



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 23 September 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.

Paul West
GENERAL MANAGER

18 September 2019

October 2019

Meeting	Date	Commencement Time
Infrastructure Works and Development	14 October 2019	5:30pm
Council Meeting	28 October 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 23 SEPTEMBER 2019 IN THE ABERDEEN ROOM, paranapple centre, 137
ROOKE STREET, DEVONPORT AT 5:30PM**

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Agenda of an ordinary meeting of the Devonport City Council to be held in the Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport on Monday, 23 September 2019 commencing at 5:30pm.

PRESENT

		Present	Apology
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.

Cr P Hollister	Leave of Absence
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2.0 DECLARATIONS OF INTEREST

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 26 AUGUST 2019

RECOMMENDATION

That the minutes of the Council meeting held on 26 August 2019 as previously circulated be confirmed.

3.1.2 SPECIAL COUNCIL MEETING - 9 SEPTEMBER 2019

RECOMMENDATION

That the minutes of the special Council meeting held on 9 September 2019 as previously 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 D561279

Responses to questions raised at prior meetings are attached.

ATTACHMENTS

1. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20190826 - Douglas Janney
2. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20190826 - Trevor Smith
3. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20190826 - Malcolm Gardam
4. GMGOV - Letter - Response to Question Without Notice - GFCS 20190916 - Bob Vellacott

RECOMMENDATION

That the responses to questions from Mr Douglas Janney, Mr Trevor Smith and Mr Malcolm Gardam at the 26 August 2019 Council meeting and Mr Douglas Janney at the 16 September 2019 Governance Finance and Community Services meeting be noted.

Author:	Paul West
Position:	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

2 September 2019

In reply please quote:

File 35817

Douglas Janney
23 Watkinson Street
DEVONPORT TAS 7310

Dear Mr Janney

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 AUGUST 2019

I refer to your questions raised at the Council Meeting on Monday 26 August and provide the following responses:

Q1.

Some time ago the Council was measuring gas flow from the old tip site at the Transfer Station. What was the outcome of that measuring assessment?

Response

It is understood that monitoring was undertaken by or on behalf of the Environmental Protection Authority (EPA). No correspondence was received from the EPA, so it is assumed measurements were within acceptable limits.

Yours sincerely

Matthew Atkins
ACTING GENERAL MANAGER

*The City with Spirit*



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2 September 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 26 AUGUST 2019

I refer to your questions raised at the Council Meeting on Monday 26 August and provide the following responses:

Q1.

Earlier this year, your workers did a reseal at 117 Best Street Devonport, as the bitumen was starting to deteriorate. Will you be doing the same, replacing the temporary seal at 168-170 Best Street, as this section is starting to break up as well?

Response

The area of Best Street has been inspected this week. Minor repairs were completed and further work on the road surface has been scheduled in accordance with Council's Roads, and Stormwater Service Level document. The main areas to be addressed are the cracked areas adjacent to the existing patches, rather than the patches themselves.

Q2. a

Under Australian Standards AS1657, the maximum height for steps is 225mm, your steps onto the stage, for Gospel Song, which was held on the 3rd floor of the paranapple centre, on the 25th of July, were at least 400mm high. This created a great risk for the elderly members of the 11 Choirs, who had to step up onto the various levels of the stage. It was observed, that you had to have volunteers assisting the elderly members of each Choir onto these higher steps and off these steps, after each performance! One would have thought when this Council employs engineers in this building, they would have come up with a safer design. Why doesn't safety of the public have a higher priority? If the stage setup works at the Don Centre, which is a much smaller venue, it should be able to happen here as well. If the stage area has to protrude further out into the audience, so be it, for the safety of the Choir members.

Response

Council's pro-stage, a certified adjustable staging system, was installed to resemble choir risers, with platforms set at increments of 300mm. The choir members accessed the platforms by walking up the face of the choir risers rather than steps. Assistance was provided where necessary and handrails were employed for the 900mm stage risers. This set up was at the request of the hirer.

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Q2. b

How can injuries be avoided from the revolving door, to the entrance and exit, of the paranple centre? An elderly patron was injured by this door, on the night of Gospel Song. One injury is one too many for ratepayers of this City. You don't have a revolving door, on the Rooke Street entrance, which works fine without one, so why do we have to have a revolving door, is it for prestige, as it is the only one in Devonport? Do we just let patrons get knocked over, when you have large events like this? Does it come down to cost once more, to rectify this situation?

Response

Council is comfortable that the revolving door at the western end of the paranple centre meets the necessary design standards and is a suitable style of door for the intended purpose. If patrons do not wish to use the revolving door, there are doors either side of the revolving door that may be used instead.

Q2. c

What can be done about the speed settings of the escalators, in the paranple centre? On the same night, of the Gospel Song concert, a member of the public was also injured from exiting the escalator, this isn't the first time this has happened. Will the speed settings be decreased, and signage put in place, to warn the elderly, to watch their step exiting the escalators?

Response

Some additional signage to assist in use of the escalators has been ordered and will be installed in coming weeks.

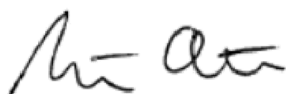
Q3.

With regards to the Gospel song night, could each of the choirs that are singing on the night be live streamed to the Council meeting rooms? This would allow the singers to visually watch the other performers sing their songs. If it can be done at the Don Centre Church in previous years, it should be able to happen at the paranple centre.

Response

The paranple convention centre is capable of live streaming events to Council meeting rooms and to the big screen in Market Square. This service is offered to event organisers should they wish to include it as part of the package for their event.

Yours sincerely



Matthew Atkins
ACTING GENERAL MANAGER



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2 September 2019

In reply please quote:

File 35817

Malcolm Gardam
4 Beaumont Drive
DEVONPORT TAS 7310

Dear Mr Gardam

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 AUGUST 2019

I refer to your questions raised at the Council Meeting on Monday 26 August and provide the following responses:

Q1.

Seeing as Council has previously proffered, that there was a 10 year head lease agreement and categorically stated the revenue for the site would be indeed \$400,000 per year will you now inform has that amount been paid?

Response

Rent details relating to Providore Place were determined in Closed session of Council and remain confidential.

Q2.

This question relates to the various aspects of the Tasmanian Land Titles Office Transfer M732386 which records a Duty payment of \$490,185 for the land title transfer of the New Crown Premises within the paranapple centre building, including a proportion of the land the building sits on. Will Council confirm if this payment was made by Council and if so how much did the Crown reimburse Council and was the Duty of \$490,185 included in and expended/accounted against the Stage 1 budget allowances?

Response

I confirm that Council has not been required to pay the transfer duty.

Yours sincerely

Matthew Atkins
ACTING GENERAL MANAGER

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17 September 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 16 SEPTEMBER 2019

I refer to your question taken on notice at the Governance, Finance & Community Services Committee meeting on Monday 16 September 2019 and provide the following response:

Question

In regard to the new Head Lease agreement what operational and outgoing costs will Devonport ratepayers be now responsible for the building internally and externally, ie – Council and TasWater rates, power, gas, insurance, maintenance, cleaning and any other costs. What is written in the lease, are we going to be stung for TasWater rates?

Response

The appropriate process would be for a Right to Information (RTI) request to be submitted outlining all the various components (or in fact requesting the whole lease) for which details are sought. The request can then be assessed and considered in accordance with Council's statutory obligations under the *Right to Information Act 2009*.

Yours sincerely

Paul West
GENERAL MANAGER

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3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 27452 D561314

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE MIANDETTA

Questions on notice received from Mr Malcolm Gardam 16 September 2019 **are reproduced as attachment 1.**

- Q1.** a) Was the \$13 million the final amount provided as the cash contribution towards construction of the multipurpose building and specifically the new Library/Service Tasmania premises?

Response

Yes.

- b) Did the \$13 million include an allowance for the purchase of the land that the new Library/Service Tasmania premises is built on and has now been transferred to ownership by the Crown, and if so how much?

Response

Not specifically.

- c) Did the \$13 million make any consideration as to a trade-off for Council taking ownership of the Oldaker Street Library/LINC site reported as "valued at \$1 million"?

Response

No.

- d) What was the initial amount of the Council "funding ask" made of State Government having not been applied for through a normal funding application process? (Council has previously advised that the initial grant application to the Federal Government was for \$9,999,999)

Response

\$10M plus the LINC and Magistrates Court properties.

- e) When was this particular "funding ask" first made to the State Government?

Response

Around 2014 in the lead up to the State Election.

- f) Has all of the State Government funding been expended through the Stage 1 design and construct contract and accounted for within the disclosed Stage 1 costs?

Response

Yes.

- Q2.** The Devonport Living City State Government Development Agreement signed 8th December 2016, also stated that "*Within 20 Business Days of this Agreement the Minister must make a grant to the Council of \$2,000,000 (plus GST) to support the New Crown Premises Fitout.*" Notwithstanding the "grant to Council" is in fact a grant to the Crown specifically towards its own New Crown Premises Fitout; was the \$2 million as mentioned "*...to support the New Crown Premises Fitout.*" also expended through the Stage 1 design and construct contract and accounted for within the disclosed Stage 1 costs?

Response

Yes.

- Q3.** Assuming this process has now been completed, **notwithstanding those costs against budget should have been readily available at the time, I repeat the question** "While realising that the costs for purchase and demolition of the old Repco building and demolition of the old police station are not included could you please provide the actual final costs by structure and inclusive of the "other project costs" now that Stage 1 is completed? Please confirm if Market Square costs are included and if combined with a structure then which one.

Response

As at 30 June 2019 the breakdown of actual costs for Stage 1 were:

paranaple centre	\$45.6M
Multi-level Car Park	\$14.0M
Food Pavilion and Market Square	\$10.5M
Total:	\$70.1M

- Q4.** The General Manager has repeatedly advised on questioning that cumulative costing for the Living City project is not undertaken as it has not been requested by councillors. Living City is also repeatedly reported as being a \$250 million dollar project. (while no such awarded project exists as such). Will Council please advise why important cumulative costing has not been requested in order to keep track of the total ratepayer contribution to Living City for what has to date been little more than a tax/rate payer funded building stimulus?

Response

To date it has not been deemed important and/or necessary.

- Q5.** Page 18 last paragraph of the Devonport Living City Master Plan, dated August 2014, states "*Development is expected to progress over a five to 10- year period as determined by funding, private investment and economic capacity.*" In recent times Council is regularly promoting the Living City as a 10 to 20 year project; accordingly, will the Mayor explain why the massive increase to the stated time to realise what were no more than unsubstantiated benefits and why should the people of Devonport believe you when Council and its advisors have been unable, at the time of approving the Living City Master Plan, to accurately predict a lack of market demand for the "new northern retail precinct" and the struggling food pavilion (Providore Place on ratepayer funded life support) between 2 and 5 years out; while bullishly representing to the community that developers/retailers and food pavilion tenants were queuing up?

Response

LIVING CITY continues to evolve. The timeframes provided have always been indicative. Noting your selective quoting from the Masterplan "*development is expected to progress over a five to 10 year period*" the evidence illustrates it has significantly progressed during the past 5 years with the completion of Stage 1 works and the soon to commence Waterfront Park and Hotel.

- Q6.** At the 26th August 2019 ordinary meeting at Item 8 (Closed Session), when about to put the motion to move into closed session, the Mayor was queried by Councillor Jarman as to the motion wording "does it need to say that we are recording this?" to which the Mayor responded "NO" Accordingly, the question is were either or both the Closed Sessions of the 26th August 2019 and the "Special Confidential Council Meeting" of the 9th September 2019 audio recorded?

Response

Yes.

- Q7.** On the 23rd August 2019 I requested of the Acting General Manager, "Could you please provide me an unredacted copy of the Federal Government Funding Deed of Agreement for the waterfront parklands development. I note that the Federal Government previously agreed to the earlier release of the Funding Deed of Agreement for Stage 1." From memory that document was provided in far less time than this request is taking. Accordingly, will the Acting General Manager please explain precisely where the request is at and why the protracted timeframe in relation to releasing this document?

Response

Following receiving advice from the Federal Government confirming their approval for the release of the document on 11 September 2019 it has subsequently been provided.

- Q8.** a) Did Council engage a legal practitioner to review the initial head lease agreement before negotiating an assumed replacement lease agreement?
[Please correct if not a replacement lease agreement]

Response

Yes - the initial head lease agreement was surrendered, and a new lease agreed.

- b) Is the new lease agreement still a head lease agreement for the food pavilion excluding the TasTafe cooking school premises?

Response

Yes.

- c) In moving to a new lease agreement did senior staff engage a legal practitioner to provide a review of the new head lease agreement and offer that report to councillors as part of deliberations for moving to the new lease agreement?

Response

Yes.

- d) The Advocate article stated in relation to the new lease "On top of the rent all the operating costs and outgoings are the responsibility of PPD Pty Ltd." Accordingly, will Council please confirm that prior to the new lease agreement being signed that "...all the operating costs and outgoings" have been paid by Providore Place Devonport Pty Ltd or has Council (ratepayers) contributed in cash or kind to those costs and if so how much?

Response

Responsibility for operating cost are outlined within the lease agreement. It would be appropriate for a Right to Information (RTI) request to be submitted outlining all the various components, including the above, for which details are sought. The request can then be assessed and considered in accordance with Council's statutory obligations under the *Right to Information Act 2009*.

- Q9.** a) The article reported that "The Council said the rent break down was \$280,000 for the period from July 2018 to July 2019 which includes the rent the council previously waived and the \$179,000 amount it was still owed for the period from February until August." Will council please clarify that:

- i what proportion of the \$280,000 was for "...the rent the council previously waived...."? ; and

Response

\$163,333 (excluding GST).

- ii what was the precise period that applied to "...the rent the council previously waived...." appearing as it reads to be before July 2018?

Response

From 1 July 2018.

- b) The article also reports that "*The new commercial lease it signed requires Providore Place Devonport Pty Ltd to pay the council \$230,000 for the period until October 2021.*" Accordingly, will council please clarify if this statement is referring to a per annum amount or total amount over the period?

Response

\$230,000 is the total rent payable from 1 October 2019 to 1 October 2021.

MR GRAEME NEVIN – 145 PERCY STREET, DEVONPORT

Questions on notice received from Mr Graeme Nevin 16 September 2019 **are reproduced as attachment 2.**

- Q1** a) Has the crown (state government) executed the transfer document and provided same to Council?

Response

Yes.

- b) What is the reason for the delay in registration of the transfer?

Response

The LIST updating is not a Council responsibility.

- Q2** Is there a written agreement between Council and the crown for the purchase/sale of 21 Oldaker Street Devonport?

Response

Yes.

- Q3** If yes:

- a) What is the date of the agreement?

Response

19 November 2017.

- b) Will Council make available for inspection a copy of the agreement?

Response

You are at liberty to make a Right to Information request (RTI) for access to the agreement. Your request can then be processed in accordance with Council's statutory obligations under the *Right to Information Act 2009*.

- Q4** a) Did Council obtain a valuation by a qualified valuer before agreeing to reduced rental amount?
- b) If not, why didn't Council do so?

Response

The valuation report dated 24 May 2016 was considered to still be valid in relation to this matter.

- c) If yes, will Council release a copy of the valuation report?
- d) Does the New Lease include either a director guarantee clause or cross guarantee to secure the payment of rent by any person or entity other than the Providore Place Devonport Pty Ltd?
- e) If the answer to question 1 (d) is no, how has Council secured the payment of rent under the New Lease, particularly as the tenant has failed to pay rent over a significant period under the Original Head Lease?
- f) Has the Original Head Lease been surrendered or extinguished?
- g) Has the Original Head Lease been varied to form the New Lease?

Response

The appropriate process would be for a Right to Information (RTI) request to be submitted outlining all the various components (or in fact requesting the whole lease) for which details are sought. The request can then be assessed and considered in accordance with Council's statutory obligations under the *Right to Information Act 2009*.

- Q5** Prior to approving the New Lease, did Council obtain a report from a qualified person verifying that Providore Place Devonport Pty Ltd has the income/assets and capacity to pay the rent under the New Lease?

Response

Council only relied upon extensive legal advice in developing the new lease.

- Q6** a) does the new lease contain any provision:
- (i) giving the tenant a right to purchase the building at a set price?
 - (ii) giving the tenant a proportion of the sale price of the building if sold by Council?
 - (iii) regarding naming rights for the building?
 - (iv) requiring the Council to promote the premises?
 - (v) regarding dispute resolution similar to the Original Head Lease?
 - (vi) requiring Council to facilitate the reduction of the tenants operating costs?
 - (vii) requiring payment of rates by the tenant?

Response

Refer response to question 4 (c), (d), (e), (f) and (g).

- Q7** a) Did Council pass a motion to either evict Providore Place Devonport Pty Ltd or to retake possession of the premises?
- b) Was this brought to the attention of the tenant?
 - c) Did the tenant dispute the interpretation of rent under the Original Head Lease and refer the matter to arbitration?
 - d) Was the dispute referred to arbitration by Council?
 - e) Was an arbitrator agreed?

- f) Did the matter proceed to arbitration or was arbitration ceased as a result of the granting of the New Lease?
- g) Who proposed the New Lease?
- h) Do the terms of the New Lease represent the entirety of the obligations by Council to the Providore Place Devonport Pty Ltd (PPD) or is there any payment required to be made by Council to PPD or any other advantage or benefit including offer to engage/employ PPD to provide services to the Council.

Response

Most of the information you have requested was considered by Council in Closed Session. As such those discussions and decisions remain confidential unless the Council determines otherwise. In relation to part h) of your question you are referred to the responses provided earlier relating to a Right to Information request.

- Q8** Before writing off rental debt owed by Providore Place Devonport Pty Ltd to Council under the Original Head Lease did Council receive a certificate from the General Manager under S76(2) of the Local Government Act 1993?

Response

Council has yet to determine its position on writing off the outstanding debt.

- Q9** Did the General Manager recommend to Council that:

- a) Council not proceed to arbitration?
- b) Council enter the New Lease?
- c) Council write off any rental debt?

Response

Your question seeks the disclosure of information provided to Council in Closed Session. As such, unless determined otherwise by the Council, that information remains confidential.

- Q10** Did Council obtain a valuation under Section 177(2) of the *Local Government Act 1993* before agreeing to sell part of the "paranaple center" to the crown (state government)?

Response

The Development Agreement between the Council and the State Government was prepared by Crown Law and underwent extensive independent legal review. Due to the unique nature of the Development Agreement and the extensive negotiations and discussions with the State Government to finalise it, no separate valuation was sought.

ATTACHMENTS

1. GMGOV - Questions On Notice - Council Meeting - 23 September 2019 - Malcolm Gardam
2. GMGOV - Questions on Notice - Council Meeting - 23 September 2019 - Graeme Nevin

RECOMMENDATION

That Council in relation to the correspondence received from Mr Malcolm Gardam and Mr Graeme Nevin endorse the responses proposed and authorise their release.

Author:	Paul West
Position:	General Manager

15th September 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 23rd September 2019.

Q1. It was reported in the Mercury newspaper on the 10th December 2015 that *“The state government today announced it would give the Devonport City Council’s Living City project **\$13 million in a package which includes cash and land**. The contribution follows \$10 million given to the project by former Prime Minister Tony Abbott when he visited Tasmania in May.”* The article went on to later state *“About \$10 million of the State Government’s package will go towards the construction of a new multipurpose centre (paranple centre) at the heart of the development. Another \$2 million will be used to fit out of new LINC and Service Tasmania offices within the centre. The land on which the existing LINC is situated, valued at \$1 million, will be transferred to the council so a retail development can be built.”*

The Devonport Living City State Government Development Agreement signed 8th December 2016 also cited the contribution as being \$13 million; accordingly, **will council please advise as to each of the following as separate questions and requiring separate responses:**

- a) Was the \$13 million the final amount provided as the cash contribution towards construction of the multipurpose building and specifically the new Library/Service Tasmania premises?
- b) Did the \$13 million include an allowance for the purchase of the land that the new Library/Service Tasmania premises is built on and has now been transferred to ownership by the Crown, and if so how much?
- c) Did the \$13 million make any consideration as to a trade-off for Council taking ownership of the Oldaker Street Library/LINC site reported as *“valued at \$1 million”*?

- d) What was the initial amount of the Council “funding ask” made of State Government having not been applied for through a normal funding application process? (Council has previously advised that the initial grant application to the Federal Government was for \$9,999,999)
- e) When was this particular “funding ask” first made to the State Government?
- f) Has all of the State Government funding been expended through the Stage 1 design and construct contract and accounted for within the disclosed Stage 1 costs?

Q2. The Devonport Living City State Government Development Agreement signed 8th December 2016, also stated that *“Within 20 Business Days of this Agreement the Minister must make a grant to the Council of \$2,000,000 (plus GST) to support the New Crown Premises Fitout.”* Notwithstanding the *“grant to Council”* is in fact a grant to the Crown specifically towards its own New Crown Premises Fitout; was the \$2 million as mentioned *“...to support the New Crown Premises Fitout.”* also expended through the Stage 1 design and construct contract and accounted for within the disclosed Stage 1 costs?

Q3. On the 11th July 2019 I requested the final costs against adopted budgets for the main structures within Living City Stage 1. The Council response at that time was *“The breakdown in actual costs between the various components of Stage 1 are being finalised as part of the capitalisation process associated with the Annual Financial Reporting. Knowing how you like to rely on the accuracy of information provided, until the Financial Statements are completed and have been subjected to audit it would be premature to provide the information requested.”*

Assuming this process has now been completed, **notwithstanding those costs against budget should have been readily available at the time, I repeat the question** “While realising that the costs for purchase and demolition of the old Repco building and demolition of the old police station are not included could you please provide the actual final costs by structure and inclusive of the “other project costs” now that Stage 1 is completed? Please confirm if Market Square costs are included and if combined with a structure then which one.

Q4. The General Manager has repeatedly advised on questioning that cumulative costing for the Living City project is not undertaken as it has not been requested by councillors. Living City is also repeatedly reported as being a \$250 million dollar project. (while no such awarded project exists as such) Will Council please advise why important cumulative costing has not been requested in order to keep track of the total ratepayer contribution to Living City for what has to date been little more than a tax/rate payer funded building stimulus?

Q5. Page 18 last paragraph of the Devonport Living City Master Plan, dated August 2014, states *“Development is expected to progress over a five to 10- year period as determined by funding, private investment and economic capacity.”* In recent times Council is regularly promoting the Living City as a 10 to 20 year project; accordingly, will the Mayor explain why the massive increase to the stated time to realise what were no more than

unsubstantiated benefits and why should the people of Devonport believe you when Council and its advisors have been unable, at the time of approving the Living City Master Plan, to accurately predict a lack of market demand for the “new northern retail precinct” and the struggling food pavilion (Providore Place on ratepayer funded life support) between 2 and 5 years out; while bullishly representing to the community that developers/retailers and food pavilion tenants were queuing up ?

- Q6.** At the 26th August 2019 ordinary meeting at Item 8 (Closed Session), when about to put the motion to move into closed session, the Mayor was queried by Councillor Jarman as to the motion wording “does it need to say that we are recording this?” to which the Mayor responded “NO” Accordingly, the question is where either or both the Closed Sessions of the 26th August 2019 and the “Special Confidential Council Meeting” of the 9th September 2019 audio recorded?
- Q7.** On the 23rd August 2019 I requested of the Acting General Manager, *“Could you please provide me an unredacted copy of the Federal Government Funding Deed of Agreement for the waterfront parklands development. I note that the Federal Government previously agreed to the earlier release of the Funding Deed of Agreement for Stage 1.”* From memory that document was provided in far less time than this request is taking. Accordingly, will the Acting General Manager please explain precisely where the request is at and why the protracted timeframe in relation to releasing this document?
- Q8.** With reference to The Advocate article titled “Lease Loss” and Providore’s new lease deal”, dated Friday 13/9/19, **will council please advise as to each of the following as separate questions and requiring separate responses:**
- a) Did Council engage a legal practitioner to review the initial head lease agreement before negotiating an assumed replacement lease agreement? [Please correct if not a replacement lease agreement]
 - b) Is the new lease agreement still a head lease agreement for the food pavilion excluding the TasTafe cooking school premises?
 - c) In moving to a new lease agreement did senior staff engage a legal practitioner to provide a review of the new head lease agreement and offer that report to councillors as part of deliberations for moving to the new lease agreement?
 - d) The Advocate article stated in relation to the new lease *“On top of the rent all the operating costs and outgoings are the responsibility of PPD Pty Ltd.”* Accordingly, will Council please confirm that prior to the new lease agreement being signed that *“...all the operating costs and outgoings”* have been paid by Providore Place Devonport Pty Ltd or has Council (ratepayers) contributed in cash or kind to those costs and if so how much?

