engagement and the current cost to Council. Furthermore, Council would continue to accept the risks involved with operating the vessel, including the reliance on a volunteer crew, skipper and engineer. Council would also be accepting of any major future maintenance costs, likely to include mast, sails and mechanical upgrades.

Council could consider increasing resourcing to the Julie Burgess operations; however, this is not likely to increase passenger numbers measurably, resulting in a higher financial deficit to Council.

Council does have the option to remove itself from operations, by gifting the vessel to an independent operator, or disposing of the vessel through public sale.

## ATTACHMENTS

Nil

## RECOMMENDATION

That in relation to the Julie Burgess operations, Council:

### Option A

Investigate relocating the vessel, closer to Living City Waterfront Precinct, with the intent of operating the vessel as a static, moored, cultural visitor attraction.

OR

### Option B

Advertise for expressions of interest to sell or gift the vessel to a suitable operator.

OR

### Option C

Continue operating as per existing arrangements and consider additional marketing and associated cost implications as part of the 2020/21 budget deliberations.

Author:	Geoff Dobson	Endorsed By:	Kym Peebles
Position:	Convention & Arts Centre Director	Position:	Executive Manager Organisational Performance

## **5.2 NATIONAL TRUST AUSTRALIA (TASMANIA) PARTNERSHIP AGREEMENT FOR HOME HILL**

**File: 27452 D600815**

### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest

### **SUMMARY**

This report details the renewal of a three-year partnership agreement (2019-20 to 2021-22) with National Trust (Tasmania) to ensure the ongoing operations of Home Hill; preserving the family home of Prime Minister Joseph Lyons, his wife Dame Enid Lyons and their twelve children.

### **BACKGROUND**

Home Hill was built by Joseph and Enid Lyons in 1916. After Joe Lyon's death in 1939, Dame Enid remained living at Home Hill until she herself passed away in 1981.

The Council assumed ownership of the buildings and property grounds in 1977. In 1983, Council handed over responsibility of the contents of Home Hill to the National Trust Australia (Tasmania).

The National Trust is responsible for the preservation, restoration, exhibition, marketing and promotion of the collection, furniture and fittings inside Home Hill.

Council is responsible for the maintenance and development of the buildings, gardens and grounds at Home Hill.

The facility is open to the public ten months of the year, closing during the quieter tourism period of July and August. Home Hill provides a range of community events including high teas, fetes, weddings and special functions.

Home Hill activities are reported to Council through the Maritime and Heritage Special Interest Group. In addition, National Trust are to provide Council with an Annual Report detailing achievements against the performance indicators of the agreement.

This report provides details of a renewed three-year partnership agreement, replacing the previous, and now expired, partnership agreement.

The Home Hill Strategic Plan 2015-2018 has also expired. The new partnership agreement details Council commitment to work with the National Trust and stakeholders to develop the next Strategic Plan.

### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to this report.

### **DISCUSSION**

After several models were explored in consultation with National Trust, to sustain Home Hill, Council agreed to a three-year partnership agreement in 2015. Council agreed to pay National Trust \$28,000 pa to enhance and protect the visitor experience, generate public support, maintain and enhance the volunteer program, increase public programming and the educational programming for Home Hill and to set a national benchmark for sustainable heritage management of a community asset.

Currently, a part time coordinator is employed by National Trust, who is responsible for managing the collection, initiating projects, promoting the facility and coordinating the volunteers onsite.

The partnership agreement with National Trust provides a mid-term solution to ensure Home Hill's cultural collection is maintained and the property remains open to the public. The capacity of the property to generate adequate revenue to operate is minimal, not dissimilar to museums and art galleries.

Throughout the 2018/2019 financial year, National Trust has reported to Council that 1,311 visitors took part in guided tours of the property, and a further 3,388 attended a social or community event.

Attached to this report, the partnership agreement is, in principle, a continuation of the previous agreement. A change to the agreement to be noted is that the National Trust now manage all volunteers associated with the visitor experience and collection management. Previously, the volunteers were partly managed by Council and National Trust. It was determined that the National Trust had supervision and daily management of the volunteers, and therefore the overall responsibility for volunteers on site.

In association with the Partnership Agreement, Council assisted in the development of a *Home Hill Strategic Plan 2015-2018*. Council will commit to update the Strategic Plan with key stakeholders in the first term of the new partnership agreement.

