



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 27 April 2020, commencing at 4:00pm.

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

QUALIFIED PERSONS

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

Matthew Atkins
GENERAL MANAGER

22 April 2020

MAY 2020

Meeting	Date	Commencement Time
Ordinary Council	25 May 2020	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 27 APRIL 2020 VIA VIDEO CONFERENCE AT 4:00PM**

Item	Page No.
1.0 APOLOGIES.....	1
2.0 DECLARATIONS OF INTEREST	1
3.0 PROCEDURAL.....	2
3.1 CONFIRMATION OF MINUTES	2
3.1.1 Council meeting - 23 March 2020	2
3.2 PUBLIC QUESTION TIME.....	3
3.2.1 Responses to questions raised at prior meetings	4
3.2.2 Questions on notice from the public	9
3.2.3 Question without notice from the public.....	22
3.3 QUESTIONS ON NOTICE FROM COUNCILLORS.....	23
4.0 PLANNING AUTHORITY MATTERS	24
5.0 REPORTS	25
5.1 Cradle Country Marketing Group Dissolvment	25
5.2 Development and Health Services Report.....	27
5.3 Infrastructure and Works Report	35
5.4 Tender Report contract CP0186 Girdlestone Park Ground Lighting.....	52
5.5 Unconfirmed Minutes - Audit Panel - 30 March 2020	56
5.6 Street Trading By-Law	63
5.7 Adoption of Financial Hardship Assistance Policy	85
5.8 Impacts of COVID-19.....	94
5.9 Expression Of Interest to Sell or Gift The Jule Burgess to a Suitable Operator, or to Enter into a Partnership Agreement with a Suitable Operator	103
6.0 INFORMATION	112
6.1 Workshops and Briefing Sessions Held Since the Last Council Meeting	112
6.2 Mayor's Monthly Report.....	113
6.3 General Manager's Report - April 2020.....	114
7.0 SECTION 23 COMMITTEES	
Nil	
8.0 CLOSED SESSION - CONFIDENTIAL MATTERS	119
Out Of Closed Session	120
9.0 CLOSURE	120

Agenda of an ordinary meeting of the Devonport City Council to be held via video conference on Monday, 27 April 2020 commencing at 4:00pm.

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 Digital Recording Policy. The video 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

2.0 DECLARATIONS OF INTEREST

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 23 MARCH 2020

RECOMMENDATION

That the minutes of the Council meeting held on 23 March 2020 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

Responses to questions raised at prior meetings are attached.

ATTACHMENTS

1. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20202303 - Doug Janney
2. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20202303 - Bob Vellacott
3. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20202303 - Rodney Russell

RECOMMENDATION

That the responses to questions from Mr Doug Janney, Mr Bob Vellacott and Mr Rodney Russell at the 23 March 2020 Council meeting be noted.

Author:	Matthew Atkins
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

31 March 2020

Mr Doug Janney
23 Watkinson Street
DEVONPORT TAS 7310

Dear Mr Janney

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 23 MARCH 2020

I refer to your questions taken on notice at the Council Meeting on Monday 23 March 2020 and provide the following response:

Q.1 – Road Surfaces

Recently I approached the Councillors on two occasions regarding the drain trench repair to the road surface in Formby Road, adjacent to the roundabout at Rooke and Oldaker Streets and the road surface at the Stewart and Fenton Streets roundabout.

Both repairs were unacceptable in the instances described. An attempt has been made to the western half of the Formby Road drain crossing, however the eastern side is terrible.

Back in time I was aware that unacceptable work could take up to three times the initial cost to fix the problem.

The poor surface affects vehicle tyres and suspensions and furthermore is an unacceptable use of ratepayers money.

At what date is the Council to fix these unacceptable road surfaces?

Response

The reinstatement of the stormwater trench on Formby Road is a temporary measure as the scope of the waterfront project includes full pavement renewal on Formby Road. The management of the temporary works is the responsibility of the Contractor.

Council's engineering team have inspected the surface at the intersection of Fenton Street and Stewart Street and have found it to be in acceptable condition.

Q.2 – Wright Street Illegal Parking

What have the Council and TasPorts resolved to overcome the illegal parking in the street?

Response

Council recently considered the issue, which includes queueing on Wright Street, Murray Street and Tarleton Street and had determined to engage with all relevant stakeholders on the issue. However, it was understood that short term progress would be difficult as stakeholders are focussed on the long-term plan for the area to accommodate the

*The City with Spirit*

- 2 -

new Bass Strait ferries. It is unclear what impact current travel restrictions will have on the issue.

Yours sincerely



Matthew Atkins
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

31 March 2020

Mr Bob Vellacott
11 Cocker Place
DEVONPORT TAS 7310

Dear Mr Vellacott

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 23 MARCH 2020

I refer to your question taken on notice at the Council Meeting on Monday 23 March and provide the following response:

Question

At the Council meeting on 16th Dec 2019 Mr Rodney Russell during public question time asked the following question without notice -

"At the AGM I noted that the Mayor, at least twice tried to hurry up the meeting, any reason why?"

The response was, as per the minutes of that meeting -

"The Mayor stated that an Annual General Meeting shouldn't really take an hour and a half"

Would the Mayor please inform from which authority has she obtained the information that specifies that a Council - Annual General Meeting "shouldn't really take an hour and a half"?

Response

I write on behalf of the Mayor in regard to your question relating to the AGM. The Mayor as Chairperson, had responsibility at the AGM to lead the meeting in an orderly manner, making determinations as necessary on relevant matters. The Mayor allowed considerable time for items to be raised from the floor (well in excess of the usual question time policy) and ensured that all attendees (approximately 50 people) had at least more than one opportunity to speak. If you consider adequate time was not provided for items not listed on the agenda I would suggest next year that you take the opportunity to forward any motions or questions prior to the meeting to ensure they are included within the meeting agenda.

Yours sincerely

Matthew Atkins
GENERAL MANAGER

*The City with Spirit*



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

31 March 2020

Mr Rodney Russell
225 Steele Street
DEVONPORT TAS 7310

Dear Mr Russell

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 23 MARCH 2020

I refer to your question taken on notice at the Council Meeting on Monday, 23 March 2020 and provide the following response:

Question

Kerrisons Corner demolition address is 2-8 Don Road, but the notice is on the Steele Street boundary, why?

Response

Applications for discretionary planning permits (i.e. those made in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*) must be given public notification as prescribed by the *Land Use Planning and Approval Regulations 2014* (the Regulations). Included with the notification requirements specified under provision 9(1)(d) of the Regulations is that a notice for the application is:

"...displayed on the land that is the subject of the application –

- (i) in a size not less than A4; and
- (ii) as near as possible to each public boundary"

In this case, the site at 2-8 Don Road Devonport, has road frontage to both Don Road and Steele Street – both of which are deemed to be a public boundary. Therefore, the notices for the permit application were displayed at the boundaries of the site which adjoin Don Road and Steele Street.

Yours sincerely

Matthew Atkins
GENERAL MANAGER

*The City with Spirit*

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Questions on notice from Mr Malcolm Gardam received 20 April 2020 are **reproduced as attachment 1**.

Providore Place

Q1. I have asked various questions relating to whether the current tenants in Providore Place were paying rent only to be told that the commercial arrangements remain confidential. We have a Council owned building funded from a budgeted \$5 million loan with proportionately massive ratepayer-funded base-build and fitout costs benefiting tenants with what appears to have been no rent required to be paid prior to 1 February 2019 and therefore a reasonable ratepayer questions to ask. Accordingly, I now ask a very simple question based on Council's public statements in that it had taken over directly managing Providore Place as at 1/2/20 and that it has five (5) current tenants, and without breaching confidentiality as to lease terms, will Council simply confirm that **each of its tenants** occupying Council-owned premises were paying rent as at the 23/3/20?

Response

Council took over operational responsibility for Providore Place in January 2020. At that point a number of existing tenants had sub-leases with the previous Head Leasee. Other tenants were occupying the facility however did not have executed leases in place. Council's expectation is that each of the tenants have a lease with Council as the landlord which is based on standard commercial terms.

Council appointed Knight Frank to operate as it's Agent to review and where necessary, renegotiate the subleases and to establish new leases where required. This process was nearing completion with the onset of the COVID-19 pandemic, which has caused major disruption to the tenants and in most cases restricted their ability to operate. This has effectively resulted in a pause on any negotiations until there is some clarity on the return to a level of normality.

The approach being applied during the pandemic to tenants in Providore Place is consistent to that being applied by Council to its other commercial tenants and is consistent with the guidelines issued by the Federal Government in regard to landlord/tenant relationships.

During the negotiation period the expectation was that rent was to be paid and the backdating of payments formed part of the lease discussions. At the commencement of the pandemic, some of the tenants had paid the due amounts whilst others had amounts owing which are yet to be paid.

Whilst it is likely the current disruption will prevent any long term arrangements being finalised for sometime, be assured Council's expectation, post COVID-19 is that any tenant who wishes to occupy Providore Place pays rent and that rent along with the lease terms are consistent with commercial market terms.

Q2. In the Agenda dated 24/6/19 in response to the question "Does Council have an official name for the Food Pavilion Building and if it does what is it?" Council responded "*The building is known as Providore Place.*" Will Council confirm that it ensured it owned the name Providore Place when first announced?

Response

The Intellectual property associated with the name "Providore Place" was owned by the former Head Leasee whilst they were operating the facility. Ownership of the name has since transferred to Council.

- Q3.** Market Square was initially identified on drawings and promoted as being an area within the Food Pavilion building and that which the Sunday Markets have been held. Will Council please confirm that this remains the case or has Market Square moved and if so what was the separate cost of construction for Market Square?

Response

Market Square is the name that has always been used to identify the outdoor public space located central to the new buildings constructed as part of LIVING CITY stage 1. The area to which you refer inside the food pavilion has never been known as Market Square.

- Q4.** On Page 16 of the Report of the Auditor-General No. 1 of 2019-20 it states "We have further noted that on 24 September 2018, Council approved a variation to the lease to defer the payment of rent by PPD (Providore Place Devonport Pty Ltd) from 1 July 2018 to 1 February 2019, **due to delays in finalising fit outs for tenancies.**" Accordingly, with reference to the above the following are asked as separate questions seeking separate answers.

- a) As the approval to defer payment of rent owed by Providore Place Devonport Pty Ltd under the initial head lease was given by Council on the 24 September 2018, according to the Auditor General, why was rent otherwise owing as at 1 July 2018 not invoiced by Council on or before 1 July 2018?**

Response

Council and the Head Leasee were in discussion during the period leading up to and immediately post July 2019 in regard to the impact construction delays were having on the Pavilion's operations. These negotiations were finalised and then approved by Council at it's September meeting.

- b)** Council previously advised in the March Agenda that rent was not invoiced around 1 July 2019 because "...Council determined to defer the commencement of rent until 1 February 2019..." but apparently with someone making a decision not to invoice the rent months before Council actually approved waiving the rent on 24 September 2018, and accordingly, who on behalf of Council made that decision not to invoice rent on or around 1 July 2019?

Response

Timing in regard to invoicing is outlined in the previous answer. The General Manager is ultimately responsible for implementing the decisions of Council and managing the operational aspects of the organisation.

- c)** Council has responded, when repeatedly asked as to details surrounding tenancies that the securing, retention and management of tenants was the responsibility of Providore Place Devonport Pty Ltd (PPD P/L), the head lessee, and not Council; in fact Council had represented to the community that the head lease had **"...removed the council's exposure to financial risk."** Considering that the Food Pavilion achieved base-build Practical Completion in November 2017; Council had initially provided a very reasonable 7 months up to 1 July 2018 to complete fitouts; then an additional 7 months' rent waiver of \$163,333 to 1 February 2019 because according to the Auditor's report Council offered **"....due to delays in finalising fit outs for tenancies."** and a still to be

announced treatment of around \$212,895 of outstanding rent and outgoings, **the question must be asked as to why Council has continued to offer up rent write-offs, whether in name or nature, all at the ratepayers expense for what appears to be no more than poor, or no advance planning, and management of fitouts that were known to the tenants and head lessee as pending requirements, supposedly at their risk, since announcements of those “first tenants” were made in December 2016 being 12 months prior to base-build Practical Completion – or in other words the building being ready for tenant fitouts?**

Response

This question is noted as your opinion.

Waterfront Park Redevelopment

Q5. With reference to an earlier question relating to the envisaged Marina and a Fairbrother quarterly update statement “Noting the statement that the concept proceeding to reality seems to have been contingent on “.....*certain foreshore realignment works undertaken as part of the waterfront parklands works.*” will the Deputy General Manager please advise precisely what those works involved?

Response

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

Will Council categorically rule out that any of the aforementioned foreshore works or reclaiming part of the river under the current Waterfront Parkland redevelopment will benefit a future marina development?

Response

Council can confirm that there are no works being undertaken as part of the current Waterfront Park project for the purposes of benefiting a future marina development.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Questions on notice from Mr Bob Vellacott received 20 April 2020 are **reproduced as attachment 2.**

Q1. Mayor, with respect, I suggest you and any other reasonable person would agree the General Manager's response written on your behalf (31st March 2020) was evasive and did not answer the question because apparently he was unable to refer to any legislation or meeting procedure (annual general or otherwise) that authorises a Mayor or chairperson to do so.

I therefore again ask: - Will you please inform from which authority have you obtained the information that specifies that a Council - Annual General Meeting “*shouldn't really take an hour and a half*”?

Response

The Mayor has nothing further to add in regard to this matter.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Questions on notice from Mr Bob Vellacott received 20 April 2020 are **reproduced as attachment 3.**

Q1. Please refer to the Council meeting minutes 23rd March 2020 page 15 Closed Session business resolved

Item no 8.7- Matter: - PPD Pty Ltd Debt Recovery Status: **Outcome** – Mayor authorised to make the appropriate announcements.

I assume this is in reference to the \$179,000.00 unpaid rent as well as the \$33,895.00 of outgoings owing, as I understand as at March 2020, on Providore Place and therefore ask the Mayor, if my assumption is correct, – when will she make the appropriate announcements and by what means will the information be conveyed to ratepayers?

Response

The Mayor will make the appropriate announcement in due course.

Q2. In reference to question 1 above, before the closed session meeting of the 23rd March 2020, was each Councillor privy to all details and information necessary to make an informed decision in as much to legal advice, correspondence if any, and recommendations from senior staff.

Response

In the preparation of any report to Council, staff include all the advice and information considered necessary for informed decision making.

Q3 a) if Council cannot recoup the \$212,895 from PPD Pty LTD has Council considered making a claim against Projects and Infrastructure Pty Ltd for losses resulting from advice and the implementation of the head lease primarily drafted by P+i which was shown to be unenforceable and also shown to have failed to protect Devonport ratepayers interests?

Response

No.

b) If Council has not considered taking legal advice to recover the loss from Projects and Infrastructure Pty Ltd; will Council on behalf of ratepayers do so?

Response

No.

AARON DE LAR TOORE, TASMANIAN COORDINATOR AUSTRALIAN SERVICES UNION, VICTORIAN AND TASMANIAN AUTHORITIES AND SERVICES BRANCH

Questions on notice from Mr Aaron de La Toore received 21 April 2020 are **reproduced as attachment 4.**

Q1 I refer to a letter which was sent by Premier Peter Gutwein and Local Government Minister Mark Shelton to all Tasmanian Council Mayors and General Managers, dated 16 April 2020. In this letter the Premier states:

"It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives".

Can the General Manager provide assurances to Devonport City Council's employees that no employees will have their employment terminated as a result of COVID-19 and that Council will prioritise the maintenance of employment of each of their employees in any budgetary decisions moving forward?

Response

Council is yet to determine its 2020/21 budget. However, the organisation has implemented measures during this pandemic with an overall goal to ensure the continuity of services whilst providing care and flexibility for employees which emphasises the need to put employees' and others' safety first and ensures services are maintained as close to normal as possible at each stage of the pandemic within guidelines of the relevant Health Authorities. We are assessing the risk of workers and the risk to the community constantly as this is changing daily particularly here on the North West Coast.

Devonport City Council is fortunate in that it has invested heavily over the last 18 months in establishing remote working capabilities and as a result has been able to successfully and effectively transition all its office-based staff to working from home. Strict separation and other risk measures have been implemented across Councils outdoor workforce to ensure the continuation of services in this area.

Q2 Clause 2.1 of Council's enterprise agreement, the *Devonport City Council Enterprise Agreement 2017*, and the *Fair Work Act 2009* both provide requirements for consultation in relation to major workplace changes including the need to relocate employees, the alternation of hours of work or regular rosters, or in the extreme the potential termination of employment, amongst others.
The Australian Services Union and our members seek to enter into collaborative consultation in relation to any potential changes in the workplace as a result of COVID-19.

Can the General Manager assure employees of Devonport City Council that the management team will enter into consultation before any major changes are implemented in the workplace?

Response

I appreciate and understand our requirements for consultation in accordance with clause 2.1 of the *Devonport City Council Enterprise Agreement 2017* and have been providing weekly updates to staff on COVID-19, in addition our HR department has provided details to Jess Cassidy of the ASU relating to COVID-19 measures that Devonport City Council has implemented to support all staff, including mitigating risk and providing additional leave provisions during these unprecedented times.

Q3 Given that Local Government is not eligible for the federal government's JobKeeper program, the changes which were made to the *Fair Work Act 2009* in relation to COVID-19 stand downs and alternation of an employee's regular hours do not apply to Devonport City Council.
Section 524 of the Act (*Employer may stand down employees in certain circumstances*) requires that an employee only be stood down where they "cannot usefully be employed", that is to say that there is no useful work for employees to undertake.

Can the General Manager provide a guarantee that all possible alternate duties will be explored before considering standing employees down, including things that are usually outside of Council's core business but which assist the community with getting through, and recovering from, COVID-19? The Union can provide further details and suggestions around this matter.

Response

Councils preference is to explore alternatives for productive work before considering standing down employees. Some of these measures are already occurring and include working from home, managing leave balances, alternate work functions, changed work

Report to Council meeting on 27 April 2020

locations, staggered start/finish times and secondment of employees to deliver essential services in other departments or within the State Government.

ATTACHMENTS

1. Questions on Notice - 27 April 2020 - Council Meeting - Malcolm Gardam - 270420
2. Questions on Notice - 27 April 2020 - Council Meeting - Bob Vellacott - 270420 - Annual General Meeting
3. Questions on Notice - 27 April 2020 - Council Meeting - Bob Vellacott - 270420 - Providore Place
4. Questions on Notice - 27 April 2020 - Council Meeting - ASU - 270420

RECOMMENDATION

That Council in relation to the correspondence received from Mr Malcolm Gardam, Mr Bob Vellacott and Mr Aaron De La Toore obo Australian Services Union endorse the responses proposed and authorise their release.

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Matthew Atkins General Manager
----------------------	--	---------------------------	-----------------------------------

20th April 2020

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 – 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 27th April 2020.

Providore Place

- Q1.** I have asked various questions relating to whether the current tenants in Providore Place were paying rent only to be told that the commercial arrangements remain confidential. We have a Council owned building funded from a budgeted \$5 million loan with proportionately massive ratepayer-funded base-build and fitout costs benefiting tenants with what appears to have been no rent required to be paid prior to 1 February 2019 and therefore a reasonable ratepayer questions to ask. Accordingly, I now ask a very simple question based on Council's public statements in that it had taken over directly managing Providore Place as at 1/2/20 and that it has five (5) current tenants, and without breaching confidentiality as to lease terms, will Council simply confirm that **each of its tenants** occupying council-owned premises were paying rent as at the 23/3/20?
- Q2.** In the Agenda dated 24/6/19 in response to the question "Does Council have an official name for the Food Pavilion Building and if it does what is it?" Council responded "*The building is known as Providore Place.*" will Council confirm that it ensured it owned the name Providore Place when first announced?
- Q3.** Market Square was initially identified on drawings and promoted as being an area within the Food Pavilion building and that which the Sunday Markets have been held. Will Council please confirm that this remains the case or has Market Square moved and if so what was the separate cost of construction for Market Square?
- Q4.** On Page 16 of the Report of the Auditor-General No. 1 of 2019-20 it states "*We have further noted that on 24 September 2018, Council approved a variation to the lease to defer the payment of rent by PPD (Providore Place Devonport Pty Ltd) from 1 July 2018 to 1 February 2019, due to delays in finalising fit outs for tenancies.*" Accordingly, with reference to the above the following are asked as separate questions seeking separate answers.
- a)** **As the approval to defer payment of rent owed by Providore Place Devonport Pty Ltd under the initial head lease was given by Council on the 24 September 2018, according to the Auditor General, why was rent otherwise owing as at 1 July 2018 not invoiced by Council on or before 1 July 2018?**

- b) Council previously advised in the March Agenda that rent was not invoiced around 1 July 2019 because “...Council determined to defer the commencement of rent until 1 February 2019...” but apparently with someone making a decision not to invoice the rent months before Council actually approved waiving the rent on 24 September 2018, and accordingly, who on behalf of Council made that decision not to invoice rent on or around 1 July 2019?
- c) Council has responded, when repeatedly asked as to details surrounding tenancies that the securing, retention and management of tenants was the responsibility of Provideore Place Devonport Pty Ltd (PPD P/L), the head lessee, and not Council; in fact Council had represented to the community that the head lease had “...**removed the council's exposure to financial risk.**” Considering that the Food Pavilion achieved base-build Practical Completion in November 2017; Council had initially provided a very reasonable 7 months up to 1 July 2018 to complete fitouts; then an additional 7 months' rent waiver of \$163,333 to 1 February 2019 because according to the Auditor's report Council offered “...due to delays in finalising fit outs for tenancies.” and a still to be announced treatment of around \$212,895 of outstanding rent and outgoings, **the question must be asked as to why Council has continued to offer up rent write-offs, whether in name or nature, all at the ratepayers expense for what appears to be no more than poor, or no advance planning, and management of fitouts that were known to the tenants and head lessee as pending requirements, supposedly at their risk, since announcements of those “first tenants” were made in December 2016 being 12 months prior to base-build Practical Completion – or in other words the building being ready for tenant fitouts?**

Waterfront Park Redevelopment

- Q5. With reference to an earlier question relating to the envisaged Marina and a Fairbrother quarterly update statement “Noting the statement that the concept proceeding to reality seems to have been contingent on “.....certain foreshore realignment works undertaken as part of the waterfront parklands works.” will the Deputy General Manager please advise precisely what those works involved?

Response

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

Will Council categorically rule out that any of the aforementioned foreshore works or reclaiming part of the river under the current Waterfront Parkland redevelopment will benefit a future marina development?

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

Yours sincerely,



Malcolm Gardam

CC: Mayor & Councillors

QON RBV AGM 2019 Reply to Mayor re Time allocation Ref GMs Response March 2020 send

ROBERT B VELLACOTT
11 COCKER PLACE
DEVONPORT

TO DEVONPORT CITY COUNCIL MAYOR CR ANNETTE ROCKLIFF
ROOKE STREET
DEVONPORT TAS 7310

CC to Councillors and General Manager

20th April 2020

Question on Notice for DCC meeting 27th April 2020

Subject GENERAL MANAGER'S RESPONSE TO MY QUESTION WITHOUT NOTICE ASKED TO THE MAYOR RAISED AT THE ORDINARY COUNCIL MEETING 23RD MARCH 2020.

I refer to the **response**, written on your behalf by General Manager Matthew Atkins, to my question without notice raised at the DCC Meeting 23 March 202 (A written copy of the question was emailed before the meeting)

It appears that the General Manger has either -

- (a) misinterpreted the question - or
- (b) deliberately given an evasive response

The question was, I contend, straight forward and quite explicit, and deserved to be answered in an appropriate manner.

The General Manager's Letter of Response to me was as follows.(Written on your behalf)

(DCC Letter head removed)

31 March 2020

Mr Bob Vellacott
11 Cocker Place
Devonport Tas 7310
Dear Mr Vellacott

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 23 MARCH 2020

I refer to your question taken on notice at the Council Meeting on Monday 23 March and provide the following response:

Question - At the Council meeting on 16th Dec 2019 Mr Rodney Russell during public question time asked the following question without notice –

/2

Page 2.

“At the AGM I noted that the Mayor, at least twice tried to hurry up the meeting, any reason why?

The response was, as per the minutes of that meeting - “The Mayor stated that an Annual General Meeting shouldn’t really take an hour and a half “ Would the Mayor please inform from which authority has she obtained the information that specifies that a Council - Annual General Meeting “shouldn’t really take an hour and a half”?

Response I write on behalf of the Mayor in regard to your question relating to the AGM. The Mayor as Chairperson, had responsibility at the AGM to lead the meeting in an orderly manner, making determinations as necessary on relevant matters. The Mayor allowed considerable time for items to be raised from the floor (well in excess of the usual question time policy) and ensured that all attendees (approximately 50 people) had at least more than one opportunity to speak. If you consider adequate time was not provided for items not listed on the agenda I would suggest next year that you take the opportunity to forward any motions or questions prior to the meeting to ensure they are included within the meeting agenda.

Yours sincerely

Matthew Atkins GENERAL MANAGER

Question 1

Mayor, with respect, I suggest you and any other reasonable person would agree the General Manager’s response written on your behalf (31st March 2020) was evasive and did not answer the question because apparently he was unable to refer to any legislation or meeting procedure (annual general or otherwise) that authorises a Mayor or chairperson to do so .

I therefore again ask: - Will you please inform from which authority have you obtained the information that specifies that a Council - Annual General Meeting “*shouldn’t really take an hour and a half*”?

I look forward to a straight forward answer to my question rather than just a response.

Yours sincerely

R. B. Vellacott

BOB. VELLACOTT – Financial Ratepayer

QwoN RBV Providore Place Mayors announcements re \$179 and P+i Legal Advice To SEND ??

R B VELLACOTT
11 COCKER PLACE
TAS DEVONPORT 7310

THE MAYOR AND COUNCOILLORS
DEVONPORT CITY COUNCIL
137 ROOKE SREET
DEVONPORT TAS 7310

Attention –: MAYOR AND COUNCILLORS

THE FOLLOWING QUESTIONS ON NOTICE ARE SUBMITTED FOR THE DCC ORDINARY MEETING 27TH APRIL 2020

Subject – Mayor’s Appropriate Announcements re Debt Recovery Status from Providore Place Devonport Pty Ltd and or Tenancies within the Food Pavilion

Question 1 -

Please refer to the council meeting minutes 23rd March 2020 page 15 Closed Session business resolved Item no 8.7- **Matter:** - PPD Pty Ltd Debt Recovery Status: **Outcome** – Mayor authorised to make the appropriate announcements.

I assume this is in reference to the \$179,000.00 unpaid rent as well as the \$33,895.00 of outgoings owing, as I understand as at March 2020, on Providore Place and therefore ask the Mayor, if my assumption is correct, – when will she make the appropriate announcements and by what means will the information be conveyed to ratepayers ?

Question 2-

In reference to question 1 above, before the closed session meeting of the 23rd March 2020, was each councillor privy to all details and information necessary to make an informed decision in as much to legal advice, correspondence if any, and recommendations from senior staff.

Question 3 -

As far as can be ascertained Council has paid some \$5.26 million in fees to Projects and Infrastructure Pty Ltd (commonly referred to as P+i) who were engaged by council ,under questionable circumstances , to among other things, advise council and manage stage one of the Devonport Living City Project which included the pavilion known as Providore Place;

- a) if Council cannot recoup the \$212,895 from PPD Pty LTD has Council considered making a claim against Projects and Infrastructure Pty Ltd for losses resulting from advice and the implementation of the head lease primarily drafted by P+i which was shown to be unenforceable and also shown to have failed to protect Devonport ratepayers interests ?
- b) If council has not considered taking legal advice to recover the loss from Projects and Infrastructure Pty Ltd; will council on behalf of ratepayers do so?