Q9. With reference to The Advocate article “Council clarifies lost rent figure” dated Saturday 14/9/18, **will council please advise as to each of the following as separate questions and requiring separate responses:**

- a) The article reported that “*The Council said the rent break down was \$280,000 for the period from July 2018 to July 2019 which includes the rent the council previously waived and the \$179,000 amount it was still owed for the period from February until August.*” Will council please clarify that:
 - i. what proportion of the \$280,000 was for “*...the rent the council previously waived....”*; and
 - ii. what was the precise period that applied to “*...the rent the council previously waived....”* appearing as it reads to be before July 2018?
- b) The article also reports that “*The new commercial lease it signed requires Providore Place Devonport Pty Ltd to pay the council \$230,000 for the period until October 2021.*” Accordingly, will council please clarify if this statement is referring to a per annum amount or total amount over the period?

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

Yours sincerely,

Malcolm Gardam

CC: Mayor & Councillors

Mr G Nevin
145 Percy Street
Devonport 7310
15/09/2019

Devonport City Council
137 Rooke Street
Devonport Tas 7310

ATTENTION: Mr. P West – General Manager
Mayor & Councillors

RE: Questions on notice Council Meeting 23rd September 2019

The following questions on notice are submitted for the next Ordinary Meeting of Council scheduled for Monday 23rd September 2019.

In the following questions:

“Original Head Lease” refers to the lease between Devonport City Council and Providore Place Devonport Pty Ltd regarding Providore Place approved in October 2016

“New Lease” refers to the new lease between the Devonport City Council and Providore Place Devonport Pty Ltd.

- 1 It has been reported that Council has leased the premises at 21 Oldaker Street Devonport. As at 15.09.2109 Land Information Systems Tasmania search indicates that the properties comprising 21 Oldaker Street Devonport are still held by the crown.
 - a. Has the crown (state government) executed the transfer document and provided same to Council?
 - b. What is the reason for the delay in registration of the transfer?
- 2 Is there a written agreement between Council and the crown for the purchase /sale of 21 Oldaker Street Devonport ?
- 3 If yes:
 - a. What is the date of the agreement?
 - b. Will Council make available for inspection a copy of the agreement?

-
- 4 It has been reported recently that Council has entered a New Lease at a reduced rental from that in the Original Head Lease:
- (a) Did Council obtain a valuation by a qualified valuer before agreeing to reduced rental amount?
 - (b) If not, why didn't Council do so?
 - (c) If yes, will Council release a copy of the valuation report?
 - (d) Does the New Lease include either a director guarantee clause or cross guarantee to secure the payment of rent by any person or entity other than the Providore Place Devonport Pty Ltd?
 - (e) If the answer to question 1 (d) is no, how has Council secured the payment of rent under the New Lease, particularly as the tenant has failed to pay rent over a significant period under the Original Head Lease?
 - (e) Has the Original Head Lease been surrendered or extinguished?
 - (f) Has the Original Head Lease been varied to form the New Lease?
5. Prior to approving the New Lease, did Council obtain a report from a qualified person verifying that Providore Place Devonport Pty Ltd has the income/assets and capacity to pay the rent under the New Lease?
6. It has been reported that the New Lease is only a "commercial lease":
- (a) does the new lease contain any provision:
 - (i) giving the tenant a right to purchase the building at a set price?
 - (ii) giving the tenant a proportion of the sale price of the building if sold by Council?
 - (iii) regarding naming rights for the building?
 - (iv) requiring the Council to promote the premises?
 - (v) regarding dispute resolution similar to the Original Head Lease?;
 - (vi) requiring Council to facilitate the reduction of the tenants operating costs?
 - (vii) requiring payment of rates by the tenant?
7. It has been reported that there has been a long running dispute between Council and Providore Place Devonport Pty Ltd and that rent has not been paid. As many standard leases of commercial premises include a default clause allowing the landlord the ability to retake possession of the premises for continued non payment of rent (ie evict the

tenant), and a dispute resolution clause providing referral to arbitration if a dispute is not resolved promptly, answers to the following questions are requested. [It is noted that Council has previously advised the Original Head Lease was prepared using standard lease terms].

- (a) Did Council pass a motion to either evict Providore Place Devonport Pty Ltd or to retake possession of the premises?
 - (b) Was this brought to the attention of the tenant?
 - (c) Did the tenant dispute the interpretation of rent under the Original Head Lease and refer the matter to arbitration?
 - (d) Was the dispute referred to arbitration by Council?
 - (e) Was an arbitrator agreed?
 - (f) Did the matter proceed to arbitration or was arbitration ceased as a result of the granting of the New Lease?
 - (f) Who proposed the New Lease ?
 - (g) Do the terms of the New Lease represent the entirety of the obligations by Council to the Providore Place Devonport Pty Ltd (PPD) or is there any payment required to be made by Council to PPD or any other advantage or benefit including offer to engage/employ PPD to provide services to the Council.
8. Before writing off rental debt owed by Providore Place Devonport Pty Ltd to Council under the Original Head Lease did Council receive a certificate from the General Manager under S76(2) of the Local Government Act 1993?
- 9 Did the General Manager recommend to Council that:
- a) Council not proceed to arbitration?:
 - b) Council enter the New Lease?;
 - c) Council write off any rental debt ?
10. Did Council obtain a valuation under Section 177 (2) of the Local Government Act 1993 before agreeing to sell part of the “paranaple center” to the crown (state government) ?

Regards,

Graeme Nevin

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.

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 TENDER REPORT CB0082 WATERFRONT PARK CONSTRUCTION

File: 27373 D612472

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.4.1 Implement initiatives from the LIVING CITY Master Plan

SUMMARY

This report seeks approval to award Contract CB0082 Waterfront Park Construction to Vos Construction and Joinery Pty Ltd for a lump sum of \$16,811,297 (exc. GST).

BACKGROUND

Since the LIVING CITY Master Plan was adopted by Council in September 2014, Council has been progressing the development of the Master Plan actions. With Stage 1 now complete, Council has agreed to continue with the construction of the next key component, the Waterfront Precinct.

The Precinct consists of two elements, being a privately developed hotel and a Council developed public park.

Council has entered into a land sale contract with Fairbrother Pty Ltd on the basis they develop the hotel. The most recent update from Fairbrother indicates that construction of the hotel is expected to commence in November 2019.

The LIVING CITY Waterfront Park site is bounded by Rooke Street, Best Street, Mussel Rock and the Mersey River. The public open space aims to create an interactive parkland from Rooke Street to the river edge, based around three main spines or promenades providing clear visual lines between the city centre and the river. The southernmost promenade is elevated over Formby Road and the railway line to the river's edge. The central and northern promenades are located at ground level and include pedestrian crossings over Formby Road, Rooke Street and Best Street.

Key elements with the Waterfront Park include:

- Nature Based Playspace
- Barbecue shelter and public toilets
- Geo Garden
- Elevated Walkway
- Tasmanian Parkland
- Coastal Promenade
- Geo Walk
- Rotunda
- Bus Shelters
- Civic and Art Axis walkways
- Formby Road and Rooke Street road works
- Oldaker Street Stormwater catchment upgrade.

The Waterfront Park design has evolved over the last four years and included several phases of community consultation. The final iteration of the design was approved by Council at its meeting in February 2019, allowing documentation to be completed and the formal tender process to commence in May 2019.



Aerial view of Proposed Waterfront Park

Following an open expression of interest process, four suitably qualified construction contractors were accepted to progress to the second and final phase of the tender process in June 2019. This report presents the outcome of the process.

STATUTORY REQUIREMENTS

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted Code for Tenders and Contracts when considering awarding tenders over the prescribed amount.

DISCUSSION

In accordance with Council's Code for Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were received from three companies. The fourth selected tenderer, Fulton Hogan Pty Ltd withdrew from the process and did not submit a tender. All tenders received were conforming tenders and are summarised in table 1.

TABLE 1

No.	Tender	Status	Tender Price (ex GST)
1	Vos Construction & Joinery Pty Ltd	Conforming	19,710,840
2	Fairbrother Pty Ltd	Conforming	21,490,626
3	Hazell Bros Group Pty Ltd	Conforming	22,817,602

The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being;

- Methodology
- Price

The selection criteria for “Relevant Experience” and “Quality, Safety and Environmental Management” were evaluated as part of the first phase of procurement, the EOI process.

The evaluation by the Committee indicated that Vos Construction & Joinery (Vos) scored highest overall against the selection criteria and therefore offered Council the best value for money.

Following the determination that Vos provided the best value for money an extensive value management process was undertaken in conjunction with the design consultants, project superintendent and Council officers to ensure the final construction price was within the available budgetary allocations.

As a result of material selection changes, building efficiencies and engineering methodologies, significant cost saving have been identified and agreed during the value management process without impacting on the design intent of the project.

Throughout the design phase Council engaged a Quantity Surveyor to help manage the design budget. Shortly after the tenders closed Vos provided a copy of their full estimate breakdown which allowed the Quantity Survey to confirm that the post tender negotiated savings offered by Vos aligned with the initial tendered rates.

The Tender Planning and Evaluation Committee minutes are available for Councillors to view, upon request.

Works are scheduled to commence during October 2019 and likely to be completed by Spring 2021.

Included within the scope of works of this contract is the redevelopment of Rooke Street (Oldaker to Best) and upgrades to the Oldaker Street stormwater catchment. Both of these projects have separate budget allocations within Council's 2019/20 capital works program, however given the obvious synergies with the Waterfront Parkland project the works have been designed and tendered as a single package of works.

As part of the tender process tenderers were asked to price an option to use precast concrete planks on the elevated walkway as an alternative to the specified hardwood timber decking. This alternative would add an additional cost of over \$220,000 and therefore has not been pursued.

COMMUNITY ENGAGEMENT

A public advertisement for construction contractors was advertised in the Advocate Newspaper on 23 March 2019 and was also placed on Council's web site.

FINANCIAL IMPLICATIONS

Council has a total budget of \$17.18M for the construction contract, made up as follows:

• Waterfront Park Construction	\$15,000,000
• Rooke Street Upgrade	\$ 1,000,000
• Oldaker East Stormwater Project	\$ 1,000,000
• State Growth Bus Stop Contribution	\$ 180,000
Total Available Funds:	\$17,180,000

The Waterfront Park allocation includes a \$10M grant from the Federal Government. The \$180K contribution from State Growth has been provided as assistance for the construction of new bus shelters for the State operated bus services which utilise Rooke Street.

It should be noted that the \$15M Waterfront Park allocation is for the construction contract only. Other costs associated with the redevelopment of the site, such as land purchases, Harris Scarfe demolition, design and other associated consultants, hotel feasibility studies, substation relocation and staff costs have been approved over the last six years and funded from previous LIVING CITY capital budget allocations or annual operational budgets.

As a result of the value management process savings totalling \$2,899,543 were identified and agreed with Vos.

After the value management savings the contract sum is reduced to \$16,811,297, allowing a project contingency of \$368,000. Whilst this is relatively low as a percentage basis, it is considered adequate for the project given the value management process has allowed significant analysis and interrogation of the documented design ensuring discrepancies have been addressed where possible prior to finalising the contract.

The breakdown of the costs for this project are summarised below in table 2.

TABLE 2

No.	Tender	Budget (ex GST)
1	Original Tender Sum - Contract CB0082 Waterfront Park Construction	\$19,710,840
2	Less Value Management savings	\$ 2,899,543
3	Construction contingency	\$ 368,000
	TOTAL	\$17,179,297

RISK IMPLICATIONS

To minimise risk, the tender administration processes related to this contract comply with Council's Code for Tenders and Contracts which was developed in compliance with Section 333A of the *Local Government Act 1993*.

The Waterfront Park is subject to normal project delivery risks which will be managed in accordance with Council's standard project management framework.

A modified version of AS 4000 has been prepared by Council's legal adviser and will be used as the contract document for the project.

Given the location of the site, major events will be impacted by the works and whilst arrangements are being made to relocate some events during the construction period Council may risk some public criticism when the interruptions occur.

CONCLUSION

Considering the selection criteria assessment and following an extensive value management process, the Tender Planning and Evaluation Committee has determined that Vos Construction & Joinery Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CB082 Waterfront Park Construction.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CB0082 Waterfront Park Construction:

- a) award a modified AS4000 construction contract to Vos Construction & Joinery Pty Ltd for the revised tendered sum of \$16,811,297(ex GST); and
- b) noting a contingency allowance of \$368,000 (ex GST) is provided.

Author:	Jamie Goodwin	Endorsed By:	Matthew Atkins
Position:	Project Manager	Position:	Deputy General Manager

5.2 TENDER REPORT CONTRACT CT0252 BERRIGAN ROAD & LYONS AVENUE ROADWORKS

File: 36217 D614034

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.2 Provide and maintain roads, bridges, paths and car parks to appropriate standards

SUMMARY

This report seeks Council's approval to award Contract CT0252, Berrigan Road & Lyons Avenue Roadworks to ATM Civil for a lump sum of \$294,162

BACKGROUND

This report considers tenders received for "Berrigan Lyons Roundabout" listed within the 2019/20 capital expenditure budget as three separate allocations:

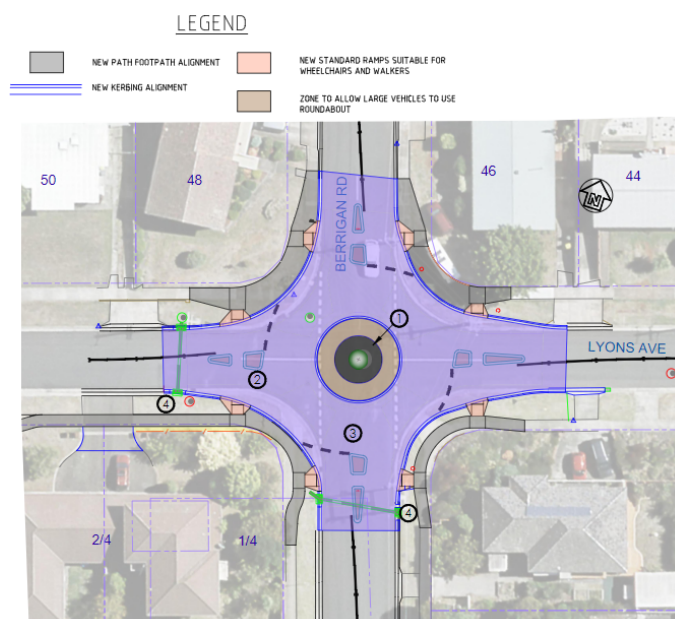
- Berrigan Road and Lyons Avenue - intersection safety improvements (external funding)
- Forbes Street renewal - bridge to Burrows Crescent; and
- Forbes Street Overpass – West Side Guard Rail.

The three projects have been combined as the scope of work is in the same area and it would be impractical to have separate construction crews working at the same location.

The intersection safety improvements project involves the renewal of the pavement, kerb, stormwater, footpath and new roundabout. The construction of a roundabout is a proven treatment to reduce likelihood and severity of crashes at a cross intersection. Council have secured \$400,000 for this component of the project from the Federal Government's Black Spot Program.

Work on Forbes Street includes road pavement renewal & new safety barrier. The assets are in poor condition and require renewal.

A concept plan is shown in Figure 1 below.



STATUTORY REQUIREMENTS

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted Code for Tenders and Contracts when considering awarding tenders.

DISCUSSION

In accordance with Council's Code of Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were received from four companies. All tenders received were conforming tenders and are summarised in table 1.

TABLE 1

No.	Tender	Status	Tender Price (ex GST)
1	ATM Civil	Conforming	\$294,162
2	Civilscape Contracting	Conforming	\$296,807
3	Hardings Hotmix	Conforming	\$305,499
4	Treloar Transport	Conforming	\$344,000

The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

- Relevant Experience
- Quality, Safety and Environmental Management
- Methodology
- Price

The evaluation by the committee indicates that ATM Civil scored highest overall against the selection criteria and therefore offers Council the best value for money.

The Tender Planning and Evaluation Committee minutes are available for Councillors to view, upon request.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 10 August 2019 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The 2019/20 capital expenditure budget includes three allocations for the proposed works.

The budget for the externally funded "Berrigan Road and Lyons Avenue - intersection safety improvements" component of the project is \$400,000 which has been secured from the Federal Government's Black Spot Program. Under the grant arrangements, Council can only claim actual expenditure incurred on the projects, so savings cannot be reallocated to other components of this project or other projects.

The forecast expenditure on the "Berrigan Road and Lyons Avenue - intersection safety improvements" component is shown in Table 2 below

TABLE 2

No.	Tender	Budget (ex GST)
1	Contract CT0252 Berrigan Lyons Roundabout	\$223,190
2	Project management/administration	\$ 30,000
3	Construction contingency	\$ 40,000
4	Tasnetworks	\$ 17,830
5	Telstra works	\$ 43,582
6	NBN	\$ 13,392
7	Taswater / Gas lid adjustment	\$ 5,000
8	Purchase trees and shrubs	\$ 2,000
	TOTAL	\$374,994

The two remaining components are funded by Council. Details of the available budget for these components is shown in Table 3 below:

TABLE 3

No.	Project	Allocation
1	Forbes Street renewal - bridge to Burrows Crescent	\$75,000
2	Forbes Street Overpass – West Side Guard Rail	\$11,000
	TOTAL	\$86,000

The forecast expenditure on the "Forbes Street renewal - bridge to Burrows Crescent" and the "Forbes Street Overpass – West Side Guard Rail" components is shown in Table 4 below:

TABLE 4

No.	Tender	Budget (ex GST)
1	Contract CT0251 Forbes Street Renewal	\$60,352
2	Contract CT0250 Forbes Guardrail	\$10,620
3	Project management/administration	\$ 5,000
4	Construction contingency	\$ 7,500
	TOTAL	\$83,472

Forecast expenditure for both the external and Council funded components are within the available budget.

RISK IMPLICATIONS

To minimise risk, the tender administration processes related to this contract comply with Council's Code for Tenders and Contracts which was developed in compliance with Section 333A of the *Local Government Act 1993*.

The contingency allowance for this project is 10% of the budget price. The risk of unplanned variations is low.

CONCLUSION

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that ATM Civil meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CT0252 Berrigan Road and Lyons Avenue Roadworks.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CT0252 Berrigan Road and Lyons Avenue Roadworks:

- a) award the contract to ATM Civil for the tendered sum of \$294,162(ex GST);
- b) note that utility services costs are an additional \$79,804 (ex GST);
- c) note that plant purchases are an additional \$2,000 (ex GST);
- d) note that project management cost for the project are estimated at \$35,000 (ex GST); and
- e) note a construction contingency of \$47,500 (ex GST) has been allowed.

Author:	Shannon Eade	Endorsed By:	Matthew Atkins
Position:	Project Management Officer	Position:	Deputy General Manager

5.3 TENDER REPORT CF0026 SUPPLY & DELIVERY OF SIDE LOAD GARBAGE TRUCK

File: 36217 D614616

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.5.2 Ensure comprehensive financial planning and reporting to guarantee sustainability and meet or exceed financial targets

SUMMARY

This report seeks Council's approval to purchase a side load garbage truck from Webster Trucks.

BACKGROUND

This report considers tenders received for the replacement of the "Side Load Garbage Truck" listed within the 2019/20 capital expenditure budget.

The 2019/20 capital expenditure budget includes an allocation for "Side Arm Garbage Truck Replacement" of \$400,000 less \$40,000 for the trade-in of the existing truck.

An additional \$200,000 was allocated to facilitate the purchase of an electric truck if an analysis of the life cycle costs favoured this option.

STATUTORY REQUIREMENTS

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted Code for Tenders and Contracts when considering awarding tenders.

DISCUSSION

In accordance with Council's Code of Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were invited through the 'Local Buy' purchasing initiative. This is a collaborative purchasing arrangement that provides competitive tendering on a large scale. This arrangement is undertaken in accordance with the procurement principles which are required by the Local Government Act 1993.

Six tenders were received from four companies. All tenders received were conforming tenders and are summarised in table 1.

TABLE 1

No.	Tender	Status	Purchase Price (ex GST)	Trade in Price (ex GST)	Tender Price (ex GST)
1	Webster Trucks Superior-Pak/Isuzu 165-300	conforming	\$370,066	\$32,750	\$337,316
2	Bucher Municipal Pty (Volvo)	conforming	\$375,364	\$22,500	\$352,864
3	Webster Trucks Bucher/Isuzu 165-300	conforming	\$376,896	\$32,750	\$344,146
4	Webster Trucks Bucher / Isuzu FXR165-350	conforming	\$390,896	\$32,750	\$358,146
5	Mercedes Benz	conforming	\$402,025	N/A	\$402,025
6	Superior Pak (Iveco Electric)	conforming	\$576,390	N/A	\$576,390

The total tender price includes on road costs.

The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

- Tendered Price
- Essential Specification
- Operation Assessment
- Environmental & Lifecycle Impact

The evaluation by the committee indicates that Webster Trucks submission of a Bucher/Isuzu FXR165-350 (tender 4) scored highest overall against the selection criteria and therefore offers Council the best value for money.

The Tender Planning and Evaluation Committee minutes are available for Councillors to view, upon request.

The features of the Webster Trucks Bucher/Isuzu FXR165-350 submission (tender 4) that contributed to the highest assessment included:

- Heavy duty transmission, providing reduced maintenance costs
- Warranty period minimum 500hrs longer than other submissions
- Latest technology engine, providing reduced maintenance costs and Euro 6 emission standards
- Engine capacity most suitable for bin lifts
- Council fleet already includes Isuzu and Bucher, providing benefits to operators and maintenance team



Typical Bucher Isuzu combination

Tenderers were invited to submit a tender for an electric driven truck. Despite a significantly higher purchase price, the lower operating costs for an electric vehicle may have provided Council with a better outcome over the life of the vehicle and offered significant environmental benefits.

The submission from Superior-Pak (Tender 6) was for an electric vehicle and was within the available budget. However, the life cycle cost analysis showed that the total cost of an electric vehicle is marginally higher than that of the Bucher/Isuzu FXR165-350 (Tender 4). In addition, there are potential operational risks for an electric vehicle:

- Inability to extend daily range to expand collection service
- Inability to extend operating hours to cover breakdowns
- Support from manufacturer/converter

Therefore, the electric vehicle option is not recommended to be progressed for this purchase.

The Bucher/Isuzu FXR165-350 submission (Tender 4) includes a \$32,750 trade in value for Council's existing truck.

The existing truck will have a written down value of \$56,000 in the asset register at the time of delivery of the new truck and Council has budgeted for a \$40,000 trade value. Therefore, an alternative option of keeping the existing truck has been assessed.