### **COMMUNITY ENGAGEMENT**

There has been no community engagement undertaken as a result of this report. Council's Devonport Maritime and Heritage Special Interest Group does include representation from Home Hill and the community.

### **FINANCIAL IMPLICATIONS**

The Home Hill cost centre recorded a net deficit in 2018/19 of \$71,285.58 inclusive of payment to National Trust of \$28,000 for last financial year's partnership agreement.

There would be no additional implication as a result of the recommendation of this report. The partnership agreement amount of \$28,000 has been included in the 2019/20 operational budget.

### **RISK IMPLICATIONS**

The National Trust is an established organisation and has demonstrated the knowledge and resources to operate Home Hill as described in the partnership agreement.

To lessen the probability of trip and fall hazards in gardens, Council do need to consider the future maintenance of the grounds, specifically the garden pond and rock wall. National Trust has commissioned a Landscape Management Plan, that is yet to be presented to Council, which addresses issues pertaining to access of the gardens.

### **CONCLUSION**

Home Hill delivers a range of tangible outcomes to the community which are aligned to Devonport City Council's strategic plan. The historic asset contributes to Council's overall tourism economy as a local place of interest and attraction.

The facility is unique to Devonport and the State and is one of only three former Prime Minister Residences open to the public nationwide.

It is recommended to Council that the partnership with the National Trust (Tasmania) be continued with a new three-year partnership agreement, of \$28,000 pa for the term 2019-2020 to 2021-2022.



## ATTACHMENTS

- [1.](#) Home Hill partnership Agreement with the National Trust Australia (Tasmania) 2019 to 2021

## RECOMMENDATION

That Council approve the renewed three-year Home Hill 2019 to 2021 partnership agreement, between National Trust Australia (Tasmania) and the Devonport City Council.

Author:	Geoff Dobson	Endorsed By:	Kym Peebles
Position:	Convention & Arts Centre Director	Position:	Executive Manager Organisational Performance



## PARTNERSHIP AGREEMENT BETWEEN NATIONAL TRUST AUSTRALIA (TASMANIA) AND DEVONPORT CITY COUNCIL



**2019/20 to 2021/22 – 3-year agreement**

### **1.0 PURPOSE**

This Agreement establishes a set of principles and obligations in relation to funding arrangements and activities between the Devonport City Council (Council) and National Trust Australia (Tasmania) to ensure the ongoing sustainability of the property known as Home Hill.

### **2.0 TIMEFRAME**

This agreement is for a period of three (3) years from the date of signing and is to be reviewed every twelve (12) months.

### **3.0 DEVONPORT STRATEGIC PLAN 2009-2030 RELEVANT PRIORITIES (revised April 2019)**

Strategy 2.3.1 Develop and maintain long term Strategic Asset Management Plans

Strategy 2.3.4 Provide and maintain Council buildings, facilities and amenities to appropriate standards

Strategy 2.3.5 Provide and maintain sustainable parks, gardens and open spaces to appropriate standards

Strategy 3.2.1 Support tourism through the provision of well-designed and managed infrastructure and facilities

Strategy 3.2.2 Support regional tourism development through productive relationships with regional partners and State and Federal Government

Strategy 3.2.3 Facilitate a pro-active approach by business to embrace tourism opportunities

Strategy 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest

### **4.0 NATIONAL TRUST AUSTRALIA (TASMANIA) OVERVIEW AND RELEVANT PRIORITIES**

The National Trust Australia (Tasmania) is responsible for the preservation, restoration, exhibition, marketing and promotion of the collection, furniture and fittings inside Home Hill.

The National Trust, through the Property Manager, also coordinates the Home Hill Volunteer Group which oversees the day to day operation of Home Hill.

### **Objectives**

- provide ongoing conservation services for the collection at Home Hill;
- provide a relevant visitor experience of Home Hill;
- protect the heritage values of Home Hill;
- generate public support for Home Hill;
- maintain and enhance the volunteer program for Home Hill;
- provide and coordinative public programming and the educational programming for the site;
- Meet national benchmark standards for sustainable Heritage Management of a community asset.

