



*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 Tuesday 29 January 2019, commencing at 5:30pm.

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

## QUALIFIED PERSONS

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

Paul West  
GENERAL MANAGER

**23 JANUARY 2019**

## FEBRUARY 2019

Meeting	Date	Commencement Time
Infrastructure Works & Development Committee	11 February 2019	5:30pm
Council Meeting	25 February 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON TUESDAY 29 JANUARY 2019 IN THE ABERDEEN ROOM, paranaple centre, 137  
ROOKE STREET, DEVONPORT AT 5:30PM**

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Agenda of an ordinary meeting of the Devonport City Council to be held in the Aberdeen Room, paranapple centre, 137 Rooke Street, Devonport on Tuesday, 29 January 2019 commencing at 5:30pm.

**PRESENT**

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

**ACKNOWLEDGEMENT OF COUNTRY**

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

**IN ATTENDANCE**

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

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 PROCEDURAL**

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

##### **3.1.1 COUNCIL MEETING - 17 DECEMBER 2018**

#### **RECOMMENDATION**

That the minutes of the Council meeting held on 17 December 2018 as circulated be confirmed.

### 3.2 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 159/17 refers):

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

### 3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

File: 27452 D561064

Responses to questions raised at prior meetings are attached.

#### ATTACHMENTS

1. OPGOV-LETTER-Response to Question Without Notice-Council Meeting 20181217-Rodney Russell-Queen Mary Park
2. OPGOV-LETTER-Response to Question Without Notice-Council Meeting 20181217-Trevor Smith-Maintenance to Splash and Parking Meter Changes
3. OPGOV-LETTER-Response to Question Without Notice-Council Meeting 20181217-Wendy Hilditch-26 North Street
4. OPGOV-LETTER-Response to Question Without Notice-Council Meeting 20181217- Malcolm Gardam-Loan Amounts

#### RECOMMENDATION

That the responses to questions from Mr Rodney Russell, Mr Trevor Smith, Ms Wendy Hilditch and Mr Malcolm Gardam at the 17 December 2018 Council meeting be noted.

Author:	Paul West
Position:	General Manager



## DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

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

Telephone 03 6424 0511

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18 December 2018

**In reply please quote:**

File 35817

Rodney Russell  
225 Steele Street  
DEVONPORT TAS 7310

Dear Mr Russell

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 17 DECEMBER 2018**

I refer to your question raised at the Council meeting on 17 December 2018 and provide the following response:

**Q.** Queen Mary rest park. What is the expiry date on the application for the use of the park? Can you tell me if any conditions or bonds were placed on the use of the park?

**Response**

The Queen Mary rest park is owned by the Crown, and licenced to a third party to occupy until February 2019. Information regarding any conditions or bonds placed on the use of the park is between the Crown and the licensee.

Council have raised concerns regarding the state of the area with Crown Land Services who subsequently responded they *"are satisfied that the use of the Crown Land is consistent with the permitted purpose of the Licence. Further, they do not consider the growth of the grass to be so excessive as to currently constitute a nuisance"*

Yours sincerely

Paul West  
GENERAL MANAGER

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18 December 2018

In reply please quote:

File 35187

Trevor Smith  
7 Glen Court  
DEVONPORT TAS 7310

Dear Mr Smith

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 17 DECEMBER 2018**

I refer to your questions raised at the Council meeting on 17 December 2018 and provide the following response:

**Q.** Could you please tell me why you have had to purchase new parking technology at the front of the paranapple building, which is totally different to the ones in Stewart Street and elsewhere in the Living city. The elderly, which are the majority of your rate base, will get easily confused with these new meters; I had a few elderly citizens that asked for help, to work out this machine. I even had difficulty; these are the same machines Hobart Ratepayers are concerned with using!!

**Response**

Council has had difficulty sourcing the same type of parking meter as are currently deployed around Devonport. Council was offered the new parking meter on a trial basis at no cost. The purpose of the trial is to gain feedback from the public, and from staff regarding maintenance and operation.

**Q.** At the last Council meeting in November, it was mentioned that the 25mtr pool was going to be closed for renewing the broken tiles, on the floor of the pool. Could you please tell me if you are also going to replace the rusty, flaking cables that are holding up the air ducts in place, over the whole of the indoor pool complex with G.316 stainless cables, which should have been used in the first place, during construction?

**Response**

Council is aware of the issues with the cables and is currently in the process of seeking quotations for the replacement as part of routine ongoing maintenance of the facility.

Yours sincerely

Paul West  
GENERAL MANAGER

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20 December 2018

In reply please quote:

File 35187

Wendy Hilditch  
41 Murray Street  
EAST DEVONPORT TAS 7310

Dear Ms Hilditch

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 17 DECEMBER 2018**

I refer to your question raised at the Council meeting on 17 December 2018, where you disputed the response Council provided to you on 4 September 2018 in relation to your question raised at the August Council meeting in relation to whether Council had given permission to a logging contractor to establish a heavy vehicle maintenance depot at 26 North Caroline Street, East Devonport.

The response provided to you on 4 September advised that the site has an existing use permit for a transport depot. The underlying zone is of no consequence if existing use rights, or an applicable permit is in place, therefore if the business operating from 26 North Caroline Street is deemed to be transport activity, then no permission is required.

At the meeting on 17 December, you raised concerns that the land had been rezoned by Council in 2006 back to Residential "A", with the intent that the current business on the property at the time could remain there under current usage rights, until it was closed down, and that the land would then revert back to Residential "A".

In response I advise that for many years there was a common view that if a property was not used for two years, then the existing use rights were extinguished. In more recent times, Council has received legal advice that contends that if there was an approved "use" on a site for which the zoning was appropriate, and a subsequent purchaser of the property wishes to operate the same "use", even if the zoning has been changed in the interim, then that use is allowable as long as it complies with any conditions attached to the original approval.

As previously advised, the business currently operating from 26 North Caroline Street is classified as a transport business, and therefore, the existing use permit is allowable. The business is required to operate within the provisions of the original permit.

Yours sincerely

Paul West  
GENERAL MANAGER

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21 December 2018

**In reply please quote:**

File 35817

Malcolm Gardam  
4 Beaumont Drive  
DEVONPORT TAS 7310

Dear Mr Gardam

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 17 DECEMBER 2018**

I refer to your questions raised at the Council meeting on 17 December 2018 and provide the following responses:

**Q.** On the 10/07/18 I received the following table from the General Manager in relation to a question seeking clarification on residual LIVING CITY loan amounts

<b>Balance 30 June 2016</b>	<b>Purpose</b>
\$1,946,395	Purchase of properties in King Street
\$5,000,000	Purchase of 20-26 Best Street
\$2,000,000	Purchase of 17 Fenton Way
\$2,400,000	Purchase of 17 Fenton Way

Noting the last two entries in the table for loans against purchase of 17 Fenton Way (being the old Harvey Norman building) is recorded as two separate amounts will Council confirm if the building was purchased in two halves with payments attributed to two financial years?

**Response:** The table provided to you on 10 July 2018 in response to your question was incorrect insofar as the break up of the actual loan amount should have read:

<b>Balance 30 June 2016</b>	<b>Purpose</b>
\$1,946,395	Purchase of properties in King Street
\$5,000,000	<b>Purchase of 17 Fenton Way</b> (not 20-26 Best Street)
\$2,000,000	<b>Purchase of 20-26 Best Street</b> (not 17 Fenton Way)
\$2,400,000	<b>Purchase of 20-26 Best Street</b> (not 17 Fenton Way)

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I also clarify that the amount of the purchase price for 20-26 Best Street was \$4.2M. There were additional costs associated with the purchase of \$198K (legal fees, stamp duty, etc) making the total borrowings taken up \$4.4M. The reason why there were two separate loans for this amount was due to different fixed interest rate terms which applied.

**Q.** (In relation to the same table) Noting the advice as to the residual loan amount on purchase of 20-26 Best Street was \$5M on the 10/07/18 and only \$4M on the 11/12/18 along with advice that no reduction to the consolidated LIVING CITY loans outside of Stage 1 has occurred since the end of the 2016-2017 FY, will Council please advise which value is correct and why the other is not?

**Response:** The information provided to you on 11 December 2018 was correct; the amount borrowed for the purchase of the Harris Scarfe building was \$4.4M. I can confirm the advice provided that as at 30 November 2018, the value of that loan was \$4M.

Further clarity is provided in relation to your Questions (g) and (h) in the correspondence forwarded to you on 11 December:

g) Has the previously confirmed \$8.5m residual component of the consolidated loans, for Living City property purchases outside of the Stage 1 loans (initially reported as being up to \$15m), been reduced since the end of the 2016-2017 FY?

**Response:** At 30 June 2017 the loan balance for LIVING CITY relating to purchase of property was \$10.8M which has reduced to \$10.2M at 30 November 2018.

h) Has the Living City component of the overall consolidated loans been reduced since the end of the 2016-2017 FY?

**Response:** No.

It was interpreted you were in referring to the 'consolidated loan' which Council now has with ANZ Bank for all borrowings associated with LIVING CITY including Stage 1 construction. Based on a comment you made at the Council meeting, it appears I misinterpreted your question and rather you were requesting if the original LIVING CITY loans (being those taken out with TasCorp and subsequently refinanced with ANZ) had reduced since the end of the 2016-17 financial year. If that was in fact your question, then the answer to (h) should have read "yes".

Yours sincerely



Paul West  
GENERAL MANAGER

### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 27452 D561065

#### MR BRYAN DORE – 39 ARCHER STREET, PORT SORELL

A question on notice received from Mr Bryan Dore on 18 December 2018 is **reproduced as attachment 1**.

#### DISCUSSION

In relation to the question received 18 December 2018, it is proposed Mr Dore be advised of the following:

- Q1.** Would you please consider that the Old Art Gallery building could be hired out for various artistic exhibitions, which Devonport really lacks?

#### Response

Council is yet to formally discuss the building however it is intended to do so at a Council workshop in the near future. Your comments are in keeping with the historic community nature of the building which will no doubt inform the discussion regarding its future use.

Incidentally, Council still have a small amount of assets in the building that need to be relocated to the paranple arts centre before any decision on the building can be reached.

You are encouraged to contact and visit the Devonport Regional Gallery at the paranple arts centre. The new Gallery has a dedicated creative learning space, with resources for workshops and teaching classes. In addition, artists can apply to be part of the Little Gallery Program which is designed for showcasing works of emerging artists from the community.

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

Questions on notice received from Mr Bob Vellacott on 10 January 2019 are **reproduced as attachment 2**.

#### DISCUSSION

In relation to the questions received 10 January 2019, it is proposed Mr Vellacott be advised of the following:

#### Property Costs and Other Information

- Q1** Total Cost of properties purchased - \$.....
- Q2** Estimated overall cost of infrastructure work for PAYL car park for the original construction and improvements - \$.....
- Q3** Harris Scarfe - Cost of incentives paid for relocation and upgrading of 17 Fenton Way \$.....
- Q4** The agreed sale price to Fairbrother for the hotel and apartments site. - \$ .....
- Q5** Will the property be sold as a green field site? .....
- Q6** What is the expected date of completion of the sale contract -? .....2019
- Q7** When is it anticipated to start the demolition of the buildings and the start of construction of the Hotel and apartments? ..... 2019?

**Response**

Information which is publicly available has already been provided in earlier responses to either yours and/or other correspondent's numerous questions relating to the LIVING CITY project generally. Publicly available information can also be found in Council agendas, minutes or on the website. In cases where the questions relate to items considered by Council in Closed Session (and as previously advised to you on numerous occasions), there is no further detail which can be provided in addition to what has already been supplied. Council will not be allocating staff resources to research and provide responses to the majority of questions asked as it is considered unreasonable and will divert Council resources away from other priorities.

In relation to your question 2 it is advised that \$336,000 was spent by Council in the 2014/15 financial year to convert the car park from "pay and display" to "pay as you leave".

In relation to your question 4 it is advised that Information relating to the land sale will be publicly advised in Council's 2019 Annual Report. If deemed appropriate Council may release the sale price, in consultation with the purchaser, at an earlier time.

In relation to your question 5 details relating to the commercial terms of the contract was considered by Council in Closed Session and therefore remains confidential. It can be confirmed however that the site was valued on the basis that it was assumed the it was cleared of existing building improvements and had a land area of approximately 2,230 sqm.

In relation to your question 7 it is advised that works have commenced onsite for the demolition of the former Harris Scarfe building. The other buildings will be demolished in due course.

**Consultants Reports –**

- Q8** Horwath HTL – Trading Projections related to a Proposed Hotel (Nov 2016) \$.....
- Q9** Horwath HTL - Independent Report Related to a Proposed Hotel (April 2016) \$.....
- Q10** Requests for Proposals – (Brief to architects) \$.....
- Q11** Architects preliminary plans for prospective developers of the hotel \$.....
- Q12** Pitt and Sherry Traffic study Report \$.....
- Q13** Plans so far for the passive recreation park \$.....
- Q14** Any other relevant reports and studies and plans. \$.....
- Q15** Total amount expended so far, to December 2018 in regard to all of above (1to8) \$.....

**Response**

All information relating to the engagement of consultants associated with the LIVING CITY project, which is publicly available has been provided through the Council agenda and Annual Reporting processes. Council will not be allocating further staff resources to research and provide responses to the questions asked as it is considered unreasonable and will divert Council resources away from other priorities.

**Oversight - estimated costs for –**

- Q16** Council staff to oversight of land purchases, legal and financial requirements and design works to date? \$.....
- Q17** Development Manager (P+i) related to the Waterfront Precinct? (Advices, sub-consultant administration and property purchases etc) \$.....

### Response

Employees involved in the project to date have predominantly been senior staff and dedicated LIVING CITY project officers (approx 1.5 FTE). No records are maintained for the time these staff members spend on specific tasks.

P+i are no longer involved in the Waterfront Precinct Project. Previous work undertaken by this firm on the project formed part of the contract obligations which included the Development Management of Stage 1. All payments to P+i have/will be declared in Council's Annual Report in the year in which they relate.

### Construction – estimated costs for -

**Q18** The elevated walkway \$.....

**Q19** The hotel and apartments service road \$.....

### Response

Design development for the Waterfront Parkland is still in progress and costs relating to specific items are yet to be finalised.

### Future Ongoing annual care and maintenance costs for -

**Q20** The Elevated Walkway and lifts \$.....

**Q21** The grounds/parklands and service road \$.....

### Response

Design development for the Waterfront Parkland is still in progress and costs relating to specific items are yet to be finalised.

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

Questions on notice received from Mr Bob Vellacott on 15 January 2019 are **reproduced as attachment 3**.

### DISCUSSION

In relation to the questions received 15 January 2019, it is proposed Mr Vellacott be advised of the following:

**Q1** Can and will you provide **the necessary evidence to support your claim** in particular to my references to –

- \* The Tasmanian (State) Economic Regulator: National Competition Policy and Council of Australian Government (COAG)?

### Response

The response provided by the Mayor at the 17 December 2018 stands. Council remains confident that it meets all its legislative requirements.

**Q2** I note in the Advocate of 9<sup>th</sup> January page 7 under the heading - **New food hall granted rent reprieve**; the following – in part “ *The decision to defer the rent payment on Providore Place believed to be about \$250,000 was discussed behind closed doors at the August 27 2018 (Is that date correct?) council meeting*” If the figure quoted in the report is correct, or even partially correct, would this conflict with your response to my question without notice of 17<sup>th</sup> Dec 2018 in part “*we will meet all our obligations*”?

### Response

Matters relating to the Providore Place lease have been determined by Council in Closed Session and therefore are bound by confidentiality provisions. The response provided by the Mayor at the 17 December 2018 meeting stands.

- Q3** I ask- If indeed a rental reprieve has, or will, be given is this yet another form of subsidisation to a business and or businesses that are situated in Providore Place that are in direct competition to others of a like nature situated in the immediate and surrounding areas, who pay rates and are not subsidised by council?

**Response**

Matters relating to the Providore Place lease have been determined by Council in Closed Session and therefore are bound by confidentiality provisions. Council continues in good faith to progress its LIVING CITY Masterplan and no doubt there will be differing views on the benefits this may bring to the City. It is not unusual for a property owner to provide incentives and assistance to new businesses. As the sponsor of LIVING CITY it is in the Council's and the community's best interest to ensure it is successful, particularly as you have identified, there has been substantial investment already provided in developing the facility.

**MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, DEVONPORT**

Questions on notice received from Mr Malcolm Gardam on 20 January 2019 are reproduced as attachment 4.

**DISCUSSION**

In relation to the questions received 20 January 2019, it is proposed Mr Gardam be advised of the following:

- Q1** Will council clarify if "**the independent assessed market value**" equates to a value close to the budgeted \$400,000 per annum rental?
- Q2** If not \$400,000 per annum then does the current agreed annual rental amount still provide "...a good return above the independent assessed market value."?
- Q3** Has the agreed annual rental amount been reduced since signing the initial agreement?

**Response**

All matters relating to the Food Pavilion and Council's lease agreement with Providore Place (Devonport) Pty Ltd have been dealt with in Closed Meeting and therefore remains confidential. It can however be confirmed that an independent valuation was obtained to inform the lease negotiations with Providore Place (Devonport) Pty Ltd as part of Council's decision-making process.

It can also be confirmed that the independent assessed market value is less than the original amount included in the funding model released in 2016, prior to the commencement of Stage 1 works and this has been factored into the Council's Long-Term Financial Plan. The initial lease agreement entered with Providore Place (Devonport) Pty Ltd remains current.

- Q4** Considering the food pavilion is integral to the Living City concept and therefore viewed as a Council flagship, can council offer a plausible explanation for such a protracted roll out of the "secured tenants" as operating entities and what still appears to be limited interest from others to establish in this location?
- Q5** It is noted that the Tasmanian Chip Company as recently opened around October 2018 has indicated it is taking a break until the end of January 2019; accordingly, will council please seek advice from its head lessee, Providore Place (Devonport) Pty Ltd, as to whether this tenancy remains committed as a tenant and will reopen as indicated and confirm same?
- Q6** Noting that Council has repeatedly responded to food pavilion questions as being the responsibility of Providore Place (Devonport) Pty Ltd, and in light of the recent revelation there has been a sizeable rent reprieve (in the order of \$250,000) when will

Council admit that the commercial reality of filling tenancies are Council's problem and always has been even before approving construction?

**Response**

Everyone is entitled to their views and in your preamble and questions above you have articulated yours.

Council remains committed to the LIVING CITY vision and will continue to work with Providore Place (Devonport) Pty Ltd to ensure that the Food Pavilion is a success. There have been delays in getting the Pavilion and tenancies finalised and open for business which is disappointing, however Council has been assured by the leaseholder that Southern Wild Distillery will open on 27 January 2019 and that it is hoped to announce a new operator of the Chip Company next week, with it re-opening as soon as practical thereafter.

- Q7** If Council disputes all or part of The Advocate article will it categorically state in writing precisely what it rejects?
- Q8** What is the period of time that rent would have been payable for without the rent reprieve?
- Q9** Is the rent reprieve a waiver of rent otherwise payable until 1/2/19 or just a deferral of payment?
- Q10** Does this mean the agreed lease amount is around \$250k per annum and not even close to the reported "*Projected food pavilion income is \$400,000 per year.*"
- Q11** Does this mean that Providore Place (Devonport) Pty Ltd has not paid rent to date despite obvious usage for the past several months?
- Q12** Have any of the tenants paid rent to date and if so to what entity?
- Q13** Is the "rent reprieve" flowing through to the individual tenants and if so how is that being managed?
- Q14** Does Council believe it is getting a commercial return on the cost of its fitouts let alone the cost of the building and value of the land that the structure is built on?

**Response**

Matters relating to your above questions will not be responded to at this time as all discussions relating to the lease arrangements with Providore Place (Devonport) Pty Ltd have occurred in Closed Council and therefore remain confidential.

- Q15** Is the "rent reprieve" in addition to the "lease incentive payments" as described by Council above?
- Q16** Is Council satisfied that it is meeting all its fiduciary and lawful obligations in the expenditure of public monies, including taxpayer funds and ratepayer borrowings, in providing "lease incentive payments" to tenants in Providore Place including equipment and fixtures?
- Q17** Will Council please provide an explanation as to what constitutes a "lease concession" and a "lease incentive payment" and what are the specific differences?
- Q18** What is Council's reasoning for disclosing rate remissions but not having to disclose rental remissions or other incentives costing or forgoing ratepayer revenue?
- Q19** It is estimated that the cost to take the tenancies from "base build" to "fit for purpose" (as previously described by Council) is in excess of \$1,000,000, accordingly how then does Council come up with \$651,899 at the date of that advice?

**Q20** Will Council please confirm that the costs to take the tenancies from “base build” to “fit for purpose” (as previously described by Council) have all been accounted for in the \$850,000 project budget allocation?

**Response**

Council has a budget of \$850,000 for fit-out works associated with tenancies within the Food Pavilion which it is progressively paying to Providore Place (Devonport) Pty Ltd as and when claimed.

Council remains committed to the LIVING CITY vision and is confident that all of its obligations have/are being met.

Any works which are considered base build are separately accounted for within the LIVING CITY Stage 1 construction budget. The Food Pavilion is no different to the other two buildings included in Stage 1, the carpark and the paranapple centre, some expenditure from the capital budget continues well after practical completion. It should be noted that the overall budget for Stage 1 of \$71.1M is unlikely to be fully expended.

In preparing the 2018/19 Annual Report Council will need to consider its disclosure requirements.

The amount included in the response to Mr Vellacott's Right to Information request (to which you refer) of \$651,899 was the amount which had been paid from the \$850,000 fit-out budget at that date.

**Q21** Considering what Council has represented to ratepayers regarding tenancy and financial risk being the responsibility of Providore Place (Devonport) Pty Ltd, and therefore delays with tenants not establishing as quickly as frequently stated, and not being caused by Council, then why is Council foregoing contractually agreed rent returns in the order of \$250,000 when it has stated it is supposed to have divested its financial risk?

**Response**

Matters relating to the lease arrangements with Providore Place (Devonport) Pty Ltd have occurred in Closed Council and therefore remain confidential.

Council understands that you have concerns regarding its decision to pursue its LIVING CITY Masterplan. Council concedes that there have been several delays in relation to the Food Pavilion becoming fully operational, but it remains committed to ensuring it is a success.

**ATTACHMENTS**

1. Question on Notice - Future of Old Art Gallery Building - 29 January 2019 - Council Meeting - Bryan Dore
2. Question on Notice - Waterfront Precinct Hotel and Park - 29 January 2019 - Council Meeting - Bob Vellacott
3. Question on Notice - Providore Place - 29 January 2019 - Council Meeting - Bob Vellacott
4. Question on Notice - Providore Place - 29 January 2019 - Council Meeting - Malcolm Gardam

## RECOMMENDATION

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

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

18/12/2018 D560769

6/12/18

MR. BRYAN DORE,  
39, ARCHER ST,  
PT. SORELL  
T307

DEAR SIR/MADAME, I AM  
WRITING TO THE COUNCIL ABOUT  
THE FUTURE USE OF THE OLD ART  
GALLERY, WHICH IS NOW VACANT.  
I UNDERSTAND THAT A DECISION  
HAS NOT YET BEEN MADE FOR ITS  
FUTURE USE BY COUNCIL. WOULD YOU  
PLEASE CONSIDER THAT THE BUILDING  
COULD BE HIRED OUT FOR VARIOUS  
ARTISTIC EXHIBITIONS, WHICH DEVONPORT  
REALLY LACKS.

18/12/2018 D560769

2

I BELIEVE IT WOULD MAKE  
A GREAT CONTRIBUTION TO DEVERPORT  
AND SURROUNDING AREA, AND MANY  
ARTISTS ETC WOULD BENEFIT BY  
HAVING SUCH A VENUE.

PLEASE GIVE THIS YOUR CONSIDERATION  
WHEN COUNCIL NEXT MEETS, THANK-YOU.

YOURS SINCERELY

B Dore

RYAN DORE.

A Qs: Water Front Precinct Hotel and Park QoN To Mayor Rockliff 09 Jan. 2019 SEND

(Page1 of 2)

ROBERT. B. VELLACOTT (Ratepayer)  
11 COCKER PLACE  
DEVONPORT 310

TO COUNCILLOR ANNETTE ROCKLIFF MAYOR OF DEVONPORT

QUESTIONS ON NOTICE FOR THE COUNCIL MEETING 29<sup>TH</sup> JANUARY 2019

Mayor Rockliff,

In the interest of fair play, openness, honesty and transparency so as ratepayers are and can make properly informed judgments; would you provide the following information and financial **facts** regarding the total costs to this date of the Waterfront Precinct. **I am sure, some of the newly elected Councillors, that is, if they have not been supplied already, would also appreciate to have to hand in a simplified manner this information sought so they are assisted in their efforts to make informed decisions and answer questions when asked by ratepayers .**

**\* Property Costs and Other Information-**

1. Total Cost of properties purchased - \$.....
2. Estimated overall cost of infrastructure work for PAYL car park for the original construction and improvements - \$.....
3. Harris Scarfe - Cost of incentives paid for relocation and upgrading of 17 Fenton Way \$.....
4. The agreed sale price to Fairbrother for the hotel and apartments site. - \$ .....
5. Will the property be sold as a green field site? .....
6. What is the expected date of completion of the sale contract -? .....2019
7. When is it anticipated to start the demolition of the buildings and the start of construction of the Hotel and apartments? ..... 2019?

**\*Consultants Reports –**

1. Horwath HTL – Trading Projections related to a Proposed Hotel (Nov 2016) \$.....
2. Horwath HTL - Independent Report Related to a Proposed Hotel (April 2016) \$.....
3. Requests for Proposals – (Brief to architects) \$.....
4. Architects preliminary plans for prospective developers of the hotel \$.....
5. Pitt and Sherry Traffic study Report \$.....

/2

Page 2

6. Plans so far for the passive recreation park \$.....
7. Any other relevant reports and studies and plans. \$.....
8. Total amount expended so far, to December 2018 in regard to all of above (1to8) \$.....

**Oversight - estimated costs for –**

1. Council staff to oversight of land purchases, legal and financial requirements and design works to date? \$.....
2. Development Manager (P+i) related to the Waterfront Precinct? (Advices, sub-consultant administration and property purchases etc) \$.....

**\* Construction – estimated costs for -**

1. The elevated walkway \$.....
2. The hotel and apartments service road \$.....

**\* Future Ongoing annual care and maintenance costs for -**

1. The Elevated Walkway and lifts \$.....
2. The grounds / parklands and service road \$.....

I request all of the above and the answers to the questions are included in the Agenda for the DCC meeting 29<sup>th</sup> January 2019.

Thank you.

*R. B. Vellacott*

R .B. (BOB) VELLACOTT

A Providore Place Qs To Mayor re State Economic Regulator National Competition Policy COAG Jan 2018 send

BOB. VELLACOTT (Ratepayer)  
11 COCKER PLACE  
DEVONPORT 7310

#### QUESTIONS ON NOTICE FOR DEVONPORT CITY COUNCIL MEETING 29<sup>th</sup> JANUARY 2019

Mayor Annette Rockliff

Subject Providore Place - I refer to my **question without notice** at the DCC meeting 17 Dec 2018 and your response given to as per the unconfirmed minutes of that meeting .

My question was - Due to the obvious excessive amount of work in Providore Place, not including the initial budgeted construction cost of \$9,500,000 and the \$850,000 for fit outs since the completion of the structure about November 2017 – can Council give an assurance that the financial return for the head lease agreement and amendments will be in accord with the requirements of the:

State Economic Regulator

National Competition Policy

Council of Australian Government

To put in more simple terms so as my question, hopefully, cannot be misinterpreted – will Providore Place Devonport Pty Ltd be or will be provided with premises that are or will be subsidised courtesy of Devonport ratepayers.?

Response – (as per the minutes) (I contend the response does not actually to refer to the question)

*The Mayor advised that as we have already had several discussions around this, I simply want to say that we will meet all of our obligations as regarding reporting, regarding auditing, regarding all of those standards that we need to meet.*

As an aggrieved ratepayer my questions are -

Q1. Can and will you provide **the necessary evidence to support your claim** in particular to my references to –

\* The Tasmanian (State) Economic Regulator: National Competition Policy and Council of Australian Government (COAG)?

Q 2. I note in the Advocate Of 9<sup>th</sup>. January page 7 under the heading - **New food hall granted rent reprieve ;** the following – in part “ *The decision to defer the rent payment on Providore Place believed to be about \$250,000 was discussed behind closed doors at the August 27 2018 (Is that date correct?) council meeting* ”If the figure quoted in the report is correct, or even partially correct, would this conflict with your response to my question without notice of 17<sup>th</sup> Dec 2018 in part “*we will meet all our obligations*”?

Q3. I ask- If indeed a rental reprieve has, or will, be given is this yet another form of subsidisation to a business and or businesses that are situated in Providore Place that are in direct competition to others of a like nature situated in the immediate and surrounding areas, who pay rates and are not subsidised by council?

Please acknowledge receipt of this letter and include all of above and your responses and or answers in the DCC meeting Agenda for the 29<sup>th</sup> January 2019.

*Bob. Vellacott*

20<sup>th</sup> January 2019

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

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

**ATTENTION: MR. PAUL WEST – GENERAL MANAGER (MAYOR & COUNCILLORS)**

**RE: LIVING CITY – PROVIDORE PLACE QUESTIONS ON NOTICE (Ref. File 32161)**

Dear Sir,

The following questions relate to Council's management of the commercial aspects of the Providore Place head lease and the expenditure of public monies, including taxpayer funds and ratepayer borrowings.

**Preamble to questions Q1, Q2 & Q3**

On Page 16 of the 22<sup>nd</sup> February 2016 "Stage 1 Funding Implications" document it states *"Food Pavilion revenue is currently unknown. However, this will become certain and predictable once agreements for lease/leases are finalised. It is accepted that work will not commence on the Food Pavilion until Council has the necessary level of certainty in the form of secured tenant commitments."*

The same document also stated *"This model has been built by Council's Development Consultant, Projects & Infrastructure (P+i) to fully articulate the financial implications of Stage 1. It assesses the project in its own right to ensure the proposed works are viable and sustainable from a funding perspective, without relying on income from Council's existing revenue streams."* It was suggested by many at the time, that \$400,000 per annum as the projected return was a ridiculous amount for Devonport and that the location, even if the concept was remotely viable, was wrong to start with.

The report also included *"...a Council rent allocation of \$1,000,000 p.a."* It went on to state *"As council is the building owner this is a notional amount to acknowledge the likely rental if council occupied the building as a tenant."* and *"While council remains the building owner it will not pay this amount....."* Therefore, the rent allocation is not a revenue stream and to mention it as notional revenue is deceptive.