Please include all of above and the responses in the Agenda for the DCC meeting 27th April 2020.

R. B. Vellacott



21 April 2020

Matthew Atkins
General Manager
Devonport City Council

By Email: MATkins@devonport.tas.gov.au

Questions With / Without Notice For Next Council Meeting

Dear Matthew,

As the Tasmanian Coordinator for the Australian Services Union, the union representing the interests of the 4,000 employees in Local Government around the state, I would like to take the opportunity to submit some questions for the next Council meeting.

Given the requisite changes to the way Council meetings are working in light of COVID-19 it would be appreciated if these questions could be taken as Questions on Notice, or if they have been submitted too late for Questions on Notice that they be taken as Questions Without Notice and answered in the Council meeting minutes.

1. I refer to a letter which was sent by Premier Peter Gutwein and Local Government Minister Mark Shelton to all Tasmanian Council Mayors and General Managers, dated 16 April 2020. In this letter the Premier states:

"It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives".

Can the General Manager provide assurances to Devonport City Council's employees that no employees will have their employment terminated as a result of COVID-19 and that Council will prioritise the maintenance of employment of each of their employees in any budgetary decisions moving forward?

2. Clause 2.1 of Council's enterprise agreement, the *Devonport City Council Enterprise Agreement 2017*, and the *Fair Work Act 2009* both provide requirements for consultation in relation to major workplace changes including the need to relocate employees, the alternation of hours of work or regular rosters, or in the extreme the potential termination of employment, amongst others.

The Australian Services Union and our members seek to enter into collaborative consultation in relation to any potential changes in the workplace as a result of COVID-19.

Can the General Manager assure employees of Devonport City Council that the management team will enter into consultation before any major changes are implemented in the workplace?

3. Given that Local Government is not eligible for the federal government's JobKeeper program, the changes which were made to the *Fair Work Act 2009* in relation to COVID-19 stand downs and alternation of an employee's regular hours do not apply to Devonport City Council.

Section 524 of the Act (*Employer may stand down employees in certain circumstances*) requires that an employee only be stood down where they "*cannot usefully be employed*", that is to say that there is no useful work for employees to undertake.

Can the General Manager provide a guarantee that all possible alternate duties will be explored before considering standing employees down, including things that are usually outside of Council's core business but which assist the community with getting through, and recovering from, COVID-19? The Union can provide further details and suggestions around this matter.

If your next Council meeting is more than two weeks in the future could we please obtain a written response to these questions by email to adelatorre@asuvictas.com.au within the next week?

Thanks in advance.

Yours sincerely,



Aaron De La Torre

Tasmanian Coordinator

Australian Services Union

Victorian and Tasmanian Authorities and Services Branch

MELBOURNE HEAD OFFICE
116 Queensberry Street
Carlton South VIC 3053

HOBART OFFICE
265 Macquarie Street
Hobart TAS 7000

T 1300 85 55 70
F 03 9342 3498
E info@asuvictas.com.au

www.asuvictas.com.au
f @ASUVicTas
ABN 76 569 632 753

3.2.3 Question without notice from the public

Due to the meeting being held by video conference, questions without notice can be emailed to Council up until 12 noon on the day of the meeting.

The Mayor will read any questions which have been received.

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 CRADLE COUNTRY MARKETING GROUP DISSOLVEMENT

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report details the dissolution of the Cradle Country Marketing Group, a collective marketing initiative involving Devonport City Council, Kentish Council and Latrobe Council. The Group's intention was to work collaboratively to market and promote the region.

BACKGROUND

The Cradle Country Marketing Group was established in 2002, between Devonport City Council and Latrobe Council. Kentish Council joined the initiative in 2005 and Central Coast Council joined in 2008. This resulted in the collective name, Cradle Country Marketing Group. Central Coast Council withdrew from the initiative in July 2019.

At the May 2019 Governance, Finance and Community Services Section 23 Committee meeting, Council committed to:

'...endorse Council's contribution of \$17,500 to the Group's initiatives in 2019/20, with the intent to reassess the effectiveness of the Group's initiatives during the year prior to committing to ongoing support.'

GFC 33/19 RESOLUTION

In March 2020, Kentish Council and Latrobe Council also made the decision to withdraw from the Group, causing the Group to end.

STATUTORY REQUIREMENTS

There are no statutory requirements associated with this report.

DISCUSSION

Between July 2019 and March 2020, the Cradle Country Marketing Group continued to action pre-existing initiatives, including: the printing and distribution of a regional map and guide; paid advertising and editorials in national publications; and the maintenance of a website and social media channels. The Group made the decision to cancel digital advertising at Hobart Airport.

To the end of March 2020, the Group has expended approximately one-third of the full-year budgeted amount of \$52,500.

It is evident the effectiveness of the Group has decreased more recently. This outcome is not attributed to the officers that constitute the committee but related to the changes of the regional tourism sector. North by North-West has emerged as an active Regional Tourism Organisation, replacing the previous RTO hosted by the Cradle Coast Authority.

Kentish Council and Latrobe Council have indicated a desire to focus on the Cradle Mountain region and promote the small rural village experience. This message is at odds with the current direction of Devonport, as the Living City, with new urban developments

devised to encourage visitors to spend more time in Devonport, using it as a base to explore the region.

Devonport would benefit by redirecting its resourcing of Cradle Country Marketing Group to deliver more targeted initiatives for Devonport.

COMMUNITY ENGAGEMENT

No community consultation was undertaken as a result of this report.

FINANCIAL IMPLICATIONS

Devonport City Council has previously committed \$17,500pa to support the Cradle Country Marketing Group.

The 2020/21 Operational Budget could either reflect a re-allocation of funds to targeted Devonport marketing initiatives or result in a small saving.

RISK IMPLICATIONS

There are no risks identified with this report.

CONCLUSION

The Cradle Country Marketing Group proved more effective with the membership of four Councils. The three partnering have all now withdrawn from the Group, effectively dissolving the Group.

Devonport Council will benefit from a reallocation of funds to initiatives that target marketing in the Devonport region.

ATTACHMENTS

Nil

RECOMMENDATION

That Council note the dissolution of the Cradle Country Marketing Group and through the 2020/2021 Budget process consider the reallocation of funds to target marketing for Devonport initiatives.

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

5.2 DEVELOPMENT AND HEALTH SERVICES REPORT

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs

SUMMARY

This report provides a summary of the activities undertaken by the Development Services Department for the months of February and March 2020.

BACKGROUND

This report is provided to summarise the activities of the Development Services Department in the preceding two months.

The Council functions undertaken by the Department are:

- Planning;
- Building and Plumbing Services;
- Environmental Health;
- Animal Control; and
- Risk and Regulatory Compliance Services.

STATUTORY REQUIREMENTS

In carrying out its activities, the Development Services Department is required to ensure compliance with a substantial amount of legislation and regulation. The principal legislation administered by the Department includes the:

- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*
- *Building Act 2016*
- *Building Regulations 2016*
- *Public Health Act 1997*
- *Food Act 2003*
- *Environmental Management and Pollution Control Act 1994*
- *Dog Control Act 2000*
- *Devonport Interim Planning Scheme 2013*
- *Work Health and Safety Act 2012*

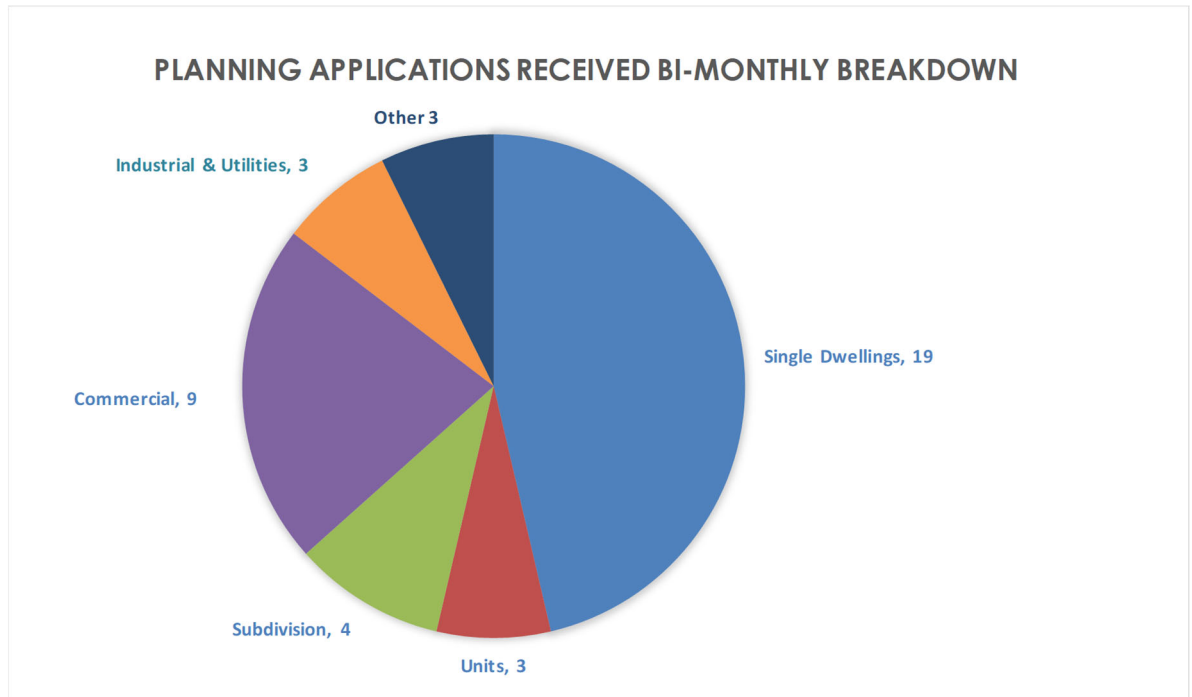
DISCUSSION

1. State Planning Scheme/Local Provisions Schedules

The Tasmanian Planning Commission has directed Council to publicly exhibit its draft *Local Provisions Schedule* (LPS) which has been prepared as part of the transition to a single, statewide planning scheme – the *Tasmanian Planning Scheme*. In accordance with the requirements of the *Land Use Planning and Approvals Act 1993*, the draft LPS will be made available for public exhibition for a period of 60-days. This period commenced on Monday 23 March 2020 and will conclude on Monday 25 May 2020.

2. Planning

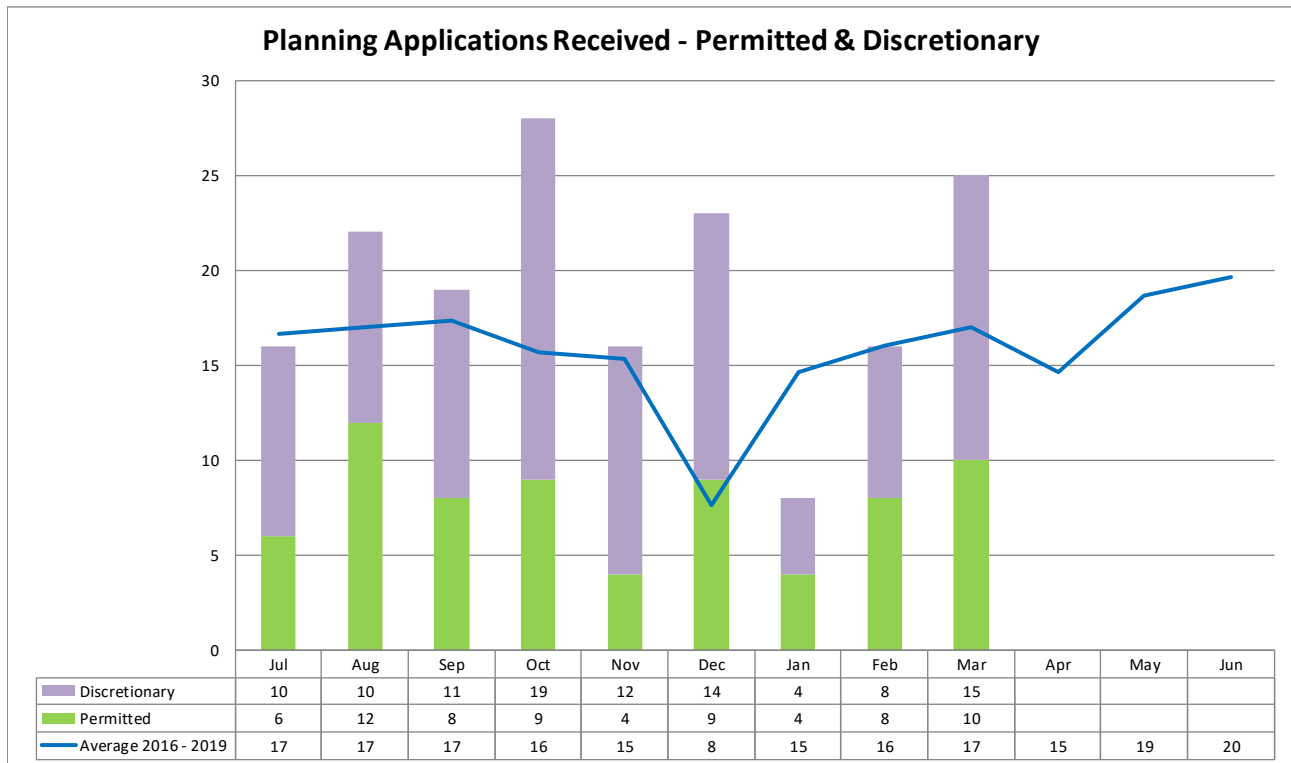
2.1. The following graph details the breakdown of planning applications received during February and March:



Note:

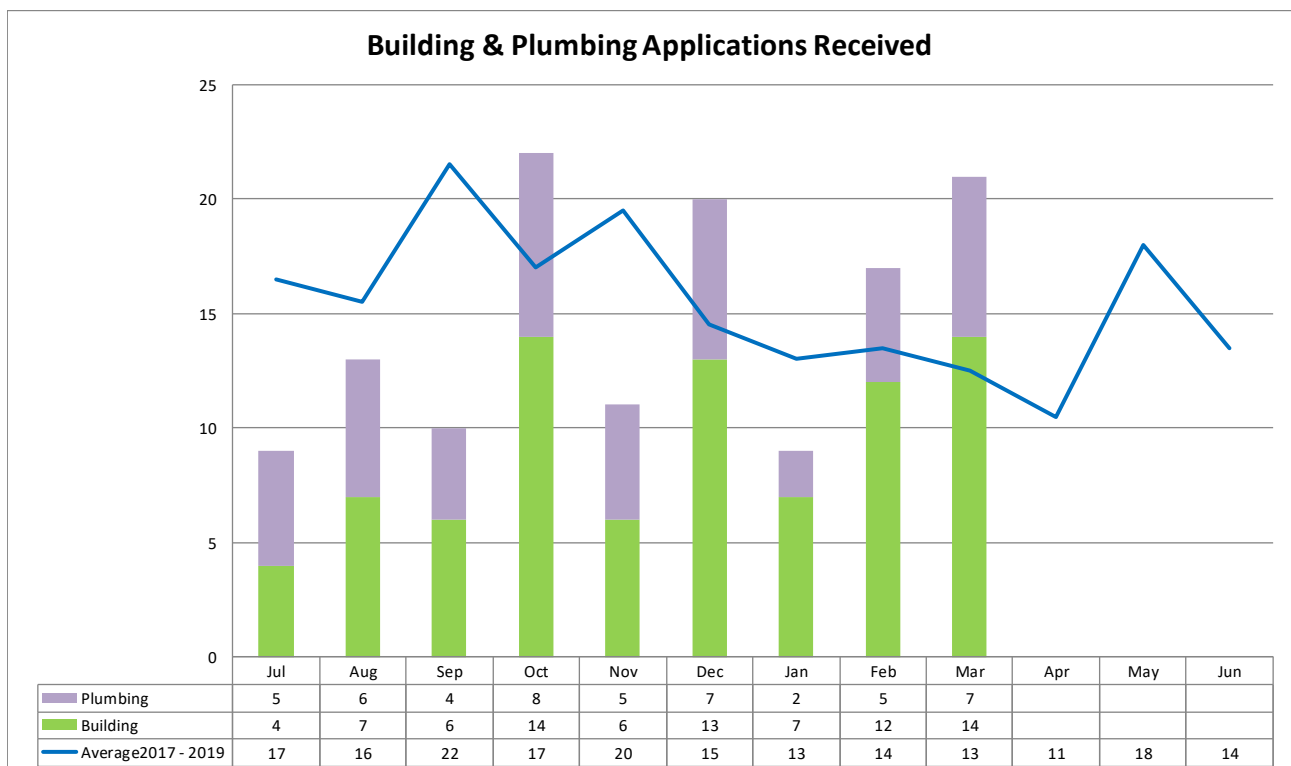
- Single Dwellings – means single residential dwelling on a single lot.
- Units – means two or more dwellings on a site.
- Subdivision – means the division of a single lot into multiple lots giving separate rights of occupation, excluding boundary adjustments.
- Commercial – means bulky goods sales, business and professional services, community meeting and entertainment, educational and occasional care, equipment and machinery sales and hire, food services, general retail and hire, hotel industry, research and development.
- Tourism – means tourist operations and visitor accommodation.
- Industrial and Utilities – means extractive industry, manufacturing and processing, port and shipping, recycling and waste disposal. Resource processing, service industry, storage, transport depot and distribution, utilities, vehicle fuel sales and service.
- Other – means all other use classes.

- 2.2. 23 Discretionary Planning Applications and 18 Permitted Planning Applications were received in February and March. The following graph details the number of Planning Applications received compared to previous years:

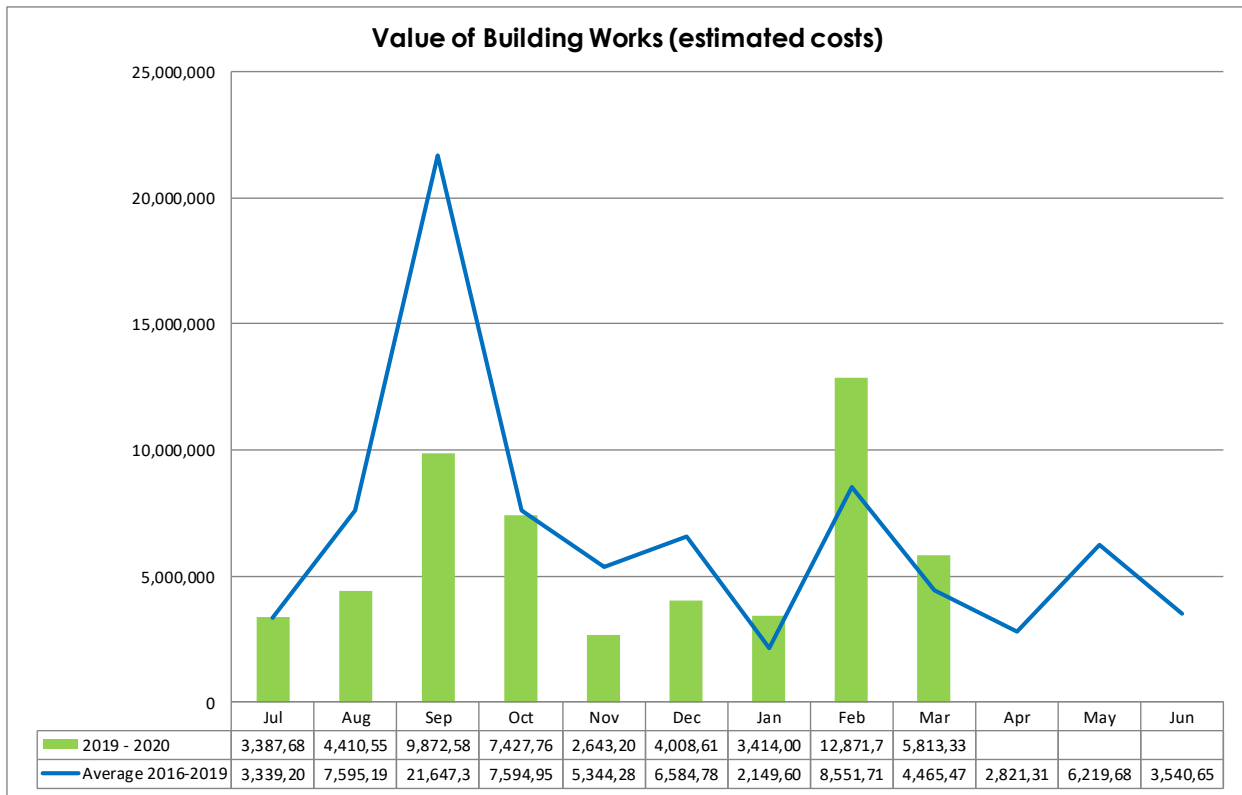


3. Building/Plumbing

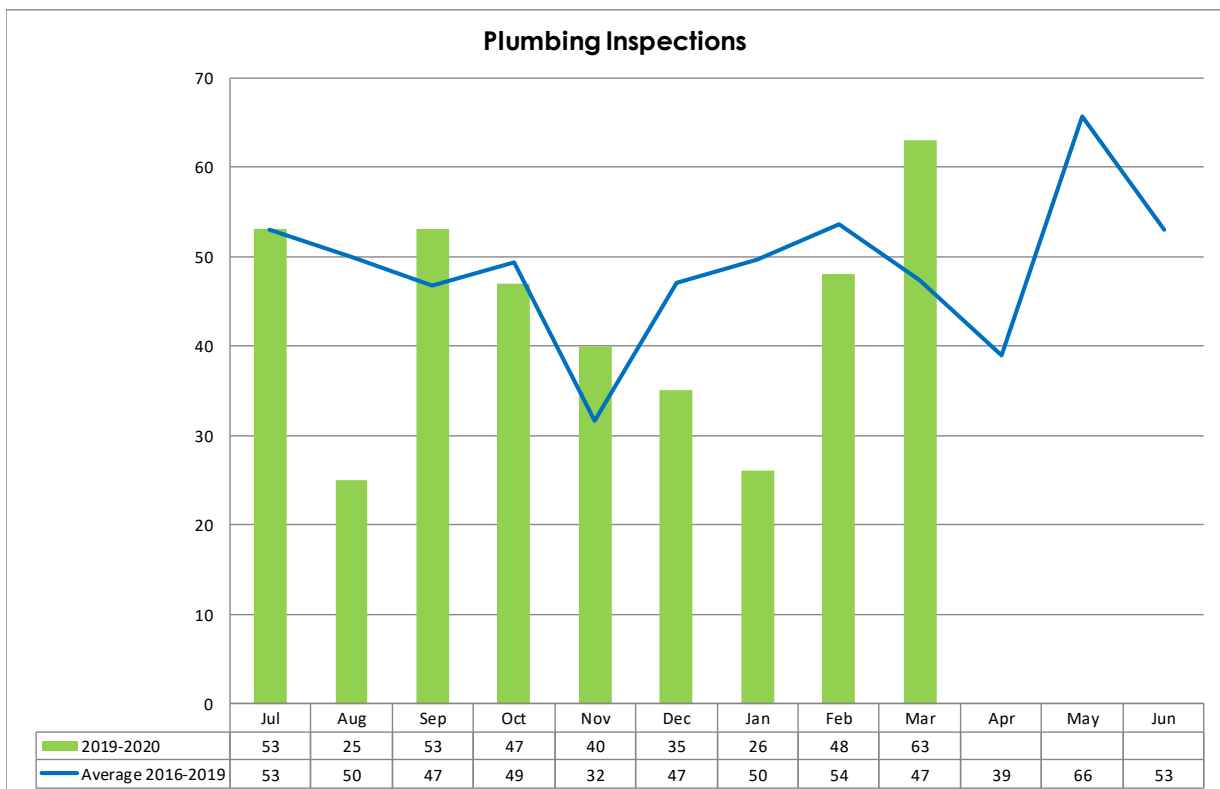
- 3.1. 26 Building Applications and 12 Plumbing Applications were received in February and March. The following graph details the Building and Plumbing Applications compared to the previous year:



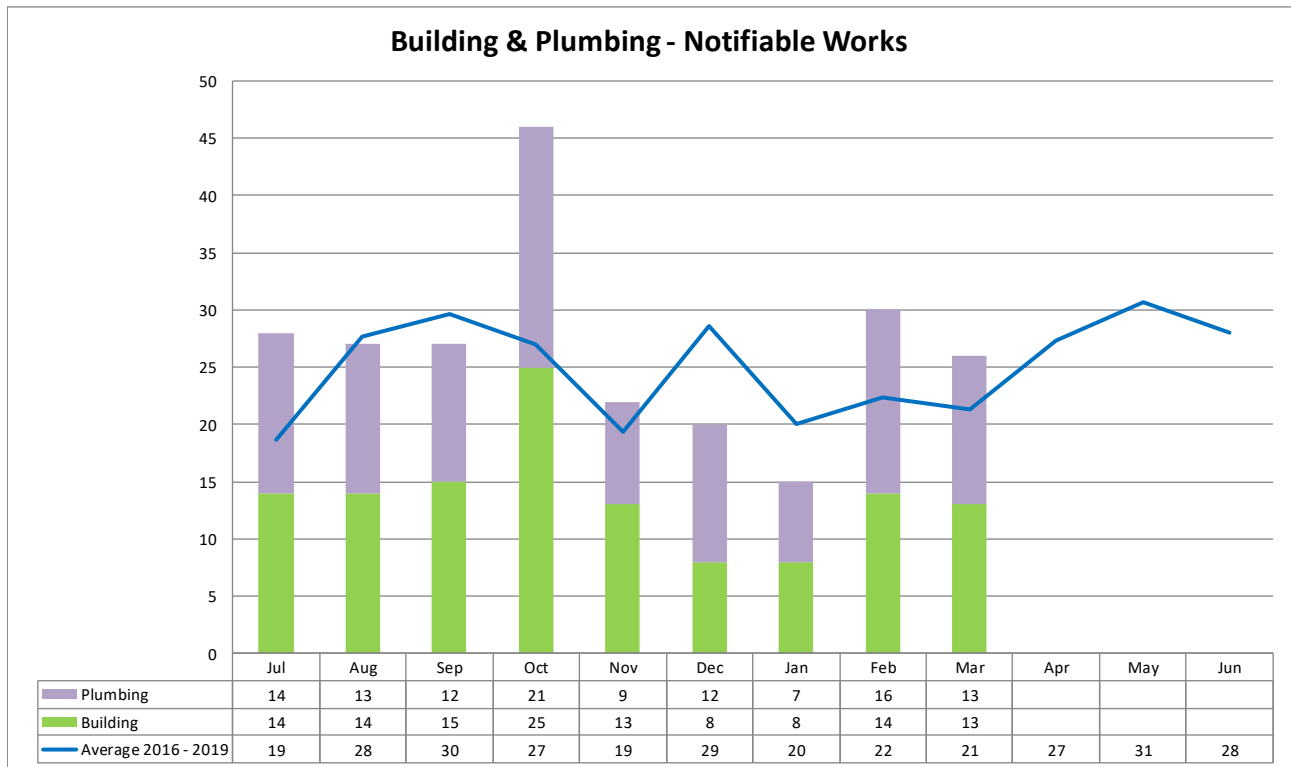
- 3.2. Building Applications for \$12,871,777 worth of building works was received in February and \$5,813,338 in March. The following graph details the value of buildings works received compared to previous years:



- 3.3. 48 plumbing inspections were carried out in February and 63 in March. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:

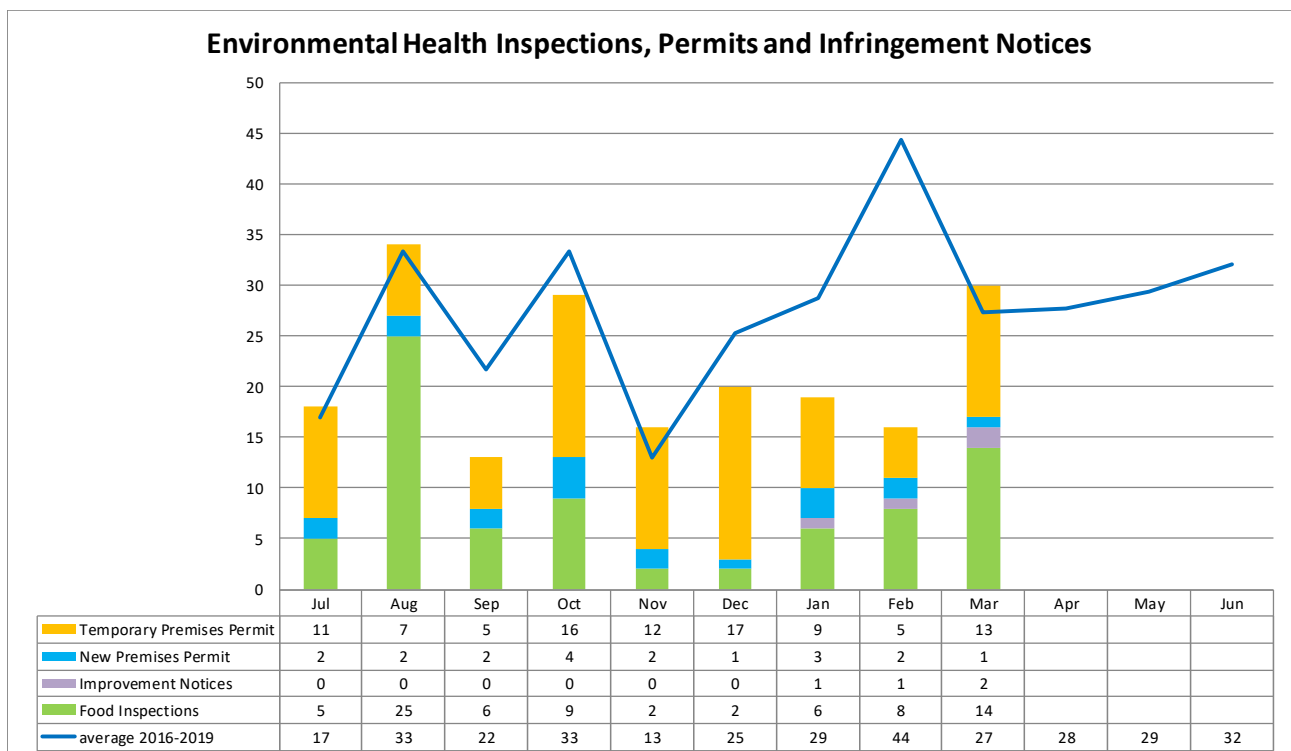


3.4. The following graph details the notifiable works received for building and plumbing that have been issued this year compared to previous years:



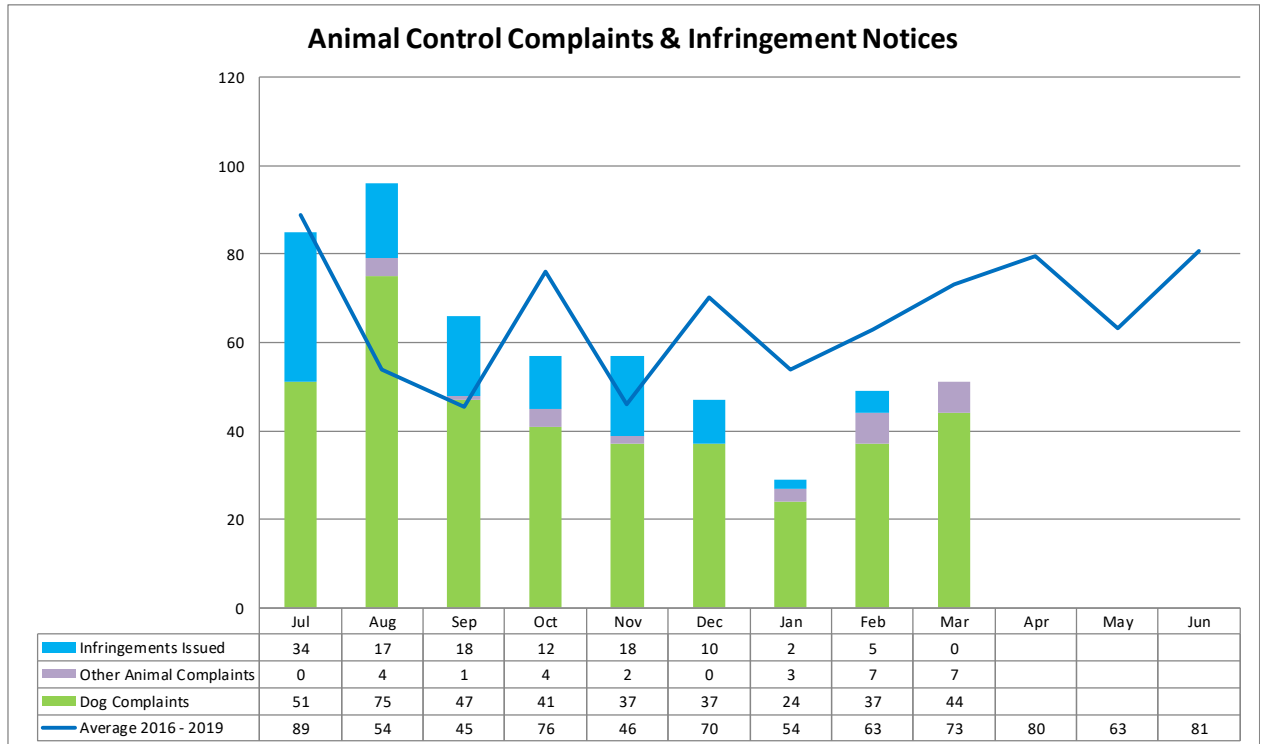
4. Environmental Health

4.1. The following graph details the inspections, permits and infringement notices that have been issued by the Environmental Health Officers this year compared to previous years:



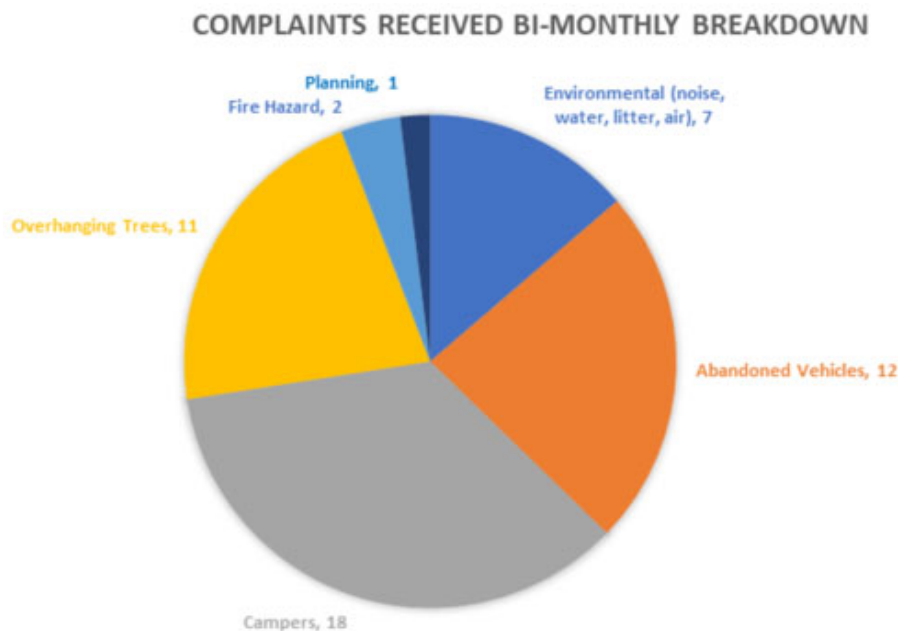
5. Animal Control

- 5.1. At the end of March there were 3,851 dogs registered in Devonport.
- 5.2. In February and March, a total of 95 animal complaints were received. These complaints predominately related to dog attacks, dogs at large and barking dogs. All complaints were responded to within two working days.
- 5.3. The following graph details the number of animal complaints for this financial year compared to the same period last year:



6. Risk and Compliance

- 6.1. The following graph details the breakdown of the complaints received by the Risk Department during February and March:



- 6.2. Eighteen internal incidents and nine external incidents were reported during February and March. The following table details the types of incidents:

Internal Incident Type	No. of Reports	Description
Personal Injury	6	<ul style="list-style-type: none"> Animal bites Sprains and strains Crush injuries
Property Damage	7	<ul style="list-style-type: none"> Damage to signage Damage to fence Vandalism to Council vehicle Vandalised glass door
Motor Vehicle	1	<ul style="list-style-type: none"> Damage to vehicle canopy
Near hit	1	<ul style="list-style-type: none"> Load restraint equipment failure
Hazard	3	<ul style="list-style-type: none"> Environmental hazards Untidy housekeeping
External Incident Type	No. of Reports	Description
Personal Injury	3	<ul style="list-style-type: none"> Trips & falls
Property Damage	5	<ul style="list-style-type: none"> Damage to pedestrian crossing Water damage to property Break into Council property Broken windscreen
Near Hit	1	<ul style="list-style-type: none"> Confrontation with staff by member of the public

- 6.3. The following table details the breakdown of actual claims:

	Internal Incidents	External Incidents
Actual Claims	1	1
Actual Claim Costs	\$1,000 excess	\$200

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

Any financial implications arising out of this report will be reported separately to Council.

RISK IMPLICATIONS

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

CONCLUSION

This report is provided for information purposes only as it relates to the activities of the Development Services Department in February and March 2020.

ATTACHMENTS

Nil

RECOMMENDATION

That Council receive and note the Development and Health Services Report.

Author:	Kylie Lunson	Endorsed By:	Jeffrey Griffith
Position:	Development Services Manager	Position:	Deputy General Manager

5.3 INFRASTRUCTURE AND WORKS REPORT

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs

SUMMARY

This report provides a summary of the activities undertaken by the Infrastructure and Works Department during the months of February 2020 and March 2020.

BACKGROUND

The report is provided to the Infrastructure, Works and Development Committee and aims to update Councillors and the community on matters of interest. The functional areas of Council covered by this report are:

- Asset Management Program (forward planning and maintenance)
- Capital Works
- Roads, Footpaths and Cycleways
- Streetscape Design (including lighting, signs, furniture, vegetation)
- Stormwater Management
- Traffic Management
- Waste Management
- Recreation Reserves (including playgrounds, parks and gardens)
- Sporting Grounds and Facilities
- Tracks and Trails
- Public Buildings (including public halls, toilets)
- Marine Structures (including jetties, boat ramps)
- Recreation and open space planning

STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other relevant legislation.

DISCUSSION

1. Capital Works Program

- 1.1. In February and March, progress was made on the 2019/20 capital works program. The Capital Works Income & Expenditure Report is attached to this report.

- 1.2. The project to renew the surface around the Cenotaph is complete, in time for ANZAC Day.



- 1.3. The accessible amenities facility for the Mersey Bluff Caravan Park is being constructed off site and will be moved to site for installation and connection.
- 1.4. A new path through Highfield Park has been constructed, which was an action in the Highfield Park Master Plan 2018-2028.



- 1.5. Work on the new toilets at Miandetta Park is progressing with the roof, fixtures and sewer connection to be completed in April.



- 1.6. Work is continuing on the construction of new bus stops in preparation for new routes and timetables. Although these changes have now been deferred by the Department of State Growth, work has been completed on new stops on Stony Rise Road, Forth Road and at Don College, with others to follow. This project is funded by the Department of State Growth.



- 1.7. The roundabout at the intersection of Berrigan Road and Lyons Avenue is now complete. This project was funded by the Federal Government's Black Spot Program to address a history of crashes at the site.



- 1.8. Construction has commenced on the Ambleside to Latrobe section of the Coastal Pathway, with work progressing from the Ambleside end. A retaining wall has been constructed and a curve realigned to allow the path to be constructed on the river side of the road. Work in coming months will include reclaiming of land to facilitate the path construction between River Road and the Mersey River. Construction of this section is scheduled to be completed by December 2020.



Design and planning work on the Don to Leith section has slowed, as difficulties have been encountered negotiating the details of the path and rail interfaces with Tasrail. Other sections in Central Coast are now likely to be constructed earlier.

- 1.9. Work on the Northern Rooke Street renewal project has commenced in conjunction with the Waterfront Park project. The closure of Rooke Street has meant that the bus interchange has been temporarily relocated to Oldaker Street.

2. Management

- 2.1. Measures have been implemented to comply with COVID-19 pandemic restrictions on physical contact and proximity, reducing the risk to staff and ensuring continuity of essential services. Measures include:

- Infrastructure staff working from home
- Closure of the Works Depot and Mersey Vale Memorial Park Office to the public
- Separating Works teams into satellite sites including Maidstone Park, Meercroft Park, Mersey Vale Memorial Park and Don Memorial Hall
- Changes to way vehicles are assigned and utilised
- Staggering work hours to minimise contact at the Works Depot
- Assessing critical skills and ensuring suitable backup
- Changes to the payment methods at the Waste Transfer Station

At the time of this report, the workload of the Works teams has not changed significantly, although there have been some small reductions, including:

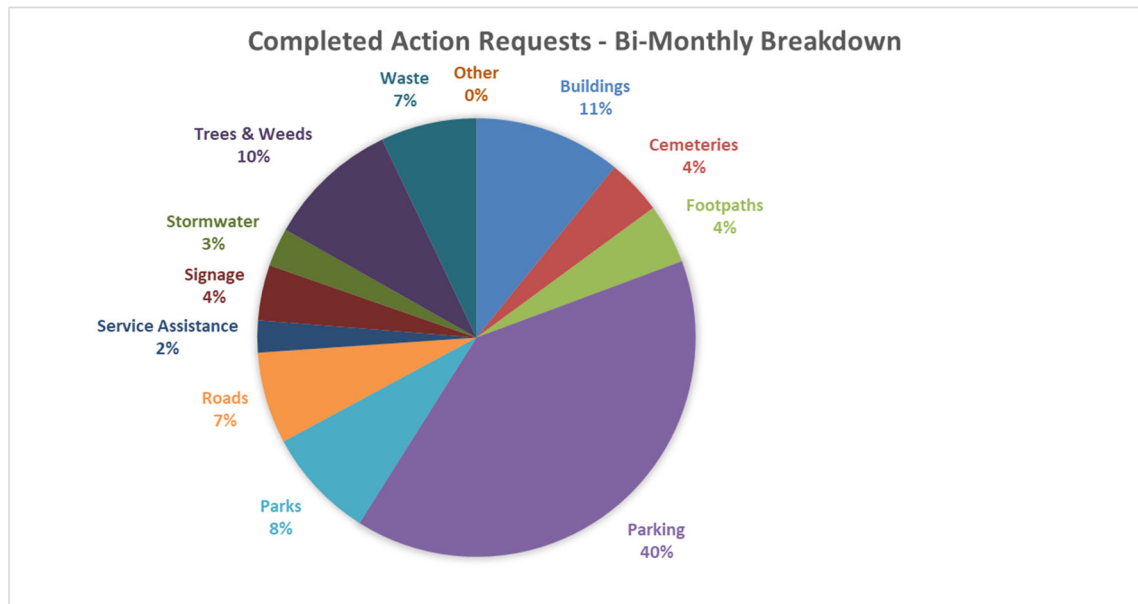
- Service assistance as events have been cancelled
- Sports field maintenance, as sports are not proceeding
- Commercial and public bin waste collection
- Reactive maintenance of parking infrastructure

Currently, these activities have been offset by work that has been unable to be completed in normal circumstances including proactive maintenance and cleaning.

- 2.2. The following table is a summary of the action requests for the Infrastructure and Works Department:

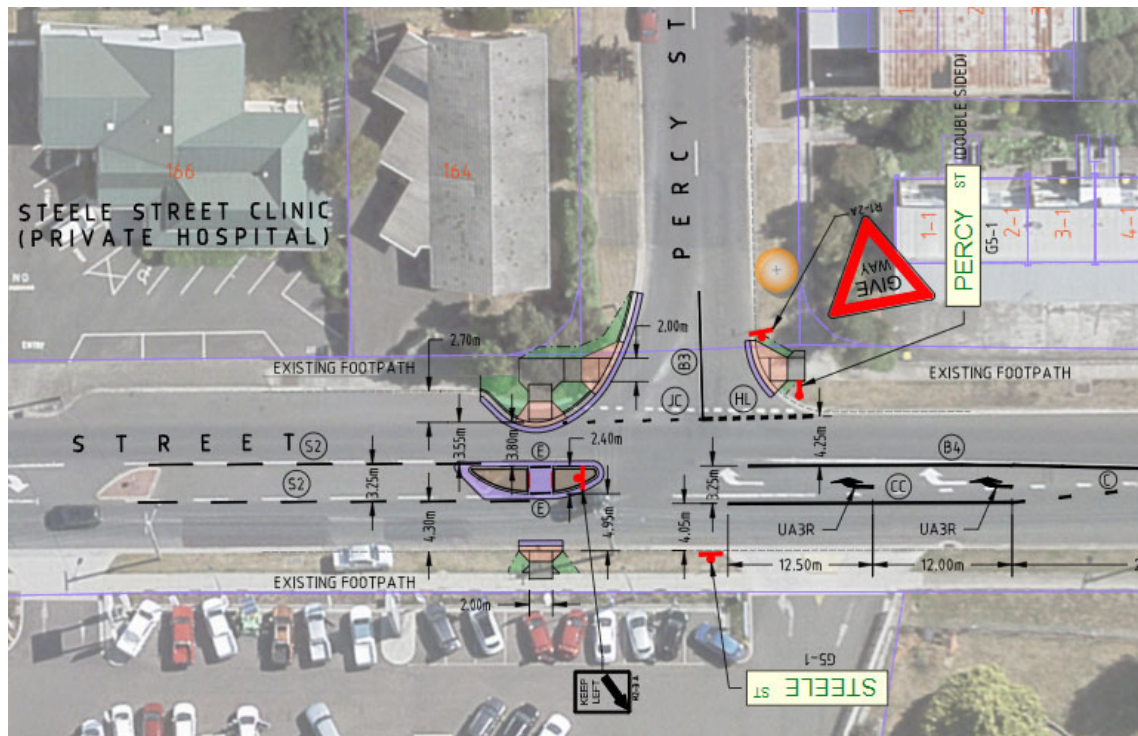
Balance of Action Requests as at 31 January 2020	803
Action Requests created in February and March	777
Action Requests completed in February and March	641
Balance of Action Requests as at 31 March	939

- 2.3. The following graph details the categories of the action requests completed during February and March.



3. Technical and Engineering

- 3.1. Council has made three funding applications to the State Government's Vulnerable Road User Program for projects that could be constructed in 2020-21: Steele Street pedestrian safety, near Percy Street, which includes modification of an existing traffic island to create a safe crossing point.



Mersey Main Road safety improvements at Spreyton Primary School, which includes installation of a right turn slot into the school car park and improvements to the school crossing. This project was initiated from the recent investigation

Report to Council meeting on 27 April 2020

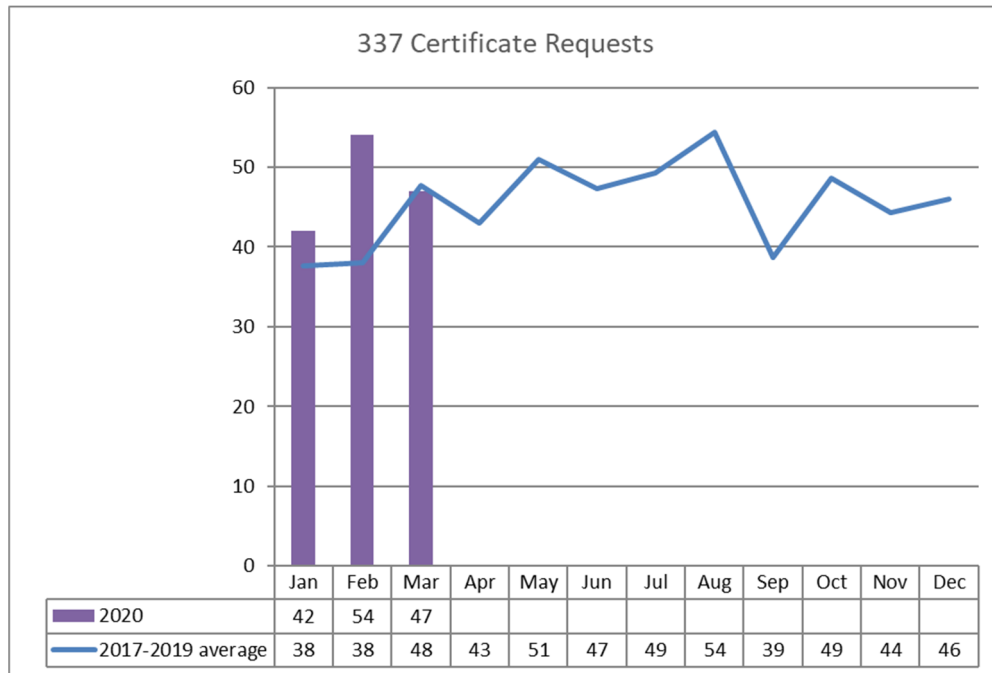
Council's engineering team completed in conjunction with Spreyton Primary School and the Department of State Growth.



Mersey Main Road pedestrian improvements, near Maidstone Park, which includes changes to pedestrian facilities near the new gymnastic club building



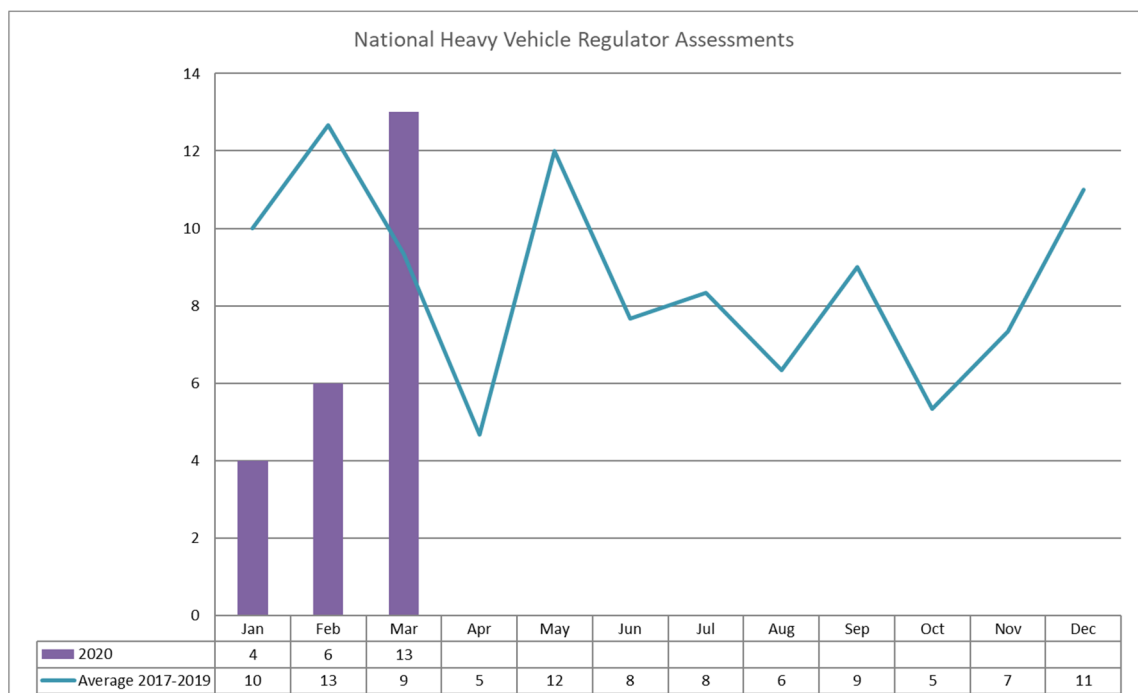
- 3.2. The following graph details the 337 Certificates that have been assessed by the Infrastructure and Works Department this year compared to previous years:



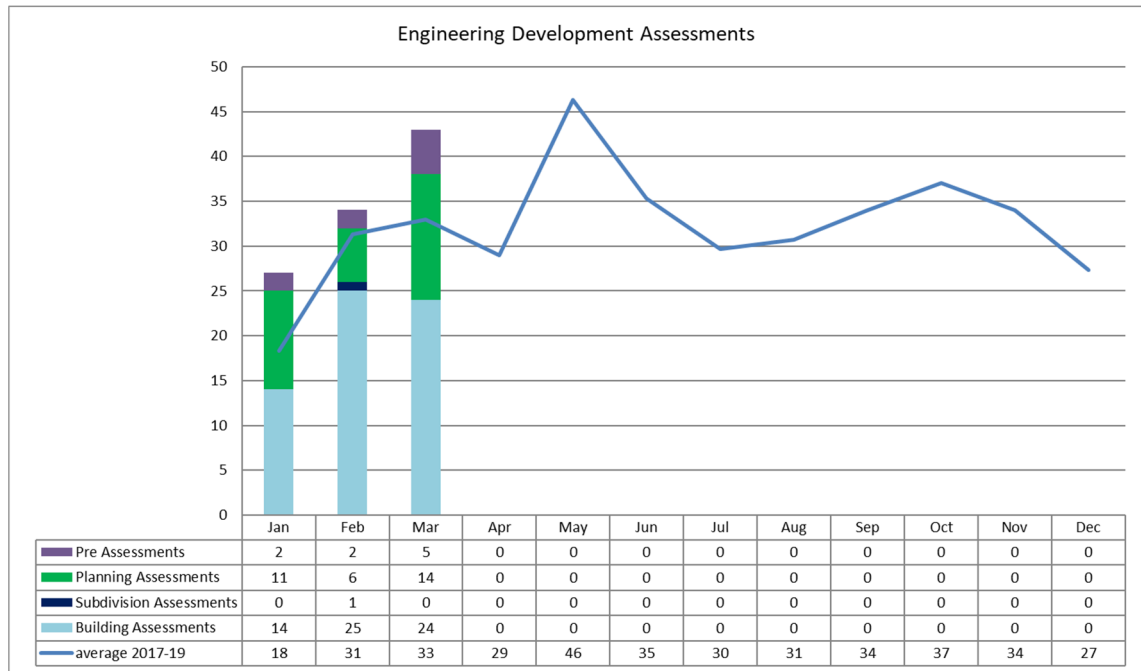
- 3.3. The following is a summary of the projects capitalised in the period since the last report:

Number of projects capitalised in period	3
Total value of capitalisations in period	\$0.75M
Total value of Works in Progress (WIP) as at 31 March	\$7.75M
Donated Asset Capitalised (Subdivisions) in period	\$0
Number of projects awaiting capitalisation next period	7