## 5.0 BENEFITS

The Agreement has the potential to result in a range of benefits including, but not limited to:

- increased volunteer base;
- increased the sustainability of Home Hill;
- additional opportunities to promote and advertise Home Hill;
- increased communication between Council and National Trust;
- increased access to properties of public interest;
- opportunity to showcase a Heritage Management Model;

## 6.0 PRINCIPLES

This Agreement is based upon a relationship between the parties emphasising cooperation and commitment to the following principles:

- 6.1 understanding and respect for each party's mandates and responsibilities;
- 6.2 each party is responsible for maintaining control of their own affairs;
- 6.3 subject to relevant legislation and policies (i.e. *Financial Management Act 2008*), the transparency of financial relations between the Council and National Trust Australia (Tasmania) in order to enhance decision-making;
- 6.4 the fostering of opportunities to work collaboratively;
- 6.5 shared focus on ensuring the ongoing sustainability of the operations of Home Hill; and
- 6.6 transparent and timely communication and consultation.

## 7.0 OBLIGATIONS OF THE PARTIES

The Council and National Trust Australia (Tasmania) agree to:

- 7.1 engage in timely, cooperative and meaningful consultation and negotiation regarding the formulation of policies, plans and activities which affect this Agreement;
- 7.2 relate to the other party in a manner that is coordinated and consistent;

- 7.3 ensure that specific contracts, arrangements, policies and plans entered into or carried out by the parties are consistent with the Agreement;
- 7.4 subject to privacy legislation and policies, share relevant data and information to inform strategic planning and service delivery;
- 7.5 develop processes to promote a common understanding of mutual priority needs; and
- 7.6 develop a process for review of the effectiveness of this Agreement with progress assessed twelve months from the date that the Agreement comes into effect.

## 8.0 STATEMENT OF RESPONSIBILITIES

### 8.1 Devonport City Council will:

- 8.1.1 maintain the external building and surrounding landscape of Home Hill.
- 8.1.2 provide annual maintenance program for the exterior of the buildings and surrounding landscape of Home Hill;
- 8.1.3 cover the costs of water, security services and Council rates;
- 8.1.4 provide expertise and support in the development and maintenance of the external buildings and gardens at Home Hill;
- 8.1.5 consider occasional assistance with bigger cost items (such as capital items or major maintenance items);
- 8.1.6 assist in the marketing and promotion of Home Hill and services through Council's communication mediums;
- 8.1.7 in negotiation with the National Trust Australia (Tasmania), review the lease for Home Hill;
- 8.1.8 in negotiation with the National Trust Australia (Tasmania), review the Strategic Plan 2015-2018 for Home Hill;
- 8.1.9 make a payment of \$28,000 per year for three years commencing 1 July 2019 to the National Trust Australia (Tasmania) to ensure the ongoing operations of Home Hill;
- 8.1.10 assist in the recruitment of volunteers using Council's existing volunteer management structure.

*Note this agreement excludes Home Hill from accessing additional funds through Council's Financial Assistance Grants Scheme and other avenues.*

### 8.2 The National Trust Australia (Tasmania) will:

- 8.2.1 aim to deliver services which promote the importance of the property known as Home Hill;
- 8.2.2 strive to attract additional resources and partnerships to ensure ongoing sustainability of Home Hill;
- 8.2.3 ensure that a Collection Management Policy is in place and relates to the Burra Charter Standard;
- 8.2.4 ensure that the collection remains accessible to the public;

- 
- 8.2.5 continue to employ a property manager;
  - 8.2.6 ensure that the Council is given the opportunity to provide feedback on the performance of the property manager;
  - 8.2.7 recruit and maintain volunteers in accordance with the National Trust policies and guidelines;
  - 8.2.8 provide Council with a copy of public liability and personal accident insurance;
  - 8.2.9 develop and deliver joint projects, activities and events with Council, including utilising the Home Hill property;
  - 8.2.10 provide relevant data to support Council's strategic planning and policies;
  - 8.2.11 actively participate in relevant Council Committees as requested;
  - 8.2.12 promote Council support to customers, other community services and the media in a positive manner;
  - 8.2.13 include Council's branding in relevant promotional material;
  - 8.2.14 abide by the terms and conditions of lease documents;
  - 8.2.15 continue to foster a relationship with past stakeholders to Home Hill to maximise opportunities to attract relevant items of the collection;
  - 8.2.16 maintain a consistent approach to opening hours and ensure that they are well publicised;
  - 8.2.17 provide advice regarding local heritage projects and/or activities;
  - 8.2.18 ensure that Home Hill has a presence at the annual Tasmanian Heritage Festival;
  - 8.2.19 establish a mechanism to determine visitor numbers including group types and visitor feedback;
  - 8.2.20 provide an annual report to Council of activities undertaken in relation to the Agreement and financial statement which outlines how partnership agreement funds were expended.

