



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport, on Monday 25 February 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

20 February 2019

MARCH 2019

Meeting	Date	Commencement Time
Special Council Meeting	4 March 2019	5:30pm
Governance Finance & Community Services	18 March 2019	5:30pm
Council Meeting	25 March 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 25 FEBRUARY 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 Monday, 25 February 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 - 29 JANUARY 2019

RECOMMENDATION

That the minutes of the Council meeting held on 29 January 2019 as previously circulated be confirmed.

3.2 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 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 D561272

Responses to questions raised at prior meetings are attached.

ATTACHMENTS

- [1.](#) OPGOV - Letter - Response to Question Without Notice - Council Meeting 20190129 - Wendy Hilditch - 26 North Caroline Street
- [2.](#) OPGOV - Letter - Response to Questions Without Notice - Council Meeting 20190129 - Doug Janney - Wright Street and Stewart Street
- [3.](#) OPGOV - Letter - Response to Questions Without Notice - Council Meeting 20190129 - Trevor Smith
- [4.](#) OPGOV - Letter - Response to Question Without Notice - IWD 20190211 - Rodney Russell - Devonport Regional Gallery
- [5.](#) OPGOV - Letter - Received from D Janney - Wright Street Blockage - 20190205
- [6.](#) OPGOV - Letter - Response to D Janney letter dated 20190205

RECOMMENDATION

That the responses to questions from Wendy Hilditch, Douglas Janney and Trevor Smith at the 29 January 2019 Council meeting, Rodney Russell at the 11 February 2019 Infrastructure Works and Development Committee meeting, together with a follow up letter from Mr Janney and Council's response, be noted.

Author:	Paul West
Position:	General Manager



DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

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

Telephone 03 6424 0511

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

1 February 2019

In reply please quote:
File 35187

Wendy Hilditch
41 Murray Street
EAST DEVONPORT TAS 7310

Dear Ms Hilditch

RESPONSE TO QUESTION WITHOUT NOTICE RAISED TUESDAY 29 JANUARY 2019

I refer to your question raised at the Council meeting on Tuesday 29 January 2019 and provide the following response:

Question

In reference to the written response I received from Council on 20th Dec. 2018 concerning 26 North Caroline St (East Dev), I would like to know the following:

Where did Council receive "recent" legal advice that rebuts Section 12 of the current *State Land Use Planning and Approvals Act 1993* (re existing uses and developments) and can the Council provide me with a copy of such advisements?

Response

Council received advice from Shaun McElwaine and Associates, advising the following:

"A planning permit, once acted upon cannot be abandoned. It endures in a perpetuity unless the planning permit contains a sunset clause."

"The change in zoning which has now been effected by the interim planning scheme cannot displace the legal effect of the planning permit granted pursuant to the 1984 planning scheme. The permit endures in perpetuity, except perhaps if the land is developed for another purpose and pursuant to a different permit. A consequence of this opinion is that the two-year limitation which otherwise operates so as to put an end to an existing non-conforming use, has no application to a planning permit which has been acted upon."

The site at 26 North Caroline Street had an existing use permit for a transport depot; the business currently operating from this address is classified as a transport business and therefore, the existing use permit is allowable, and the business is required to operate within the provisions of the original permit.

Yours sincerely

Paul West
GENERAL MANAGER

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1 February 2019

In reply please quote:

File 35817

Doug Janney
23 Watkinson Street
DEVONPORT TAS 7310

Dear Mr Janney

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED TUESDAY 29 JANUARY 2019

I refer to your questions raised at the Council Meeting on Tuesday 29 January 2019 and provide the following responses:

Question 1

Last Saturday (26 Jan) at 7:20am, Wright Street East Devonport was blocked and traffic could not proceed north or south due to The Spirit traffic from the lights at Murray and Tarleton Streets, along Murray St to the entrance of The Spirit marshalling entrance. I could not travel south along Wright St when I arrived at the roundabout. On a previous occasion travelling north along Wright St, I was held up at the roundabout for the same sort of blockage. When is it anticipated that the roundabout road markings will be in place so that the blockages on Wright St do not occur?

Response

Reports suggest that on days of double sailings of the Spirit of Tasmania ships, or when delays occur, there is queueing in Murray and Tarleton Streets. Council have previously raised this issue with TT Line and Tasmania Police and will need to continue to work with both on managing the issue. The Tasmanian Road Rules already prohibit stopping in an intersection. Marking the roundabout is an option but is not preferred at this time as the markings are redundant under the road rules. Further, there is the potential for significant changes to traffic flow in East Devonport with the delivery of the two new ships by 2021.

Question 2

On Monday 21 January a truck with a 6m container on the truck tray travelling west in the treed section of Stewart Street, bashed the trees foliage on both sides of the container.

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Response

Advice from Council's Parks and Reserves Coordinator is that several of the trees require trimming and that the best time to undertake this is when the trees have dropped leaves, which is in April. This has the least impact on the health of the trees.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul West', with a stylized flourish at the end.

Paul West
GENERAL MANAGER



DEVONPORT CITY COUNCIL

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

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5 February 2019

In reply please quote:

File 35817

Trevor Smith
7 Glen Court
DEVONPORT TAS 7310

Dear Mr Smith

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED TUESDAY 29 JANUARY 2019

I refer to your questions raised at the Council Meeting on Tuesday 29 January 2019 and provide the following responses:

Question 1

I went to the Council office at the parnaple centre on 22-1-19 to make a complaint about the tall grass, well over a metre tall, at 33 Dana Drive. I also rang a week before this date, to report this issue on Council owned land. The adjoining residents have also made complaints, to deaf ears!! Why has this issue not been addressed sooner, is it to do with finding monies to have the job done, or something else? As a ratepayer of the LIVING CITY, I find it very slack of Council to take no action from repeated requests.

Response

The mowing is scheduled for completion during the week commencing 4 February 2019. As part of the development of the 2019-20 budget, it is proposed to review the mowing workload split between Council staff and Council's mowing contractor, to ensure that the services are delivered as efficiently as possible to meet community expectations.

Question 2

With reference to the file number 35187, to replace the rusty, flaking cables supporting the air ducts in place over the whole indoor pool complex with G316 stainless steel cables, your reply was "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." With the cables in such a dire condition, and looking at the Council Tenders in the local media since December, can you give me a date when this tender process is going to happen, within the next month? This issue should be done as soon as possible, as you have a duty of care to the ratepayers and visitors that use this facility.

Response

Quotations have been received and works will be scheduled for inclusion in the 2019/20 maintenance budget. Splash operator Belgravia Leisure have confirmed that the cables are not causing any issues to their daily operations.

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Question 3

Why did Council have to spend ratepayers' valuable money on doing alterations to the pedestrian island at the front of Woolworths, Best Street entrance? These works weren't necessary, as there is a NO RIGHT turn sign at the exit from Woolworths Car Park, Best Street. Are you trying to change the road rules, if so take it away fully for the drivers who want to turn right?

Response

The island was modified to assist Merseylink buses to travel more freely on Best Street. Previously there was only 2.5m clearance between the edge of the parking space to the edge of the median island, so if a car was parked awkwardly in the space then a 2.5m wide bus had difficulty getting through. Consideration was given to simply removing the parking space, but it was observed that this space is frequently used, particularly by people using the nearby ATM and was therefore of value to the community.

Yours sincerely



Paul West
GENERAL MANAGER



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

13 February 2019

In reply please quote:

File 35817

Rodney Russell
225 Steele Street
DEVONPORT TAS 7310

Dear Mr Russell

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 11 FEBRUARY 2019

I refer to your question taken on notice at the Infrastructure Works & Development Committee meeting on 11 February 2019 and provide the following response:

Q. When will the words "Devonport Regional Gallery" be removed from the old gallery in Stewart Street?

Response

A further attempt to remove the wording on the window will occur in the week commencing Monday 18 February 2019. Unfortunately, due to the length of time the signage has been in place, it has become 'baked on'. If the further attempt to remove the wording is not successful, then other options will need to be considered including applying a vinyl overlay.

Yours sincerely

Paul West
GENERAL MANAGER



The City with Spirit

Douglas Janney,
23 Watkinson St.,
Devonport
TAS 7310
5th February 2019

Mr. P West,
General Manager,
Devonport City Council,
Rooke St.,
Devonport.

Wright Street Blockage

Paul,

With regard to your letter dated 1st February 2019 I make the following:-__

The problem of blockage has been in existence for some time and I would suggest that the management of the issue has not achieved the unblocking.

Drivers do are not necessarily conversant with the road rules.

The blockage problem needs to be fixed now for the now conditions not in 2 to 3 years time when the new ships are in service.

I do not understand what "at this time as the markings are redundant under the road rules."

Mark the roads now.

Douglas Janney

e-mailed



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Telephone 03 6424 0511

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

8 February 2019

In reply please quote:

File 35817

Doug Janney
23 Watkinson Street
DEVONPORT TAS 7310

Dear Mr Janney

WRIGHT STREET BLOCKAGE

Thank you for your further correspondence dated 5 February 2019 relating to the roundabout on the corner of Murray and Wright Streets, East Devonport.

Whilst the Murray/Wright Street intersection is sometimes subject to heavy traffic due to vehicles attending/leaving the Spirit of Tasmania ferry terminal, the markings currently in place at the roundabout are in Council's opinion sufficient and comply with the road rules.

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- 2 -

Section 170 of the *Road Rules Act 2009* already prohibits a vehicle stopping in an intersection; any vehicle that does not comply with this rule may be fined by Tasmania Police in accordance with legislation. Therefore, Council will not be further marking the roundabout at this time.

Council will request that Tasmania Police monitor congestion at the roundabout.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul West', with a stylized flourish at the end.

Paul West
GENERAL MANAGER

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 32161 D561286

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, DEVONPORT

Questions on notice received from Mr Malcolm Gardam on 18 February 2019 are reproduced as attachment 1.

DISCUSSION

In relation to the questions received 18 February 2019, it is proposed Mr Gardam be advised of the following:

- Q1.** In relation to the State Government gifted old Library premises, what is the status in terms of ownership and maintenance obligations for this building in the absence of any tangible interest from retail investors?

Response

The former library building remains in State Government ownership at present. The transfer of ownership will occur in conjunction with the finalisation of the strata title for the paranapple centre. Until such time as the property is transferred to Council ownership, the maintenance remains the responsibility of the State Government.

- Q2.** In terms of the old Library site has Council any immediate plans to re-purpose this building?

Response

Council is considering options for the future of the former library site. At the appropriate time, information relating to the property will be released publicly.

- Q3.** If Council has considered re-purposing the building what have been/or are the current uses being considered?

Response

Refer response to question 2.