The \$400,000 p.a. for the food pavilion and notional \$1,000,000 p.a. rent allocation against the multipurpose building as budget inclusions was necessary to support statements that Stage 1 was viable in its own right. The budgeted income from the new multi-level carpark has already been significantly reduced despite the funding model stating *"...car parking revenue is considered most predictable,..."*

Despite ongoing statements of having three tenants in Southern Wild Distillery, CharlotteJack restaurant (Ben Milbourne) and 41 Degrees South with Council refusing to confirm they were all actually "secured tenants" the latter subsequently withdrew and Council entered a head lease agreement with Providore Place (Devonport) Pty Ltd around October 2016, which facilitated the commencement of construction.

The head lessee appointment, without a tender process, was with a company only registered about three weeks prior to entering into the lease agreement and having no demonstrated experience in managing a food pavilion; the success of which was promoted as a key element of attracting increased visitations to Devonport and provide some justification for Living City's cost to ratepayers. Council refused to disclose if director guarantees were provided for this new company to protect the ratepayers in the event of a default situation.

At the time, the Deputy General Manager was quoted in an Advocate article dated the 7/12/16 as *"He said the **revenue the council received on the food pavilion was guaranteed** through the head lease arrangement **and removed the council's exposure to financial risk.**"*

The same article also quoted the Deputy General Manager as saying *"As far as council is concerned we've got a 10-year lease with Providore Place to run it and **we're getting a good return above the independent assessed market value.**"* and included a statement that the *"Projected food pavilion income is \$400,000 per year."*

- Q1.** Will council clarify if **"the independent assessed market value"** equates to a value close to the budgeted \$400,000 per annum rental?
- Q2.** If not \$400,000 per annum then does the current agreed annual rental amount still provide *"....a good **return above the independent assessed market value.**"*?
- Q3.** Has the agreed annual rental amount been reduced since signing the initial agreement?

**NOTE:** The above questions are not seeking actual values but just that the situation remains as previously represented to ratepayers.

#### **Preamble to questions Q4 to Q6**

The food pavilion was initially promoted to be opening in November 2017.

Fairbrother completed the "base build" of the food pavilion in November 2017 with council statements at the time, and signage displayed on site, that the supposed "secured tenants" would be opening soon. In fact opening dates progressively moved to January 2018, Easter 2018, July 2018 and eventually the Tasmanian Chip Company café and CharlotteJack restaurant opened October 2018 – Southern Wild Distillery is still to open with end of January 2019 the latest offering.

Reasons given by Council for delays have ranged from inclement weather, supplier delays and even a tenant experiencing design and funding issues surprisingly after promoting a late 2017 opening date for about 12 months prior to the base build being completed.

It was reported in The Advocate article titled "Countdown to a better city" dated 8/11/15, just prior to Council approving Stage 1 construction, that;

*"Mr Hirst said **the food pavilion is at the heart of Living City concept** and has many uses. He emphasised that it was not "just a food market".*

*"The aim of the food pavilion is to truly set Devonport up as a food city and a reason to come here for tourism."*

*"We've been out in the market on the four restaurant sites in the food pavilion and **we've got strong interest coming from local operators as well as from other parts of Tasmania and from the mainland.**"*

*"If we're going to bring change to Devonport, **there's no point putting in average operators, we've got to bring a new standard in,**" he said."*

It has now been reported that there will more than likely not be a fourth restaurant.

Interestingly, it is believed that over twenty existing local businesses were approached, by various persons involved in Stage 1 of Living City, to establish in Providore Place, with all declining to date for various reasons. These included food outlets that have mostly been servicing Devonport for many years.

Council has been funding and condoning the attempted incentivising of existing businesses away from existing rate paying landlords to fill a council funded commercial enterprise in an effort to justify a key element of its Living City Master Plan.

Having spent 48 years in the civil and commercial construction industry (including project management) I can only say that these are extraordinarily long delays for what are, in my opinion small fit-outs, and I suggest the delays are more to do with finalising lease incentives, poor budget/design management and execution by the lease holders than builder issues.

- Q4.** Considering the food pavilion is integral to the Living City concept and therefore viewed as a Council flagship, can council offer a plausible explanation for such a protracted roll out of the "secured tenants" as operating entities and what still appears to be limited interest from others to establish in this location?
- Q5.** It is noted that the Tasmanian Chip Company as recently opened around October 2018 has indicated it is taking a break until the end of January 2019; accordingly, will council please seek advice from its head lessee, Providore Place (Devonport) Pty Ltd, as to whether this tenancy remains committed as a tenant and will reopen as indicated and confirm same?
- Q6.** Noting that Council has repeatedly responded to food pavilion questions as being the responsibility of Providore Place (Devonport) Pty Ltd, and in light of the recent revelation there has been a sizeable rent reprieve (in the order of \$250,000) when will Council admit that the commercial reality of filling tenancies are Council's problem and always has been even before approving construction?

#### **Preamble to questions Q7 to Q14**

The Advocate ran an article on the 9/1/19 titled "New food hall granted rent reprieve". If accurate, the article exposed a number of issues that should be of concern for ratepayers and demands clarification; namely the around \$250,000 rent reprieve and just how much rent will the head lessee be paying per annum going forward.

Accordingly, will council please clarify the following:

- Q7.** If Council disputes all or part of The Advocate article will it categorically state in writing precisely what it rejects?
- Q8.** What is the period of time that rent would have been payable for without the rent reprieve?
- Q9.** Is the rent reprieve a waiver of rent otherwise payable until 1/2/19 or just a deferral of payment?
- Q10.** Does this mean the agreed lease amount is around \$250k per annum and not even close to the reported "*Projected food pavilion income is \$400,000 per year.*"
- Q11.** Does this mean that Providore Place (Devonport) Pty Ltd has not paid rent to date despite obvious usage for the past several months?
- Q12.** Have any of the tenants paid rent to date and if so to what entity?
- Q13.** Is the "rent reprieve" flowing through to the individual tenants and if so how is that being managed?
- Q14.** Does Council believe it is getting a commercial return on the cost of its fitouts let alone the cost of the building and value of the land that the structure is built on?

**Preamble to questions Q15 to Q20**

Council advice on the 31/08/17 was that "*Council's lease agreement is with the entity Providore Place Pty Ltd. There has been no circumstances that Council has been made aware of that would necessitate a new lease agreement entered into and/or signed.*" This statement was in response to advice to council that shareholdings and business name changes had occurred within the shareholders of Providore Place (Devonport) Pty Ltd, the council appointed head lessee for the food pavilion.

In response to a question "Will council please expand on what "equipment fit for purpose" is and does it in relation to the \$850,000 budget, to bring tenancies from "base build" to "fit for purpose," extend to concessions or otherwise include equipment such as kitchen equipment and fixtures?" council advised the "*Equipment fit for purpose **may include kitchen appliances and fixtures as agreed with the head lessee. It does not extend to lease concessions.***"

In its initial and subsequent internal review responses to a Right to Information Request dated 05/10/18, again relating to the individual tenancy fitout costs, Council responses included:

Response: "***Fit-out and determination of the allocation to the tenancies is the responsibility of the head lessee, Providore Place (Devonport) Pty Ltd.***"

Review: "*The fit-out works are the responsibility of the head lessee, Providore Place Pty Ltd. To date an amount of \$651,899 has been paid for fit-out works from the \$850,000 budget. The arrangement entered into for **the amount paid as lease incentives to individual tenancies are confidential between Providore Place (Devonport) Pty Ltd and their sub-lessee.***"

Response: "*Council does not have a register of conflicts of interest relating to the directors of Providore Place (Devonport) Pty Ltd however there was formal notification of their roles with P+I Group.*"

Response: "*Matters relating to the lease as previously advised was considered in a Closed Meeting of Council and is therefore exempt from disclosure.*"

Also the response stated that "***In processing lease incentive payments, Council has required details from Providore Place (Devonport) Pty Ltd.***" and in response to a Council request to release details stated "***In response Providore Place (Devonport) Pty Ltd advised they did not agree to the specific allocation to each tenancy being made public.***"

Accordingly, will Council please advise as to the following:

- Q15.** Is the “rent reprieve” in addition to the “lease incentive payments” as described by Council above?
- Q16.** Is Council satisfied that it is meeting all its fiduciary and lawful obligations in the expenditure of public monies, including taxpayer funds and ratepayer borrowings, in providing “lease incentive payments” to tenants in Providore Place including equipment and fixtures?
- Q17.** Will Council please provide an explanation as to what constitutes a “lease concession” and a “lease incentive payment” and what are the specific differences?
- Q18.** What is Council’s reasoning for disclosing rate remissions but not having to disclose rental remissions or other incentives costing or forgoing ratepayer revenue?
- Q19.** It is estimated that the cost to take the tenancies from “base build” to “fit for purpose” (as previously described by Council) is in excess of \$1,000,000, accordingly how then does Council come up with \$651,899 at the date of that advice?
- Q20.** Will Council please confirm that the costs to take the tenancies from “base build” to “fit for purpose” (as previously described by Council) have all been accounted for in the \$850,000 project budget allocation?

**Preamble to question Q21**


Council has repeatedly stated the responsibility for the food pavilion tenancies resides with the head lessee, Providore Place (Devonport) Pty Ltd, including its advice from the 2/10/17; *“As you have been advised previously Council has entered into a lease with Providore Place Pty Ltd **and the attraction, retention and management of the tenancies is a matter for them.**”*

- Q21.** Considering what Council has represented to ratepayers regarding tenancy and financial risk being the responsibility of Providore Place (Devonport) Pty Ltd, and therefore delays with tenants not establishing as quickly as frequently stated, and not being caused by Council, then why is Council foregoing contractually agreed rent returns in the order of \$250,000 when it has stated it is supposed to have divested its financial risk?

The above are submitted as questions on notice for the next Ordinary Meeting scheduled for Tuesday 29<sup>th</sup> January 2019. I am confident the questions require little or no research to answer, should Council wish to do so, as this information should be readily known to senior staff. However, due to the quantum of questions I accept that Council may take its 10 business days to respond but still request that my letter be included in full in the next meeting Agenda.

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

Yours sincerely,



Malcolm Gardam

CC: Mayor & Councillors

**3.2.3 Question without notice from the public**

### **3.4 NOTICES OF MOTION**

#### **3.4.1 PAINTING OF MURALS ON SILOS OPERATED BY TASMANIAN STOCKFEED SERVICES - NOTICE OF MOTION - CR LEON PERRY**

**File: 30357 D564292**

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

#### **ATTACHMENTS**

Nil

#### **MOTION**

"That Council supports in principle the painting of tasteful murals or similar artwork on the six (6) silos operated by Tasmanian Stockfeed Services on the western side of the of the Mersey River on the following basis:

- As Council is not the property owner or tenant, it has no jurisdiction over the site (aside from potential planning considerations) and therefore is unable to adopt the project as its own, or assume any responsibility for the project;
- Council can assist the initiators and drivers of the project with grant funding advice should it be sought;
- Council will not be expected to contribute financially to the project."

#### **SUPPORT**

There has been significant public interest in beautifying the concrete silos. Similar projects across Australia have drawn considerable support and applause, and in some cases have become a tourist attraction for rural and regional towns.

While the silos clearly perform a highly valuable function on a working port, enhancing their appearance would add scenic value to the drive into Devonport along Formby Road. Additionally, if the eastern side of the silos were painted, the view travelling up the Mersey River for Spirit of Tasmania passengers would also be enhanced and could entice passengers to the western shore that may not have had plans to do so.



## OFFICER'S COMMENTS

A similar motion was agreed by Council at its meeting on 27 August 2018:

*That this Council supports in principle the painting of tasteful murals or similar artwork on the two plain concrete silos on the western side of the Devonport wharf on the following basis:*

- *as Council is not the property owner or the tenant, it has no jurisdiction over the site (aside from potential planning considerations) and therefore is unable to adopt the project as its own;*
- *Council can assist the initiators and drivers of the project with artistic advice should it be sought;*
- *Council will not be expected to contribute financially to the project.*

## **4.0 PLANNING AUTHORITY MATTERS**

**The Mayor will now announce that Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for the consideration of Agenda Item 4.1.**

Council is required by Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015* to deal with items as a Planning Authority under the LUPA 1993 in a sequential manner.

The following item is to be dealt with at the meeting of Council in its capacity as a Planning Authority.

- 4.1 PA2018.0185 Residential (Single Dwelling and Studio) - 7 Charlotte Gardens Devonport (D563733)

## 4.1 PA2018.0185 RESIDENTIAL (SINGLE DWELLING AND STUDIO) - 7 CHARLOTTE GARDENS DEVONPORT

File: 35833 D563733

- 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

### SUMMARY

The purpose of this report is to enable Council, acting as the Planning Authority, to make a decision regarding planning application PA2018.0185.

### BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant/Owner:	Mr MD Chisholm & Mrs EC Chisholm
Proposal:	Residential (single dwelling & studio)
Existing Use:	Vacant land
Zoning:	General Residential
Decision Due:	30/01/2019

### SITE DESCRIPTION

The site is located on the south-eastern side of the Charlotte Gardens cul-de-sac head and accessed via a 19m long access strip. The lot also fronts Nicholls Street, adjacent to the railway crossing, and has an area of 830m<sup>2</sup> which falls approximately 700mm from the south-west to the north-east. The property is surrounded by residential development. Figure 1 shows the title plan for the property and Figure 2 shows an aerial view of the site, prior to a dwelling being completed on number 9.

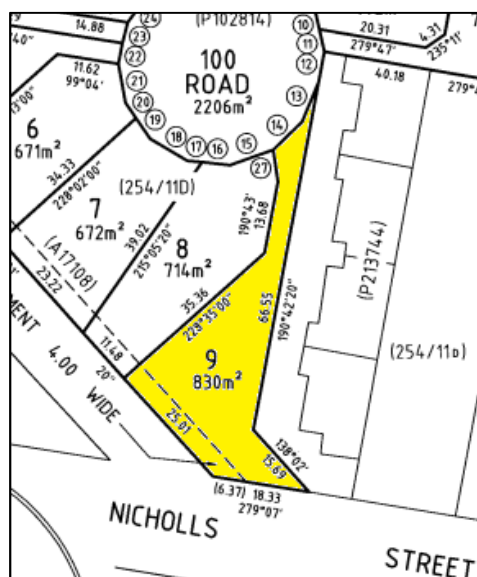


Figure – Title plan (CT166554/9)



Figure 2 – Aerial view of subject site

#### APPLICATION DETAILS

The applicants are seeking approval for a two-storey dwelling and associated studio which will be used for a home based business. Figure 3 shows the proposed site plan, minus the access strip. The house will have an overall height of 6.38m and the studio a height of 3.28m. Figures 4 and 5 show the dwelling floor plans, Figures 6 to 9 show the elevations and Figure 10 shows the studio elevation.

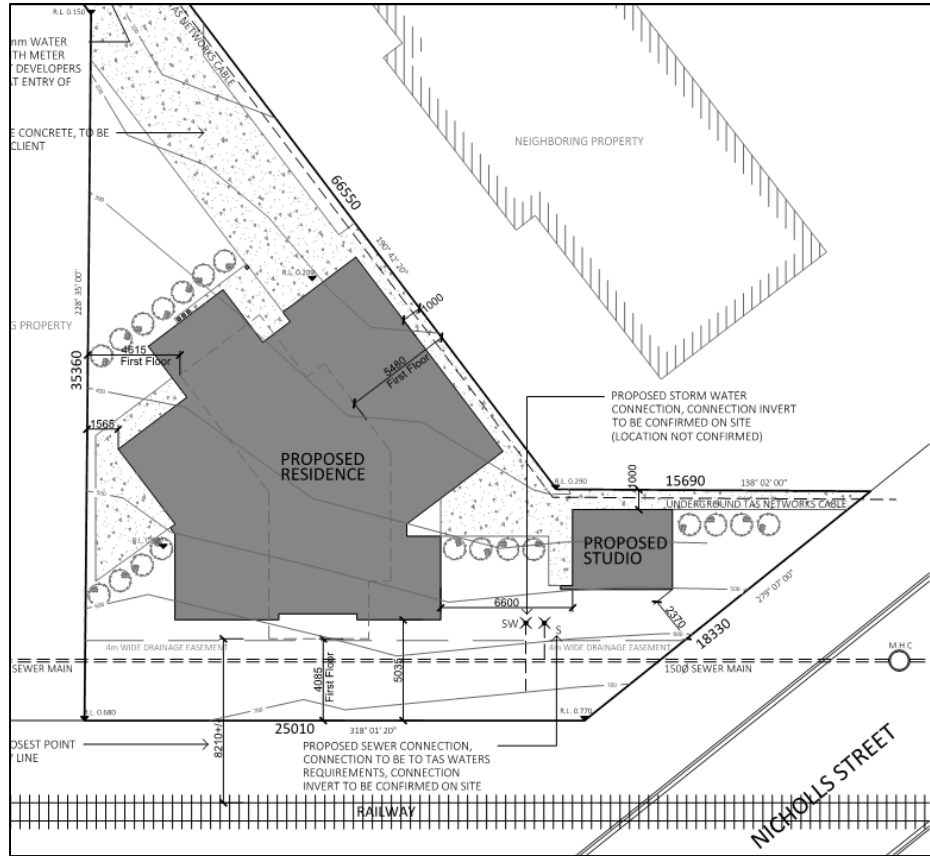


Figure 3 – Proposed site plan (excluding access strip)

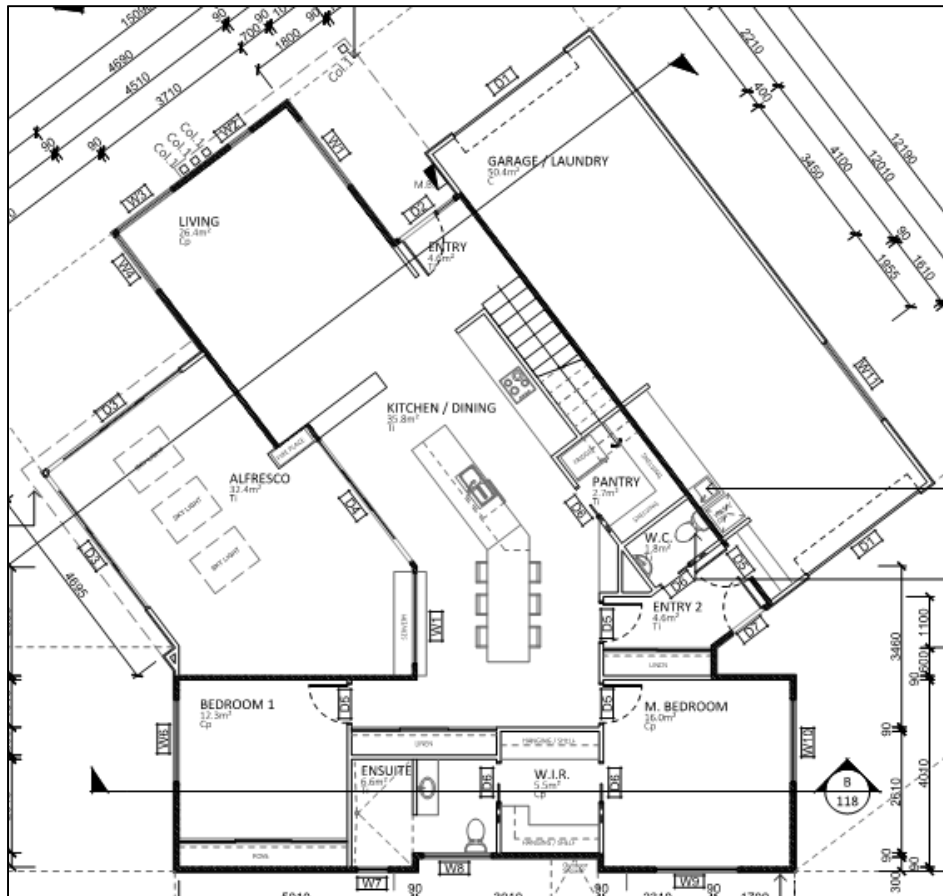


Figure 4 – Ground floor plan

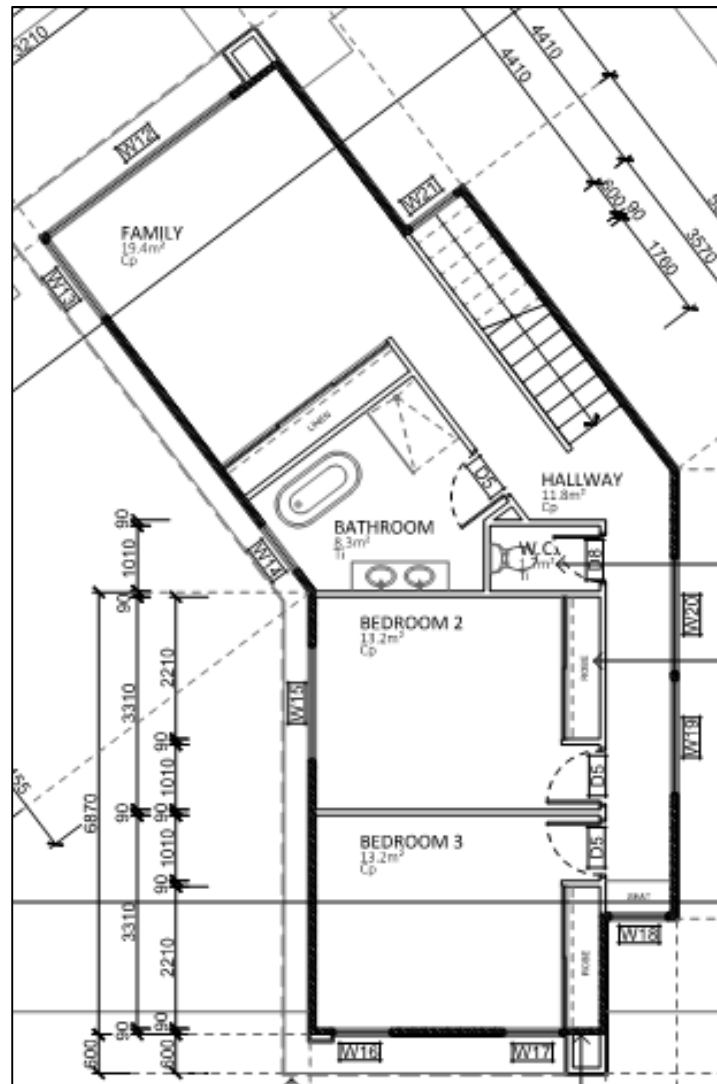


Figure 5 – First floor plan



Figure 6 – Northern elevation



Figure 7 – Western elevation

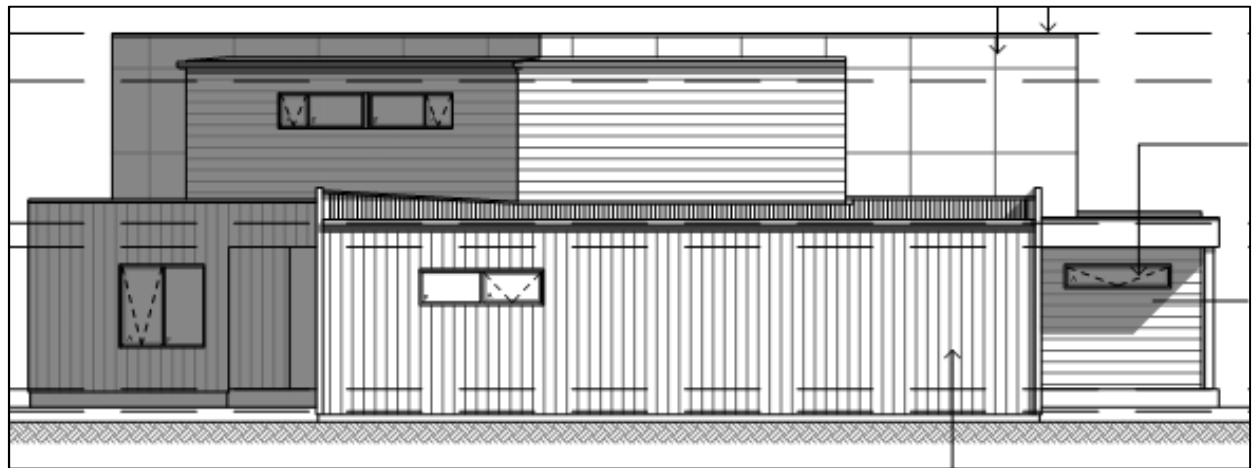


Figure 8 – Eastern elevation

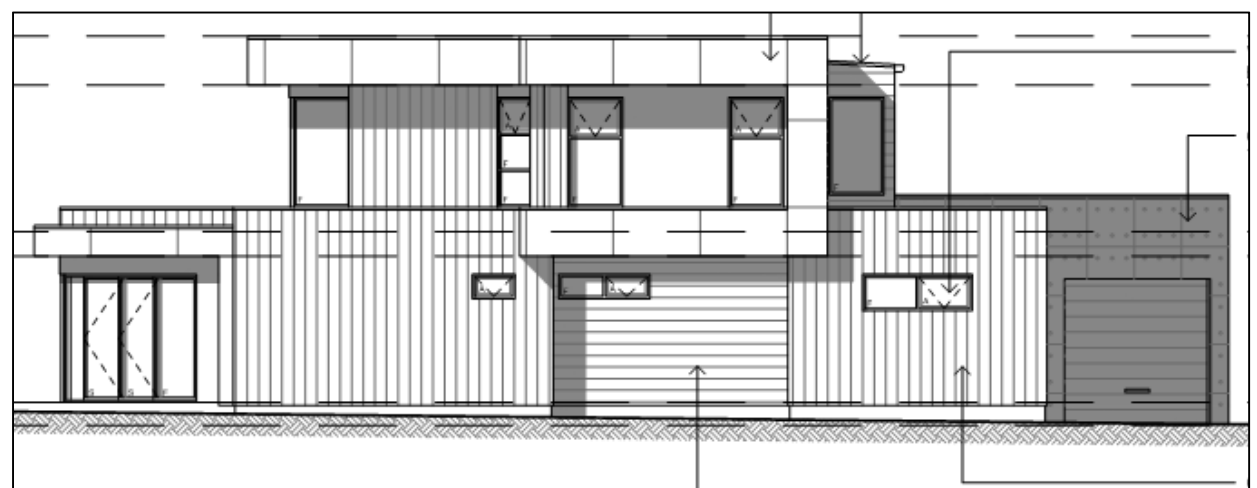


Figure 9 – South-western elevation

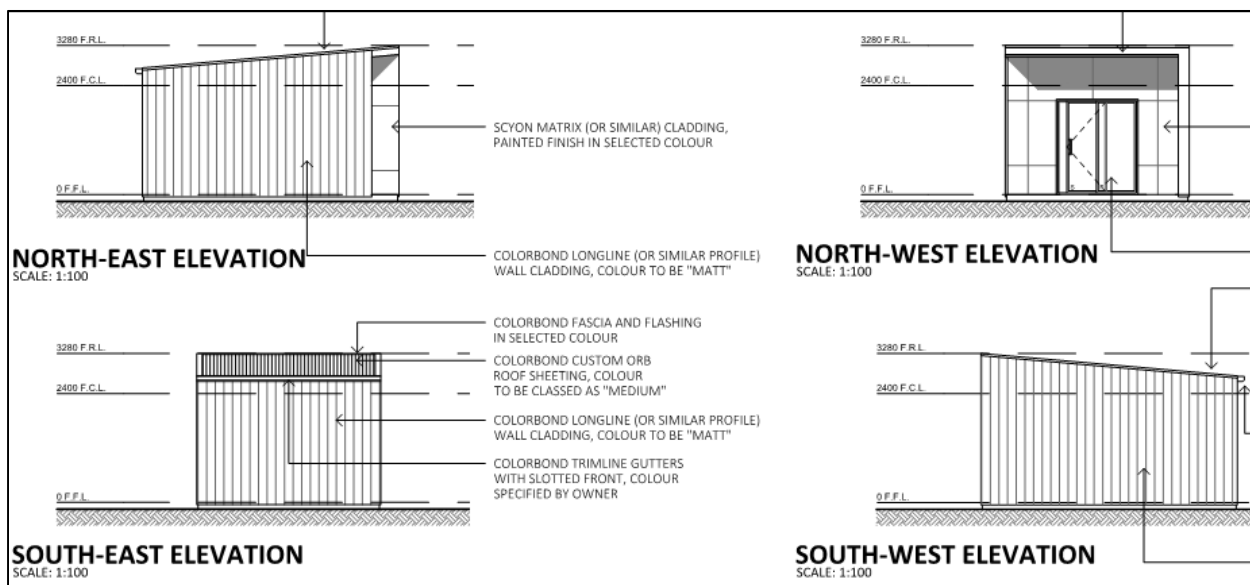


Figure 10 – Studio elevations

## PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013*. The intent of the zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided and to provide for compatible non-residential uses that primarily serve the local community.

Single dwellings do not require a planning permit in the General Residential zone provided they meet all required acceptable solutions contained within the planning scheme. Where the acceptable solutions cannot be met a proposal becomes discretionary and must satisfy the relevant performance criteria.

In this case the proposal does not comply with the acceptable solutions in regard to setbacks and building envelope and setback of development for sensitive use. The relevant sections of the planning scheme have been reproduced below and are followed by comments.

### 10.4.2 Setbacks and building envelope for all dwellings

Objective:	
To control the siting and scale of dwellings to:	
(a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and	
(b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and	
(c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and	
(d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.	
Acceptable Solutions	Performance Criteria

<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</li> </ul> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</li> </ul>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause unreasonable loss of amenity by:</p> <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</li> <li>(iii) overshadowing of an adjoining vacant lot; or</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</li> </ul> <p>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</p>
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Table 10.4.2

Road	Setback (m)
Bass Highway	50

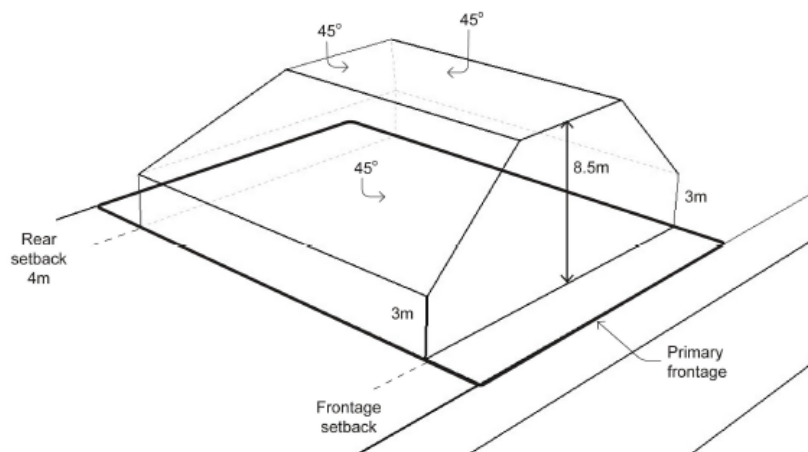


Diagram 10.4.2A Building envelope as required by subclause 10.4.2 A3(a)

The proposal falls outside the required setback as the garage, on the eastern side of the property, has a 12m long wall set back 1m from the boundary. To comply, the wall must be no more than 9m long or 1.5m from the boundary.