**9.0 PERFORMANCE INDICATORS**

The following indicators will assist in measuring the effectiveness of The Agreement.

Indicator	Provided By	Frequency
9.1 Performance against strategies in Devonport Strategic Plan 2009-2030	NTA (Tas)	Annually
9.2 Increased participation by the broader community in Home Hill activities	NTA (Tas)	Annually
9.3 Number activities promoted	NTA (Tas)	Annually
9.4 Level of funding attracted	NTA (Tas)	Annually

**10.0 KEY MILESTONES**

Description	Provided By	Target Date
Payment 1	Council	30 August 2019
Annual report – Year 1	NTA (Tas)	31 July 2020
Payment 2	Council	30 August 2020
Annual report – Year 2	NTA (Tas)	31 July 2021
Payment 3	Council	30 August 2021
Annual report – Year 3	NTA (Tas)	31 July 2022

**11.0 RELATIONSHIP OF THIS AGREEMENT TO OTHER DOCUMENTS**

This Agreement is not intended to supersede or alter existing contractual or other agreements between the Devonport City Council and the National Trust Australia (Tasmania).

**12.0 MANAGING DIFFERENCE, EVALUATION AND REVIEW**

The parties agree to work constructively to honour the terms of this Agreement.

The parties agree that in the event of a party stating that one or more undertakings in the Agreement is not being fulfilled that the parties will use best endeavours to ensure that the undertaking is satisfied or that an alternative solution is agreed.

If the National Trust Australia (Tasmania) otherwise fail to comply with the terms of The Agreement after having been given 30 days notice to rectify then the Council may terminate this Agreement. The National Trust Australia (Tasmania) may terminate the Agreement at any time providing Council with reasoning and 30 days notice. If the Agreement is terminated the National Trust Australia (Tasmania) will refund a proportion of monies paid in the given financial year.

The parties agree to monitor the implementation of the Agreement and evaluate its effectiveness on an annual basis; however The Agreement can be amended with the agreement of both parties at any time.

Two-way feedback and monitoring will be through the Home Hill Property Manager and Council's Community Partnerships Manager.

### 13.0 SIGNATORIES OF THE PARTIES

Executed as an agreement

#### **Signed for on behalf of the Devonport City Council**

Name: Paul West

Position: General Manager

Signature: \_\_\_\_\_

Date: 2019

#### **Signed for on behalf of the National Trust Australia (Tasmania)**

Name: Matthew Smithies

Position: Managing Director

Signature: \_\_\_\_\_

Date: 2019

## 6.0 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Council is required by Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* to include in the Agenda the date and purpose of any Council Workshop held since the last meeting.

Date	Description	Purpose
5 August 2019	Julie Burgess	Comprehensive review of operations 2012-2019.
	Cradle Country Marketing Group	Update
19 August	Audio Recording Policy	Further discussion regarding the review of Council's Audio Recording Policy
	Cradle Coast Authority (CCA)	Review of CCA Representatives Agenda
	Providore Place	Confidential update
	Waterfront Precinct	Update

### RECOMMENDATION

That the report advising of Workshop/Briefing Sessions held since the last Council meeting be received and the information noted.

Author:	Jacqui Surtees	Endorsed By:	Matthew Atkins
Position:	Executive Officer	Position:	Acting General Manager



## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D563539

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

This report details meetings and functions attended by the Mayor.

### BACKGROUND

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions during 18 July and 21 August 2019:

- Attended the Cradle Coast Authority Representatives meeting with members of UTAS Management team
- Conducted private Citizenship Ceremony
- Met with Project Officer for the NW Suicide Prevention Trial Site
- Attended Jazz Festival events
- With Community Services Manager, met with local provider of emergency housing
- Attended local Tourism Association AGM
- Officially opened the Statewide Planners Conference
- Attended Local Government Review forum
- Attended the opening of new exhibitions in the Gallery
- Attended the International Café 1<sup>st</sup> Birthday celebration
- Attended a Suicide Prevention forum hosted by the NW Suicide Prevention Working Group
- With Community Services Manager, met with representatives from Reconciliation Tasmania
- Attended the YFCC HELP Film Festival
- With the Acting General Manager, attended a TasWater quarterly briefing
- Attended the review meeting of the Jazz Festival Taskforce – particularly to thank them for their great contribution to the success of the event
- Meet with DCCI Chair, Dane Layton
- Attended the graduation ceremony of the Young Leaders program (a collaboration between the School of Special Education and Devonport Primary)
- Attended the Homelessness Week display by Anglicare in the Mall
- Attended a YFCC function to recognise Homelessness Week
- Attended the Arboretum Committee meeting
- Attended DCCI function to meet with the Federal Treasurer
- Attended Maidstone Park Controlling Authority meeting
- Mentoring session with Beacon Foundation - Grade 10 students at Reece High
- Attended the first Reflections Café