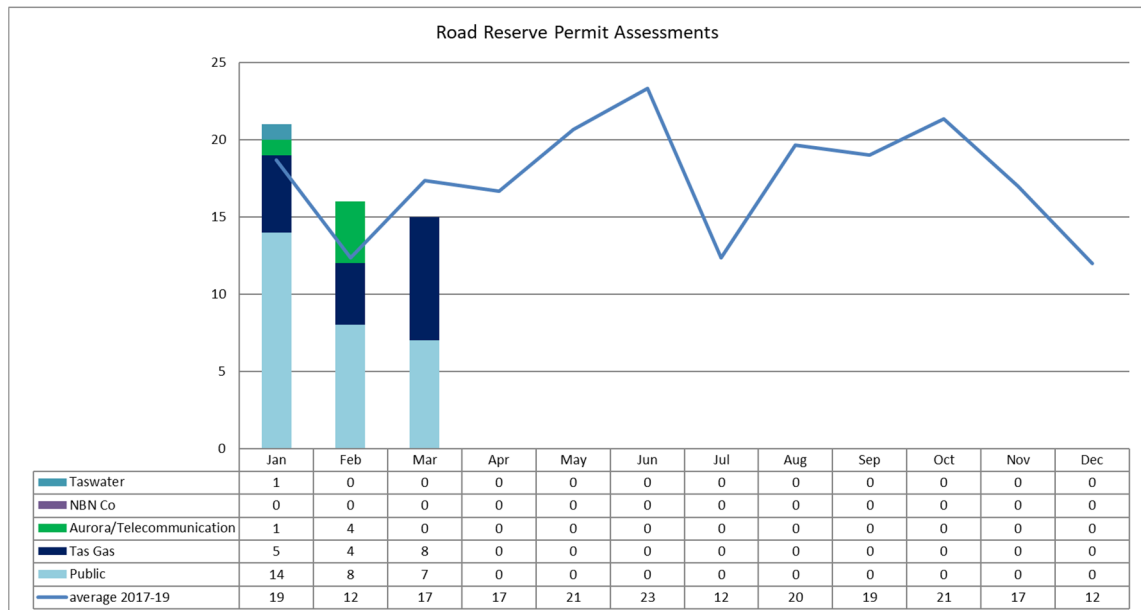
- 3.4. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



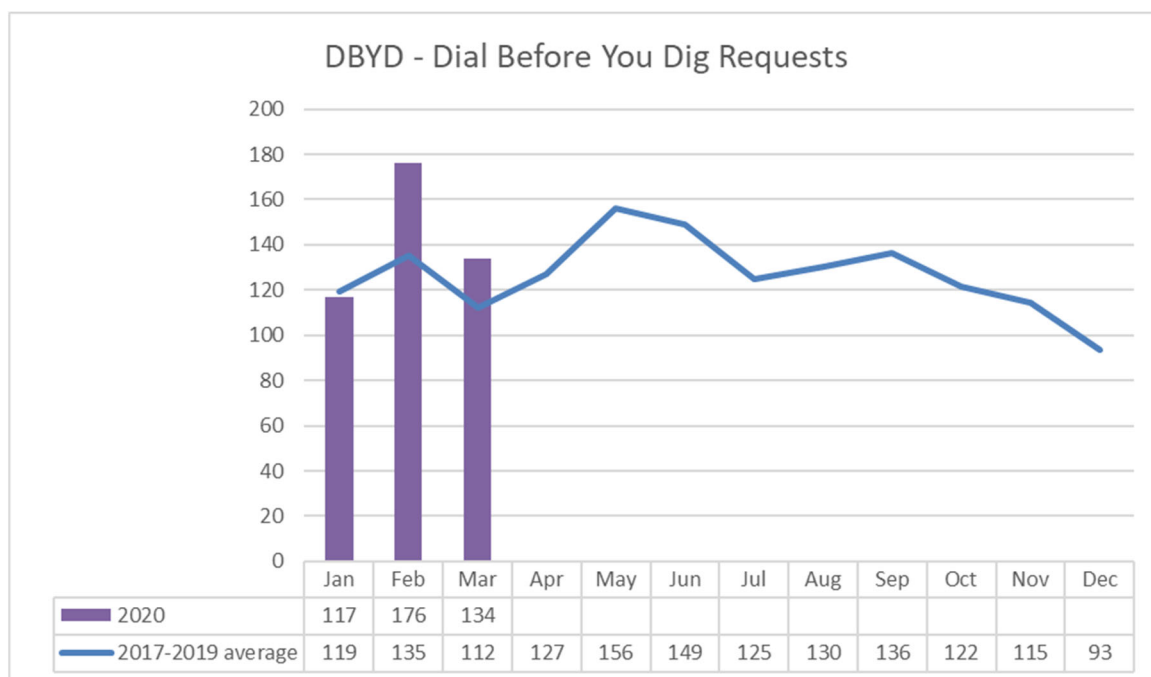
3.5. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



3.6. The following graph details the Road Reserve Permit Assessments that were completed this year compared to previous years.



- 3.7. The following graph details the Dial Before You Dig requests that have been processed this year compared to previous years.



4. Operational Contracts

- 4.1. The following table details the contracts managed within the Infrastructure and Works Department that have been extended this financial year:

Contract	Contract Period	Extension Options	\$ Value (Excluding GST)	Contractor
Contract 1314 - Supply & Delivery of Pre-mixed Concrete	1/07/2019 option 1+1	The original contract signed in June 2017 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the second 12 month extension was accepted.	Schedule of Rates (estimated value \$52,700pa)	Boral Construction Materials
Contract – 1320 - Weed Control	1/07/2019 option 1+1	The original contract signed in June 2018 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the second 12 month extension was accepted.	\$107,180 per annum	Steeds Weeds Solution
Contract – 1321 - Roadside Mowing	1/07/2019 option 1+1	The original contract signed in June 2018 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the second 12 month extension was accepted.	\$65,250 per annum	Mareeba Trust

5. Civil Works and Stormwater Maintenance

- 5.1. Maintenance in accordance with the Service Level Document, undertaken in February and March included:

- Open drain lining and road shouldering in Wrenswood Drive
- Sheetting of gravel roads including Don Heads Road, Tugrah Road and Perrys Road
- Sweeping and scrubbing of paths in CBD and East Devonport.
- Footpath and sign maintenance

5.2. In April and May, planned civil works and stormwater maintenance works will include:

- Stormwater pit and pipe clearing
- Footpath maintenance
- Rock lining of open drain on Tugrah Road

6. Parks and Reserves Maintenance

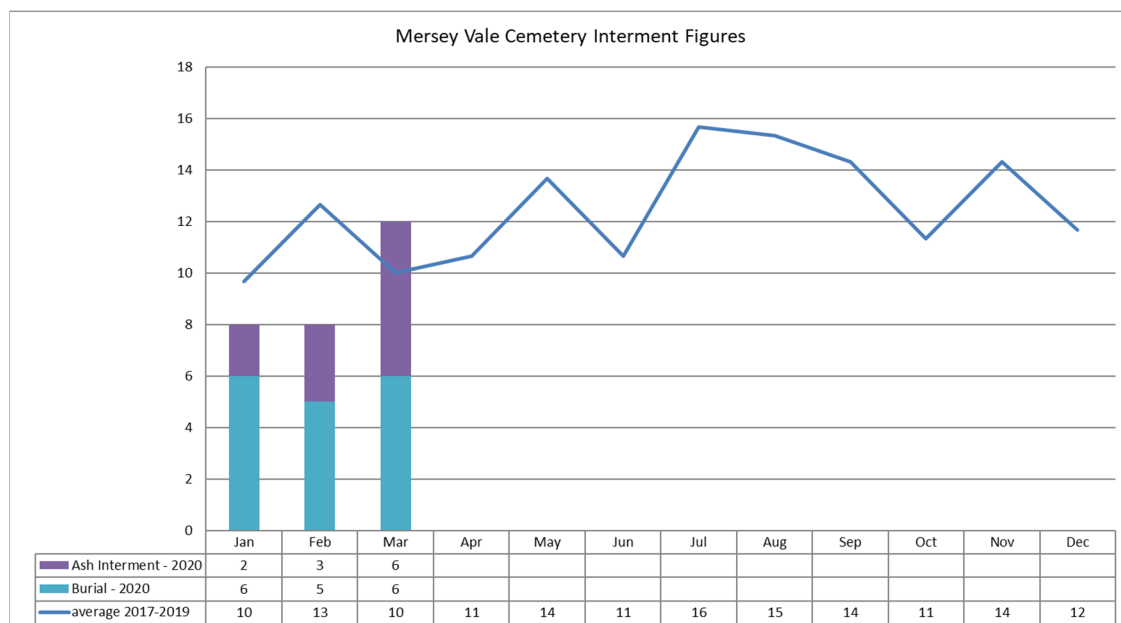
6.1. Maintenance in accordance with the Service Level Document, undertaken in February and March included:

- Preparation for the national Skills Acquisition Program (SAP) carnival at Meercroft Park, where junior soccer players from across Australia came to participate. The work included fertilising, aeration and special mowing requirements.
- Ongoing preparation of the Valley Road soccer ground following the major rehabilitation last year, including top dressing, aeration, over sowing and weed spraying
- Playground maintenance including replacing worn hand grips and ropes
- Changeover of sports fields from summer sports to winter sports.

6.2. In April and May, planned parks and reserves maintenance works will include:

- Placing of sawdust to tracks in Don Reserve
- Routine mowing of parks and sports fields.
- Tree trimming in and around the CBD
- Establishment of the grass of the new burial chambers at Mersey Vale Memorial Park, which is required before the area can be opened for burials

6.3. Mersey Vale Memorial Park interment figures compared to previous years are as follows:



7. Building and Facilities Maintenance

7.1. Maintenance in accordance with the Service Level Document, undertaken in February and March included:

- Replace basketball backboards at Devonport Recreation Centre
- Replace deck on Reg Hope Park fishing platform



- Install water service and irrigation to Children's Memorial Pavilion at Mersey Vale Memorial Park

- Stain deck and install wire balustrade at Bass Strait Maritime Centre

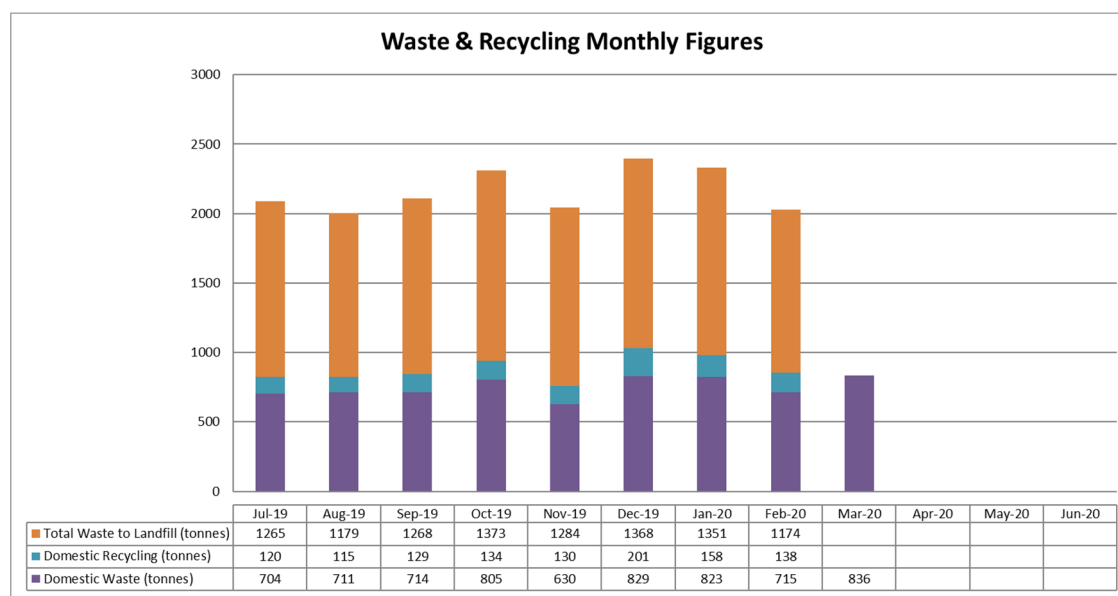


7.2. In April and May, planned building and facilities maintenance works will include:

- Stain barbeque shelters at Reg Hope Park and Pioneer Park
- External painting at Devonport Recreation Centre
- Polish handrails at Aikenhead Point
- Pressure clean pavers at Mersey Bluff

8. Waste Management Operations

8.1. Waste Management Services were conducted in accordance with the Service Level Document during February and March. The following graph details the volumes of waste and recycling from the domestic collection services and the total volume of waste to landfill from the Spreyton Waste Transfer Station, noting that March 2020 data is yet to be provided by Dulverton



- 8.2. The following table details the monthly figures for the Spreyton Waste Transfer Station:

Item	Feb 20	Mar 20	19/20 YTD	18/19 Total	17/18 Total
Asbestos – large loads (Tonnes)	0.42	0.60	4.94	9.16	9.94
Asbestos – small loads (no.)	7	10	119	149	90
Mattresses (no.)	103	130	1182	1,128	828
Vehicle Loads – up to 0.5m³ (no.)	436	478	3711	5,688	5,117
Vehicle Loads – 0.5m³ to 1.5m³ (no.)	1797	1704	13449	17,940	11,724
Vehicle Loads – 1.5m³ to 2m³ (no.)	185	150	1528	3,135	6,380
DCC Garbage Trucks (Domestic & Commercial Collection Services) (tonnes)	712	835	6726	8,981	9,207
Steel Recycling (tonnes)	118	96	747	1,135	845
e-Waste (tonnes)	0	0	24	45	12
Tyres (no.)	39	41	447	439	348

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

Any specific risk implications have been outlined in the discussion above. Any specific risk that may result in an issue to Council is likely to be the subject of a separate report to Council.

CONCLUSION

This report is provided for information purposes only and to allow Council to be updated on activities undertaken by the Infrastructure and Works Department.

ATTACHMENTS

- Capital Works Income and Expenditure Report March 2020

RECOMMENDATION

That Council receive and note the Infrastructure and Works report.

Author:	Michael Williams	Endorsed By:	Matthew Skirving
Position:	Infrastructure & Works Manager	Position:	Executive Manager City Growth

Capital Works Income & Expenditure Report March 2020													
	Funding 2019/20					Expenditure 2019/20			Balance	Performance Measures			
	Annual Budget	Additional Funds Carried forward & adjustments	Total Budget Available	External Funding	Funding Adjustments	Actual	Commitments	Total Expenditure	Remaining Funds	Works Start	Works Completion	% Budget	Comments
	\$	\$	\$	\$	\$	\$	\$	\$	\$	Month	Month	Spent	
Summary													
Open Space & Recreation	1,322,000	1,978,701	3,300,701	424,160	(30,000)	1,747,914	173,391	1,921,305	1,379,395				
Buildings & Facilities	342,000	2,977,816	3,319,816	2,959,789	-	111,586	103,232	214,818	3,104,998				
Transport	6,297,000	1,372,197	7,669,197	1,947,606	-	3,594,130	1,361,795	4,955,924	2,713,273				
Stormwater	1,292,000	283,994	1,575,994	-	-	236,173	19,857	256,030	1,319,964				
Living City	6,000,000	3,590,200	9,590,200	2,500,000	-	968,874	47,741	1,016,615	8,573,585				
Plant & Fleet	874,600	756,673	1,631,273	-	-	645,832	-	645,832	985,573				
Other Equipment	666,500	398,095	1,064,595	22,000	-	406,910	201,468	608,377	456,218				
Total Capital Works	16,794,100	11,357,676	28,151,776	7,853,555	(30,000)	7,711,418	1,907,484	9,618,902	18,533,006				
Open Space & Recreation													
CP0128 Signage Strategy Actions	-	-	-	-	-	-	-	-	-			#DIV/0!	
CP0129 Don River Rail Trail - land purchase	30,000	30,000	30,000	-	-	2,662	-	2,662	27,338	Oct-19	May-20	8.9%	Contracts for sale in place. Development application being assessed
CP0143 Mersey Vale cemetery - Children's Area	100,000	84,783	184,783	-	-	195,744	-	195,744	(10,961)	Complete	Complete	105.9%	Pending opening. Additional \$5,000 donation pending
CP0145 Victoria Parade Lighting Stage 2	-	-	-	-	-	1,751	-	1,751	(1,751)	Complete	Complete		
CP0146 Mersey Vale Cemetery - Lighting Renewal	70,000	70,000	70,000	-	-	66,983	-	66,983	3,017	Complete	Complete	95.7%	
CP0147 East Devonport Foreshore - Playground Equipment	-	-	-	-	-	704	-	704	(704)				Expense to Parks Operational OP1935
CP0150 Maidstone Park - Replace Ground Lighting	150,945	150,945	150,945	-	-	5,921	-	5,921	145,024	TBA	TBA	3.9%	Tenders being assessed
CP0151 Maidstone Park - Gymnastics Club Car Park	240,000	240,000	240,000	-	-	120,000	120,000	240,000	-	Complete	Complete	100.0%	Construction complete, handover pending
CP0152 Bluff Plaza - Replace Electrical Cabinet	-	-	-	-	-	(830)	-	(830)	830	Complete	Complete		
CP0154 Dog Exercise Park - Dog Agility Equipment & Drink Fountain	3,124	3,124	3,124	-	-	151	-	151	2,973	TBA	TBA	4.8%	
CP0158 Mersey Vale Cemetery - Modern Burial Stage 2	1,038,536	1,038,536	1,038,536	-	-	829,139	-	829,139	209,397	Complete	Complete	79.8%	
CP0160 Horsehead Creek - Bank Stabilisation between Horsehead Creek & Waterfront Complex	61,312	61,312	61,312	-	-	63,502	-	63,502	(2,189)	Complete	Complete	103.6%	
CP0161 Miandefeta Park - New Playground Equipment	-	-	-	-	-	-	-	-	-				
CP0164 Back Beach - path from base of stairs	18,000	18,000	18,000	-	-	1,815	-	1,815	16,185	May-20	May-20	10.1%	Construction pending
CP0165 Victoria Parade foreshore - erosion repairs and mowing strip - stage 2	75,000	-	75,000	-	-	1,208	-	1,208	73,792	Apr-20	May-20	1.6%	Construction pending
CP0166 Coastal Pathway - lighting - Aikenhead Point to skate park	150,000	-	150,000	-	-	106,046	-	106,046	43,954	Complete	Complete	70.7%	
CP0167 Hiller Flora Reserve - park furniture renewal	15,000	-	15,000	-	-	5,929	-	5,929	9,071	Apr-20	May-20	39.5%	Installation pending
CP0168 Victoria Parade and Mersey Bluff - park furniture renewal	25,000	-	25,000	-	-	19,340	40	19,381	5,619	Apr-20	May-20	77.5%	Installation pending
CP0169 Mersey Bluff - Barbeque renewal	20,000	-	20,000	-	-	11,423	5,460	16,883	3,117	Complete	Complete	84.4%	Installation pending
CP0170 Signage Strategy Actions	25,000	-	25,000	-	-	2,115	-	2,115	22,885	TBA	TBA	8.5%	
CP0171 Don Reserve path renewal - aquatic centre to Best Street	120,000	-	120,000	-	-	47,836	-	47,836	72,164	Complete	Complete	39.9%	
CP0172 Victoria Parade - Cenotaph - base surface renewal	10,000	-	10,000	-	-	1,026	-	1,026	8,974	Complete	Complete	10.3%	Invoices pending
CP0173 Mary Binks wetlands - path upgrade - stage 1	35,000	-	35,000	-	-	31,261	-	31,261	3,739	Complete	Complete	89.3%	
CP0174 Highfield Park - new path - East to West	40,000	-	40,000	-	-	26,445	-	26,445	13,555	Complete	Complete	66.1%	
CP0175 Mersey Bluff - inclusive playground	96,000	-	96,000	54,160	-	6,648	-	6,648	89,352	Apr-20	May-20	6.9%	Quotations being assessed
CP0176 Mersey Bluff - bin compound	5,000	-	5,000	-	-	109	-	109	4,891	TBA	TBA	2.2%	To be included with adjacent roadworks
CP0177 Devonport Recreation Centre - Laundry	15,000	-	15,000	-	-	385	-	385	14,615	Mar-20	May-20	2.6%	minro works pending
CP0178 Lovett Street Soccer Ground - Ground renovation	182,000	-	182,000	-	-	184,540	-	184,540	(2,540)	Complete	Complete	101.4%	
CP0179 Reg Hope Park - slab and services for shopfront at Julie Burgess	11,000	-	11,000	-	-	-	-	-	11,000	TBA	TBA	0.0%	
CP0180 Bluff Beach - accessible ramp	100,000	-	100,000	-	-	625	4,800	5,425	94,575	TBA	TBA	5.4%	Design underway
CP0181 Mersey Bluff Caravan Park - accessible amenities	75,000	-	75,000	-	-	415	32,000	32,415	42,585	Mar-20	Apr-20	43.2%	Construction underway off-site
CP0182 Mersey Vale Memorial Park - signage upgrade	30,000	-	30,000	-	-	9,468	-	9,468	20,532	Apr-20	Jun-20	31.6%	Quotations being assessed
CP0183 Mersey Vale Memorial Garden - ash interment columns	35,000	-	35,000	-	-	5,051	11,091	16,142	18,858	Mar-20	Apr-20	46.1%	Manufacturing underway off site
CP0184 Don River Rail Trail - construction	140,000	-	140,000	70,000	(30,000)	316	-	316	139,684	Mar-20	May-20	0.2%	Partial grant funding secured, design underway
CP0186 Girdlestone Park - ground lighting	-	300,000	300,000	300,000	-	185	-	185	299,815	TBA	TBA	0.1%	Tenders being assessed
Total Open Space & Recreation	1,322,000	1,978,701	3,300,701	424,160	(30,000)	1,747,914	173,391	1,921,305	1,379,395			58.2%	

Capital Works Income & Expenditure Report March 2020

	Funding 2019/20					Expenditure 2019/20			Balance	Performance Measures				
	Annual Budget	Additional Funds Carried forward & adjustments	Total Budget Available	External Funding	Funding Adjustments	Actual	Commitments	Total Expenditure		Remaining Funds	Works Start	Works Completion	% Budget	Comments
											Month	Month	Spent	
	\$	\$	\$	\$	\$	\$	\$	\$	\$					
Buildings & Facilities														
CB0091 East Devonport Foreshore Toilet Replace	-	-	-	-	-	1,120	-	1,120	(1,120)				Journal to Buildings OP.1921	
CB0085 Devonport Dog's Home - 2 x Caution pens	-	-	-	-	-	(93)	-	(93)	93					
CB0092 Don Memorial Hall - Install Public Toilet	-	34,250	34,250	-	-	34,249	-	34,249	2	Complete	Complete	100.0%		
CB0093 Devonport Oval - Football Club grease trap installation	10,000	-	10,000	-	-	2,540	-	2,540	7,460	Feb-20	Mar-20	25.4%	Construction pending	
CB0094 Council contribution to Sports Club Grants (Level the Playing Field)	150,000	(100,000)	50,000	-	(100,000)	-	-	-	50,000	N/A	N/A	0.0%	\$50,000 allocated to each of C80098 and C80099	
CB0095 Works Depot - Covered plant storage shed	32,000	-	32,000	-	-	4,479	17,218	21,697	10,303	Apr-20	Jun-20	67.8%	Construction pending	
CB0096 Mianetta Park - New toilet block	150,000	-	150,000	-	-	14,756	62,129	76,884	73,116	Mar-20	Apr-20	51.3%	Construction underway	
CB0097 Meercroft Park - facilities upgrade	-	1,502,437	1,502,437	1,502,437	-	54,337	23,885	78,222	1,424,215	TBA	TBA	5.2%	Design underway	
CB0098 Devonport Football Club - new change rooms	-	818,000	818,000	768,000	50,000	199	-	199	817,801	TBA	TBA	0.0%	Design underway	
CB0099 East Devonport Football Club - new change rooms	-	723,129	723,129	673,129	50,000	-	-	-	723,129	TBA	TBA	0.0%	Tenders being assessed	
C80100 Waste Transfer Station - E-waste shelter	-	-	-	16,223	-	455	-	455	(455)	May-20	Jun-20	#DIV/0!	Design underway	
Total Facilities	342,000	2,977,816	3,319,816	2,959,789	-	111,586	103,232	214,818	3,104,998			6.5%		
Transport														
CT0169 Formby Road & Best Street intersection safety improvements	-	69,000	69,000	-	-	(22,351)	36,364	14,013	54,987	Complete	Complete	20.3%		
CT0198 Mersey Bluff Pedestrian Link	-	218,228	218,228	-	-	206,057	-	206,057	12,171	Complete	Complete	94.4%		
CT0208 Bishops Road renewal	-	-	-	-	-	(960)	-	(960)	960					
CT0220 Southern Rooke Street Renewal	-	40,000	40,000	-	-	8,004	-	8,004	31,996	Complete	Complete	20.0%		
CT0221 Triton Road Safety Improvements	-	-	-	-	-	1,330	-	1,330	(1,330)	Complete	Complete		Prior year invoice.	
CT0222 Coles Beach/Back Beach Pedestrian Links	-	33,631	33,631	-	-	30,213	-	30,213	3,418	Complete	Complete	89.8%		
CT0225 New Street Light - Wright Street and Tarleton Street	-	-	-	-	-	(8,821)	-	(8,821)	8,821	Complete	Complete		Credited for non-council asset constructed in prior year now transferred to Tasnetworks.	
CT0226 Intersection Safety Improvements - Parker Street and Ronald Street	-	273,757	273,757	-	-	262,482	-	262,482	11,275	Complete	Complete	95.9%		
CT0230 Transport Minor Works	-	20,000	20,000	-	-	-	-	-	20,000	TBA	TBA	0.0%		
CT0231 Works Depot Carpark - Retaining Wall Renewal	-	-	-	-	-	30	-	30	(30)			#DIV/0!	Journal to OP.1937	
CT0232 Parking Infrastructure Renewal 2018-19	-	33,566	33,566	-	(18,899)	14,667	-	14,667	-	TBA	TBA	43.7%	Budget transferred to current year project CT0259.	
CT0233 Adelaide Street Kerb Renewal	-	193,850	193,850	-	-	153,624	909	154,533	39,317	Complete	Complete	79.7%		
CT0244 Steele St Pedestrian Facilities	-	3,559	3,559	-	-	17	-	17	3,542	Complete	Complete	0.5%		
CT0245 New bus stop infrastructure	-	486,606	486,606	486,606	-	176,751	134,058	310,809	175,797	Jan-20	Apr-20	63.9%	Construction underway	
CT0246 Reseal Program 2019-2020	700,000	-	700,000	-	-	592,883	4,606	597,489	102,511	Complete	Complete	85.4%		
CT0247 Street light provision	25,000	-	25,000	-	-	2,043	-	2,043	22,957	TBA	TBA	8.2%		
CT0248 Tugrah Road bus turn facility	40,000	-	40,000	-	-	25,194	-	25,194	14,806	Feb-20	Apr-20	63.0%	Construction underway	
CT0249 Parker Street footpath - North Fenton to Victoria Parade	18,000	-	18,000	-	-	19,219	-	19,219	(1,219)	Complete	Complete	106.8%		
CT0250 Forbes Street overpass - west side guard rail works	11,000	-	11,000	-	-	321	10,620	10,941	59	Complete	Complete	99.5%		
CT0251 Forbes Street renewal - bridge to Burrows Crescent	75,000	-	75,000	-	-	60,124	1,200	61,324	13,676	Complete	Complete	81.8%		
CT0252 Berrigan Road and Lyons Avenue - Intersection safety improvements	400,000	-	400,000	400,000	-	209,144	137,742	346,886	53,114	Complete	Complete	86.7%		
CT0253 Curr Street new footpath and ramp renewal	28,000	-	28,000	-	-	30,573	-	30,573	(2,573)	Complete	Complete	109.2%		
CT0254 Middle Road pedestrian crossing - Gatenby Drive	60,000	-	60,000	30,000	-	52,019	-	52,019	7,981	Complete	Complete	86.7%		
CT0255 Lovett St pedestrian facilities - Tasman to Lawrence	120,000	-	120,000	60,000	-	108,094	-	108,094	11,906	Complete	Complete	90.1%		
CT0256 Roberts Court renewal	250,000	-	250,000	-	-	192,166	-	192,166	57,834	Complete	Complete	76.9%	Construction underway	
CT0257 Road traffic device renewal	25,000	-	25,000	-	-	50	-	50	24,950	TBA	TBA	0.2%		
CT0258 Transport minor works	25,000	-	25,000	-	-	13,108	-	13,108	11,892	Aug-19	TBA	52.4%	Footpath in Parker St completed	
CT0259 Parking infrastructure renewal	25,000	-	25,000	-	18,899	50	45,000	45,050	(1,151)	Apr-20	Jun-20	180.2%	Purchases made	
CT0260 Victory Avenue kerb renewal	210,000	-	210,000	-	-	13,799	171,594	185,393	24,607	Mar-20	May-20	88.3%	Construction underway	
CT0261 Stewart Street kerb renewal - William to Gunn	405,000	-	405,000	-	-	302,449	9,135	311,584	93,417	Complete	Complete	76.9%	Street trees to be planted in April/May	
CT0262 Lower Madden Street renewal - Montague to North Fenton	200,000	-	200,000	-	-	205,828	-	205,828	(5,828)	Complete	Complete	102.9%		
CT0263 Oldaker Street footpath renewal - west of Rooke, south side	160,000	-	160,000	-	-	9,044	-	9,044	150,956	TBA	TBA	5.7%	Quotations requested	
CT0264 Victoria Street Renewal - Northern End	370,000	-	370,000	250,000	-	60,606	29,270	89,876	280,124	Feb-20	Apr-20	24.3%	Construction underway	
CT0265 Holyman Street renewal	400,000	-	400,000	256,000	-	117,232	228,544	345,776	54,224	Nov-20	Apr-20	86.4%	Construction underway	
CT0266 Holyman Street footpath renewal	90,000	-	90,000	-	-	8,651	-	8,651	81,349	Nov-20	Apr-20	9.6%	Construction underway	
CT0267 Fenton St & Stewart St - Intersection	415,000	-	415,000	415,000	-	353,238	20,529	373,767	41,233	Complete	Complete	90.1%		
CT0268 Devonport Oval - Clements St entry renewal	80,000	-	80,000	-	-	9,888	7,195	17,083	62,917	Feb-20	Apr-20	21.4%	Design underway	
CT0269 Winspears Road renewal -Stage 2	250,000	-	250,000	-	-	296,440	5,500	301,941	(51,941)	Complete	Complete	120.8%		
CT0270 Northern Rooke Street renewal	1,000,000	-	1,000,000	-	-	2,000	-	2,000	998,000	Jan-20	Apr-20	0.2%	Construction underway	
CT0271 Mersey Bluff Precinct – traffic, pedestrian, and parking improvements – stage 2	265,000	-	265,000	-	-	4,922	-	4,922	260,078	Mar-20	Apr-20	1.9%	Design underway	
CT0272 Coastal Pathway contribution - part 1	600,000	-	600,000	-	-	79,133	519,528	598,661	1,339	Jan-20	TBA	99.8%	Construction underway for Latrobe-Ambleside	
CT0273 Southern Rooke Street - street scape enhancement	50,000	-	50,000	-	-	100	-	100	49,900	TBA	TBA	0.2%		
CT0274 Electric Vehicle Charging Station	-	-	-	50,000	-	4,769	-	4,769	(4,769)	TBA	TBA	#DIV/0!	External funding secured	
Total Transport	6,297,000	1,372,197	7,669,197	1,947,606	-	3,594,130	1,361,795	4,955,924	2,713,273			64.6%		