In addition, the first floor overhangs the ground floor on the south-western side at a distance of 4m from the boundary. This falls outside the building envelope as it exceeds the 3m height allowable at this distance to the boundary.

In light of the above aspects of the proposal, assessment must be made against the corresponding performance criteria, clause 10.4.2 P3 which requires that the proposal not cause unreasonable loss of amenity due to overshadowing of habitable rooms or private open space or cause negative visual impacts due to bulk and scale. Due to the orientation

of the building no excessive overshadowing will occur. The wall of the garage may result in minimal overshadowing of the driveway of the lot to the east in the late afternoon in winter however the overhang on the south-western side will not impact anything other than the railway.

The design of the building reduces any impacts of bulk and scale through the residential scale of the building and design features such as window placement and the use of a variety of types of cladding.

The separation between dwellings is compatible with the surrounding area.

The proposal satisfies the requirements of the performance criteria.

**10.4.12 Setback of development for sensitive use**

<b>Objective:</b> Development for a sensitive use is to –	
(a) minimise likelihood for conflict, interference, and constraint between the sensitive use and the use or development of land in a zone that is not for a residential purpose; and (b) minimise unreasonable impact on amenity of the sensitive use through exposure to emission of noise, fumes, light and vibration from road, rail, or marine transport	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A2</b> Development for a sensitive use must be not less than 50m from – (a) a major road identified in the Table to this clause; (b) a railway; (c) land designated in the planning scheme for future road or rail purposes; or (d) a proclaimed wharf area	<b>P2</b> Development for a sensitive use must – (a) have minimal impact for safety and efficient operation of the transport infrastructure; and (b) incorporate appropriate measures to mitigate likely impact of light, noise, odour, particulate, radiation or vibration emissions; or (c) be temporary use or development for which arrangements have been made with the relevant transport infrastructure entity for removal without compensation within 3 years

As the proposal is less than 50m to the railway, clause 10.4.12 P2 must be satisfied. This requires the development to have minimal impact on the safety and operation of the railway and incorporate appropriate measures to mitigate light, noise and vibration emissions. The lot is fenced which provides separation from the railway and limits any impact of the dwelling on the transport infrastructure.

The floor plan shows that the bedrooms will be closest to the railway line. Double glazing will be used throughout the house. It will be required that acoustic insulation and 13mm plasterboard for both walls and ceiling be used in the bedrooms. A note will also be placed on the permit recommending that acoustic insulation and 13mm plasterboard be used throughout the house.

Compliance with the permit conditions ensures the performance criteria is satisfied.

The applicants intend to use the studio as a hairdressing salon. This is classified as a home-based business under the planning scheme and does not require a planning permit if it complies with the standards listed below. The studio has an area of 20.9m<sup>2</sup> and will be operated by a resident of the house. The proposal will comply with the scheme and therefore does not require a permit.

Report to Council meeting on 29 January 2019

home-based business	<p>means use of part of a dwelling by a resident for non-residential purposes if:</p> <ul style="list-style-type: none"> <li>(a) no more than 50m<sup>2</sup> of floor area of the dwelling is used for the non-residential purposes;</li> <li>(b) the person conducting the business normally uses the dwelling as their principal place of residence;</li> <li>(c) it does not involve employment of more than 2 workers who do not reside at the dwelling;</li> <li>(d) any load on a utility is no greater than for a domestic use;</li> <li>(e) there is no activity that causes electrical interference to other land;</li> <li>(f) there is, on the site, no storage of hazardous materials;</li> <li>(g) there is, on the site, no display of goods for sale;</li> <li>(h) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;</li> <li>(i) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;</li> <li>(j) not more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</li> <li>(k) all vehicles used by the business are parked on the site.</li> </ul>
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### COMMUNITY ENGAGEMENT

On 06/12/2018, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 22/12/2018;
- (b) Making a copy of the proposal available in Council Offices from the 22/12/2018;
- (c) Notifying adjoining property owners by mail on 20/12/2018; and
- (d) Erecting a Site Notice for display from the 21/12/2018.

The period for representations to be received by Council closed on 14/01/2019.

### REPRESENTATIONS

Two representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representations were received from David Graham and Kate Graham of 4/32 Nicholls Street which is the northern unit on the property to the east of the subject site. Both representations are reproduced below along with comments after the second, as both contain the same concerns.

P. O. Box 318,  
Devonport. 7310  
27/12/18

Mr. Alex Mountney,  
Acting Planning Coordinator,  
Devonport City Council,  
P. O. Box 604,  
Devonport. 7310

**File 35833: Application for Planning Permit**  
**7 Charlotte Gardens.**

My wife and I reside at Unit 4, 32 Nicholls Street, next to the land designated as 7 Charlotte Gardens, and have received notification that a building is planned for there.

Having lived here for several years, and after perusing the plans for the proposed residence, I draw the DCC's attention to three issues.

- Flooding
- Privacy
- Disturbance

**Flooding.**

The land at 7 Charlotte Gardens has flooded at least twice a year since we have lived here. Rainwater which accumulates along the fence separating the railway line from the land in question, can not drain away. So it flows under the fence, floods across the land, and cascades down the brick wall supporting our neighbouring metal and wooden fences. Thus causing concern to the residents at 32 Nicholls Street.

Fearful of flooding to my property (by water flowing under my garage door) I have been out some nights (and days) in **knee-high water**, clearing the stormwater drain in our drive.

**Devonport City Council has duty of care to advise the proposed builder (Mr. Marc Chisholm) of this regular occurrence.** (To call this an annual event, is to understate the frequency of the flooding.)

**Privacy.**

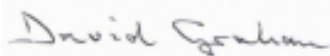
I note that the proposed dwelling is to be two storeys high. This is not in keeping with the neighbouring dwellings, in Charlotte Gardens, and in Nicholls Street. From a personal viewpoint, **I will find the view from the new house, straight down our drive, intrusive.** My wife and I sit outside our unit, and would feel that our privacy has been lost. We will not be comfortable sitting there, knowing that we are being overlooked. The same feeling would certainly be had by other neighbours, especially those living next door, at 9, Charlotte Gardens!

**Disturbance.**

It is interesting to see that the plans make no specific mention as to the intended use of the 'proposed studio'. This makes for much speculation.

1. Is the studio for personal music practice, such as for drums or bagpipes? If so, why is the studio not being equipped with acoustic insulation on all sides?
2. Is the studio being used for commercial purposes? In which case, one asks, is not Charlotte Gardens zoned as 'residential'?
3. If the studio is for commercial purposes, where will clients park? Charlotte Gardens is already 'chokka' and there are still some empty blocks there. When all blocks have been built on, parking will be at a high premium. There is very little or no street parking in Charlotte Gardens for visitors now. **Or – has the owner already approached the DCC with an application to dismantle the fence in Nicholls Street, to allow customers entry and egress to his studio?** In which case, we are all going to have another disagreement.

Yours faithfully,



David Graham.

P. O. Box 318,  
Devonport. 7310.

07/01/2019

Mr. Alex Mountney,  
Acting Planning Coordinator,  
Devonport City Council,  
P. O. Box 604,  
Devonport. 7310.

**PA2018.0185 - APPLICATION FOR PLANNING PERMIT**  
**7 CHARLOTTE GARDENS.**

Dear Alex,

Thank you for your time last Wednesday morning, and for your patience with me. You did answer many of my queries and it seems that I must now state my concerns in written form. Further to our discussion, there are some issues which I must emphasize.

Would you please guarantee that 7 Charlotte Gardens has superb drainage, ensuring that no run off floods into our driveway, as has been the case on several occasions during the past years.

I believe that the residence will overlook the front of our unit, where I often sit out, and this will thus deprive me of the privacy which I currently enjoy.

Should a gate be put through the fence from 7 Charlotte Gardens into Nicholls Street, to accommodate hairdressing clients, further aspects of concern arise:

1. The parking in this area is already at a premium, being next to the railway line and crossing, and close to residences actually in Nicholls Street.
2. The safety of the children attending "The Allstars Gymnastics" Centre, opposite the proposed gate, is of paramount importance. This Centre is used on a regular basis by parents with young children.

I have learned that commercial enterprises are permitted to be developed within a residential zone, and that boundary fencing can be adjusted to assist a commercial development. I object to these aspects being permitted in this congested area.

Charlotte Gardens is an attractive cul-de-sac with all single storey dwellings. The ambience of this area will be greatly diminished with the erection of a two-storey residence. Has the negative impact of this construction been considered?

What fuel will the fire be burning? Any emissions will flow straight towards our unit, due to the prevailing winds in this area.

Yours sincerely,



(Mrs.) Kate Graham.

The development of 7 Charlotte Gardens should result in improved control of stormwater as concentrated stormwater must not leave the site and flow onto another property. The developer will be required to ensure all stormwater from any hardstand areas and the roof of the buildings is piped into the existing reticulated stormwater system.

The proposed dwelling will not overlook the units to the east. The eastern elevation of the first floor only contains a highlight window with a sill height of approximately 1.65m. This window is located in a corridor.

The large, full height window seen at the front of the house in Figure 11 and highlighted in Figure 12 is blocked from the east by a wall. This is a window only, not a sliding door, and will not enable overlooking of the neighbouring units.



Figure 11 – Northern elevation showing full height window and wall blocking view to the east

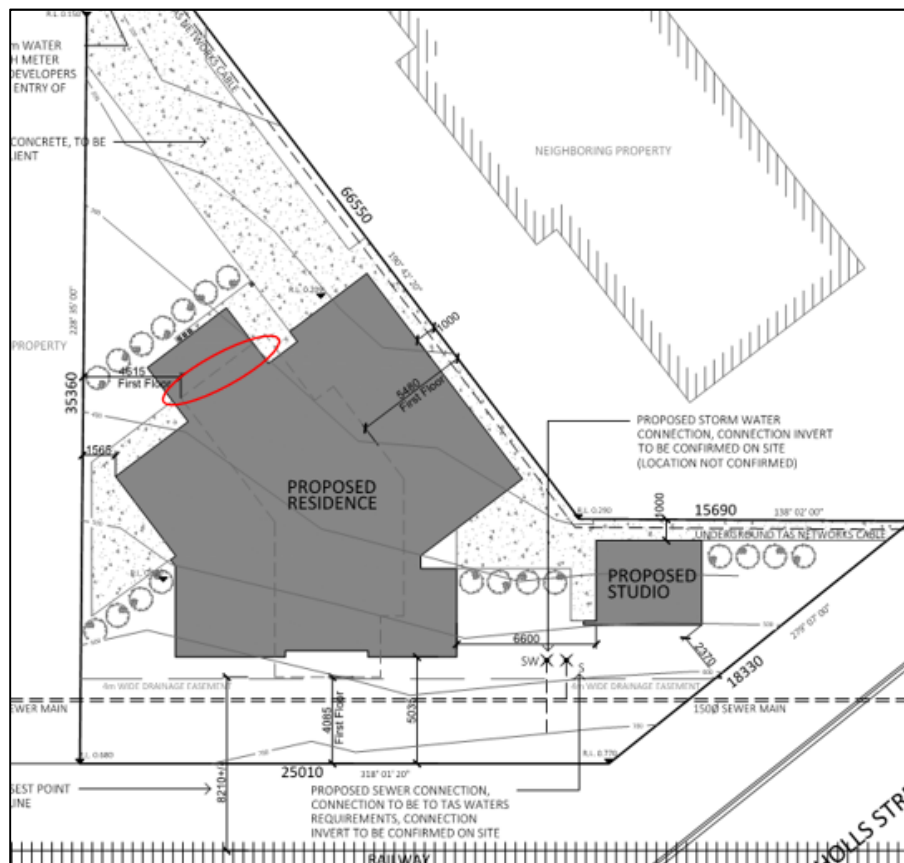


Figure 12 – Site plan showing location of full height window circled in red

The subject site has frontage to Nicholls Street and the owners are therefore able to access the site from Nicholls Street if desired. As mentioned previously the applicants are proposing to use the studio as a hairdressing salon, which is likely to be utilised for only 20 hours per week. Such a use does not require a planning permit. The applicants are unsure whether they will allow access to the site from Nicholls Street however any impact caused by the equivalent of approximately 4 cars per day, Monday to Friday is likely to be negligible. There is also sufficient room on the property for clients to park.

A two-storey dwelling is permitted in the general residential zone to a height of 8.5m. The proposal is less than 6.5m and comfortably complies with the planning scheme in this regard.

The type of fuel proposed to be burnt in the fire proposed for the alfresco area on the western side of the building is not relevant to the planning application. Should the burning of fuel cause a nuisance this will be dealt with by Council's Environmental Health Officers under the *Environmental Management and Pollution Control Act 1994*.

None of the issues raised in either representation require the alteration or refusal of the proposal which is able to satisfy all relevant acceptable solutions or performance criteria.

#### **FINANCIAL IMPLICATIONS**

No financial implications are predicted.

#### **CONCLUSION**

The proposal has been assessed by TasWater and Council's Development Services and City Infrastructure staff. Any comments have been included in the recommendation as conditions and notes.

#### **ATTACHMENTS**

1. TasWater Submission to Planning Authority Notice - 7 Charlotte Gardens - PA2018.0185

#### **RECOMMENDATION**

That Council, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2018.0185 and grant a Permit to use and develop land identified as 7 Charlotte Gardens, Devonport for the following purposes:

Residential (single dwelling & studio)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Residence and Studio, Project Number: 18-426, pages 101-123 Rev B, by Lachlan Walsh Design, dated 25 September, 2018, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Acoustic insulation and 13mm plasterboard is to be installed in the walls and ceilings of all bedrooms (see notes below).
3. The existing stormwater connection is to be used for the purposes of the proposed development.

4. The existing driveway access is to be used for the purposes of this proposed development.
5. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

In regard to condition 2, it is recommended that appropriately installed building materials with suitable acoustic qualities be installed throughout the entire dwelling to mitigate traffic noise from the railway, e.g. acoustic insulation, 13mm plasterboard etc.

A drainage vent is required on any sewer branch drain exceeding 10 metres.

The proposed outdoor shower is to connect to the sewer drainage system.

The upper floor waste is to have a fixture discharging to it or an approved method of priming the trap.

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

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

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

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

In regard to condition 8, the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 6 & 7, the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

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

Author:	Carolyn Milnes	Endorsed By:	Kylie Lunson
Position:	Senior Town Planner	Position:	Development Services Manager



## Submission to Planning Authority Notice

Council Planning Permit No.	PA2018.0185	Council notice date	11/12/2018
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2018/02031-DCC	Date of response	18/12/2018
TasWater Contact	Phil Papps	Phone No.	(03) 6237 8246
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	7 CHARLOTTE GARDENS, DEVONPORT	Property ID (PID)	3256888
Description of development	Proposed residence & studio		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Lachlan Walsh Design	Site Plan / 101	B	25/09/2018
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <p>1. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</p> <p><b>Advice:</b> TasWater records indicate a water meter is installed on the existing water connection and a standard DN100 sewer property connection is in situ.</p> <p><b>56W CONSENT</b></p> <p>2. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development if applicable which is built within two metres of TasWater infrastructure.</p> <p><b>Advice:</b> TasWater records indicate the sewer main located within the 4m wide easement is 450mm diameter not 150mm as shown on the site plan. Taswater data indicates the approximate depth to the invert of this pipe within the subject land is 2.4m.</p> <p>3. The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located if applicable within <u>2.0m</u> from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also include a cross sectional view through the footings which clearly shows;</p> <ol style="list-style-type: none"> <li>Existing pipe size, depth and location relative the the footings of the proposed dwelling;</li> <li>The line of influence from the base of the footing must pass below the invert of the 450mm diameter sewer pipe and be clear of the pipe trench and;</li> </ol>			



- c. A note indicating how the 450mm diameter pipe location and depth were ascertained.

#### DEVELOPMENT ASSESSMENT FEES

4. The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit

<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

##### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of TasWater infrastructure as shown on the GIS is indicative only.

- A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

#### Authorised by

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

## 5.0 REPORTS

### 5.1 TENDER REPORT - CONTRACT CT0226 - PARKER AND RONALD STREETS INTERSECTION UPGRADE

File: 35301-02 D559266

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

Council's Strategic Plan 2009-2030:

Strategy 2.3.1 Provide and maintain roads, bridges, footpaths, bike paths and car parks to appropriate standards

#### SUMMARY

This report seeks Council's approval to award Contract CT0226, Parker and Ronald Streets Intersection Upgrade to Civiscape Contracting Tasmania for a lump sum of \$214,395.

#### BACKGROUND

This report considers tenders received for "Parker Street and Ronald Street Intersection Safety Improvements" listed within the 2018/19 capital expenditure budget.

This project involves the construction of a new roundabout which is a proven treatment for the type of crashes that have occurred and aligns with Council's road network strategy. The work includes areas of pavement, kerb and footpath renewal as well as construction of new traffic islands and service relocations.

The project has been included in the 2018/19 capital expenditure budget as a \$270,000 grant has been secured from the Federal Government's black spot program.



#### STATUTORY REQUIREMENTS

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

**DISCUSSION**

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

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

**TABLE 1**

No.	Tender	Status	Tender Price (ex GST)
1	Civilscape Contracting Tasmania	Conforming	\$214,395
2	Kentish Construction and Engineering Company Pty Ltd (trading as Treloar Transport)	Conforming	\$238,291
3	Hardings Hotmix Pty Ltd	Conforming	\$259,523

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

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

The evaluation by the Committee indicates that Civilscape Contracting Tasmania scored highest overall against the selection criteria and therefore offers Council the best value for money.

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

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 1 December 2018 and tenders were also advertised on Council's website.

**FINANCIAL IMPLICATIONS**

The 2018/19 capital expenditure budget includes an allocation for the "Parker Street and Ronald Street Intersection Safety Improvements" project of \$270,000.

The breakdown of the budget for this project is summarised below in table 2.

**TABLE 2**

No.	Tender	Budget (ex GST)
1	Contract CT0226	\$214,395
2	TasNetworks Relocations (Estimated)	\$ 20,000
3	Telstra Relocation	\$ 10,263
4	Tree & Plants Purchase	\$ 4,800
5	Project management/administration	\$ 17,000
6	Construction contingency	\$ 21,440
	<b>TOTAL</b>	<b>\$287,898</b>

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

If the full contingency is required, the forecast over expenditure will be \$17,898. This will be offset by savings on other capital projects, notably projects on Bishops Road, Clayton Drive and Melrose Road, where forecast expenditure is less than the allocated budget.

#### **RISK IMPLICATIONS**

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

#### **CONCLUSION**

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that Civilscape Contracting Tasmania meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CT0226 Parker and Ronald Street Intersection Upgrade.

#### **ATTACHMENTS**

Nil

#### **RECOMMENDATION**

That Council, in relation to Contract CT0226 Parker & Ronald Street Intersection Upgrade:

- a) award the contract to Civilscape Contracting Tasmania for the tendered sum of \$214,395 (ex GST);
- b) note that Telstra & Tasnetworks Relocations costs for the project are estimated at \$30,263 (ex GST);
- c) note that tree and plant costs for the project are estimated at \$4,800 (ex GST);
- d) project management costs for the project are estimated at \$17,000 (ex GST); and
- e) note a contingency allowance of \$21,440 (ex GST).

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

## 5.2 COMMUNITY CONSULTATION - WATERFRONT PRECINCT

File: 32575 D559670

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.4.1 Develop and implement a CBD Master Plan aligned to the key LIVING CITY principles based on community engagement outcomes

### SUMMARY

To provide a summary of the public consultation received throughout the development application process of the LIVING CITY Waterfront Precinct which in many ways did not specifically relate to the Planning Scheme.

### BACKGROUND

The tender process for master planning and concept design for the LIVING CITY Waterfront Precinct was carried out as a two stage process in accordance with Council's Code of Tenders and Contracts. Expressions of interest were publicly advertised with a closing date of 18 March 2016. Interested parties were requested to submit their business profile and relevant credentials by the closing date.

Fourteen submissions were received as part of this first stage, following which, on the basis of their credentials, a shortlist of five organisations were invited to prepare detailed proposals (essentially a design competition).

The five short listed parties were:

1. Hames Sharley
2. Cumulus Studios
3. Francis Jones Morehen Thorp
4. Architectus
5. Lyons

The tender process required each firm to submit initial concept ideas for the project, as well as a nominated project team and their costs for the design component. At the Council meeting on 25 July 2016 (Min 133/16 refers), Council awarded the tender to Lyons Architects. The Lyons submission demonstrated the best understanding of the site and the opportunities and limitations that are inherent to any future development.

Lyons developed the concept plans for the Waterfront Precinct during 2016 and these were displayed for public comment from November 2016 to January 2017. At its meeting on 27 February 2017, Council considered the feedback received and resolved the following (Min 19/17 refers):

1. *note the feedback provided during the consultation period for consideration and inclusion where appropriate in later detailed design phases;*
2. *undertake further traffic modelling to identify options to maximise priority for pedestrians and public open space usage whilst maintaining adequate traffic flow in and around the CBD;*
3. *commence expression of interest processes to identify suitable private investment opportunities for the hotel and marina aspects of the plan;*

## Report to Council meeting on 29 January 2019

4. *progress with further detailed design of selected public open space elements of the Waterfront Precinct in preparation for future grant applications and permit approvals; and*
5. *adopt the Waterfront Precinct concept plan generally as exhibited, noting further refinement will occur as an outcome of the above recommended actions.*

A traffic report was prepared by Pitt and Sherry with respect to item 2 above and considered by Council at its meeting on 25 September 2017.

Feedback received during this community consultation period assisted in informing the current design iteration which has been developed to the required extent for the lodgement of the necessary Development Applications. At its meeting on 22 October 2018, Council endorsed the waterfront design and lodge a planning application (Min 200/18 refers).

As a result, the Planning Authority has received three applications related to the LIVING CITY Waterfront Precinct as follows:

Application No.	Applicant	Description	Advertised dates
PA2018.0160	Fairbrother	Visitor Accommodation and Residential	10/11 – 26/11
PA2018.0174	DCC	2 lot Subdivision	17/11 – 3/12
PA2018.0175	DCC	Passive Recreation (Parkland)	17/11 - 17/12

Each application has been subject to assessment under the *Land Use Planning and Approvals Act 1993* with PA2018.0160 & PA2018.0174 approved by Council at its meeting on 17 December 2018. PA2018.0175 will be considered by Council at a future meeting.

During the public exhibition of the applications, a number of representations received raised issues that are not relevant to the Planning Assessment (and Council's role as the Planning Authority), however they may be relevant to Council as the land owner and/or developer of the site.

These issues are summarised in this report.

### STATUTORY REQUIREMENTS

Council has statutory obligations in relation to its role as a Planning Authority.

### DISCUSSION

The feedback received has related to all aspects of the LIVING CITY Waterfront Precinct including the high-level objectives and principles of LIVING CITY, as well as the financial implications and the detail of the design.

Feedback was received verbally at the public meeting and in discussions between staff and residents, on facebook, and in letters. A copy of the written feedback received is provided as an attachment to this report.

The feedback received has been summarised below:

	THEME	DETAILS
1.	Selling off of prime land for hotel and residential use	Concern that the hotel/residential structure is located on prime river facing land and that it will block the view of the river from the remainder of the CBD.

Report to Council meeting on 29 January 2019

2.	Potential conflicts between bus stops and pedestrian crossings	Concern at pedestrian crossing in Rooke Street being located close to bus stops.
3	Restricting the use of Rooke Street to only public transport.	Suggest closing Rooke Street to vehicles other than buses.
4.	The bus shelters/BBQ shelter provide inadequate shelter.	Suggestions that the bus shelters should include side protection for inclement weather.
5.	Dislike for the design of the BBQ shelter	Dislike of the BBQ shelter design, both visually and practically, including suggested materials.
6.	Concern on additional traffic generated by hotel/residences and lack of car parking and bus parking for hotel/residences.	Concern that there is inadequate number of car parks for the hotel and residents.  Suggestions that a bus park dedicated to the hotel and other chartered buses should be provided.
7.	Visual impact of elevated walkway.	Concern that the design of the elevated platform is too simple and lacks imagination.  Concern that from some vantage points, the elevated platform will bisect the existing view of the parklands, detracting from the ambience.
8.	Location of the playground.	Three options for siting have been suggested:  1. As per plan adjacent to the river close to the Harbour Master Café;  2. Close to the corner of Rooke and Best Streets;  3. Close to the corner of Formby Road and Victoria Parade as per concept design.  It has also been suggested that an additional playground and/or BBQ area is not required and that the extra funds should be redirected to existing parks.
9.	Suggestion that zebra crossings are not the most appropriate design for Formby Road and Rooke Street.	<ul style="list-style-type: none"> <li>• Concern about the delay caused on Formby Road and Rooke Street as a result of the crossing design.</li> <li>• Concern in delay in traffic movement in town, including for emergency services.</li> <li>• Concern on the toll of the hump on heavy vehicles.</li> <li>• Concern that there are too many crossings in this area.</li> <li>• Suggestion that pedestrian tunnels would be more appropriate</li> </ul>

## Report to Council meeting on 29 January 2019

10.	The rotunda/amphitheatre design does not adequately cater for climate.	Concern that the space within the rotunda will be cold due to not having sides enabling the wind and rain to penetrate, also that even on nice days, the roof prevents sunlight warming this space.
11.	Formby Road should be closed.	Concern that Formby Road creates a significant and unnecessary obstruction through the middle of the park.
12.	Opinions that some of the existing trees/plants should be kept.  'Wilderness Plants' are not suitable for the area.	Suggestions that the site has unique challenges including salt that is detrimental to some native plants.  A suggestion that the current vegetation is nice and should not be removed.
13.	Sale price of the land for the hotel.	Concern that Council might be subsidising some operators against others, through the sale of land below cost.
14.	Size and shape of the land to be sold to the hotel developer.	Suggestion that the hotel should be allocated more land such as the right-of-way.  Concern that the walkway has been designed to benefit the hotel more than the general public.
15.	Location of the walkway	Suggestion that locating the walkway adjacent to the hotel is for the benefit of the hotel not the public.
16.	Amphitheatre needs vehicle access to load/unload.  Amphitheatre seating not a good design.	Opinion that the amphitheatre does not provide weather protection.  Concern that provision has not been made for loading and unloading for events at the site.  Concern that the amphitheatre seating is impractical for events.
17.	Various suggestions for other facilities to be included in the plan.	Suggestions include: <ul style="list-style-type: none"> <li>• public viewing platform on top of hotel;</li> <li>• More cafes/restaurants/kiosk in Waterfront Precinct;</li> <li>• Inclusion of an adult's swing;</li> <li>• Separation of walking and bike tracks;</li> <li>• Additional Toilet block;</li> <li>• Adequate space for RV parking;</li> <li>• Sound shell;</li> <li>• Edible/scented gardens;</li> <li>• Shade for playground;</li> <li>• Sea organ;</li> </ul>

Report to Council meeting on 29 January 2019

		<ul style="list-style-type: none"> <li>• Seating on boardwalk;</li> <li>• Ensure the elevated promenade hand rail is see through;</li> <li>• Overpass between the park and the Mall.</li> </ul>
15.	Life Costs of Development/maintenance costs	Public would like to see a life cycle cost analysis. Timber decking not the best way to go.
16	Safety of people on and under the elevated walkway.	Concern that those on the walkway may drop something onto people below. Concern about emergency service access to the walkway.
17.	Keep the area east of the Railway line as is.	Comments that the area is well used at the moment.
18.	Parking or drop off point for playground.	Commentary that as much parking as possible should be incorporated.
19.	Relocate the Bus Mall.	Suggestion that a bus stop is required near to Service Tasmania/Library but could the interchange be located elsewhere.
19.	Space for events.	Concern that there is insufficient area to hold current and future (expanded) events.
20.	Support for the waterfront precinct plans.	General support for the project in its entirety, but also some letters of support for some elements of the plan with suggestions for improvement of other aspects.

In total there were 30 written submissions provided from 26 individuals during the public comment period with a range of opinions being expressed.

1.	Shannon Kirkpatrick
2.	Sally O'Wheel
3.	Robert Vellacott
4.	June Hilder
5.	Steven Thompson
6.	David Kent
7.	Jeanette Jackson
8.	Jeanette Jackson #2
9.	TasRail
10.	Maxine Stewart
11.	David Kelly
12.	Scott Whiley
13.	Jennie Claire

Report to Council meeting on 29 January 2019

14.	Jennie Claire #2
15.	Moirra Weber
16.	Tammy Milne
17.	Rowan Larissey
18.	Jayden Smedley
19.	Vanessa Lake
20.	Robert Vellacott #2
21.	Don Willing
22.	Gary Vidler
23.	Douglas Janney
24.	Terry Hill
25.	MerseyLink
26.	Phil Parsons
27.	Malcolm Gardam
28.	Vanessa Goodwin
29.	Peter Stegman
30.	Malcolm Gardam #2.

Council did Workshop the design with the Architect in early December 2018 and also provided several comments for their further consideration.

### COMMUNITY ENGAGEMENT

A public meeting was held on 22 November 2018 with approximately 100 people in attendance. The plans have been available on Council's website, the LIVING CITY website and have been posted on Facebook.

### FINANCIAL IMPLICATIONS

Council has a budget of \$15.2M for the project overall. The Federal Government has committed \$10M towards the development with the remainder being contributed by Council.

### RISK IMPLICATIONS

The waterfront is a valued community asset and Council will attract a high level of scrutiny regarding any potential development and risk significant reputational damage if community expectations are not met.

Any significant redesign of the park could delay the commencement of the project beyond the current Government. This could potentially place the Federal Government contribution at risk.

### CONCLUSION

A variety of comments have been received during the consultation period on the LIVING CITY Waterfront Precinct concept plans. The most common comments relate to the potential conflict from traffic and pedestrian crossings, the location of the playground and the design of the various structures.

A Council Workshop is scheduled with the Architect's for early February 2019, to work through the various comments and suggestions received.

#### **ATTACHMENTS**

1. Representations - Waterfront Precinct Consultation Report

#### **RECOMMENDATION**

That Council receive the report regarding the Waterfront Precinct consultation and note that it will be further workshopping the design with the Architect's in February, taking into consideration the various comments received.

Author:	Rebecca McKenna		Endorsed By:	Paul West
Position:	Project Officer	Economic	Position:	General Manager
	Development			

Mr Paul West,  
General Manager,  
Devonport City Council,  
Rooke St,  
Devonport, Tas 7310

Email [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

Dear Mr West,

I am writing to express my concerns regarding the Planning Application for a Parkland PA2018.0175.