**Report to Council meeting on 26 August 2019**

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- Attended Beacon Foundation Business Partnership Group meeting
- Attended East Devonport Football Club function – guest Susan Alberti
- Attended Vietnam Veterans Day Service
- Attended Tasmanian Youth Orchestra concert at Latrobe
- Took part in Book Week event at East Devonport Primary School

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That the Mayor's monthly report be received and noted.

## 6.3 GENERAL MANAGER'S REPORT - AUGUST 2019

File: 29092 D561419

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager (or the person acting in the position), 18 July and 21 August 2019. It also provides information on matters that may be of interest to Councillors and the community.

### BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the Act.

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Undertook performance review assessments of relevant staff

#### 2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. As part of the DCCI Industry Group undertook a tour of Don College and met with the Principal and senior staff to discuss educational challenges in the Devonport region.

#### 3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. With the Mayor and Deputy Mayor attended a presentation at the CCA by Professor Rufus Black, Vice-Chancellor of the University of Tasmania, regarding the Cradle Coast Futures Plan.
- 3.2. Attended the Local Government Professionals National Congress in Darwin. The Congress is considered a leading professional development activity for senior local government executives with over 300 attendees from across Australia. Key note speakers included former Western Australian Premier, Geoff Gallop, Grattan Institute CEO, John Daley and former Google Executive and ABC Managing Director, Michelle Guthrie.
- 3.3. With the Mayor, attended the Taswater quarterly Owners Representatives briefing. Following the briefing it was confirmed that Mayor Tony Bisdee will be acting as Chief Owner Representative during an upcoming 6-week period of leave by the current Chief Representative.

3.4. Attended the Cradle Coast General Managers meeting.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

4.1. Attended a Local Government Act reform briefing in Launceston

4.2. Met with representatives from the Department of State Growth (DSG) for an update on changes to the public bus timetables in Devonport. DSG are about to commence a six week consultation period

5. OTHER

5.1. Met with Fairbrother Business Development Manager for an update on the LIVING CITY Waterfront Hotel.

5.2. Met with senior representatives of Tech One for a briefing on the direction of future improvements to Council's core operating system.

5.3. Participated in tender assessment meetings related to the LIVING CITY Waterfront Park project.

**COMMUNITY ENGAGEMENT**

The information included above details any issues relating to community engagement.

**FINANCIAL IMPLICATIONS**

Any financial or budgetary implications related to matters discussed in this report will be separately reported to Council.

There is not expected to be any impact on the Councils' operating budget as a result of this recommendation.

**RISK IMPLICATIONS**

Any specific risk implications will be outlined in the commentary above. Any specific issue that may result in any form of risk to Council is likely to be subject of a separate report to Council.

**CONCLUSION**

This report is provided for information purposes only and to allow Council to be updated on matters of interest.

**ATTACHMENTS**

- [1.](#) Current and Previous Minute Resolutions Update - August 2019
- 2. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential August 2019

**RECOMMENDATION**

That the report of the Acting General Manager be received and noted.

Author:	Matthew Atkins
Position:	Deputy General Manager

## Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
<b>Resolution Title:</b>	<b>Installation of "Pump Track" – East Devonport – Notice of Motion – Cr J Alexiou (D590946)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	134/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Report to be prepared for September workshop
<b>Resolution Title:</b>	<b>AM2019.02 Rezone from the General Industrial and Community Purpose Zones to the General Residential Zone – 117 Tasman Street Devonport (D592288)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	135/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Development Services Manager
<b>Officers Comments:</b>	Documents have been sent to the Planning Commission.
<b>Resolution Title:</b>	<b>Updated Delegations – Land Use Planning and Approvals Act 1993 (D591413)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	136/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Executive Officer Organisational Performance
<b>Officers Comments:</b>	Instruments of Delegation finalised
<b>Resolution Title:</b>	<b>Electric Vehicle Charging Station (D522324)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	137/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Acting General Manager
<b>Officers Comments:</b>	Grant Deed executed
<b>Resolution Title:</b>	<b>Tender Report Contract CT0246-01 Supply, Delivery &amp; Placement of Hotmix Asphalt (D590619)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	138/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Acting General Manager
<b>Officers Comments:</b>	Contract awarded