The benefits of retaining the existing truck include:

- Elimination of external truck hire including travel time to pick up hire truck ex Burnie- approx \$7,750 annually
- Reduction in overtime due to extended shifts when breakdowns occur – approx \$1,800 annually
- Improved ability to undertake more comprehensive and proactive services on the 2 main trucks while not affecting services to the public
- Flexibility for new or expanded services in future (cardboard, co-mingled recycling, FOGO)
- Possibility of hiring to external customers when available
- Value of the truck written down over the extended remaining life of the asset, rather than a single loss

The costs of retaining the existing truck include:

- Council forgoes the trade value
- Annual registration and insurance – approx \$2,000 annually
- Maintenance costs (assumed to be around 10-15% of current based on predicted utilisation)

This assessment indicates that overall there is likely to be a small additional cost per year to retain the existing truck of around \$1,500 per year, as well the increased capital cost. However, the improved ability to deliver one of Council's essential services more reliably and the likely improved management of the current fleet make retaining the existing truck the preferred option. Progressing with this option requires a capital expenditure \$30,896 above the allocated budget.

COMMUNITY ENGAGEMENT

Tender applications were requested through the purchasing system 'Local Buy' allowing suppliers the opportunity to tender.

FINANCIAL IMPLICATIONS

The 2019/20 capital expenditure budget includes an allocation for "Side Arm Garbage Truck Replacement" of \$360,000 (\$400,000 less \$40,000 trade-in).

The tendered sum of \$390,896 for the purchase and delivery of a Bucher/Isuzu FXR165-350 (tender 4) of the side load garbage truck offered by Webster Trucks scored highest overall against the selection criteria and therefore offers Council the best value for money.

An assessment of the option to retain the existing truck found that was preferred to trading in the truck. Forgoing the trade would result in capital expenditure of \$30,896 above the allocated budget. This over-expenditure can be offset by savings on the remaining plant purchases for the year.

RISK IMPLICATIONS

To minimise risk, the tender administration processes related to this contract comply with Council's Code for Tenders and Contracts which was developed in compliance with Section 333A of the *Local Government Act 1993*.

CONCLUSION

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that the Webster Trucks submission of a Bucher/Isuzu FXR165-350 (tender 4) meets Council's operational requirements and is therefore most likely to offer "best value" in relation to Supply & Delivery of a side load garbage truck.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CF0026 supply & delivery side load garbage truck award the tender to:

1. award the tender to Webster Trucks for the tendered sum of \$390,896 (ex GST) for a Bucher/Isuzu FXR165-350 (tender 4); and
2. determine that the existing truck is to be retained in Council's fleet.

Author:	Shannon Eade	Endorsed By:	Matthew Atkins
Position:	Project Management Officer	Position:	Deputy General Manager

5.4 DOG MANAGEMENT POLICY - FINAL

File: 31893 D614703

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances

SUMMARY

To present the revised Dog Management Policy to Council for adoption.

BACKGROUND

The Dog Management Policy (Policy) was not due for review until June 2021, however following the identification of a number of anomalies in the Policy it was determined that the review be brought forward.

Following are the main recommended changes to the Policy:

- Section 8 - kennel licence fees are not required to be paid until the application for a kennel licence has been approved. This is the current practice.
- Section 9.1 – dot points 1 & 2 – this section has been removed as the wording was misleading.
- Section 9.1.1 – dot point 2 – East Devonport Foreshore – indicates that dogs can be off-lead on the grassed area from Wright Street heading east towards Pardoe Beach and Moorlands Beach, however Map 2 indicates that this grassed area is an on-lead area. The map has been amended to reflect the wording in the Policy.
- Section 9.3 – Restricted Area – dot points 3 & 4 – the times detailed in the Policy were not consistent with the times on the signage in the restricted areas. The times detailed in the Policy have been changed to be consistent with the times on the signage.
- Section 10 – dot point 6 – current practice is that Concession Card Holders have been offered the discount, the Policy has been amended to indicate this concession applies.

Council resolved at its meeting held 26 August 2019 (Min 173/19 refers) to endorse the revised draft of the Dog Management Policy for a formal consultation period.

STATUTORY REQUIREMENTS

The provisions of Section 7 of the *Dog Control Act 2000* require Council to develop and implement a policy for dog management in its municipal area.

7. Dog management policy

- (1) A council is to develop and implement a policy relating to dog management in its municipal area.
- (2) A dog management policy is to include the following:
 - (a) a code relating to responsible ownership of dogs;
 - (b) the provision of declared areas;
 - (c) a fee structure;
 - (d) any other relevant matter.
- (3) A council is to –

- (a) *invite public submissions relating to a proposed dog management policy; and*
 - (b) *consult with any appropriate body or organisation; and*
 - (c) *consider any submissions and results of any consultation before finalising the policy.*
- (4) *A council is to review its dog management policy at least once every 5 years.*
- (5) *In reviewing its dog management policy, a council is to take the actions referred to in [subsection \(3\)](#).*

DISCUSSION

The Policy was reviewed following the identification of a number of issues in the current Policy. The draft Policy was endorsed for public consultation. 46 responses were received. As a result of the consultation, there have been no further changes to the Policy recommended, however a number of items have been identified for action, including: review signage and infrastructure requirements;

- consider increased monitoring of dogs off-lead and issue infringements where applicable;
- consider increasing dedicated dog parks; and
- monitor shore bird habitat and vulnerability.

COMMUNITY ENGAGEMENT

Invitation to comment on the draft Dog Management Policy was provided through Council's online portal, Speak up Devonport and Facebook from 27 August to 10 September 2019 inclusive. 28 submissions were received, and an additional 12 comments were received via Facebook. A copy of the comments are attached to this report and summarised below.

Comments	Response
Monitor shore bird activity and ensure they are protected.	Concerns will be addressed by the proposed changes to the <i>Dog Control Act 2000</i> currently being considered by the State Government.
Change Pardoe Beach and East Devonport Foreshore to restricted category instead of off-lead area to protect shore birds.	Concerns will be addressed by the proposed changes to the <i>Dog Control Act 2000</i> currently being considered by the State Government.
Revoke time restrictions on Coles Beach and East Devonport Beach and allow access at all times of the year.	Feedback is noted and no change to the Policy is recommended. Under the <i>Dog Control Act 2000</i> Council can restrict use of certain areas. These determinations are made due to the popularity and use of the identified area.
Section required that incorporates people teasing and harassing dogs.	Feedback is noted and no change to the Policy is recommended. The <i>Dog Control Act 2000</i> details how Council is to manage dog complaints.

Report to Council meeting on 23 September 2019

Comments	Response
Concerns relating to responsible dog ownership (eg not removing faeces, unregistered dogs, dogs not under effective control and application of penalties).	Feedback is noted and no change to the Policy is recommended. The <i>Dog Control Act 2000</i> details how Council is to enforce breaches of the Act.
Enforce requirement of the Dog Control Policy including dog prohibited areas and issuing infringements to dog owners for dogs being off leads.	Feedback is noted and no change to the Policy is recommended. Areas are currently monitored as resourcing allows.
Endorse off-lead area at the end of Tarleton Street.	Policy and map were amended in the Draft Policy.
Consider providing additional dog parks.	Feedback is noted and no change to the Policy is recommended. The Draft Policy includes an additional off-lead exercise area at the end of Tarleton Street. Council may wish to consider additional dog parks in the future.
Ramp at Back Beach for elderly and disabled access.	Feedback is noted and no change to the Policy is recommended. Alterations to the existing stairs at Back Beach is included in Council's adopted 2019/20 Capex Budget.
Road crossing at eastern end of Coles Beach to ensure safety crossing road.	Feedback is noted and no change to the Policy is recommended. Pedestrian access from Don Heads to the Bluff has been recently investigated and actions will be considered for inclusion in Council's Forward Works Program.
Increased infrastructure and promotion of maintenance activities relating to dog management.	Feedback is noted and no change to the Policy is recommended. Suggestions will be considered as part of future works scheduling.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

- Legal Compliance
The revised Dog Management Policy will ensure that Council complies with the provisions of the *Dog Control Act 2000*.
- Consultation and/or Communication
The revised Dog Management Policy will reduce the risk of public confusion and misunderstanding of the requirements of dog owners.

CONCLUSION

The feedback from the public consultation period for the Draft Dog Management Policy is noted and no further changes are recommended to the draft Policy.

ATTACHMENTS

1. Dog Management Policy Feedback - public consultation feedback
2. Dog Management Policy - 23 September 2019

RECOMMENDATION

That Council received and note the report regarding the draft Dog Management Policy and:

1. note the representations received in relation to the draft Policy; and
2. adopt the Dog Management Policy as attached with immediate effect.

Author:	Karen Stone	Endorsed By:	Matthew Atkins
Position:	Risk & Compliance Coordinator	Position:	Deputy General Manager

Comments or Feedback

Dog poo is everywhere. Walking tracks are very bad. It is not pademelon poo. I have never seen anything like it anywhere else. Can you start fining people for not picking their dog poo up and not carrying bags. Having signs regarding fines might encourage people to clean up after their dog. I have even seen dog poo on the Coles Beach several times. Surely it is a health issue and not nice for locals and tourists.

Comments or Feedback

I'm sick of walking my dogs around Gunn , William St area and dogs being off lead. Along Victoria parade and Pool to coles beach walk has because cause for anxiety. Dogs off lead all time. It's never enforced so they keep doing it.

Comments or Feedback

The mental and physical benefits of dog ownership are well understood. Thank you for seeking to provide the best facilities for dogs and their owners.

Secure off-lead areas are a must; the dog park is too small for a city this size.

It is unsafe in many ways due to the 'packs' and their owners which meet there regularly, but even half a dozen dogs at once changes the dynamic and causes stress and potential risk. I have stopped going there for this reason.

There is plenty of rough wasteland/ bush surrounding the current fenced area which could provide an adjoining area, maybe two, with seperate entry gates. Farm-style fencing would suffice.
A second gate on the existing area would be really great as it would allow people to leave safely when the 'pack' arrives, or when enthusiastic, heightened dogs arrive. They are excited to be there, after all!
It's hard to leave safely with a mob at the gate, even with the second little entry area, and accounting for various levels of owners' control of the dogs.

A reimagined dog park could be as attractive and safe as Launceston's Hardwick St dog park.
I have not explored the Beaumont Drive park area, but perhaps this would be a really wonderful location to develop perhaps four different paddocks, with walking/ cycling track preserved outside each paddock. One paddock could have the activity/obstacles etc.
Another paddock could have shelter and seating for more senior dogs and owners?
I have plenty of ideas and practical common sense. I would love to be involved in a reimagined dog-park project if asked!
Thank you for all you do.
Kerry

Comments or Feedback

I often see people with dogs at the Bluff, on the beach, but there is no signage there at the moment that really stands out. There should be more, plus dedicated dog patrol people to enforce it. Heavy fines would be a deterrent. So,
a) plenty of signage
b) dedicated animal patrols
c) significant fines

Comments or Feedback

Hi,

Could council please consider the removal and or replacement of the no dogs sign in the Rooke st Mall, I don't believe this is being adhered too or enforced in anyway. if needed could be changed to a dogs must be on lead sign.

Comments or Feedback

There needs to be better monitoring of dogs at large and/unleashed along the Mersey foreshore walk. There are signs, but as far as I'm aware nothing is done. Also need to start fining people who don't pick up their dog waste. Need to have someone monitoring on weekends as well as weekdays.

Comments or Feedback

In general the policy is ok, but there needs to be a section that incorporates people that tease/harass dogs to get them to bark. Also when they put anti bark control device close to the dance as well.
These people need to be held accountable for their actions. The council needs to door knock and talk on all property owners around said property to find out the truth.

Comments or Feedback

As responsible dog owners who enjoy walking with our very obedient, very friendly spaniel/toy poodle x, we are strongly opposed to implementing punitive time restrictions on Coles Beach and East Devonport Beach. On 99.9% of occasions the ONLY people on the beaches in question between 9 and 10 am and 6 and 8 pm are responsible dog owners enjoying a stroll with their dogs. Does council prefer to see the beaches deserted? We are reasonably well traveled people who have lived in different states and towns and find that the current restrictions on dog exercising in the Devonport Council area are as harsh and unreasonably restrictive as almost any similar location. Sure, we want to ensure residents and visitors feel safe, especially the young and elderly, but the young and elderly are not typically using the beaches in question during the times the proposed punitive restriction will apply. I hope common sense prevails and we don't find a vocal minority imposing a 'Nanny State' on the mostly silent and long suffering minority. We live near Nixon Street Primary School. We're 60ish years old with chronic health conditions. Walking our dog is one of our favourite leisure activities that we are capable of. We struggle with the long steep stair case that provides access to the Back Beach. We feel we are being asked to sacrifice our freedoms for no evidence based, thoroughly researched, reason whatsoever. And what about the impact on tourists in campers and caravans waiting in Coles Beach Carpark or East Devonport for a few hours or a few days until the ferry sails? They'll feel really welcome and suggest their friends and relatives spend time here?!?!? I think not! Short sighted, blinkered policy that ignores big picture nuances. We will oppose this all the way to the ballot box. We are happy for council to contact us to discuss this further.

Comments or Feedback

My elderly parents are too scared to walk along the beach and streets as my mum was knocked to the ground by a Rottweiler on her daily walk. It did not have a muzzle on and took both owners to pull the dog off my mother even though it was on a lead. This is. Or the first time large aggressive dogs have charged at my parents and their friends in their walks.

Comments or Feedback

I think you need more dog parks, not big ones like at splash, maybe just some smaller ones, one in spreyton, one in east dev,

Comments or Feedback

Public areas need to be monitored & dog owners fined for walking their dogs off leads

Comments or Feedback

I'd like to commend the wonderful off-leash areas in East Devonport. With Latrobe's Pig Island area these are the best off-leash dog areas I've experienced living all over Australia. Please keep the East Devonport foreshore area as an off-leash areas. This is a beautiful space that I visit with my dog every day. The vast majority of people who use the space do so with their dogs. Recently a sign has been erected that states that all dogs must be on a leash. I hope that this is only for people walking on the path and that the grassed area continues to be off-leash. Visiting the park every day my experience has always been positive with other dog owners who also have their dogs off leash

Comments or Feedback

I would suggest a policy based on a thorough and accurate reading of the Dog Control Act, noting particularly these sections.

19. Dogs attacking persons or animals: (1) If a dog that is not under the effective control of a person on private premises, or that is not under the effective control of a person in a public place, rushes at or chases any person, the owner of the dog is guilty of an offence.

[PERSONAL COMMENT: There is a dog on a property which adjoins mine at the back fence. That dog, on numerous occasions, has thrown itself repeatedly at the fence in an attempt to scale it. The owners were quite aware of the dog's behaviour, for I heard them on one occasion mildly rebuke the dog saying, "You don't have to do that." Consequently, I had to incur the (unexpected) expense of replacing a low timber fence with a higher steel one, as well as the much more significant distress of having to suffer this behaviour because the Devonport City Council refused to act to stop it.]

46. Dogs creating nuisance: (1) The owner or person in charge of a dog must not permit the dog to be, become or create a nuisance. (3) A dog is a nuisance if –

(a) it behaves in a manner that is injurious or dangerous to the health of any person; or

[PERSONAL COMMENT: I spoke of the behaviour of this dog, and the Council's refusal to do anything about it, on numerous occasions to my doctor. Eventually I was referred to a psychologist to try to develop some mental strategies for dealing, primarily with the dog's distressing behaviour, but also with a Council that could not care less. I was also prescribed medication by my doctor for the anxiety and depression brought on by this situation.]

(b) it creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

[PERSONAL COMMENT: The dog referred to above, barks in a ferocious, aggressive, threatening manner at any sound it hears, however innocent, in my back yard—opening the back door and hanging out the washing; sweeping the paths; gardening; having a conversation; playing with my grandchildren. The owner of the dog was aware of this behaviour: we exchanged some mobile phone texts on the matter, and he admitted that the dog, a male boxer, had a deep bark and was highly protective. But the Devonport City Council would only act when a dog displayed 'AT LEAST one hour of constant barking most days' (quoting the Council document, Notice of Complaint: Nuisance created by dog. 'Constant barking,' I enquired, meant barking without stopping. Any pause—a minute, half a minute—and the hour started all over again.) Nothing less than this, or other than this, according to the Devonport City Council, could constitute nuisance behaviour. The absurdities are too many to number: A dog which barks for 15 minutes at 2:00 AM every day of the week is, according to the Devonport City Council, not a nuisance; a dog which barks for two hours three days a week is not a nuisance. And, in any case where did this definition come from? Was an audiologist consulted? What is the basis for saying that a dog barking only becomes a nuisance after one hour? Incidentally, I note that if I used my motor mower for five minutes at 6:00 AM the Council would act against me immediately. In Devonport, dogs are granted more freedom to make noise than people. A third nuisance behaviour of this dog is to bark continually whenever when it is left outside, which may be for hours at a time. It will bark for five or ten seconds, then stop for a minute or two, then bark again, and on and on in like manner. I frequently have to leave my home for a couple of hours to get some respite. My sense is that, because of the Council's inaction, half my property has been excised and is no longer mine to enjoy in peace. I now rarely go into my own back yard; only for essential gardening.]

47. Complaints relating to nuisance: (1) A person may make a complaint to the general manager in respect of a dog that is a nuisance. (2) A complaint is to – (a) be in an approved form.

[PERSONAL COMMENT: the 'approved form' cannot possibly be one, as is the case in Devonport, that is devised by the Council, then approved by the Council. Is there no expert, objective, external evaluation? Surely, ultimately, the approval must come from the responsible government Minister, or the form be one provided by the Minister. Would there not be one common form for all Councils in Tasmania?]

48. Investigation of complaint: (1) On receipt of a complaint, the general manager is to investigate the subject matter of the complaint.

[PERSONAL COMMENT: This dog's behaviour has been a nuisance—a severe, debilitating nuisance—to me for nearly two years. Early on a Council officer did pay me one brief visit, a matter of a few minutes. It was clear to me that he, before hearing me out, had decided that my complaint was frivolous. I was given no hearing; my position was given no credibility—presumably, simply because, at the time he came, the dog was not barking. There was no sense that he was, without prejudice, trying to establish the facts of the matter and my perspective on them; that is 'investigating the subject matter of the complaint,' as the Act requires. Certainly, I was provided with no written statement of the manner in which he had investigated the matter, or his conclusions and the reasons for them. I was left with the sense that he could hardly have been trained for the job or was even aware of the rights of ratepayers as recipients and consumers of services and amenities provided by the Council.]

Comments or Feedback

I have been volunteering for a number of years at the Devonport Dogs Home and understand that a substantial number of dogs impounded are found to be unregistered nor micro chipped.

If not reclaimed this results in dogs being vet checked vaccinated and desexed prior to re homing. At times they are unable to be re homed due to health or behavioural problems and are euthanased.

All this occurs because of the actions of irresponsible dog owners.

It is a legislated requirement that all dogs are to be registered with the local council and a fine is applicable if this is not done.

It is my personal opinion that Council should allocate resources to check households in the municipality for dog ownership on an ongoing basis.

If unregistered dogs are located the owner should be required to comply with the legislation in a given time and if they don't fined accordingly.

Comments or Feedback

To whom it may concern/to the keeper of the Dog Management Policy,

I am questioning the area between Wright Street and Tea Tree Lane as an 'On Lead Zone'.

We have a very large number of tourists utilizing the area at the northern end of Tarleton Street exercising their dogs before and after their crossing on The Spirit of Tasmania's 1 & 2. As we rely on Tourism for our state, would it therefore not be advisable to encourage more tourists to stay in our city by welcoming and encouraging them with their pets to see even a small part of what Devonport has to offer? Maybe this encouragement would entice them to explore our city further!

The residents of East Devonport and their fur-babies have been provided with a magnificent walking track but under your pending new policy there is no grassed exercise area. Saying that we are able to exercise our dogs on the rocks in this area or at Moorlands Beach or at the designated 'closed' dog yard in Steele Street is not an option for many residents. This walking track is surrounded by elderly residential dwellings in a low-density populated area and this grassed open space is ideal to utilize for their dog/s to exercise under their owners control. Both the northern end of Tarleton Street and Tea Tree Lane area's are also used by many families having a picnic and playing 'fetch' with their dog/s and the children can be seen sharing the treasures they have found on the grass or in the rock pools with their furry friend/s.

I would to respectfully request a review of the new proposed Dog Management Policy to include this area as 'Off Lead' but under the owners control.

Yours Sincerely
Jackie Corcoran
0400 038 256

Comments or Feedback

after discussion with one of your officers regarding a leash free area at the end of Tarleton St East Devonport, we the dog residents of East Devonport would like this area to be allowed. We are mostly aged pensioners and we "get together" with our pets and are able to socialise while the dogs have fun with their friends. Please allow this to continue as sometimes it is the only contact we have. Thankyou

Comments or Feedback

I have been asked to make a submission in my capacity as the Co-ordinator of the Resident Shorebird Monitoring Program from Stanley to Narawntapu N.P., which has been running for over 9 years, and has involved more than 100 members of the Community. Our surveys over the years have enabled us to identify areas which are important to the shorebirds struggling to maintain viable populations on beaches close to densely populated areas with high recreational traffic. I fully endorse your policy for responsible dog management and control and believe in the many benefits of dog ownership. Our regular surveys have identified an area of shingle along the shore at East Devonport between Caroline St (41deg.10'08.85"S, 146deg.22'44.2"E) and Melrose St (41 deg.10'17.5"S, 146deg.22'25.1"E), which is of particular importance to our shorebirds for the following reasons.

1. The tiny Red-capped Plover and the Australian Pied Oystercatcher both have breeding territories along this stretch of shoreline. The chicks of both of these species are unable to fly for up to four weeks after hatching and are therefore very vulnerable to harassment and predation by dogs off leash.
2. Red-capped Plovers and Sooty Oystercatchers both have High Tide Roosts (regularly between 20 to 35 birds per species). These high tide roosts are where birds congregate from the surrounding area to rest when the tide is too high for them to feed. When disturbed they fly around using up energy until they can resettle. These traditional roosts have been used before we were here to record them.
3. This area is very important for the migratory Ruddy Turnstone which feeds along the rocky shelf between Don Heads and the Rubicon Estuary. The main roost site in our area for this species, which migrates from its breeding grounds along the shores of the Arctic Ocean arriving in September and returning in April, is at Moorland Point, but a subsidiary roost is present on the shingle here and is often augmented when birds are disturbed at the main roost. In the NW of Tasmania this species does not occur between Don Heads and Stanley.
4. There is also a High Tide roost here for Double -banded Plovers, a migrant from New Zealand which arrives in February and usually departs at the end of July. More than 50 have been recorded roosting here.

Over the last 9 years our beaches have become busier and our surveys show that Red-capped Plovers declined by at least 30%. The world population of Ruddy Turnstones has also been in decline and our records from the whole of NW Tasmania for the migratory Double-banded Plover also indicate that their numbers are dropping.

Unfortunately dogs off leash cause considerable disturbance and can cause havoc with chicks. Ideally, it would be best if dogs were not present at all on the shingle in this area. However, experience has shown that "No dogs allowed on beach" signs are frequently ignored when there is no programme to check compliance. However, if " Sensitive Bird Breeding Site - please keep dogs on leash at all times" together with some educational material was implemented it may help to conserve our dwindling shorebird populations. Most dog owners who love animals also love birds - surely with respect and consideration we CAN all share and enjoy our wonderful coastal habitat.

I would be most grateful if you would take the above information into consideration when finalizing your Dog Management Policy.

Comments or Feedback

Re Dog Control...Thanks for opp. to comment :-)

2. 1st pt change to 3 mths .. reg. & chipped

3.1 Repeated noise issues - swifter and harsher penalties

(case locally where dog owner failure to remedy resulting in people selling up home of 30+ yrs)

3.2 2nd para. add word 'repeatedly' b4 'at large'

Comments or Feedback

I, and many other dog owners in Devonport would like to see the following:

*Ramp at back beach for elderly and disabled to access beach.

*More dog poo bags and signs on all dog walking tracks, in town and at Coles beach.

*A road crossing at eastern end of coles beach as it is not safe to cross from track to beach entrance on that corner.

*Dog's allowed off lead in winter only at Coles beach, as people other than dog walkers rarely use Coles beach in Winter, also when tide is in there is no space at Back Beach.