It is great that the council is proposing to extend the size of the parkland in this area but I feel the plan has serious design and safety issues such as the siting of the playground beside the river with no fence and the inclusion of two zebra crossing on a major busy road which is used by large trucks and the ambulance and fire services.

The style of architecture is not attractive and unsuitable for Devonport.

Also, I feel that redoing a large part of the area which already has pleasant and functional landscaping is a waste of money and suggest that area to the east of the railway not be altered.

Regards,

  
Shannon Kirkpatrick

**From:** Sally O'Wheel <sowheel@gmail.com>  
**Sent:** Friday, 14 December 2018 9:38 AM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Subject:** Planning Application for a Parkland PA2018.0175

Dear Mr West,

I am writing to offer feed back on the Planning application for a Parkland PA2018.0175.

I live in Forth so I live outside the Devonport municipal area but I visit Devonport frequently to shop, to socialise, to worship, to attend meetings and other events. I hope my views are of interest to Council.

I am pleased that the parkland in Devonport is to be extended.

However I do have a few concerns.

Firstly, I hope the existing trees will be saved. When I visit other cities: Sydney, Melbourne, Adelaide as well as regional cities in Victoria and South Australia, I am struck by the beautiful big and mature trees in the streets and in the parks. So often big trees and mature trees in Devonport are removed. Trees are planted and only allowed to live ten or twenty years before they are replaced. Why is that? Please retain the trees already growing in our park lands. Mature trees enhance the human experience in urban environments in so many ways.

Secondly, I am concerned by the design of the bus shelters and the rotunda. The bus shelters look as though they have been designed by a person who never waited for a bus. The seats look uncomfortable. The shelter looks as if it would not protect anyone from the wind, the rain or the midday sun.

What is the purpose of a rotunda? If it is a place for people to gather where are the seats? As the roof is so high it would not protect a gathering of people from the wind or rain. If it is a place for a local band to stand to play music, the wind would whip under that roof and blow away the band's sheet music.

Both the bus shelters and the rotunda are designed on a grand scale, reminiscent of Stalinist Russia or Nazi Germany. They are not designed on a human scale and serve no human purpose. Rather they look pretentious and as if they are designed to impress and not to be functional.

I hope Council will consider my views as it moves on with the Living City project.

Yours sincerely,

Sally O'Wheel

Waterfront Hotel DA RBV's Representation Nov. 2018

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ROBERT VELLACOTT  
11 COCKER PLACE  
DEVONPORT 7310  
Email : [vellacottrobert@yahoo.com.au](mailto:vellacottrobert@yahoo.com.au)

THE GENERAL MANAGER  
DEVONPORT CITY COUNCIL  
PO BOX 604  
DEVONPORT 7310

26<sup>th</sup> November 2018

Dear Sir,

Subject - **DEVELOPMENT APPLICATION - Visitor Accommodation and Residential**  
**Number PA 2018:0160**

DEVONPORT CITY COUNCIL LIVING CITY STAGE 2 WATERFRONT HOTEL AND APARTMENTS  
COMMUNITY REPRESENTATION and COMMENTS

I wish to make representation and comment pertaining to the above application.

Whilst I acknowledge that the overall plan for the actual building may be in compliance with the building regulations and all town plan zoning requirements with exception of the height being 600 mm over the allowable 25metres. (A minor matter.)

I consider council's involvement and the process in arriving at this point questionable.

It appears apparent that those responsible for the oversight of the actual size of the property and siting of the building have ensured that there will be maximum benefit at minimal cost for the financier /developer at the expense of ratepayers.

The actual site shown for the hotel and apartments is part of a larger parcel of land and buildings which at this point in time is still held in trust by council for the ratepayers of Devonport. From what is known the bare minimum, i.e. the actual building footprint, is to be subdivided off necessitating the building to be built on or near the boundary line of Best and Rooke Streets. As a consequence there is no possibility of having a pleasant streetscape. Thus the overall aesthetics of that part of Best Street is compromised by the building and gives a canyon like effect to the area.

I understand that in the future there would be no impediment to allow buildings on the Southern side of Best Street (not a grand boulevard) to be erected of similar height which would then only exacerbate a narrow gutted canyon like effect.

/2

2.

Council because of ownership of the land at this point in time has full control to increase the size of land to be subdivided and sold to the developers with appropriate covenants applied.

It is noted how carefully the hotel has been placed to ensure when completed there is no interrupted view from the parapet centre.

There has always been a great spiel by council about opening up the view from the CBD to the river yet the only real beneficiaries it seems will be from the hotel and apartments and of course the upper floors of the parapet centre along with a very limited view from the junction of Best St and Rooke Mall. In reality nothing much if anything has been achieved for the rest of the city regarding views to the river. In fact it could be said that when the hotel /apartment block is constructed there will be actually far less.

The dense jungle like plantings that has been proposed in the northern end of the block will also create another view blocking wall in front of existing food establishments north of the DEC to the corner of Oldaker Street.

**Vehicle Parking** – Well may it be argued that the allocated number of 20 spaces of parking for the 12 residential apartments and the 24 spaces for the 137 room hotel guests more than complies with what is required with the CBD zoning .And it could also be argued how ridiculous it is, for what is being touted as an up market hotel to expect most guests to have to park their vehicles approximately 100 metres or more away in the multi level car park ,with a low entrance height, and or other areas .

(One would have to question if those responsible has had any experience behind the reception desk of a hotel that in the main would be catering for tourists traveling by car.) Also the question arises what provision has been made for tourist buses and larger vehicles? Surely parts of the existing car park could be included as part of the land to be sold to the hotel to increase their parking facilities and in many instances this would reduce the chance of restricting on street sites available for patrons of other businesses and users of the parkland including the new riverside BBQ area etc.

The above is another example of ensuring the developers best interests took precedence over ratepayers by whoever was responsible in deciding how much land should be designated for the hotel site. As previously stated council because of ownership of the land at this point in time has full control to increase the size of the land to be subdivided and sold to the developers with appropriate covenants applied.

**Service Road** - as this appears for the sole use convenience of the hotel why are the ratepayers going to be responsible for providing the land, the cost of construction and maintenance? Again this should be included in the subdivision as being part of the hotel property.

/3

3

**Elevated Walkway** - no details are shown on the hotel plans other than its position. The Deputy General Manager recently confirmed that this will be constructed and maintained at ratepayers cost. Also there could be or might be access to the hotel from the walkway and there will be a lift and staircase almost adjacent. Therefore it is evident that this will be attached in some form to the building, by way of an interconnecting access provision, thereby making this structure if built accessible to and from the hotel and an obvious asset in terms of hotel usage - again at the expense of ratepayers.

\* I note the multimillion\$ pies in the sky curved elevated walk way over the river foreshore that was depicted in the original glossy promotions and the super hype videos is still on the internet .This is again another prime example of confusing promotion and wasting ratepayers' funds and paying twice for concept plans as outlined below .

The DCC 2018 /19 plan (budget) indicated that Council assumed it would receive \$1 million for the hotel development .It did not indicate if that was for a greenfield site.

The overall cost of properties that had to be obtained to provide some of the land in question ascertained from available information reveals that so far approximately \$8Million has been expended.

Also the following costs to ratepayers that I am aware of, must be taken into consideration – Consultant reports, concept plans and a business case for potential developers being drawn up at a total cost so far of \$248,320?

E.g. Consultant Report and Business Case \$36,000. Glossy Propaganda booklet \$1,820.

Architects concept plans = \$210, 500 (ex GST) plus out of pocket expenses Add to that all the unknown past and **future** costs of other supernumeraries.

From the above it can I believe be shown that ratepayers **have and will be subsidizing** in many ways this **private** investment property.

\* Will council stipulate as to whether or not it supports gambling /poker machines in the hotel complex. I would contend council has the right to include this aspect in the conditions of sale?

It must be asked again –

\* Why has council taken upon itself to become a commercial property developer in unfair competition to existing hotels, and other accommodation providers, restaurants and the like in the CBD and immediate area?

For instance I understand the former service station block on the SE corner of Best and Fenton St next door to and owned by the Gateway Hotel was purchased for possible extensions when the demand arose. In case council is unaware this is very close to the Living City stage one conference centre.

\* Did council confer with the owners of The Gateway Hotel, who incidentally have been a major ratepayer for many years before embarking on a mission to provide a subsidized site for another operator with publicly provided landscape surrounds and other amenities? /4

4

Due to council actions the possibility of that prime piece of real estate remaining underutilized, with the obvious potential loss of increased rates, for many years is I believe a real possibility.

In plain English what council has in fact done and continues to do is using all the rates paid over many years by the major hotels and other accommodation providers to pay for, among other things, consultants and architects to produce fanciful plans, commercial in confidence documents and a restricted business case to facilitate and provide a subsidized site. (Please prove me wrong) for others to engage in direct competition to them > i.e. the existing businesses.

\* Will Council extend the same courtesy to the already established businesses who wish to expand in the future?

There now remains the question as to **whether or not there could be a breach of Federal Govt. National Competition Policy, COAG** and the requirements of the state's Economic Regulator. Obviously again due to the commercial in confidence "deals" it is difficult for the owners of existing business places to determine exactly how much subsidization has and will be occurring.

**Riverside Park:-**

The landscaping around the hotel is most important - it provides the improved liveability of that section of Best Street and enhances the access and view to the river and should not be at the cost of ratepayers.

Does council still agree as part of the so often spruiked 830 ongoing jobs that will be created that this will provide on the Waterfront Parkland site full time employment for four personnel? (Ref: - Hill PDA Report page 29)  
Obviously this will be another ongoing expense paid for by ratepayers.

The expenditure required from what I can ascertain for the elevated walk way, roadwork and parklands etc will be in excess of some \$15 million – funded by the "*pork barrel bribe*" "Federal grant of \$10million and a further \$5million or more of ratepayers' money.

*R. B. Vellacott*

BOB. VELLACOTT

**From:** June Hilder <jehilder@gmail.com>  
**Sent:** Saturday, 15 December 2018 5:32 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Subject:** Attn: Mr Paul West, General Manager, re Parkland PA2018.0175

Dear Mr West,

I am writing to outline my thoughts regarding the above Planning Application for Parkland in Devonport, PA2018.0175.

I was pleased to learn that the council is proposing to extend parkland area within Devonport and I believe there is no doubt that it will be an advantage to Devonport to beautify the area bounded by Formby Road, Rooke Street and Best Street.

However, after viewing details of the proposal, as a ratepayer of Devonport, I consider PA2018.0175 to be overkill and very expensive for such a small city.

The existing parkland between Formby Road and the river is already beautiful and enjoyed by residents, I feel there is little need to change this.

I can understand, that for safety reasons, there should be an elevated walkway linking the two parkland areas, but the proposed one which extends out over the river seems far too imposing and grandiose, surely a simpler and more affordable alternative could be considered?

I also have concerns about the bus shelters which appear to be over designed and uncomfortable. For instance, their orientation seems to offer little protection against sun and wind.

I was unable to find details of the 'green' areas in the parkland, but I hope this will be 'real' grass and not synthetic turf (what happens to it as it deteriorates over time, it is another source of plastic pollution?) which the council has used in other areas around the city.

I was pleased to read that Tasmanian plants will be used in some parkland areas. I hope experts have been consulted to ensure plants suitable for a coastal environment have been selected?

Kind regards

June Hilder

Mr Paul West,  
General Manager,  
Devonport City Council,  
Rooke St,  
Devonport, Tas 7310

Email [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

Dear Mr West,

I am writing to express my concerns regarding the Planning Application for a Parkland PA2018.0175.

It is great that the council is proposing to extend the size of the parkland in this area but I feel the plan has serious design and safety issues such as the siting of the playground beside the river with no fence and the inclusion of two zebra crossing on a major busy road which is used by large trucks and the ambulance and fire services.

The style of architecture of the bus shelters, roundhouse and toilet block is not attractive and not very functional. There is little seating and the way the area is divided may make it too small for our events and leaves no room for future growth. The amphitheatre leaves performers exposed and doesn't provide comfortable seating.

Also, I feel that redoing a large part of the area which already has pleasant and functional landscaping is a waste of money and suggest that area to the east of the railway not be altered.

I urge council to reject this plan and provide a park for Devonport that is functional and beautiful that can be enjoyed by everyone.

Regards,  
Steven Thompson

-----Original Message-----

From: David Kent <david62kent@yahoo.com>

Sent: Saturday, 12 January 2019 11:57 AM

To: LivingCity <livingcity@devonport.tas.gov.au>

Subject: Waterfront Precinct Concept Plans - Community Consultation

Hi all,I think the council should continue on with this terrific living city project and the motel,waterfront area should be developed as planned.Their has been a great job done so far and I applaud all those people involved.

Regards David Kent .

-----Original Message-----

From: Netty Drops <nettydrops@gmail.com>

Sent: Sunday, 16 December 2018 8:48 AM

To: Devonport City Council <council@devonport.tas.gov.au>

Subject: Plans for Mersey Riverbank development in Living City Project

To the mayor and alderpeople of Devonport

Please do not rush into confirming the plans as illustrated for the Foreshore Development in our city of Devonport. There is a real risk of mistakes which not only waste money but are possibly destructive to what we currently enjoy and maintain. Native gardens are a passion of mine but choosing the right species of tree and plant is vital. Eucalyptus species are bound to cause problems as they grow to unmanageable heights. Rain forest and schleropyl species won't thrive beside a salty river. Our current roses are beautiful and so too is the cluster of pink hawthorn, well established trees, rhododendrons and other shrubs currently thriving near the Oldaker St roundabout. David Richmond and I saved that area years ago when the current roundabout was planned. Zebra crossings X two seem ridiculously dangerous to traffic. The people of this city expect safe access to the river frontage at no cost to their individual pockets and safe playgrounds for children. There is also a very reasonable expectation that an affordable snack may be purchased nearby. Toilet blocks are necessary but should never be obtrusive or detrimental to the beauty of the park. Eg. The one at the river entrance is quite the ugliest I have seen. I beg more discussion, more time for comment and honestly...that great walkway to nowhere and back is crazy. Is it to be a diving board for our youth? A fishing spot? A horrid place to be in our coastal wind dominated town or what? I'm currently in Brisbane and will return on Tuesday 18/12 and hope for further answers from Council after then. Jeanette Jackson

Sent from my iPad

Mr Paul West,  
General Manager,  
Devonport City Council,  
Rooke St,  
Devonport, Tas 7310

Email [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

Dear Mr West,

I am writing to express my concerns regarding the Planning Application for a Parkland PA2018.0175.

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The style of architecture is not attractive and unsuitable for Devonport.

Also, I feel that redoing a large part of the area which already has pleasant and functional landscaping is a waste of money and suggest that area to the east of the railway not be altered.

Regards,

----- Forwarded message -----

From: **Netty Drops** <[nettydrops@gmail.com](mailto:nettydrops@gmail.com)>

Date: Fri, 14 Dec 2018 at 15:10

Subject: Let's get the riverfront project right

To: [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au) <[council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)>

To the Mayor and Councillors

**From:** Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>  
**Sent:** Sunday, 16 December 2018 6:06 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Subject:** PA2018-0175 - Living City Development

Thank you for your email dated 16 November 2018 and including a link to the planning application PA2018-0175. I note that there was no letter attached, but as the email stated the link was available for 30 days I assume that means any representations are due to be received by 16 December.

TasRail provided its consent for the Planning Application to be lodged, subject to the plans noting that the location and safety controls for the proposed crossings are yet to be agreed. For public safety reasons, these controls need to extend beyond the new crossings to also include the need to address existing issues along the Formby Road rail corridor including the non-compliant safety fencing, and the rose gardens that currently encroach the danger zone within the rail corridor.

TasRail appreciates the level of co-operation by the Council Officers to progress these matters, but reports that it is not yet in a position to provide a response to the proposal, other than to confirm that discussions are continuing.

In considering the proposal, TasRail therefore asks Council to acknowledge that the proposed crossings remain subject to TasRail approval.

Should you require any additional information, please don't hesitate to contact me.

Kind regards

*Please note that the Property Department will be closed from 5pm on Friday 21 December 2018, re-opening on Monday 7 January 2019. No Permits will be processed during this time. URGENT Access enquiries should be directed to TasRail's Network Access Manager by emailing [garry.cummings@tasrail.com.au](mailto:garry.cummings@tasrail.com.au) or call mobile 0418 131 854.*

**Jennifer Jarvis**



Manager Group Property & Compliance |  
Phone: 03 6335 2603 | Mobile: 0428 139 238  
11 Techno Park Drive, Kings Meadows, Tasmania, 7249  
[Jennifer.Jarvis@tasrail.com.au](mailto:Jennifer.Jarvis@tasrail.com.au)



[facebook.com/Follow.TasRail](https://facebook.com/Follow.TasRail)



[twitter.com/TasRail](https://twitter.com/TasRail)

**From:** Maxine Stewart <missmax79@hotmail.com>  
**Sent:** Sunday, 16 December 2018 11:28 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Cc:** Mayor Rockliff <ARockliff@devonport.tas.gov.au>; Ald Jarman <AJarman@devonport.tas.gov.au>; Ald Murphy <LMurphy@devonport.tas.gov.au>; lperry@devonport.tas.gov.au; Ald Enniss <GEnniss@devonport.tas.gov.au>; Ald Hollister <PHollister@devonport.tas.gov.au>; Ald Alexiou <JAlexiou@devonport.tas.gov.au>; Ald Laycock <llyaycock@devonport.tas.gov.au>; Ald Milbourne <SMilbourne@devonport.tas.gov.au>  
**Subject:** Parkland Planning Application, Devonport City Council

Dear Mr West

I am writing to express my concerns regarding the Planning Application for a Parkland PA2018.0175.

I feel the plan has serious design and safety issues with the inclusion of two zebra crossings on a major busy road which is used by large trucks and the ambulance and fire services. Emergency vehicle access is of paramount importance.

Also, the style of architecture of the bus shelters does not appear to provide sufficient protection from the weather for those persons waiting for a bus.

I urge council to consider the above points when voting for the Parkland Plan.

Regards  
Maxine Stewart

**From:** Dave Kelly <davekelly063@gmail.com>  
**Sent:** Monday, 17 December 2018 10:42 AM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Cc:** Mayor Rockliff <ARockliff@devonport.tas.gov.au>; Ald Jarman <AJarman@devonport.tas.gov.au>; Ald Murphy <LMurphy@devonport.tas.gov.au>; lperry@devonport.tas.gov.au; Ald Enniss <GEnniss@devonport.tas.gov.au>; Ald Hollister <PHollister@devonport.tas.gov.au>; Ald Alexiou <JAlexiou@devonport.tas.gov.au>; Ald Laycock <llyaycock@devonport.tas.gov.au>; Ald Milbourne <SMilbourne@devonport.tas.gov.au>  
**Subject:** Planning Application PA2018.0175 concerns.

Mr Paul West,  
General Manager,  
Devonport City Council.

Dear Mr West,

I have some concerns with regard to Planning application PA2018.0175 for the parkland development next to the proposed new hotel.

1. The application being presented by council in November means that residents are busy with Christmas activities and do not have time to consider the plan which is quite complex. Could the consultation time be extended for another month or more?
2. Two zebra crossings are to be placed on Formby Road between the roundabout and Best St. Is this a workable idea? Is this safe? The traffic assessment in the plan states that it does not meet approval requirements. What will happen to traffic that currently goes through that area including fire engines, ambulances, large delivery trucks and tourist vehicles? Will they start to choose other routes through the town which will bring them more into residential areas thus creating increased noise and congestion?
3. Are the design Features of the plan what will actually be built?. The poles near the toilet block, the style of the Roundhouse shelter and the bus shelters are all designs which raise concerns. All three designs lack pleasing aesthetics and the two shelters raise issues of lack of functionality given the weather conditions here in Devonport near the river.
4. The plan divides the area into sections. Will there be enough room for events such as Carols by Candlelight, the Monster Carnival, New Years Eve etc?
5. The amphitheatre is totally an open space including where the performers are to stand. Is this functional? How often will it be used and who by given the

weather conditions we have here.

6. The playground area which is sited between the railway line and the river doesn't include any fences. Is this safe? Will there be fences?

7. The 'Botanical Area' is to include plants from the wilderness including gum trees. Will these plants grow in this area? Will they be safe? Some gum trees can't be grown in parks due to falling branches. What happens to the existing trees? Which ones are to be retained?

8. There is no provision in the plan for a really functional community space such as the Gnomon Pavilion in Ulverstone. There is no provision for a kiosk. Could these features be incorporated into the plan perhaps in one building which might be on the site of the Roundhouse shelter? This feature would give the community a useful space that, like the hotel and the council offices, would have lovely views of the river. At present the only indoor community space, namely the Providore Market, has no river views. This is despite the fact, that the espoused aim of "Living City" process over the last 15 years has been to connect the community to the most prized feature of Devonport, the river.

I feel that redoing a large part of the area which already has pleasant and functional landscaping is a waste of money and suggest that area to the east of the railway not be altered.

I urge council to reject this plan and provide a park for Devonport that is functional and beautiful that can be enjoyed by everyone.

Regards,  
David Kelly,  
57 Gunn St  
Devonport

**From:** scott whiley <scott\_whiley@hotmail.com>  
**Sent:** Friday, 7 December 2018 8:28 AM  
**To:** LivingCity <livingcity@devonport.tas.gov.au>  
**Subject:** Living City questions for General Manager

Mr Paul West  
General Manager  
Devonport City Council

Dear Paul,

Having been to the Living City community consultation session held in the Paranaple Centre a couple of weeks ago I would like to take this opportunity to ask a few questions of yourself on the Living City project.

From the outset I would like to point out that I am not against the project as anything that can project Devonport as a viable city in which to live or visit can only be a good thing. I do however have a couple of concerns about the Phase 2 of the project which was made obvious to me at the meeting mentioned above. I would point out at this stage that as ratepayer here for many years and a senior manager for the Dept. of Defence Acquisitions as a Through Life Support specialist for acquisitions and builds over \$50M. I hope these questions below get a suitable answer.

My concerns surround the building of the walkway/jetty/promenade in front of the proposed hotel.

Not so many years ago the council promised to get the Southern end of Rooke Street moving. This has hardly happened and the moving of TasWater in the region was the push of the State procurement manager with TasWater not the council as was "suggested" at the meeting. Now not only has that area many vacant shops but it appears that the council is bypassing our main business district south of best street in lieu of making the proposed hotel and the paranaple centre (council offices and a library the focal point for the town. Having lived in the Middle East, Asia, and the UK for many years and travelled through over 50 countries I have confidence in saying that the two main areas that both locals and tourists visit and have pride in are their waterfront (when possible) and the CBD of their community.

#### **Question 1**

Was the walkway the only considered option for crossing Formby Road? If not what were the other options?

#### **Question 2**

Was a walkway under Formby Road a considered option? Possibly from the MacDonald's corner or the cinema carpark as this would link Devonport's main business area of Stewart and Rooke streets with the waterfront proposal just as well. I did ask the architect at the meeting and he gave completely inappropriate answers about Mersey flooding (walkways/tunnels are built under oceans and rivers) and safety (lighting and CCTV) would alleviate that problem if in fact it was a problem. These answers gave rise to me thinking it had not been considered and the boulevard/walkway was the only real considered option.

This would surely be an easier way for the elderly and disabled to cross from the CBD to the waterfront.

**Question 3**

Was a Life Cycle Cost (LCC) analysis done for say a 40 year period? If due diligence was done this analysis should have been done and now be available for ratepayer perusal. History points out that the in the Whole of Life Costs of a build or acquisition around 65-75% of whole of life costs are costs after the initial build or acquisition. Therefore the LCC cost analysis would be interesting to see especially for ratepayers.

**Question 4**

Why are there 2 crossings north of the proposed hotel plus a boulevard/walkway while the people on the southern side of Best street still have to wait for lights. Crazy!

**Question 5**

The meeting pointed out the area for children. As we are the region in the Country with the oldest population there seemed to be nothing for the elderly in/on the waterfront, not even any handrails on the steps. Was this an oversight?

**Question 6**

You mentioned that moving the ferry had not been considered during this phase. Surely this is the time to consider it as all the contractors and equipment for drilling etc would be on site and there would be less disruption to the site in future. Will this be considered?

**Question 7**

If the boulevard/walkway was/is the only option it is great to see that you have protection for the railway and roads on the said walkway. However, what if a child or adult inadvertently drops a drink/ bag etc on a cyclist or picnicker or child in the park below. Do we then see a costly modification or hideous cage put up the full length the walkway? What considerations were addressed here if any?

**Question 8**

Has first aid access to the end of the boulevard/walkway been considered ie ambulance? It seems a long way from the road especially if the lifts are out of order for some reason.

**Question 9**

It was originally put to the public that a curved walkway would be built on the waterfront. This has now changer to the boulevard/walkway. What caused this change?

**Question 10**

A few weeks ago I attended a meet the candidates for council session. Someone mentioned a train/tram like many cities have overseas, and we used to have here in Devonport. The purpose would be to link all the tourist facilities from the train and Coles Beach to the CBD and further stopping at all the attractions on route. Many of my friends and colleagues believe this is inevitable and a great idea. Would this form of tourist attraction be looked at now to ensure any build on the waterfront would accommodate this in hopefully the near future?

I would also seek clarification on a comment made by yourself to a question put forward by a member of the public. I was very concerned when the question raised asked if the walkway would have an exclusive entrance from inside the hotel as well as the public lifts and stairways. You commented that, that would be up to hotel owner/builder. My thoughts are of course he would do that and therefore have a private entrance for hotel guests to a promenade supplied by the ratepayer. This is not acceptable and looks like a "special type of deal or favour".

I do have a few other observations and questions but this should suffice for a while. I am concerned that not only ratepayer funds are involved but State and Federal funds as well and they should be spent on the best value for money options that are properly and transparently decided upon. The council does a good job mainly but I have seen occasions over the past few years where infrastructure builds have been carried out and then changed when it appears more thought has been put in. The above questions should be quite simple so I do hope that a valid response is not long in coming. This is your chance to get it right for the city so I hope all goes well.

Regards

Scott Whiley  
[Scott\\_whiley@hotmail.com](mailto:Scott_whiley@hotmail.com)  
0467 830 439

**From:** Jennie Claire <jennieclairedesign@gmail.com>  
**Sent:** Wednesday, 12 December 2018 9:36 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Cc:** Ald Jarman <AJarman@devonport.tas.gov.au>; Ald Milbourne <SMilbourne@devonport.tas.gov.au>; Ald Perry <LPerry@devonport.tas.gov.au>; Ald Murphy <LMurphy@devonport.tas.gov.au>; Ald Enniss <GEnniss@devonport.tas.gov.au>; Ald Hollister <PHollister@devonport.tas.gov.au>; Mayor Rockliff <ARockliff@devonport.tas.gov.au>; Ald Alexiou <JAlexiou@devonport.tas.gov.au>; Ald Laycock <llaycock@devonport.tas.gov.au>  
**Subject:** PA2018.0175

Dear Mr West,

I am writing to express my concerns regarding the Planning Application PA2018.0175 for a passive recreation park.

While the idea of developing a parkland in this area is excellent there are several aspects of the plan which are problematic, ill-advised or even dangerous.

1. Two zebra crossings are to be placed on Formby Road between Best St. and the roundabout. The traffic assessment in the planing application itself says this may not meet approval requirements. DIER commissioned a report in 2012 on zebra crossings which concluded that they are dangerous and state government policy is now to remove them. Why would we want to install them on a major arterial road? A road that is currently used by ambulance and fire services and by numerous large trucks making deliveries to the supermarkets and other businesses on Oldaker St. The big trucks have no alternative route. Turning right from Steele St into Fenton, Gunn or Williams Streets is not an option and coming off the highway at William St and entering the city down William St is problematic. Placing zebra crossing on this busy road is highly likely to cause accidents and endanger lives. A proper pedestrian crossing should be put in place of the zebra crossings.
2. The plan divides the area into sections which renders the open space too small for our big events and no room for expansion.
3. The playground shouldn't be sited between the railway line and the river with no fence on the river side. It is dangerous and too far from car parking.
4. The poles near the toilet block, the style of the Roundhouse shelter and the bus shelters are all designs which raise concerns. All three designs lack pleasing aesthetics and the two shelters raise issues of lack of functionality given the cold and windy weather conditions near the river for most of the year.
5. The amphitheatre is a totally open space including where the performers are to stand. Performers need shelter to protect themselves and their intruments. This design is not functional and should be scrapped.
6. The botanical area is to have wilderness plants. Experts do not consider them suitable for this area. More suitable plants should be found.
7. There is no provision in the plan for a really functional community space such as the Gnomon Pavilion in Ulverstone. There is no provision for a kiosk. Could these features be incorporated into

the plan perhaps in one building which might be on the site of the Roundhouse shelter? This feature would give the community a useful space that, like the hotel and the council offices, would have lovely views of the river. At present the only indoor community space, namely the Providore Market, has no river views. This is despite the fact that the espoused aim of the "Living City" process over the last 15 or more years has been to connect the community to the most prized feature of Devonport, the river.

8. A large area of this plan is already beautifully landscaped with roses, conifers and a variety of lovely trees. Why go to the expense of redoing what we already have when that money could be so much better spent?

9. The magnificent, 40 year old Hawthorn tree near the roundabout should be retained in the park.

10. The intrusion of the large walkway structure out over the water detracts from the beauty of our most prized asset, the river. Considerable saving could be achieved by removing this from the plan.

In conclusion, I say that we need a plan for the parkland that provides more amenity for the people of Devonport. We need a safe method of crossing the road which is not provided by the Walkway or the zebra crossings. We need a beautiful parkland that will draw people back to the CBD and to the heart of Devonport, our wonderful river. A magical space with excellent play equipment in a safe site, lots of seating, beautiful plants and flowers and functional and beautiful shelters. We could have raised gardens for the disabled, scented gardens for the blind, herb and vegetable gardens for the children, a sound shell for events and more. I urge our aldermen to reject this plan and to seek something much better for the people of Devonport.

Regards,

Jennie Claire  
Ratepayer of Devonport

**From:** Jennie Claire <jennieclairedesign@gmail.com>  
**Sent:** Sunday, 18 November 2018 9:36 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Subject:** PA2018.0160

Dear Mr West,

I am writing to voice my concerns regarding the hotel and residential accommodation proposed for the former Harris Scarf site PA2018.0106. I feel that the Living City concept has lost it's way.

The location of this development is THE PRIME site in Devonport and NOTHING in this proposal is for local people. This was never the right site for the hotel but at least in the original plan it included some cafes along the northern side and looked to be 4 stories high. Now, the cafes have disappeared and it is 7 stories high and the top two floors are residential. The one restaurant will no doubt be up market so out of reach of the majority of Devonport people. Another fault of this proposal is that the river end of this edifice will be carpark. The prime views of Devonport given to cars!