- Q4.** In relation to the State Government gifted existing Magistrates Court, what is the status in terms of ownership and maintenance obligations for this building in the absence of any tangible interest from retail investors?

Response

The Magistrates Court continues to be the property of the State Government. The State Government retain full maintenance responsibility for the property.

- Q5.** Council initially pursued ownership of the Magistrates Court site as a key element of developing a new retail precinct, apparently important that it be developed adjacent the rear delivery area of the existing Woolworths supermarket; what is the status in terms of ownership and maintenance obligations for this building in the absence of any tangible interest from retail investors?

Response

Refer response to question 4 above.

- Q6.** Noting that Council did subsequently state that it intends to hand back the Magistrates Court building if the State Government does not commit to building a replacement facility in Devonport, thereby highlighting that this site was not as important as represented by Council to the community in the lead up to approving

Stage 1; is there a timeframe in which the future of this important State infrastructure in Devonport must be determined?

Response

Council will continue to work cooperatively with the State Government on the implementation of the LIVING CITY Masterplan. There is no set timeframe at present in relation to the transfer of the Magistrates Court.

Q7. Council has previously refused to confirm if the reported \$250,000 "rent reprieve" was a waiver or deferral of rent otherwise due and owing, however, has stated that rent payments would commence as at the 1st February 2019, whatever that may mean; accordingly, will Council now confirm that those agreed commitments have been complied with by Providore Place (Devonport) Pty Ltd on the date required for payment?

Response

Matters relating to the lease arrangements with Providore Place (Devonport) Pty Ltd have been considered by Council in Closed Session and therefore remain confidential. At no time has Council provided advice which specifically mentioned the date you have referred to above.

Q8. If the response to Q7 is no, will Council be legally pursuing payment under contract or through debt collectors?

Response

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

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Questions on notice received from Mr Bob Vellacott on 18 February 2019 are **reproduced as attachment 2**.

DISCUSSION

In relation to the questions received 18 February 2019, it is proposed Mr Vellacott be advised of the following:

Q1(a) In view of the above information, from the Local Government Division, of basic and conceptual planning did council, before engaging Architects at some \$537,388 obtain any estimates of any kind whatsoever, of ongoing costs; particularly in regard to the costly elevated walk way and the overall general maintenance of the other infrastructure of the parkland?

(b) If council did obtain estimates what was the amount?

Response

Council's Long-Term Financial Plan has taken into account the likely costs of maintenance relating to the development of new assets including those associated with LIVING CITY. A specific break down of the different elements of asset creation is not generally undertaken at the concept development stage. This will be considered in conjunction with the final design and tender processes.

Q2 If council did not obtain estimates, before progressing, would you agree it would have been prudent to have done so for this very important aspect as outlined in the discussion paper?

Response

Refer response to question 1 above.

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Questions on notice received from Mr Bob Vellacott on 18 February 2019 are **reproduced as attachment 3.**

DISCUSSION

In relation to the questions received 18 February 2019, it is proposed Mr Vellacott be advised of the following:

Q1 Now that Council has been made fully aware of serious flaws in the construction of the questionnaire related to this poll resulting in the results obtained being invalid does Council in the full knowledge that in publishing such results it would be deliberately misleading both ratepayers and the community still intend to do so?

Response

Council does not accept the premise that there were serious flaws in the construction of the questionnaire related to the recent EMRS telephone survey. A full report will be provided by EMRS in due course, the results of which Council is committed to making public.

ATTACHMENTS

- [1.](#) Questions on Notice - 25 February 2019 - Council Meeting - LIVING CITY - Malcolm Gardam
- [2.](#) Questions on Notice - 25 February 2019 - Council Meeting - Waterfront Precinct - Bob Vellacott
- [3.](#) Questions on Notice - 25 February 2019 - Council Meeting - ERMS Community Survey - Bob Vellacott

RECOMMENDATION

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

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

17th February 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 – GOVERNANCE QUESTIONS ON NOTICE (Ref. File 32161)

Dear Sir,

The following are submitted as questions on notice for the next Ordinary Meeting scheduled for Monday 25th February 2019.

Preamble to questions Q1 to Q6

The following questions relate to the status of Council's earlier representations to the community in relation to the much promoted Living City Stage 2 new northern retail precinct prior to and following approval to commence Stage 1 construction.

The previous Mayor, Alderman Steve Martin, repeatedly made statements such as **on the 9/3/16**, *"We have had serious interest from national retailers who have identified Devonport as the regional centre to set up – Big W and Target"* and *"I have personally met with national retailers and have viewed their data that supports coming to Devonport. Stage 1 is the catalyst for providing the footprint needed to secure such a national retailer."* **and again as late as the 13/3/17** *"I've been to Melbourne and spoken with Big W and saw the report where their data identified Devonport as the place to set-up in the region."*

When challenged as to when this meeting/viewing was undertaken he confirmed it as being May 2012.

Council had first-hand knowledge of Big W pulling out of a development in Don Road, Devonport, in January 2012 with then Mayor Steve Martin stating that *" the Big W project was ready to go to tender during the third quarter last year, but was held off as there was a market downturn which affected specialty stores as well"*

Council had also been advised prior to approving construction of Stage 1 that Devonport would be the only regional city in Australia with a population under 40,000 (Devonport being around 25,000) to be home to all four major retailers (Kmart, Target, Harris Scarfe and Big W) Despite this knowledge Council approved Stage 1 in March 2016 without at least one secured anchor tenant and committing \$11m from cash reserves and up to \$39m in borrowings to this stage alone.

Eventually on the 11/5/18 the then Acting Mayor, Alderman Annette Rockliff, publicly offered in an Advocate article that changed market forces had seen retail investors go cold over the last four years when the rest of the country were well aware of adverse market pressures being experienced in retail, and in particular by established major retailers, well in advance of that time frame.

Arguably, the promotion of a pending new northern retail precinct including another major discount department store, 2 major retailers, new supermarket and over 20 smaller retail outlets, as depicted in the Master Plan, all without affecting existing businesses, was misleading at best.

- Q1.** In relation to the State Government gifted old Library premises, what is the status in terms of ownership and maintenance obligations for this building in the absence of any tangible interest from retail investors?
- Q2.** In terms of the old Library site has Council any immediate plans to re-purpose this building?
- Q3.** If Council has considered re-purposing the building what have been/or are the current uses being considered?
- Q4.** In relation to the State Government gifted existing Magistrates Court, what is the status in terms of ownership and maintenance obligations for this building in the absence of any tangible interest from retail investors?
- Q5.** Council initially pursued ownership of the Magistrates Court site as a key element of developing a new retail precinct, apparently important that it be developed adjacent the rear delivery area of the existing Woolworths supermarket; what is the status in terms of ownership and maintenance obligations for this building in the absence of any tangible interest from retail investors?
- Q6.** Noting that Council did subsequently state that it intends to hand back the Magistrates Court building if the State Government does not commit to building a replacement facility in Devonport, thereby highlighting that this site was not as important as represented by Council to the community in the lead up to approving Stage 1; is there a timeframe in which the future of this important State infrastructure in Devonport must be determined?

Preamble to questions Q7 & Q8

The following questions relate to the food pavilion head lease agreement with Providore Place (Devonport) Pty Ltd.

- Q7.** Council has previously refused to confirm if the reported \$250,000 "rent reprieve" was a waiver or deferral of rent otherwise due and owing, however, has stated that rent payments would commence as at the 1st February 2019, whatever that may mean; accordingly, will Council now confirm that those agreed commitments have been complied with by Providore Place (Devonport) Pty Ltd on the date required for payment?
- Q8.** If the response to Q7 is no, will Council be legally pursuing payment under contract or through debt collectors?

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

Yours sincerely,

Malcolm Gardam

CC: Mayor & Councillors

A A Waterfront Park QoN for 25 Feb 2019 Ongoing costs: send

BOB. VELLACOTT – RATEPAYER
11 COCKER PLACE DEVONPORT 7310

QUESTION ON NOTICE FOR THE DCC MEETING 25 TH FEBRUARY 2019

Mayor and Councillors

I refer to – My QUESTIONS ON NOTICE FOR THE COUNCIL MEETING 29TH JANUARY 2019

* Future Ongoing annual care and maintenance costs for –

1. The Elevated Walkway and lifts
 2. The waterfront grounds / parklands and service road
- And -

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

I also refer you to -

Review of Tasmania's Local Government Legislative Framework
DISCUSSION PAPER DECEMBER 2018
PAGE 15 states - Council Revenue and Expenditure

Where a council invests, for example, \$10,000 in purchasing a new BBQ, it must consider the ongoing costs of maintaining and servicing that BBQ over the life of the asset. If it costs \$10,000 per year to run, maintain and clean the BBQ and the life of that asset is 10 years, the total cost of that asset becomes \$110,000, rather than the initial outlay of \$10,000. Councils must consider these long-term costs, even for seemingly small items, when making expenditure decisions to ensure financial sustainability and value for their communities.

The financial sustainability of councils is also an important consideration in raising revenue and planning expenditure. Residents and ratepayers have an interest in ensuring their councils have strong financial positions, which enable them to provide better services and facilities, as well as manage unexpected costs, such as those from a natural disaster. Transparency in the financial decisions of councils will help achieve a better understanding of where public funds are being spent and the value the community is receiving. • How can councils ensure transparency in funding decisions; both how it is raised and spent? • How can councils determine how best to raise revenue for specific purposes? • How should councils engage communities when raising revenue? • How should councils determine the services they deliver to their communities in exchange for rates and charges? • How should councils decide where to make trade-offs (more or less rates vs. more or less services) /2

Page 2

Q 1 (a) In view of the above information, from the Local Government Division, of basic and conceptual planning did council , before engaging Architects at some \$537,388 obtain any estimates of any kind what soever, of ongoing costs ; particularly in regard to the costly elevated walk way and the overall general maintenance of the other infrastructure of the parkland ?

(b) If council did obtain estimates what was the amount?

Q 2 If council did not obtain estimates, before progressing, would you agree it would have been prudent to have done so for this very important aspect as outlined in the discussion paper?

Please include all of the above and responses in the Agenda for DCC meeting of 25 February 2019.

R B. Vellacott

R B VELLCOTT

A A QoN for 25 Feb. 2019 EMRS Poll to send

ROBERT .B. VELLACOTT - RATEPAYER
11 COCKER PLACE
DEVONPORT 7310

QUESTION ON NOTICE FOR THE DEVONPORT CITY COUNCIL MEETING 25TH FEBRUARY 2019

SUBJECT: DCC/EMRS \$15,000 RESIDENT POLL

Mayor and Councillors

Question:

Now that Council has been made fully aware of serious flaws in the construction of the questionnaire related to this poll resulting in the results obtained being invalid does Council in the full knowledge that in publishing such results it would be deliberately misleading both ratepayers and the community still intend to do so ?