*A council weedspray schedule online for around children's play areas and dog tracks.

I do not want to be walking my dogs where weedspray , lawn chemicals or fertilisers have been placed recently.

These are proven allergy and cancer causes and we have the right to know where they are being placed and when.

Thank you for the opportunity to provide our feedback.

Comments or Feedback

Regarding your survey concerning dog ownership in Devonport

Could we please have more dog poo bags and bins along walking tracks- Perhaps if people didn't have to carry their "warm goodie" bag too far- they would be more inclined to do the right thing.

Also the use of pet friendly sprays along walking paths and at the dog park would be more ethical and kinder to our canine companions.

Also, could we please consider the addition of a second dog park for dogs under or over a certain size/weight ratio?

Many of the incidents at the dog park may be avoided if smaller and larger breeds could be exercised separately.

Also the initial quarantine area just inside the gate could be made larger to allow more room away from the first gate for owners to establish whether there are potential issues between dogs already at the park and the new comers- prior to opening the second gate

Thankyou for the opportunity to have some input on this matter

Regards

Maria Weeks

Comments or Feedback

I, and many other dog owners in Devonport would like to see the following:

Ramp at back beach for elderly and disabled to access beach.

More dog poo bags and signs on all dog walking tracks, in town and at Coles beach.

Crossing at eastern end of coles beach as it is not safe to cross from track to beach entrance on that corner.

Dog's allowed off lead in winter only at Coles beach, as people other than dog walkers rarely use Coles beach in Winter, also when tide is in there is no space at Back Beach.

A council weedspray schedule online for around children's play areas and dog tracks.

I do not want to be walking my dogs where weedspray , lawn chemicals or fertilisers have been placed recently.

These are proven allergy and cancer causes and we have the right to know where they are being placed and when.

Thank you for the opportunity to provide our feedback.

Comments or Feedback

To whom it may concern,

As a regular dog walker in Devonport I would like to submit the following for consideration regarding the Dog Management Policy:

I, and many other dog owners in Devonport would like to see the following:

Ramp at back beach for elderly and disabled to access beach.

More dog poo bags and signs on all dog walking tracks, in town and at Coles beach.

Crossing at eastern end of coles beach as it is not safe to cross from track to beach entrance on that corner.

Dog's allowed off lead in winter only at Coles beach, as people other than dog walkers rarely use Coles beach in Winter, also when tide is in there is no space at Back Beach.

A council weedspray schedule online for around children's play areas and dog tracks.

I do not want to be walking my dogs where weedspray , lawn chemicals or fertilisers have been placed recently.

These are proven allergy and cancer causes and we have the right to know where they are being placed and when.

Thank you for the opportunity to provide our feedback.

Regards

Councillor Gerrad Wicks

Latrobe Council

Comments or Feedback

We have been taking our 12 year old smithfield down to the grassed area at the end of Tarleton street (by cosy cabins) all her life. There are many dogs and owners who regularly use this area and let their dogs off for a run. I agree that if using the bike / walk track then the leash should always be used, but away from the track it is a popular place to exercise our dogs. There are many regulars and it is always a good social outing, dogs and humans alike. Could you please make this an off lead area (except when using the track) I am sure I speak for all the regular users of this area as they are all concerned about the rather misleading sign that has gone up in recent months. Thank you in anticipation.

Karen Stone

From: Phil Hrstich
Sent: Tuesday, 10 September 2019 12:29 PM
To: Karen Stone
Cc: Karen Hampton
Subject: Amendments to the Dog Management Policy 2019

Hi Karen,

Upon review of the previous Dog Management Policy, I have seen some areas council could improve on, to better manage our native shore birds.

Pardoe Beach

The Pardoe beach area set aside as an off-lead area, is currently land owned and managed by Tasmanian Parks & Wildlife and is not controlled nor leased by council. I've discussed changing our current off-lead area with the Ranger in charge, Clinton Downing and he is of the opinion that dogs should be on lead in this Conservation Reserve. I've checked their website which reads, "Pardoe/Northdown Conservation Area on walking tracks only, prohibited during bird nesting season." Ref: <https://www.parks.tas.gov.au/index.aspx?base=494> accessed 20/08/19. I think we should amend our maps in the Policy for 2019 to only include the walking track as an on-lead area and to be excluded from the shorebird breeding season from October 1st to April 30th to mirror PWS instructions.

East Devonport Foreshore

This area is currently set aside as an off-lead area. Due to birds frequently using this area as habitat and as a breeding site on the beach rock/shingle only, I would suggest that it be split into a restricted area during breeding season from the 1st of October till the 30th of April. This is due to the Red – Capped Plovers and Pied Oyster Catchers that nest there. Unfortunately, chicks are unable to fly until after 4 weeks old. It would be beneficial to use signage to indicate that this area is an important breeding area for shorebirds to encourage education of the change to access. This area is also used as a roost by Ruddy Turnstones, Double Banded Plovers, Sooty Oystercatchers and Red – Capped Plovers. I've also found dead Little Penguins amongst the coastal shrubs near this beach adding another reason to try to keep dogs from the area in breeding season. If possible, we should review some signage in that area because of the confusion with regards to the on & off lead areas.

Phil Hrstich
 Natural Resource Management Officer

Mon, Tues & Fridays

DEVONPORT CITY COUNCIL
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 devonport.tas.gov.au |  Find us on Facebook



Comments or Feedback

I, and many other dog owners in Devonport would like to see the following:

Ramp at back beach for elderly and disabled to access beach.
 More dog poo bags and signs on all dog walking tracks, in town and at Coles beach.
 Crossing at eastern end of coles beach as it is not safe to cross from track to beach entrance on that corner.
 Dog's allowed off lead in winter only at Coles beach, as people other than dog walkers rarely use Coles beach in Winter, also when tide is in there is no space at Back Beach.
 A council weedspray schedule online for around children's play areas and dog tracks.
 I do not want to be walking my dogs where weedspray, lawn chemicals or fertilisers have been placed recently.
 These are proven allergy and cancer causes and we have the right to know where they are being placed and when.

Comments or Feedback

If a dog gets out the owner needs to be fined.. perhaps not the first time and yes if the dog is registered it is easy for the dog ranger to take the dog home but i see dogs get out time and time again.. if you have bad fences well fix them! By law dogs need to be confined to the back of your property and allow access, safely, to your front door.. when i do street walks so many dogs lung at my dogs through the fence.. as for the dog park sadly i have stopped going as of a group who mill around not supervising their dogs and when a dog attacks my smaller dog i am told it would be my dogs fault.. the dog ranger needs to see what happens and the condition of any off leash area is to have affective voice control of your dog.

Comments or Feedback

I, and many other dog owners in Devonport would like to see the following:

Ramp at back beach for elderly and disabled to access beach.
 More dog poo bags and signs on all dog walking tracks, in town and at Coles beach.
 Crossing at eastern end of coles beach as it is not safe to cross from track to beach entrance on that corner.
 Dog's allowed off lead in winter only at Coles beach, as people other than dog walkers rarely use Coles beach in Winter, also when tide is in there is no space at Back Beach.
 A council weedspray schedule online for around children's play areas and dog tracks.
 I do not want to be walking my dogs where weedspray, lawn chemicals or fertilisers have been placed recently.
 These are proven allergy and cancer causes and we have the right to know where they are being placed and when.
 A way to report dog attacks / especially in regards to the dog park, constantly Having to leave because Orr irresponsible owners who don't watch their dogs / bring aggressive dogs into the park.
 Thank you for the opportunity to provide our feedback.

Comments or Feedback

I, and many other dog owners in Devonport would like to see the following:

Ramp at back beach for elderly and disabled to access beach.
 More dog poo bags and signs on all dog walking tracks, in town and at Coles beach.
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 A council weedspray schedule online for around children's play areas and dog tracks.
 I do not want to be walking my dogs where weedspray, lawn chemicals or fertilisers have been placed recently.
 These are proven allergy and cancer causes and we have the right to know where they are being placed and when.
 Thank you for the opportunity to provide our feedback.



Kim Reid I used to walk my dog from the pool along the walking track. There a certain groups of people who go to the the fenced off dog park. They go in there regularly and their dogs run in packs. There is no way I'd take my dog in there. We couldn't even walk...
See more

Like · Reply · Message · 2w



5

↳ 12 replies

...



Fiona Marchand I also don't like walking in areas sprayed with weed spray with my dogs. Or taking crawling babies .

Like · Reply · Message · 3h

...



Lindi Dornauf 1.Devonport Need access to Coles beach for older or disabled dog owners
2. A bush track would be great where owners could run/walk with their dogs, burnie has a large reserve for this. A partnership with forestry maybe an option.

Like · Reply · Message · 1w



3



Nikki Hill Nick Fenton

Like · Reply · Message · 1w



Sam Nelson Too many dogs walking without muzzles. My mother and friend have been almost attacked on many occasions trying to do their daily walk. It's scary and dangerous.



















Like · Reply · Message · 1w



1



Lindie Read Why are growing numbers of people using Nixon street primary school oval as an unofficial off leash dog park, especially when signs at the school clearly say dogs are not allowed on the school grounds?

-  **Tony Rockliff** Lindie Read perhaps this shows a need for more off leash areas
Like Reply Message 1w  2
-  **Lindie Read** Tony Rockliff I absolutely agree with you.
Like Reply Message 1w  1
-  Write a reply...    
- ...
-  **David Green Neighbours** who tease dogs to get them to bark need to be held accountable for their actions and not blame the owners.
Like Reply Message 2w   20
↳ 2 replies
-  **Benita Snell Shannon**
Like Reply Message 2w
-  **Lindie Read** Why are a growing number of people using Coles beach as an off leash unofficial dog park? Would be better if dogs were on a leash and dog owners picked up dog mess. Other responsible dog owners/rate payers would like to be safe to walk their dogs on a leash there too.
Like Reply Message 2w Edited  6
-  **Brooke Damen Emma Damen**
Like Reply Message 2w
-  **Andrea Moore** Dogs off leads around the street are a problem. When is this ever enforced. The ranger never patrols unless called. I drove in Dev this morn and seen 2 dogs with their owners off leash.
Like Reply Message 2w  7



Kerry Lamb Tasmania Secure off-lead areas are a must; the dog park is too small for a city this size. It is unsafe due to the 'packs' mentioned in this thread, but even half a dozen dogs at once changes the dynamic and causes stress. There is plenty of rough wasteland/ bu... See more

Like · Reply · Message · 2w



...



Top fan

Bernice Mason Walking track from pool to Coles Beach seems to be popular with people exercising dogs, however, not all are cleaning up droppings. Because this area is out of sight, some owners feel picking up after their dogs doesn't apply to them!

Like · Reply · Message · 2w



↳ 1 reply



Samuel Ladiges Emily Coward

Like · Reply · Message · 2w



Top fan

Ali Pearce Sarah Donald.. certain people might like to take a read of this.. Especially section 9.2.a. 🙄

Like · Reply · Message · 2w




Top fan

Paisley Burrows When are they going to start enforcing the restrictions. The amount of dogs I see off lead in on lead areas is ridiculous and no one cares because they know they can get away with it.

Like · Reply · Message · 2w



	DOG MANAGEMENT POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council			
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Risk & Compliance Coordinator	Development Services Manager	4.4.2 Coordinate and promote effective management of animals	August 2024
PURPOSE	<p>Council is committed to promoting responsible dog ownership. Dog ownership has many important benefits to the community through companionship, health promotion, general well-being as well as their use as working dogs. All dog owners have a legal and ethical responsibility to their dogs and to the wider community, as irresponsible dog ownership can affect the physical and social environment of other residents. This Dog Management Policy is provided to assist dog owners to minimise any negative impacts on the community.</p>		
SCOPE	<p>This policy is designed to provide information on responsible dog ownership, identify areas within the municipal area which are available for exercising dogs and which areas for dogs are restricted or prohibited. This policy will also outline Council's approach and responsibilities for dog management and control.</p>		
POLICY	<p>1. Council's Responsibilities</p> <p>Under the <i>Dog Control Act 2000</i>, (the Act) Council provides authorised persons who are appropriately trained to enforce compliance of the Dog Management Policy and the Act.</p> <p>During normal business hours Council will:</p> <ul style="list-style-type: none"> • conduct regular patrols throughout the municipal area to ensure dogs are being properly controlled; and • respond as soon as practicable to complaints of dog nuisance, reports of a dog attack and reports of any dog at large. <p>Outside of normal business hours Council will:</p> <ul style="list-style-type: none"> • Provide an emergency out-of-hours service to respond to reports of dog attacks and where dogs are at large that are likely to create a nuisance; and • Where a dog is at large but can be restrained within a property, Council will arrange for collection of the dog on the next working day. <p>2. Dog Owners' Responsibilities</p> <ul style="list-style-type: none"> • Ensure that all dogs over the age of six months are registered with Council; 		

- Ensure that a dog receives all necessary care and attention in accordance with good practice, and is supplied with adequate food, water and shelter;
- Ensure that the dog is kept under control at all times;
- When walking with a dog/s in a built-up area the dog is to be on a lead that does not exceed 2 metres;
- Ensure that the dog wears a collar, registration tag and is micro-chipped;
- Notify Council of any change of ownership details;
- Ensure that the dog does not cause a nuisance to any other person by:
 - persistent or loud barking;
 - howling;
 - roaming at large;
 - threatening, harassing or attacking any other animal or person;
 - chasing vehicles, people or other animals.
- Owner or responsible person must appropriately remove any faecal matter if the dog defecates in a public place.
- Apply for a kennel licence if there are more than two domestic dogs or four working dogs over the age of six months on a property (refer to page 4 for further information); and
- Comply with the requirements of the *Dog Control Act 2000* and the Dog Management Policy.

3. Complaints and Nuisance Provisions

The Council recognises the right for individuals to own and keep dogs; however, it also balances the rights with the community's right to seek assistance in dealing with nuisances created by dogs.

Any valid complaint will be investigated as quickly as is practical and in accordance with Council's Customer Service Charter.

Council staff will not deal with complaints of a frivolous or vexatious nature, and as such Council will not deal with anonymous complaints.

It is essential that Council has access to the complainant's name, address and contact details as well as the details of the complaint. This information is strictly confidential, unless the matter goes to Court, and is not passed on to any other member of the community without the permission of the complainant. The complainant must be prepared to lodge a formal complaint (if required) and/or appear as a witness in any court proceedings.

A formal complaint is made through completing the 'Notice of Complaint Nuisance Created by A Dog' form which can be found on the Council's website or at the Council Customer Service Centre. Upon confirmation that the complaint has been substantiated the Council prescribed fee will not be applicable.

3.1. Barking/Howling Complaints

Barking dogs can be a difficult issue to rectify as every situation is different. The *Dog Control Act 2000* defines a barking nuisance as a noise "that consistently occurs or

continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place". Residents are encouraged to attempt to resolve these matters by directly dealing with the owner before making contact with Council. If this is not possible or the problem persists then the complainant should contact Council.

If the issue persists then Council will require the complainant to complete an official complaint form before an authorised person investigates and takes the appropriate action to reduce the nuisance behaviour. An authorised person will make a visit to the property in question to discuss with the owner their dog's behaviour and make suggestions as to how the owners can resolve the issue.

If the issue continues then Council may issue an Abatement Notice and/or fines. This type of complaint can take time to resolve as what works for one situation may not work for another.

3.2. Dog at Large/Chasing Vehicles

Any dog that wanders off its own property without being under the control of a person, even in front of its own house, is contravening the *Dog Control Act 2000*. This is referred to under the Act as being 'at large'. This is an offence and the dog can be impounded.

If a dog is found 'at large' or is causing a nuisance by chasing cars a member of the public can contact Council at any time and report it to Council's Customer Service or After Hours staff.

3.3 Dog Attack on Person or Animal

If a dog attacks a person or animal whether it causes injury or not, it is an offence under the *Dog Control Act 2000*. Witnesses to the attack are encouraged to call Council's Customer Services or After Hours staff giving them a brief description of the dog/s, the complaint and their contact details as soon as possible.

In these circumstances an investigation will be commenced. Those involved will be required to file a Statutory Declaration including such information as veterinary reports, medical reports, photos and any other relevant information.

4. Lost Dogs

Should a member of the public find a lost animal or if an animal becomes lost, please contact Council's Customer Service Centre or Dogs' Homes of Tasmania – Devonport Dogs Home (Spreyton).

5. Infringement Process

Infringement Notices for breaches of the provisions of the *Act* are issued in compliance with the requirements of the *Monetary Penalties Enforcement Act 2005*.

	<p>6. Complaints Complaints are handled as part of Council's Complaint Handling Policy.</p> <p>7. Dog Waste Bag Dispensers Council has provided dog waste bag dispensers at numerous popular reserves throughout Devonport. Refer Map 4.</p> <p>8. Kennel Licences Any person who wishes to keep more than two domestic dogs or four working dogs (as defined under the <i>Dog Control Act 2000</i>) on a property must apply to the General Manager for a Kennel Licence. The application is to be on the approved form. Fees will be required to be paid following approval of the license. All Kennel licences are to be renewed at the beginning of each financial year in line with the Schedule of Fees and Charges as determined by Council.</p> <p>9. Dog Control Zones: Declared Areas Council under the provisions of the <i>Dog Control Act 2000</i> has declared certain locations where dogs may be exercised, subject to conditions. Please refer to the attached maps for exact details. These areas include the following:</p> <p>9.1. Exercise Areas – Dog Off Lead areas: Council has declared several areas where dogs can be exercised off lead and although these areas have been created dogs must be:</p> <ul style="list-style-type: none"> • In close proximity of the owner or person in control; • In sight of the owner or person in control; and • Be immediately responsive to the handler's commands. <p>9.1.1 Beaches:</p> <p>a) Back Beach - This is the beach located to the west of Bluff Beach on Coles Beach Road. There is a bin containing dog waste bags and a receptacle for used bags at the top of the concrete stairway leading from the car park to the beach. Refer Map 1.</p> <p>b) East Devonport Foreshore - The beach area starting from Wright Street and heading east towards Pardoe and Moorlands Beach and the grassed area from Wright Street to Tarleton Street north of the footpath. There is a bin containing dog waste bags and for used bags in the car park just to the west of the Wright Street and Melrose Street intersection and another further to the west near the corner of Melrose and Tarleton Streets. The East Devonport walking track is an on-lead area only. Refer Map 2.</p> <p>c) Shipwreck Beach – This beach is at the end of Wheeler Street through to the breakwater. Refer Map 2.</p>
--	--

9.1.2 Fenced off-lead area:

- a) **Don Reserve Off-Lead Dog Area** - Council has designated a specific fenced off-lead area at 260 Steele Street, Devonport (near Splash Devonport Aquatic & Leisure Centre). Refer Map 3.

9.2. Prohibited Public areas:

The *Dog Control Act 2000* specifies certain areas and also enables Council to declare additional areas where a person must not take a dog other than a guide dog or assistance animal, these are:

- a) **Sporting grounds** – All sporting grounds throughout the municipal area.
- b) **Mersey Bluff Precinct and Bluff Beach** – This contains Bluff Beach below the walkway and the grassed area including the playground and skate park. The walkway connecting these areas is all on lead and is marked in blue on Map 1.

9.3. Restricted areas:

The *Dog Control Act 2000* also enables Council to declare an area where dogs; other than guide dogs or assistance dogs, can only enter at certain times of the day and/or year and require dogs to be kept on a lead. Devonport City Council has declared several areas as restricted areas, these are:

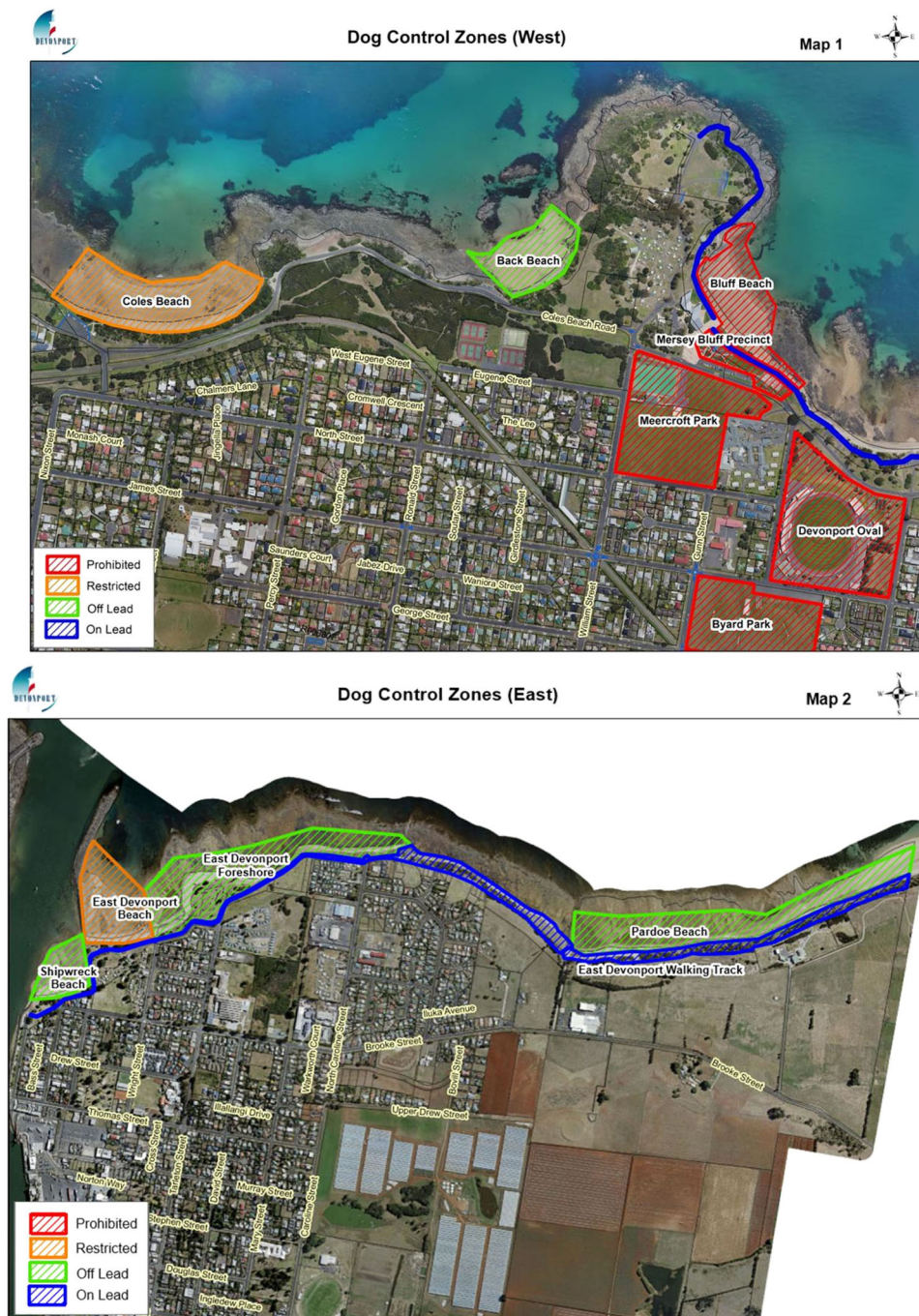
- a) **Coles Beach** – This beach is the far western end on Coles Beach Road. This beach is signed with the restrictions at the major entrance pathways to the beach. Dogs must be on a lead at all times of the year. Dogs are not permitted on the beach between 9:00am and 8:00pm from 1 November until 31 March. Refer Map 1.
- b) **East Devonport Beach** - This beach is to the left side at the end of Wright Street. This beach is signed with the restrictions at the major entrance pathways to the beach. Dogs must be on a lead at all times of the year. Dogs are not permitted on the beach between 9:00am and 8:00pm from 1 November until 31 March. Refer Map 2.
- c) **Parks and Reserves** – In all the other Council parks and reserves dogs are required to be on a lead and under effective control at all times.