How will this monstrosity help connect Devonport to the river? Yes, there will be some view of the river from the Mall looking north but this building will create shade and block the view to a large degree. In an earlier plan the Mall was going to be connected by an arcade of shops to the river which was a much better idea.

The residential aspect of this proposal is another fault. The Devonport Council should be concerned with providing amenity for all it's citizens not just the select few. It is not the job of the council to provide up market accommodation for the wealthy elite. There doesn't seem to even be an observation deck at the top which the public could use which would be much better than the walkway.

The walkway itself is much too obtrusive in the way it juts out over the water. Let's have some respect for the beauty of the river. Instead of walking along the track and looking out towards the mouth of the Mersey we will see this great structure which leads nowhere blocking the view. Will people really want to walk along it to the end and back more than once or twice? Local people like to go for a walk along the river itself.

I urge the council to reconsider this appalling plan and to provide something for local people on this site. The hotel could be located on the site of the library which would have the advantage of placing it closer to the carpark. This plan does not seem to provide anywhere near enough parking for the hotel and will surely create traffic congestion in a very busy part of the city.

I and many people I have spoken to about the Living City see major flaws in the first stage with the Library, the Gallery and the Visitor Information Centre. It's not too late to save the second stage. This prime site in Devonport must house something with true amenity for local people. We only need look to Ulverstone to see what could be done. There the prime views of the river are given to a community space which houses all sorts of community events. This is what we should have in Devonport on this prime location. Perhaps in conjunction with the hotel if it cannot be moved.

The development at the Bluff which has left our main family beach with up-market restaurants and a very small, often closed, up market kiosk has failed to provide adequately for local people. Many Devonport families would not be able to afford to eat at the Bluff. It would be a travesty if this disregard for residents was to be the hallmark of development again on another prime site. The

current plan is an insult to the people of Devonport and should be amended to create spaces and amenity for local people of all income brackets.

Yours faithfully,

Jennie Claire

**From:** Moira McMurtry <mcmurtry@internode.on.net>  
**Sent:** Monday, 26 November 2018 2:57 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Subject:** Representation PA2018.0175 and PA2018.0160 Planning Applications

To General Manager, Devonport City

There are some issues I would like addressed in the following Planning Applications

PA2018.0174 Subdivision 2-18 Best Street, 20-26 Best Street and 74 Rooke Street  
PA2018.0175 Passive Recreation Park 2-18 Best Street, 20-26 Best Street, 74 Rooke Street,  
100 Formby Road and Formby Road  
PA2018.0160 Visitor Accommodation and Residential 2-18 & 20-26 Best Street Devonport

I understood that a commercial hotel was to be built for visitor accommodation in the Best Street area. Currently this includes a 12 apartment residential addition on top of the proposed hotel and car parking on this site is primarily for the residents of these apartments.

My concerns are

1. The lack of visitor car parking for hotel requirements and increased traffic in the CBD to move visitor vehicles from hotel to the multi-storey car park and back along with the risk of damage to these vehicles. Check out times would coincide with peak traffic in this area causing traffic flow issues. I know this has been addressed in the report but it is a report about average traffic flow not future traffic flows given the whole project is to encourage tourists to visit Devonport. 92 hotel visitor cars plus 10 residential vehicles plus hotel service vehicles is a significant addition to our single lane CBD roads.
2. This land use is zoned commercial and I wonder why a residential apartment block has been placed on top of the hotel. As a resident of Devonport this current proposal was the first I heard that a block of residential apartments in a public space was to be part of the Living City. What is the precedent for this? I believe it is a misuse of the land.
3. This rendering of the Hotel with Apartment block looks very imposing on the waterfront landscape. Is the building within the existing height restrictions for buildings in the CBD?
4. Zebra crossings are a rare pedestrian crossing facility in Tasmania. I read a report by Midson Traffic on the use of zebra crossings/wombat crossings in a similar instance in Hobart that there is a road safety risk associated with installation of Zebra crossings and they should be considered with a degree of caution and only undertaken after a trial. Placing 2 zebra crossings in close proximity on a major road with emergency services in close proximity would create high public risk when using. There needs to be a better solution.
5. I live on Formby Road and daily have to use the Elizabeth Street/ Formby Road intersection to access my property. Each time I contact the DCC about the safety issue of this intersection, and it has worsened due to high speed police use from Wenvoe St Station, I have been told that Formby Road has been specifically designed to maintain traffic flow. Two weeks ago I witnessed a multi-vehicle crash where the Sunday church parking on Formby Road created a bottle neck. Has DCC changed its stance by placing a traffic calming and zebra crossings on this major arterial road through Devonport? It is a very public high risk change for the Living City projects convenience.

6. I have concerns with the hotel will be utilising public bus stops for the visitor buses. This will cause traffic jams and increased public confusion and risk to public transport users. The hotel needs to have its own visitor bus park.
7. The Waterfront Parkland appears to be in early planning stages, not a finished project. It is poorly connected and everything proposed looks like it was all designed separately and just tossed together and call a development. It offers no benefits that we don't already enjoy in our beautiful waterfront parkland. Living on Formby Road I enjoy riding/walking as many others do along the pathways already in place. There are currently unrestricted views along the river and open green spaces.

At the Public Forum we were introduced to the Manager of the DCC, the Architect and the Property Developer. Where is the Project Manager? Surely a project of this size and importance requires an independent professional to oversee and make this Living City project a gem in the North West.

My concerns are:

- A. The Elevated walkway is going to be a blight on the landscape. From the Spirit of Tasmania, people on the walkway will look like zoo animals given the cage like design. It terminates to nothing, not even a promenade which would lend itself to a useable space. In the design it appears to be accessible only to hotel visitors and not Devonport residents and visitors. It reminds me of the iron ore carriers used to access ships in QLD and is indistinguishable from current wharf facilities. I did ask at the public meeting about its construction and was only told about hard to access wooden planks we'll be walking on. No mention of the concrete pillars/ steel girders it will rest on. Sadly it offers no joy in its design or structure and I have grave concerns for the Mental Health Issues it raises.
- B. The children's playground should be away from the water. Recent news has said how distracted parents are by accessing social media on their phones while in the company of their children. It concerns me that at the public meeting that area has not being fully risk assessed and how it was going to be made safe has not been addressed yet. A better place for the children's playground is opposite the Paranapple building which is in close proximity to toilets and public transport facilities and could ensure improved child safety.
- C. I'm deeply disappointed that no area has been included for our teenagers and young adults. Can there be at least 1 adult size swing preferably swinging out towards the ocean.? Lots of great "large children" playgrounds in the world for inspiration. Please give them a thought.
- D. The amphitheater and the round house should include some outdoor heating. Most of the year this area is a ghost town and this design only seems appropriate for the few months that we have warm weather. Maybe a fake coal fire in the round house or in-seat heating in the amphitheater. I'd happily pay to turn on the heat and do some yoga in these areas. I'm concerned that activities in the amphitheater will also be limited due to noise restrictions imposed by its proximity to the hotel. Is this the case?
- E. Devonport has the most unique and beautiful bike/walking track from Pardoe Beach to Coles Beach already in place. Advantage should be taken of the current bike adventures being created in our area and provide some safe cycle paths separate to the walking path not a balustrade stuck in the middle of a path to slow traffic as suggested by the Architect's. Also have bikes available for hire and some bike racks incorporated into the design.
- F. There are limited public toilet facilities and BBQ facilities for the size of the site. Suggesting that there are toilet facilities available at the Paranapple centre and Providore Place doesn't provide for those using the river frontage area. The

Paranapple centre is only available in office hours and Providore Place is too far away. I'm not suggesting another concrete toilet block with half doors that are wind tunnels that seem to be the specialty of the Devonport City Council.

- G. The whole project is about getting people to visit Devonport and there is no RV parking in this plan. The RV community is a huge network and it won't be long before they hear that going over the bridge is a waste of time as there is no parking.
- H. There is no provision for food or drink venues in the whole area. The choices will continue to be limited to Harbour Master and McDonalds. I'd love some Brighton type beach huts or even areas designated for the existing food vans in the area along the foreshore.

I recently visited Penguin after their 7 day makeover and it is fun and inviting with great seating areas taking advantage of their beautiful ocean vista. If the Penguin community can create this in 7 days The Living City project with its 15 million dollar budget should be amazing. Instead it shows limited design innovation, minimal public facilities and poorly connected spaces that offer little to the visitor or Devonport residents. We have this incredible budget and a wonderful space to create something amazing. Please take the time to really consider what you can create.

Thank you for listening.

Kind Regards

Moirá Weber  
14 Formby Road  
Devonport  
0427 466 472

**From:** Tammy Milne <[tammymilne64@gmail.com](mailto:tammymilne64@gmail.com)>  
**Sent:** Monday, December 10, 2018 2:42 pm  
**To:** Paul West; Devonport City Council  
**Subject:** RE: bus shelter in new proposed 15 million dollar park

Dear Paul,

As you know i had some concern about the bus shelter in the new park opposite the paranapple centre. I have grave concerns about the proposed shelters actually ability to shelter anyone. There seems to be little consideration to the wind patterns of the ares and how the rain it seems invariably gets blown under the shelter. Also again I reintegrate the issue of access. From the plans it looks like one side of the bus shelter has no side at all just a roof, so yes it's accessible but provides no shelter. Imagine a new mum and her baby waiting for a bus in these conditions. It seems that those who are using busses (and we know that in this city those people are generally the most disadvantaged) are being give a shelter with no shelter. In a climate when we are trying to encouragerage people to utilise public transport should we being give a maximum effort into making sure that the bus shelter is actually the best it can be; aesthetically pleasing but most importantly functional.

This is a representation for council concerning the park development

Kind regards  
Tammy Milne

--

Tammy Milne 0488 385 971 "Sometimes glass glitters more than diamonds because it has more to prove." — Terry Pratchett, The Truth

**From:** Rowan Larissey <Rowan.Larissey@tasredline.com.au>  
**Sent:** Thursday, 22 November 2018 1:33 PM  
**To:** Devonport City Council <council@devonport.tas.gov.au>  
**Cc:** Dawson, John (StateGrowth) (John.Dawson@stategrowth.tas.gov.au)  
<John.Dawson@stategrowth.tas.gov.au>  
**Subject:** Planning Permit no. PA2018.0175 Passive Recreation (Park)

To the General Manager of the Devonport City Council,

Tasmanian Redline Coaches wishes to put forward its concerns over the "Recreation park" and aspects of it associated towards the newly designed transportation hub, which is directly related to this permit. It is a little disappointing that in our last meeting with the council in regards to the whole change of this precinct that there was no real care for the comments of the bus operators. The council is too overwhelmed with the idea of having a "Melbourne City" designed recreation park and accesses, rather than a safe and efficient transportation hub to help grow passengers into the CBD itself. Also related to our discussions were the shelters proposed for the people to stand under whilst waiting for transport. We have up to 120 people at one time getting on/off one coach, with luggage. People need sheltered access directly next to the kerb of the vehicle to alight down the stairs of a coach without the steps getting wet etc, then disembark to a sizable undercover enclosed area to wait for collection with adequate parking for this to occur.

I would ask that as part of this permit you reconsider the walkway that is proposed to go directly through the busiest bus area in Devonport and instead look at other options. The last thing you want to be dealing with is news headlines about deaths in the bus mall due to pedestrians being impatient and walking in front/behind buses trying to depart from stops. The other items to consider are the amount of bus stops for all operators involved, length of bus stops, amount of shelters, types of shelters, and adequate FREE parking for pick up/drop off of our customers travelling from all over the state into/out of Devonport. I understand the reasoning for the upgrades and we are fully behind the idea and will help wherever we can. But don't lose sight of the practicality and safety aspects of the design when you have to incorporate heavy vehicles into the heart of the CBD.

I look forward to further discussions about the above issues outlined, if you have any questions please let me know.

Thankyou and regards,

Rowan Larissey  
Director  
*Tasmania's own Redline Coaches*  
1300 360 000

-----Original Message-----

From: Jayden Smedley <[jaydesmedley2097@gmail.com](mailto:jaydesmedley2097@gmail.com)>

Sent: Wednesday, 9 January 2019 11:42 AM

To: Devonport City Council <[council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)>

Subject: Community View.

Hi there, ive been told i should forward my comment to you guys, as i was told my ideas and views were great and should be heard by the council.

If the previous Harris scarfe building is being demolished, just imagine how much that would open the city up to the mersey river!! (Without a giant hotel in the way).. it'd open the panoramic centre up to the views of the mersey river from ALL levels.

Creating play spaces, for children and maybe consider facilitating a play space for those with disabilities, with a safe fence line. and not just plonking one up in a dead end. Bring back the "fun" playgrounds that used to be about, such as the one with 2 bikes on each end like they used to have at the ulverstone dinosaur park.

Maybe a jumping pillow for the kids. facilitate a toilet block in a convenient area... bring the gardens right to the edge of the river, and have a board walk along the river side, or even a DECENT viewing platform to watch the spirit come in and out. Harbour master cafe could do with some angled parking.. to make it convenient for elderly, and the delivery people.

Have a water fountain feature within the parkland. Where the harris scarfe building is on the corner, have a creative archway welcoming locals/tourists, to the parkland.

I did hear talk that the road between mcdonalds, and the oldaker st roundabout was being closed?? Unsure on that idea.. but it has its pros and cons.

Facilitate a decent interchange.

\$15,000,000.. surely they can turn the parkland into something that BENEFITS EVERYBODY!! Like the train that goes around the city park in Launceston?... what's the harm in Devonport having something like that?!! For the families. After all, roundhouse park did use to facilitate all the trains in the sheds etc. Space the design out, and make sure you think about the WHOLE community.. such as children ALL AGES. Put cool, groovy, fun little activities around the parkland the kids can do. Make it something that's gonna bring people back to the parkland! and definitely think of the elderly. Plenty of seating. Plenty of shade. Facilitate it with surveillance so nobody can destroy anything there. Have some night lighting around.

even if the hotel does go ahead, there's still all that space to create something this town needs. It's an absolute BORE at the moment. Imagine the parkland at christmas time?... strands of lights around all the trees etc.. maybe even the big christmas tree in the mall could relocate to the parkland every year, and devonport could have a light up ceremony of it again. The atmosphere down there could be amazing!! And somebody with the right perspective on it, could bring that parkland SO MUCH POTENTIAL!!!

i mean all the events that are held down there, bring HEAPS OF PEOPLE! Imagine the layout and space future events would have?? And how many MORE people it'd attract!!! The big sign they have in Melbourne, and Brisbane.. with the name of the city would be awesome down on the parkland.. Have night lights on it, a nice garden surrounding it!! Coming in on the spirit though, the 7 story

hotel is gonna block out that "heart" of devonport. The city will be hiding behind a big hotel. The views we have of the mersey river from the paranaple centre will be decreased. The old devonport library and old service tas was mentioned on being a location for the hotel. Which I believe is a good idea. I just believe Devonports CBD always been closed away from the mersey river, so having that whole parkland all opened up, would shine such an atmosphere into the cbd. The Paranaple centre along side the newly repainted old town hall and entertainment centre would be a key icon for the parkland! The design of the building is different, new, and fresh!! Just what Devonport needed!! Dont put something else near in front of it to take the view away from it... the hotel would look ALOT better facilitated behind the paranaple centre somewhere/somehow. Coming in on the spirit, you'd see the beautiful parkland, then the quirky, fun, new paranaple centre building, then up behind that they'd see a 7 story hotel.. it'd make people wanna explore devonport more i believe. Not just shelter in one section. What happened to the hotel going at the end of rooke street, on the corner of steele st??

The cmax cinema just looks boring and lonely painted gray.. splash abit of fun colours on there.. or something!!! People may say its "not devonport".. but isnt it about creating a NEW DEVONPORT! Bring life into it!!

Kind regards Jayde Smedley.

Received from Vanessa Lake

Mr Paul West,  
General Manager,  
Devonport City Council,  
Rooke St,  
Devonport, Tas 7310

Email [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

Dear Mr West,

I am writing to express my concerns regarding the Planning Application for a Parkland PA2018.0175.

It is great that the council is proposing to extend the size of the parkland in this area but I feel the plan has serious design and safety issues such as the siting of the playground beside the river with no fence and the inclusion of two zebra crossing on a major busy road which is used by large trucks and the ambulance and fire services.

The style of architecture of the bus shelters, roundhouse and toilet block is not attractive and not very functional. There is little seating and the way the area is divided may make it too small for our events and leaves no room for future growth. The amphitheatre leaves performers exposed and doesn't provide comfortable seating.

Also, I feel that redoing a large part of the area which already has pleasant and functional landscaping is a waste of money and suggest that area to the east of the railway not be altered.

I urge council to reject this plan and provide a park for Devonport that is functional and beautiful that can be enjoyed by everyone.

Regards,

A Waterfront Precinct Representation Passive Recreation (Park) PA 2018.0175 to send

(Page 1 of 3)

ROBERT VELLACOTT  
11 COCKER PLACE  
DEVONPORT 7310  
Email : [vellacottrobert@yahoo.com.au](mailto:vellacottrobert@yahoo.com.au)

THE GENERAL MANAGER  
DEVONPORT CITY COUNCIL  
PO BOX 604  
DEVONPORT 7310

17<sup>th</sup> December 2018

Dear Sir,

Subject - **DEVELOPMENT APPLICATION – PASSIVE RECREATION (PARK)**  
**Number PA 2018.0175.....**

DEVONPORT CITY COUNCIL LIVING CITY STAGE 2  
2-18 BEST STREET .20 –26 BEST STREET .74 ROOKE STREET DEVONPORT  
COMMUNITY REPRESENTATION and COMMENTS

I wish to make representation and comment pertaining to the above application.

Firstly I contend as stated in my other representations that the three (3) applications that Council will be considering in regard to the Waterfront Precinct i.e. Visitor Accommodation and Residential: (PA2018. 0160) 2 Lot Subdivision 2018 .0174 and this the Passive Recreational (Park) PA2018.0175 should all be discussed/ considered in toto because all are interrelated. Therefore from necessity some of the content of this representation may be somewhat a repeat of what previously was written.

Whilst I acknowledge that the overall subdivision plan and the siting of the proposed Visitor Accommodation , Residential and parking may be in compliance with the building regulations and all town plan zoning requirements **it fails miserably** as far as providing good town streetscape and user friendly planning for the overall precinct . It also significantly reduces the available area purchased by council for additional parkland by about 30% and most arguable detracts from the amenity of the new park land.

I also again state that I consider council's involvement **and the process in arriving at this point has and continues to be very questionable.**

My comments in the representation hereunder I contend will prove this to be so.

It appears apparent that those, in council, responsible so far for the oversight of the actual size of and siting of the allotment for the hotel and apartments have ensured that there will  
/2

be maximum benefit at minimal cost for the financier /developer at the expense of ratepayers.

The actual lot shown that will be for the hotel and apartments is part of a larger parcel of land and buildings which at this point in time **is still held** in trust by council for the ratepayers of Devonport. .

From what is known the bare minimum, i.e. the actual building footprint, is to be subdivided off therefore necessitating the building to be constructed on or near the boundary line of Best and Rooke Streets. As a consequence there is no possibility of having a pleasant streetscape. Thus the overall aesthetics of that part of Best Street is compromised by the building and gives a canyon like effect to the area where as ,if the hotel was sited differently a more or very pleasant outlook could be achieved, thus giving credence to council's great spiel about opening up the view from the CBD to the river.

The real beneficiaries it seems will be from the hotel and private apartments and of course the upper floors of the paranple centre along with a very limited view from the junction of Best St and Rooke Mall. In reality nothing much if anything has been achieved for the rest of the city regarding views to the river. In fact it could be said that when the hotel /apartment block is constructed there will be actually far less.

**Vehicle Parking** – The question must be asked what provision has been made for tourist buses (day and night) and larger vehicles? **Surely parts of the existing car park** could be included as part of the land to be sold to the hotel to increase their parking facilities and in many instances this would reduce the chance of restricting on street sites available for patrons of other nearby businesses and those who may use the parkland including the new riverside BBQ area etc.

The above is another example of ensuring the hotel developer's best interests will take precedence over ratepayers by whoever was responsible in deciding how much land should be designated for the hotel site. As previously stated council because of ownership of the land at this point in time has full control to increase the size of the land to be subdivided and sold to the developers with appropriate covenants applied. Council is also in the position to sell NO land to a developer if it so determines.

**Service Road** - as this appears for the sole use and convenience of the hotel why are the ratepayers going to be responsible for providing the land, the cost of construction and maintenance? Again this should be included in the lot that is to be subdivided off for the hotel property with development and maintenance a developer cost.

**Elevated Walkway** – The heavy weight design leaves much to be desired AN OVERKILL (it appears that X millions of dollars has to spent one way or another) its position is /3

Page 3

questionable, obviously for the ultimate benefit of the hotel and residential apartments.

If indeed there was a real justification for it then surely a more elegant /graceful designed structure could be chosen. It has been confirmed that this will be constructed and maintained at ratepayers cost. Does the initial cost of many millions of dollars and ongoing cost of many thousands of dollars justify its planned placement and construction?

From the above it can, I believe be shown, that ratepayers **have and will be subsidizing** in many ways what will become a **private investment** property.

The siting of the elevated walkway complicates the situation in regard to what land is proposed for the hotel, if common sense rules that the service road and some part or all of the existing car park becomes part of the enlarged allotment for the hotel – I suggest that this extravagant and costly adjunct with costly ongoing costs be resited.

**Riverside Park:-** East side of between Rooke Street and Formby Road .

Whilst maximising the parkland by allowing the proposed hotel to be built near or on the Best Street boundary what will be predominately an upmarket private apartments development including a 137 room hotel on arguably from a developers perspective, the best site in Devonport and being made available at massive cost to ratepayers to acquire: it will none the less compromise for all others the liveability of that section of Best Street, the access and view to the river.

It is questionable how much this costly parkland west of Formby Road will actually be used. Give the situation and prevailing winds there appears to be very little thought given in regard to making the precinct more user friendly so that it could receive more use / visitations during all seasons of the year . Also **has Council estimated what the ongoing care and maintenance costs will be per annum for the parklands elevated walkway and the lifts?**

**Bus Terminal Shelters:-** Whist this may not be technically part of the parkland it appears nonetheless included in the proposed works and obviously because it is adjacent to should be considered at this point in time . The details shown for the shelters whilst ultra modern and or stylish the question must be asked – does the design, given the location afford reasonable and or adequate protection throughout the year?

#### **Conclusion :-**

The expenditure required, **apart from all other costs i.e. property purchases**, from what I can ascertain for the elevated walk way, roadwork and parklands etc it will be in excess of some \$15 million – funded by the “pork barrel bribe “Federal grant of \$10million and a further \$5million or more of ratepayers’ money. A very costly exercise indeed for what will actually be achieved.

*R. B. Vellacott*

To the Mayor and Aldermen(Councillors),

I attach my submission relating to the proposed Waterfront Precinct  
Passive Recreation (Park) PA 2018 .0175

**Ratepayer contribution**

This is my second submission (in general terms) relating to this DCC initiative. I don't pretend for a moment that anything I have to say will have anything to influence in material terms to what DCC propose to do. I note that in relation to the Living City enterprise that to my mind has there been any contribution or influence by alderman (councillors) on what has been put to them by DCC management that has changed the plan. In other words, it has generally been what is commonly termed a "rubber stamping" exercise. That means, if it is indeed correct that proposals by management have been so outstanding or that that aldermen(councillors) have had little to put forward in alternative proposals.

**Uniqueness**

Devonport has had significant natural advantages (geological and geographical over most towns of similar size in South Eastern Australia. These are embodied in Mount Roland which sits behind the town when viewed from the sea and sits as a bookend to productive Krasnodem soils of the area which provide the base for the agricultural pursuits of the immediate region.

Its other natural significant natural form is the estuary of the Mersey River. Visitors on the "Big Red Boats" approaching the emerald island of Tasmania are confronted by this vision also bounded by the Dial Ranges to the West and the Asbestos Ranges to the East.

So anything we do to the foreshore of the estuary which is the greeting to visitors to this town and greater than that, to this state, should be in sympathy to this vision. Visitors do not come here to see something which is repeated at Werribee, Warrnambool,

Bendigo, Ballarat, Shepparton and other parts of Victoria which is where most of our tourists come from. even more important, the residents of the town want something which is not repeated in other parts of the town or the greater region.

### **Playgrounds**

We need to determine where the children's playground area for the town is to be located. We already have a large area committed for such a playground at the Bluff area, which is a very natural fit. Some tell me that, although greatly improved over recent years it still does not fit its function well. So within only two kilometres from the proposed Waterfront Precinct(area) why don't we put all our intellectual and financial effort into the Bluff area as a "playground" . The Waterfront Precinct is simply the wrong area for another playground, and right next to a train line! Who on earth came up with this proposal.

### **Outdoor dining**

The same could be said for the casual dining (barbeque/picnic) aspect. Do we really need yet another area set aside for this purpose. We have the Bluff, Coles Beach, Vietnam Veterans areas sets aside for this purpose. Why do we need to develop such a unique area of the town for purposes already substantially already provided for and which has extremely limited parking. The parking aspect alone kills this proposal even if the duplication aspect does not.

### **Parklands**

Devonport is also unique in that it has never had set aside a central parkland area. Instead it has used the land adjacent to the Mersey River to develop for this purpose and rightly so too. DCC has done an excellent job in extending this parkland to Mussel Rock and just beyond. Although this section is subject to the cool breezes which inevitably whistle up the river for nine months of the year, it

remains an attractive area to cycle, walk and look over for twelve months.

### **Parking**

As an venue for entertainment such as car exhibitions Byard Park and Meercroft Park, both have far superior parking facilities compared to the congested area of Formby Road between Best and Oldaker Streets.

Every Visitor Centre I have visited on the mainland has free designated parking for all manner of vehicles e.g. car and caravans, large RV vehicles. Where do these very welcome visitors park when they visit the Devonport Visitor Centre.?

### **Conclusion**

All things considered, the only attributes that the current proposal exits is that it attracts a Federal Government grant . It has all the hallmarks of “we have this pot of money, how can we spend it”. Unfortunately it includes the spending of even more borrowed funds which have to be **repaid**.

**Don Willing**  
**Ratepayer**

12/12/18

Gary Vidler  
27 Swilkin Drive  
Spreyton 7310

To the General Manager  
Devonport City Council  
PO Box 604  
Devonport 7310

Re: PA 2018.0175 Passive Recreation (Park)

Dear Sir,

I am writing in support of the planned Water Front Park present as proposed and as designed in its entirety. The concept drawings look fantastic and I believe once completed the area will become a great draw card and enormous asset for the community which will serve the City for many generations to come.

I would like to congratulate the Council and all involved for their forward thinking and for getting us to this point. The design presented shows great foresight and will complement the area well especially alongside the recently completed stage one project and proposed new Hotel. Taking stage one and stage two in account the entire present will provide many opportunities for a broad range of events and activities.

Although not part of this planning application, I would like to see the emergency services moved elsewhere so that access and egress for them is not encumbered in any way. The Roberts site near the Devonport Bridge would be an ideal site for an emergency service complex which would allow fast and easy access to many areas of Devonport during emergencies in my opinion and something worth considering down the track.

This is a very exciting time for Devonport and I look forward to this next stage progressing (*un-watered down*) onto completion.

Regards

Douglas Janney,  
23 Watkinson St.,  
Devonport  
TAS 7310  
26<sup>th</sup> November 2018

Devonport City Council  
Rooke St.,  
Devonport.

**PA2018.0175 Passive Recreation (Park)  
&  
PA2018.0160 Visitor Accommodation and Residential**

The Park to the north of the proposed Hotel (Visitor Accommodation) creates a dilemma (2 equally undesirable alternatives) with the mixture of pedestrians and vehicles but favouring the pedestrians and the hotel operator for the outlook.

The extended hump on the narrowed section of Formby Rd between the 2 zebra crossings serves no purpose. Once a pedestrian steps onto a zebra crossing they have the right of way so the vehicular traffic must give way and stop (in both directions) hence the narrowing of Formby Rd serves no purpose. This is not like a place where pedestrians cross and the road width is narrowed to assist the pedestrian. This section of Formby Rd will as shown on the plans become a crawl way and would have a serious impact on normal travel as well as emergency vehicles going to a callout

As well the road authority in Hobart was not into zebra crossings. Refer to my letter dated 14<sup>th</sup> April 2016 - Budget Considerations. Even now I am only aware of one zebra crossing on public roads and that is in Launceston.

The hump would not be good for heavy vehicles. Talking to a woman from the Architect's office after the presentation on Thursday 22<sup>nd</sup> when questioned she said that heavy vehicle truck drivers had not been talked too about the impact of the hump.

It's all well and good to talk to specialists (Architects and Traffic engineers), however, some common sense on the foregoing matters would appear not to have been applied by others.

Once in place it will there for decades!

NOT A GOOD PLAN.

Received from Terry Hill

5 Ashburner Street  
DEVONPORT 7310  
24 November 2018

The General Manager  
Devonport City Council  
P.O. Box 604  
DEVONPORT 7310

Dear Mr. West,

**Representation – PA 2018.0160 and PA 2018.0175  
Hotel and Passive Recreation Developments**

The following is a formal representation in respect of the above applications. Whilst acknowledging that two (2) separate developments are being considered by Council (acting as Planning Authority), I have seen fit to address my views in one submission due to comments on one application being partly relevant to the other development.

Firstly, congratulations to the Council for its initiative to foster development and employment within our City. We live in a beautiful part of Tasmania and it is imperative that what we do today will be seen by future generations as admirable decisions and money well spent. It is essential that the Planning Authority's decisions in respect of these applications serve to protect and enhance the natural values and attributes of our city, foster community connections and provide passive recreation areas with appropriate facilities for all of us to enjoy.

Arguably, the subject land is the most important, prominent and visually significant site within our City; as such, development needs to recognise and be sufficiently sensitive to protect this asset and accord with community expectations.

It is understood that Council's long-term objective is to ensure that the commercial component of the subject land is developed in a way that connects the CBD to the river frontage. Having viewed the plans, that objective would seem to be somewhat compromised, noting the absence of any particular connection between the two and the fact that the hotel development turns its back on the CBD.

In respect of the hotel development, I understand that components of the application invoke a discretionary approval process under s57 of the Land Use Planning and Approvals Act 1993 in respect of car parking being provided within a car parking exempt precinct, the development exceeding the maximum height limit for the zone (as imposed by the planning scheme) and the residential use component on the two (2) upper-most floor levels of the building. I will limit my comments to aspects for which I am most concerned.