Yes or No answer please

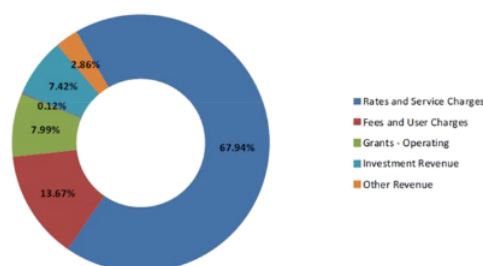
Supporting information to assist Councillors decision making:

- Rates and charges

	2018 \$'000	2017 \$'000
General rates	20,969	20,906
Penalty income from overdue rates and charges	99	121
Waste Management rates and charges	3,567	3,753
Fire Service Levy	2,692	2,554
Total rates and service charge	27,327	27,334

The chart below depicts Council's operating income by source for the 2017/18 financial year:

Operating Income - 2018



Rates and Service charges in 2018 provided 68% of Council's operating General rates income alone provides \$ 21 million or 53% of Council's \$ 40million operating income /2

Page 2

- Given that rate payer funds are critical to Devonport's economic and social prosperity rate payer opinions in regards Council initiatives and performance must carry more substantive value than that of non rate paying residents
- The DCC/EMRS poll only confirmed those interviewed to be residents of Devonport.
- Therefore it is now impossible to segment rate payer responses from non rate paying residents.
- Because rate payers were encumbered with liability for massive borrowings in relation to Stage 1 it is highly likely that their responses would be significantly different to that of non rate payers.
- Therefore any conclusions drawn and published as representative of Devonport "overall residents" would be both inaccurate and invalid as the % of ratepayer response vs. non ratepayer responses to the questions asked is unknown.
- Publishing same would therefore be misleading the Community
- In addition it has previously been demonstrated that Questions 4 & 8 of the survey were leading questions, which have the effect of guiding respondent's responses.
- As such responses to both Questions 4 & 8 are invalid and the publishing of same would also be misleading.
- For these reasons should the results of the survey be published after Councils receipt of this information and therefore knowledge formal complaints will be lodged with LGAT; The Tasmanian Integrity Commission and the Tasmanian Ombudsman on the basis **that those in Council who have** knowingly and wilfully misled the Devonport Community should if proven be removed from office.

Please include above with the responses in the Agenda for the 25th Feb.2019

R.B. Vellacott

R.B. VELLACOTT

For ADIG

3.2.3 Question without notice from the public

3.3 NOTICES OF MOTION

3.3.1 PRESERVATION OF WORK BY PHILIP WOLFHAGEN - NOTICE OF MOTION - CR A JARMAN

File: 5632 D567618

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

ATTACHMENTS

Nil

MOTION

"That Council take all necessary steps to ensure the preservation of the work of Philip Wolfhagen in the old Art Gallery building including if there is any subsequent sale of said property at 45 Stewart Street."

SUPPORT

Philip Wolfhagen is one of Australia's pre-eminent contemporary landscape painters. Born in Tasmania in 1963, he currently resides near Longford. Through a project partly funded by the Visual Arts and Crafts Board of the Australia Council, in 1993 he gifted a mural to Devonport City Council.

The work is titled, the first elevation, 1993, gesso, synthetic polymer paint, oil paint, oil glaze on masonry structure of apse.

It is in-situ at 45 Stewart Street, the previous location of the Devonport Regional Gallery.

Philip's ancestry is embedded in the history of Northern Tasmania. His mother's childhood home, still owned and operated by the family, is a pastoral property approximately fifty kilometres east of Devonport. His great-grandfather designed the previous Gallery building, as Devonport's first Baptist church in 1904.

It was the artist's intention that the work be ephemeral, however it has remained unmodified since it was completed in 1994.

Philip Wolfhagen is represented by Bett Gallery in Hobart. His recent large canvas works have sold for in excess of \$80,000.

His work is held in private and public collections both domestically and internationally. He exhibits in major Australian museums and galleries, and in 2013 his work was included in the Royal Academy of Arts in London, 'Australia', the most significant survey of Australian art ever mounted in the United Kingdom.

The mural is part of the Devonport City Council's permanent collection, 1994.204. Therefore, the work should undergo a deaccession process if the building is to be sold, and the artist should be kept informed.

OFFICER'S COMMENTS

It is intended that Council will soon commence its consideration of the future of the former Art Gallery building. At that time, it would be appropriate for the future preservation of the mural to be considered.



4.0 PLANNING AUTHORITY MATTERS

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

5.0 REPORTS

5.1 TENDER REPORT CONTRACT 1328 CLEANING OF COUNCIL FACILITIES AND OFFICES

File: 30124-02 D561624

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.3 Provide and maintain Council buildings, facilities and amenities to appropriate standards

SUMMARY

This report seeks Council's approval to award contract 1328 for Cleaning of Council Facilities and Offices to Lazaro Pty Ltd.

BACKGROUND

This report considers tenders received for "Cleaning of Council Facilities". The scope of this contract is for cleaning of various Council operated facilities within the city.

The current contract has been operating since 2015 and will expire on 31 March 2019 and was tendered as part A "Council Facilities" and Part B "Devonport Recreation Centre".

Contract 1328 incorporates both the previous Part A and Part B.

The term of the contract has been set for a two-year period ending 31 March 2021, with an option to extend the contract for three one-year extensions, subject to satisfactory performance and Council discretion.

The only major exclusion from this contract is the cleaning of the East Devonport Recreation Centre which is currently undertaken by Council staff at the facility and the parnaple centre due to body corporate arrangements.

STATUTORY REQUIREMENTS

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

DISCUSSION

Tenders were received from seven companies. All tenders received were conforming tenders and are summarised in table 1. The tendered price is the annual cost, based on specified frequencies and scope of work.

Table 1

Tenderer	Tender Price
Lazaro Pty Ltd	\$263,146
Wayne Cleaning Services	\$328,365
Detail First Pty Ltd	\$338,624
Jones Cleaning Services	\$344,356
ICS Service Solutions	\$359,939
Binris	\$934,060
Pahwa Group	\$969,638

Lazaro are Council's current cleaning contractor and have provided an acceptable level of service.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 3rd January 2019 and tenders were also advertised on Council's web site. A joint site inspection tour of the building facilities, offices and amenities was conducted 23 January, whereby all tenderers attended the inspection. An additional inspection was pre-arranged with Jones Cleaning services due to their estimator being interstate.

FINANCIAL IMPLICATIONS

Based on the tender received, Council's 2019/20 Operational Budget will include an allocation of \$290,000 for cleaning of Council facilities.

This budget will allow for a 10% contingency for any additional cleaning, on an as needs basis.

This contract is for a two-year period and includes an annual increase of CPI.

Within this contract there is a schedule of rates for extra work. The rates from Lazaro Pty Ltd are summarised in Table 2.

Table 2

Additional Cleaning Rates for unscheduled work or variations if required and authorised.	Mon – Fri per person	\$39.25
	Sat per person	\$58.65
	Sun per person	\$74.50
Items not covered above.	Carpet/m ²	\$1.85
	Vinyl/ m ²	\$6.20

It is proposed that the need for extra cleaning services would be determined by relevant staff with appropriate purchasing delegation.

RISK IMPLICATIONS

- Workplace Health and Safety
Hazard identification, risk assessment and development of safe systems of work are required to be carried out on all projects and are provided to Council prior to commencing work.
- Legal Compliance
Contract management of consultants and contractors is carried out in accordance with developed policy, procedures and Council's Code for Tenders and Contracts.

CONCLUSION

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Lazaro Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract 1328

ATTACHMENTS

Nil

RECOMMENDATION

That Council in relation to Contract 1328 for Cleaning of Council Facilities and Offices:

1. award the 2-year contract to Lazaro Pty Ltd for the tendered sum of \$263,146 per annum (ex GST);
2. note the contract allows for three one-year contract extensions; and
3. accept the schedule of rates provided in the tender for extra cleaning services - Table 2.

Author:	Michael Mouat	Endorsed By:	Matthew Atkins
Position:	Technical Support Supervisor	Position:	Deputy General Manager

5.2 COMMUNITY CONSULTATION - WATERFRONT PRECINCT

File: 32575 D563991

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

Council was provided with a summary of the public consultation received throughout the development application process of the LIVING CITY Waterfront Precinct at its 29 January 2019 meeting. This summary has been further considered by the Architects and Council as part of a recent Workshop and responses are now included.

BACKGROUND

Council have consulted extensively with the community on LIVING CITY. Initially, in 2013, the consultation related to the high-level principles of LIVING CITY and this process assisted in informing the LIVING CITY Master Plan. Community feedback on the Master Plan was then sought during late 2014. Once the Master Plan was adopted, consultation has focused on the specific stages, which commenced with Stage 1 and then more recently the Waterfront Precinct.

Initial plans for the Waterfront Precinct were developed during 2016 and displayed for public comment from November 2016 to January 2017. Feedback received during this period assisted in informing the current design iteration which had 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 lodgement of a planning application (Min 200/18 refers).

As a result, the Planning Authority 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 is proposed to be considered by Council at a special meeting on 4 March 2019.

During the public exhibition of the applications, a number of representations received raised issues that may not be 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.

STATUTORY REQUIREMENTS


Council will be required to consider the development application in its statutory role as the Planning Authority under the provisions of the *Land Use Planning & Approvals Act 1993*.

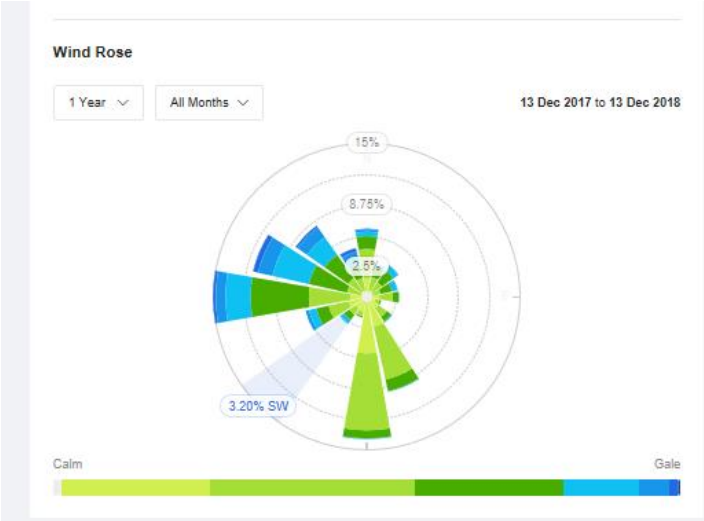
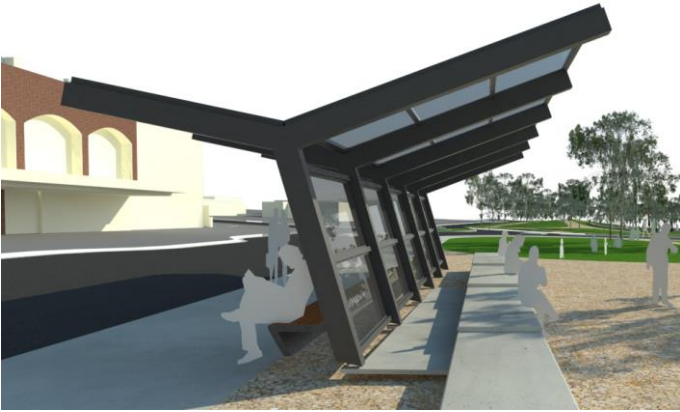
DISCUSSION

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 a public meeting held on 22 November 2018 and in discussions between staff and residents as well as 30 written submissions.