Capital Works Income and Expenditure Report March 2020

ATTACHMENT [1]

Capital Works Income & Expenditure Report March 2020													
	Funding 2019/20					Expenditure 2019/20			Balance	Performance Measures			
	Annual Budget	Additional Funds Carried forward & adjustments	Total Budget Available	External Funding	Funding Adjustments	Actual	Commitments	Total Expenditure	Remaining Funds	Works Start	Works Completion	% Budget	Comments
	\$	\$	\$	\$	\$	\$	\$	\$	\$	Month	Month	Spent	
Stormwater													
CS0055 Squibbs Road drainage improvements		83,994	83,994			69,825	8,968	78,792	5,202	Feb-20	Apr-20	93.8%	Construction underway
CS0063 William SW Catchment Upgrade - St			-			72	-	72	(72)	TBA	TBA	#DIV/0!	
CS0081 John Stormwater Catchment Stage 1		200,000	200,000			3,904	-	3,904	196,096	TBA	TBA	2.0%	Design underway
CS0082 Minor Stormwater Works	60,000	-	60,000			36,132	9,634	45,766	14,234	Sep-19	TBA	76.3%	Minor works completed on Steele St fire trail & Georgiana St
CS0083 Stormwater outfall risk management	20,000	-	20,000			11,099	-	11,099	8,901	Apr-20	Jun-20	55.5%	Works completed near Skate Park
CS0084 Tugrah Road drainage	40,000	-	40,000			22,143	1,255	23,398	16,602	Complete	Complete	58.5%	
CS0086 Coles Beach Road - new pit	10,000	-	10,000			7,368	-	7,368	2,632	Complete	Complete	73.7%	
CS0085 Oldaker (East) stormwater catchment upgrade – stage 1	1,000,000	-	1,000,000			2,000	-	2,000	998,000	Dec-19	Apr-20	0.2%	Construction underway
CS0087 William Street stormwater improvements - Fourways east side	50,000	-	50,000			49,699	-	49,699	301	Complete	Complete	99.4%	
CS0088 Kelcey Tier Road - pipe extension and headwall	20,000	-	20,000			11,926	-	11,926	8,074	Complete	Complete	59.6%	
CS0089 Pit replacements	50,000	-	50,000			21,618	-	21,618	28,382	TBA	TBA	43.2%	
CS0090 Watkinson St - north of George St - stormwater renewal	42,000	-	42,000			84	-	84	41,916	N/A	N/A	0.2%	project will not proceed
CS0073 Minor Stormwater Works	-	-	-			303	-	303	(303)				
Total Stormwater	1,292,000	283,994	1,575,994	-	-	236,173	19,857	256,030	1,319,964			16.2%	
Plant & Fleet													
CF0022 Fleet Replacement Plan 18/19 (including disposal proceeds)		37,241	37,241			37,241	-	37,241	-			100.0%	
CF0023 Hire Plant Replacement Plan 18/19 (including disposal proceeds)		542,557	542,557			542,689	-	542,689	-			100.0%	
CF0024 Non-Hire Plant Replacement Plan 18/19 (including disposal proceeds)		-	-			-	-	-	-				
CF0025 Fleet replacement program 19/20	167,000	118,446	285,446			-	-	-	285,446	Jan-20	Jun-20	0.0%	
CF0026 Hire Plant Replacement Plan 19/20 (including disposal proceeds)	671,600	-	671,600			35,407	-	35,407	636,193	Jul-19	Jun-20	5.3%	Purchases being made progressively
CF0027 Non-Hire Plant Replacement Plan 19/20 (including disposal proceeds)	36,000	58,429	94,429			30,495	-	30,495	63,934	Jul-19	Jun-20	32.3%	Purchases being made progressively
Total Plant & Fleet	874,600	756,673	1,631,273	-	-	645,832	-	645,832	985,573			39.6%	
Other Equipment													
CE0010 Office & Equipment 2019-20	256,500	111,736	368,236	22,000		125,274	4,234	129,508	238,728	Jul-19	Jun-20	35.2%	Purchases being made progressively
IT Renewals & upgrades	410,000	286,359	696,359	-	-	281,636	197,234	478,870	217,489	Jul-19	Jun-20	68.8%	
Total Other Equipment	666,500	398,095	1,064,595	22,000	-	406,910	201,468	608,377	456,218			57.1%	
TOTAL CAPITAL EXPENDITURE - EXCLUDING LIVING CITY	10,794,100	7,767,476	18,561,576	5,353,555	(30,000)	6,742,544	1,859,743	8,602,287	9,959,421			46.3%	
Living City													
Total Living City	6,000,000	3,590,200	9,590,200	2,500,000	-	968,874	47,741	1,016,615	8,573,585			10.6%	
TOTAL CAPITAL EXPENDITURE - INCLUDING LIVING CITY	16,794,100	11,357,676	28,151,776	7,853,555	(30,000)	7,711,418	1,907,484	9,618,902	18,533,006			34.2%	

5.4 TENDER REPORT CONTRACT CP0186 GIRDLESTONE PARK GROUND LIGHTING

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.2 Increase the utilisation of sport and recreation facilities and multi-use open spaces

SUMMARY

This report seeks council approval to award Contract CP0186 Girdlestone Park Ground Lighting to Devonport Electrical Services for a total sum of \$228,774.

This report also seeks approval for the additional works required on site as part of the project.

BACKGROUND

This report considers tenders received for Girdlestone Park Ground Lighting that was added into the 2019/20 capital expenditure budget after the East Devonport Football Club secured a Federal Government grant for Ground lighting and changeroom upgrade.

A requirement of the grant was that Devonport City Council as ground and future lighting infrastructure owners would tender and manage the project.

The project involves

- Design and construction of lighting to regional training specification
- Upgrade power supply from road verge to building to 200amp capacity
- Decommission existing lighting infrastructure
- Relocation of current infrastructure from existing light poles to new pole locations
- Remaining funds to be attributed to change room upgrades

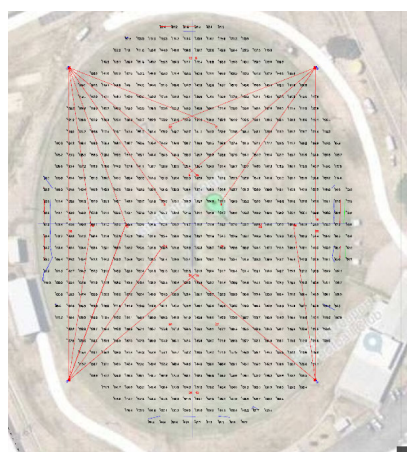
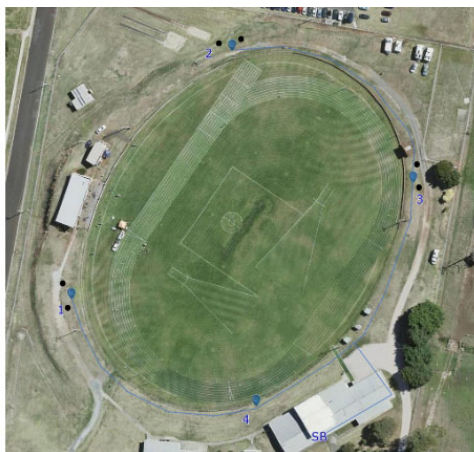


Image File : Champion Pro 396

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 for Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Report to Council meeting on 27 April 2020

Tenders were received from four companies; tenderers were requested to provide two options for consideration, option 1 meeting minimum grant specification, option 2 exceeding minimum grant specification.

- Option 1 – Provide lighting to a standard required for Regional Football Training (average ground cover 100 lux)
- Option 2 - Provide lighting to a standard required for Regional Football Training and practice games (average ground cover 150 lux)

Devonport Electrical Services supplied two proposals satisfying the Option 1 performance requirements, with one version utilising metal halide luminaires and one version with a high specification energy efficient LED luminaire. The Tender Planning and Evaluation Committee assessed that the LED version was the preferred version for option 1 due to the higher light level and quality, and lower running and maintenance costs.

Devonport Electrical Services did not make a submission for Option 2.

All other Tenderers each made a submission for both categories, but in all cases the Option 2 submissions exceeded the available project budget.

All tenders received were assessed as conforming tenders and Option 1 submissions are summarised in table 1 below:

TABLE 1

No.	Tender	Status	Tender Price (ex GST)
1	Devonport Electrical Services (LED version)	Conforming	\$228,774
2	Degree C Pty Ltd	Conforming	\$231,761
3	RBD Contracting Services Pty Ltd	Conforming	\$315,630
4	Contact Electrical Pty Ltd	Conforming	\$343,504

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

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

The evaluation by the Committee indicates that Devonport Electrical Services 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.

Additional work has been identified outside the scope of the Design and Construct tender but is required for a suitable outcome for the users of the ground. This work includes:

- Relocation of existing infrastructure from existing poles to new poles
- Decommissioning of existing lights and poles
- Installation of an Eco smart light control system

These costs have been quoted by Devonport Electrical Services as \$18,792 (ex GST).

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 15 February 2020 and tenders were also advertised on Council's website.

Council has engaged with the East Devonport Football Club in relation to the development of the specification and the scope of work.

FINANCIAL IMPLICATIONS

The 2019/20 capital expenditure budget includes an allocation for the "Girdlestone Park Ground Lighting" project of \$300,000.

The breakdown of the forecast expenditure for this project is summarised below in table 2:

TABLE 2

No.	Tender	Budget (ex GST)
1	Contract CP0186	\$228,784
2	Additional work on lighting infrastructure	\$ 18,792
3	Project management/administration	\$ 4,120
4	Construction contingency (8% of contract)	\$ 18,304
5	Tas Networks estimated	\$ 5,000
	TOTAL	\$274,080

The forecast expenditure, including an 8% contingency, is within the allocated budget for the project.

The remaining \$25,920 is to be allocated to upgrades of the existing change rooms as required by the grant funding agreement.

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 8% of the contract price. The risk of variations is low as most of the risk on a design and construct tender is borne by the contractor.
- Girdlestone Park has been taken over by the State Government for use as a COVID-19 testing clinic location. Indications, at this stage, are that this will not impact the delivery of this project. However, additional planning and communication will be required.

CONCLUSION

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that Devonport Electrical Services meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CP0186 Girdlestone Park ground lighting.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CP0186 Girdlestone Park Ground Lighting

- a) award the contract to Devonport Electrical Services for the tendered sum of \$228,784 (ex GST), plus a further \$18,792 for additional works;
- b) note that the total project expenditure is forecast to be \$274,080 (ex GST) and
- c) note that the balance of the grant fund, estimated to be \$25,920 is to be allocated to upgrades of the existing change rooms.

Author:	Michael Mouat	Endorsed By:	Matthew Skirving
Position:	Technical Support Supervisor	Position:	Executive Manager City Growth

5.5 UNCONFIRMED MINUTES - AUDIT PANEL - 30 MARCH 2020

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.3 Provide internal and external audit functions to review Council's performance

SUMMARY

To report the unconfirmed minutes of the Audit Panel meeting held on 18 November 2019.

BACKGROUND

The Audit Panel is in place to assist Council in fulfilling its oversight responsibilities by providing independent advice and assurance regarding the Council's financial management, risk management, internal control and compliance framework.

In late 2014, Council determined to establish a shared Audit Panel with Central Coast Council.

The Audit Panel of each council comprises two elected members and two independent members. The independent members are appointed jointly by both councils to be shared between each council's Audit Panel.

At the February 2019 Council meeting, it was determined that each audit panel should continue to meet independently, and that the Shared Audit Panel would only meet on an as required basis (Min No 36/19 refers).

STATUTORY REQUIREMENTS

All councils must have Audit Panels that operate in accordance with Part 8 of Division 4 of the *Local Government Act 1993* (the Act) and the *Local Government (Audit Panels) Order 2014*.

DISCUSSION

The unconfirmed minutes of the Devonport City Council Audit Panel meeting held on 30 March 2020 are included as a confidential attachment for the Councillor's information.

Due to the State Government's response to COVID-19, the Tasmanian Audit Office were not able to attend the meeting to deliver the draft Audit Strategy. The Strategy will be circulated to the Panel once it has been completed.

Items of note discussed at the meeting include:

- Mr Stephen Allen was welcomed as the Audit Panel's new Independent Member;
- the Annual Budget Program has been reviewed as a result of the impacts of COVID-19 and is likely to undergo further reviews in the coming weeks, however the intention remains to adopt the 20/21 budget by the end of June;
- Council's Business Continuity Plan and approach so far to the COVID-19 response was discussed at length, including matters relating to staffing arrangements, and recommendations and actions arising from the COVID-19 Community Relief Committee;
- an update on the LIVING CITY developments advised that the waterfront park and hotel projects are progressing as planned; and
- the February Finance Report was tabled.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

- Political/Governance
The Audit Panel plays a key oversight role in Council's Risk Management activities providing elected members with an extra level of comfort that the systems in place are adequate. Within its charter, the primary objectives of the Audit Panel are to consider whether:
 - the annual financial statements of the Council accurately represent the state of affairs of the Council;
 - the Strategic Plan, Annual Plan, Long-term Financial Management Plan and Long-term Strategic Asset Management Plans of the Council are integrated and the processes by which, and assumptions under which, those plans were prepared are sound and justified;
 - the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position are appropriate;
 - the Council is complying with the provisions of the *Act* and any other relevant legislation;
 - all strategic and business risks affecting the Council are identified and assessed, and the effectiveness of mitigation controls evaluated; and
 - the Council has taken any action in relation to previous recommendations provided by the Audit Panel to the Council.

CONCLUSION

The information contained in the report and the minutes of the Audit Panel meeting held on 30 March 2020 are presented to Council as per the recommendation below.

ATTACHMENTS

1. Unconfirmed Audit Panel Minutes - 30 March 2020

Confidential

RECOMMENDATION

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 30 March 2020.

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

5.6 STREET TRADING BY-LAW

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.4.2 Promote, encourage and develop initiatives that support the local economy

SUMMARY

Due to the expiration of the current by-law relating to street trading in June 2020, Council is required to confirm its intent to make a new Street Trading By-Law.

BACKGROUND

Council adopted the Street Trading By-Law No.1 of 2010 in June 2010. The by-law was introduced to *"regulate and licence street trading on public streets under the control of the Devonport City Council"*.

In accordance with section 155 of the *Local Government Act 1993* (*"the Act"*), a by-law *"...expires 10 years after the date on which it first takes effect..."*. Given the imminent expiry of the current Street Trading By-Law No.1 of 2010, it is recommended a new by-law in respect of street trading be drafted and adopted.

STATUTORY REQUIREMENTS

In accordance with section 145 of the *Act*, a council may make a by-law in respect of any act, matter, or thing for which the council has a function or power under this or any other Act.

Section 156(1) of the *Act* requires a council, in making a by-law, to announce publicly that it intends to make a by-law. This resolution must be made at a Council meeting and must be made by absolute majority.

Furthermore, Council is guided by Part 11 of the *Act* in regard to the development, drafting and adoption of a by-law under its jurisdiction.

The process for adopting a by-law is as follows:

- Council passes a formal resolution (by absolute majority) of its intention to make a by-law (the purpose of this report).
- Council prepares a draft Regulatory Impact Statement (RIS) (attached) and referral is made to the Director of Local Government for consideration.
- Upon receipt of the certificate of approval from the Director, Council gives notice of the proposed by-law and undertakes public consultation.
- Copies of the RIS and the by-law are made available for public inspection and submissions are invited.
- Following the closure of submissions, Council is required to consider all submissions received and alter the by-law if necessary, by absolute majority.
- Council makes the by-law under its Common Seal.
- The by-law is certified by a legal practitioner and the General Manager.
- The by-law is published in the *Tasmanian Government Gazette* within 21 days of being made by Council.

- The General Manager is to make the by-law available on Council's website.
- The by-law is submitted to the Subordinate Legislation Committee as required, within seven working days of publication in the *Gazette*.
- The by-law is tabled in Parliament within 10 sitting days of publication in the *Gazette*.
- The General Manager is to send a sealed copy of the by-law to the Director of Local Government, and certification under section 162 of the Act, with a statement explaining the purpose and effect of the by-law and the outcome of public consultation in respect of the by-law.

DISCUSSION

There have been no major issues with the implementation, nor operation of the current by-law over the past 10 year period. Therefore, only minor amendments are proposed in the development of the new by-law to update its terminology and references and to include prescribed penalties for offences. In the previous version of the by-law, general reference was made to infringements incurring penalties between one to three penalty units. The proposed by-law prescribes specific penalties to each offence activity that may incur an infringement.

The Director of Local Government has informally reviewed the by-law and associated documentation and provided some suggestions that have been considered and incorporated into the draft by-law.

Edits are shown and "marked up" on the attached draft by-law, which will require final formatting once changes have been accepted.

COMMUNITY ENGAGEMENT

As part of the adoption process for by-laws, public consultation is mandatory. The draft by-law and RIS will be advertised for a period of 21 days with opportunities for the public and stakeholders to make submissions.

FINANCIAL IMPLICATIONS

There are costs associated with the adoption of a by-law. However, these costs are not expected to be significant and are required due to the legislative requirements of adopting a by-law, namely certification of the by-law by a legal practitioner and advertising costs.

RISK IMPLICATIONS

- **Asset & Property Infrastructure**
The draft by-law enables Council to control and regulate street trading on its public streets through the regulation of street trading in a uniform, equitable and safe manner.
- **Legal Compliance**
The adoption of the draft by-law will legally enable Council to facilitate a regulated approach to street trading on its public streets, through the issuing of street trading licences, and an ability to issue infringement notices for breaches of the by-law. Delegated officers will be provided authority to issue infringement notices for breaches of the by-law.

CONCLUSION

As Council's current Street Trading By-Law No.1 of 2010 is due to expire in June 2020, Council's approval of its intent to make a new street trading by-law by absolute majority, is required. This will enable the process that will permit the new by-law to commence.

ATTACHMENTS

1. Draft Street Trading By-Law No.1 of 2020 - marked up
2. Infringement Notice Offences
3. REGULATORY IMPACT STATEMENT - Street Trading By-Law 2020 - marked up

RECOMMENDATION

That Council:

- a) in accordance with section 156 of the *Local Government Act 1993* determine, by absolute majority its intent to make a Street Trading By-Law; and
- b) authorise the General Manager to forward the draft Regulatory Impact Statement to the Director of Local Government for consideration.

Author:	Claire Jordan	Endorsed By:	Kym Peebles
Position:	Governance Officer	Position:	Executive Manager People & Finance

DEVONPORT CITY COUNCIL

STREET TRADING BY-LAW
BY-LAW NO. 1 OF ~~2019~~2020

This By-Law of the Devonport City Council is made under section 145, of the *Local Government Act 1993* ("the Act") for the purpose of:

- a) regulating and licensing street trading on public streets within the Devonport municipality.
- b) repealing By-Law No.1 of ~~2005-2010~~ pursuant to section 154 -of the Act ~~and including street dining in this By-Law.~~

PART 1 - PRELIMINARY

Short title

1. This By-Law may be cited as the Street Trading By-Law Number 1 of ~~2019~~2020.

Application

2. This By-~~L~~aw applies to street trading in the Devonport municipal area.

Interpretation

3. In this By-~~L~~aw, unless the contrary intention appears:-

‘**Alfresco dining**’ means the consumption of food or beverages or both by persons seated in an area that is part of a highway;

‘**Authorised Officer**’ means the General Manager and any person appointed by the Council as an officer for the purpose of this ~~B~~by-~~L~~aw;

‘**certificate of registration**’ means the certificate of registration under the *Food Act 2003* issued with respect to the food business to which the application for a licence, or a licence, is related;

‘**Council**’ means the Devonport City Council;

‘**food business**’ has the same meaning as provided in the *Food Act 2003*;

‘**furniture**’ includes chairs, tables, trestles, umbrellas; screens, barriers, awnings, waste bins, planter boxes, heaters and portable lighting;

‘**highway**’ has the same meaning as under the *Local Government (Highways) Act 1982*;

‘**infringement notice**’ has the same meaning as under the *Monetary Penalties Enforcement Act 2005*;

‘**licence**’ means a Street Trading Licence issued by an Authorised Officer under this ~~B~~by-~~L~~aw;

‘**licensee**’ means the person to whom a licence has been granted pursuant to this By-Law;

‘**penalty unit**’ means the sum as prescribed under the provisions of the *Penalty Units and other Penalties Act 1987*;

‘**premises**’ means the premises with respect to which a Street Trading Licence is issued;

‘**portable sign**’ means a free standing, portable advertising device, commonly known as a sandwich board sign;

‘**street rubbish bin**’ means a rubbish bin installed by the Council on the footpath.

‘stall’ means a movable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise or services are sold or offered for sale;

‘street trading’ means selling or offering for sale goods, wares, merchandise or services in a street or other public place and includes displaying goods, wares or merchandise –for the purpose of offering them for sale, inviting offers for sale, soliciting orders or carrying out any other transaction therein, and includes alfresco dining but does not include:-

the sale of food by an itinerant vendor under the authority of a temporary food licence under the *Food Act 2003*;

‘vehicle’ includes every conveyance, not being a train, boat, aircraft or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means.

PART 2 – LICENCES AND APPLICATIONS

4. Licences

1. No person shall carry on street trading in any street or public place unless that person:-
 - a. ~~is~~ the holder of a valid licence; and
 - b. ~~is~~ acting in compliance with the requirements, terms and conditions of a current licence;
2. A licence is valid until the ~~30th~~31st day of ~~July~~ne next after it is granted or until its revocation pursuant to this By-Law, whichever is earlier.

5. Applications for Licences

- (1) An application for a licence shall be in writing in the form set out in Schedule 1 Form 1 and shall –
 - include the full name and residential address of the applicant;
 - specify the location for which the licence is sought;
 - be accompanied by an accurate plan that shows the dimensions in square metres and description of any proposed stall, stand, furniture, structure, portable sign or vehicle which may be used for trading;
 - specify the proposed days and hours of trading;
 - specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on;
 - where the applicant is a corporation specify the full name and address of the natural person who is to comply with the provisions of this By-Law;
 - every application should be forwarded to the Council four (4) weeks prior to the date(s) of proposed operation and
 - Be accompanied by a copy of a Certificate of Currency of Insurance for \$240 million Public and Product Liability Cover;- and
 - evidence that the insurance policy covers the proposed street trading area.-plus
 - any other requirements, terms or conditions that the Council may consider appropriate; and
 - be accompanied by the fee as prescribed ~~under the Fees and Charges Schedule of the Devonport City Council~~ in Council's Annual Fees and Charges.

- (2) In the case of Alfresco Dining the application shall, in addition to those matters set out in sub- paragraph (1) include:-
- a plan showing the location and dimensions of the proposed alfresco dining area and of the seating and other furniture and details of the placement of waste bins;
 - evidence of the proposed method for the disposal of waste;
 - evidence that the applicant is the proprietor of a registered food business which complies with the requirements of the *Food Act 2003*.
- (3) An Authorised Officer may grant a licence to the proprietor of a business or in the case of Alfresco Dining, to the proprietor of a food business on such terms and conditions as the Authorised Officer thinks fit.
- (4) The Authorised Officer may refuse to grant a licence and is to advise the applicant in writing of the reasons for the refusal.
- (5) The granting of a licence only permits the licensee to provide street trading in the area of the highway as designated in the licence.