For a development to exceed the maximum height threshold, there must be valid grounds for waiving that standard. It would seem from the advertised material, the developer has not justified why that height limit is unreasonable or inequitable in this case and what its implications would be to the streetscape. As presented, the exemption from the standard seems to be based on an objective to simply maximise commercial gain. For that standard to be compromised, it needs to be demonstrated that the additional height is justified and there is some community benefit for granting the exemption. The application is devoid of both.

The building has three (3) floor levels of "tourism-type" accommodation above the car parks and two (2) more floor levels of private residential accommodation above that on the upper storeys of the building. Apart from an elevated walkway on the river side of the building (the purpose of which is unclear), the hotel development does not provide for community access or indeed, any form of community benefit. The building only provides access for guests / patrons and private residents. Had the "over-height" portion of the building on that upper-most storey been dedicated as a viewing deck for the community (rather than that obscure elevated platform) an exemption from the height limit standard may have had some merit. A substantial viewing platform and associated bar/restaurant would be the preferred and best use for that top floor.

Moving on to the matter of the elevated walkway / observation deck between the hotel and river edge, the concept and design lacks creativity and the concept has little, if any, community benefit. The structure serves no practical purpose over and above what could be gained from such a link at ground level. The basic form of the structure and its design is founded on a "meat and three veg" engineering solution; it lacks imagination, has no identified lookout point or gathering place and serves no practical function. Despite the walkway being for community use, it arbitrarily links the afore-mentioned private development to the river edge. Its height as presented is insufficient to afford a significant vantage point for viewing the river precinct and it attempts to replicate what already exists in the "derrick-like" viewing platform at the river mouth. Clearly, there is no merit in duplicating infrastructure at this prime and visually-significant location, when it already exists elsewhere.

Viewed from proximity of the Harbour Master Cafe and similarly, from the north, the height of the walkway and its form will dominate the skyline, bisect views, visually intrude into the landscape and detract from the ambience and natural beauty of this fantastic open space setting. The concept of a viewing platform at the top of the hotel development (as mooted above) has significantly more merit. On the basis that the elevated walkway concept serves no valid or practical purpose, has significant negative financial implications to the Council (community), strikes a line through our streetscape / landscape and detracts from one of our most significant natural assets (and entry-point to Tasmania), this component of the development should not be supported.

In respect of the passive recreation area development, the design needs considerable work to respond to community comments and expectations, as expressed at the public forum held on 22 November 2018. It would seem that the plans are a "first cut" and that Council is seeking guidance from the community in this regard.

It is not clear from the plans, how Council envisages the open space area is to be used and indeed, what is its overall purpose. The design depicts various facilities arbitrarily located throughout the site; there is no focal point or feature to the layout and it is not apparent what activity is being catered for. The design of structures such as the rotunda and shelters replicate the anomalies and design faults of the surf club, restaurant and open space areas at the Bluff; the design and orientation of the Bluff facilities failed to take into account Devonport's climatic conditions and mean temperatures. That development is characterised by an absence of solar access to buildings and open space areas and structural features which create a series of undesirable wind tunnels. Amenity there has been lost as a result.

In respect of this application, the concept duplicates those mistakes. The shelters and rotunda are impractical in design providing minimal solar access and weather protection. The design is absent of features which protect users from wind and rain

and as such, the use of the facilities will be limited to the short summer months. Comprehensive community consultation would guide the Council in its endeavours to create a purpose and objective for this area. This would lead to the preparation of a detailed brief. The current concept is arbitrary, lacking creativity and purpose and a redesign is imperative.

Arguably, the decision on these applications will be one of the the most important that the Planning Authority will make in the foreseeable future. It is critically important for the designs to be modified accordingly to respond to community expectations. We can't afford to get this one wrong.

Thank you for the opportunity to provide input.

Yours sincerely,



283 Port Sorell Rd, Wesley Vale 7307    ph(03) 64 277 626    alan@merseylink.com.au

**Date: 28 November 2018**

Paul West,  
General Manager,  
Devonport City Council,  
P.O. Box 604,  
Devonport,  
Tasmania, 7310.

Via email: [Council@devonport.tas.gov.au](mailto:Council@devonport.tas.gov.au);

Dear Paul

**Representation relating to application for Planning Permit: PA2018.0175**

Merseylink would like to make a formal representation relating to the above application for a planning permit in accordance with section 57(5) of the Land Use Planning Approvals Act 1993.

Merseylink have concerns in respect to aspects of future stages of the Living City project. Merseylink link have been open and honest with Council during recent consultation processes in sharing these concerns.

Whilst Merseylink are pro development and applaud the current energy and efforts that have gone into this development in Devonport, we however have major safety concerns regarding the building of a pedestrian crossing through the middle of a busy Bus Interchange.

The Devonport Bus Interchange with the scheduling of 100's of heavy vehicle movements on a daily basis is an extremely busy environment and every effort needs to be made to separate pedestrians and bus movements.

Pedestrians and bus interaction is a major safety concern and pedestrians make up the largest group of bus fatalities in Australia.

Merseylink would recommend the planning of the next stage of Living City is reflective of these concerns and that the pedestrian crossing is removed from future planning processes. Another recommendation would be to also remove all non-public transport vehicle traffic from the Bus Interchange which is common practice in all Bus Interchanges around the world.

Merseylink are happy to further discuss these concerns as we certainly do not believe current plans incorporate world's best practice safety concepts when considering heavy vehicle and pedestrian interaction.

Yours sincerely,

*Alan Pedley*

Alan Pedley  
General Manager

cc Jan Bingley – Merseylink Director

17/12/2018 D560712

16DEC18  
Mr P West  
General Manager  
Devonport City Council

Comments on the Proposed Foreshore Parkland

1. How does the proposal fit with the future?. Will it encourage more sustainable low energy using behaviours such as walking. Will it provide real time advice about bus scheduling? Is there parking for bicycles. It is not enough to just have grass and trees as a homage to sustainability
2. Will any planting be low maintenance plants suited to the site, given its estuarine nature. There are difficulties growing plants with different environmental requirements to those inhabiting areas near the coast.
3. Established plants have a higher value than the newly planted because they are. It should be a priority, wherever possible, to retain them in situ.
4. Are the bus interchanges in the right place? Certainly a stop near the Library, Service Tasmania and the Council Offices is needed but so is a main bus station and interchange, perhaps where the old Library carpark is. This should include the various intrastate services.

If not, the bus stop shelters on Rooke St should be just that and would be more useful if they were outside the parkland.

5. A road through the middle of what is essentially a brownfields site is not ideal even with traffic calming devices. Consideration should be given to a change of route so traffic goes both ways along Best St to the existing lights and along Rooke St the roundabout at the eastern end of Oldaker St and the existing section of Formby Rd included in the proposed Park.

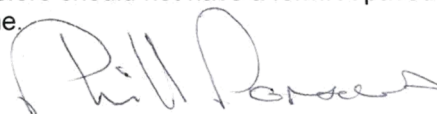
One set of lights would become redundant.

The Park could be linked to the Mall and the parkland with pedestrian overpasses. As it is the park will be divided into two islands rather than a discrete unit.

Alternatively an elongated pedestrian overpass on the existing road to go over the traffic calming zone would improve safety and traffic flow without changing traffic patterns. Oversize vehicles would have to be rerouted.

6. The Roundhouse allegory may appear to be a public sculpture referencing Devonport's railway past but without a clear function for the community it does not seem to have a function and therefore should not have a form. A paved area as a reference could do the same.

Phill Parsons  
46 Old Tramway Rd Eugena



16<sup>th</sup> December 2018

Devonport City Council  
137 Rooke Street  
**DEVONPORT TAS 7310**  
Email: council@devonport.tas.gov.au

Malcolm Gardam  
4 Beaumont Drive  
**MIANDETTA TAS 7310**

**ATTENTION: MR. PAUL WEST – GENERAL MANAGER**

**RE: RATEPAYER REPRESENTATION - APPLICATION FOR PLANNING PERMIT - No. PA2018.0175**  
**Passive Recreation (Park) at 2-18 Best Street, 20-26 Best Street, 74 Rooke Street, 100**  
**Formby Road and Formby Road, Devonport**

Dear Sir,

It is acknowledged from the outset that Council has spent a massive amount of public money (disproportionately funded by Devonport ratepayers) to progress Living City thus far – the budgeted amounts as confirmed by Council for Stage 1 alone (Ref. DCC 21/08/18) were; Multi-purpose building (paranple centre - \$47.1 million), multi-level carpark (\$14.5 million) and food pavilion (Providore Place - \$9.5 million). This does not include expenditures outside of Stage 1 costings such as earlier property purchases (believed to be up to \$15million), earlier consultant reports and council staff's time etc.

Following previous Council decisions to spend such huge amounts of cash and borrowings, without any certainty of generating new revenue streams, it is understandable that Council is keen to deliver something tangible that Devonport ratepayers can embrace as being for their benefit and Council itself can point to as being a benefit from the funds spent. The initially promoted Stage 3 Waterfront Precinct, now referred to as Stage 2, has been described by some as “the jewel in the crown” so to speak and perhaps with costs to match.

With any new and meaningful commercial returns from Stages 1 and 2 still to flow back to the Council coffers, to pay the loan interest let alone reduce debt as promoted, it is nonetheless accepted that the Waterfront Precinct is past the point of no return in terms of protecting the reputation of previous aldermen and senior council staff if not completed. The question is the degree of prudent assessment to be undertaken as to scope of parkland development against realistic needs in spending further funds wisely or wastefully; notwithstanding the \$10 million Federal Government “election promise” grant money which should be spent to achieve maximum benefit.

**Perhaps Council should consider containing the parkland development costs to the \$10 million Federal Government grant and seriously consider spending the stated extra \$5 million of ratepayer funds on identified projects throughout the municipality that are demonstrably beneficial to the community, if it must spend the money, rather than pay down the current debt.**

### **Overall concept drawings**

What is eventually constructed will always be open to differing opinions as to what is actually needed or desirable. However, in that regard I view the concept drawings as a reasonable discussion starter but implore our decision makers to consider the necessity of individual components based on demonstrated need and value for money. The following aspects should receive particular attention before proceeding with drafting “for construction documentation” and calling of tenders.

### Open recreation space within the design

Notwithstanding a theme that appears that all paths lead to the river including an abundance of paved areas within the new zone, it appears on paper that the area may end up “cluttered with features” that only restricts an openness feel and practical use including an ability to stage larger events in the future.

### Hotel / private apartments development on the proposed Lot 1 subdivision on site

Further to my submission on Application for Planning Approval – No. PA2018.0174 (2 Lot Subdivision) I question if Council approval of the said subdivision, in order to allow the hotel/private apartments development to proceed, is in the best interests of ratepayers and is not detrimental to delivering a parkland that will truly benefit the community.

On paper the hotel/private apartments development structure appears somewhat “pedestrian” in appearance, creates a “5 storey wall” that will block views of the river and shade areas of both Best Street and the new parkland for considerable periods of the day and significantly reduces what was a relatively small (but very expensive) area of useable new parkland to start with.

It is acknowledged that in reality when designing buildings reliant on private funding for construction then cost must be balanced against viability and financial returns, unlike buildings funded with public monies such as the paranple centre. **What is of concern is that this development will either be the most prominent feature in the area or an ongoing symbol of poor planning which was allowed to proceed not by a successful planning application but by our council determining to make the ratepayer owned site available.**

We are told the proposed hotel/apartments must be built in this location but unfortunately, in my opinion, the location of the conference centre (if in fact even viable) is the result of the multi-purpose building being in an inferior location on an unsuitable site, as evidenced by the abundance of ground-level steps and ramps unbecoming of a brand new building.

The proposed hotel/private apartments development has been described by some as a wonderful development opportunity and why not when it appears that the land is being made available by Council at a price yet to be disclosed and which offers unfettered views that cannot be built out because of the adjacent ratepayer funded parkland.

**Did the previous group of Aldermen formally commit to sell (subdivide the site) and agree a sale price with the developer before the formal process of advertising for public representations as per the planning permit process was undertaken, thereby circumventing (undermining) any meaningful public feedback?**

**Also did the former council make an agreement (verbal or otherwise) with the developer that restricted opportunities for the newly elected Aldermen to influence outcomes in the best interest of ratepayers?**

**I hope that the price and timing of all commercial arrangements are fully disclosed to ratepayers and that it will pass a simple “pub test” once known.**

### Opening the CBD out to the river

From the drawings it appears that most ground level businesses, pedestrians and vehicular traffic from the northern end of the Rooke Street Mall up to the intersection with Oldaker Street and the lower section of Best Street will have the view substantially blocked by trees and new structures, including the proposed hotel/private apartments. Are the drawings a reasonably accurate representation and the tree canopy is higher than it looks or is this no longer a priority?

Why is it that only the parapet centre and proposed hotel/apartments development (and in particular the council chambers, conference centre and private apartments are the biggest beneficiaries of the very expensive Living City changes?

### Proposed elevated walkway

The ratepayer funded and maintained “elevated walkway,” also hard adjacent the northern side of the hotel/private apartments now delivers little more than an “end of pier experience” for users compared to what was initially envisaged. This also appears to be more about benefiting the hotel/private apartments’ usage than parkland; again at ratepayer expense to construct and maintain. Some have mentioned the hotel/private apartments would look better without the elevated walkway and that may be so but I still maintain it is a somewhat bland building, with or without the elevated walkway.

The need and cost for this “attraction” needs to be seriously reconsidered and if deemed necessary then a configuration starting as a Formby Road pedestrian bridge and maximise the parallel experience along the river edge. This is necessary to ensure best use of finite funds and enhance the river view experience; if that is truly what is trying to be achieved. Without delivering some form of “must have experience” it is unlikely to attract the users to warrant what will be a very significant cost in its current configuration.

Is a pedestrian bridge necessary considering there will be four (4) pedestrian crossings within 200m of Formby Road, between Best and Oldaker Streets, including the two (2) proposed new “pedestrian priority” crossings?

Perhaps consideration should be given to reconfiguring the elevated walkway (pedestrian bridge) to alleviate the multiple Formby Road and rail corridor pedestrian crossings to advantage while retaining some form of viewing platform parallel to the river, or even the “end of pier” configuration as shown, if found to be necessary which I seriously doubt. That said my opinion is that pedestrians will use a convenient level crossing instead of a grade separated one unless using as a viewing platform.

If sufficiently supported, and subject to TasPorts approval, would a lower level viewing platform that could double for general use (including fishing and temporary docking of small recreational boats) at the river’s edge adjacent the existing pathway be considered?

### Proposed alterations to Formby Road

From the drawings it appears that the proposed changes will negatively impact on vehicular traffic movement for 365 days of the year to cater for a yet to be demonstrated increased peak pedestrian traffic on maybe 10 days a year. According to the Pitt & Sherry “Devonport Living City Waterfront Precinct Traffic Impact Assessment” there are/will be about 10,500 traffic movements daily (or approaching 50% of the daily movements across the Victoria Bridge) **As previously pointed out to council this is a major arterial road in Devonport.**

It has been suggested that studies indicate the proposed inclusion of the raised section of road as a “calming feature” with two (2) “pedestrian priority” zebra crossings will only add 2-3 seconds to vehicle travel time for this section of road, and is absurd.

Clearly, should traffic encounter pedestrians crossing “like Brown’s cows” at either crossing, which are only about 38m apart, it will not only cause traffic delays greater than 2-3 seconds but also at peak times create potential traffic build up into the Best Street/Formby Road traffic lights (stated as being at 90% capacity at peak times), the Rooke/Oldaker Street roundabout or even between the new pedestrian crossings. **As a minimum any new crossings must not be unrestricted pedestrian priority.** (pedestrian lights could also prove problematic during peak traffic flows and particularly if two crossings are maintained in the design)

Similar issues may arise from the proposed additional Best Street “pedestrian priority” crossing.

The Pitt & Sherry report does identify potential noncompliance within the current design so Council needs to take expert advice in this area and consider a minimalist approach to new works that will not result in potential for ad hoc and ongoing traffic disruption until the new parkland has demonstrated an increased pedestrian usage. Ratepayers do not need to pay to put something in place and then pay again to make it workable.

### **Redevelopment of existing Roundhouse Park**

The retention of this area as a supported home for events such as Taste the Harvest, Motor Show, Showmen’s Guild Carnival, Carols by Candlelight, New Year’s Eve and the Regatta etc. indicates that Roundhouse Park is not only a preferred location but has been more than serviceable in its current state. It is prudent that Council does not allow the “improvements” to restrict any expansion of current or future events in this location.

The landscaped grassed mounds need to be retained or reinstated as they provide a practical benefit as well as pleasing aesthetics. The last of Devonport’s truly landscaped building surrounds disappeared/will disappear with the demolition of the former council chambers and State Library.

### **Playground and BBQ area**

The choice of location for a new Playground/BBQ area wedged between a live railway line and the river with the inherent issues of train movements and wake from passing ships is baffling to say the least. Of concern is that the planners have still not received approvals required from the Rail Authorities (approval for and configuration of extra rail crossings) or TasPorts (works affecting the shipping lane) after this being pointed out in earlier submissions in February 2017.

With the closest but limited parking in Formby Road it is hard to see users regularly lugging their children and BBQ essentials to this location when more accessible facilities exist at the Bluff Precinct, Coles Beach and the Vietnam Veterans’ Memorial area.

If Council believes there is a shortage of BBQ facilities perhaps it should consider a covered BBQ area with additional seating similar to Coles Beach, or the Bluff, adjacent one of the existing Victoria Parade car parks with a view of the river or even on top of the Bluff itself with a view of the mouth of the river and out towards Wright’s Island. Council could also canvass East Devonport residents as to some additional or improved BBQ facilities on that side of the river.

**I can only ask does Council have any research or specific survey results to indicate that the expenditure on this new BBQ/Playground will be value for money and actually attract sufficient users.**

### **Parkland Maintenance costs**

Considering what is a reasonably small but very expensive additional area of parkland with what appears to be significant landscaping and new structures can council advise as to Council’s estimated additional maintenance costs per annum and how does more grass and less paving/features compare cost wise both initially and for ongoing maintenance?

Page 29 of the Hill PDA report counted 2 new employees against the Waterfront Precinct Parkland so does Council see this as a contribution towards the initially promoted 1100, then 975 and now supposed 830 new full-time CBD job creation?

**Public Representations on the 2 Lot Subdivision and Visitor Accommodation and Residential Applications for Planning Permits**

What is of immediate and serious concern is a premature approval of the other two Applications for Planning Permit - Lot 2 Subdivision as submitted by DCC and the Visitor Accommodation and Residential submitted by Fairbrother.

While a sizeable number of ratepayer concerns over the siting of the proposed hotel/private apartments has been received by council and appear to have not been made public or considered against those applications as planning issues, **I remind all aldermen that approval to subdivide what is council owned property is at the sole discretion of the aldermen and regardless whether the proposed Visitor Accommodation and Residential Application for a Planning Permit is compliant or not is irrelevant.**

**The sale of the proposed Lot 1 site, notwithstanding the arguments that the conference centre needs a new hotel and the hotel can leverage off the conference centre (with no creditable research as to viability), both premised on community support that was never reliably tested, is no different to council wanting to divest a section of Victoria Parade parkland for a hotel development, or even worse, private apartments.**

**The three (3) Applications for Planning Permits are interrelated as are the submissions received for each and should be considered as a whole, noting the approval or otherwise of the 2 Lot Subdivision should not occur until all have been collated and fully considered as views relevant to each permit application.**

To that end, I urge all Aldermen to defer a decision on the 2 Lot Subdivision (PA2018.0174) and Visitor Accommodation and Residential (PA2018.0160) Applications for Planning Permits approval process until all submissions received can be assessed, along with the representations submitted for this the Passive Recreation (Park) Application for Planning Permit, as a whole.

I thank you and all Aldermen (councillors) in anticipation of you undertaking your own due diligence on this matter and for your time in considering my submission prior to making what are extremely important decisions before committing even further ongoing ratepayer funds on the Living City project.

Please acknowledge receipt of this submission.

Yours sincerely,



Malcolm Gardam

(Concerned Ratepayer)

CC: Mayor and all Aldermen

**Vanessa Goodwin**

E: [vanessa@tasgoodwin.com](mailto:vanessa@tasgoodwin.com)  
A: 98 North Street, Devonport 7310  
M: 0408 642 821

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13 December 2018

The General Manager  
Devonport City Council  
PO Box 604  
Devonport TAS 7310

Dear Mr West,

**Re: PA2018.0175 - WATERFRONT PARK**

I'm writing to congratulate you and the elected members of the Devonport City Council for progressing the concept design and development application of the Waterfront Park as the next stage of the LIVING CITY master plan.

As you would be aware there is a lot of community support for this project which will no doubt have significant benefit for the economy of Devonport and the north west region.

My work colleagues, friends and family are very excited to see the Waterfront Park development progress to completion, you have our full support.

Sincerely



Vanessa Goodwin  
Devonport Resident

118 River Road,  
East Devonport 7310.

3 December 2018.

The General Manager,  
Devonport City Council,  
Rooke Street,  
Devonport 7310.

P.A. 2018. 0174

I fail to understand why the Council should sub-divide and consequently sell this land to develop a hotel which will preclude any future development of the CBD towards the waterfront. It has always been said that the LCP will open the CBD to the river. I believe this sub-division will do the opposite and in fact create a significant barrier between the CBD and the river.

The orientation, length and height of the proposed building will create a wall between the CBD and the proposed parkland and isolate the CBD from this area. The proposed building will in effect create a significant shadow on Best Street and the Mall in the winter months, whereas the current structures in this area do not.

It is difficult to understand why no other expressions of interest for this land have been allowed other than for a hotel development.

The sub-division, being an odd shape, appears to cover only the footprint of the proposed building, minimising the cost of land to the developer. The service road, presumably mainly for the hotel, is not included, but appears to be necessary because of the development.

Council will be selling the land to a developer at a significant discount to the purchase and demolition costs and at a rate that does not reflect recent sales in the area. Once again the Council appears to be subsidising another commercial enterprise that will be in direct competition to existing private operators in the city; another unfair impost on ratepayers.

PETER STEGMANN.

3<sup>rd</sup> December 2018

Devonport City Council  
137 Rooke Street  
**DEVONPORT TAS 7310**  
Email: council@devonport.tas.gov.au

Malcolm Gardam  
4 Beaumont Drive  
**MIANDETTA TAS 7310**

**ATTENTION: MR. PAUL WEST – GENERAL MANAGER**

**RE: RATEPAYER REPRESENTATION - APPLICATION FOR PLANNING PERMIT - No. PA2018.017**  
**2 Lot Subdivision at 2-18 Best Street, 20-26 Best Street and 74 Rooke Street Devonport**

Dear Sir,

As most people would know I have raised concerns about Living City since around March 2016, predominantly based on the last minute need for \$50,000,000 of ratepayer cash and borrowings being declared for Stage 1 and, in my opinion, a lack of due diligence in relation to elements of the overall concept being viable in achieving the stated benefits. Also of ongoing concern has been Council's representations the project is not a council-funded project, reliant on ratepayer funding or existing revenue streams; which by any reasonable measure has not turned out to be so.

Regardless, I continue to participate in the process despite a feeling that council is only ticking the boxes and will ultimately do, or has already done, what it wants.

The following is put forward as my submission on the above Council Application for Planning Permit to create a 2 Lot Subdivision from land purchased for what was first promoted as an additional area of public parkland, beginning with the purchase of the old Coles supermarket property in Best Street back in September 2002.

### **Why the need for a subdivision?**

Council has promoted a need for a new hotel (which includes 12 upmarket private apartments) on the proposed Lot 1 site, and hence the reasons for the application for a planning permit – 2 Lot Subdivision.

It appears from statements made by council's Development Manager, senior staff and the previous group of aldermen, prior to the October 2018 elections, the primary "need" relates to the new 800 seat conference centre in the parnaple centre to support it meeting anywhere near full capacity.

Unfortunately, the conference centre was never subjected to proper market research in terms of potential viability. Did Council communicate with Business Events Tasmania on any specific criteria important to evaluate existing opportunities? Council has confirmed in writing that airlines were not contacted regarding the prospect of extra flights into Devonport to transport up to 800 delegates to a conference.

It has been floated that a mode of transport for conference attendees would be the Spirits of Tasmania. One would imagine a huge disincentive to come to Devonport by adding additional travel time to normally very busy participants, be it overnight or day sailings each way. Alternatively, direct flights into Launceston and then being bused to Devonport would be equally unfavourable.

#### **So how did we end up with an 800 seat conference centre that needs a new hotel?**

In response to ratepayer questions as to the level of market research undertaken council advised in writing on 2<sup>nd</sup> May 2017:

*"The initial decision to include a Conference Centre in the LIVING CITY development emerged through the master planning process. **The concept of a Conference Facility and the Waterfront Hotel was further strengthened through advice of Council's appointed Development Managers, P+i Group and the Regional Benefit Study undertaken by HillPDA (December 2014). There is no specific consultant's report relating to the Conference Centre in isolation.**"* Council has confirmed that business case studies recommended by Hill PDA were never undertaken.

In the process of taking this approach Council did not appear to take into account the findings of an earlier pre-feasibility assessment "Launceston Conference Centre Study" by a leading international consultant that stated Launceston **"Lacks adequate domestic market and leisure tourism to stimulate hotel development needed to support conventions."** The same report also identified that the existing airport and accommodation available could not meet the needs of a 450-700 seat Conference Centre in Launceston; and Devonport is not Launceston

Of course Council did commission (and paid for) two hotel reports from Horwath HTL in April and November 2016; **both after the decision to approve Stage 1 construction had been taken, including the conference centre.**

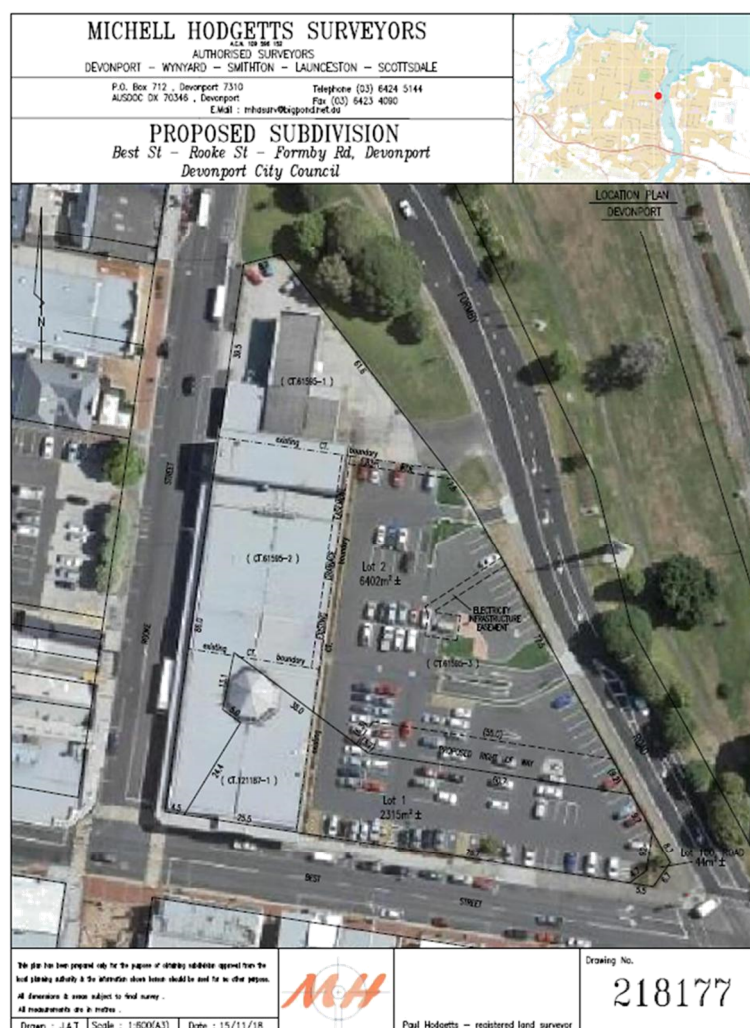
Those reports painted a favourable prospect for a hotel but also contained serious qualifications as to the limitations (reliance on) in the use of the reports, but by that time the conference centre was locked in for construction.

#### **Ratepayer value for money sale of Lot 1 - 2315m<sup>2</sup> ?**

One would consider it reasonable that if an opportunity existed in Devonport for a new hotel/private apartments, a potential developer would do extensive market research, investigate a site(s) and if viable purchase site(s) either vacant or developed (subject to achieving planning approval) and then proceed with any detailed design/planning, approvals, and demolition all at the developer's cost.

In the case of the overall land package proposed for subdivision, Council has procured the entire site including buildings (old Coles Supermarket - \$1,625,000 plus demolition costs, Harris Scarfe - \$4,200,000 and the Action Auto Glass/Precision Exhaust - \$900,000. The last two are subject to loans commencing in 2014 with a residual amount of \$5,000,000 remaining on the ratepayer credit card (according to the last advice received from Council) and incurring over \$130,000 per annum until paid down. It is also reasonable to conclude that the ratepayers have forked out over \$700,000 in interest payments to date.

Conservatively, the ratepayers already have over \$7,000,000 invested in providing the additional small triangular area of parkland between Formby Road, Best Street and Rooke Street. It is estimated to be more likely in the order of \$8,000,000. Using the conservatively lower value of \$7,000,000, plus estimated \$200,000 for demolition of the existing buildings, Lots 1 & 2 (8,717m<sup>2</sup> ) have come at a cost to ratepayers of approx. \$825 / m<sup>2</sup>. (Ref. Drwg. No. 218177 extract below)



While it is understood that the area to the north of Lots 1 & 2, already nicely landscaped, is Crown Land under lease to Council I am not sure of the status of Lot 100 – 44m<sup>2</sup> so have not included in the estimates.

In the Annual Plan 2018-2019 Council included a purely budget amount of \$1,000,000 for sale of land to a hotel/private apartments developer.

**The “Hotel Land Sale” was listed for Closed Session of Council for the 22<sup>nd</sup> October Ordinary Meeting, being the last ordinary meeting and only days before the October elections. At the time of writing Council has neither disclosed the sale price (whether agreed in principle or otherwise) or any other commercial arrangement relating to the proposed sale.**

**The Mayor stated on the 3/11/18 that all “will soon be in the public domain” but no indication as to when regarding any agreed sale or the price.**

Balancing Council’s decision to proceed with the Waterfront Precinct Parkland and pursuing the sale of land to a hotel/private apartments developer it is reasonable to comment on the asking price for the land sale.