The feedback received was summarised and is now provided with responding comments:

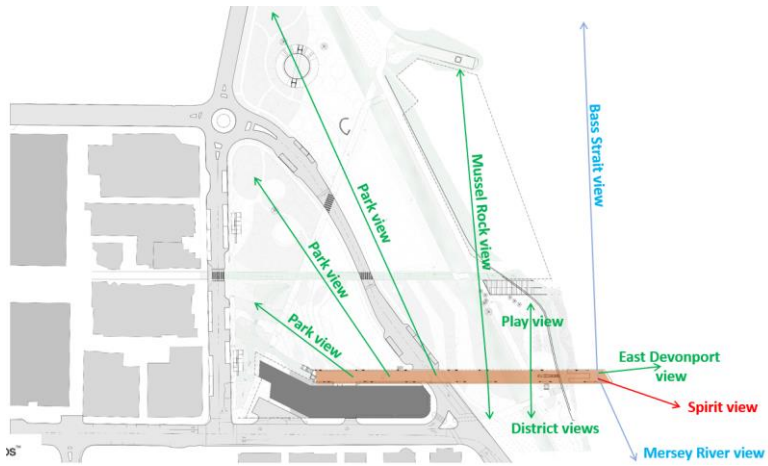
	THEME	DETAILS	COMMENT												
1	Selling of prime land for hotel and residential use	Concern that the hotel/residential structure is located on prime river facing land and that it will block the view of the river from the remainder of the CBD.	<p>The Hotel is an essential component of the LIVING CITY Masterplan adopted by Council in 2014. The hotel concept design was an integral part of the waterfront precinct design and the Developer have kept the underlying principles of transparency from the Mall and Best Street as part of their DA plan.</p> <p>Less than 12% of the total site is being sold off for the private development, with the remainder being public space for community recreation.</p> <p>The public park components incorporate a variety of themes, structures and facilities to enable the site to be used by the greatest number of people possible.</p>												
2	Potential conflicts between bus stops and pedestrian crossings	Concern at Pedestrian crossing in Rooke Street being located close to bus stops	<p>The inherent nature of a bus mall means that there are a great number of pedestrians in the area. Stage 1 of LIVING CITY is a destination for many people travelling by bus, and these people will likely cross in front of the parapet centre, regardless of whether a marked crossing is in place or not. The provision of a regulated crossing in this location provides the safest route as the following traffic engineering table indicates.</p>  <table border="1"> <thead> <tr> <th></th><th>Perceived delay</th><th>Perceived safety</th><th>Pedestrian LOS</th></tr> </thead> <tbody> <tr> <td>No facility</td><td>B</td><td>D</td><td>D</td></tr> <tr> <td>Zebra with platform and kerb extensions</td><td>A</td><td>B</td><td>B</td></tr> </tbody> </table> <p>The plan is to be modified so that the kerb be extended in the vicinity of the pedestrian crossing, extending the distance between the closest bus stop and the crossing and decreasing the crossing length for pedestrians. The crossing will be raised to ensure that pedestrians are visible to all drivers including bus drivers.</p> <p>Council will continue to liaise with the Department of State Growth, Merseylink and Redline Coaches on this matter.</p>		Perceived delay	Perceived safety	Pedestrian LOS	No facility	B	D	D	Zebra with platform and kerb extensions	A	B	B
	Perceived delay	Perceived safety	Pedestrian LOS												
No facility	B	D	D												
Zebra with platform and kerb extensions	A	B	B												
3	Restricting the use of Rooke Street to only public transport.	Suggest closing Rooke Street to vehicles other than buses.	<p>This issue has been considered by Council on several occasions previously. Public bus services are an essential service and it is important to provide adequate space to make such services efficient, however this needs to be balanced with other parking and road use demands and associated amenity issues. The number of vehicle</p>												

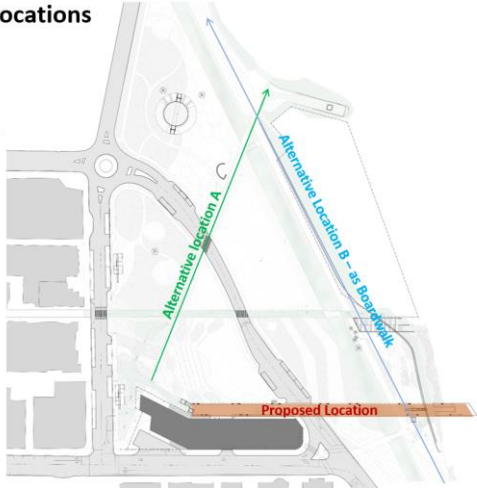

			movements in Rooke Street has reduced significantly since the Rooke Street car park closed. This section of Rooke Street is important when closing Formby Road for events.
4	The bus shelters provide inadequate shelter	Suggestions that the bus shelters should include side protection for inclement weather.	<p>The wind rose for the Devonport weather station is replicated below:</p>  <p>This shows that the wind predominately comes from the west. The shelters are designed to cater for these dominant wind directions. Consideration has been given to the various comments received about wind direction in refining the design, and the design of the bus shelters modified to include roof protection, a central glass wall panel and seating on both sides of the shelter. One of the shelters will be moved south of the pedestrian crossing to better cater to the southern bus stops.</p> 
5	Dislike for the design of the BBQ shelter	Dislike of the BBQ shelter design, both visually and practically, including suggested materials.	<p>BBQ shelter provides good shelter for inclement weather, whilst visually connecting to the playground and the river. Views to the south are optimised to enable supervision of children in the playspace.</p> <p>The entrances to the toilet facilities have been modified to create a more pleasant BBQ experience.</p>

6	Concern on additional traffic generated by hotel/ residences and lack of car parking and bus parking for hotel/residences	<p>Concern that there is inadequate number of car parks for the hotel and residents.</p> <p>Suggestions that a bus park dedicated to the hotel and other chartered buses should be provided.</p>	<p>In relation to the traffic movements, the proposed hotel/residences will create fewer traffic movements than the existing site uses.</p> <p>The provision of 44 car parks on site is considered a compromise between alienating land with carparks versus ensuring enough parking for peak periods. Ultimately the design is considered the best option with 20 car spaces for residents and 24 for the hotel with overflow to be arranged between Council/private car parks and the hotel operator.</p> <p>The multi-level car park is approximately 100m away. This creates an opportunity for the car park to be used 24-hours a day. Overall there is a net increase of 178 available car parks in these two blocks, since the inception of LIVING CITY.</p> <p>Five bus spaces are being provided. Council will continue work with the Dept. of State Growth and bus companies to ensure their use is optimised by relevant stakeholders.</p>
7	Visual impact of Elevated Walkway	<p>Concern that the design of the elevated platform is too simple and lacks imagination.</p> <p>Concern that from some vantage points, the elevated platform will bisect the existing view of the parklands, detracting from the ambience.</p>	<p>Design is always a subjective opinion, however it is noted that the design of the elevated promenade is intended to replicate a traditional jetty or pier and its long narrow silhouette is not considered obtrusive when compared to its surroundings, including other structures along the river.</p> <p>It provides an important feature on the park edge and offers viewing for the public over the park and River.</p> <p>The structure will be highly visible from the Spirit of Tasmania.</p>
8	Location of the playground	<p>Three options for siting have been suggested:</p> <p>A. As per plan adjacent to the River close to the Harbour Master Café</p> <p>B. Close to the corner of Rooke and Best Street</p> <p>C. Close to the corner of Formby Road and Victoria</p>	<p>A number of possible locations for the nature based play area including both advantages and disadvantages have been considered through the design phase.</p> <p>The site adjacent to the river was chosen to create a destination alongside the river to encourage visitors to use the entire space. The location will activate the water's edge and create movement through the park as it provides a destination at the end of the elevated promenade.</p> <p>Concerns about the closeness of the river to the play area have been raised. It is intended that there will be a level difference and other barriers created between the area and the river and also the rail line, however active parental supervision will still be required, in the same way as with other playgrounds close to water, traffic, etc such as the Bluff.</p> <p>The site close to Best/Rooke Street intersection or in front of the Formby Road had been suggested by a number of people as it would also service shoppers from the Mall and those waiting at the bus stop. The current plan has a water/mist/rock feature in this location which will provide a</p>