<b>Resolution Title:</b>	<b>Tender Report Contract CT0246-02 Supply, Delivery &amp; Placement of Sprayed Bituminous Surfacing (D590914)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	139/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Acting General Manager
<b>Officers Comments:</b>	Contract awarded
<b>Resolution Title:</b>	<b>Melaleuca Aged Care – Expansion of Facility (D591095)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	140/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Public land sale/donation process underway.
<b>Resolution Title:</b>	<b>City of Devonport Brass Band – Partnership Agreement (D590461)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	141/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Partnership Agreement executed by City of Devonport Brass Band and Council
<b>Resolution Title:</b>	<b>Devonport Gymnastics Club (D592038)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	142/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Gymnastics Club advised of Council's determination and loan documentation prepared
<b>Resolution Title:</b>	<b>Special Interest/Working Groups – Appointment of Members (D592100)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	143/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	All nominees advised of Council's appointments

<b>Resolution Title:</b>	<b>Levelling the Playing Field Funding Requests (D592287)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	144/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments</b>	Levelling the Playing Field applications submitted
<b>Resolution Title:</b>	<b>FIFA Women's World Cup Bid 2023 – Devonport City Soccer Centre (D592289)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	145/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments</b>	Training Site Agreements executed
<b>Resolution Title:</b>	<b>World Series Para Triathlon Event – Cradle Coast Sports and Events Request for Funding Support (D592300)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	146/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments</b>	Payment of additional funds contingent on successful bid to host World Series Para Triathlon event
<b>Resolution Title:</b>	<b>Christmas Parade and New Year's Eve Events 2019 (D592760)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	147/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments</b>	Planning for both events commenced based on Council's approval of route/venue
<b>Resolution Title:</b>	<b>Council Policies – Biennial Review (GFC 38/19 – 15 July 2019)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	153/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Services
<b>Officers Comments</b>	Audio Recording Policy to be workshopped & brought back to future Council Meeting. All other policies finalised.

<b>Resolution Title:</b>	<b>Purchasing Policy and Code for Tenders and Contracts (GFC 39/19 – 15 July 2019)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	153/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments</b>	Documents finalised.
<b>Resolution Title:</b>	<b>Devonport Regional Gallery Acquisition and Collection Policy (GFC 40/19 – 15 July 2019)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	153/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments</b>	Policy Finalised.
<b>Resolution Title:</b>	<b>193 Melrose Road, Aberdeen – Surrender of Land to the Crown (GFC 41/19 – 15 July 2019)</b>
<b>Date:</b>	22 July 2019
<b>Minute No.:</b>	153/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments</b>	Letter sent to Crown to commence the process

#### Previous Resolutions Still Being Actioned

<b>Resolution Title:</b>	<b>Cruise Ships – Devonport – Notice of Motion – Cr L Laycock (D581749)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	109/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Discussions held with Tasports, Australian Cruise Association and Tourism Tasmania representatives. Information to be presented at the September workshop
<b>Resolution Title:</b>	<b>Proposed Sale of Land – Canning Drive, East Devonport (GFC 21/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	OVG valuation information received and independent market valuation to be undertaken



<b>Resolution Title:</b>	<b>Bike Route Hierarchy (IWC 4/19 – Infrastructure Works and Development Committee - 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Hierarchy adopted.
<b>Resolution Title:</b>	<b>Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)</b>
<b>Date:</b>	22 October 2018
<b>Minute No.:</b>	187/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Discussions commenced with TasPorts – Meeting held 2 August with Commander Bob Curtis
<b>Resolution Title:</b>	<b>Disability/Equal Access and Inclusion (D491448)</b>
<b>Date:</b>	25 September 2017
<b>Minute No.:</b>	181/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Draft Strategy currently out for community input/consultation
<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Convention and Arts Centre Director.
<b>Officers Comments:</b>	Following a meeting with National Trust further review of the garden plan being undertaken by the consultants appointed by National Trust.

## 7.0 SECTION 23 COMMITTEES

### 7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 12 AUGUST 2019

File: 29528 D612686

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

#### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 12 August 2019.

#### ATTACHMENTS

[1.](#) Minutes - Infrastructure Works and Development Committee - 2019/08/12

#### RECOMMENDATION

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 12 August 2019 be received and the recommendations contained therein be adopted.