10. Fee Structure

Council utilises the *Schedule of Fees and Charges* to establish the current fees payable. The following principles have been developed to underpin the fee structure for all animal control charges:

- a) All dogs over the age of 6 months are to be registered with Council;

	<ul style="list-style-type: none"> b) Registration fees are payable annually in order to ensure accuracy and currency of the Dog Register; c) Fees are reviewed annually and will be set in conjunction with the adoption of Councils budget process; d) Discounts are to apply for sterilised dogs to encourage responsible dog ownership; e) Owners who choose to keep entire dogs (i.e. not sterilised) will be charged a higher fee; f) Pensioners and concession card holders will be provided with an opportunity to register their first dog at a discounted rate; g) Registration fees are not applicable for assistance dogs, such as guide dogs; and h) Council will provide a lifetime registration option. <p>11. Policy Review Every 5 years.</p>
LEGISLATION AND RELATED DOCUMENTS	<p><i>Dog Control Act 2000</i> <i>Dog Control Regulations 2010</i> <i>Local Government Act 1993</i> <i>Parks and Reserves By-Law No. 1 of 2007</i> <i>Customer Services Charter</i> <i>Complaint Handling Policy</i> <i>Schedule of Fees and Charges</i></p>
ATTACHMENT/S (IF APPLICABLE)	<p>Dog Management Zone West Dog Management Zone East Dog Management Zone New Dog Waste Bag Dispenser Map</p>





5.5 FINANCIAL ASSISTANCE SCHEME - ROUND ONE 2019/2020

File: 36250 D614710

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.7.3 Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes

SUMMARY

This report presents the outcomes of the Community Financial Assistance Working Group deliberations and seeks endorsement of the Group's recommendations in relation to submissions for Round One of the 2019/20 grant program.

BACKGROUND

Through the provision of its Financial Assistance Scheme, the Council supports projects, programs and activities developed for the benefit of Devonport's residents and visitors. Five areas of assistance are available, namely:

- Major Grants/In-Kind Grants – provide \$3,000 - \$25,000 support for community development, community events, community facilities, cultural development, cultural heritage, festivals and events, economic development, sport recreation and healthy living.
- Minor Grants – provide up to \$3,000 to organisations to deliver programs that enhance community development, community events, community facilities, cultural development, cultural heritage, festivals and events, economic development, sport recreation and healthy living.
- Rate Remissions - provide rate support for social, cultural, environmental, sport and recreational initiatives and events held that attract locals and visitors creating commercial benefits for the City.
- Donations - provide assistance to groups, organisations or individuals within the City who are not eligible for sponsorship under any other Financial Assistance Program.
- Individual Development Grants – provide support for individuals, groups or teams who are performing, competing or presenting at national or international competitions, conferences or events.

The Community Financial Assistance Working Group members are:

- Mayor Rockliff;
- Councillor Hollister;
- Councillor Murphy;
- Karen Hampton – Community Services Manager; and
- Geoff Dobson – Convention and Art Centre Director.

STATUTORY REQUIREMENTS

Section 77 of the *Local Government Act 1993* outlines Council's requirements in regard to grants and benefits:

(1) A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.

(1A) A benefit provided under subsection (1) may include –

- (a) in-kind assistance; and
- (b) fully or partially reduced fees, rates, or charges; and
- (c) remission of rates or charges under Part 9.

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.

The details of awarded grants will be reported in Council's 2019/2020 Annual Report.

DISCUSSION

The Working Group members are appointed by Council to assess the applications against the relevant guidelines for the following grants/donations:

- Major Grants;
- Minor Grants;
- Rate Remissions;
- In Kind Assistance Grants;
- Donations; and
- Individual Development Grants.

Applications for Donations, In Kind Assistance Only Grants and Individual Development Grants are open throughout the 2019/2020 financial year and are generally assessed and approved if appropriate, by the Financial Assistance Working Group the first week of each month.

Major Grants

Nine applications were received for the Major Grants funding. At Council's meeting held 22 July 2019, it committed \$10,000 from the Major Grants allocation to Cradle Coast Sports and Events should their bid for the 2020 World Series paratriathlon bid be successful. The event was confirmed on 29 August 2019 and as a result, \$10,000 has been included. The successful applications recommended by the Working Group to receive support, subject to any conditions as outlined, are listed below. A separate table details the unsuccessful applications.

SUCCESSFUL applications:

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
Cradle Coast Sports and Events (approved at Council meeting 22 July 2019)	World series paratriathlon event	\$174,868	\$10,000	\$10,000
Devonport Bulls Rugby Union Club - Don Cricket Club	Redevelopment of the Devonport Rugby Club Change-rooms, kitchen and toilets (shared with the Don Cricket Club) *Devonport Bulls Rugby Club to acquit funds on behalf of both Clubs as Project Managers	\$171,637	\$32,500	*\$20,000 *subject to Federal and State Government funds being expended first and detailed costings provided

Report to Council meeting on 23 September 2019

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
Melrose Memorial Hall Controlling Authority	Replacement of inbuilt woodheater	\$4,125	\$4,125	*\$4,125 *subject to Committee working with Council's Risk Management Coordinator regarding safe operating procedures
East Devonport Bowls Sporting and Recreation Club Inc	Refurbishment of Clubrooms	\$7,300	\$7,300	\$7,300
Devonport Surf Life Saving Club Inc	Saving lives and increasing community safety at "The Bluff" – trailer and defibrillator	\$4,994.65	\$4,994.65	*\$3,028 *for defibrillator
Mersey Pony Club	Club room rebuild	\$7,390	\$7,390	\$7,390
Devonport Tennis Club	Refurbishment of the two synthetic grass courts	\$11,495	\$5,000	\$5,000
Total				\$56,843

UNSUCCESSFUL applications:

Organisation	Project description	Total value of project	Amount requested	Not approved for funding
The Brutal Kartel Pty Ltd	Set Up Business	\$5,000	\$5,000	Nil
Devonport City Soccer Club	Mobile Player Shelter	\$31,928.00	\$13,600	Nil

Minor Grants

Four applications were received for the Minor Grants funding. The following initiatives are recommended to receive support, subject to any conditions as outlined. A separate table shows those unsuccessful with their applications.

SUCCESSFUL applications:

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
507 Squadron	Fridge	\$579	\$149	\$149
Live Well Tasmania	Community Exchange Network Tasmania (CENTs)	\$250	\$250	\$170
Cradle Coast Triathlon & Multisport Club Inc	Event Finishing Line Chute	\$3,382.50	\$1,691.25	*\$1,691 *subject to DCC logo on chute
Total				\$2,010

UNSUCCESSFUL applications:

Organisation	Project description	Total value of project	Amount requested	Not approved for funding
Devon Netball Association	State-wide Club and Mixed Carnival	\$11,250	\$3,000	Note: Referred to Sport and Recreation sponsorship budget allocation

Rate Remissions

Eleven applications were received for the Rate Remissions funding. The following initiatives are recommended by the Working Group to Council to receive support. A separate table details the unsuccessful applications.

SUCCESSFUL applications:

Organisation	Property Address	Rates payable	Amount Recommended
Don River Railway	24 Forth Road DON TAS 7310	\$9,574.17	\$9,574.17
Mersey Rowing Club Inc	52 River Road AMBLESIDE TAS 7310	\$1,617.91	\$1,617.91
Mersey Community Care Association Inc	167 Steele Street DEVONPORT TAS 7310	\$3,082.25	\$3,082.25
1st Spreyton Scouts. Scout Association of Australia	96 Mersey Main Road SPREYTON TAS 7310	\$1,105.39	\$1,105.39
East Devonport Tennis Club	48-50 Wright Street EAST DEVONPORT TAS 7310	\$1,154.20	\$1,154.20
Devonport Girl Guides	56a Forbes Street DEVONPORT TAS 7310	\$1,447.07	\$1,447.07
Cancer Council Tasmania	45 Best Street, DEVONPORT TAS 7310 <small>*leased portion of property</small>	\$3,482.88	\$3,482.88
Scouts Australia Tasmanian Branch Mersey District	342 Pumping Station Road FORTH TAS 7310	\$3,472.74	\$3,472.74
Total			\$24,936.61

UNSUCCESSFUL applications:

Organisation	Property Address	Rates payable	Amount Recommended
The Hannah Foundation Inc	1 Hillwood Rise SPREYTON TAS 7310	\$758.77	Nil
CVGT	43 Best Street DEVONPORT TAS 7310	\$6,987.42	Nil
Devonport Agricultural & Pastoral Society Inc	86A Gunn Street DEVONPORT TAS 7310	\$18,862.06	Nil

COMMUNITY ENGAGEMENT

Details of the Financial Assistance Scheme, including the application process are available on Council's website.

A media release was issued as well as Council's social media used to advise of the opening of the Financial Assistance Scheme. Links to the website page were emailed to:

- Past and present Special Interest Group Members;
- Strategic Special Committee Members;
- Individuals and Organisations who had registered (via the Council website) to receive information on Council's Financial Assistance Scheme;
- 2014-2019 grant recipients;
- Organisations that had hired Council equipment (2014-2019); and
- Organisations who had previously received Parking Passes.

FINANCIAL IMPLICATIONS

The approved grants will be funded through 2019/2020 Community Financial Assistance budget allocation.

Report to Council meeting on 23 September 2019

The 2019/2020 Financial Assistance Major Grants allocation is \$75,000 with Round One expenditure amounting to \$56,843, leaving a balance of \$18,157 for Round Two.

The 2019/20 Financial Assistance Minor Grants allocation is \$65,000 with the Round One expenditure totalling \$2,010, leaving a balance of \$62,990 remaining for Round 2.

The 2019/2020 Financial Assistance Rate Remissions Grants allocation is \$30,000 with expenditure totalling \$24,936.61.

RISK IMPLICATIONS

There is a risk that organisations that have applied and have been unsuccessful may be critical of Council's decision in relation to the allocation of the funds.

There is a risk that organisations that have been successful may be unable to deliver agreed outcomes.

CONCLUSION

The 2019/2020 Financial Assistance Working Group recommends that Council approve the Round One Major and Minor Grants to the value of \$58,853.

The 2019/2020 Financial Assistance Working Group recommends that Council approve the Rate Remissions Grants to the value of \$24,936.61.

A copy of the applications can be made available upon request prior to the Council meeting should any Councillors wish to view them.

ATTACHMENTS

Nil

RECOMMENDATION

That the report regarding the Financial Assistance Scheme be received and noted, and Council:

- a) approve the Major and Minor Grants for Round One of the 2019/2020 Community Financial Assistance budget allocations as follows:

Major Grants

Cradle Coast Sports and Events	\$10,000
Devonport Bulls Rugby Union Club - Don Cricket Club	\$20,000
Melrose Memorial Hall Controlling Authority	\$4,125
East Devonport Bowls Sporting and Recreation Club Inc	\$7,300
Devonport Surf Life Saving Club Inc	\$3,028
Mersey Pony Club	\$7,390
Devonport Tennis Club	\$5,000

Minor Grants

507 Squadron	\$149
Live Well Tasmania	\$170
Cradle Coast Triathlon & Multisport Club Inc	\$1,691

Rate Remissions

Don River Railway	\$9,574.17
Mersey Rowing Club Inc	\$1,617.91
Mersey Community Care Association Inc	\$3,082.25

Report to Council meeting on 23 September 2019

1st Spreyton Scouts. Scout Association of Australia	\$1,105.39
East Devonport Tennis Club	\$1,154.20
Devonport Girl Guides	\$1,447.07
Cancer Council Tasmania	\$3,482.88
Scouts Australia Tasmanian Branch Mersey District	\$3,472.74

Author:	Karen Hampton	Endorsed By:	Jeffrey Griffith
Position:	Community Services Manager	Position:	Executive Manager Corporate Services

5.6 DIGITAL RECORDING POLICY

File: 26315 D614928

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances

SUMMARY

The purpose of this report is to seek approval for the revised Audio Recording Policy, now titled Digital Recording Policy, which provides Council with guidelines for the transparent management of the digital recording of Council and Council Committee meetings.

BACKGROUND

The Audio Recording Policy was initially adopted by Council on 23 February 2015 and is required to be reviewed every two years. The updated policy was originally endorsed at the July 2019 Governance, Finance & Community Services Committee meeting, however at the subsequent Council meeting questions were raised about the length of time digital recordings would be retained and so it was determined that the policy required further review. In addition, the subject of recording Closed Council meetings was also raised. Subsequently, the policy was discussed at a Council Workshop on 19 August 2019.

STATUTORY REQUIREMENTS

The *Local Government (Meeting Procedures) Regulations 2005 (the Regulations)* outline the statutory requirements relating to the conduct of a Council meeting and for the audio recording of meetings:

33. *Audio recording of meetings*

- (1) *A council may determine that an audio recording is to be made of any meeting or part of a meeting.*
- (2) *If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –*
 - (a) *retained by the council for at least 6 months; and*
 - (b) *made available for listening on written request by any person.*
- (3) *The minutes of a meeting, once confirmed, prevail over the audio recording of the meeting.*
- (4) *A council may determine any other procedures relating to audio recording of meetings it considers appropriate.*

DISCUSSION

The title of the Audio Recording Policy has been amended to 'Digital Recording Policy' as it is inclusive of recording equipment that may be used in the future, including visual recording systems.

The updated policy clarifies that Council will retain digital recordings on a permanent basis, even though the *Archives Act 1983* and the *Regulations* consider digital recordings to be temporary records. Digital recordings will continue to be available on Council's website for a minimum period of six months, after which time an application to access the recording may be made in writing to Council.

The revised policy also includes provision that Closed Council meetings will be recorded. The Closed Session recording will remain confidential and will be kept in a secure location where access will be strictly limited to authorised persons. Any request by Councillors or staff to access the Closed Session recordings must be made in writing to the General Manager.

The Policy also outlines the restrictions to be applied to access of the Closed Session recordings. If a Councillor and/or staff member has declared an interest in an item in the Closed Meeting, that part of the recording relating to the particular item/s will not be accessible.

COMMUNITY ENGAGEMENT

Digital recording of Council meetings and Section 23 Committees provides an additional option for the community to remain engaged in the decision-making processes.

The recording and publishing of Council and Section 23 Committee meetings provides the community with additional access to information. Providing recordings of meeting proceedings is a convenient way for the public to review the debate surrounding decisions made and the performance of elected members during the process.

Further, access to the recordings of meetings provides a means of educating the public about local government decision making processes and can potentially invigorate public interest in local government.

FINANCIAL IMPLICATIONS

No financial implications have been identified as part of the policy review, however future expenses may be required regarding the maintenance/and or upgrading of the digital recording systems and these will be determined in accordance with normal budgeting considerations.

RISK IMPLICATIONS

Councillors, staff and even members of the public are reminded that there is an increased exposure to civil actions resulting from statements, questions and answers that may be made at meetings. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for things that are said that may be regarded as offensive, derogatory and/or defamatory.

The policy contains strict guidelines regarding the recordings of Closed Council meetings in order to maintain the confidentiality of those sessions.

CONCLUSION

The Audio Recording policy was developed to provide guidelines for the transparent management of the digital recording of Council and Council Committee meetings. Key changes to the revised policy include changing the title of the policy to "Digital Recording Policy", clarification of the retention of digital recordings and inclusion of the provision to record Closed Session meetings. The Digital Recording Policy is attached to this report, together with a copy of the policy that was reviewed at the July Governance, Finance & Community Service committee meeting to enable easy comparison and review.


ATTACHMENTS

1. Audio Recording Policy - Revision July 2019
2. Digital Recording Policy


RECOMMENDATION

That Council adopt the 'Digital Recording Policy' with immediate effect.

Author:	Jeffrey Griffith	Endorsed By:	Paul West
Position:	Executive Manager Corporate Services	Position:	General Manager

	AUDIO RECORDING POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2017	131/17	D479552
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Corporate, Community & Business Services	Executive Manager Corporate, Community & Business Services	5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2019
PURPOSE	This policy provides the Council adopted guidelines for the transparent management of the audio recording of Council and Council Committee meetings.		
SCOPE	This policy applies: <ol style="list-style-type: none"> To all formal Council meetings (including special meetings) held at the Council Chambers. To all formal meetings (including special meetings) and the following committees: <ul style="list-style-type: none"> Governance, Finance and Community Services Committee Infrastructure, Works & Development Committee This policy does not apply to any other meetings at Council.		
POLICY GUIDELINES	<ol style="list-style-type: none"> All meetings of the Council and its Committees <u>referred to in the scope, (refer to 1.1)</u> shall be recorded and the audio file made available on Council's website as soon as practicable following the meeting (usually the next business day). In accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, audio recordings will be made of all meeting proceedings except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2). At the commencement of each meeting, the Mayor or <u>Chairperson</u> shall notify those present, including members of the public, that an audio recording will last the length of the open meeting unless terminated in accordance with this policy. A Council Officer will be responsible for the operation of the audio recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Mayor or Chairperson. The Mayor or Chairperson has the discretion and authority at any time to direct the termination of the audio recording of the meeting. Such direction however shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the audio recording). The original recordings of meetings are to remain unmodified and stored for a period of not less than 6 months from the date of the 		

	<p>recording. A compressed version of the original audio recording shall be created (preserving adequate voice quality) and made available for download from Council's website. and also archived in Council's Electronic Content Management (ECM) system as the authoritative published version.</p> <p>There may be situations where due to technical difficulties, audio recording will not be available. If such circumstances occur, the Mayor or Chairperson will advise those present that audio recording is not available. In the event that an audio recording file becomes corrupt for any reason and is therefore not available in Council's archives, this information will be displayed on the website.</p> <p>2. The closed session section of any meeting (refer to 1.1) will not be recorded.</p> <p>The audio recording of a meeting (refer 1.1) may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor or Chairperson) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed.</p> <p>In relation to the above, audio recording of the previous meeting should be accessible at the meeting where the minutes will be confirmed.</p> <p>The audio recording of a meeting does not supersede the written minutes, therefore a direct transcript (text version) of the recording will not be prepared.</p> <p>Audio recordings shall be removed from Council's website after a period of six months from the date of recording. Any subsequent request to access an archived file must be made in writing to the General Manager detailing the basis for the request.</p> <p>In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission), archived audio recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.</p> <p>Unlike Parliament, Council meetings are not subject to parliamentary privilege and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.</p>		
LEGISLATION AND RELATED DOCUMENTS	Local Government (Meeting Procedures) Regulations 2015 (Regulation 33)		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	DIGITAL RECORDING POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council			
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Corporate Services	General Manager	5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2021
PURPOSE	This policy provides Council with adopted guidelines for the transparent management of the digital recording of Council and Council Committee meetings.		
SCOPE	This policy applies to all formal Council meetings (including special meetings) and the following Section 23 Committee meetings: <ul style="list-style-type: none"> • Governance, Finance and Community Services Committee; • Infrastructure, Works & Development Committee; and • Planning Authority Committee. 		
DEFINITIONS	For the purposes of this policy the following definitions apply: 'Digital' refers to an audio or visual recording.		
POLICY	<p>1. Recording of Open Council Meetings and Section 23 Committees</p> <p>1.1 All Open Sessions of Council Section 23 Committee meetings shall be recorded in accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>1.2 At the commencement of each meeting, the Mayor or Chairperson shall notify those present, including members of the public, that a recording of the Open meeting from commencement to conclusion will be captured unless terminated in accordance with this policy.</p> <p>1.2.1 The Mayor or Chairperson has the discretion and authority at any time to direct the termination of the digital recording of the meeting. Such direction however shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the recording).</p> <p>1.2.2 A Council Officer will be responsible for the operation of the digital recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Mayor or Chairperson.</p> <p>2 Retention & Use of Digital Recording of Open Sessions</p> <p>2.1 The Council is required to keep accurate minutes of Council meetings. The Regulations expressly provide that the minutes of a Council meeting, once confirmed, prevail over the recording</p>		

of the meeting unless the Council has reviewed and amended its confirmed minutes at a subsequent meeting.

- 2.2 Digital recordings of Council meetings are considered temporary records under the *Archives Act 1983*; however, Council will retain such recordings on a permanent basis.
- 2.3 A compressed version of the digital recording will be made available on Council's website for a minimum period of six months. After this time, requests to access recordings may be made in writing to the General Manager, detailing the reason for the request.
- 2.4 There may be situations where, due to technical difficulties, digital recordings will not be available. If such circumstances are known at the commencement of a meeting, the Mayor or Chairperson will advise those present that the recording is not available. If a digital recording file becomes corrupt and is therefore not available in Council's archives, this information will be displayed on the website.
- 2.5 The digital recording of a meeting may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor or Chairperson) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed. The digital recording of the previous meeting should therefore be accessible at the meeting where the minutes will be confirmed.
- 2.6 The digital recording of a meeting does not supersede the written minutes, therefore a direct transcript (text version) of the recording will not be prepared.
- 2.7 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission), digital recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.
- 2.8 Unlike Parliament, Council meetings are not subject to parliamentary privilege and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

3. Recording of Closed Council Meetings and Section 23 Committee Meetings

- 3.1 The Closed Session of Council meetings will be recorded.
- 3.2 To facilitate effective security and management of the digital recordings, the Open and Closed Sessions of meetings will be recorded separately.
- 3.3 In accordance with the *Local Government (Meeting Procedures) Regulations 2005*, s15 (9), the recordings of Closed Session Council meetings are to remain confidential and not be released to the public unless Council resolves to do so. The recordings will be kept in a secure location at the parnaple centre where access is strictly limited to authorised persons.

3.4 The Council may determine by simple majority to terminate the digital recording of a meeting that is in Closed Session.

4 Guidelines for Accessing Closed Session Recordings

4.1 Other than for the purpose of preparing minutes or confirmation of minutes, any request to access the recording of a Closed Session must be made in writing to the General Manager detailing the basis for the request.

4.2 Requests to access recordings of Closed Session meetings may be granted by the General Manager for the following reasons:

4.2.1 Where a Councillor wishes to review a recording of a Closed meeting for which they were absent, except in the case where the absence was due to a declaration of interest, or where absence due to a declaration of interest would have occurred at that meeting if the Councillor was not absent for other reasons;

4.2.2 Where a Councillor wishes to review a recording of a Closed meeting for which they were present;

4.2.3 Where a report author or endorser wishes to review the debate leading to a decision/s made about that report; and/or

4.2.4 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission, Code of Conduct Panel) providing such requests are permissible under the laws of the State of Tasmania.

4.3 The General Manager may access the recordings of Closed Council meetings for any purpose deemed necessary in the performance of their duties, except where the General Manager was excluded from the Closed meeting under s15, 6(b) of the *Local Government (Meeting Procedures) Regulations 2015*, or was absent due to a declared interest. This exception also applies to Council Officers.

4.4 The General Manager must maintain a register of requests for access (whether granted or not) to recordings of Closed Session meetings of Council.

4.5 The register must contain the following details:

- name and position of the person requesting access;
- reason for access;
- whether access is approved (yes/no);
- if not approved, reason why;
- date/time of access;
- the recording/meeting or item ID accessed;
- name of authorising officer.

4.6 Access to recordings of a closed session meeting, by authorised persons, will be by appointment at the paranple centre.

LEGISLATION AND RELATED DOCUMENTS	<i>Local Government (Meeting Procedures) Regulations 2015 (Regulation 33)</i> <i>Archives Act 1983</i>			
ATTACHMENT/S (IF APPLICABLE)	N/A			
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES	NO
	Training required by:	Councillors	Staff	Department

5.7 DISPOSAL OF PUBLIC LAND AT 93-95 MARY STREET EAST DEVONPORT TO MELALEUCA HOME FOR THE AGED INC

File: 17237 D615112

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.6.4 Develop partnerships between all levels of government, the private and not for profit sectors that deliver innovative solutions

SUMMARY

This report is provided to receive objections regarding the proposed donation of public land at 93-95 Mary Street East Devonport under Section 178 of the *Local Government Act 1993*, to Melaleuca Home for the Aged Inc ("Melaleuca"), for the purpose of developing independent living units on part of the area.