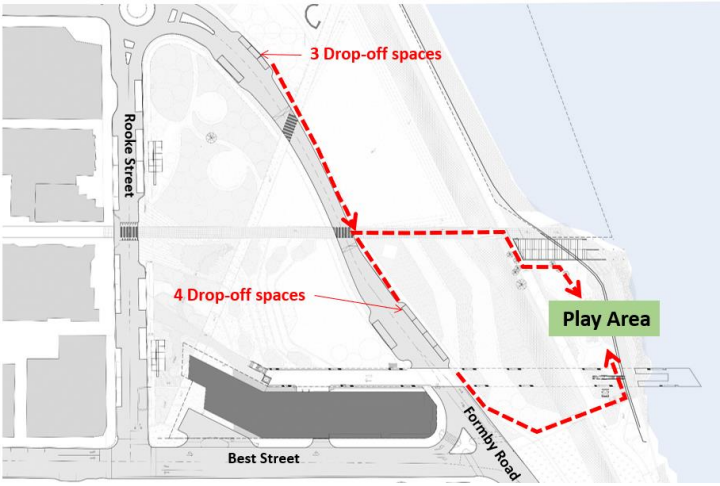
		<p>Parade as per concept design</p> <p>It has also been suggested that an additional playground and/or BBQ area is not required and that the extra funds should be redirected to existing parks.</p>	<p>point of interest for families. This site is closer to car parking, but still not adjacent to it. This location is not seen as ideal for a nature-based play area given its proximity to a built-up CBD and given its proximity to the road it would likely require a fence.</p> <p>A third site on the corner of Victoria Parade and Formby Road was considered in line with the original concept plans. This site is also closer to parking. It is likely to require a full fence given the roads' location on two sides.</p> <p>The inclusion of a nature-based play area is considered a substantial attractor to the area. The intent of LIVING CITY is to attract more people to Devonport and having family friendly attractions is important for this future growth. The proposed location will be visible for families arriving on the Spirit and provides for an opportunity for the play area to use the Mersey River as inspiration for the design, consistent with the principles of the LIVING CITY Masterplan.</p> 
9	<p>Suggestion that Zebra Crossings are not the most appropriate design for Formby and Rooke Streets.</p>	<ul style="list-style-type: none"> Concern about the delay caused on Formby Road and Rooke Street as a result of the crossing design. Concern in delay in traffic movement in town, including for emergency services. Concern on the toll of the hump on 	<p>Formby Road has considerable traffic movements each day and is currently a wide road to cross. Whilst technical assessments indicate that it is critical from a road network perspective and must remain open for traffic in both directions, changes are required to make the area more pedestrian friendly and "dumb down" the appropriate section of the road as much as possible.</p> <p>Additional crossings have been incorporated in this area to cater for the expected increased pedestrian patronage utilising the waterfront park precinct. Again, it is considered safer to cater for pedestrians, rather than have them cross anywhere.</p> <p>Formby Road will be raised at the crossings and in between the crossings a large platform will be located at the kerb height. This results in no height change along the linear pathways. This platform will serve several purposes:</p> <ul style="list-style-type: none"> To improve visibility of pedestrians using the pedestrian (zebra) crossings.

		<p>heavy vehicles.</p> <ul style="list-style-type: none"> Concern that there are too many crossings in this area. Suggestion that pedestrian tunnels would be more appropriate 	<ul style="list-style-type: none"> To slow vehicles on approach to the crossings. To allow the road to be used as an event space on occasions. <p>The traffic study has identified that there will be a short delay for traffic moving along Formby Road.</p> <p>Further analysis has been undertaken to determine the best crossing type at each site with Wombat crossings proven to be the most effective.</p> <p>Professional engineering advice has been received on the design and various options.</p>
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.	<p>Rotunda is sheltered from weather to the north, because it is set down. An earth mound on the northern side also protects from weather on that side. Suitable for fair to good weather.</p> <p>The architects will consider further wind protection as part of the final vegetation selection in this area.</p>
11	Formby Road should be closed	Concern that Formby Road creates a significant and unnecessary obstruction through the middle of the park.	Council has previously considered this issue. A traffic impact study was commissioned to investigate this issue which concluded that closing Formby Road between Best and Oldaker Streets would cause significant traffic issues throughout the remainder of the CBD.
12	Opinions that some of the existing trees/plants should be kept. 'Wilderness Plants' are not suitable for the area	<p>The site has unique challenges including salt that is detrimental to some plants.</p> <p>A suggestion that the current plantings are nice and should be kept.</p>	<p>The plant selection is still being considered by a range of experts.</p> <p>There has been some support expressed for an 'endemic' garden at this site, however the exact nature of the planting will be determined in the next stage of design.</p> <p>Mature trees will be kept where the existing tree character is aligned to the proposed landscape character and value relating to size, location and overall health.</p>
13	Sale price of the land for the Hotel	Concern that Council might be subsidising some operators	<p>The contract details with Fairbrother Pty Ltd, relating to the land purchase, was considered by Council in Closed Session.</p> <p>In determining the sale price Council has given due consideration to the various costs incurred. There are costs</p>

		<p>against others, through the sale of land below cost.</p>	<p>that have been incurred by Council to date that it will not fully recover from the land sale process alone. Essentially the Council is disposing of a parcel of land which it considers to be undeveloped and the valuation provided takes this into account.</p> <p>Council intends to release information on the sale process at the appropriate time.</p> <p>The appointment of a preferred proponent occurred through a publicly advertised Expression of Interest Process.</p>
14	Size and shape of the land to be sold to the hotel developer	<p>Suggestion that the hotel should be allocated more land such as the Right of Way.</p> <p>Concern that the walkway has been designed to benefit the hotel more than the general public.</p>	<p>The size of the hotel site has been kept to a minimum in order to provide the larger amount of parkland.</p> <p>The location of the walkway is considered the most appropriate as it frames the southern end of the project. The entire walkway will be accessible by the public and forms a public backdrop to the park, rather than a private one. It also results in the public having an expansive view over the park.</p> 
15	Location of the walkway	<p>Suggestion that the hotel should be allocated more land such as the right-of-way.</p> <p>Concern that the walkway has been designed to benefit the hotel more than the general public.</p>	<p>The site of the walkway was determined well in advance of Council seeking Expressions of Interest for the Hotel. The walkway creates a southern boundary to the parkland.</p> <p>It provides a public edge to the public park, rather than a private edge. It also hides the service areas of the hotel. It doesn't overshadow the park, only the service areas of the hotel.</p>

			<p>Walkway – alternative locations</p> <p>Proposed Location Connects Best Street mall over Road, rail and river Public buffer to hotel Tourist attraction highly visible from SoT Length: 165m</p> <p>Alternative location A Connects Best Street mall over Road and rail. Can't extend over river As this obscures Mussel Rock lighthouse Divides park in two and seapates Stage 1 from the waterfront. Less visible from SoT approach Length: 200m</p> <p>Alternative Location B - Boardwalk Connects Harbour Master Café along river front to full length of park. Doesn't bridge road or rail. Less visible from SoT as attraction Length: 380m</p>  <p>Lyons ASPECT Studios™</p>
16	<p>Amphitheatre needs vehicle access to load/unload.</p> <p>Amphitheatre seating not a good design</p>	<p>Opinion that the amphitheatre does not provide weather protection.</p> <p>Concern that provision has not been made for loading and unloading for events at the site.</p> <p>Concern that the amphitheatre seating is impractical for events.</p>	<p>The amphitheatre is flexible in its design, enabling a stage (including roof if desired) to be erected for events where required.</p> <p>A stage can be erected at various locations, depending on the event size.</p> <p>The design has been modified to include a loading bay on the western side of Formby Road, adjacent to the amphitheatre. Access to the amphitheatre for vehicles is possible when required via removable bollards on Formby Road.</p> <p>The seating design for the amphitheatre is limited due to minimal height difference across the site. The design allows as many people as possible to view the stage due to the moderate slope.</p>  <p>ASPECT Studios™</p>
17	<p>Various suggestions for other facilities to be included in the plan.</p>	<p>Suggestions include:</p> <p>public viewing platform on top of hotel;</p> <p>More cafes/restaurants/kiosk in Waterfront Precinct;</p>	<ul style="list-style-type: none"> The end of the elevated promenade will offer excellent views along the river. A higher vantage point is available from the 3rd floor of the parapet centre from the balcony of the convention centre. The removal of the windscreen and mechanics business means that the existing cafes/restaurants in northern Rooke street will gain riverfront views.

		<p>Inclusion of an adult's swing</p> <p>Separation of walking and bike tracks</p> <p>Additional Toilet block</p> <p>Adequate space for RV parking</p> <p>Sound shell</p> <p>Edible/scented gardens</p> <p>Shade for playground</p> <p>Sea organ</p> <p>Seating on boardwalk</p> <p>Ensure the elevated promenade hand rail is see through</p> <p>Overpass between the park and the Mall</p>	<ul style="list-style-type: none"> The equipment of the nature-based play area is yet to be confirmed. Consideration is being given towards facilities that are suitable for both younger and older children and the public generally. Whilst this would be ideal for the entire riverfront area if there was infinite space and budget, the proposal does provide for two separate tracks around the play area. Provision of hydraulics and power for portable or future toilet blocks are included in the design. One new toilet block near the play area has been included as part of this stage. There are also public toilets in the paranapple centre, paranapple art centre, food pavilion and the Formby Road (C-Max) Car Park. RV parking for the park is provided near the Victoria Parade boat ramp. The amphitheatre is designed such that staging with roof could be erected if required on that site for specific events. The Devonport and East Devonport community houses both provide a community garden where vegetables and other plants are grown. Shade will be provided in the play area. The architects are working through various options including relocatable shade cloths than can be taken down in winter if required. Locations for public art generally are being provided throughout the park. The nature of this art will be determined by Council in the future. There is seating along the pathway currently. People will be able to sit on the steps going down to the water. A seat on the boardwalk would cater for a range of users, including the elderly. Seating on the elevated promenade has now been included in the design. Design is a compromise to minimise cleaning and maintenance and maintain safety. The hand rail will be partially see through. Consideration is being given for the glass to extend around the end of the promenade. The existing crossing is considered the most appropriate and efficient way for pedestrians to reach this space from the mall.
18.	Life Cycle Costs of development/maintenance costs	<p>Public would like to see a life cycle cost analysis.</p> <p>Timber decking not the best way to go.</p>	<p>Council has a Long-Term Financial Plan that considers the capital, operating and depreciation costs of all new assets including LIVING CITY.</p> <p>Detailed life cycle cost analysis occurs through the design process, on a specific element basis, comparing alternative materials; ie decking material, recycled wood, steel finishes, etc.</p>
19	Safety of people on and	Concern that those on the	The fence along the walkway is being designed to minimise the risk of something being dropped from the walkway. It is

	under the elevated walkway	walkway may drop something onto people below. Concern about emergency service access to the walkway.	being designed to Australian Standards. Adequate lighting both above and below the walkway will be provided. CCTV will be installed in the park. Emergency services have been consulted throughout the design process.
20.	Keep the area east of the Railway line as is	Comments that the area is well used at the moment.	The plan is designed to encourage greater use of this area.
21.	Parking or drop off point for playground.	Commentary that as much parking as possible should be incorporated.	Parallel parking along the eastern side of Formby Road will be added to provide a suitable drop off location for those visiting the proposed playground and BBQ shelters. 
22.	Relocate the Bus Mall	A bus stop is required near to Service Tasmania/ Library, but could the interchange be located elsewhere.	A letter has suggested that outside the old library would be a good space for the bus interchange. Council has also considered Edward Street. At this stage, neither is ideal from a traffic management point of view.
23.	Space for Events	Concern that there is insufficient area to hold current and future (expanded) events.	There will be slightly more space for events than currently exists given the demolition of the existing buildings on Rooke Street. However, it is noted that the footprint of many events will need to change. Maximising event space will be a consideration when determining the location and density of plantings and in designing the new built elements. Discussions are being held with key event organisers to ensure the new space accommodates their needs and where possible provide improvement to the current situation.