Under normal circumstances one would expect the developer to pay for, what is a prime site made possible by ratepayer acquisitions, the full market value and at least the purchase and demolition costs to the section of the Harris Scarfe building required despite only purchasing the bare minimum footprint of land. Where else can a developer purchase a site that is essentially the minimum footprint of a structure of this type to be built in a similar location? An estimated sale price based on estimated council costs of \$7,000,000 plus estimated \$200,000 for demolition of existing buildings, specific to the areas proposed for purchase should therefore be something like:

1. Purchase of the old Coles building plus demolition and on-costs would have been around \$1,750,000. Disregarding all the earlier costs and despite the hotel/private apartments being located over the old Coles supermarket site, **a sale at land value only** should reflect that of a prime site, which it is. For the point of the exercise **SAY \$500,000.(subject to valuation)**
2. From the Lot Plan it indicates that about 40% of the Best Street end of the Harris Scarfe building is required to accommodate the hotel/private apartments construction which amounts to 40% of purchase price of \$4,200,000 \$1,680,000 plus say 40% of an estimated cost to demolish if paid for by Council – 40% of SAY \$150,000 \$60,000 **making a total of \$1,740,000** for the Harris Scarfe area.
3. On top of this Council should be seriously considering reimbursement for some of its hotel related costs insofar as the detailed hotel concept drawings (\$221,000 - which Council has previously advised would be a consideration as part of the land sale), two Horwath HTL hotel reports (\$36,000) and survey/legal costs to the subdivision – **SAY overall contribution of \$150,000 ?**

All up this equates to a **nominal value for Lot 1 in the order of \$2,340,000** If it is not a return in the vicinity approaching this amount then Council is most arguably subsidising a private developer to establish a 137 room hotel and 12 upmarket private apartments, neither of which, of itself, will

service an 800 seat conference centre; situated on a prime site procured by council, in trust for ratepayers, at a much higher cost to ratepayers than the assumed developer's purchase price based on what ratepayers know to date.

The argument for a hotel/apartments bringing in new rate revenue is not that clear cut. Council has indicated in any development there are costs that will not show a return and in arriving at this point council has certainly paid well for existing properties to be demolished and in the process ended what would have been the ongoing lease payments of three tenants on the current site.

**It is agreed that a return is not always possible on council expenditures and in this instance without a land sale all of the costs are monetary losses.** That said, are the potential land sale and future rate returns from a hotel/private apartments of enough significance (recognising the millions of ratepayer dollars already spent on Living City) to have a development that potentially compromises the added parkland and opening the CBD out to the river, with little chance of a hotel/apartments being demolished inside the next 30 years unlike the former council chambers and as also intended for the State Library and Magistrates Court?

**Value for money in ratepayer cost to acquire the small triangular parcel of land – Lot 2 - 0.2m<sup>2</sup> ?**

Assuming a Lot 1 sale price of \$1,200,000 (\$518/m<sup>2</sup>) **(based on the budget allowance of \$1,000,000 and no public disclosure by Council at date of writing as to a sale price)** an estimated cost to procure this land for parkland development (assuming an estimated cost to demolish existing buildings of \$200,000) would equate to a cost of about \$937/m<sup>2</sup>. It should be noted that due to the shape of Lot 1 appearing to provide the minimalist area to be purchased by the developer, the council retained section adjacent the corner of Best Street running north along Rooke Street to the limit of the hotel is more about hotel landscaping at ratepayer expense than useable parkland.

**Proposed Right of Way** - The ratepayer land provided, construction funded and maintained "proposed Right of Way," hard adjacent the northern side of the hotel/private apartments onto Formby Road, appears to be more about benefiting the hotel/private apartments than parkland; again at ratepayer expense to construct and maintain.

**Proposed elevated walkway** - The ratepayer funded and maintained "elevated walkway," also hard adjacent the northern side of the hotel/private apartments now delivers little more than an "end of pier experience" for users compared to what was initially envisaged. This also appears to be more about benefiting the hotel/private apartments than parkland; again at ratepayer expense to construct and maintain. The need, cost, location and configuration for this "attraction" needs to be seriously reconsidered.

If the entire 8717m<sup>2</sup> area was retained as parkland, without subdivision, as per the initial concept at the time of purchasing the old Coles supermarket, the cost would equate to about \$825/m<sup>2</sup> to procure.

Council should seriously consider the impact of the hotel/private apartments on the improved liveability and lifestyle supposedly being enhanced by the extra parkland which ratepayers have purchased at significant cost, including ongoing loans.

In reality the sale of Lot 1 for construction of a hotel/private apartments will defeat any semblance of opening the CBD up to river views for vehicular and pedestrian traffic, if ever really plausible. The outcome does not achieve the hype and arguably will negatively impact the river views significantly other than from the upper floors of the parapet centre, hotel and all private apartments.

The decision to approve the subdivision and in turn the hotel/private apartments which on balance appears to disproportionately benefit the private developer in accessing the bare minimum of a prime site, not otherwise available, now rest with the newly elected Council; unless not already locked in by previous decisions by in my opinion what was mostly an overly eager entrepreneurial driven group of aldermen and senior staff. Those decisions cannot be reversed now.

I wish our new aldermen well and ask that they deeply consider the decisions they are about to make and, based on progress of the long stalled Stage 2 (new retail precinct) and what arguably appears to be a struggling Stage 1 food pavilion (Providore Place), question in-depth the Living City advice that they receive before making necessary, but extremely important, decisions involving expenditure of ratepayer funds going forward.

Yours sincerely,



Malcolm Gardam

(Concerned Ratepayer)

## **5.3 PETITION - REQUEST TO CONSTRUCT FOOTPATH IN APPLIEDORE STREET, DEVONPORT**

File: 14241 D561411

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

Council's Strategic Plan 2009-2030:

Strategy 2.3.1 Provide and maintain roads, bridges, footpaths, bike paths and car parks to appropriate standards

### **SUMMARY**

To present Council with a petition requesting the construction of a footpath in Appledore Street, Devonport.

### **BACKGROUND**

The petition (copy attached) contains 64 signatures and requests that the footpath on the southern side of Shaw Street be extended to opposite the eastern side of Appledore Street, and that a shared pathway on the eastern side of Appledore Street, between Shaw Street and Lyons Avenue, be constructed to make safe pedestrian movements.

The petition states that the current footpath in Shaw Street stops just before Appledore Street, and that there is currently no footpath on either side of Appledore Street. It also notes that the roadside verges in Appledore Street are quite steep, and that vehicular visibility is reduced due to the angular nature of the street.

According to the petition, there are regular occasions when roadside parking in Appledore Street is extremely busy. With the lack of a footpath, pedestrians either have to navigate the road or walk on the steep, grassed verge. Mobility scooters simply have no choice but to travel on the road as the grassed verge is too steep.

### **STATUTORY REQUIREMENTS**

Sections 57 to 60 of the *Local Government Act 1993* relate to petitions. Section 57(2) of the Act requires:

*"A person lodging a petition is to ensure that the petition contains –*

- 1. a clear and concise statement identifying the subject matter and the action requested; and*
- 2. in the case of a paper petition, a heading on each page indicating the subject matter; and*
- 3. in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and*
- 4. a statement specifying the number of signatories; and*
- 5. at the end of the petition –*
  - In the case of a paper petition, the full name, address and signature of the person lodging the petition"*

Section 58(2) of the *Local Government Act 1993* requires that "A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the Council".

## DISCUSSION

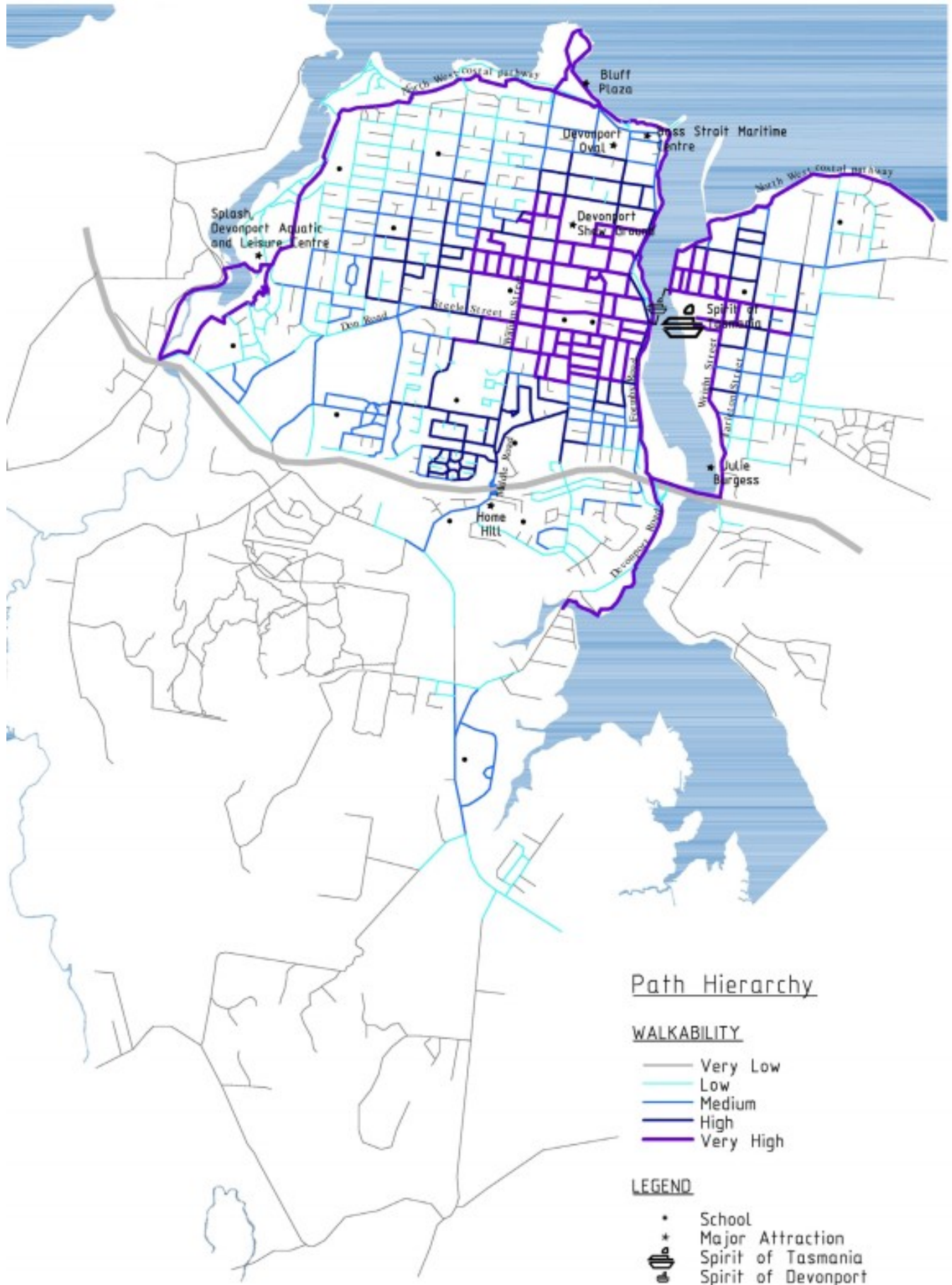
The petition presented to Council meets the requirements of the *Local Government Act 1993*.

The purpose of the petition is to request that Council extend the Shaw Street southern side footpath to opposite the eastern side of Appledore Street and construct a shared pathway on the eastern side of Appledore Street, between Shaw Street and Lyons Avenue.

The objective of Council's Pedestrian Strategy 2016-2021 is "*To make walking in Devonport safe and convenient and to enable and encourage walking as a mode of transport*". The establishment of a footpath in Appledore Street aligns with this objective and would be an effective link in this area of Miandetta to the major path on Formby Road via the existing path in Lyons Avenue.

The Strategy defines Appledore Street as "low walkability". Walkability is a measure of the likely number of pedestrians and the probability of a person in that area choosing to use walking as a mode of transport. It does not vary depending on whether there is an existing footpath, or not. The Strategy uses walkability to prioritise potential projects, as projects in higher walkability areas will bring benefit to the most people. Appledore Street is considered low walkability as it is a significant distance from major pedestrian generators like shops, schools and community facilities.

The project has previously been in the "future" section of the forward Capital Works Program, to be constructed at some time beyond the next five years. However, there are currently 40 projects for new footpaths and 21 footpath renewal projects (total value \$4.5M) that are in higher walkability areas than Appledore Street. This is not an exhaustive list, and projects are continually added through public requests and Council's audits and inspections as required by the Strategy Action Plan.





### COMMUNITY ENGAGEMENT

Community engagement has not been undertaken in relation to this report.

### FINANCIAL IMPLICATIONS

The suggested project would require 160 metres of footpath and 4 kerb access ramps, at a likely cost of approximately \$80,000, and annual maintenance and depreciation in the order of \$1,500.

### RISK IMPLICATIONS

- Legal Compliance  
Council has a requirement to meet its obligations under the *Local Government Act 1993* in relation to tabling of petitions.
- Asset & Property Infrastructure  
There is a risk that if this project were to be prioritised over projects recommended by the strategy, then the implementation of the strategy is undermined, and it becomes difficult to manage the expectations of other members of the public.
- Consultation and/or Communication  
If the project were to proceed, either now or in the future, consultation and investigation would be required to identify the preferred side of Appledore Street; it may be more cost effective and safer to build on the west side, rather than the east as requested.

### CONCLUSION

The requested project aligns with the objectives of Council's Pedestrian Strategy 2016-2021, and it would be a good facility for the pedestrians in the area, linking their local footpath network with the main path along Formby Road. However, there is a long list of projects, currently 61 worth \$4.5M, that are prioritised ahead of this in the Strategy, and therefore, the Appledore Street footpath project should remain in the future section of the Capital Works Program, until such time as it becomes a priority.

### ATTACHMENTS

1. Petition to construct footpath in Appledore Street

## RECOMMENDATION

That Council receive and note the petition relating to the construction of a footpath in Appledore Street and determine to advise the proposers of the petition that Council intends to maintain the Appledore Street footpath project in the future section of the Capital Works Program, until such time as it becomes a priority.

Author:	Jacqui Surtees	Endorsed By:	Paul West
Position:	Executive Officer	Position:	General Manager
Author:	Michael Williams		
Position:	Infrastructure & Works Manage		

## THE MAYOR AND COUNCILLORS OF DEVONPORT COUNCIL

We, the electors of the Devonport Municipality, petition the Councillors in accordance with the *Local Government Act 1993* to urgently extend the Shaw Street southern side footpath to opposite the eastern side of Appledore Street and construct a shared pathway on the eastern side of Appledore Street, Devonport, between Shaw Street and Lyons Avenue to make safe pedestrian movements.

The current footpath in Shaw Street stops just before Appledore Street. There is currently no footpath on either side of Appledore Street. Additionally, the roadside verges are quite steep.

Appledore Street is quite angular reducing vehicular visibility of pedestrians until upon them and there are regular occasions when roadside parking in Appledore Street is extremely busy.

With the lack of a footpath, pedestrians either have to navigate the road or walk on the steep, grassed verge. Mobility scooters simply have no choice but to travel on the road as they can't traverse the steep, grassed verge. This situation is a risk for all parties with immediate remediation sought from Council.

NAME OF ELECTOR	ADDRESS	SIGNATURE
Ronald Hodgetts	6 Somme Street, Devonport	Ron Hodgetts
BERNADETTE HODGETTS	✓ ✓	B. Hodgetts
Vanessa McLean	44 Berrigan Rd, Mianetta	Vanessa McLean

## DECLARATION

We, the proposers of the petition, being electors of the Devonport municipal area, declare:

there are 64 signatories to this petition;

- to the knowledge of the proposers, the signatories are electors of the municipal area;
- the petition was signed between 12-11-2018 (Commencement date) and 14-12-2018 (Completion date).
- The petition is proposed by -

(1) Ronald Hodgetts of 6 Somme Street, Devonport

(2) BERNADETTE HODGETTS (Name of Proposer)  
of 6 Somme St, Devonport (Address)

(3) Vanessa McLean (Name of Proposer)  
of 44 Berrigan Rd (Address)  
Mianetta

The name and address of person to whom notices concerning the Petition shall be addressed is Mr Ronald Hodgetts of 6 Somme Street, Devonport.

Received 17/12/18  
4.15  
A. Roddy

## THE MAYOR AND COUNCILLORS OF DEVONPORT COUNCIL

We, the electors of the Devonport Municipality, petition the Councillors in accordance with the *Local Government Act 1993* to urgently extend the Shaw Street southern side footpath to opposite the eastern side of Appledore Street and construct a shared pathway on the eastern side of Appledore Street, Devonport, between Shaw Street and Lyons Avenue to make safe pedestrian movements.

The current footpath in Shaw Street stops just before Appledore Street. There is currently no footpath on either side of Appledore Street. Additionally, the roadside verges are quite steep.

Appledore Street is quite angular reducing vehicular visibility of pedestrians until upon them and there are regular occasions when roadside parking in Appledore Street is extremely busy.

With the lack of a footpath, pedestrians either have to navigate the road or walk on the steep, grassed verge. Mobility scooters simply have no choice but to travel on the road as they can't traverse the steep, grassed verge. This situation is a risk for all parties with immediate remediation sought from Council.

NAME OF ELECTOR	ADDRESS	SIGNATURE
1 Simon Wilson	11 Watford Close	
2 BARRY DUDFIELD	1 SOMME STREET	
3 BRUNNEN DUDFIELD	1 SOMME ST DEVONPORT	
4 Mike Smith	31 SHAW ST. D'PORT	
5 Eileen Smith	31 Shaw St D'PORT	
6 ANDREW HALLAM	29 SHAW ST, D'PORT	
7 MARGARET HALLAM	29 SHAW ST, D'PORT	
8 CHRIS HALLAM	" " " "	
9 SANDRA YOUNG	27 SHAW STREET	
10 DARREL YOUNG	" " "	
11 MARGARET COOMBS	1177 SHAW ST	
12 James Patman	36 Shaw Street	
13 HUGH MURRAY	41 SHAW STREET	
14 Tamieka Murray	41 Shaw Street	
15 DR CONNOR THOMAS	49 APPLEDORE ST	
16 Lyn Plapp	31 APPLEDORE ST.	
17 Marcia Bonnet	49 SHAW ST UN-2	
18 CLIVE SMITH	1/49 SHAW ST	
19 Gary Smithurst	66 SHAW ST	
20 Dale Murfit	64 SHAW ST	

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NAME OF ELECTOR	ADDRESS	SIGNATURE
1 BERNADETTE HODGETTS	6 SOMME STREET, MIANDETTA	B. Hodgetts
2 ROBIN BURT	1/13 WATFORD CL MIANDETTA	R. Burt
3 JANICE BURT	1/13 WATFORD CL MIANDETTA	J. Burt
4 JODI SMITH	2/13 WATFORD MIANDETTA	J. Smith
5 JOHN HUMPHREYS	38 SHAW ST DEVONPORT	J. Humphreys
6 RUTH HUMPHREYS	38 SHAW ST. DEVONPORT	R. Humphreys
7 DIANE TWISS	9 WATFORD CLOSE	D. Twiss
8 P. TWISS	" "	P. Twiss
9 J Marshall	9 Watford Close	J. Marshall
10 L. MARSHALL	9 WATFORD CLOSE	L. Marshall
11 BRUNDA HAAS	6 Watford Cl	B. Haas
12 GAIL HAAS	6 Watford Cl	G. Haas
13 JACQUELINE JONES	4 Watford Close	J. Jones
14 JOAN MAYES	3 WATFORD CL.	J. Mayes
15 BARBARA SLADE	3 SOMME ST	B. Slade
16 DIANE BARDENHAGEN	16 SOMME ST	D. Bardenhagen
17 JACQUELINE SMITH	R. SOMME ST	J. Smith
18 GRACE KEELEY	10 SOMME ST. DEV.	G. Keeley
19 ALAN KEELEY	10 SOMME ST DEV.	A. Keeley
20		

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NAME OF ELECTOR	ADDRESS	SIGNATURE
1 ROBIN PEGUS	48 SHAW ST.	Robin Pegus
2 Blaine's Pegus	" "	Blaine's Pegus
3 MARLENE PARKER	46 SHAW ST	Marlene Parker
4 JOHN MICH.	4 SOMME ST.	John Mich.
5 P. Bligh.	8 Somme St.	P. Bligh.
6 R. WILSON	34 SHAW ST	R. Wilson
7 D. Maddocks	32 Shaw St	D. Maddocks
8 Zoe Ho	28 SHAW ST	Zoe Ho
9 Simon Blewith	28 SHAW ST	Simon Blewith
10 D. Campbell	26 SHAW ST	D. Campbell
11 L Chettle	1 Langslow Dr	L Chettle
12 G. Muir	2 LANGSLOW DRIVE	G. Muir
13 J. Muir	2 Langslow Drive	J. Muir
14 Michelle Green	5 Langslow Drive	Michelle Green
15 Jeff Green	5 Langslow Drive	Jeff Green
16 Chris Pinner	8A Langslow Drive	Chris Pinner
17 Ann Lowry	9 Langslow Drive	Ann Lowry
18 Maureen Furey	2/13 Langslow Dr	M. Furey
19 ELVIE KNOWLES	5/13 Langslow Drive	E. Knowles
20 Dawn T. & P. T.	1/13 Langslow Dr	Dawn T. & P. T.

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NAME OF ELECTOR	ADDRESS	SIGNATURE
1 ALLAN BAKES	4 LANGSLOW DRIVE	A.R. Bakes.
2 BEV, RICHARD CROSSWELL	15 Langslow Dr	R. Crosswell
3 WILFRED LAYCOCK	11. 16 LANGSLOW DR. <sup>MUNDETTA</sup>	W. Laycock.
4 CHIU KOO LAM	11 16 LANGSLOW	
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## 5.4 LIVING CITY LOAN

File: 32161 D563212

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.5.2 Ensure comprehensive financial planning to meet sustainability requirements

### SUMMARY

The information in this report is presented to confirm the rollover of the existing LIVING CITY construction loan facility to a principal and interest loan.

### BACKGROUND

In June 2016 Council approved the refinancing of existing debt and the establishment of a new facility with ANZ Bank to finance the construction of Stage 1 of the LIVING CITY project.

The total facility approved at that time was \$59,350,000 as follows:

Facility	Amount	Terms
Existing debt formerly with TasCorp (Facility 1)	\$20,350,000	Variable interest rate. Principal repayments over 20 years with review every 12 months
Construction Loan (Facility 2)	\$39,000,000	Interest only loan at variable rate to 31 December 2018

In December 2018, ANZ extended Facility 2 until 31 January 2019 to allow for the rollover of the debt to be finalised.

Given the annual review date in the loan documentation, Council has reported all debt as a current liability in its annual Financial Statements for the last 2 years.

Initial interest repayments were set at a variable rate linked to the 30-day bank bill swap rate (BBSY) plus a margin applicable to the loan balance and a line fee applicable to the total facility.

To address the interest rate risk of exposure to a variable rate and provide future certainty, Council determined to enter into a series of interest rate swap arrangements with ANZ. These arrangements effectively fix rates for a major portion of each loan. Facility 1 has three swaps attached to the loan, totalling \$15M. Facility 2 has three swaps attached to the loan covering \$30M. Maturity dates for all swaps range from 2021 to 2025.

At this stage Council does not intend to make changes to the swap arrangements. As the swaps mature, a decision will be made to either reduce debt or rollover the swaps, depending on the Long Term Financial Plan. The Stage 1 project Funding Model adopted by Council March 2016 included loan borrowings of up to \$39M at an average interest rate of 3.67%.

At 30 June 2018, the weighted average interest rate on debt was reported as 2.8% (excluding the line fee).

This report presents an offer from ANZ to continue to provide loan borrowings to Council.

**STATUTORY REQUIREMENTS**

Section 78(2) of the *Local Government Act 1993* relates to new borrowings. Council complied with those requirements at the time the facilities were entered into.

**DISCUSSION**

Council has been in discussion with ANZ Bank to roll over the existing loan facilities following completion of the construction phase of LIVING CITY Stage 1. ANZ representatives presented a Facility Re-structure paper in October 2018 for consideration and issued a formal Letter of Offer on 11 December 2018. Council has been granted an extension to sign the Letter of Offer until 31 January 2019.

Council entered into these discussions with four key requirements:

- Review the classification of debt from current to non-current liability;
- Ensure a cost-effective structure given the existing pricing offered by ANZ;
- Ensure flexibility to enable additional repayments to be made as and when cash flow allows; and
- Ensure security around interest rates.

The Letter of Offer received from ANZ addresses these requirements and includes the following:

- The offer is for a 2-year facility, allowing Council to classify only the next 12 months principal repayments as a current liability;
- The overall pricing arrangement sees an increase of 9 basis points to lock in a 2-year facility. The offer removes the current line fee on the approved facility limit. As the loan balance reduces the interest expense will also reduce. The estimated weighted average cost of interest on both facilities is expected to be below the 3.67% used in the original Funding Model. Based on the current 30-day BBSY the weighted average interest rate will be approximately 3.5%.
- Additional principal repayments can be made at any time without penalty; and
- The interest rate swaps will remain in place until maturity.

In summary the new loan offer is as follows:

Facility	Amount	Terms
Existing debt formerly with TasCorp (Facility 2)	\$18,706,000	Variable interest rate. Principal repayments locked at \$67,000 per month
Construction Loan (Facility 1)	\$33,850,000	Variable interest rate. Principal repayments locked at \$83,333 per month

The principal repayments are consistent with amounts included in the Long Term Financial Plan adopted in June 2018.

The construction loan balance is significantly less than the original facility of \$39M. The lower debt balance reflects savings realised in the project and additional equity contributed as a result of prudent cash management.

Council's actual cash balance at 30 June 2018 was \$16.44M compared to \$7.67M projected balance in the "Worst Case" Long Term Financial Plan presented with the adopted Funding Model in March 2016.

It is intended to provide a final report on the construction costs of Stage 1 of LIVING CITY to Council in the near future.

Interest will continue to reference the 30-day bank bill swap rate, however as Council has extended the term of the facility, the margin applied by ANZ has increased by 9 basis points.

As mentioned above, the interest rate swap arrangements will not be affected by changes to the loan. Council will continue to effectively fix the interest rate applicable to 85.6% of the loan facility

## COMMUNITY ENGAGEMENT

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

## FINANCIAL IMPLICATIONS

The financial implications of the changes to the loan facility have been outlined above. Principal repayments, interest expense and loan balances have been reflected in the Long Term Financial Plan adopted by Council in June 2018.

## RISK IMPLICATIONS

Confirmation of the terms included in the Letter of Offer from ANZ Bank provides certainty to Council in relation to the reporting of debt as a current liability and the charges to apply to the variable portion of the loan. The interest rate swaps effectively address the interest rate risk by having the majority of the loan fixed at agreed rates over the next 6 years.

The principal repayments have been factored into the Long Term Financial Plan adopted in June 2018 to ensure Council can continue to manage cash flows effectively.

## CONCLUSION

As Council has reached the completion of the construction phase of Stage 1 of LIVING CITY, the loan arrangements with ANZ Bank have been reviewed. Negotiations between the Council and ANZ have been underway since October 2018 and have addressed the key conditions identified by Council at the outset. This report presents the renegotiated terms with ANZ for approval by Council.

## ATTACHMENTS

- |   |              |
|---|--------------|
| 1. Confidential - Refinancing Information | Confidential |
| 2. ANZ - Letter of Offer (Restatement)    | Confidential |

## RECOMMENDATION

That Council receive and note the report regarding its debt financing and authorise the General Manager to:

1. accept the offer from the Australia and New Zealand Banking Group Limited (ANZ) to refinance Council's existing debt of approximately \$52,556,000;
2. solely execute the necessary loan and security documentation with ANZ; and
3. determine and modify, as required, the mix of variable and fixed components of the total borrowings, based on anticipated business needs.

Author: Position:	Kym Peebles Executive Manager Organisational Performance	Endorsed By: Position:	Paul West General Manager
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## 5.5 REVIEW OF DEVONPORT FOOD AND WINE 2018

File: 33663 D564287

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.2.5 Support festivals, events and attractions that add value to the City's economy

### SUMMARY

To provide Council with an overview of Devonport Food and Wine 2018.

### BACKGROUND

Devonport Food and Wine (DFW) is an annual month-long event that celebrates the food culture within Devonport and surrounds. DFW aims to bring people together through food to promote the security, seasonality and availability of produce across the North West Coast.

The event is governed by the DFW Committee, comprising industry and community representation, and chaired by Cr Laycock.

Commencing 2017, the festival was moved on the calendar from March to October, making 2018 the second year the event was held in October. Feedback from the participating organisations, post the event indicated an overwhelming request to hold the festival sometime between January and March when the weather is warmer and the majority of produce is harvested.

Now in its seventh year, the 2018 program featured over 40 individual events.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

This year, the Committee changed the name Devonport Food and Wine Festival to Devonport Food and Wine, in order to simplify.

The Committee's main objective for 2018 was to bring the event back to a community and industry focused month of events.

With renewed emphasis on the community aspect of the event, the Committee's goal was to foster education and passion for food within the Devonport community.

Council held a breakfast information session in June with industry and community organisations. This began some good discussions on facilitating partnerships within the community in order to build a program of events that was inclusive to all walks of life. The breakfast session was received well and helped build relationships with community organisations to start building the program.

### Sponsorship

The 2018 festival attracted in-kind sponsorship from The Advocate, Tasmanian Broadcasters (7AD and SeaFM) and Tasmanian Hotel and Catering Supplies. An opportunity exists for greater sponsorship involvement, and this may be assisted by regenerating the festival with a branding overhaul.

### Launch Event

Hosted by The Cultivate Group and held on Friday, 5 October 2018, *Spirits at The Wesley* offered a unique experience in Devonport's new venue space, The Wesley. The atmosphere conjured a night of indulgence offering sparkling wine on arrival, a Tasmanian grazing table, a wine and spirits bar, and representation by several local food producers. Entertainment included live music, chef demonstrations by Ben Milbourne, fun food experiments and a roving circus performer.



### DCC Events

Council hosted two key events during the festival, both of which attracted strong interest from the public and media.

### Chef Demonstrations

The Chef Demonstrations opened Devonport Food and Wine on Monday, 1 October 2018 in the paranple convention centre, attracting good interest from both industry professionals and the public.

The day featured three sessions: *Cupcake Decorating for Kids* in the morning, *Mastering Your Kitchen* in the afternoon, and *Entertaining With Flair* in the evening.

A good variety of food and beverage topics were covered, including French cuisine, coffee tasting, healthy desserts, and utilising local and seasonal produce.

A cupcake decorating competition helped generate media interest.

The new state-of-the-art venue offered ample space, magnificent views and the opportunity to livestream the demonstrations to the audience on the big screen.



## Spring Festival

As a new event for the Devonport Food and Wine program, the Spring Festival was very well received by attendees and industry alike.

Held on Sunday, 21 October 2018 at Roundhouse Park, the event attracted approximately 2,500 people over the afternoon.

Social media promotion, along with a print advertising campaign and radio interviews attracted more patrons than anticipated. Feedback from the event was overwhelmingly positive with vendors and patrons calling for a repeat of this event in 2019.