BACKGROUND

Council at its meeting of 22 July 2019 (Res No.140/19), agreed to publicly advertise its intention to donate public land at 93-95 Mary Street to Melaleuca, in accordance with the *Local Government Act 1993*, in order to seek community feedback in respect of the potential disposal of this land. Council agreed furthermore to consider community feedback received in regard to this proposal, which would form part of any further discussions with Melaleuca in regard to their proposal.

The land proposed to be donated is outlined in red on the plan below:



The proposal by Melaleuca is to acquire this parcel of land for the potential development of 11 independent living units, as part of Stage 2 of their development plans. The proposal would not inhibit public access to the public wetlands, and as part of any future agreement between the two parties, Melaleuca offered to maintain the Wetlands Area to offset Council's maintenance costs.

STATUTORY REQUIREMENTS

The *Local Government Act 1993* provides:

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to –
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on the boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6) The council must –
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –
 - (i) that decision; and
 - (ii) the right to appeal against that decision under section 178A.
- (7) The council must not decide to take any action under this section if –
 - (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under section 178A has not yet been determined; or
 - (c) the Appeal Tribunal has made a determination under section 178B(b) or (c).

178A. Appeal

- (1) Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b).
- (2) An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –
 - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
 - (b) there is no similar facility available to users of that facility.

- (4) *The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.*
- (5) *The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management Planning and Appeal Tribunal Act 1993 does not apply.*

DISCUSSION

In accordance with Section 178 of the Act, the proposed donation of public land at 93-95 Mary Street, was advertised twice in *The Advocate*; letters were sent to neighbouring properties, and notices placed on the land.

During the advertising period nine (9) representations were received. The letters received are provided as an attachment to this report, however a summary of the issues raised are outlined below:

- **GENERAL**

- One of the first constructed wetlands in Australia
- There will be no buffer zone between residential housing and the wetlands on the southern side of wetlands
- Residents enjoy the flora and fauna
- Across Australia wetlands are under threat from encroaching suburbia
- Peaceful wetland/native parkland
- Public greenspaces are known to improve residents' mental and physical health
- The land is an important buffer for the health of the wetlands
- Wetland has previously won an award for its environmental quality, it would be a shame to lose it
- By removing 30% of this ecosystem it will not function as it was intended and will gradually die

- **FLORA**

- Provides habitat for native plants
- Fear that large trees will be removed if/when development occurs resulting in further loss of food trees for native fauna, parrots and honeyeaters
- During winter, the vegetation on the southern side of wetlands will shade any housing that is close by
- If vegetation is removed to remove shading issues, the effectiveness of the wetlands to provide habitat will be diminished
- Valued neighbourhood green space
- Protection of local flora

- **FAUNA**

- Provides habitat for native species (birds, frogs)
- Unless the residents are hearing impaired there will be complaints about the noisy banjo frogs in the wetlands
- Viable primary fauna corridor

- Protection of local fauna
- Pets, particularly cats, could do serious damage to this little ecosystem
- Increased human traffic, noise and artificial lighting could also be detrimental to the native inhabitants of the wetland

- **VOLUNTEERS/COMMUNITY/EDUCATION/RECREATION**

- Disappointing for volunteers who put so much free time and effort into working for the Council to discover that now part of one of the reserves is to be disposed of
- Community of East Devonport are truly appreciative of our wetlands
- Council have engaged with various stakeholders to plant trees, bird monitoring, clean ups and an art project
- School children have assisted in planting trees and shrubs
- Plans to plant a grove of Eucalypts involving local school for education purposes and as an outdoor activity
- Reserve is valued by the community
- Area is regularly used by nearby residents who enjoy its biodiversity including many birds and frogs
- Asset to the whole community from school children learning about our environment to the elderly enjoying the tranquillity
- Area is a recreational asset
- Children play in the natural surroundings
- People walk through the special wetlands

- **WATER/STORMWATER ISSUES**

- In winter the water table is high resulting in saturation of the soil
- Wetlands act as buffer for stormwater that flows through the area
- May require upgrade of stormwater system to cope with increased load
- Additional stormwater run-off from paths, buildings etc add to existing problem
- Marshy conditions in the cooler months...lowest point of the block and it can get very boggy
- Extensive drainage will be required
- An underground spring surfaces from the bank south of Melaleuca...concern that future developments at Melaleuca could impact or divert this small source of valuable water from the wetlands
- There is a water table that includes run off from adjoining land that adds to the quality of the wetland. Removing this adjoining land from its natural state and building on it will disrupt this water table and eventually effect the wetland quality
- Area is now critical to the way the ecosystem operates by filtering the water flow into the actual waterway

- **LIMITED PUBLIC LAND**

- Third piece of public land syphoned off for private use in recent years
- Utmost importance to preserve the few natural reserve areas in our city
- Increased risk of losing public greenspace in East Devonport

- **GOVERNANCE/OTHER**

- Perception of unfair financial benefit to Melaleuca by gifting land
- Sad lack of respect for the original intention for the land to be set aside as a permanent tribute to Mrs Binks
- Melaleuca do not have the knowledge and skills pertaining to eco system management

Melaleuca is a not-for-profit community

based organisation that has been operating since 1982. The aged care facility is located at Mary Street, East Devonport. The facility currently has 48 single ensuite residential rooms and the provision of a specialised palliative care room. The Board of Melaleuca has determined that, to secure the future of its residential care services, and in support of Government policy of encouraging aging individuals to stay in their homes longer, expansion of their services, by way of a two staged development of independent living units (6 as part of Stage 1; 11 as part of Stage 2), has commenced. With an aging population, the potential development of 17 independent units will allow for more affordable and accessible aged care options within the community.

COMMUNITY ENGAGEMENT

Community engagement has been undertaken as prescribed under Section 178 of the Act, and feedback has been summarised in this report.

FINANCIAL IMPLICATIONS

The land valuation information provided by the Valuer-General in 2015 identified the following values for the property at 93-95 Mary Street:

- Land Value \$205,000
- Capital Value \$205,000

If an objector were to lodge an appeal with the Resource Management and Planning Appeals Tribunal (RMPAT) against the donation of the land in accordance with Section 178A (b) or (c), costs are likely to be incurred.

Once developed, Council would receive rates income from the facility.

The donation of the land would also require Council to remove the property from its Asset Register and recognise a loss on disposal. That loss on disposal would be approximately \$205,000 and would impact on the financial year in which the transfer occurs.

RISK IMPLICATIONS

There is a risk if Council proceeds with the transfer that objections will be lodged under S178A of the Act.

Any objection lodged under Section 178A must be on the following grounds:

- (a) the community may suffer undue hardship due to the loss of access to, and use of, the public land; or

- (b) there is no similar facility available to the users of that facility.

CONCLUSION

As a result of communicating Council's intention to dispose of public land at 93-95 Mary Street in accordance with the *Act*, a number of objections and concerns by community members were received. These objections are to be considered in line with the requirements of Section 178 of the *Act*.

Given the number and nature of the submissions received, Council appear to have two options:

- determine not to proceed with the transfer of land to Melaleuca.
- have further discussions with Melaleuca before finalising its position on the matter.

ATTACHMENTS

1. Concerns Mary Binks Reserve - Jennifer Harrington
2. Mary Street Wetlands disposal - P Murray
3. Objection to Disposal of 93-95 Mary St - Garry Corcoran
4. Objection to Sale of Land - Mary Binks Wetlands 93-95 Mary St - Helen Anderson
5. Objection to Sale of Land Mary Binks Wetlands - 93-95 Mary St - Frances Wilson
6. Objection to disposal of land - 93-95 Mary St Mary Binks Wetlands - Angela Tyson
7. Objection to disposal of land - 93-95 Mary St Mary Binks Wetlands - Phil Hrstich
8. Objection to disposal of land - 93-95 Mary St Mary Binks Wetlands - June and Greg Hilder
9. Objection to disposal of land - 93-95 Mary Street - Mary Street Wetlands - Colleen Woodhall

RECOMMENDATION

Option 1

That Council in relation to the proposal for the disposal of public land at 93-95 Mary Street, East Devonport:

- (a) receive and note the report;
- (b) notify Melaleuca Home for the Aged Inc that as a result of the public opposition to the proposal Council is not prepared to further consider their request for the transfer of the public land to assist them in the future development of their facility, however Council is prepared to further discuss potential other options in the vicinity of their current facility which may assist with their expansion plans; and
- (c) notify the representors accordingly of the decision not to proceed with the disposal of the land.

Option 2

That Council in relation to the proposal for disposal of public land at 93-95 Mary Street East Devonport:

- (a) receive and note the report;

Report to Council meeting on 23 September 2019

- (b) defer any decision on the matter until the objections received through the public advertising process have been discussed with Melaleuca Home for the Aged Inc;
- (c) note that a further report will be provided to Council to finalise its position in relation to the request in due course; and
- (d) advise the objectors accordingly.

Author:	Claire Jordan	Endorsed By:	Paul West
Position:	Governance Officer	Position:	General Manager

21-8-19

21 Douglas St
East Devonport

To the Acting General manager,

I am concerned that the Mary Binks Reserve is to be sold and thus taken away from us, the residents of East Devonport. People who enjoy the flora and fauna. As a long standing resident of East side my love for the reserve and extreme concern is for the many different species that call Mary Binks Reserve - wetlands, home - which I will add was well before this special piece wetland was officially given title. Including several different species of wild ducks that breed in the reeds of the pond - yes breed, for I have observed the mother ducks with their ducklings with delight at their presents in our "back yard". There are frogs, water fowl, Potaroo's, Goanna, Kookaburra's and a White Gose Hawk has been seen each year perched in the trees, - a rare sight to behold.

Not to mention the delight to see the children in our local area playing in the natural surroundings, which I might add is so important in this digital age. You might ask how do I know all this - because we of the local area walk through this beautiful special wetland every day and for me personally for the past 30 years.

I was very upset and concerned to

PTO

See the proposed sale of this land, not just for myself, nor for my neighbours and their children, but too add a voice to the voiceless, - clucks, frogs water fowl, small marsupials, birds + trees.

Being a resident of Douglas street, East Devonport for 30 years strongly object to the sale of, "Mary Binks Reserve".

Please consider the natural life that call, "Mary Binks Reserve," HOME

Thank You

Jennifer Harrington

Matthew Atkins

Acting General Manager
Devonport City Council
137 Rooke Street
Devonport

29 August 2019

Re Mary Street Wetlands
93-95 Mary Street
East Devonport
Certificate of title 84931/1 and 84931/2

Dear Matthew,

I would like to lodge an objection to the proposed disposal of the Mary Street Wetlands or part thereof from Council ownership as public open space to Melaleuca Home for the Aged for residential housing.

Mary Street Wetlands was one of Australia's first constructed wetlands, on a site that was previously a Council dumping area. It was created at a time when Devonport City Council cared more about the environment and a little money went along way.

Bernard Monks, the former Devonport Council Engineer designed the project for free and much of the tree planting, boardwalks and bridge construction was provided by Green Corps and Work for the Dole participants provided by Mersey NRM with Council's own Carol Bryant leading the Green Corps Team. Many hours of voluntary work helped maintain the area in the early years of it's development.

At a time when the environment is under pressure from climate change, development and apathy, would it not be a good idea to maintain the wetlands for the habitat it provides for the native species that live there?

Does Council acknowledge that the wetlands acts as a buffer for the stormwater that at times flows through the area from the land east of Girdlestone Park football ground? Does Council realise that without the wetlands in place the whole stormwater system from Caroline Street immediately north of the East Devonport Recreation Centre to the Mersey River may need to be upgraded to cope with the increased load? Council would be aware that even now that system is at capacity. Any additional stormwater run-off from hard surfaces like buildings and paths will add to the existing problem. Building anything in the low lying area of the wetlands will require the ground level to be raised so the risk of flooding can be minimised. These things will be a burden on ratepayers and are there not rules regarding the amount of public open space that must be provided within urban areas? East Devonport must be running close to the minimum permissible now without further losses.

It would appear that Council plans to keep the road (Douglas Street) that includes part of the Mary Street Wetlands. This will not be sufficient for the wetlands to survive as

there will be no buffer zone between residential housing and the wetlands on the southern side of the wetlands and virtually no buffer zone on the northern side either. Has Council learned nothing from previous developments that have not provided a useable buffer between bushland, creeks and housing? Unless all the residents are deaf there will be complaints about the noisy banjo frogs in the wetlands and the vegetation on the southern side of the wetlands will, during winter, shade any housing that is close by. If the vegetation is removed to remedy this situation the effectiveness of the wetlands to provide habitat will be diminished considerably. There is a minimum area required for a constructed wetlands to work, if any of the existing wetlands is removed that will most likely make the remainder unviable.

Has Council considered gifting Melaleuca a portion of land between the existing complex and the East Devonport Recreation Centre? That may provide a better option.

Yours sincerely,

Phil Murray.

127 Best Street

Devonport

pmurray@internode.on.net

02/09/2019 D614283

29th August 2019

Mr M Atkins.

I am writing to object to the disposal of 93-95 Mary Street East Devonport.

This reserve was transformed from a council landfill site to a Wetlands in 1999.

From 1999 through to today it has been transformed into a pristine Wetlands that has a unique combination of scenery, native wildlife and walking paths.

By removing approximately 30 percent of this ecosystem it will not function as it was intended and will gradually die.

To the uneducated person simply removing the grass and vegetated mounds section of the Wetlands is nether here or there. But this area is now critical to the way the ecosystem operates by filtering the water flow into the actual waterway and the *Leptospermum scoparium* (tea-tree), *Eucalyptus* attract birdlife and fauna etc.

The Wetlands are an asset to the whole community from school children learning about our environment to the elderly enjoying the tranquillity.

I would also suggest that by the removal of this land for eventual development may breach Federal and or State Legislation's of some type.


Kind Regards

Mr Garry Corcoran

2 Cliffden Court East Devonport.

Tasmania 7310

Phone 64277714



03/09/2019 D614367

92 Tarleton Street
East Devonport 7310

30 August 2019

Attention: Mr Matthew Atkins
Acting General Manager
Devonport City Council
PO Box 604, Devonport 7310

**Objection to transfer of public land—Melaleuca Aged Care's
Expansion Plans**

- The **plan** provided to the general public, in my opinion, is inadequate for the purpose of making an informed decision on the appropriateness of the proposal to dispose of this piece of land—
 - a. The google map is outdated.
 - b. It does not show the position of the land in relation to the rest of the Wetland and to the Melaleuca Aged Care facility.
 - c. It refers to the mass of land 0.7593 hectares¹ but does not give boundary measurements that could relate it to a physical position on the ground.
 - d. Certificates of Title 84931/1 and 84931/2 are quoted, but not accessible anywhere that I could find.

- This will be the third piece of public land syphoned off for private use in recent years, one of which, that, deeded to the

¹ In the list of Public Land published on Council website Mary Binks Wetlands Reserve is stated to be only 0.7593 hectares which is the total of the land proposed for disposal!

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Oak

^ Possibility organisation for social housing in Tarleton Street, shows no sign of progress, and the land is lost to the community.

- The Mary Binks Wetlands offers much more than many other pieces of land listed for East Devonport in the Public Lands list, that amount to little more than empty spaces, some with swings and slides and little else, the maintenance of which must be minimal at most. There is a purpose to it—it provides habitat for native birds and plants—as well as having a recreational purpose.
- Council is giving away public land for a **potential** development at some **unspecified** time in the future on the grounds that it will reduced “maintenance costs.”
- It could be conceived, if the land is gifted, that Melaleuca has received an unfair financial benefit.
- Melaleuca website is dated 2013 and has only 10 archived items dating from June 2013 to April 2019.
There is no mention of a “stage one” let alone a “stage two” development that would necessitate the alienation of part of the Mary Binks Wetland.
- I understand, following enquiry of the Executive Manager Organisational Performance, Kym Peebles, that as of 23 August 2019 no application for the development of a Stage one has been received by Council.

However the Open Minutes Council Meeting of 22 July 2019 states:—

5.4 MELALEUCA AGED CARE - EXPANSION OF FACILITY (D591095) 140/19 RESOLUTION MOVED: Cr Jarman
SECONDED: Cr Murphy That Council **in relation to the request from Melaleuca Home for the Aged Inc** determine: (a) to receive

03/09/2019 D614367

and note the report; (b) provide 'in-principle' support for the proposal to transfer public land to Melaleuca for the purpose of expanding their services into independent living units; (c) in accordance with the Local Government Act 1993 publicly advertise the Council's intention seeking community feedback on the potential proposed disposal of public land; (d) depending on the outcome of the community feedback further consider the development of an acceptable Memorandum of Understanding to progress the potential transfer.

Council Update 23 July 2019 states:—

“While the land includes the site of the Mary Binks Wetlands, Melaleuca will not build on that part of the property.”

- You could be forgiven for thinking that the major part of the Wetland is on Melaleuca property and the piece of land under offer is not part of the Wetland.

Melaleuca “has also offered to maintain the wetlands area to offset Council's maintenance costs.

- Is this an offer to maintain the land under offer or the whole of the Wetland? How long will this offer remain in force and is it an enforceable condition?
- Council has just spent money on upgrading one of the footpaths, and has recently done other worthwhile work.
- School children have assisted in planting trees and shrubs. We need every tree that we can get, so what kind of message does this deliver, if the plantings are bulldozed, in view of climate change.
- The Wetland is a green space that provides habitat for native birds and frogs. Frogs are the environmental health indicators of the condition of the environment in which they live!
- Large trees that are already on the land in question will, more likely than not, be cut down when/if development occurs resulting in further loss of food trees for native fauna, parrots, and honeyeaters amongst others.

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- In winter the water table is high resulting in saturation of the soil. Will the provision of a road, and underground amenities effect the viability of the Wetland?
- The water source for the Wetland is on the northern boundary of the Wetland with Melalauca. Will the proposed “stage one” effect the reliability of the water supply?
- Will there be an environmental impact study?
- To remove part of the Wetland that has just recently been dedicated to the memory of the first female mayor of Devonport is an affront to Mary Binks and her family.

In view of these concerns I would hope that Council will reconsider the proposal to alienate this piece of public land.

Yours faithfully,

A handwritten signature in cursive script that reads "Helen Anderson".

Helen Anderson

04/09/2019 D614437

2nd September 2019

**SUBMISSION REGARDING MELALEUCA AGED CARE
EXPANSION OF FACILITY (D591095) 140/19 RESOLUTION TO COUNCIL**

In sympathy with Council Policy 5.7, Mary Binks Wetlands acts as both a valued neighbourhood green space and a viable primary fauna corridor between the municipality and farming lands adjacent.

The proposal to sign over approximately one third of this valuable space to a commercial enterprise must be looked at very carefully:

- How will the construction of eleven units accessed by an internal road on this land affect the natural flow of water to the wetlands? In summer the ponds get quite dry, and at one time Council was contemplating diverting grey water to keep the levels up for wildlife.
- Part of the area indicated is subject to marshy conditions in the cooler months, especially around the area close to Mary St. This is the lowest point of the whole block, and it can get very boggy. In fact in the past the roadway adjacent was often inundated, before further drainage was installed. Extensive drainage will be required. Will this affect the wetland?
- How will the constriction of green space affect residents? Certainly there are green fields behind the wetlands, but these are only for "looking at" and you can't observe wetland flora and fauna.
- There is also the possibility that in the future Melaleuca Aged Care may decide to build further units on their land on the northern boundary, and possibly affect water flow. (The natural flow of water is downhill from the Melaleuca site, pooling at the bridge area and flowing through the ponds one after the other).

I am not averse to the construction of units on the periphery of the wetlands, but ideally these units would run the length of the southern fence line and have a single road access. This should take up about half the area in question.

Their offer to maintain the wetlands is of course an attractive option for Council, and it may be that Melaleuca Aged Care is genuine and will live up to their promises.

However, across Australia wetlands are under threat from encroaching suburbia. I think we need to be very careful about handing over any land without built in guarantees for the health and security of our wetland.



Frances Wilson
26 Wright St
East Devonport TAS 7310
Mob: 0438913005



04/09/2019 D614437



04/09/2019 D614437

04/09/2019 D614451

Angela Tyson
5 Jingella Place
Devonport 7310
Ph: 64233011
0407233070

angela.tyson@bigpond.com

The Acting General Manager
PO Box 604
Devonport Tas 7310

2nd September 2019

Objection to partial sale of Mary Binks Wetlands

Dear Sir,

I would like to voice my objection to the partial sale of the Mary Binks Wetlands to Melaleuca Home For The Aged Inc. I am a Devonport Council and Wildcare volunteer and donate my time and labour to various natural reserves in and around Devonport. I, and many others, believe it is of the utmost importance to preserve the few natural reserve areas in our city. The Mary Binks Wetlands is a small green oasis in an otherwise unremarkable urban area, and little gems like this, once lost, are lost forever. I realise that the sale is only a portion of the wetlands but the close proximity of the new dwellings is of the utmost concern.

I am not anti-development but Melaleuca, who may have good intentions regarding the reserve, do not have the knowledge and skills pertaining to eco system management. Having residential units so close to the wetland could prove disastrous. Pets, particularly cats, could do serious damage to this little ecosystem. Increased human traffic, noise and artificial lighting could also be detrimental to the native inhabitants of the wetland. I am aware that we are an aging population and require more accommodation, but does the gain outweigh the cost? This is a relatively small reserve now, and reducing the size further will significantly detract from the ambiance of the reserve.

In council's own words the reserve is described as "an enriched habitat for a diverse range of flora and fauna" and "a fitting tribute ensuring that Mrs Binks' legacy and her community passion will be forever". Why on earth would council jeopardise an area of such value. Please reconsider this decision.

To truly call ourselves a "living city" we must be also be a "green" city.

Regards



Angela Tyson
Reserve volunteer and ratepayer, Devonport

04/09/2019 D614456

Phil Hrstich

NRM Officer

Devonport Council

phrstich@devonport.tas.gov.au

RE: 93-95 Mary Street, East Devonport

Dear Mathew,

As NRM Officer with council I'm opposed to transferring of land at 93-95 Mary Street, East Devonport. There is an increased risk of losing public greenspace in East Devonport due to development. Public greenspaces are known to improve resident's mental and physical health. Over the past 18 months of work with Devonport, council have engaged with various stakeholders including East Devonport Primary School planting trees, Wildcare Friends of Devonport Reserves bird monitoring and the East Devonport Special Interest group and Village People with clean-ups and an art project. NRM have planned to plant a grove of Eucalypts in this land again involving the East Devonport SS for education purposes and as an outdoor activity.

This Reserve is valued by the community and the land in question is an important buffer for the health of the wetlands themselves. There is a water table that includes runoff from adjoining land that adds to the quality of the wetland. Removing this adjoining land from its natural state and building on it will disrupt this water table and eventually effect the wetland quality. This wetland in the past has won an award for its environmental quality it would be a shame to lose it! The area is regularly used by nearby residents who enjoy its biodiversity including many birds and frogs.

Regards,



Phil Hrstich

04/09/2019 D614457

PO Box 3026
Devonport Tas 7310

2 September 2019

Acting General Manager,
PO Box 604
Devonport Tas 7310

Dear Mr Atkins,

We are writing to express our objection to the proposed disposal of land at 93-95 Mary Street, East Devonport which forms a substantial part of the Mary Binks Wetland.

According to the Devonport City Council website, the wetland provides a habitat for a range of flora and fauna and covers an area of 1.7 hectares and was previously used for landfill.