24.	Support for the waterfront precinct plans		Support varies from complete support in its current form, to support with some suggestions for modifications.
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Overall, a number of suggestions have been made both verbally and in writing, with some contradictory suggestions. In producing the design, the architects have considered a range of options and come up with a design that meets as many expectations as possible, working within the project budget.

It is recommended that Council proceed with the plans as submitted for the development application process with the noted changes as outlined above and as discussed at the recent Workshop with Councillors.

Once Council approval is given the design team require approximately 10 – 12 weeks to complete the detailed design and prepare tender documentation.

Light Show

The Hill PDA report into the economic benefits of LIVING CITY undertaken in December 2014 identified a lack of regional evening-based activities that attract overnight visitations and suggests a potential light and/or sound show be considered.

With the development of the waterfront parkland now is an opportune time to investigate opportunities in this area as a value add to the proposed development. Initial discussions have been held with the State Government who have indicated an interest in being involved. There are a number of specialists who could be engaged to provide ideas and concepts for possible shows or attractions.

The light show does not currently form part of the project scope.

COMMUNITY ENGAGEMENT

A public information session was held, on 22 November, 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.

It is estimated that approximately 1,500 people looked/listened to the Waterfront plans as part of the 'paranple centre sneak peak'.

FINANCIAL IMPLICATIONS

Council has previously identified a construction budget of \$15M for the waterfront parkland. Initial indications from the quantity surveyor indicate this current design aligns with the budget allocation. Obviously, final construction costs cannot be confirmed until a tender process is undertaken.

The Federal Government has committed \$10M towards the development with the remainder being funded 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 terms of the Federal Government grant deed. The critical clause in the Grant Deed is confirmation of the contractor by the end of July 2019.

CONCLUSION

A wide variety of comments have been received during an extensive 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 nature-based play area and the design of the various structures. The project team have considered the comments received and these have been workshopped with Councillors.

A number of refinements have been identified and are outlined in this report. The changes will not require a new development application and can be made as part of the preparation of the tender documentation.

ATTACHMENTS

Nil

RECOMMENDATION

That Council receive the report regarding the Waterfront Precinct consultation and:

1. note the community feedback received;
2. proceed with tender documentation based on the design as submitted for the development application, subject to improvements as outlined in this report and receipt of a planning permit; and
3. endorse investigations into opportunities for a light show as a potential value add to the waterfront park and evening visitor attraction.

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

5.3 REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK

File: 22506 D566197

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

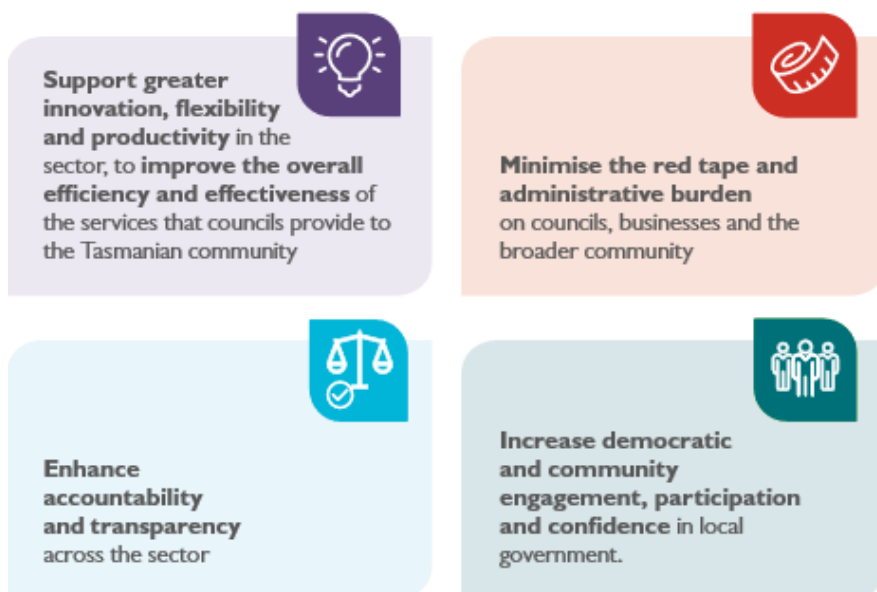
Strategy 5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances

SUMMARY

This report is provided to assist Council in providing a response to the Review of Tasmania's Local Government Legislation Framework Discussion Paper released by the Minister for Local Government in December 2018.

BACKGROUND

The purpose of the review and the process to be followed is outlined in the attached Discussion Paper. A summary of the *"intended outcome of this Review is a contemporary, flexible and best-practice legislative framework that will:*



The principles guiding the Review are to deliver a legislative framework that will:

- ① To the greatest extent that is possible and practical, be outcomes-focused;
- ② Be flexible and robust to future structural, technological and social change;
- ③ Strike an appropriate balance between ensuring councils have sufficient operational and decision-making autonomy on the one hand, and having in place adequate checks and balances on the other;
- ④ Establish clear accountabilities and provide for efficient and effective risk-based monitoring, compliance and enforcement activities;
- ⑤ Be guided by best-practice regulatory, governance and legislative approaches and, where relevant and appropriate, lessons and outcomes from reviews of local government legislation in other jurisdictions; and
- ⑥ Be drafted and presented in a way that is logically structured and easily understood by councils, businesses, and the broader Tasmanian community.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate specifically to this report. The Review will at its conclusion likely impact on the legislation which applies to the local government sector.

DISCUSSION

The consultation period on this specific part of the Review process is open until 1 March 2019. There have been several opportunities for community, elected members and council officers to have input into this part of the Review process including Workshops held in the three regions during February.

The Review of Tasmania's Local Government Legislation Framework Discussion Paper raised several questions to which responses were requested.

Proposed responses from Council were prepared and provided to the Council Workshop on 4 February for discussion and input.

It is now proposed that the following responses as outlined be submitted to the Review process:

Overview of Local Government

Question	Response
What do you think councils will be responsible for in the future?	The functions and powers of a council (\$20) already provide reasonably wide-ranging interpretation of what can be provided. Ultimately it should be for a council to determine activities and services that it provides to its community. Being too prescriptive is not supported.
What council activities should be driven or determined by communities?	A council is elected by the community to make decisions on its behalf. There is a risk if there is more legislative prescription on community involvement in decision making that either the council will become paralysed and be unable to make decisions or alternatively decision making will be dictated by just a few. It should be recognised there is a large degree of apathy in the community when it comes to local government and that there is a large silent cohort that do not become involved.
Given the varying sizes of councils, what consideration should be given to costs of services and the councils' capacity not deliver these?	It should make no difference the size of a council – if it is deemed appropriate for there to be a council then that council should be expected to meet the full gamut of legislative responsibilities, irrespective of size. If a council cannot meet an acceptable level of services, or meet expected legislative requirements, then it should probably not exist.

Council Governance and Powers

Question	Response
What is vital to good governance in local government?	Strong clear decision making. Elected representatives working together for the betterment of their communities.
What aspects of good governance should be	The Code of Conduct provisions are a good starting point. Ensuring that there are avenues to address issues of

Report to Council meeting on 25 February 2019

prescribed in a legislative framework?	governance when required, either with individuals or councils as a whole is imperative. Strengthening the provisions around compliance with Code of Conduct outcomes and the ability for sanctions to be enforceable would be a good start.
What statutory powers do councils need to deliver the services that communities require, or expect to receive, from councils now and into the future?	The current Local Government Act provides wide ranging powers with a reasonable degree of flexibility. Trying to encapsulate statutory powers which are prescriptive and onerous is likely to lead to poorer decision making in the longer term. The old adage 'if it ain't broke – why fix it' should be applied.
How are the strategic decisions of council best made?	At the council table. Councillors are elected to make decisions on behalf of the community. Each four years the community have an opportunity to formally assess the performance of its council through the ballot box. There are already provisions within the local government act relating to strategic plans which ensures that the community can become involved in the process. Ultimately though the decisions relating to the strategic direction of a council needs to rest with the elected body.
What mechanisms best support strategic, operational and technical decisions and actions?	Councils employ professional staff to assist them in meeting their obligations.

Democracy and Engagement

Question	Response
What is the best way to engage Tasmanians in voting for local government?	Continual promotion of the local government election cycle and how electors can participate. The current non-compulsory postal ballot system is supported.
Who should be allowed to participate in local government elections?	Individuals who are over the age of 18 who appear on the electoral roll applicable to the municipal area. Ratepayers who own property in a council area, but are not residents, should be given the opportunity to be included on the roll for the purpose of voting in the election process. No individual should have the ability to vote more than once in a council election (ie they should not be allowed to be on the Electoral Roll and also the General Managers Roll. The current requirement for a General Managers Roll should be removed with the responsibility for maintaining all Rolls transferred to the Electoral Commission.
How can local government attract skilled, diverse and representative electoral candidates?	To suggest that local government doesn't already attract skilled and diverse candidates is incorrect. There are numerous opportunities for promoting local government to prospective candidates already.

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What should be required of candidates in local government elections before, during and after elections?	Incumbency is a potential advantage for those seeking election. Equally there are requirements for sitting councillors to be held accountable through their actions and disclosure which does not apply to those candidates not already elected. An opportunity may exist to 'level the playing field'.
What decisions should councils continue to be able to make during an election period?	The role of local government does not stop just because there is an election period underway. It could be legislated that decisions which may commit future councils to certain actions should not be made during the period of election. If this was the case it is likely that councils would just ensure any of these types of decisions are made prior to the commencement of the election period. An option may be to legislate that a council ceases to be required to meet during the period of election. If this was to occur there would need to be the ability for decisions (particularly those around Planning Authority responsibilities) to be delegated to the General Manager where necessary.
In what ways should councillors engage with, and represent, communities in the digital age?	Councils are continuing to adapt to the digital age. Legislating to make certain aspect of a council's role a requirement is not necessary. Councils need to adapt to changing times and be flexible in their approach to engaging with their communities.
On what matters should councils engage with communities?	Councils should have the autonomy to determine for themselves what matters they believe they need to consult and engage with communities on. Steer clear of any legislative requirements as far as possible.
How can community engagement be strengthened and measured?	Councils work in their communities daily. Most councils are aware of the need to ensure they engage with the community. Mandating engagement runs the risk of making it an onerous task which may not deliver tangible benefits for the community.

Council Revenue and Expenditure

Question	Response
How can councils ensure transparency in funding decisions; both how it is raised and spent?	There are already mechanisms in place relating to financial management of councils. The introduction of audit panels for all councils provides an oversight role relating to funding decisions. Councils are required to produce an Annual Report which includes Financial Statements, which are available to the community for review.
How can councils determine how best to raise revenue for specific purposes?	This is a matter for councils. The current Local Government Act prescribes significant requirements in relation to rating of properties, which is the by far the largest component of revenue raising powers.
How should councils engage communities when raising revenue?	Most councils undertake some form of budget consultation. This should however be a decision for the council to make and not be a legislated requirement.