IWC 27/19 Contract 1335 Waterfront Park Superintendent Consultancy

IWC 28/19 Public Lighting Strategy - Year 5 Status

IWC 29/19 Road Network Strategy - Year 4 Status

IWC 30/19 Dog Management Policy

IWC 31/19 Asset Management Policy

IWC 32/19 Development and Health Services Report

IWC 33/19 Infrastructure and Works Report

Author:	Jacqui Surtees	Endorsed By:	Matthew Atkins
Position:	Executive Officer	Position:	Acting General Manager

**MINUTES OF AN INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING OF THE  
DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137  
ROOKE STREET, DEVONPORT  
ON MONDAY, 12 AUGUST 2019 COMMENCING AT 5:30PM**

**PRESENT:** Cr L Perry (Chairperson)  
Cr G Ennis  
Cr P Hollister  
Cr A Jarman  
Cr L Laycock  
Cr L Murphy

**Councillors in Attendance:**

Cr J Alexiou  
Cr S Milbourne  
Cr A Rockliff

**Council Officers:**

Acting General Manager, M Atkins  
Executive Manager Corporate & Business Services, J Griffith  
Development Services Manager, K Lunson  
Acting Infrastructure and Works Manager, B Perera

**Audio Recording:**

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL**

**3.1 PUBLIC QUESTION TIME**

**RODNEY RUSSELL – 225 STEELE STREET. DEVONPORT**

**Q1** Good repair job on the roof of the Best Street entry to the multi-story carpark and pleased to see the light in the stairs has been fixed. Is it known what caused the damage to the roof, and the light to become unattached?

**Response**

The Chairperson advised that the question would be taken on notice.

**Q2** Now that the Queen Mary Rest Park has been returned to the public, what will Council's answer be to the developer if it is again asked for its use?

**Response**

The Acting General Manager advised that if that request was made Council would make a decision at that point in time.

**DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT**

**Q1** Road repairs. Three patches of road approximately 600mm sq. at the Rooke and Oldaker Streets roundabout, were recently dug up and then patch repaired. Two of the patches are less than adequate with the patch not level with the surrounding surface. When is the Council going to ensure that its contractors and sub-contractors do adequate road repairs and fix this inadequate work?

**Response**

The Acting General Manager advised he would need to look into the specifics of that particular patch, but he assumes it is an area that's being redone as part of the Waterfront development and therefore it was just a temporary patch that was done rather than at significant cost.

**3.2 QUESTIONS FROM COUNCILLORS**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 TENDERS**

**4.1 CONTRACT 1335 WATERFRONT PARK SUPERINTENDENT CONSULTANCY (D603014)**  
**IWC 27/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Jarman

That it be recommended to Council, in relation to Contract 1335 - Waterfront Park Superintendent Consultancy, that Council award the contract to 6TY for the tendered sum of \$9,100 per month (ex GST).

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

<b>5.0 INFRASTRUCTURE AND WORKS REPORTS</b>
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**5.1 PUBLIC LIGHTING STRATEGY - YEAR 5 STATUS (D584150)****IWC 28/19 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Laycock

That it be recommended to Council that the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Devonport City Council Public Lighting Strategy.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Ennis	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.2 ROAD NETWORK STRATEGY - YEAR 4 STATUS (D584154)****IWC 29/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Jarman

That it be recommended to Council that the report of the Infrastructure and Works Manager be received and that the status of actions listed in the Road Network Strategy 2016 be noted.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Ennis	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.3 DOG MANAGEMENT POLICY (D590911)****IWC 30/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Murphy

That it be recommended to Council that Council endorse the revised draft of the Dog Management Policy for a 21-day public consultation period and that a further report be provided to Council regarding any submissions which are received.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Ennis	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.4 ASSET MANAGEMENT POLICY (D593898)****IWC 31/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Murphy

That it be recommended to Council that the revised draft of the Asset Management Policy be adopted.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**6.0 INFRASTRUCTURE AND WORKS BI-MONTHLY UPDATE****6.1 DEVELOPMENT AND HEALTH SERVICES REPORT (D592434)****IWC 32/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Enniss

That it be recommended to Council that the Development and Health Services Report be received and noted.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**6.2 INFRASTRUCTURE AND WORKS REPORT (D592980)****IWC 33/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Laycock

That it be recommended to Council that the Infrastructure and Works report be received and noted.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

There being no further business on the agenda the Chairperson declared the meeting closed at 5:56.