Our objections to the sale are as follows:

1. There is very little land of this nature set aside in East Devonport for protection of local flora and fauna, the disposal will reduce this by almost half and therefore place stress on local species.
2. According to an article in the Advocate dated 27 September 2018, the wetland was named to permanently honour the memory of a much loved previous Mayor, Mary Binks, Devonport's first female Mayor. Mrs Binks was passionate about the establishment of the wetland for flora and fauna and the local community. And yet, such a short time later some of this land is proposed to be disposed of for private development. We feel this indicates a sad lack of respect for the original intention for the land to be set aside as a permanent tribute to Mrs Binks.
3. Due to this change of mind by the Council over such a short period of time, how can ratepayers feel confident that Council will stand by their word in the future?
4. Only a couple of months ago, the Wildcare group, Friends of Devonport Reserves was established, with the Mayor attending the launch and voicing her support for volunteers helping to care for Devonport reserves including the Mary Binks Wetlands. It is disappointing for volunteers who put so much free time and effort into working for the Council to discover that now, part of one of the reserves is to be disposed of.
5. As a previous land fill site, is this site suitable for the building of independent living units?
6. If the Council insists on disposing of this land, should it not have been put out to tender to ensure ratepayers receive the best price possible?

Yours sincerely



June and Greg Hilder

From: Colleen Woodhall <collees51@icloud.com>
Sent: Tuesday 3 September 2019 1:22pm
To: Devonport City Council
Subject: Re 93-95 Mary Street, East Devonport

To whom it may concern,
I wish to present this submission to council planning.
I was part of the original steering committee of the Mary Binks Wetland. I am so proud of what has become of the little seed of an idea to what we have in our community today! This area was a dump and is now a peaceful, wetland/ native parkland!
I was walking my dog a week ago and noticed the planning notice relating to [93-95 Mary St](#) in situation at the wetlands. My understanding of this is that these 2 blocks of land are proposed to be added to the Melaleuca Home for the Aged property. Am I correct?
I wanted to bring your attention to the fact that there is an underground spring which surfaces from the bank south of Melaleuca, just north of the wetlands main boardwalk, and runs into the main pond. This was an important point when the wetlands were being developed!

My concern is that future developments at Melaleuca could impact or divert this small source of valuable water from the wetlands.....or worse, that it could disappear forever!
Another concern of mine is for the native trees and wildlife. The two new raised native gardens only planted a short time ago are only just starting to go ahead! The Melaleuca development will wipe them out!
Please consider my submission as I firmly believe our little community of East Devonport are truly appreciative of our wetlands.
Yours faithfully,
Colleen Woodhall,
12 Nathan Court, East Devonport.
Ph. 0417725446

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
2/9/2019	Cruise Ships	Presentation on the Notice of Motion raised by Councillor Laycock at the June 2019 meeting.
	Pump Track	Presentation on the Notice of Motion raised by Councillor Alexiou at the July 2019 meeting.
	LG Act Review	Discussion about Reform Directions Paper and process for submissions.
	21 st Century Councils	Discussion on how Tasmanian Local Government will meet community needs in 2050.
16/9/2019	Mersey SeaWalk	Six Rivers Aboriginal Corporation Board attended to discuss the proposed Mersey SeaWalk.
	Vietnam Veteran War Memorial Tas Project	Project Manager presented concept plans to Council in accordance with Council's resolution of 25 March 2019.
	Auditor-General's Report – Procurement in Local Government	Discussion on timing of the Report.
	Waterfront Park Tender Assessment	An update on the tender assessment for the Waterfront Park construction project.

RECOMMENDATION

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

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Paul West General Manager
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6.2 MAYOR'S MONTHLY REPORT

File: 22947 D563541

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 22 August and 18 September 2019:

- Council meeting, various Council Committee, Special Interest Group and Working Group meetings and workshops as required.
- Internal meetings with staff and Councillors as requested
- Media as requested – Martin Agatyn (7AD) x 2, Darren Kerwin (7AD), Lee Dixon (Sea FM)
- Meetings with community members
- Attended Cradle Coast Authority Representatives and Board meetings
- Attended lunch with other invited guests to meet the Deputy Prime Minister
- With the Acting General Manager met with the Deputy Prime Minister
- Welcomed Commanders Curtis and Butler from RAN
- Attended functions on board HMAS Melbourne during the ship's visit to Devonport
- Attended The Living Room at the Library
- Presented medals and certificates at the Devonport Junior Basketball Championships
- Attended Mersey Community Hospital Auxiliary AGM
- Attended Reflections Café
- Attended lunch hosted by Tourism Tasmania to welcome North West Regional Tourism Organisation Board members and staff
- Attended Latrobe Senior Citizens 50th Birthday celebrations
- Met with Elizabeth Sandman re 150 year celebrations of Public Schooling in Tasmania
- Chaired NW Suicide Prevention Trial Site Advisory Group meeting
- Officially opened 2019 Devonport Eisteddfod
- Attended LGAT General Management Committee Strategic Planning session and General Meeting
- Attended Premier's Local Government Committee meeting
- Attended East Devonport Community House AGM
- Attended Arboretum Committee meeting
- With staff members attended Mersey Leven Emergency Management Committee meeting

Report to Council meeting on 23 September 2019

- Met with Her Excellency Ms Ruth Stewart, Australian Ambassador to Serbia, Montenegro and Northern Macedonia
- Officially launched Devonport Food & Wine Festival for 2019
- Attended a function with Her Excellency Ms Ruth Stewart, Australian Ambassador to Serbia, Montenegro and Northern Macedonia as guest speaker
- Visited photographic exhibition at the Arboretum
- Attended Cancer Council fundraiser
- Took part in the Devonport Children's University graduation ceremony
- Attended Disability Expo
- Attended the launch of the Regional Investment Prospectus
- Attended the local Tourism Association meeting
- Attended the opening of the TasTafe cooking school

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - SEPTEMBER 2019

File: 29092 D561421

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 role), between 22 August and 18 September 2019. It also provides information on matters that may be of interest to Councillor's 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. With the Mayor met the State Auditor-General, Rod Whitehead in regard to his examination of procurement activities associated with the LIVING CITY for the period 2012-2019.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. With the Mayor attended the TICT luncheon as part of the launch of the region's new tourism body – West x North-West.
- 2.2. Provided a presentation on the role of local government and the LIVING CITY Waterfront Precinct to students at the Devonport Christian School.
- 2.3. Met with a resident regarding issues relating to drainage in River Road.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended the LGAT General Meeting in Launceston. Due to the unavailability of the Mayor and the Deputy Mayor to attend the meeting acted as the proxy voting representative.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Met with representatives from Tasmanian Fire Service regarding proposed burn-offs in the Kelcey Tier Reserve.
- 4.2. Attended the opening of the Drysdale Cooking School at Providore Place.

5. OTHER

- 5.1. 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 - September 2019
2. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential September 2019

RECOMMENDATION

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

Author:	Paul West
Position:	General Manager

Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
Resolution Title:	Senior Citizens Club Parking – Notice of Motion – Cr A Jarman (D612555)
Date:	26 August 2019
Minute No.:	165/19
Status:	In progress
Responsible Officer:	General Manager
Officers Comments:	Workshop scheduled for 7 October
Resolution Title:	Land Sale – Spreyton – Notice of Motion – Cr S Milbourne (D612569)
Date:	26 August 2019
Minute No.:	166/19
Status:	In Progress
Responsible Officer:	General Manager
Officers Comments:	Annual Plan Action
Resolution Title:	Pathway Feasibility Study – Notice of Motion - Cr S Milbourne (D612577)
Date:	26 August 2019
Minute No.:	167/19
Status:	Not Started
Responsible Officer:	General Manager
Officers Comments:	20/21 Budget
Resolution Title:	Julie Burgess Operational Review (D575887)
Date:	26 August 2019
Minute No.:	168/19
Status:	Completed
Responsible Officer:	Convention and Art Centre Director
Officers Comments:	EOI process underway
Resolution Title:	National Trust Australia (Tasmania) Partnership Agreement for Home Hill (D600815)
Date:	26 August 2019
Minute No.:	169/19
Status:	Completed
Responsible Officer:	Convention and Art Centre Director
Officers Comments:	With National Trust

Resolution Title:	Contract 1335 Waterfront Park Superintendent Consultancy (IWC 27/19 – Infrastructure Works & Development Committee - 12 August 2019)
Date:	26 August 2019
Minute No.:	173/19
Status:	Completed
Responsible Officer:	Project Manager (Jamie Goodwin)
Officers Comments:	6ty engaged as Project Superintendent
Resolution Title:	Dog Management Policy (IWC 30/19 – Infrastructure Works & Development Committee – 12 August 2019)
Date:	26 August 2019
Minute No.:	173/19
Status:	Completed
Responsible Officer:	Risk Management Coordinator
Officers Comments:	Public exhibition complete
Resolution Title:	Asset Management Policy (IWC 31/19 – Infrastructure Works & Development Committee – 12 August 2019)
Date:	26 August 2019
Minute No.:	173/19
Status:	Complete
Responsible Officer:	Infrastructure and Works Manager
Officers Comments:	Policy finalised and uploaded to website

Previous Resolutions Still Being Actioned	
Resolution Title:	Installation of “Pump Track” – East Devonport – Notice of Motion – Cr J Alexiou (D590946)
Date:	22 July 2019
Minute No.:	134/19
Status:	In Progress
Responsible Officer:	Community Services Manager
Officers Comments:	Considered at September workshop
Resolution Title:	Council Policies – Biennial Review (GFC 38/19 – 15 July 2019)
Date:	22 July 2019
Minute No.:	153/19
Status:	Completed
Responsible Officer:	Executive Manager Corporate Services
Officers Comments:	Audio Recording Policy on current agenda. All other policies finalised.

Resolution Title:	Cruise Ships – Devonport – Notice of Motion – Cr L Laycock (D581749)
Date:	24 June 2019
Minute No.:	109/19
Status:	In Progress
Responsible Officer:	Community Services Manager
Officers Comments:	Discussions held with Tasports, Australian Cruise Association and Tourism Tasmania representatives. Information presented at the September workshop
Resolution Title:	Proposed Sale of Land – Canning Drive, East Devonport (GFC 21/19 – 18 March 2019)
Date:	25 March 2019
Minute No.:	58/19
Status:	In Progress
Responsible Officer:	Executive Manager Organisational Performance
Officers Comments:	OVG valuation information received and independent market valuation to be undertaken
Resolution Title:	Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)
Date:	22 October 2018
Minute No.:	187/18
Status:	In progress
Responsible Officer:	Community Services Manager
Officers Comments:	Discussions commenced with TasPorts – Meeting held 2 August with Commander Bob Curtis
Resolution Title:	Disability/Equal Access and Inclusion (D491448)
Date:	25 September 2017
Minute No.:	181/17
Status:	In progress
Responsible Officer:	Community Services Manager
Officers Comments:	Strategy being finalised
Resolution Title:	Funding & Assistance – Home Hill – NOM – Ald Laycock
Date:	26 September 2016
Minute No.:	170/16
Status:	Completed
Responsible Officer:	Convention and Arts Centre Director.
Officers Comments:	Signed by both parties

6.4 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING - 22 AUGUST 2019

File: 31710 D614925

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.3 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure that balances the needs of industry, business, community, government and the environment

SUMMARY

To provide Council with the unconfirmed minutes of the Cradle Coast Authority Representative's meeting which was held 22 August 2019.

BACKGROUND

As a member of the Cradle Coast Authority, Council is provided with a copy of the minutes.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report. Under the Authority's Rules, minutes of Representatives meetings can be considered by Council in open session.

DISCUSSION

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 22 August 2019 are attached for consideration.

From the minutes it is noted:

- An overview of the Compassionate Communities initiative and ways that councils around Australia are making their communities better equipped to deal with grieving and ageing.
- CCA employees delivered a presentation on the current status of the Coastal Pathway.
- Mr Peter Voller PSM was appointed as a Director of the Cradle Coast Authority.
- The CEO provided an update on the status of the new Regional Tourism Organisation (RTO). It was acknowledged that the new RTO may wish to see councils divert funds from CCA to them, noting however that the CCA's 2019/20 budget was locked in.

COMMUNITY ENGAGEMENT

There was no community engagement as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONCLUSION

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 22 August 2019 are presented.

ATTACHMENTS

1. Minutes - Cradle Coast Authority - Representatives Meeting - 22 August 2019

RECOMMENDATION

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 22 August 2019 be received and noted.

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Paul West General Manager
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MEETING MINUTES
REPRESENTATIVES MEETING

Date: 22 August 2019
Time: 10:00am
Location: 137 Rooke Street, Devonport

1. MEETING OPEN

Chief Representative and meeting Chair, Mayor Jan Bonde, opened the meeting at 10:00am, welcoming attendees.

CEO Daryl Connelly explained that the meeting would be recorded and that no staff were available to take minutes during the meeting on this occasion, and that a new Executive Assistant was commencing soon, to replace Lauren Clarke.

Attendees and apologies are noted at Attachment 1.

2. GUEST

2.1. Holly Rankin-Smith, Compassionate Communities, National Lead with The Groundswell Project

Ms Holly Rankin Smith and two colleagues provided an overview of the Compassionate Communities initiative and talked about ways that councils around Australia are making their communities better equipped to deal with grieving and ageing. A council resource kit is also available.

A discussion after the presentation provided the CEO with an indication that Member Councils would be happy for CCA to explore low cost – no cost opportunities to partner with organisations like The Groundswell Project on some "Compassionate Communities Awards" or similar initiatives.

3. STANDING ITEMS

3.1. Declarations

Nil.

3.2. Confirmation of Previous Minutes

Minutes of the 23 May 2019 Representatives Meeting were provided at Agenda Item 3.2.

RESOLUTION

That the Representatives accept the minutes of the meeting held 23 May 2019 as a true and accurate record subject to the reference to a "pumped track" being changed to "pump track"

RESOLVED

3.3. Actions Register

The Actions Register was presented at Agenda Item 3.3 with no outstanding actions.

Representatives noted the Actions Register.

4. CRADLE COAST AUTHORITY UPDATE

4.1. CCA CEO Report

A briefing note was provided at Agenda Item 4.1.

RESOLUTION

The Representatives accepted the CEO Report.

Moved: Deputy Mayor Jarman / Seconded: Mayor Walsh / CARRIED

Mayor Wilson congratulated the CEO on his comprehensive, yet simple approach to reporting.

4.2. Quarterly Financial Report

A briefing note was presented at Agenda Item 4.2.

RESOLUTION

The Representatives accepted the Quarterly Financial Report.

Moved: Mayor Walsh / Seconded: Deputy Mayor Jarman / CARRIED

5. FOR DECISION

5.1. Proposal – Board Director Terms of Appointment

A briefing note was presented at Agenda Item 5.1.

RECOMMENDATION

1. That the Representatives resolve that the term of Mayor and General Manager Board appointments be set at four years.

2. That the Representatives resolve to adopt the proposed amended terms relating to the current Board.

RESOLUTIONS

The Representatives accepted the Proposal.

Moved: Mayor Quilliam / Seconded: Mayor Gerald / CARRIED

5.2. Special Resolution – Appointment of Ms Sheree Vertigan AM as a CCA Board Director

A briefing note was presented at Agenda Item 5.2.

RECOMMENDATION

That the Representatives appoint Ms Sheree Vertigan AM as a Director of the Cradle Coast Authority until October 2021.

RESOLUTIONS

The Representatives accepted the appointment.

Moved: Deputy Mayor Jarman / Seconded: General Manager Scott / CARRIED

5.3. Coastal Pathway – Proposed Role for CCA

A briefing note was presented at Agenda Item 5.3.

CCA employees Kate Sims and Mary Roddy arrived to deliver a presentation on the current status of the Coastal Pathway and to speak to the briefing note.

There was a lengthy discussion, and an alternative motion suggested, prior to the recommendation outlined in the briefing note, being put to the representatives and carried.

The CEO noted the concerns raised by some Representatives' around the need to work closely with Councils and committed to doing so. The CEO also advised that a more detailed plan would be presented to the next representatives' Meeting, as outlined in the briefing note.

RECOMMENDATION

That CCA be tasked with primary responsibility for Coastal Pathway related advocacy, planning, communication and stakeholder engagement.

Moved: Mayor Quilliam Seconded: Mayor Walsh / CARRIED

5.4. Special Resolution – Appointment of Mr Peter Voller PSM as a CCA Board Director

A briefing note was circulated separately to the Agenda Papers.

RECOMMENDATION

That the Representatives appoint Mr Peter Voller PSM as a Director of the Cradle Coast Authority until October 2023, subject to Ministerial approval of his appointment as Chair of the Regional NRM Committee in accordance with the NRM Act (2004).

Moved: Colin / Seconded: General Manager Ayton / CARRIED

6. LOCAL GOVERNMENT UPDATE

6.1. Representatives to provide an update on the status of any commitments made to their Council during the recent federal election campaign

All Councils provided an update on the commitments made by Senator Martin during the recent federal election campaign. All Councils advised that they were happy with how the process of firming up these commitments was progressing.

7. GENERAL BUSINESS

7.1. Representatives to provide an update of whether their Council has been approached by the new RTO for funding, and the status of any discussions

The CEO provided an update on the status of the new RTO and undertook to update Representatives further following his meeting with the new RTO Chair and CEO scheduled for the following week. It was acknowledged that while the new RTO may wish to see Councils divert funds from CCA to them, CCA's 2019/20 budget was now locked in. The CEO advised that CCA would look at what specific activities it would undertake in tourism, as soon as the RTO was able to confirm the scope of its intended activity, in particular whether they intend to deliver product development or destination marketing only.

Group discussion – is there merit in us agitating for government and others to formally adopt the term “Cradle Coast” instead of, for example, “the west and north-west coast” when referring to the region?

There was general agreement that it would be good to see the term “Cradle Coast” adopted more widely. The CEO advised that in making the switch from “Tasmania's North-West” to “Cradle Coast”, the former Regional Tourism Committee considered evidence to support the change, including Internet search results.

The CEO suggested that this issue was something that CCA and the RTO could partner on, and he undertook to pursue that with them.

8. IDENTIFICATION OF CONFIDENTIAL MATTERS ARISING FROM TODAY'S MEETING

Nil

9. MEETING CLOSE

Meeting closed at 1.00pm prior to the Representatives attending a meeting with the Deputy Prime Minister

The next meeting will be held on Thursday 28th November 2019 at the Cradle Coast Authority offices.

Attachment 1: Attendees, Observers and Apologies**Representatives**

Councillor Steve Kons	Mayor, Burnie City Council
Councillor Ken Dorsey	Deputy Mayor, Burnie City Council
Councillor Jan Bonde	Mayor Central Coast Council (Chief Representative)
Ms Sandra Ayton	General Manager, Central Coast Council
Councillor Daryl Quilliam	Mayor, Circular Head Council
Mr Scott Riley	General Manager, Circular Head Council
Mr Matthew Atkin	General Manager, Devonport City Council
Councillor Alison Jarman	Deputy Mayor, Devonport City Council
Councillor Tim Wilson	Mayor, Kentish Council
Councillor Don Thwaites	Deputy Mayor, Kentish Council
Councillor Peter Freshney	Mayor, Latrobe Council (Deputy Chief Representative)
Mr Gerald Monson	General Manager, Latrobe Council
Councillor Robby Walsh	Mayor, Waratah-Wynyard Council
Mr Shane Crawford	General Manager, Waratah-Wynyard Council
Mr David Midson	General Manager, West Coast Council (via video conference)

Cradle Coast Authority

Mr Sid Sidebottom	Chairperson
Mr Andrew Wardlaw	Director
Ms Kathy Schaefer	Director (via video conference)
Mr Malcolm Wells	CCA Director
Mayor Annette Rockliff	Director
Mr Daryl Connelly	Chief Executive Officer

Apologies

Mayor Phil Vickers	Director
Mr Peter Voller	Director
Councillor Shane Pitt	Deputy Mayor, West Coast Council
Councillor Julie Arnold	Mayor, King Island Council (via video conference)
Mr Greg Alomes	General Manager, King Island Council

6.5 DEVONPORT JAZZ 2019

File: 35807 D614851

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.2.2 Cultural facilities and programs are well planned and promoted to increase accessibility and sustainability

SUMMARY

This report is provided to give Council an overview of the Devonport Jazz Festival 2019.

BACKGROUND

The Devonport Jazz Festival was held from 25-28 July 2019. The four-day festival featured 39 performances held in 26 venues throughout Devonport and surrounds. It is noted that four of the performances were dedicated school shows and were therefore closed to the public.

The festival, now in its eighteenth year, featured a combination of events that were either funded by Council in venues that Council managed, or in venues where Council engaged artists and on-sold the events. Council managed all musical programming of the festival, artist and stakeholder liaison and the marketing and promotion of the event.

Council has a very proactive Jazz Taskforce, made up of volunteers, who assist with the staging of the festival. This year, 19 volunteers contributed 322 hours in preparation for the festival as well as during the actual festival itself. Their duties included ushering, venue liaisons, support provision and back-stage assistance.

During the festival, there was a focus on featuring the facilities and technical support within the parade precinct, which served to create a more of a festival atmosphere.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

This year's festival featured headliner James Morrison who performed to a sell-out audience. This was James' second time to Devonport Jazz, having also headlined the 2012 festival. For his one-off concert at the Town Hall Theatre, James performed with his two sons, William and Harry, Patrick Danao on drums, and the most recent winner of the Generations in Jazz Scholarship, singer Adelina Martinez.



A new element to the festival was a gala evening with the Moonlight Aviators and Matthew Ives and his Big Band. Fresh from Hobart's Spiegeltent, "Squeezebox Cabaret" had never been seen in the North of the State. Combined with a 3-course meal at the paranapple convention centre and followed by the popular Hobart dance band, this event was the most complicated stage show ever choreographed at the centre.



The Pure Jazz Sessions, held in the Aberdeen Room and Town Hall Theatre proved very popular with trumpeter Gianni Marinucci and his trio, drummer Ben Charnley and his trio, and the renowned band The Syncopators, presenting three very impressive concerts.

The Royal Australian Navy Band - Melbourne Jazz Group featured across the program with closed shows at The Don College, Latrobe High School and Ulverstone Secondary College. The band was hugely popular at "Musos in the Mall" and also at the Devonport RSL, a venue that returned to the program after a break of several years.

Report to Council meeting on 23 September 2019

Other performances included a jazz tribute to INXS, vocal/cello duo Ondine, Launceston cover band Espresso Bongo and acoustic trio Les Coqs Incroyables.

The festival featured events designed to attract a broad range of community members with attractions that were complementary to the Jazz music. A Devonport Jazz edition of the popular Street Eats food truck festival attracted a large crowd complemented by Jazz inspired music and a New Orleans style Street Parade. The event was scheduled to be in Market Square but due to the weather forecast was moved into Providore Place which complemented their SpeakEasy event. Street Eats was well attended by approximately 900 people.

The Providore Place pop-up speakeasy bar and Sunday Market provided a casual aspect of the festival that had been missing for some years, where patrons could drop-in and hear some live jazz music without committing to a ticketed event.

Special events were held in schools, a dementia unit, aged care facility and under 5's playgroup. Holding events in these venues not only opens the festival up for those who might not be able to attend public events, but is also a valuable opportunity for social capital and community engagement.

Pop-up performances in Market Square by six local choirs and vocal groups performed for passers-by on the Saturday of the festival, while members of Devil's Burlesque Academy delighted audiences with surprise appearances throughout the weekend.

2019 saw the expansion of last year's Festival Pass which included entry to more than 20 events, including James Morrison, Squeezebox Cabaret and the Pure Jazz Sessions. The parade Festival Pass also included a book of vouchers for complimentary drinks at some venues, discounts to other events and special deals at a select number of tourist facilities including Don River Railway and Bass Strait Maritime Centre.

Overall the festival attracted an estimated 6,600 patrons, however this figure does not account for those patrons that attended multiple events. 2,925 of these patrons attended events directly administered by Council staff. The numbers are consistent with the 2018 festival.