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How should councils determine the services they deliver to their communities in exchange for rates and charges?	At the council table.
How should councils decide where to make trade-offs (more or less rates vs more or less services)?	At the council table.

Performance Transparency and Accountability

Question	Response
How can the right balance between autonomy and accountability be delivered?	This question would suggest that there is currently some problem in this area. Councils are essentially organisations with large budgets that need to have flexibility and autonomy in the way in which they deliver their services. The Annual Planning and Annual Reporting process provide a level of accountability already. Burdening councils with further statutory reporting requirements in the guise of 'accountability' will further diminish the autonomy of the elected body.
Who should have oversight and regulation of councils' performance and how should it occur?	There is already significant oversight of a council's performance. No further regulation is supported.
What mechanisms should there be to respond or intervene when a council is not performing as required?	The current Local Government Act provides powers to the Minister to intervene if necessary. Recent amendments also provided some mechanism for the Director of Local Government to become involved at an earlier time if deemed necessary. Ensuring there is a clear understanding of what "not performing" means would be a good start.
What information should councils make available to the public and how should they be able to access it?	Council meeting agendas are already made available. There is a wide variation in the extent of information that is provided council to council though. Perhaps some further clarity of the form that reporting should take could be considered. Perhaps a 'good practice' guide to reporting in a Tasmanian context could be developed.
What information would be useful to councils to drive performance improvements?	Each person's view of performance improvements would be different. As previously suggested perhaps the development of a suite of 'good practice' guides could be developed. Unfortunately, as we have seen with the issue of the Credit Card Policy developed by the Auditor General, Local Government Division and the Local Government Association of Tasmania is verbose and not practical in a modern council environment – however we have been forced to implement it. Making sure that any

	performance improvements are practical and easily transferable is paramount – practitioners in local government need to be involved, not left to bureaucrats who don't actually work in the sector on a day to day basis.
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Other Matters

Question	Response
What is one thing you would change about the current local government legislative framework and why?	Less prescription – more flexibility. Don't legislate based on the poor performance of individual councils.

Individual responses by Councillors to the Review process can also be submitted.

COMMUNITY ENGAGEMENT

Review of Tasmania's Local Government Legislation Framework is a State Government initiated project. Council is just one of many stakeholders in the process.

There has been a community consultation and engagement plan developed by the Government to allow input from interested stakeholders.

FINANCIAL IMPLICATIONS

At present responding to the Discussion Paper has no direct financial implications for the Council apart from staff time in considering the issues and preparing the response.

In the longer term there may be financial implications arising out of any changes to the legislation determined by the Government.

RISK IMPLICATIONS

There may be some views which differ from the responses provided within the Council's proposed submission. Anyone is entitled to submit their own responses to the Review.

CONCLUSION

The Review of Tasmania's Local Government Legislation Framework is a significant review of the legislation which governs the activity of local government in Tasmania. It is recommended that Council contribute to this first stage of the Review by submitting the comments as outlined within this report.

ATTACHMENTS

Nil

RECOMMENDATION

That Council in relation to the Review of Tasmania's Local Government Legislation Framework Discussion Paper:

- (a) receive and note the report; and
- (b) endorse the comments as outlined within this report as the Council's submission to the Discussion Paper.

Author:	Paul West
Position:	General Manager

5.4 DEVONPORT CITY SOCCER CLUB - REQUEST FOR FUNDING

File: 28947 D566989

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.1.1 Provide sport, recreation and leisure facilities and programs to meet the needs of the community

SUMMARY

To seek Council consideration for a request for funding from Devonport City Soccer Club for changeroom developments at their facility in Lovett Street, Devonport.

BACKGROUND

At Council's November 2018 Workshop, representatives from the Devonport City Soccer Club (DCSC) presented their proposed plans for changeroom upgrades at the Lovett Street facility to enhance facilities for junior and female participation. The facilities do not currently cater for their growing demand and as a result, the DCSC Board applied for funding under the Commonwealth Government's Community Support Infrastructure Program. The total value of the project is \$528,575.

In December 2018, DCSC were advised that they had been successful in their application for a Government Grant with an amount of \$385,000 being provided to the project. The estimated project cost, as outlined in the attached letter from the Soccer Club, is as follows:

DCSC (in-kind)	\$ 81,575
Commonwealth Government Grant	\$385,000
Degree C (in-kind)	\$ 12,000
Devonport City Council (tbc)	\$ 40,000
Football Federation Tasmania	<u>\$ 10,000</u>
	\$528,575

STATUTORY REQUIREMENTS

Details relating to any financial contribution to DCSC will be included in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DISCUSSION

The DCSC building is owned by the Soccer Club on land leased to them by Council.

The upgrade to the facilities will increase the amount of male/female senior level changerooms and will provide junior level changerooms and referee facilities. The facilities have not been upgraded since 1988 and do not meet current facility standard guidelines and universal design principles. They are currently unable to properly cater for current demand lacking appropriate amenities for female and junior players.

With an upgrade to the facility, it will provide increased opportunities to host further national and international tournaments, NPL games, FFA Cup Games and A League games.

The DCSC has appointed a Board member to project manage the upgrade and have sourced considerable in-kind assistance from Degree C and from their Club membership. The timeframe to complete the project under the funding grant is 31 May 2019.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

Council's requested contribution of \$40,000, if approved, could be paid this financial year out of savings from Recreation Development (Grants and Sponsorship) budget allocation. There is currently a surplus of funds in the budget due to the following:

Tour of Tasmania Cycling	\$15,000	Paid in 2017/18
SCAT criterium event	\$ 5,000	Event did not proceed
Mersey Yacht Club laser event	\$10,000	Paid from Community Financial Assistance
Unallocated amount	<u>\$18,000</u>	For any sporting events not budgeted for
	\$48,000	

RISK IMPLICATIONS**Reputational risk**

There is a risk that Council could be criticised for supporting Devonport City Soccer Club in this project if other sporting organisations feel they have projects more worthy of support.

CONCLUSION

Council's \$40,000 contribution, to this project, will enable an upgrade valued at \$528,575 to be undertaken at the Devonport City Soccer Club's facilities. This will provide the Club with better male, female and junior facilities which will allow for growth in their participation and increase the likelihood of hosting national and international tournaments.

ATTACHMENTS

- [1.](#) Devonport City Soccer Club - request for funding

RECOMMENDATION

That Council:

- (a) approve a contribution of \$40,000 to the Devonport City Soccer Club's upgrade of facilities in the 2018/19 financial year from savings identified in the Recreation Development budget, and
- (b) the Club be required to provide a copy of the acquittal submitted to the Commonwealth to confirm the expenditure on the project.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager



MAJOR PARTNER

11th February, 2018

Mr Paul West
General Manager
Devonport City Council
PO Box 604
DEVONPORT TAS 7310

Dear Paul,

RE: Changeroom Development

Further to our recent meeting we are writing to advise the Devonport City Council (Council) that the Devonport City Soccer Club Inc. (DCSC) has executed an agreement with the Australian Sports Commission (Commission) to access three hundred and eighty-five thousand dollars (\$385,000) plus GST from the Australian Governments Community Sport Infrastructure Program (The Program).

The estimated project cost is five hundred and twenty-eight thousand eight hundred and seventy-five dollars (\$528,575) which is proposed to be funded as follows:

	\$
DCSC in kind	81,575
ASC Grant	385,000
Degree C in kind	12,000
Devonport City Council	40,000
Football Federation Tasmania	<u>10,000</u>
	528,575

The DCSC is still awaiting final confirmation of prices from sub trades as the Club seeks to finalise construction drawings and engineers plans. The early indications are that the project cost will be not less than our initial estimates.

Our timelines to complete the project are by the 31st May, 2019 and as such it would be greatly appreciated if we could access, the proposed Council contribution in the 2019 financial year and ideally by the 31st March, 2019.

In accordance with the terms of the Funding Agreement where the grantee (DCSC) does not own the land on which the activity is to occur the grantee is required to provide evidence to the satisfaction of Sport Australia of the grantees authority to undertake the activity. We would have thought the granting of a planning permit by Council would have satisfied this requirement, however should we require any additional level of support we will contact you to discuss the requirements further.





MAJOR PARTNER



Once again, we would like to thank Council for its support and assistance and should you have any queries or require additional information please do not hesitate to contact the writer.

Yours faithfully,

Drew Smith
President
Devonport City Soccer Club Inc.



5.5 KELCEY TIER DRAFT MASTER PLAN

File: 35160 D567006

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.3 Promote passive recreational usage including walking, bike paths, trails, parks and playspaces

SUMMARY

This report is provided to detail the consultation received relating to the draft Kelcey Tier Master Plan.

BACKGROUND

At its meeting held 26 November 2018, Council determined (Min 222/18 refers) as follows:

That the report relating to the Kelcey Tier Draft Master Plan be received and noted; and Council endorse the release of the Draft Master Plan for a public consultation period ending on 25 January 2019.

A copy of the Draft Master Plan is attached. The consultation period ran from 27 November 2018 and concluded on 25 January 2019. Additional time for the consultation was allowed due to the Christmas/New Year period.

Submissions were received via Facebook, Speak Up Devonport and via individual responses. The consultant engaged to prepare the master plan was provided with a copy of all submissions and a report of their responses is attached, together with a copy of submissions received.

STATUTORY REQUIREMENTS

Council has an obligation to comply with the *Threatened Species Protection Act 1995*. Council's Reserves Parks and Gardens By-Law No. 1 of 2017 also applies to the Greenbelt area and determines what is or is not permissible in the area including the taking of firewood, illegal dumping, motorbikes in the reserve etc.

DISCUSSION

Following a process of consultation and community engagement, ERA Planning prepared a draft Master Plan based on feedback received.

The Plan was broken into Sections as follows:

- Sections 2 and 3 identify specific actions related to the natural and cultural values of the reserve;
- Section 4 identifies specific actions associated with recreational opportunities and should be read in conjunction with Sections 2 and 3 to ensure the natural and cultural values are enhanced and maintained;
- Appendix A includes maps that show the trail networks, nodes and trackheads;
- Appendix B includes cost estimates of future infrastructure; and
- Appendix C provides the concept and framework, together with the summary of the stakeholder and community engagement.

Following the consultation period, the consultant considered all submissions and provided a Consultation Report dated 8 February 2019.

Part 2 of the report provides a summary of submissions received which has been broken into the key areas which were outlined in the submissions, including:

Car Park	Costings
Cultural Values	Environmental Values
Health benefits	Implementation
Process of master plan	Recreational values
Technical errors	State/national destination
Signage	Viewing structure
Wash down facility	

Part 3 of the report provides a response to each topic and a recommended response. It is the "Recommended Responses" outlined in Part 3 which should be considered by Council with any approved changes updated into the Master Plan prior to adoption.