The popularity of the Spring Festival demonstrates the appetite for a casual, family-friendly, low-cost style outdoor event.

Themed as an old-fashioned country fair, the day offered a wide range of quality food and beverage vendors, a pavlova bake-off competition open to the public, free games for children and a petting zoo with baby farm animals.

Industry producers were represented by Huon Salmon and the Dairy Industry Association, with Biosecurity Tasmania also in attendance.



## Marketing

Marketing of the festival involved media partnerships with both Fairfax and Tasmanian Broadcasters. Both outlets showed good support with a mixture of paid advertising and editorial support.

Both Council events were given excellent editorial coverage in The Advocate and significant coverage on both 7AD and SeaFM.

## Social Media

Social media remains the most important marketing tool for the festival, matching the key audience demographic, attracting interaction with attendees and stimulating conversation about the festival and specific events. A survey of festival attendees confirms that 75 % of respondents indicated they heard about the festival via social media.

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**Report to Council meeting on 29 January 2019**


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Both Devonport Food and Wine social media platforms – Facebook and Instagram – experienced significant growth in audience and reach during the event.

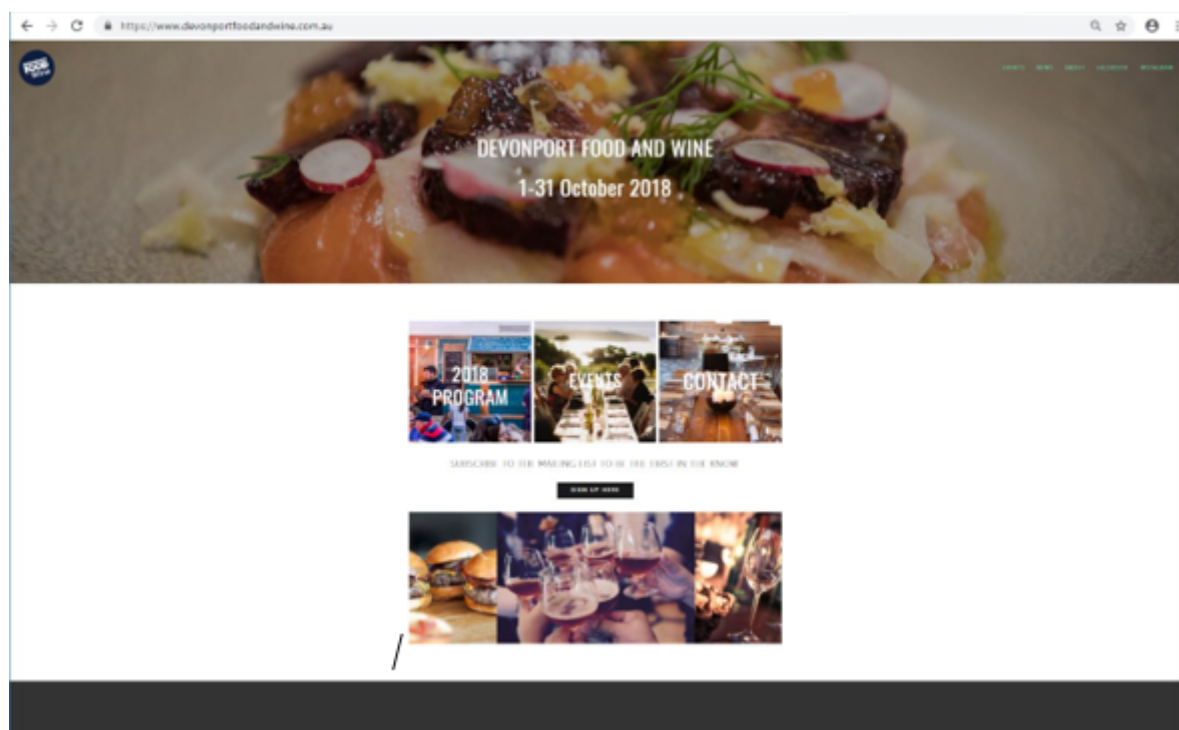
By late September, reach on the Facebook page indicated almost 3,900 people, an increase of nearly 230% on the previous 28-day period. There were over 670 post engagements in the last week of September, up almost 600%. In early October, reach increased to almost 11,000 and there were more than 2,800 post engagements, a further increase of almost 400%.

### Website

Visits to the site in 2018 were up by over 10% on the previous year with 10,400 pageviews across the year and over 5,300 unique visitors.

In addition, sign-ups to the newsletter increased by almost 285% in 2018.

Site visits averaged around 100 a month, increasing to 2,000 over September and October, indicating the wider marketing is the main driver of website visits.



### Program

The 2018 program followed the minimal detail format of the previous year.

Essentially an advertising tool that provides an overview of events with readers encouraged to visit the website or contact the venue for more information, the program is available from the Visitor Information Centre and all participating outlets.

While this format allows for a greater number of copies to be printed, the surplus amount from 2018 indicates demand for them has not increased. A festival program app might be a cost-effective option for future consideration.

### Feedback

Feedback from venues and patrons was mostly positive with an overall rating of 85% from Council's survey and 85% indicating they would recommend Devonport Food and Wine to a friend.

**Report to Council meeting on 29 January 2019**

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Of those who responded, the most popular events were special dinners or lunches and free and low-cost family events, followed by cooking demonstrations and alcohol tastings and classes.

Feedback about the optimal length of the festival was also sourced from event hosts with following result:

2 weeks	45.45%
10 days	27.27%
1 month	27.27%

Given that sustaining momentum in promotion of the festival over a full month is a challenge, it may be more successful if concentrated over a two-week festival period.

Venue and host feedback indicated they would like to see more support from the Council with coordination of the festival so that it feels like a more cohesive event.

### **2019 Festival Planning**

It is estimated that approximately 3,000 patrons attended the 2018 festival. This equates to an approximate cost per patron of \$6.10. Whilst relatively low, in order for the festival to grow there are key areas for improvement to consider:

- Review branding and promotional opportunities for a stronger brand presence.
- Explore opportunities to attract more patrons.
- Explore opportunities to attract more sponsors.
- To ensure a more cohesive festival in 2019, plans to be put in place for more communication with hosts pre- and post- event, as well as greater staff and Councillor attendance at events.
- Develop plans to best utilise the parade precinct for 2019 events – in particular Market Square and Provadore Place.
- Grow existing partnerships to maximise promotional opportunities for future festivals.

The DFW Committee will explore these questions and formulate plans for the 2019 event as part of their annual review.

### **COMMUNITY ENGAGEMENT**

Council worked collaboratively with the Industry, hospitality sector, tourism sector, service clubs, food vendors and the community in relation to the format and program of DFW.

The format and program of events was implemented through consultation and endorsement from the DFW Committee.

Council will continue to seek community and industry feedback for DFW 2019.

### **FINANCIAL IMPLICATIONS**

The operational budget for the 2018 Devonport Food and Wine festival was \$24,000, excluding Council staffing costs. The overall net cost was \$18,307.

Interestingly, coming in significantly under budget does not appear to have greatly impacted attendance numbers and popularity of the festival.

Worth noting is that this year's operating cost was a net total of \$12,808 less than 2017, in most part due to the discontinuation of the Ambassador role. This decision appears to have produced a favourable result by reducing the financial risk without apparent effect on public interest in the festival.

Report to Council meeting on 29 January 2019

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Income of \$1,985 was lower than expected due to reduced sponsorship levels and over estimation of sales from admission fees.

The expenditure fell into two main categories:

Marketing and promotion: \$14,182

Event staging: \$ 6,110

### RISK IMPLICATIONS

Cohesion: Given the festival is largely a conglomeration of privately hosted events by a wide range of businesses, organisations and charities, Council risks losing support from the hospitality industry and other stakeholders without adequate coordination and communication to all stakeholders in order to create a sense of unity and cohesion for the festival. In order to ensure their continued support, stakeholders need to feel they are part of something valuable and worthwhile.

Brand Presence: The festival's current brand presence could be improved. Currently, there is a reputational risk associated with the brand presence for the festival and where it fits within the North West hospitality scene, which is evolving at a rapid pace. Without a strengthened brand presence, the festival may lose support from the hospitality community should they come to see it as redundant. The increase in quality of food and wine venues within Tasmania may mean that the festival loses its significance with similar events happening all year round in Devonport.

### CONCLUSION

The Devonport Food and Wine Festival is a key component of Council's events calendar. However, due to the changing climate in Devonport, with new food and wine offerings open and running similar events year-round, the festival may lose its popularity without a strengthened brand presence.

The DFW Committee will undertake a full detailed review prior to planning any event for 2019 and beyond.

### ATTACHMENTS

Nil

### RECOMMENDATION

That the report relating to Devonport Food and Wine 2018 be received and noted that the Devonport Food and Wine Committee will undertake a review of the event structure early in 2019.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## **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:	Paul West
Position:	Executive Assistant General Management	General	Position:	General Manager

## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D563511

### 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 10 December 2018 and 23 January 2019:

- Council meeting, Workshop, internal meetings, Strategic Plan Review Listening Posts
- Media as requested – Martin Agatyn, 7AD (x 2), The Advocate (x 2), Lee & Jess, SeaFM, ABC Radio, Tas Networks
- Meetings with residents and business owners on a range of issues
- Cradle Coast Authority Board Meeting
- With the General Manager, met with CEO of Ten Days on the Island
- Prize draws re Christmas promotion with SeaFM and 7AD
- School presentations x 7
- New Year's Eve Skyfire
- Visited Yacht Club during the 2019 Australian & Oceania Laser Championships, and attended the Final Dinner
- Chairman's Lunch at the Devonport Cup
- Met with senior management of CatholicCare
- Arboretum Committee meeting
- Met with NAB executives – tour of paranapple centre
- Devonport Greyhound Club Cup meeting
- Met with Deputy Mayor Cr Jarman.

### ATTACHMENTS

Nil

### RECOMMENDATION

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

## 6.3 GENERAL MANAGER'S REPORT - JANUARY 2019

File: 29092 D561069

### 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, is easy to understand, whilst complying with legislative requirements

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 13 December and 23 January 2019. It also provides information on matters that may be of interest to Councillors and the community.

### BACKGROUND

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

### STATUTORY REQUIREMENTS

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

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Participated in discussions relating to a matter referred to Equal Opportunity Tasmania.

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

- 2.1. Attended a regional function at the invitation of the Premier, Hon Will Hodgman MP.
- 2.2. Met with a resident to discuss aspects of the LIVING CITY Waterfront plans.
- 2.3. With the Mayor met with representatives of CatholicCare. This was an opportunity for CatholicCare to outline the services they provide in Tasmania and in particular the North West. CatholicCare have recently appointed a North West Regional Manager.
- 2.4. Met with a local resident to discuss concerns relating to parking in Hiller Street.
- 2.5. The consultation period for the 2019/20 budget is now open and will run until Friday 1 March. This is an opportunity for members of the community to provide input into the budget process. Submissions can be made online via [www.speakupdevonport.com.au](http://www.speakupdevonport.com.au) or written submissions can be provided to the Council customer service desk, level 2 paranapple centre.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended a meeting of the North West Branch of Local Government Professionals. The purpose of the meeting was to complete the requirements relating to the Annual General Meeting of the organisation.
- 3.2. As a member of the Coastal Pathway Steering Group attended a meeting to discuss the finalisation of the grant deed with the Australian Government.
- 3.3. With the Mayor attended a Cradle Coast Authority Workshop. The purpose of this Workshop was to discuss the upcoming Federal election and items the Authority may pursue in relation to funding submissions. Representatives from TasNetworks, Hydro Tasmania and UPC (Wind Farms) provided presentations in relation to future opportunities available in the renewable energy space.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. With the Mayor met with the Executive Officer from Ten Days on the Island to be briefed on the events to be held in the North West during the 2019 Festival. The Festival will this year be held over three weekends with the opening to held in Devonport on 8 March 2019.

There was a request for Council to consider providing additional funding to Ten Days, however considering the support already committed through the use of the Devonport Regional Gallery for "Here She Is" including staffing assistance for the install and de-install, the co-presentation of "Del Kathryn Barton: *The Nightingale and the Rose*", of which the exhibition costs and touring fees are fully covered by Council, the request was declined.

5. OTHER

- 5.1. Council has received the account for the conduct of the 2018 election. The amount charged by the Tasmanian Electoral Commission was \$127,850 (ex GST). The 2018/19 budget for election expenses was \$124,000. With a previous payment of \$11,154 for ongoing roll maintenance and the \$127,850 the total amount paid will be \$139,004 - \$15,004 or 12.1% above the budget.
- 5.2. At the November 2018 Council meeting it was resolved (219/18 Res):

*"That Council receive and note the report of the Development Services Manager regarding a smoke-free precinct in the Market Square area and that Council undertake the process to declare the nominated area smoke-free, including the grassed areas in front of the car park".*

A public consultation period commenced on 12 December 2018 on Speak Up Devonport and promoted through Council's Facebook, via a media release, a Twitter post and on its own web page.

The Speak Up Devonport page remained active until Friday 11 January 2019.

In total 88 comments were received. There were 84 different people who posted a comment. This has been one of the highest response rates for a Speak Up Devonport consultation in recent times. No comments were expressly opposed to the smoke free proposal and the vast majority were highly supportive.

The Facebook post on 13 December reached approximately 5,800 people with 208 reactions, comments and/or shares achieved, again a high response rate. Of those who issued a comment, very few expressly opposed the proposal with the overwhelming majority of comments very supportive.

Based on this consultation, a Declaration of Smoke-free Area will now be submitted to the Director of Public Health with the intention of the nominated area being smoke-free effective during February 2019 and enforceable once signage has been installed.

A copy of the plan outlining the proposed declared area is provided as an attachment.

### **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.

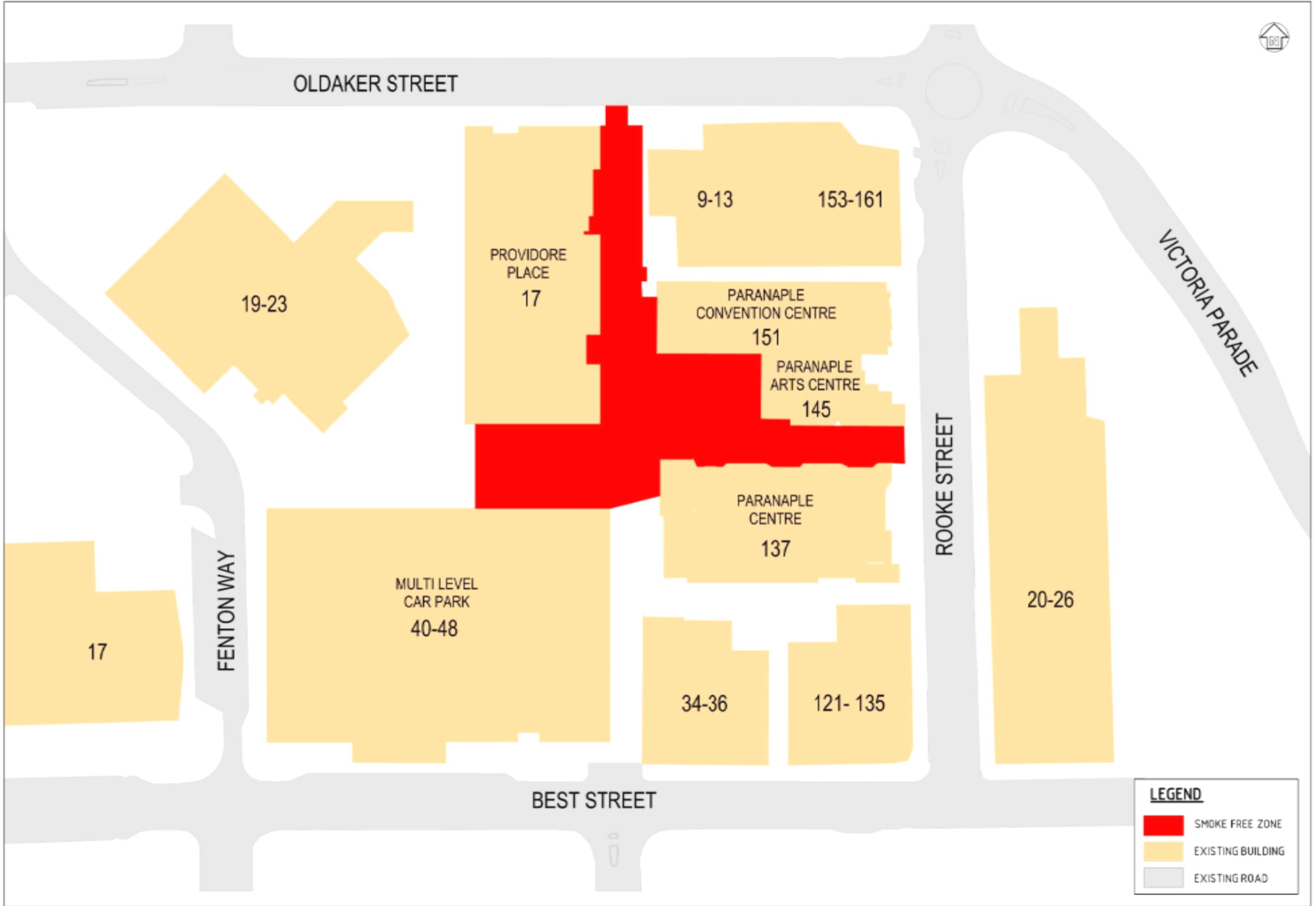
### **ATTACHMENTS**

1. LIVING CITY Smoke Free Zones
2. Current and Previous Minute Resolutions Update - January 2019
3. CONFIDENTIAL Current and Previous Minute Resolutions Update - Confidential January 2019

### **RECOMMENDATION**

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

Author:	Paul West
Position:	General Manager



## Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
<b>Resolution Title:</b>	<b>PA2018.0174 2 Lot Subdivision – 2-18 &amp; 20-26 Best Street and 74 Rooke Street (D559019)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	236/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Development Services Manager
<b>Officers Comments:</b>	Planning permit issued.
<b>Resolution Title:</b>	<b>PA2018.0160 Visitor Accommodation and Residential – 2-18 &amp; 20-26 Best Street (D559107)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	237/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Development Services Manager
<b>Officers Comments:</b>	Planning permit issued.
<b>Resolution Title:</b>	<b>Tender Report Contract CT0208 Bishops Road Renewal (D558267)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	238/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Contract awarded.
<b>Resolution Title:</b>	<b>Title of Elected Council Members (D558722)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	239/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Relevant documentation will be progressively updated. External organisations notified.
<b>Resolution Title:</b>	<b>Pensioner Parking Review (D558908)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	240/18
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate and Business Services
<b>Officers Comments:</b>	Planning activities to support the transition from vouchers to a permit by April 2019.

<b>Resolution Title:</b>	<b>Payment of Aldermen's Allowances, Expenses and Provision of Facilities Policy</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	241/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Placed on Council's Website.
<b>Resolution Title:</b>	<b>Ownership of Bass Street East Devonport (IWC 45/18 – Infrastructure Works &amp; Development Committee – 10 December 2018)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	247/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Ownership of Bass Street has been transferred to Council.

Previous Resolutions Still Being Actioned	
<b>Resolution Title:</b>	<b>Proposal – Mural – Surf Club Complex Foyer (D551344)</b>
<b>Date:</b>	26 November 2018
<b>Minute No.:</b>	218/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Advice provided to Surf Club and tenants.
<b>Resolution Title:</b>	<b>Smoke-Free Area in Market Square (D552374)</b>
<b>Date:</b>	26 November 2018
<b>Minute No.:</b>	219/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Development Services Manager
<b>Officers Comments:</b>	Consultation completed. Proposed to finalise the declaration.
<b>Resolution Title:</b>	<b>Kelcey Tier Draft Master Plan (D555306)</b>
<b>Date:</b>	26 November 2018
<b>Minute No.:</b>	222/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Community consultation on draft Master Plan finishes on 25 January 2019. Report will be provided to February Council meeting.

<b>Resolution Title:</b>	<b>Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)</b>
<b>Date:</b>	22 October 2018
<b>Minute No.:</b>	187/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	A request for support from TasPorts sent.
<b>Resolution Title:</b>	<b>Mary Binks Memorial (D544264)</b>
<b>Date:</b>	24 September 2018
<b>Minute No.:</b>	169/18
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Signage organised.
<b>Resolution Title:</b>	<b>Review of Devonport City Council Strategic Plan 2009-2030 (GFC 52/18 – 17 September 2018)</b>
<b>Date:</b>	24 September 2018
<b>Minute No.:</b>	178/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Consultation on the Strategic Plan review is underway.
<b>Resolution Title:</b>	<b>Disability/Equal Access and Inclusion (D491448)</b>
<b>Date:</b>	25 September 2017
<b>Minute No.:</b>	181/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Feedback received on proposed draft actions – Strategy to be finalised.
<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Convention and Arts Centre Director.
<b>Officers Comments:</b>	Following a meeting with National Trust further review of the garden plan being undertaken by the consultants appointed by National Trust.

**7.0 SECTION 23 COMMITTEES****7.1 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 21 JANUARY 2019**

File: 33784 D564699

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

Council's Strategic Plan 2009-2030:

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

**SUMMARY**

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Governance, Finance & Community Service Committee meeting held on Monday, 21 January 2019.

**ATTACHMENTS**

1. Minutes - Governance, Finance & Community Service Committee - 21 January 2019

**RECOMMENDATION**

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 21 January 2019 be received and the recommendations contained therein be adopted.

GFC 01/19 Local Government Model Code of Conduct  
 GFC 03/19 Elected Members' Expenditure Report November and December 2018  
 GFC 05/19 TechnologyOne Asset Management System Implementation  
 GFC 06/19 Finance Report to 31 December 2018  
 GFC 09/19 Devonport Motor Show - Partnership Agreement  
 GFC 12/19 Governance & Finance Report  
 GFC 14/19 Unconfirmed Minutes - Shared Audit Panel - 3 December 2018  
 GFC 02/19 Annual Plan Progress Report - 1 September 2018 - 31 December 2018  
 GFC 04/19 Fraud and Corruption Control Policy  
 GFC 10/19 Youth Family and Community Connections - Partnership Agreement  
 GFC 11/19 Alcohol and Drug Foundation - "Good Sports" initiative  
 GFC 07/19 Minutes of Council's Special Interest Groups and Advisory boards  
 GFC 08/19 Bass Strait Maritime Centre Cafe  
 GFC 13/19 Community Services, Arts and Culture Report - November/December 2018

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

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**MINUTES OF A GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, PARANAPLE CENTRE, 137 ROOKE STREET, DEVONPORT ON MONDAY, 21 JANUARY 2019 COMMENCING AT 5:30PM**

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

**Councillors in Attendance:**

Cr P Hollister  
Cr L Murphy  
Cr L Perry

**Council Officers:**

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

**Audio Recording:**

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

<b>1.0 APOLOGIES</b>
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There were no apologies received.

<b>2.0 DECLARATIONS OF INTEREST</b>
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There were no Declarations of Interest.

<b>3.0 PROCEDURAL</b>
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**3.1 PUBLIC QUESTION TIME**

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

The attachments folder in the foyer out there with the information in it, how long does it normally last there for, with the attachments for tonight's meeting for example? A week, fortnight?

**Response**

The General Manager advised that the folder will predominately be there until the next lot of information goes in, which will for example be next week's Council meeting, when the agenda comes out on Thursday. If there is anything in

particular that a member of the public would like to have a look at that was in it as an attachment for a previous meeting, they can just ask at the reception area.

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

This document, tonight's agenda, I guess takes a bit of cobbling to get it together from various sections. Having said that obviously some sections don't follow what is good order. Page 57, the first table/chart, the text is unreadable and it's not an acceptable height of text anyway. It needs to be better and similar to other tables. The second one, page 133, section 1.4.5 the header to the table is basically not readable, whoever put that together has not thought too much about the colour combination of the text in the background. As well, the font size there ought to be readable and ought to be a similar size to others.

**Response**

The Chairperson advised that the comments would be noted.

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

**Q1** Can you inform me if tenders were called for the proposed demolition of the former Harris Scarf building situated on North East corner of Best and Rooke Streets and the Best Street Pay As You Leave Car Park and if yes when were you made aware?

**Response**

The General Manager advised that the demolition of the building is part of the contract that Council has entered into with Fairbrother in relation to their purchase of part of that area of land, about half, which the building is actually situated on with the balance on the Council public land. Therefore as part of the discussions and negotiations between Council and Fairbrother, the demolition of the building was included as part of that process.

**Q2** Can you give the financial arrangements to carry out that work?

**Response**

The General Manager advised that as the matter was dealt with by Council in Closed Session, that information is not available at this time, however as previously stated the information relating to the land transfer transaction will be made public at the appropriate time and also in Council's Annual Report.

**Q3** Mayor were you and the other Councillors made aware and have you seen, or read the RFP which is the request for proposals, in other words, the brief given to the architects for the Passive Recreation Park that was used for the plans presented and displayed at the 22<sup>nd</sup> November 2018 Public Information Meeting? Is there a new lot of briefs prepared? What did they base all their plans on?

**Response**

The General Manager advised that there was actually a design competition, which was run by Council, some two years ago for the waterfront development. At that stage the architect was selected and certainly the Council at the time was involved in that process.

**MALCOLM GARDAM – 4 BEAMONT CRESCENT, MIANDETTA**

Just an informal question, you don't normally put the minutes up for the sub-committee meetings?

**Response**

The General Manager advised that no, the process is, the Committee meetings are usually being operated on the basis that minutes are taken manually. The actual process to have the minutes for presentation on the screen for Council meetings is different and normally there are not many people in the gallery for Committee meetings.

**Malcolm Gardam**

The agendas are only available in hard copy, they are not on the web?

**Response**

The General Manager advised that the agendas are on the web, under the Section 23 Committee tab on the Council website.

**3.2 NOTICES OF MOTION**

Nil

**4.0 GOVERNANCE REPORTS****4.1 LOCAL GOVERNMENT MODEL CODE OF CONDUCT (D560166)****GFC 01/19 RESOLUTION**

MOVED: Cr Rockliff  
SECONDED: Cr Laycock

That it be recommended to Council that the report of the General Manager relating to the Model Code of Conduct be received and noted and that Council adopt the Code of Conduct as attached with immediate effect.

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

CARRIED UNANIMOUSLY

**4.2 ANNUAL PLAN PROGRESS REPORT - 1 SEPTEMBER 2018 - 31 DECEMBER 2018 (D552283)****GFC 02/19 RESOLUTION**

MOVED: Cr Laycock  
SECONDED: Cr Rockliff

That it be recommended to Council that the 2018/19 Annual Plan Progress Report for the period ended 31 December 2018 be received and noted.

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

CARRIED UNANIMOUSLY

**4.3 ELECTED MEMBERS' EXPENDITURE REPORT NOVEMBER AND DECEMBER 2018 (D562090)****GFC 03/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Rockliff

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

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

CARRIED UNANIMOUSLY

**4.4 FRAUD AND CORRUPTION CONTROL POLICY (D562380)****GFC 04/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Laycock

That it be recommended to Council that the Fraud and Corruption Control Policy be adopted with immediate effect.

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

CARRIED UNANIMOUSLY

**5.0 FINANCE REPORTS****5.1 TECHNOLOGYONE ASSET MANAGEMENT SYSTEM IMPLEMENTATION (D561993)****GFC 05/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Milbourne

That it be recommended to Council that the TechnologyOne Asset Management System Implementation report be received; and Council:

- a) note the requirement for additional 1.89 FTE personnel to support the successful implementation during the 15 to 18 month term of the project; and
- b) acknowledge that the FTE personnel expenditure will be recognised as capital expenditure.

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

CARRIED UNANIMOUSLY

**5.2 FINANCE REPORT TO 31 DECEMBER 2018 (D563052)****GFC 06/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Laycock

That it be recommended to Council that the Finance Report for December 2018 be received and noted.

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

CARRIED UNANIMOUSLY

**6.0 COMMUNITY SERVICES REPORTS****6.1 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS (D561596)****GFC 07/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Rockliff

That it be recommended to Council that the minutes of the Devonport Regional Gallery Advisory Board be received and noted.

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

CARRIED UNANIMOUSLY

**6.2 BASS STRAIT MARITIME CENTRE CAFE (D531594)****GFC 08/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Ennis

That the matter be deferred pending an updated report to Council at a later date.

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

CARRIED UNANIMOUSLY

**6.3 DEVONPORT MOTOR SHOW - PARTNERSHIP AGREEMENT (D562672)****GFC 09/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Laycock

That it be recommended to Council that the revised partnership agreement between Devonport Council and the Rotary Club of Devonport North be endorsed for execution.

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

CARRIED UNANIMOUSLY

**6.4 YOUTH FAMILY AND COMMUNITY CONNECTIONS - PARTNERSHIP AGREEMENT (D562688)****GFC 10/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That it be recommended to Council that the Partnership Agreement between Council and Youth Family and Community Connections be endorsed for execution.

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

CARRIED UNANIMOUSLY

**6.5 ALCOHOL AND DRUG FOUNDATION - "GOOD SPORTS" INITIATIVE (D562694)****GFC 11/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Rockliff

That it be recommended to Council that information relating to the Alcohol and Drug Foundation's initiative be provided to all sporting clubs and they be encouraged to consider becoming accredited through the "Good Sports" program.

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

CARRIED UNANIMOUSLY

**7.0 INFORMATION REPORTS****7.1 GOVERNANCE & FINANCE REPORT (D562273)****GFC 12/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

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

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

CARRIED UNANIMOUSLY

**7.2 COMMUNITY SERVICES, ARTS AND CULTURE REPORT - NOVEMBER/DECEMBER 2018 (D562070)****GFC 13/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Milbourne

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

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

CARRIED UNANIMOUSLY

**7.3 UNCONFIRMED MINUTES - SHARED AUDIT PANEL - 3 DECEMBER 2018 (D562314)****GFC 14/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Laycock

That it be recommended to Council that the unconfirmed minutes of the Audit Panel meeting held on 3 December 2018 be received and noted.

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

CARRIED UNANIMOUSLY

There being no further business on the agenda the Chairperson declared the meeting closed at 6:04pm.

## 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 (Meeting Regulations Reference	Government (Procedures) 2015
8.1	Confirmation of Closed Minutes - Council Meeting - 17 December 2018	15(2)(g)	
8.2	Application for Leave of Absence	15(2)(i)	
8.3	Unconfirmed Minutes - Joint Authorities	15(2)(g)	

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## OUT OF CLOSED SESSION

### RECOMMENDATION

That Council:

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

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 17 December 2018	Confirmed
8.2	Application for Leave of Absence	Approved
8.3	Unconfirmed Minutes - Joint Authorities	Noted

## 9.0 CLOSURE

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