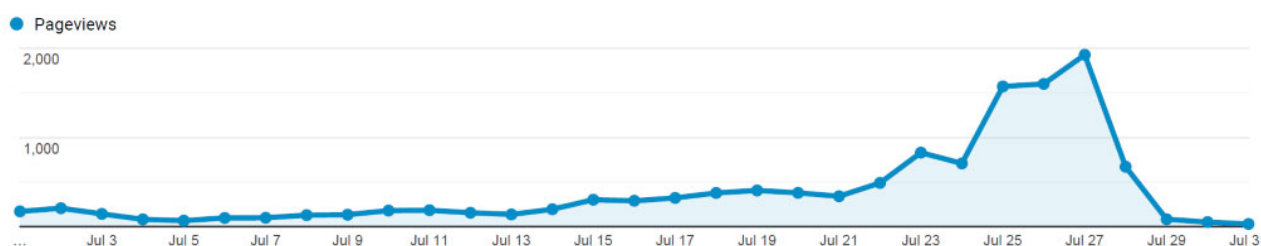
Devonport Gospel Song

Event Promotion

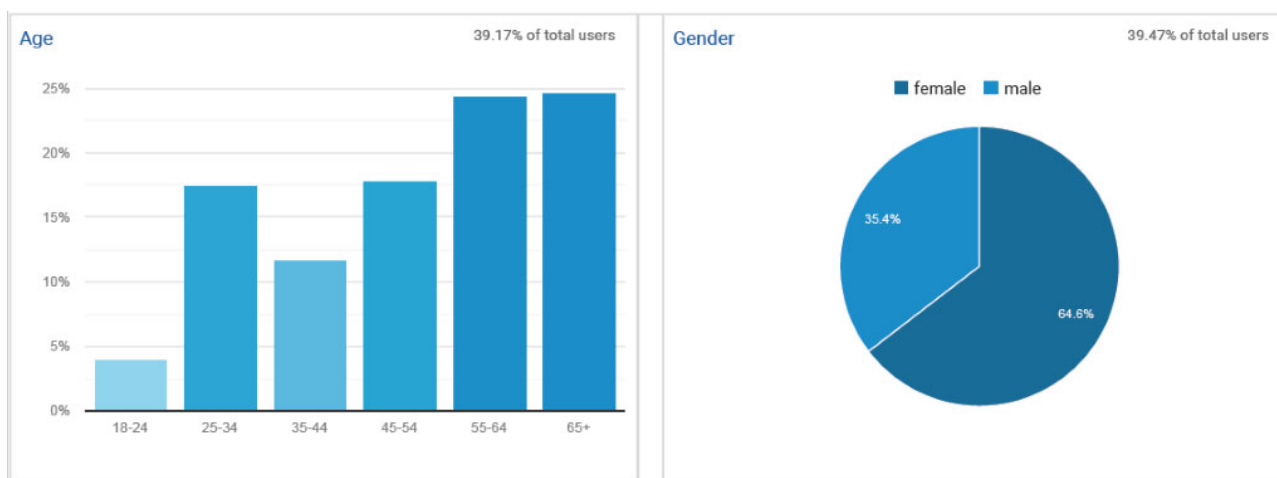
It was important to the success of the event, that Devonport Jazz developed a strong visual identity in the lead up to the 2019 festival. A television campaign ran state-wide on Channel 7 for the weeks leading up to the event. A billboard advertising the festival was also organised for the months of June/July at Quoiba.

Social media was an important aspect of the festival and allowed for connection with the audience via audio and visual clips of featured artists and interaction with artists and venues.

A new Devonport Jazz website was launched in early April to coincide with the official launch of the program. During July there were a total page views of 12,334, which peaked during the festival weekend.



It is noted that 53% of website users were aged between 55–65+, with the remaining 47% of visitors in the 25–54 age bracket.



Devonport Jazz advertising also appeared in the June-July RACT Journeys Magazine, the music-specific street press WARP Magazine, and The Advocate.

Another featured event was the return of the ABC Live Broadcast, hosted by Piia Wirsu. The broadcast saw eight Devonport Jazz acts interviewed and given the opportunity to perform live. These included all the headlining performers. The broadcast was streamed on ABC Local Radio North Tasmania, and State-wide for half the program. The Broadcast was free to the general public, which recorded a higher attendance to previous years.



2020 Devonport Jazz Event

Planning for the 2020 event is underway and artist negotiations, particularly for a headline act, has commenced. The event will be held from 23-26 July 2020 and will again feature events within the parade precinct as well as other venues previously involved in the Festival.

COMMUNITY ENGAGEMENT

A post-festival survey was circulated to patrons from both the Devonport Jazz mailing list, promoted via Social Media and those that purchased tickets from the parade arts centre box office who opted in to receive communication from the festival.

From the responses received, the feedback showed:

- Audiences are predominately local with 55% of respondents from Devonport and North-West Tasmania. 13% were from Launceston and Northern Tasmania, 26% were from Hobart and the South of the State, just 6% of respondents were from the mainland;
- 26% of respondents indicated this was their first-time attending Devonport Jazz, up from 11% last year, with 45% attending more than five times;
- Overwhelmingly respondents enjoyed the artists, atmosphere, venues and variety of genres and events in the Devonport Jazz program;
- 96% of respondents indicated they would attend the event next year.

Overall feedback was generally very positive with many commenting on the diverse program and the added festival vibe. In particular, the Speakeasy Bar at Providore Place received many great comments with people appreciating a casual bar they could drop in at before or after a show to hear some jazz music.

Suggested improvements included ensuring venues had adequate flooring for dancing. This year's festival in particular attracted a huge number of swing dancers with multiple dancers appearing at almost every gig, including those non-traditional dancing venues.

Devonport Jazz Festival works collaboratively with business venues, artists, service clubs, patrons and volunteers to deliver the event.



Members of the Devonport Jazz Taskforce

FINANCIAL IMPLICATIONS

The net operational budget allocated by Council to stage Devonport Jazz in 2019 was \$56,460 excluding any operational costs (Council staff).

The resulting operational net cost for Devonport Jazz 2019 was approximately \$43,000, excluding staffing costs, the result is a favourable budget variance of approximately \$13,500. The gross cost of the festival for 2019 was approximately \$114,000. This total cost is off-set by sponsorship, venue contributions, merchandise sales and ticket sales.

Costs variances in performer fees, accommodation and travel can be accounted for with the increased number of performances from last year. Technical costs increased due to the addition of the gala event. Catering in the paranapple convention centre of \$7,687 was also an additional item in the budget, however, income from ticket sales increased from \$13,656 in 2018 to \$45,888 this year.

A detailed budget breakdown is as follows:

Cost Centre Financial Report				
Marketing, Tourism & Recreation Department				
Marketing & Events - Devoport Jazz 2019 PE: 000 0097				
			2019 Budget	2019 Actual
INCOME				
	Sponsorship		14500	8000
	Venue Agreements		16850	16550
	Admission Charges		16000	45888
	Merchandise		300	707
TOTAL INCOME			47,650	71,145
EXPENSES				
	Performance Headliners		12000	13000
	Performance General		16000	35400
	Performance Pre-festival		2500	0
	Miscellaneous		2500	1179
	Photography/Video		1000	858
	Sound technical		10000	11482
	DECC ticketing & Credit Cards fees		3000	5355
	Piano Hire & Tuning		1000	
	TVC		3500	4048
	Radio		5500	1925
	Print		6520	3299
	Digital		500	30
	Scarves		1290	1348
	Brochures & Printing		3000	2327
	APRA		1000	659
	Catering			7687
	Venue expenses		14000	4325
	Flights		10800	11221
	Accommodation		7800	8855
	Ground Travel		2200	1400
TOTAL EXPENSES			104,110	114,398
NET OPERATING SURPLUS / (DEFICIT)			(56,460)	(43,253)

RISK IMPLICATIONS

- Reputation
To ensure the sustainability of the event, there is a need to continue to attract a more diverse audience, to boost tickets sales. There is the risk, when diversifying, that the festival will lose its Jazz focus which would not be true to the name and reputation of the festival and may turn away the Devonport Jazz faithful which currently make up half of the audience.
- Financial
Council must consider all factors when looking at the costs to stage this event. There is strong evidence of the dispersal of economic benefit throughout the community for participating venues who host an event as well as for accommodation venues.

CONCLUSION

Devonport Jazz continues to be a key event for Devonport's cultural and winter events calendar. The 2019 result shows the concerted effort to attract a more diverse audience proved to be successful. The event has a reputation worth protecting and a loyal audience base, however there is a need to continue to evolve the festival structure to ensure it continues to grow and remain relevant.

Report to Council meeting on 23 September 2019

Overall, the 2019 event was successful in terms of patronage, ticket sales and consumer satisfaction. The assistance of the Jazz Taskforce continues to be of significant benefit to the smooth running of the event and their ongoing commitment and support of the event is acknowledged.

ATTACHMENTS

Nil

RECOMMENDATION

That Council:

- a) receive and note the report relating to Devonport Jazz 2019; and
- b) note that planning has commenced for Devonport Jazz 2020 to be held 23-26 July 2020.

Author:	Karen Hampton	Endorsed By:	Jeffrey Griffith
Position:	Community Services Manager	Position:	Executive Manager Corporate Services

7.0 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING - 9 SEPTEMBER 2019

File: 29133 D614880

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 note the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 9 September 2019.

ATTACHMENTS

1. Minutes - Planning Authority Committee - 9 September 2019

RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 9 September 2019 be received and the recommendations contained therein be noted.

PAC 16/19 Planning Applications approved under Delegated Authority 9 August 2019 - 31 August 2019

(Approved under delegated authority)

PAC 17/19 PA2019.0113 Residential (detached dwelling extension) - 5 Henry Street Devonport

(Approved under delegated authority)

PAC 18/19 PA2018.0182 Residential (multiple dwellings) - 21 The Lee Devonport

(Approved under delegated authority)

Author: Position:	Robyn Woolsey Executive Assistant Management	General	Endorsed By: Position:	Paul West General Manager
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MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 9 SEPTEMBER 2019 COMMENCING AT 5:15PM

PRESENT: Cr A Rockliff (Mayor) in the Chair
 Cr J Alexiou
 Cr P Hollister
 Cr S Milbourne
 Cr L Murphy
 Cr L Perry

Council Officers:

Acting General Manager, M Atkins
 Executive Manager Corporate Services, J Griffith
 Executive Manager Organisational Performance, K Peebles
 Development Services Manager, K Lunson
 Planning Coordinator, S Warren
 Planning Officer, A Mountney

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 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 9 AUGUST 2019 - 31 AUGUST 2019 (D614334)

PAC 16/19 RESOLUTION

MOVED: Cr Perry
 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

4.0 DEVELOPMENT REPORTS**4.1 PA2019.0113 RESIDENTIAL (DETACHED DWELLING EXTENSION) - 5 HENRY STREET DEVONPORT (D614331)****PAC 17/19 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 PA2019.0113 and grant a Permit to use and develop land identified as 5 Henry Street, Devonport for the following purposes:

- Residential (detached dwelling addition)

Subject to the following conditions:

Planning Conditions

1. The use and development is to proceed in accordance with the submitted and endorsed plans referenced as Proposed Garage - Project No P19025 (Revision No A, dated 30/09/19) by n+b, a copy of which is attached and endorsed as documents forming part of this Planning Permit.

Infrastructure & Works Conditions

2. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code and the *Urban Drainage Act 2013*. In this regard the developer is to engage a suitably qualified engineer to determine the best methodology for concentrated stormwater discharge to meet these requirements and for inclusion in any subsequent building and plumbing permit application(s).
3. As part of the developer's design stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development lot being impervious. There is to be no overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to acceptance of building and plumbing permit application(s).
4. The existing driveway access crossover is to be used for the purposes of the proposed development.
5. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
6. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Note: The following is provided for information purposes.

If in the future the owner wishes to explore the opportunity of utilising the detached dwelling extension for a unit or visitor accommodation purposes, the owner will need to discuss with Council's Planning Department the applicable planning permit pathway.

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 in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am - 6pm and Sunday and statutory holidays 10am - 6pm.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

No burning of any waste materials is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

In regard to conditions 2-6 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions and notes can be directed to Council's Development Services Department – Ph 6424 0511.

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

CARRIED UNANIMOUSLY

4.2 PA2018.0182 RESIDENTIAL (MULTIPLE DWELLINGS) - 21 THE LEE DEVONPORT (D614332)

PAC 18/19 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Perry

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 PA2018.0182 and grant a Permit to use and develop land identified as 21 The Lee, Devonport for the following purposes:

- Residential (multiple dwellings)

Subject to the following conditions:

1. Unless requiring alteration as a result of subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans by C McNulty, copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. The proposed widened driveway/extra driveway parking shown on the plans is to be removed from the application.
3. The private open space areas shown on the plans is not to be used for vehicle parking.
4. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
5. The existing driveway access crossover is to be used for the purposes of this development.

Note: The following is provided for information purposes.

If in the future the owner wishes to explore the opportunity of utilising the multiple dwellings for visitor accommodation purposes, the owner will need to discuss with Council's Planning Department the applicable planning permit pathway.

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 in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am - 6pm and Sunday and statutory holidays 10am - 6pm.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

No burning of any waste materials is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

The developer is to manage any asbestos found during works in accordance with the *How to Safely Remove Asbestos Code of Practice* issued by Safe Work Australia (October 2018).

In regard to conditions 4 & 5 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

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

CARRIED UNANIMOUSLY

With no further business on the agenda the Chairperson declared the meeting closed at 5:21pm.

Confirmed

Chairperson

7.2 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 16 SEPTEMBER 2019

File: 33784 D615313

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 Governance, Finance & Community Service Committee meeting held on Monday, 16 September 2019.

ATTACHMENTS

1. Minutes - Governance, Finance & Community Service Committee - 16 September 2019

RECOMMENDATION

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 16 September 2019 be received and the recommendations contained therein be adopted.

GFC 51/19	Elected Members Expenditure Report July and August 2019
GFC 52/19	Annual Plan Progress Report to 31 August 2019
GFC 53/19	Unconfirmed Minutes - Shared Audit Panel - 14 August 2019
GFC 54/19	Local Government Act Review
GFC 55/19	Capital Projects Funding - Carried Forwards 1 July 2019
GFC 56/19	Finance Report to 31 August 2019
GFC 57/19	Environment Strategy - Year One Status
GFC 58/19	Devonport Community House - Partnership Agreement
GFC 59/19	Community Services Report - July and August 2019
GFC 60/19	Arts and Convention Report - July and August 2019
GFC 61/19	Governance and Finance Report - July and August 2019
GFC 62/19	Minutes of Council's Special Interest Groups and Advisory boards

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Executive Assistant General	Position:	General Manager
	Management		

**MINUTES OF A GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING OF
THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre,
137 ROOKE STREET, DEVONPORT ON MONDAY, 16 SEPTEMBER 2019
COMMENCING AT 5:30PM**

PRESENT: Cr A Jarman (Chairman)
Cr J Alexiou
Cr G Ennis
Cr L Laycock
Cr S Milbourne
Cr A Rockliff

Councillors in Attendance:

Cr P Hollister
Cr L Murphy
Cr L Perry

Council Officers:

General Manager, P West
Deputy General Manager, M Atkins
Executive Manager Corporate Services, J Griffith
Executive Manager Organisational Performance, K Peebles
Community Services Manager, K Hampton
Convention and Arts Centre Manager, G Dobson
Finance Manager, J Jackson

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

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

The chart at the right hand bottom corner gives actual 18/19 CAPEX as \$18.275 with a carryover of \$7.246M to 19/20. The carryover is some 28.4% of the total of \$25.52M.

Q1 What are the proportionate components of the factors that contributed to this huge underspend?

Response

The General Manager advised that on page 47 although there are no percentages there is information relating to what was carried forward and the reason why. If a breakdown in percentage terms is required there would be a need to take the question on notice. (Mr Janney indicated that was not necessary.)

and

Q2 What is being done in this financial year to avoid such a huge underspend?

Response

The General Manager advised looking at some of the carried forward projects, a large proportion is to do with the Waterfront Project, but also the modern burial system which is a staged process that has gone to tender, been awarded and is currently under construction. Council allocated the bulk of those funds in the 2018/19 financial year but due to the long timeframe for the actual manufacture of the equipment the bulk of the funds are carried forward.

There are also a number of other projects that actually note construction is underway, but due to the availability of contractors and other situations there has been some delay in getting some projects completed by 30 June. In other cases some of the carried forward amounts are actually related to projects that have got close to completion, or are completed, but at 30 June there had not been the final payment made to the contractor.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q1 When does Council expect to receive any actual rental payment from Providore Place Devonport Pty Ltd?

Response

The General Manager advised that the first payment under the Lease Agreement was paid today.

Q2 With reference to Page 35 of the Agenda being item 4.3 – Unconfirmed Minutes – Shared Audit Panel – 14 August 2019, why is it that while unconfirmed Audit Panel minutes are regularly included with Council meeting agendas this particular set of minutes are deemed confidential?

Response

The General Manager advised there were items discussed at the Audit Panel which were confidential and unfortunately the minutes were completed as a single document. The items discussed have been summarised in the actual report. For future Audit Panel meetings where there are matters that are confidential the intent would be for those to be extracted out and attached in a separate document, so that the items that can be classed as available for public scrutiny, can then be attached to the open agenda report.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 Please confirm exactly how much rent was reprieved that is, was totally written off and as of today your latest assessment, what is the total amount now owing by Providore Place Devonport Pty Ltd?

Response

The Deputy General Manager advised that he did not have the exact numbers at the meeting, but details were as printed in the Advocate on Saturday. In response it was

stated that about \$326,000 in total and of that around \$178,000, Council is yet to determine a position on.

Q2 Will Council make the necessary arrangements to ensure copies of both the previous and the new head lease agreements will be made available for public appraisal?

Response

The Chairperson stated that it cannot be made available because it is commercial in confidence.

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Q3 I have a third question, it falls under Item 7.3, 1.5.1 Recruitment and on Page 111 Workers Compensation. For the year just gone it is a huge amount over \$20,000 per claim on average and for so far this year, one claim for \$60,000. What has happened with work practices that this sort of increase has occurred?

Response

The General Manager responded, that the right hand column of the table is the gross value incurred by the insurer, including estimates. Whenever a claim is submitted to the insurer, and while ever that claim has the potential for further costs to be incurred, the insurer will maintain an estimate. Therefore the figures are inflated by the fact there are estimates included identified by the insurer. Equally there were a couple of claims last year that were as a result of injuries which occurred within the workplace exacerbating previous injuries so they are an ongoing matter.

The actual process as far as work practices are concerned, in fact work practices are continually improving. The issue we currently having and I think every employer is going to have into the future, is the aging workforce and particularly injuries around strains and sprains and soft tissue injuries – these are the types of injuries that we are seeing an increase in. We are putting extra effort particularly training around manual handling and lifting and those types of activities to try and address some of these issues that we have identified as part of our workers compensation experience.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q3 Just a follow up to Mr Vellacott's statements and the what I believe are totally unacceptable responses. It is totally unacceptable that the beneficiaries of public money have the sole discretion as to whether that will be disclosed, it is totally unacceptable and I'd suggest that Council is complicit in these confidential agreements, or confidentiality clauses and it is to cover your own tracks.

What is the overall amount Council expects to write off under the new Head Lease agreement being the disclosed non-payment of rent to date plus any other cash or in kind costs?

Response

The General Manager advised that the information that has been publicly released in relation to the amounts around the Providore Place lease, is the extent of information available.

The other matter in relation to the release of agreements that have been entered into, any person is at liberty to submit in accordance with the legislation, the proper process being a Right to Information Request which can then be duly considered through the

appropriate channels rather than just being requested at a Council meeting in the form that it is being requested here.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q3 In regard to the new Head Lease agreement what operational and outgoing costs will Devonport ratepayers be now responsible for the building internally and externally, ie – Council and TasWater rates, power, gas, insurance, maintenance, cleaning and any other costs. What is written in the lease, are we going to be stung for TasWater rates?

Response

The General Manager advised that the lease is a normal commercial lease arrangement, so the types of items referred to will be dealt with in the lease in accordance with the commercial arrangement in place. For the benefit of this meeting, this question was taken on notice with a written response to be provided.

3.2 QUESTIONS FROM COUNCILLORS

Nil

3.3 NOTICES OF MOTION

Nil

4.0 GOVERNANCE REPORTS

4.1 ELECTED MEMBERS EXPENDITURE REPORT JULY AND AUGUST 2019 (D614404)

GFC 51/19 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Enniss

That it be recommended to Council that the bi-monthly report advising of Councillor allowances and expenses be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

4.2 ANNUAL PLAN PROGRESS REPORT TO 31 AUGUST 2019 (D614405)

GFC 52/19 RESOLUTION

MOVED: Cr Milbourne

SECONDED: Cr Rockliff

That it be recommended to Council that the 2019/20 Annual Plan Progress Report for the period ended 31 August 2019 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

4.3 UNCONFIRMED MINUTES - SHARED AUDIT PANEL - 14 AUGUST 2019 (D614608)**GFC 53/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that the unconfirmed minutes of the Audit Panel meeting held on 14 August 2019 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

4.4 LOCAL GOVERNMENT ACT REVIEW (D612490)**GFC 54/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Milbourne

That it be recommended to Council that a submission be made in regard to the Local Government Act review in accordance with the comments outlined in this report.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

5.0 FINANCE REPORTS**5.1 CAPITAL PROJECTS FUNDING - CARRIED FORWARDS 1 JULY 2019 (D592970)****GFC 55/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That it be recommended to Council that the report relating to the carried forward capital works for the year commencing 1 July 2019 be received and that Council in accordance with Section 82(4) of the *Local Government Act 1993* by absolute majority:

1. amend the 2019/20 estimates to adjust the carried forward capital works projects budget as listed in this report to the value of \$15,268,603; and
2. note this amendment results in a revised capital expenditure budget for 2019/20 of \$24,421,603.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

5.2 FINANCE REPORT TO 31 AUGUST 2019 (D614933)**GFC 56/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Milbourne

That it be recommended to Council that the Finance Report as of 31 August 2019 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

6.0 COMMUNITY SERVICES REPORTS**6.1 ENVIRONMENT STRATEGY - YEAR ONE STATUS (D613394)****GFC 57/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That it be recommended to Council that the report of the Executive Officer Community Services be received and the status of actions listed in the Environment Strategy 2019-2024 be noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

6.2 DEVONPORT COMMUNITY HOUSE - PARTNERSHIP AGREEMENT (D612546)**GFC 58/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Alexiou

That it be recommended to Council that the report be received and noted and that Council authorise the General Manager to finalise a new partnership agreement with the Devonport Community House for a further period of three years, based on a financial contribution of \$18,000 per annum.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.0 INFORMATION REPORTS**7.1 COMMUNITY SERVICES REPORT - JULY AND AUGUST 2019 (D599135)****GFC 59/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Enniss

That it be recommended to Council that the Community Services report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.2 ARTS AND CONVENTION REPORT - JULY AND AUGUST 2019 (D613897)**GFC 60/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Alexiou

That it be recommended to Council that the Arts and Convention report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.3 GOVERNANCE AND FINANCE REPORT - JULY AND AUGUST 2019 (D614344)**GFC 61/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Milbourne

That it be recommended to Council that the Governance and Finance report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.4 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS (D614446)**GFC 62/19 RESOLUTION**

MOVED: Cr Alexiou

SECONDED: Cr Milbourne

That it be recommended to Council that the minutes of the Devonport Maritime and Heritage Special Interest Group, and paranaple arts centre Special Advisory Committee be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

There being no further business on the agenda the Chairperson declared the meeting closed at 5:57pm.

Confirmed

Chairperson

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.

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Confirmation of Closed Minutes – Council Meeting – 26 August 2019 and Special Council Meeting – 9 September 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Unconfirmed Minutes – Joint Authorities	15(2)(g)

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 - 26 August 2019 and Special Council Meeting – 9 September 2019	Confirmed
8.2	Application for Leave of Absence	
8.3	Unconfirmed Minutes - Joint Authorities	Noted

9.0 CLOSURE

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