6. Licences and Renewals

- (1) A licence shall be in the form of Schedule 1 Form 12 and shall specify-
- the full name and residential address of the licensee;
 - the licence number;
 - the dates of issue and expiration of the licence;
 - the place to which the licence applies;
 - the number type, form and construction as the case may be for any stall, stand, furniture, structure, portable sign or vehicle which may be used for trading;
 - the particulars of the goods, wares, merchandise or services in respect of which trading may be carried on;
 - in the case of a corporation the full name and address of the natural person specified under Clause 5(1) of this By-Law;
 - the days and hours when trading may be carried on; and
 - any other requirements, terms or conditions that the Council may consider appropriate.

7. Council May Refuse to issue a Licence

The Council may refuse to issue a licence if:-

- The applicant has committed a breach of this By-Law;
- The proposed activity, place of trading or service, stall, stand, furniture, structure, portable sign or vehicle is not in accordance with the provisions of the Street Trading Guidelines;
- The proposed activity or place of trading in the opinion of the Council is undesirable;
- The proposed service, stall, stand, furniture, structure, portable sign or vehicle is in the opinion of Council unsuitable in any respect to the location for which the licence is sought;

- It has not been provided with a Certificate of Currency for a policy of insurance in the name of the applicant or licensee and the ~~City of Devonport~~ Devonport City Council for public liability in a sum to be specified by Council.
- The application does not comply with the requirements of Clause 5 of this By-Law.

8. Revocation of a Licence

- (1) An Authorised Officer may revoke a licence if the licensee does not comply with:
 - (a) the terms and conditions of the licence; or
 - (b) the provisions of this by-law.
- (2) An Authorised Officer:
 - (a) may revoke a licence immediately if a licensee breaches any clauses in this ~~B~~by-Law; -or
 - (b) is to give the licensee 2 days prior notice in writing of a revocation of the licence for any other breach of the terms and conditions of the licence.

9. Licence not Transferable

A licence is not transferable.

10. Street Trading Without a Licence

- (1) A person must not engage in street trading or cause or permit any service or allow any stall, stand, furniture, structure, portable sign or vehicle to be placed on a highway that could reasonably be used for street trading except in accordance with the conditions of a current licence or with the authority of the General Manager (2 penalty units);
- (2) An Authorised Officer may issue an infringement notice for this offence.
- (3) An Authorised Officer may give written notice to the licensee that any stall, stand, furniture, structure, portable sign or vehicle placed on a highway in contravention of this By-Law must be removed within 24 hours.
- (4) If the proprietor does not remove any stall, stand, furniture, structure, sign or vehicle specified in the notice under Clause 10 (3), an Authorised Officer may remove the merchandise and store it in a safe location until any penalty or fine payable under this by-law together with the cost to Council of the storage has been paid to Council (2 penalty units);

PART 3 - CONDITIONS

11. Conditions – In addition to any specific conditions imposed under Clause 5 (3) of this By-Law the following conditions apply to any licence

- (1) A licensee shall:-
 - a) Display the current licence in a conspicuous place within the permitted place during the permitted hours of operation (1 penalty unit);
 - b) Keep the location and any stall, stand, furniture, structure, portable sign or vehicle specified in his or her licence in a clean, safe condition, in good repair and free from rubbish (2 penalty units);
 - c) On demand produce his or her licence to any authorised officer or any police officer (1 penalty unit);

- d) Remove any non-permanent/non-affixed stall, stand, furniture, structure, vehicle, goods, wares, merchandise and portable signs from the location to which the licence applies and leave that location clean and vacant –
 - (i) each day at the conclusion of the permitted hours of operation specified in his or her licence; and
 - (ii) whenever trading is not taking place on the location to which the licence applies (2 penalty units).

(2) A licensee shall not:-

- a) Cause, permit or suffer any nuisance to exist, arise or continue on or from the location to which the licence applies (1 penalty unit);
- b) Deposit, place or store any goods, wares or merchandise on any street or other public place other than at the location to which the licence applies (2 penalty units);
- c) Obstruct the free passage of pedestrians on any footpath (1 penalty unit);
- d) Create any noise or disturbance at the location to which the licence applies to the annoyance of occupants of nearby premises or passers-by (1 penalty unit);
- e) Use or permit to be used any flashing or intermittent lighting apparatus or device on or from the permitted place specified in the licence (2 penalty units).

12. Alfresco Dining – In addition to any specific conditions imposed under Clauses 5 (3) and 11 of this By-Law the following conditions apply to any Licence which includes Alfresco Dining.

The licensee must ensure that:

- 1) the licensed alfresco dining area and the area immediately adjacent to it is at all times kept in a clean, tidy and sanitary condition (2 penalty units); and
- 2) any area between the premises and the licensed alfresco dining area is kept in a clean and sanitary condition and is kept safe for the passage of pedestrians (2 penalty units).
- 3) ~~T~~he licensee does not use existing street rubbish bins for the disposal of table waste (1 penalty unit).
- 4) ~~W~~ithout limiting what is required in order to comply with Clause 12(1) of this ~~B~~by-Law, the licensee must:
 - ~~a)~~ regularly empty waste bins (1 penalty unit), and
 - ~~b)~~ a) –wash the pavement at least daily (1 penalty unit); and
 - ~~e)~~ b) immediately a table is vacated clean and wash away any liquid, food debris, broken glass, ~~eigarette butts~~ or waste from the area (1 penalty unit); and
 - ~~d)~~ c) immediately remove all materials that might cause a pedestrian to slip or trip; and keep the area free from obstacles (1 penalty unit).
 - ~~e)~~ d) have and maintain in the licensee's premises, kitchens licensed by the Environmental Services Department under the *Food Act 2003* and Food Safety Standards (2 penalty units)

PART 4 - MISCELLANEOUS**13. Insurances**

- (1) An applicant for a licence and a licensee is to take out and maintain at all times public and products liability insurance that covers the area designated for street trading before the applicant is issued with a licence ~~(2 penalty units)~~.
- (2) The insurance cover is to be for the minimum sum ~~of \$10 million~~ prescribed in Council's Street Trading Policy and be in a form acceptable to the Council and with an insurer acceptable to the Council ~~(2 penalty units)~~.
- (3) A licensee must produce the insurance policy required under Clause 13(1) to an Authorised Officer within 48 hours of request for the same ~~(1 penalty unit)~~.
- (4) An Authorised Officer may issue an infringement notice for this offence; and
- (5) An Authorised Officer may revoke a licence immediately if:
 - (a) a licence holder has refused to allow an Authorised Officer to view a relevant insurance policy or Certificate of Currency; or
 - (b) the insurance cover lapses or ceases to cover the area designated for street dining during the term of the licence.

14. Indemnity

A licensee must at all times indemnify and keep indemnified the Council against liability for any loss or damage to any property or any damages, moneys, costs, expenses, actions and claims arising out of personal injury to any person made or sustained against the Council where such loss, damages, moneys, costs, expenses, actions and claims arise from any cause whatsoever other than the negligence of the Council or its servants or agents.

15. Offences

- (1) A person who breaches or fails to comply with any term or condition imposed in or applicable to the licence under ~~C~~ clause 5 (3), 11 and 12 of this By-Law is guilty of an offence under this ~~B~~ by-Law.
- (2) A person who breaches any other provision of this ~~B~~ by-Law is guilty of an offence under this ~~B~~ by-Law.
- (3) The penalty for an offence under this By-~~L~~ aw shall be a fine not exceeding 3 penalty units and in the case of a continuing offence a daily fine not exceeding 1 penalty unit
- (4) A person who breaches this ~~B~~ by-Law or any condition imposed hereunder may in addition to any other penalty be required to pay any expenses incurred by the Council in consequence of the breach of this By-Law.

16. Infringement Notices

- (1) In this clause –
 “specified offence” means an offence against any provision of this ~~B~~ by-Law or any breach of any terms or conditions of a licence.
- (2) An infringement notice may be issued in respect of any breach of a provision of this ~~B~~ by-Law or any breach of any terms or conditions of a licence ~~and the penalty payable on the infringement notice is 3 penalty units.~~

An infringement notice is sufficiently issued if it is:-

- (a) given to the person apparently in charge of the business at the premises at the time of issue; or
 - (b) affixed to the premises.
- (3) An Authorised Officer may
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (5) All monies payable to the Council or General Manager in respect of an infringement notice are a debt to the council and recoverable by law.

17. Repeal

By-Law No. 1 of 2010~~05~~ 'Street Dining By-Law' is repealed pursuant to Section 154 of the *Act*.

SCHEDULE 1

Devonport City Council

FORM 1

~~44-48 Best~~137 Rooke St.

Devonport

Phone: 642405151

DEVONPORT CITY COUNCIL

APPLICATION FOR A STREET TRADING LICENCE

1. Applicant's full name:
2. Address of applicant:
3. Telephone Number:
4. Email:.....
5. Trading name of Business:
6. Address of Premises:
7. Indicate owner [] occupier [] of the premises.
8. Proposed days and hours of trading
Days:.....Hours:.....
9. Specify proposed goods, wares, merchandise or services in respect of which trading will be carried on:.....
.....
10. Dimensions m² of proposed area:.....

TYPE OF PERMIT REQUIRED

☐ A-frame sign ☐ Trade Goods ☐ Alfresco Dining ☐ Other

DOCUMENTS REQUIRED

- ☐ Insurance – Certificate of Currency (must show \$~~10-20~~ million public liability)
- ☐ Food premises Registration (required if applying for Alfresco Dining Area)
- ☐ Plan showing location of proposed street trading operation

11. Attach plan showing the location of the proposed street trading area, the number, type, form and construction as the case may be for any stall, stand, table, structure or vehicle which may be used for trading.

12. Brief description of street stall, stand, table, structure or vehicle proposed:

.....

Alfresco Dining

8.1 number of chairs 8.2 number of tables

8.3 colours of chairs & tables 8.4 number of umbrellas

8.5 colour of umbrellas

13. Attach:

(1) copy of a Certificate of Currency of Insurance for a minimum sum of \$210 million Public and Product Liability; and

(2) evidence that the policy covers the proposed street trading area.

(3) Evidence of Food Business Registration

14. Outline proposed method for the disposal of waste from Alfresco Dining Area.....

15. Annual Fee Calculated:

Fees associated with the issuing of a Street Traders licence are detailed in the Council's Schedule of Fees and Charges and are reviewed on an annual basis.

I/We apply for a licence pursuant to the Street Trading By-law, a copy of which I/We have read and agree and undertake with the Council that upon the issue of any licence pursuant to this application I/We will abide by the provisions of that By-law.

DECLARATION

The applicant named in this application form hereby agrees by signing this form to indemnify and to hold harmless the ~~City of Devonport~~ Devonport City Council and/or its agents and each of them, from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them, or any of them, arising out of or in relation to the Street Trading Licence (if) issued in response to this application and during the period(s) that any further permit renewal applies.

Dated this day 20

Signature of Applicant/s.....

SCHEDULE 1

FORM 2

DEVONPORT CITY COUNCIL

STREET TRADING LICENCE

Licence No.:

Name of Licensee/s:

Address of Licensee/s:

Site of Premises:

Location of licensed street trading area:

.....

Description of stall, stand, table, structure or vehicle to be licensed:

.....

Area m² to be licensed:

Alfresco Dining included / not included

Terms and Conditions under which the Premises are Registered and the License is granted:

Compliance with the Street Trading By-Law ~~2009~~2020**Compliance with the Street Trading Policy ~~2009~~****Compliance with the Food Act 2003****Notify Devonport City Council on any change of ownership.**

You may appeal against any of the conditions of licence/registration within 14 days of the date of issue, by writing to:

The Magistrate
 Court of Petty Sessions
 8 Griffiths Street
 DEVONPORT 7310

This License will remain in force from the date of issue, expiring on the ~~30th 1st-July~~ June 2010.

Matthew Atkins

GENERAL MANAGER
DEVONPORT CITY COUNCIL

Date:/...../20.....

FORM 3

DEVONPORT CITY COUNCIL

STREET TRADING INFRINGEMENT NOTICE

Infringement Notice No.: Issue Date:/...../.....

Issued to (Full Names):

Address:

Address of Premises:

.....

It is alleged that at am/pm approximately on day, the

day of 20..... at

you/your firm were found to be in breach of the terms and conditions of the Street Trading Licence No. issued on the day of200... with respect to the above premises; and/or the provision of Council's Street Trading By-Law, namely

Particulars of Offence

Penalty Units

.....

.....

.....

~~Continuing Offence: a daily fine not exceeding one (1) Penalty Unit~~

1 Penalty Unit is worth \$

Name of Issuing Council Officer

Signature

.....

Position in Council

PROCEDURE FOR PAYMENT OF PENALTY

Make payments to:-

Council Office – ~~44-48 best Street~~137 Rooke Street, Devonport

Mon – Fri 8.~~30a~~45a.m. – 4.30 p.m.

THIS NOTICE MUST BE RETURNED WITH PAYMENT

Cheques and Money Orders should be crossed, Marked “Not Negotiable” and be made payable to Devonport City Council.

If paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured on presentation. Post dated cheques will not be accepted.

No receipt will be forwarded to you unless requested.

OPTIONS FOR DEALING WITH THIS INFRINGEMENT NOTICE

You must within 28 days of the date of this notice, do one of the following:

- Pay the penalty in the infringement in full;
- Apply to the General Manager for the withdrawal of the infringement notice;
- Apply to the General Manager for a variation of the payment conditions; or
- Lodge a notice of election in accordance with the Monetary Penalties Enforcement Act 2005 to have the offence(s) set out in the infringement heard and determined by a court.

DEEMED CONVICTION

If, after 28 days you have not lodged a notice of election for a court hearing and the infringement notice has not been withdrawn, you will be taken to be convicted of the offence(s) set out in the infringement notice. You will also be taken to have been convicted of the offence if you pay the penalty in part or in full.

ENFORCEMENT

If you are taken to be convicted and do not pay, either in full or as arranged under a variation of payment conditions, further fees will apply and the monetary penalty may be enforced under the *Monetary Penalties Enforcement Act 2005*.

ELECT A COURT HEARING

If you wish to have the offence(s) to which this infringement notice relates, heard and determined by a court, or you wish to argue that the penalty should be reduced, you must lodge a written notice to elect a court hearing with the General Manager.

The form, in which a notice of election is to be made, can be obtained from the Devonport City Council Offices, ~~44-48 Best~~137 Rooke Street, Devonport.

SCHEDULE 1
INFRINGEMENT NOTICE OFFENCES

CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY TO BE APPLIED IF PAID WITHIN 21 DAYS (PENALTY UNITS)	MAXIMUM PENALTY (PENALTY UNITS)
10 (1)	Street Trading without a licence (or non-current licence)	1	2
10 (4)	Ignore request from Authorised Officer to remove items/merchandise/goods	1	2
11(1)(a)	Failure to display current licence in conspicuous place within permitted place during permitted hours of operation	0.5	1
11(1)(b)	Failure to keep location and items/merchandise/goods in a clean, safe condition, in good repair and free from rubbish	1	2
11(1)(c)	Failure to provide licence to Authorised Officer or Police Officer	0.5	1
11(1)(d)	Failure to remove non-permanent/affixed items/merchandise/goods daily at the conclusion of permitted hours of operation specified in licence or whenever trading is not taking place on the location to which licence applies	1	2
11(2)(a)	Cause, permit or suffer any nuisance to exist, arise or continue on or from the location which the licence applies	0.5	1
11(2)(b)	Deposit, place or store any goods, wares or merchandise in a public place other than to which the licence applies	1	2
11(2)(c)	Obstructing free passage of pedestrians on footpath	0.5	1
11(2)(d)	Creating noise or disturbance at the location to which the licence applies to the annoyance of occupants of nearby premises or passers-by	0.5	1
11(2)(e)	Use or permit to be used any flashing or intermittent lighting apparatus or device on or from the permitted place specified in the licence	1	2
12(1)	Failure to keep alfresco dining area and area immediately adjacent to it at all times clean, tidy and in sanitary condition	1	2
12(2)	Failure to keep area between the premises and alfresco dining area in a clean and sanitary condition and safe for the passage of pedestrians	1	2
12(3)	Use of existing street rubbish bins (Council owned) for the disposal of table waste	0.5	1
12(4)(a)	Failure to regularly empty waste bins	0.5	1
12(4)(a)	Failure to wash the pavement area at least daily	0.5	1
12(4)(b)	Failure to immediately clean a vacated table and wash away any liquid, food debris, broken glass, or waste from the area	0.5	1
12(4)(c)	Failure to immediately remove all materials that might cause a pedestrian to slip or trip and keep area free from obstacles	1	2
12(4)(d)	Failure to have and maintain in the licensee's premises, kitchens licensed by Council's Environmental Health Officers under the <i>Food Act 2003</i> and Food Safety Standards	1	2
13(1)	Failure of a licensee to take out and maintain at all times public and products liability insurance that covers the area designated for street trading	1	2
13(2)	Failure to take out insurance cover to the minimum sum required under the By-Law and in a form acceptable to Council and with an insurer acceptable to Council	1	2
13(3)	Failure to provide insurance policy required under Clause 13(1) to an Authorised Officer within 48 hours of request	0.5	1



REGULATORY IMPACT STATEMENT
DEVONPORT CITY COUNCIL
PROPOSED STREET TRADING BY-LAW
NO. 1 OF 2020

1. PURPOSE OF REGULATORY IMPACT STATEMENT (RIS)

The *Local Government Act 1993* ("the Act") requires that a Regulatory Impact Statement (RIS) is prepared when a Council seeks to make a by-law. The preparation of an RIS is a rigorous process aimed at analysing the most efficient and effective options available to address a particular issue and avoiding unnecessary regulation.

The RIS identifies whether the benefits of the regulation outweigh the costs of a restriction on competition or impact on business imposed by the by-law. The RIS will also assess the direct and indirect economic, social and environmental impacts of the by-law and alternatives considered.

Once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet, for assessment. Once the Director is satisfied that the RIS meets the statutory requirements, a certificate will be issued to that effect and the Council may then commence the public consultation process.

2. BACKGROUND

Devonport City Council currently administers a by-law which regulates and licenses street trading on public streets under the control of Devonport City Council.

That by-law is the Street Trading By-Law No. 1 of 2010 ("current by-law").

The By-Law has been developed to replace Council's existing (but expiring) Street Trading By-Law No.1 of 2010 made under Section 145 of the *Local Government Act 1993* ("the Act") for the purpose of regulating and licensing street trading on public streets under the control of the Devonport City Council. It will repeal:

- Street Trading By-Law No.1 of 2010

In accordance with Section 155 of the Act, a by-law expires 10 years after the date on which it first took effect. The current by-law is due to expire on 30 June, 2020.

Council has passed a resolution in accordance with Section 156(1) of the Act of Council's intention to make the proposed Street Trading By-Law No. 1 of 2020 ("proposed by-law") to replace the current by-law in order to provide for the continued regulation and licensing of Street Trading on public streets under the control of the Devonport City Council.

In preparing the proposed by-law, due regard has been given to whether there is existing relevant legislation to ensure that the proposed by-law does not duplicate or conflict with those statutory provisions. There is no existing State legislation that effectively enables the regulation and licensing of street trading on public streets. The By-Law is both necessary and desirable as it provides for the General Manager to give consent and/or prevent circumstances as outlined in this document whilst not impeding the public's access to public streets.

3. THE OBJECTIVES OF THE BY-LAW Section 156A(2)(a) *Local Government Act 1993*

The objective of the proposed by-law is to provide Council with the authority to regulate and license street trading on public streets under the control of Devonport City Council.

The following table summarises the various issues addressed by the by-law; what the by-law will do to address these issues (the objectives); and how the by-law will achieve these objectives.

Issue	Objective	Means to Achieve Objective
-------	-----------	----------------------------

Enable street trading to occur on public streets	Provide an administrative framework within which the Council can approve the operation of street trading enterprises	Includes a provision that enables a person to obtain a license to trade from a public street
Enable street trading to occur outdoors on a public street	Provide for the appropriate trading of goods and services in an outdoor environment	Includes a provision that enables a person to obtain a license to trade outdoors -from a public street
Enable street trading to occur safely and appropriately on public streets	Provide for safe and appropriate operating conditions for street trading enterprises	Includes a provision that enables a person to obtain a license to trade from a public street
Enable street trading to occur on public streets	Discharge the Council's statutory obligations arising from the <i>Local Government (Highways) Act 1982</i> as the authority responsible for management of streets and roads within the council area	Includes a provision that enables a person to obtain a license to trade from a public street
Enable street trading to occur on public streets	Protect both the Council and the public against damages and loss by setting the basic level of public liability insurance to be held by the operator of such an enterprise, including products by extension.	Includes a provision that enables a person to obtain a license to trade from a public street

4. **NATURE OF ANY RESTRICTION ON COMPETITION** Section 156A(2)(b) *Local Government Act 1993*

~~The proposed by-law seeks to create the opportunity for the operation of street trading enterprises because without it such enterprises cannot be legally operated on streets within the Council area.~~

~~Council believes that the by-law will place no restriction on competition as the requirement to obtain a licence for the operation of street trading enterprises on a public street will ensure that the practice is managed and controlled consistently, as per the guidelines contained within Council's Street Trading Policy.~~

~~Within the by-law, a framework is created to enable the Council to approve and police the operation of street trading enterprises.~~

The By-Law and associated Guidelines support fair and equitable competition between all eligible businesses/permit holders and ensures that the safety and accessibility of the public on Council owned or controlled land, is maintained. Permits are managed and dealt with in accordance to the By-Law and Guidelines.

By having a By-Law and Guidelines in place, all applicants and permit holders will be treated and managed equitably. Any business whose premises is adjacent to Council owned or managed land can apply for a permit, and the application will be assessed and managed in accordance with the By-Law and Guidelines.

If the By-Law and Guidelines were not in place, an ad hoc and inconsistent application and oversight process could apply, with no grounds for the applicant to dispute a refusal to issue a permit or the application of permit conditions. The By-Law and Guidelines provide clear rules and a framework, which applies to all permit holders equally. Favouritism or preferential treatment could apply to restrict competition in the absence of defined guidelines. There could be individual variances in what is permitted without a structured framework.

The By-Law and Guidelines apply to businesses who wish to extend their retail space to land adjacent to their premises, that is Council owned or managed. Other business operators may too request consent to utilise land adjacent to their business, if it is privately owned. If Council did not

facilitate the use of this space, as may be applied to those businesses who premises are located adjacent to privately owned land, those businesses whose premises sit adjacent to Council owned land would be disadvantaged by not having access to an extended operating space, as those businesses operating from premises adjacent to private land, may access.

Regulating activities on Council owned streets and footpaths may have an effect on businesses but Council is required to satisfy its obligations to provide a safe environment and reasonable standard of amenity for the public including equality of access for disabled or impaired people using footpaths, which is a legislative requirement.

Balancing safety and amenity by managing activities that may be associated with businesses operations is necessary and is best facilitated through clear, transparent rules detailed in the By-Law and Guidelines. These controls apply the same for all, and do not favour one business over another, and are not considered to impose a restriction on competition. Council considers that the provisions of the By-Law does not restrict competition however in the event that the provisions could restrict competition in limited circumstances, Council believes the proposed By-Law passes the competition test by its benefits outweighing the costs and that there is no other way of reasonably achieving the objectives of safety, amenity and equity.

5. COSTS AND BENEFITS OF ANY RESTRICTION ON COMPETITION Section 156A(2)(c)(i) *Local Government Act 1993*

Without this by-law businesses are unable to operate on the street.

The various issues that are addressed within the by-law will involve the following costs and benefits in relation to potential restrictions on competition or any impact on the conduct of business.

Issue	Costs	Benefits
Enable businesses to trade on a public street	<ul style="list-style-type: none"> • More regulation • Application process for licenses • Application fees • Increased public liability insurance for on street activities • Restriction on size and types of signs • Restricted location of signage (within trading zone) • Penalties for non-compliance 	<ul style="list-style-type: none"> • Street signs advise people that the business is open • Street signs advertise particular items that the business sells • Signs, trade displays and on-street dining attract customers to the business • Added atmosphere, ambience and uniformity to the street-scape • Street signs let customers know that businesses are open on non-traditional shopping days such as weekends and public holidays

The above costs and benefits have not been quantified as it is difficult to determine the exact nature of the potential impacts. Nevertheless, an analysis of the abovementioned costs and benefits indicate that the benefits outweigh the costs.

6. ALTERNATIVE OPTIONS CONSIDERED BY COUNCIL Section 156A(2)(d) *Local Government Act 1993*

The current by-law has been in force for 10 years and has operated effectively and achieved the objectives of the by-law. Renewing the current by-law by implementing the proposed by-law is considered to be the most effective method of maintaining the status quo. The proposed by-law adopts an identical approach to the previous by-law.

7. ASSESSMENT OF GREATEST NET BENEFIT OR LEAST NET COST TO THE COMMUNITY Section 156A(2)(e) *Local Government Act 1993*

Without the proposed by-law businesses are unable to legally operate on the street. The proposed by-law will also ensure that the activity associated with the practice of providing goods and service to the public on the streets within the council area is regulated and in compliance with the provisions contained within the 'Guidelines for Applications – Street Trading'.

8. ASSESSMENT OF DIRECT AND INDIRECT ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACT Section 156A(2)(f) *Local Government Act 1993*

The following table assesses the economic, environmental and social impacts of the by-law.

		Direct Impacts	Indirect Impacts
Environmental	Benefits	<ul style="list-style-type: none"> • Reduced clutter on the streets • <u>Hygiene and cleanliness of pedestrian area is monitored and maintained</u> • Uniformity and ambience within the business district, <u>in particular to design controls</u> 	<ul style="list-style-type: none"> • Safer access for pedestrians
	Costs	Nil	Nil
Social	Benefits	<ul style="list-style-type: none"> • safer <u>and unobstructed</u> access for pedestrians as there will be a continuous accessible path of travel • safer <u>and unobstructed</u> access for people with disabilities especially visually impaired <u>or who use mobility aids</u>, as there will be a designated continuous path of travel • <u>Regulated approach to management of street trading (increasing equitability and fair competition)</u> 	<ul style="list-style-type: none"> • <u>Improved complaint management mechanism (documented infringement process leading to better complaint management and response process for Council). Council's expectations of vendors are known and documented</u>
	Costs	Nil	Nil
Economic	Benefits	<ul style="list-style-type: none"> • Increased trading area • <u>Contribute to vibrancy and interest in our streets and laneways which in turn attracts locals and tourists which supports our local economy</u> • <u>Avoiding privatisation of public spaces</u> 	<ul style="list-style-type: none"> • Increased visibility of business from signage and trading area
	Costs	<ul style="list-style-type: none"> • License fee • Possible increased public liability insurance 	<ul style="list-style-type: none"> • Cost of signage

The proposed by-law will complement Council's Retail Strategy 2018-2023. The Strategy is intended to provide a clear direction for the role of Council in supporting retail activities within the CBD and greater Devonport.

9. PROPOSED PUBLIC CONSULTATION PROCESS Section 156A(2)(g) *Local Government Act 1993*

Following certification of the RIS, further public consultation will occur with the Devonport Chamber of Commerce & Industry; Department of State Growth; and retailers and businesses who currently hold a Street Trading Licence.

Once the Council passes a motion that it intends to make the By-Law and the RIS has been approved, Council will publish notice of the proposed by-law:

- a) once in The Advocate Newspaper;
- b) by displaying the notice on the notice board at the Council Offices from the day on which the newspaper advertisement is first published until the end of the submission period which is specified in the notice;
- c) on Council's website.