Confirmed

Chairperson

## 7.2 PLANNING AUTHORITY COMMITTEE MEETING - 19 AUGUST 2019

File: 27373 D613279

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 19 August 2019.

### ATTACHMENTS

[1.](#) Minutes - Planning Authority Committee 19/08/2019

### RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 19 August 2019 be received and the recommendations contained therein be adopted.

PAC 14/19 Planning Applications approved under Delegated Authority 24 June 2019 - 8 August 2019

PAC 15/19 PA2019.0107 - 18 Victoria Parade Devonport

Author:	Jacqui Surtees	Endorsed By:	Matthew Atkins
Position:	Executive Officer	Position:	Acting General Manager

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**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE ABERDEEN ROOM, paranapple centre, 137 ROOKE STREET,  
DEVONPORT, ON MONDAY, 19 AUGUST 2019 COMMENCING AT 5:16PM**

**PRESENT:** Cr A Rockliff (Mayor) in the Chair

Cr J Alexiou  
Cr P Hollister  
Cr S Milbourne  
Cr L Murphy  
Cr L Perry

**Councillors in Attendance:**

Cr A Jarman  
Cr L Laycock

**Council Officers:**

Acting General Manager, M Atkins  
Executive Manager Organisational Performance, K Peebles  
Development Services Manager, K Lunson  
Planning Coordinator, S Warren

**Audio Recording:**

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

The following Declaration of Interest was advised:

Cr S Milbourne	4.1	Similar business
Cr L Murphy	4.1	Similar business

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 24 JUNE 2019 - 8 AUGUST 2019 (D607140)**

**PAC 14/19 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Milbourne

That the list of delegated approvals be received.

	For	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY



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Cr Milbourne and Cr Murphy, having declared an interest in the following item 4.1, left the room at 5:18pm

#### 4.0 DEVELOPMENT REPORTS

##### 4.1 PA2019.0107 - 18 VICTORIA PARADE DEVONPORT (D607147)

###### PAC 15/19 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Hollister

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0107 and grant a Permit to use land identified as 18 Victoria Parade, Devonport for the following purposes:

- Permitted: Food Services
- Discretionary: Provision for parking (lesser number of spaces on site)

Subject to the following conditions:

1. The use is to be undertaken in accordance with the operational details submitted by the applicant, details of which are attached and endorsed as documents forming part of this Planning Permit. These include but are not limited to ensuring that:
  - (a) The maximum number of seats for the Food services use (café/coffee bar) is not to exceed 20 placements;
  - (b) Five (5) dedicated car parking spaces for the Food services use (café/coffee bar) are to be maintained on site;
  - (c) Suitable directional signage is placed to encourage customers to park on site.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code.

The developer is to obtain the necessary building and plumbing approvals and provide the required notifications and certifications in accordance with the *Building Act 2016* prior to commencing operation of the cafe. A referral to TasWater may be required to determine any trade waste requirements.

As the activities of the business include the handling and sale of food, the business operator must contact the Council to confirm their requirements under the Food Act 2003.

	For	Against		For	Against
Cr Rockliff	✓		Cr Hollister	✓	
Cr Alexiou	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

Cr Milbourne and Cr Murphy returned to the room at 5:20pm

**With no further business on the agenda the Chairperson declared the meeting closed at 5:20pm.**

Confirmed

Chairperson

Minutes of Planning Authority Committee meeting held 19 August 2019

**8.0 CLOSED SESSION****RECOMMENDATION**

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session.

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
8.1	Confirmation of Closed Minutes – Council Meeting – 22 July 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Unconfirmed Minutes – Joint Authorities	15(2)(g)
8.4	Lease – 21 Oldaker Street	15(2)(b)
8.5	Providore Place Cooking Centre Lease	15(2)(c)
8.6	Providore Place	15(2)(c).(i)

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## OUT OF CLOSED SESSION

### RECOMMENDATION

That Council:

- (a) having met and dealt with its business formally move out of Closed Session; and
- (b) resolves to report that it has determined the following:

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 22 July 2019	
8.2	Application for Leave of Absence	
8.3	Unconfirmed Minutes - Joint Authorities	
8.4	Lease - 21 Oldaker Street	
8.5	Providore Place Cooking Centre Lease	
8.6	Providore Place	

## 9.0 CLOSURE

There being no further business the Chair declared the meeting closed at ..... pm.