The notice will state the following:

- i) the purposes and general effect of the by-law;
- ii) that a copy of the by-law and the Regulatory Impact Statement may be inspected at the Council Offices until the specified day;
- iii) that a copy of the By-Law and Regulatory Impact Statement may be inspected at the Council Offices until the specified day
- iv) that submissions in respect of the by-law may be made in writing, addressed to and lodged with the General Manager, stating the grounds of the submission and the facts relied upon to support those grounds;
- v) that a submission must be lodged before the specific day.

The specified day will be no earlier than 21 days after the publication of the notice in The Advocate Newspaper.

1. The General Manager will make copies of the By-Law and the Regulatory Impact Statement available on Council's website and for inspection and/or purchase by the public until the specified day in the notice.
2. Council will consider all submissions that have been made to it concerning the by-law and, if it decides to amend it as a result of any of these submissions, it will do so by absolute majority. Council does not intend to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.
3. Council will then pass, by an absolute majority, a resolution to formally make the by-law.
4. The by-law will then be submitted to a legal practitioner for certification and signed by the General Manager.
5. Council will then cause the by-law to be gazetted within 21 days of being made.
6. Council will also submit the by-law to the Subordinate Legislation Committee within seven working days of gazettal, and to both Houses of Parliament within ten sitting days of gazettal. Finally, Council will send to the Director of Local Government a signed, sealed and certified original, together with a statement of purpose and effect and the outcome of public consultation.

The public consultation process will consist of:

- (a) In accordance with Section 157 of the Act public notice of the proposed by-law will be given in the prescribed manner and submissions will be invited from the public.
Any person wishing to comment on the proposed by-law may do so in writing addressed to the General Manager, within 21 days from the date of publication of the initial notice in The Advocate newspaper. Council will take into consideration all submissions properly made to it during the public comment period.
- (b) Copies of the proposed by-law will be sent to relevant State Government Departments for their review and comment - Department of State Growth and Department of Health & Human Services.
- (c) Copies of the proposed by-law will be sent to Devonport Chamber of Commerce and Industry for their review and comment.
- (e)
- (d) Copies of the proposed by-law and Regulatory Impact Statement will be made available from the Devonport City Council office at 137 Rooke Street, Devonport (PO Box 604), and on the Council's website.
- (e) Reference will be made to the proposed by-law in media articles, press releases, social media posts and the Mayor's Message in The Advocate newspaper.

- (f) Further information regarding the proposed by-law can be accessed by visiting the Devonport City Council at 137 Rooke Street, Devonport and can post their inquiries to PO Box 604, Devonport [7310](tel:64240511) (phone 6424 0511) or email Council at council@devonport.tas.gov.au.

10. COMMENTS ON THE BY-LAW

Submissions about the by-law and Regulatory Impact Statement may be made in writing, addressed to and lodged with the General Manager, stating the reasons for the submission and the facts relied upon to support those reasons.

The submission must be received before the day specified in the advertisement which is no earlier than 21 days after the publication of the advert in The Advocate newspaper.

Council will consider all submissions that have been made concerning the by-law and Regulatory Impact Statement and, if it decides to amend the by-law as a result of these submissions, it will do so by an absolute majority.

The Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.

Any person making a submission will be notified of Council's decision in writing.

Dated this **XX** day of April, 2020.

Matthew Atkins

GENERAL MANAGER

5.7 ADOPTION OF FINANCIAL HARDSHIP ASSISTANCE POLICY

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

This report provides information to assist Council adopt the draft Financial Hardship Assistance Policy.

BACKGROUND

The attached draft Policy has been developed by LGAT and made available to all Councils to provide a consistent approach for ratepayers seeking rate relief due to financial hardship.

Council has established a COVID-19 Response Committee to assist the local community, business and ratepayers in abating genuine hardship suffered as a result of the economic and social impacts of COVID-19. The Committee has reviewed the proposed policy and endorse the draft version for Council's adoption.

STATUTORY REQUIREMENTS

Various provisions in the *Local Government Act 1993* allow Council to consider measures that may provide financial relief to ratepayers:

s125. Postponement of payment

- (1) A ratepayer may apply to the council for a postponement of payment of rates on the ground of hardship.
- (2) An application is to be –
 - (a) made in writing; and
 - (b) lodged with the General Manager.

s126. Conditions of postponement

- (1) A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.
- (2) A council may grant a postponement of payment of rates –
 - (a) on the condition that the ratepayer pay interest on the amount of rates postponed at a rate fixed by the council; and
 - (b) on any other condition the council determines.
- (3) Interest fixed under subsection (2)(a) is not to exceed the prescribed percentage as calculated in section 128(2).

s129. Remission of rates

- (1) A ratepayer may apply to the council for remission of all or part of any rates paid or payable by the ratepayer or any penalty imposed or interest charged under section 128.
- (2) An application is to be –

- (a) *made in writing; and*
 - (b) *lodged with the Chief Executive Officer.*
- (3) *A council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.*
- (4) *A council, by absolute majority, may grant a remission of any rates, penalty or interest paid or payable by a class of ratepayers.*
- (5) *The general manager is to keep a record of the details of any remission granted under this section.*

DISCUSSION

The financial and economic impacts of COVID-19 are evident in our community. Over the past month businesses have been forced to adapt to an ever-changing environment. In some cases these changes have forced businesses to temporarily close operations and employees to be stood down. Council is receiving an increased number of enquiries from ratepayers in relation to options for paying the final instalment for 2019/20 due on 30 April 2020.

The purpose of this Financial Hardship Assistance Policy is to provide direction to Council Officers in the consistent assessment of applications for relief and to promote the availability of these measures to our community. This Policy is one element of Council's response to the current public health emergency.

The Policy provides guidance to ratepayers on how to apply for rate relief and sets out the mechanisms available to Council to provide that assistance. If a ratepayer qualifies for rate relief due to COVID-19, rate payments will be deferred for an initial period of six months and all applicable late payment penalties will be remitted. There is scope to extend the deferral for up to two years if the ratepayer continues to experience financial hardship.

Applications for rates remission will only be considered after the options for rates deferment have been approved and the relevant timeframe has elapsed.

The Policy applies to owner/occupier ratepayers and does not apply to owners of an investment property. Rate relief for commercial ratepayers is being considered separately in response to principles established by the National Cabinet and as part of legislative guidelines currently being drafted by the State government.

COMMUNITY ENGAGEMENT

No direct community engagement has been undertaken in relation to this report.

FINANCIAL IMPLICATIONS

The application of this Policy will have an impact on the projected collection of rates and Council's cash flow. It is difficult to estimate the percentage of ratepayers who will seek rate relief for the instalment due 30 April. If Council collects 90% of the final instalment, the cash flow impact could be up to \$500,000; however if only 75% of the instalment is collected the impact could be as high as \$1,250,000.

The timing of rates instalments for the 2020/21 financial year is currently being modelled and various scenarios will be presented for consideration by Council as part of the budget deliberations.

RISK IMPLICATIONS

The draft Policy provides guidance for decision makers when assessing applications for assistance. The Policy sets out information to be provided when making an application and should ensure a consistent approach to the granting of rate relief to the community.

CONCLUSION

The draft Financial Hardship Assistance Policy is one of the measures that Council is taking to assist members of the community during this health emergency. The purpose of the Policy is to provide an appropriate level of relief from Local Government rates to those ratepayers most impacted by COVID-19. The Policy is presented for adoption and immediate application.


ATTACHMENTS

1. DRAFT - Financial Hardship Assistance Policy

RECOMMENDATION

That Council adopt the Financial Hardship Assistance Policy with immediate effect.

Author:	Kym Peebles	Endorsed By:	Matthew Atkins
Position:	Executive Manager People & Finance	Position:	General Manager

	<h2 style="text-align: center;">FINANCIAL HARDSHIP ASSISTANCE POLICY</h2>			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Manager People and Finance	General Manager	TBC	July 2021
PURPOSE	<p>The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.</p>			
SCOPE	<p>This policy applies to individual ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council.</p> <p>It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.</p> <p>This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the <i>Local Government Act 1993</i>. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the <i>Local Government Act 1993</i>, such as fire service contributions collected pursuant to section 79B of the <i>Fire Service Act 1973</i>.</p>			
POLICY	<p>1. Background</p> <p>This Policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship Policy.</p> <p>Despite this, serious financial hardship can occur at any time and this Policy is designed to address a range of circumstances.</p> <p>2. Principles</p> <p>This policy will be applied in accordance with the following principles:</p> <ol style="list-style-type: none"> (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances. (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating. (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services. (4) Ensuring that those able to contribute to local services, continue to do so. 			

	<p>(5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.</p> <p>(6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.</p> <p>3. Genuine Financial Hardship</p> <p>According to the Australian Taxation Office (ATO), individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:</p> <ol style="list-style-type: none"> 1. Food; 2. Accommodation; 3. Clothing; 4. Medical treatment; 5. Education; and 6. Other basic necessities. <p>A number of factors can contribute to, or trigger, serious financial hardship, including:</p> <ol style="list-style-type: none"> 1. Loss of employment of the property owner, family member or household primary income earner; 2. Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member; 3. A natural disaster; 4. A public health emergency or declared state of emergency; 5. Family tragedy; 6. Family breakdown; 7. Financial misfortune; 8. Other serious or complicating circumstances. <p>Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances. Applicants should include information regarding eligibility or non-eligibility for existing Government subsidies.</p> <p>Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence, or a business's primary operating space, can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.</p> <p>4. Evidence of Financial Hardship</p> <p>Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will depend on individual circumstances and may include, for example, one or more of the following:</p>
--	--

- Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. an accountant, family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
- Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- Notice of impending legal action;
- Letter from charitable organisation regarding loss of employment and the subsequent inability to provide for basic necessities.
- Bank notice for example, overdraft call or mortgaged property repossession;
- Employer notice of redundancy or termination of employment;
- Overdue medical bills;
- Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- Final notice from school regarding payment of mandatory fees;
- Funeral expenses;
- Repossession notice of essential items, like a car or motorcycle.

5. How Council can Help

The *Local Government Act 1993* provides Council with three methods of rate relief:

1. Postponing rate payments (sections 125-127)
2. Remission of late payment penalties or interest (section 128)
3. Remission of rates (section 129)

5.1. Postponing Rate Payments – Deferral Arrangements

In confirmed cases of financial hardship, Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by 3 months. However, rate deferral arrangements can defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.

In response to the COVID-19 pandemic, Council will generally approve deferral arrangements for 6 months for ratepayers meeting hardship requirements.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days notice in writing to the ratepayer.

5.2. Remitting Late Payment Penalties and Interest

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Council may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.

Council will not charge any late payment penalties or interest for late rate payments during the 2020 COVID-19 state of emergency until 30 June 2020.

5.3. Remitting Rates

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

1. Financial hardship;
2. Exceptional and serious circumstances;
3. How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 2.3.1 unfeasible and unreasonable to fulfil; and
4. How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food,

accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

1. Deferral arrangements are preferable to rates remission;
2. Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50% of each instalment; the remainder subject to payment arrangements;
3. Instances of rates remission are to be minimised to no more than one rates remission per applicant.

6. Applications

6.1. Applying for Financial Hardship Assistance

To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- Submitted via online form at:
www.devonportcitycouncil.tas.gov.au/onlineform
- Emailed to: rates@council.tas.gov.au
- Mailed to: PO Box 604 Devonport 7310

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see section 2.2 – Evidence of Financial Hardship);
- Describe the type of assistance sought, being:
 - Postponing rate payments (a deferral arrangement);
 - Postponing or waiving late payment penalties or interest;
 - Remitting rates, late payment penalties or interest, in part or in full;
- Address the requirements of the relevant subsections of section 2.3 – How Council can Help

6.2. Assessing Applications

Applications for deferral arrangements are to be approved by:

1. For amounts less than \$2,500 – the Executive Manager People & Finance; or
2. For amounts of \$2,500 or greater – the General Manager.

Remission of late payment penalties or interest are to be approved by the General Manager

Applications for remission of any rates is to be decided by Council and requires an absolute majority to be approved.

LEGISLATION AND RELATED DOCUMENTS	<p>This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i>, Part 9 – Rates and Charges, particularly: <ul style="list-style-type: none"> ○ Section 86A – General principles in relation to making or varying rates ○ Sections 125-127 – Postponement of payment ○ Section 128 – Late payments ○ Section 129 – Remission of rates • <i>COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020</i> • Rates and Charges Policy 	
ATTACHMENTS (IF APPLICABLE)	N/A	
STRATEGIC REFERENCE	5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances	
MINUTE REFERENCE	TBC	
OFFICE USE ONLY	Update Register	Training/Communication
	Advise Document Controller	Advise HR / MCO
	Management Sign Off:	
	Date:	

5.8 IMPACTS OF COVID-19

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 provide Council with an overview and update on action taken in relation to the COVID-19 Pandemic.

BACKGROUND

The Premier of Tasmania declared a State of Emergency on 19 March 2020 in response to the outbreak of COVID-19.

The lead agency responding to COVID-19 in Tasmania – known as the Response Management Authority – is the Tasmanian Department of Health (DoH).

The State Controller during the State of Emergency is Tasmanian Police Commissioner, Darren Hine.

Devonport City Council's responsibilities in responding to COVID-19 are in line with the Emergency Management Act and the Mersey-Leven Municipal Emergency Management Plan.

The impact of the COVID-19 pandemic is evolving rapidly with North West Tasmania being one of the most impacted areas in the country.

This report summarises actions taken since the COVID-19 report provided to Council's last meeting and outlines the organisation's response to the latest information, advice and directives from the Australian and Tasmanian Governments.

Council has established a COVID-19 Response Committee and actions from that Committee are summarised in this report, as are a number of principles for Council's consideration in the preparation of its 2020/21 budget.

Council has also been active in a community support function with some staff resources being reallocated to assist the community in this way.

STATUTORY REQUIREMENTS

Council is adhering to all requirements as legislated by State and Federal Government as a direct result of the COVID-19 pandemic. Legislation is being passed as and when required to assist in managing the pandemic and its implications on Federal, State and Local Governments.

The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act) commenced on 27 March 2020. To date the Government has issued two Notices under the Act to support business continuity for local Councils, which:

- Allow for Councils to validly meet via teleconference or videoconference (noting that, where they do this, Councils will need to make an electronic recording of meetings available on their websites for the community to view);
- Ensure that Councils can authorise and sign certain documents electronically; and
- Allow for documents that would ordinarily need to be available at Council offices in hard copy to instead be accessible online.

Further statutory measures are being developed and will be implemented in coming weeks. It is understood that this includes further Notices under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* addressing issues such as planning matters and food business registrations along with a second tranche of Legislation which will include matters relating to commercial tenancies.

DISCUSSION

COVID-19 is having a significant impact on Council operations.

Outlined below is a summary of the actions currently being undertaken or matters of note that need to be considered by the organisation.

COVID-19 Response Committee

Council at its meeting on 23 March 2020 established a COVID-19 Response Committee and since that time the Committee has met four times to identify and consider ways to support sections of the community impacted by COVID-19.

To date the following initiatives have been implemented:

- Waiving of parking fees to Council car parks and street meters and including parking permit holders until 30 June 2020
- Late payment of April 30 rates instalment to incur no penalties if paid by 30 June
- Waive ground fees to sporting clubs until further notice
- Council to pay local suppliers within 14 days to improve business cash flow
- Development of draft hardship policy for Council's consideration
- Considering opportunities to support commercial ratepayers who have been significantly affected

Meeting notes from the Committee have been distributed separately to all Councillors.

2019/20 Financial Position

Up until March 2020 it was forecast that Council would achieve a small surplus for the 2019/20 financial year, generally in line with the budgeted position (\$101K surplus). Since that time COVID-19 has impacted significantly on Council's budgeted revenue, with large reductions in projected parking fees, conference centre usage, commercial rent and other fees. Based on current projections the forecast result for 2019/20 is now expected to be a deficit in the order of \$800k to \$1M. This excludes any impact as a result of the accounting treatment of Council's loan swaps or any potential deferral of the last instalment of the Federal Government's financial assistance grant.

The inability of some rate payers to pay their last rate instalment will not directly impact on the operating result, however, will have implications from a cash perspective.

2020/21 Budget

The preparation of Council's 2020/21 budget has been underway for several months. Input has been sought from the community and the feedback received was tabled at the recent Governance and Finance Committee meeting. Draft operational and Capital budgets are being prepared, however assumptions in regard to the implications of COVID-19 are evolving and continuing to impact on the budget.

The forecast deficit for 19/20 along with the predicted reduction in fees and charges for at least the next six months will result in Council needing to budget for a significant deficit for 20/21. The quantum of the deficit will be further impacted depending on any change to dividend payments and the level of rate relief Council provides to commercial properties. The State Government have made available \$150M in interest free loans to assist with capital works and operating costs in the short term. Depending on the final deficit along with the extent of capital works it maybe necessary for Council to access this funding.

Whilst Council will need to review its long term plan and carefully manage its cashflow in coming years, this needs to be balanced with the financial pressures being felt across the community. The 2020/21 budget will need to be sensitive to the community's ability to pay and it is suggested that the following principles be adopted to guide the budget preparation:

- A 0% rate increase to all property categories
- No increase to any fees or charges

Further measures should be considered as part of the budget deliberations including options regarding the deferral of the rate instalment due dates, additional community grant opportunities and other strategic stimulus measures.

Sectoral Response

The Local Government Association of Tasmania (LGAT) has taken a very active role during the pandemic and have been the main conduit between Councils and the State Government. LGAT have been coordinating feedback from General Managers and Mayors on relevant matters with communication occurring virtually daily.

Local Government is represented by LGAT in the State Emergency Operations Centre.

At the LGAT General Meeting on 29 March the following motion was passed:

"That LGAT Voting Representatives agree to take back the following relief mechanisms, to their Council for determination of a formal position on them as soon as practicable for this point in time with a review before 30 June 2020.

- 1. No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020*
- 2. Rent relief on council owned buildings where tenants are experiencing financial hardship until 30 June 2020.*
- 3. A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with councils.*
- 4a. Community grants to be refocussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.*
- 4b. As a means of supporting local business recovery and injecting funds into communities in a timely manner, councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.*
- 5. A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.*
- 6. Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly."*

In regard to Devonport, the measures already put in place or those proposed as part of this report are consistent or exceed the sectoral position being proposed by LGAT.

The Local Government Division has also been working closely with the broader sector in regard to the impacts of COVID-19. Attached is a letter from the Minister for Local Government Mark Shelton, providing an update on the current status of the review of the

Local Government Act along with an update on a number of other COVID-19 related matters affecting the Division.

Emergency Management Response

Given the declared State of Emergency, Council is required to take direction and provide resources as directed by the Regional Controller. The Regional Emergency Management Committee has been meeting regularly to provide advice and feedback on a regional level to State authorities. In recent weeks staff have been working with the State to establish a COVID-19 testing clinic at the East Devonport Recreation Centre. The facility opened just after Easter and is expected to be in operation until spring. The clinic is being managed by the State, however one Council employee has been seconded to work at the facility on a permanent basis whilst it remains operational.

Business Continuity

COVID-19 restrictions have required the closure of all Council facilities to the public except for the Waste Transfer Station and the Mersey Vale Cemetery.

Council has been well positioned to continue to provide services to the community online and over the telephone.

Council commenced a large number of digital transformation initiatives almost 2 years ago investing in systems, solutions and processes that have enabled employees to continue to effectively and efficiently deliver services to the community during this period of restrictions. A majority of Council's systems are cloud based to include the telecommunications platform. This has allowed Council to quickly transition to a work from home model for all office-based employees. Council continues to deliver all services, as per normal with eftpos payments, telephone call handling, system data entry, etc being fully functional from remote locations including the employees' home. While we are not meeting customers face-to-face, our video conferencing platform has permitted employees to maintain close contact with the community where they have the capability to meet by video.

Council developed and implemented more than 65 on-line automated forms in the last 12 months. There has been an exponential increase in the use of these forms along with online payments since the outbreak of COVID-19 making it easy for the community to continue to engage with Council and have their needs met.

Council's outdoor workforce is continuing to operate with strict separation measures having been put in place. Numerous mini depots have been established with employees either travelling direct to the job site from home or operating out of a nominated depot to limit the risk of contact with other employees. Separation and risk control measures have been implemented at the Waste Transfer Station to ensure the continuity of essential waste management services.

Community Support

To assist in lessening the impacts of COVID-19 and to keep the community engaged, a number of initiatives have been implemented, with some continuing to be further developed in preparation for implementation. These include:

- Council has a dedicated COVID-19 website page providing useful information to the community <https://www.devonport.tas.gov.au/building-development/business/doing-business-in-devonport/environmental-health/meeting-the-challenge-of-covid-19/>
- Retail business list updated daily showing closures/takeaways/changes to opening hours etc

Report to Council meeting on 27 April 2020

- Wellness Wednesday blog featuring a range of topics relating to health, wellbeing and staying active <https://www.devonport.tas.gov.au/live/your-community/community-services/wellness-wednesday/>
- Fitness Fridays - Council's Recreation Officers will share videos of various exercises, from low impact aimed at the regular Ageing Stronger, Active Longer participants, to family fun activities, to activities for the regular athlete
- Live and Learn Steering Group's A-Z List of activities for young children, teens and families <http://livingandlearningdevonport.com.au/boredom-busters/>
- Facilitating a dedicated secure page for online assistance for students learning from home with appropriately trained tutors (Live and Learn Steering Group)
- Working with community partners to ensure promotion of food services to those in need <https://www.devonport.tas.gov.au/covid-19-update-food-services/>
- Contacting aged care facilities re their interest in Council supporting and promoting a pen pal program involving young people
- On-line acknowledgement of volunteers during Volunteer Week
- Keeping members engaged project (aimed at community groups, sporting clubs to 'check in' on their members <https://www.devonport.tas.gov.au/covid-19-update-keeping-club-members-engaged/>
- Devonport Regional Gallery and Bass Strait Maritime Centre Exhibitions available online
- Devonport Regional Gallery PORTAL; annual community photography project
- Rainbow Trail DevonportTas project – brightening up Devonport with Rainbows
- Japanese inspired Art Projects in the lead up to Japanese Children's Day 5 May, to share with our Sister City community in Minamata
- Families Week Projects to be held online from 15-21 May

Connecting to the community

THE Devonport City Council has put together online activities to assist the community to stay active and connected during COVID-19.

Activities include online exhibitions at the Devonport Regional Gallery and Bass Strait Maritime Centre.

A new innovation is Wellness Wednesdays on the council website with a blog posted each week offering tips to stay well at this time.

Fitness Fridays is coming soon with the council's recreation team sharing videos of exercises. Kids Activities A-Z has been developed with the Live and Learn



LOTS TO DO: Tyler and Jobe Cousins, of Spreyton, check out the council's website for activities. **Picture: supplied.**

Steering Group and will be shared soon.

Rainbow Trail Devonport-Tas is for sharing images on

council's Facebook events page. Families Week Projects from May 15 to 21 include stay at home activities.

COMMUNITY ENGAGEMENT

There has been no community engagement as a result of this report.

FINANCIAL IMPLICATIONS

The financial impacts of COVID-19 are significant as outlined earlier in this report.

RISK IMPLICATIONS

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

CONCLUSION

This report provides an overview of the impacts to Council as an organisation and its community as a result of COVID-19.

ATTACHMENTS

1. Minister Shelton Letter to Tasmania Councils - Review of Tasmania's Local Government Announcement of Approved Reforms and Project Delays

RECOMMENDATION

That Council receive and note the report outlining an update on the impacts of the COVID-19 pandemic; and

1. endorse the financial support measures implemented to date by the COVID-19 Response Committee;
2. adopt as the basis for Councils 2020/21 budget:
 - a) A 0% general rate increase to all property categories; and
 - b) No increase to any fees or charges.

Author:	Matthew Atkins
Position:	General Manager

**Minister for Police, Fire and Emergency Management
Minister for Local Government**

Level 5, 4 Salamanca Place, Parliament Square Building HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7770
Email: Mark.Shelton@dpac.tas.gov.au

21 APR 2020

**A Letter to All Tasmanian Councils**

Dear Mayors and General Managers

I am writing to provide you with a number of important updates in relation to the State Government's priority work program with the Local Government sector, in particular the review of Tasmania's Local Government Legislative Framework.

Review of Tasmania's Local Government Legislation - Final Reforms and Project Delays

As you are aware, the Government engaged extensively with the local government sector and the community throughout 2019, eliciting a high degree of interest and significant feedback on proposed reform options in Phases 1 and 2 of the Review. The most recent consultation period received almost 800 survey responses and 75 written submissions. The process to date has given clear feedback on what is important to Tasmanians in relation to their local councils.

Following the Government's thorough consideration of the feedback received to date, I am pleased to announce the release of the final reforms for the Local Government Legislative Framework Review. The approved reforms can be found on the Review's webpage at www.dpac.tas.gov.au/lgreview. The final reforms reflect the outcomes of the [extensive consultation](#) process undertaken on the [Reform Directions Paper](#).

The majority of the proposed 51 Reform Directions in the Reform Directions Paper received broad support from stakeholders and were recommended by the Review Steering Committee. The Government subsequently considered and approved the Steering Committee's 48 recommended reforms, and several reforms were amended to reflect consultation feedback.

Only three of the 51 reforms were strongly opposed in the consultation feedback and will not be progressed by the Government. These were:

- changing the way mayors and deputy mayors are elected;
- introducing a candidate nomination fee; and
- establishing Regional Councils.

The Government intends to develop a new Local Government Bill based on the principles of community engagement, good governance, transparency and accountability, efficiency and effectiveness. The new Bill will support the important role and functions of councils and allow them to best serve their local communities. The Government also intends to progress approved electoral reforms through a stand-alone Local Government (Elections) Bill.

The Government has agreed to a staged implementation for these Bills to ensure adequate time for consultation with stakeholders, public awareness measures and implementation of the reforms. This would mean the Bills will be consulted on and introduced into Parliament separately.

The original timeline for the Local Government Legislation Review process set out an anticipated completion date for draft legislation by the end of 2020. As we are all aware, in the current State of Emergency there is the need for all levels of government to prioritise the emergency response to the COVID-19 pandemic to meet this unprecedented challenge. As a result of these circumstances, the Government acknowledges there needs to be an extension to the proposed timeframes for consultation on draft Bills into 2021.

I will provide further advice on the adjusted review timeframes as the management of the COVID-19 pandemic situation unfolds and I want to assure you that the progression of the final Reform Directions will resume as a key strategic priority once our collective COVID-19 pandemic response and recovery efforts are appropriately resolved.

I would like to take the opportunity at this point to sincerely thank the local government sector as a whole for the collaborative approach that it has adopted to date to enable the majority of reforms to be progressed. Developing practical, fit-for-purpose legislation cannot be achieved without the valuable insights and contributions of the sector itself. I thank you and your Council for taking part in shaping a new legislative framework for the future of local government in Tasmania and I look forward to collaborating further with you when we commence the next phase and the drafting of legislation.

COVID-19 pandemic impacts on broader work program

Further to my comments above regarding resourcing in response to the COVID-19 pandemic, I want to advise that the Local Government Division, like many other areas across Government, is providing significant staff resources to support the Government's emergency response. In this context, the Division is constantly reviewing its ongoing operations and is currently focussing on providing immediate support to councils through the provision of essential services and core functions only.

Councils will, for example, still be able to submit Regulatory Impact Statements for assessment and certification by the Director of Local Government. The Local Government Division will also continue its Regulatory functions to ensure compliance with the *Local Government Act 1993*, and be available to answer queries from councils and the public. Given the current resourcing allocations, there may be some extra time taken to respond to enquiries and we apologise if that is the case.

Please note that a number of strategic policy projects and services that were being undertaken by the Local Government Division will be placed on hold for the immediate future. The deferral of these work areas also reflects the Government's awareness that the capacity of councils to participate in consultation processes and provide input into policy and legislative proposals may be diminished at this time. The following will be impacted:

- Charitable rates – it is acknowledged that councils across Tasmania are taking steps to adjust their rating policies to ease pressure on their communities in light of the pandemic situation. With this in mind, resolution of the charitable rates issue will be placed on hold.
- Remaking of the Dog Control Regulations 2010 (the Regulations) – the expiry of the Regulations will be postponed to 9 June 2021 as part of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*. This will enable councils and the Local Government Division to recommence the process, including consultation, at a later stage.
- Premier's Local Government Council (the PLGC) – the May 2020 meeting of the PLGC has been cancelled. The next meeting is scheduled for December 2020.

- Council performance reporting – the development of the council performance reporting website, in addition to the preparation and release of the local government data snapshots, will be put on hold. Councils will still be asked to report performance information as part of the Consolidated Data Collection process, however the Local Government Division acknowledges that the current emergency response may impact the timeliness and quality of councils' responses.
- Model Financial Statements – the process to implement the model financial statements will be put on hold. Thank you to those councils that provided feedback on the last round of consultation on the draft statements. This feedback will be taken into account when the process recommences. Further consideration will also be given to the timeframe for implementation.

The Local Government Division and I sincerely appreciate your patience and understanding at this challenging time.

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

On a final note, I wish to highlight that on 26 March 2020 the Tasmanian Parliament passed the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (the Act) in order to manage the statutory and operational impacts of the COVID-19 pandemic on councils and other government institutions. Among other provisions, the Act provides that notices may be issued to adjust the technical and regulatory requirements that may otherwise apply under another Act or legislative instrument.

Working in close consultation with the Local Government Association of Tasmania (LGAT), in early April 2020 the Government issued two notices pursuant to the Act that are assisting councils to meet physical distancing requirements associated with COVID-19 response measures, while still enabling elected members and staff to meet and fulfil their statutory requirements under other pieces of legislation.

The notices allow for councils to meet via teleconference and videoconference, authorise and sign certain documents electronically, and display certain documents online rather than in physical office locations. The notices also stipulate that where councils are meeting via electronic and online methods, they will need to make an electronic recording of those meetings available on the Council's website for the community to view.

The State Government will bring a second tranche of COVID-19 emergency legislative measures before Parliament in late April and LGAT will once again be consulted in relation to provisions relevant to the local government sector.

As we journey through this difficult period I want to acknowledge the tremendous effort and contribution councils are making to support their local communities, and to recognise the collective impact the local government sector's COVID-19 response measures will have for Tasmania as a whole, both now and going forward. The Tasmanian Government is pleased to continue working with and supporting councils to do their important work during this time and my teleconference door is always open to discuss any issues or concerns you may have.

Yours sincerely



Hon Mark Shelton MP
Minister for Local Government

5.9 EXPRESSION OF INTEREST TO SELL OR GIFT THE JULE BURGESS TO A SUITABLE OPERATOR, OR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH A SUITABLE OPERATOR

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report provides a recommendation on the outcome of Council's expression of interest process to sell or gift the Julie Burgess to a suitable operator, or to enter into a partnership agreement with a suitable operator.

BACKGROUND

The Julie Burgess is a two-mast sailboat currently owned by the Devonport City Council. It is a collection item of the Bass Strait Maritime Centre, is listed on the Australian Register for Heritage vessels and is a classified ship with the National Trust. The Council currently operates the vessel as a seasonal sailing attraction.

The vessel was built in Launceston for Captain Harry Burgess, in 1936. It was purpose built to harvest crayfish in Bass Strait and regularly transited the Strait to Victoria. The Julie Burgess was the last purpose-built vessel of the Burgess family fishing ketches, to operate out of Devonport.

In 2009, Council received a Federal Government, Jobs Fund grant for the project 'Julie Burgess: Maritime Discovery Centre'. The grant enabled Council to purchase and restore the vessel. The restoration was conducted under the supervision and guidance of a Marine Architect and Marine Surveyors for Marine and Safety Tasmania (MAST) under the regulations administered by the Australian Maritime Safety Authority (AMSA) to operate as a passenger carrying sailing vessel in sheltered and coastal waters.

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

A thorough operational review was provided to Council in August 2019. The review highlighted that passenger numbers and engagement in the vessel was decreasing year-on-year, and that Council did not have the capacity, nor the resources to diversify the operation and increase the levels of engagement.

At the meeting of the Devonport City Council, held on the 26 August 2019, Council resolved to (Min No 168/19 refers):

"Advertise for expressions of interest to sell or gift the vessel to a suitable operator or to enter into a partnership agreement with the Devonport City Council."

Subsequently, Council undertook an expression of interest process to seek an alternate operator. Council made it known it would prefer a suitable operator undertake activity in Devonport, however remained open to an application from any interested party who would preserve the integrity of the vessel. Therefore, Council would consider a suitable

operator to include any party interested in operating the vessel as a commercial enterprise, visitor attraction, training vessel or similar. Council would also consider offers to purchase the vessel for private or personal use.

Expressions of interest closed on Friday 29 November 2019. Seven applications were received by the closing date and a further application was submitted late that was assessed at Council's discretion.

The eight applications were reviewed by Council at a Workshop on Monday 3 February, resulting in four applicants being shortlisted for further consideration. The shortlisted applicants were invited to present to Council on Monday 16 March.

One of the four shortlisted applicants withdrew from the process prior to the presentation, resulting in three applicants who each presented in-person on the evening of Monday 16 March.

The agreed value of the Julie Burgess for insurance purposes is \$1.7M.

STATUTORY REQUIREMENTS

Council's actions in regard to this expression of interest must be in accordance with *the Local Government Act 1993*.

DISCUSSION

Council received eight applications to the expression of interest to sell or gift the vessel to a suitable operator, or to enter into a partnership agreement with a suitable operator:

1. Fielding Family Trust
2. Julie Burgess Working Committee
3. Captain Brett Devine partnering with Australian Cruise Academy and College on Murray
4. Sydney Harbour Tall Ships
5. Tribal Warrior Aboriginal Association
6. College of Marine Studies partnering with Maritime Trainers and Assessors
7. Saltwater Eco Tours
8. Tony Pondeljak (late)

The expression of interest required each applicant to address the following criteria:

- a. details of their organisation and relevant experience in operating a heritage sailing vessel;
- b. their intention with the Julie Burgess;
- c. proposed transfer of ownership, ie purchase, gift or partnership;
- d. recent audited financial reports or accounts, if applicable; and to
- e. attach any other relevant information or supporting material.

Council assessed all eight applications at a Workshop on Monday 3 February. The applications were reviewed against the criteria, considering: the cost and financial benefit; use of the vessel and its preservation as a heritage sailing vessel; and, the impact on Devonport and the region.

The Fielding Family Trust were identified as having extensive experience in tourism and tourism marketing, however, they lacked the experience and knowledge to manage a heritage vessel and their proposal was based on maintenance, insurance and compliance costs continuing to be managed and coordinated by Council.

The Julie Burgess Working Committee has extensive experience operating the vessel. A new organisation, the Working Committee is largely made-up of existing Julie Burgess volunteers and members of Council's Julie Burgess Operations Committee.

The Committee's application did not address the level of administration required to operate the vessel. The extent of administration support provided by the staff of the BSMC is estimated to be approximately 400 staff-hours per-annum. The Working Committee's application did not demonstrate experience in bookings/ticketing systems, nor did the application address how they were to market the vessel and increase levels of engagement.

The Committee did not provide a financial report or demonstrate financial reserves that may be required to establish the Working Committee as the owner/operator of the vessel. The Working Committee's application did however include a request for financial assistance, and therefore represents additional risk to Council:

- a. to cover any additional, or unforeseen costs if the applicant fails to raise financial capital to adequately operate and maintain the vessel, or in the event of a major incident; and
- b. a reputational risk for Council to gift the existing operations committee the vessel, with financial support, if the applicant cannot generate increased activity or engagement and the vessel lies idle, or worse, it deteriorates.

Captain Brett Devine is well-known in the maritime sector, with previous projects and endeavours widely reported in the media. His application was lacking in detail, specifically regarding how he would operate the vessel. The proposed partner, ANCOM, is a reputable training provider in the maritime industry, however, their involvement with the vessel was relatively silent in the application.

Within the field of submissions, Sydney Harbour Tall Ships demonstrated the greatest capacity to take immediate ownership of the vessel, and ability to preserve the integrity of the vessel, albeit to support their tourism operation in Sydney.

Phil Waters, acting on behalf of the College of Marine Studies has previously been in contact with Council regarding the possibility of a partnership, and was therefore known to Council. He had met with and spoken on several occasions with the previous Executive Manager of Corporate and Business Services, and the previous Coordinator of the BSMC.

The application from Phil Waters and the College of Marine Studies, lacked clarity regarding their structure and intention with the vessel.

Saltwater Eco Tours provided an extensive application. It was concise and well-constructed. The applicant's cashflow projections appeared optimistic, however, Saltwater Eco Tours does operate in a different market to Devonport. If achievable, Saltwater Eco Tours would provide an exceptional financial return for Council, albeit with Council retaining ownership of the vessel, and therefore any risks associated with leasing the vessel to an interstate operator.

Tribal Warrior has previously partnered with Sydney Harbour Tall Ships to deliver their vocational training programs. Their application was one of two, to offer a purchase price for the vessel, that being \$40,000. The other purchase offer was made by Tony Pondeljak, of \$150,000. Mr Pondeljak provided little detail of his experience in operating heritage vessels, or his intention with the Julie Burgess.

Council shortlisted four applicants through the initial assessment process on Monday 3 February. The four shortlisted applicants represented a cross-section of intentions, to either:

Report to Council meeting on 27 April 2020

best preserve the vessel; provide a financially beneficial return to Council; provide vocational training for the preservation of heritage vessels into the future; or, to provide the best outcome for Devonport.

The four shortlisted applicants were:

1. Julie Burgess Working Committee
2. Sydney Harbour Tall Ships
3. College of Marine Studies
4. Salt Water Eco Tours

A summary of the four shortlisted applicants is as follows:

1. Julie Burgess Working Committee

Criteria	Summary
Details of relevant experience operating a heritage vessel	The application is made by the current crew and volunteer Operations Committee; therefore, the applicant possesses a significant understanding of the operations of the vessel and their application demonstrates a depth of knowledge related to the vessel and its history.
Intention with the vessel	Operate as a heritage vessel in Devonport. Details of their specific program were not evident or articulated in the application.
Proposed Transfer of Ownership	Deed of gift. The applicant is requesting financial assistance: 1 st year – \$50,000 2 nd year – \$40,000 3 rd year – \$40,000 4 th year – \$40,000 5 th year – \$40,000 Furthermore, the applicant also requests a licence to utilise the existing pontoon, and that Council carry out a capital project in Reg Hope park to provide a concrete base on which to place a shipping container to use as an office and storage. The applicant noted that this activity is listed as Capital Works Program for 2019/2020.
Financial Report Attached	New organisation.

2. Sydney Harbour Tall Ships

Criteria	Summary
Details of relevant experience operating a heritage vessel	Sydney Harbour Tall Ships is an established entity, based in Sydney with demonstrated infrastructure and resources to operate a tourism business. They currently operate multiple heritage vessels along the Eastern seaboard. Sydney Harbour Tall Ships, est. 2007. https://www.sydneytallships.com.au/ Martin Woods (Owner, Director of Sydney Tall Ships) demonstrates exceptional experience in operating heritage vessels, and is a shipwright/boat builder, Master IV and MED III accredited.
Intention with the vessel	Sydney Harbour Tall Ships intends to operate the vessel as both a tourism and training vessel. The applicant describes working the vessel along the Eastern seaboard, from the Whitsundays to Hobart. The applicant has provided an indicative calendar.

	The applicant describes working with Tafe and the Tribal Warrior Association. The applicant describes a short, annual Devonport season. The applicant has also described attending numerous festivals with the vessel, including the Geelong Wooden Boat Festival, Australian Wooden Boat Festival (Hobart), Painesville and Williamstown festivals, as a marketing initiative on behalf of Devonport.
Proposed Transfer of Ownership	Deed of gift.
Financial Report Attached	Provided, demonstrating sufficient capacity to operate the vessel.

3. College of Marine Studies, partnering with Maritime Trainers and Assessors – Brunswick Heads NSW (COMS MTA) Maritime Training School

Criteria	Summary
Details of relevant experience operating a heritage vessel	Phil Waters is the head of the College of Marine Studies, and main individual behind the application. He is a qualified Shipwright and Marine Surveyor. The College of Marine Studies is based in Brunswick Heads NSW. Phil Waters has been to Devonport several times enquiring about a partnership with the vessel.
Intention with the vessel	With the Maritime Trainers and Assessors, the College of Marine Studies wish to use the Julie Burgess as a vocational training vessel.
Proposed Transfer of Ownership	Deed of gift.
Financial Report Attached	Not attached.

4. Saltwater Eco Tours – Simon Thornalley

Criteria	Summary
Details of relevant experience operating a heritage vessel	Saltwater Eco Tours appears to be a new tourism business, operated by Simon Thornalley, based on the Sunshine Coast: <i>'Saltwater Eco Tours is a traditional sailing company offering unique adventures out to Mudjimba Island and along the Mooloolaba coastline. Our focus is to connect the coast with our rich culture from the land and sea.'</i> https://saltwaterecotours.com.au/ Simon's introduction includes: <i>My name is Simon Thornalley, a Commercial Master Class 5 Captain who has spent the past 12 months working on an extensive business model with Indigenous Business Australia and a team of marketing consultants, to create a unique Cultural Sailing company on the Sunshine Coast with plans to launch early 2020. We have been continually looking for the perfect traditional sailing vessel that fits our companies' vision.</i> Simon was the only applicant (apart from the Operations Committee) to visit Devonport and view the vessel.
Intention with the vessel	The applicant's intent is to operate the vessel as a tourism vessel on the Sunshine Coast, conducting daily tours. The applicant also details an annual adventure cruise – QLD to TAS, incorporating learn to sail and team building, extending to a 10-Day season in Devonport.

Report to Council meeting on 27 April 2020

Proposed Transfer of Ownership	The applicant proposes that the ownership remains with DCC, and Saltwater Eco Tours 'lease' the Julie Burgess from Council, on an agreed sales commission. Saltwater Eco Tours propose to cover: <ul style="list-style-type: none"> liability and insurance; and maintenance and running costs. Further investigation into the applicant's proposal would need to be discussed, for Council to be confident in the proposed business plan, as the applicant's projected cashflow indicates could receive up to approximately \$90,000pa.
Financial Report Attached	Provided, demonstrating capacity to operate the vessel.

Council invited the four shortlisted applicants to provide a 30-minute presentation addressing their respective applications on Monday 16 March.

Prior to the presentation, Simon Thornalley of Saltwater Eco Tours contacted Council and withdrew from the process.

The remaining three applicants made the decision to present in-person on Monday 16 March.

The presentation by the College of Marine Studies had a focus on training and the presenters had an obvious passion for both sailing and education. However, the presentation was in parts difficult to comprehend and did not convey their plans for the vessel as clearly as the other two shortlisted proponents.

Sydney Harbour Tall ships used the opportunity to demonstrate that they were best placed to care for the vessel. Their presentation focussed on strengthening their fleet of vessels, which would increase their leverage and market position in Sydney. They provided an indicative itinerary for Devonport, as part of an annual sailing program. Marty Woods, representing Sydney Harbour Tall Ships, detailed opportunities in eco-travel, including bushwalking, and detailed a new initiative of transporting low volume, high value freight by sail. The Julie Burgess would, however, be predominantly based in Sydney and support Sydney Harbour Tall Ships as a tourism operator.

The Julie Burgess Working Committee were committed to retaining the vessel in Devonport. Their aim was to establish an incorporated organisation to own and operate the vessel, similar to the Tasmanian Sail Training Association who operate the Lady Nelson out of Hobart.

The Committee's presentation provided Council with confidence in their ability to operate the vessel, however they were unable to demonstrate or provide evidence of their: financial capital to operate the vessel; capacity to market the vessel; ability to resource the administration of the vessel; or to undertake major maintenance should anything occur to the vessel.

The Committee did not provide a business plan or any financial modelling to indicate how they intend to cover the operational expenses of the vessel. The Committee did request financial assistance, however as evidenced through Council's operation of the vessel the request is less than what is required to fully operate the vessel at its current level of activity. Nor does it account for the staffing resource or additional marketing cost to the BSMC.

The Committee did not indicate they would establish a membership structure to generate revenue, or any evidence that they would apply for operational funding from other sources.

COMMUNITY ENGAGEMENT

No community engagement has formed part of this report.

FINANCIAL IMPLICATIONS

All three of the shortlisted applicants: Julie Burgess Working Committee; College of Marine Studies; and, Sydney Harbour Tall Ships, seek the vessel through deed of gift. Therefore, Council will not receive a financial benefit through the disposal of the asset.

The vessel is insured for an agreed value of \$1.7M.

The annual average operational deficit to Council for the Julie Burgess since the inaugural tourism season began, is approximately \$80,200pa.

Budget Year	Operational Deficit
2012-2013	\$89,898
2013-2014	\$88,998
2014-2015	\$85,750
2015-2016	\$60,502
2016-2017	\$65,679
2017-2018	\$129,113
2018-2019	\$41,460
Total	\$561,400.00

A deed of gift to a suitable operator would arrest any further operational expenditure related to the vessel.

However, the Julie Burgess Working Committee are seeking financial assistance to operate the vessel; a licence to use the existing pontoon at Reg Hope Park; and, Capital program expenditure, specifically the construction of a concrete pad at Reg Hope Park on which to install a 20ft shipping container:

In relation to the request for financial assistance over five years, relating to \$50,000 in the first year, and \$40,000 thereafter, would result in \$210,000 over the period:

Budget Year	Financial Assistance
1 st year	\$50,000
2 nd year	\$40,000
3 rd year	\$40,000
4 th year	\$40,000
5 th year	\$40,000
Total	\$210,000.00

Notwithstanding the staffing resource, Council were able to operate the vessel for a deficit of \$41,460 in 2018-2019. At the time of writing this report, Council's current budget deficit for the Julie Burgess operation in 2019-2020 is \$2,953 (YTD March 2020). The budget is yet to incur the costs of insurance or maintenance, expected to be approximately \$36,100, resulting in a full-year deficit of approximately \$40,000.

The current asset value of the pontoon is approximately \$255,000, with a replacement value of \$296,800. The rental return of the pontoon is not tested. Council has previously received \$100 per week from vessels that have moored at the pontoon for short periods of time.

The value of the requested capital project and to provide power to the site is estimated at \$11,000.

A further consideration is that the Committee did not provide any evidence to indicate that they could operate the vessel at lower cost than Council. It is unknown as to whether the Committee will be able to access similar insurance rates for example. It is also unknown as to whether the Committee, as a volunteer organisation may receive greater in-kind support.

If the Julie Burgess Working Committee were successful as the preferred operator, Council would need to consider:

- a) financial assistance and the impact this would have on the financial assistance program;
- b) no evidence of financial capital, or detailed business/financial plan provided, highlighting a risk in their ability to operate the vessel short and long term;
- c) the capital project cost of providing a base for a shipping container in Reg Hope Park;
- d) the value of the pontoon lease or otherwise (including future maintenance); and
- e) electricity charges for the pontoon, currently paid for by Council, and whether this is extended to the proposed shipping container.

RISK IMPLICATIONS

Risks associated with each of the applicants are detailed in this report.

Operating a historic sailing vessel has inherent safety risks, which in part formed Council's view to seek an alternate operator.

As a result of the expression of interest process, if Council cease to operate the vessel as a visitor attraction, Council's reputation will be subject to media and public scrutiny, including the process by which Council obtained the funding to undertake the restoration. However, this scrutiny is likely to be lessened if the preferred operator continues to operate the vessel in Devonport. This assumption is relative to the preferred operator continuing to develop and importantly, increase engagement with the vessel.

A compounding reputational risk exists for Council, if the preferred operator receives financial assistance from Council and cannot increase engagement with the vessel, compared with the levels of engagement achieved by Council. Therefore, Council could be viewed as financially supporting an operator for their own self-interests, or worse, the vessel deteriorates and falls into disrepair due to the operator's lack of financial stability. This could lead to Council receiving additional requests for financial assistance to undertake major maintenance, or in the case of a major incident.

CONCLUSION

The Council has confidence in the Julie Burgess Working Committee's ability to operate the vessel, however their application did not include evidence of a business plan or modelling that would provide the financial stability required to operate the vessel as a sailing heritage attraction. Their application did not provide evidence of strong administration or marketing capacity. However, of the three shortlisted applicants, their commitment to operate the vessel in Devonport meets the desire of Council to retain the vessel in Devonport, in part respecting the investment made by the community in the vessel.

The Julie Burgess Working Committee's application is not without risk, which has been detailed in this report.

ATTACHMENTS

Nil

RECOMMENDATION

That Council:

1. note the submissions received from the Julie Burgess EOI process;
2. select the Julie Burgess Working Committee, as its Preferred Proponent; and
3. offer to negotiate with the Preferred Proponent for a period of up to six months to establish an Agreement for the transfer of the vessel on the following basis:
 - a) Council to provide five-years of financial assistance, of \$50,000pa in the first year, and \$40,000pa thereafter;
 - b) Council undertake Capital Works for the provisions of a concrete base, suitable for a 20ft shipping container in Reg Hope park, with power provided to site;
 - c) Council provide a licence to use the existing pontoon at Reg Hope Park for an initial period of five years;
 - d) the Committee demonstrate suitable evidence, including a detailed business plan to address the deficiencies in their submission as outlined in this report; and
 - e) the necessary transfer deed is drafted to mitigate future risk to Council.

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

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

There were no Workshops or Briefing Sessions held since the last Council meeting.

Author:	Robyn Woolsey	Endorsed By:	Matthew Atkins
Position:	Executive Assistant General Management	Position:	General Manager

6.2 MAYOR'S MONTHLY REPORT

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 between 19 March and 22 April 2020:

- Attended Cradle Coast Authority Board strategic workshop
- Council meeting
- Coronavirus Committee Meetings.
- Catch ups with staff members and councillors as required.
- Media as requested: 7AD x 5, SeaFM, ABC Radio x 2, ABC TV
- TasWater Owners' Representatives meeting
- LGAT Covid-19 Discussion (Mayors and GMs)
- LGAT General Meeting
- CCA Board Workshop
- LGAT General Management Committee Meeting
- CCA Board Meeting
- Cradle Coast Mayors' catchup
- Minister for Local Government meeting with Mayors and GMs
- Dulverton Waste Management Authority Subcommittee

All meetings and media were done either by telephone or online

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - APRIL 2020

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, between 19 March and 22 April 2020. It also provides information on matters that may be of interest to Councillors and the community.

BACKGROUND

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

STATUTORY REQUIREMENTS

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

DISCUSSION

1. COUNCIL MANAGEMENT

- 1.1. From a management perspective the previous month has been largely focused on responding to issues associated with the COVID-19 pandemic. Further details in regard to Council's response are outlined in a specific report on this agenda.
- 1.2. Attended and participated in internal staff and management meetings.
- 1.3. Attended March Council meeting and COVID-19 Response Committee meetings.
- 1.4. Given the fast-moving nature of the pandemic a number of video updates have been provided to Councillors to keep them informed of relevant matters.
- 1.5. Participated in the preparation of draft 20/21 Council budget.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Met with a number of business owners regarding COVID-19 impacts.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Along with the Mayor, attended the LGAT General Meeting.
- 3.2. Attended a Special National Board meeting of Local Government Professionals Australia.
- 3.3. Attended State Board meeting of Local Government Professionals Tasmania.
- 3.4. Participated in numerous meetings with LGAT and/or Cradle Coast General Managers in regard to COVID-19 impacts.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Through LGAT provided information for the State Government on various financial scenarios likely to occur as a result of the pandemic.

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 - April 2020
2. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential April 2020

RECOMMENDATION

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

Author:	Matthew Atkins
Position:	Acting General Manager

Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
Resolution Title:	Traffic Controls – Spreyton Primary School – Notice of Motion – Cr A Jarman
Date:	23 March 2020
Minute No.:	39/20
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Grant application submitted.
Resolution Title:	Banning of Single Use Plastics – Devonport Region – Notice of Motion – Cr A Jarman
Date:	23 March 2020
Minute No.:	40/20
Status:	On going
Responsible Officer:	General Manager
Officers Comments:	
Resolution Title:	PA2020.0017 Residential (Single Dwelling and Outbuilding) – 146 Paloona Road, Paloona
Date:	23 March 2020
Minute No.:	41/20
Status:	Completed
Responsible Officer:	Development Services Manager
Officers Comments:	Application approved
Resolution Title:	Appointment of Municipal Emergency Management Roles
Date:	23 March 2020
Minute No.:	42/20
Status:	Completed
Responsible Officer:	Development Services Manager
Officers Comments:	Advice of Council's appointments sent 26 March 2020 to Emergency Management Services.
Resolution Title:	Financial Assistance Scheme – Round Two 2019/2020
Date:	23 March 2020
Minute No.:	43/20
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Successful and unsuccessful applicants advised of outcomes 24/03/2020

Resolution Title:	Welcoming Cities
Date:	23 March 2020
Minute No.:	44/20
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Cradle Coast Authority advised of Council's decision to become a member of Welcoming Cities
Resolution Title:	Budget Consultation 2020/21 (GFC 10/20 – Governance Finance & Community Services Committee – 16 March 2020)
Date:	23 March 2020
Minute No.:	49/20
Status:	Completed
Responsible Officer:	Executive Manager People and Finance
Officers Comments:	Budget submissions collated and will form part of budget deliberations
Resolution Title:	Adjustment to Capital Budget (GFC 14/20 – Governance Finance & Community Services Committee – 16 March 2020)
Date:	23 March 2020
Minute No.:	49/20
Status:	Completed
Responsible Officer:	Executive Manager People and Finance
Officers Comments:	Capital budget updated
Resolution Title:	Debt Facility Review (GFC 14/20 – Governance Finance & Community Services Committee – 16 March 2020)
Date:	23 March 2020
Minute No.:	49/20
Status:	On going
Responsible Officer:	Executive Manager People and Finance
Officers Comments:	Awaiting formal letter of offer
Resolution Title:	COVID-19 Response Committee
Date:	23 March 2020
Minute No.:	52/20
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Members have commenced meeting.

Resolution Title:	COVID-19 – Devonport City Council Emergency Response
Date:	23 March 2020
Minute No.:	53/20
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Delegations in place

Previous Resolutions Still Being Actioned	
Resolution Title:	Rotunda and Interpretive Sign – Joshua Slocum Park – Notice of Motion – Cr Lynn Laycock
Date:	28 January 2020
Minute No.:	05/20
Status:	In progress
Responsible Officer:	Executive Manager City Growth
Officers Comments:	Workshop to be scheduled.

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 – 23 March 2020	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)

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 - 23 March 2020	
8.2	Application for Leave of Absence	

9.0 CLOSURE

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