The changes recommended by the consultant, and their implications on the Master Plan, are as follows:

- Provide clarification in Appendix B of the report that the costing is for the physical infrastructure only*

It was suggested that annual operating activities, cost of weed management etc should be included in the Plan. The consultant recommends clarifying that the costings are for physical infrastructure only, not operational matters.
- Amend Cultural Value Action CVA1 to be a high priority (from medium priority)*

CVA1 states "Council engage with the local Aboriginal community to fully understand the cultural significance of the site". The consultant recommends that this be upgraded from medium to high priority.
- Replace the picture on the front page to a more generic view of the Kelcey Tier*

It was suggested that the image of a recently constructed mountain bike trail for the Master Plan demonstrates priority to trails over other users
- Amend reference from Kelcey Tier Mountain Bike Club to Mersey Valley Devonport Cycling Club*

Incorrect reference to the Mersey Valley Devonport Cycling Club as being the Kelcey Tier Mountain Bike Club (Appendix 4)
- Include in the introduction of Section 4.1 (Recreation Values Management) that given the site is highly constrained, in terms of recreation values, the Kelcey Tier is considered to be a local recreation reserve only, utilised predominantly by the local community, not as a State or National mountain biking destination. Identifying the Kelcey Tier as a State or National mountain biking destination would create unsustainable pressure on the Kelcey Tier and the association infrastructure required.*

The consultant recommends that limiting to local use will assist in ensuring that all values are protected, and all user groups provided for.
- Incorporate reference to all user groups under RV A4 (Action: Design and implement a signage strategy that incorporates interpretation and trail maps)*

To ensure signage is inclusive of all user groups.
- Remove recommendation for viewing structure from Master Plan*

The viewing structure was seen as a destination for the walkers and bird watchers on the trail network, however, it was not welcomed by this user group. Council's NRM

officer has suggested an alternative location north west of the current Durkins Road car park which based on his consultation may be more suitable to walkers and bird watchers. A firebreak runs down the southern end of Council land bordering on the neighbouring property on Durkins Road where a hide could be placed. The positioning is amongst *Melaleuca ericifolia* (Ti-Tree) which has been bulldozed and left on the ground and could be used to camouflage the hide. Water could be diverted into a depression where the fire break ends to enable the parrots (both swift and blue winged) to have a water source. The depression could also be used as a firefighting resource in emergencies.

- *Incorporate the consideration of washdown facilities along Tugrah Road and the proposed car park off Durkins Road; taking into account the amenity of nearby residents, access to water, water pressure and water management*
Wash down facilities are common at key mountain bike destinations and beneficial to preventing the spread of weeds and pathogens. If Kelcey Tier is not seen to be a key mountain bike destination (State and National), the priority of considering this action is low.

Other matters raised in which the consultant has considered but recommends no change to the Master Plan are as follows:

- *Alternative car park locations*
Alternative locations were identified but not deemed suitable (Mersey Vale Cemetery site, 57 Stoney Rise Road (privately owned) and Taswater site (Williams Reservoir)
- *Environmental Values*
The Natural Value Actions (Section 2.1 of the Master Plan) included as a high priority that an ecological survey, together with a vegetation and weed management plan be prepared for the reserve as well as the protection of the scenic, biodiversity and landscape values be improved. Also included is that any future development obtain the required permits with a key consideration of these permits being the environmental values. Subject to these actions being implemented, the ongoing protection of the environmental values of the reserve will be significantly improved.
- *Health Benefits*
Suggested that the physical and mental health benefits of having a reserve within proximity to a population be identified – The consultant recommends no change as it is outside the scope of the project.
- *Process*
Issues raised regarding the means and period of consultation however this was deemed to be adequate by the consultant. Council extended the consultation period from its normal 30 day period to 9 weeks due to the Christmas/New Year break.

COMMUNITY ENGAGEMENT

As part of the development of the draft Master Plan, consultation was undertaken with key stakeholders and organisations, adjoining property owners and users of the area. Following the Council's endorsement of the Draft Master Plan, a public comment period was held from 27 November 2018 to 25 January 2019.

All Council's regular consultation mediums were used for receiving feedback on the draft Master Plan including Speak Up and social media.

FINANCIAL IMPLICATIONS

The draft Master Plan sets out recommendations relating to infrastructure requirements for the area. Council does not have funds committed in the 2018/19 financial year to

undertake capital works. Any proposed works would either need to be factored into the forward capital works program or external funding sourced through other avenues (eg Tasmania Community Fund or by user groups in accordance with the principles of the master plan, if adopted).

An increase in the number and use of the trails will result in an increase in operational costs for Council to manage the risks in the area. The scope and frequency of tree inspections has increased. The cost of inspection and management of trees following a Tasmania Fire Service (TFS) fuel reduction burn will also increase. This issue, and the increasing problem of restricting access during a burn has already been raised by TFS and may have the potential to impede the TFS's ability to conduct fuel reduction burns in the greenbelt. If TFS determine in the future not to conduct fuel reduction burns, Council would be responsible for the cost of doing so.

RISK IMPLICATIONS

- **Asset & Property Infrastructure**
The Kelcey Tier reserve is a significant piece of Council land and any works should be carefully monitored and managed to ensure its cultural, environmental and historical values are preserved.
- **Environmental Sustainability**
The Master Plan will ensure that the environmental values of the reserve are maintained whilst allowing recreational activities to be undertaken.
- **Consultation and/or Communication**
There is a risk that the adoption of the Master Plan will not satisfy all parties.

CONCLUSION

Given the range of activities and its increasing popularity as a public space, it is important for Council to consider the needs of all parties whilst ensuring the Kelcey Tier's environmental and natural values are not compromised.

The adoption of a Kelcey Tier Master Plan will provide a strategic document to guide future use and management of the reserve. It will contribute to the area being sustainably managed and in accordance with best practice so the identified values for the reserve can be maintained and preserved whilst allowing it to be used for recreational purposes.

With the wide range of issues raised during the consultation period, it is recommended that Council further workshop the consultation report to consider the impacts of the Master Plan before finalising its position in relation to the Plan.

ATTACHMENTS

- [1. Draft Kelcey Tier Master Plan](#)
- [2. Kelcey Tier Consultation Report](#)
- [3. KT Master Plan - MVDCC](#)
- [4. Comments - Kelcey Tier Draft Master Plan 2018 - Friends of Kelcey Tier](#)
- [5. Comments - Kelcey Tier Draft Master Plan 2018 - Peter Sims](#)
- [6. Justine Loone - submission re Kelcey Tier](#)
- [7. CNFN comments Kelcey Tier Master Plan](#)
- [8. KT facebook comments](#)

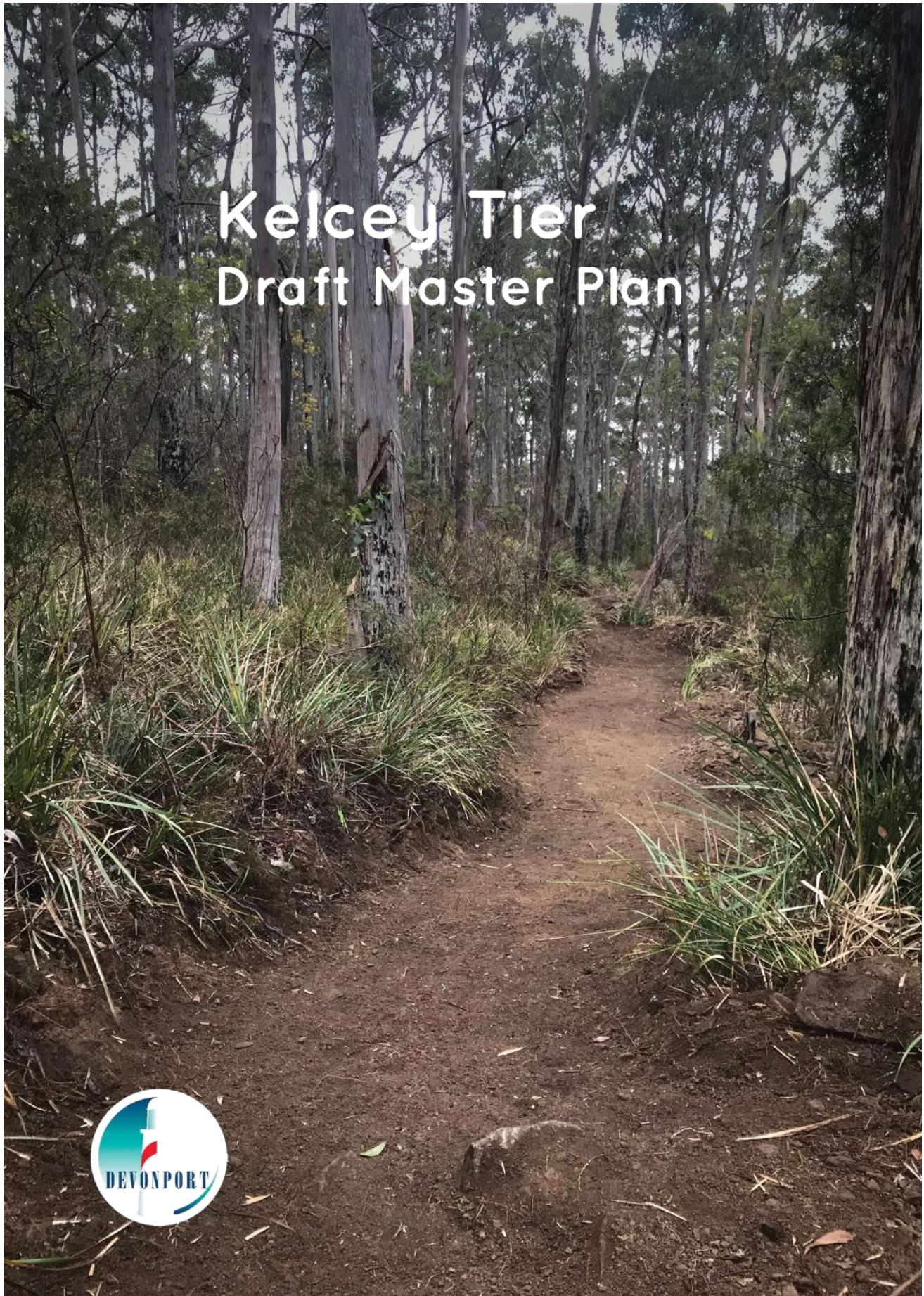
[9.](#) Kelcey Tier Master Plan Speak Up comments

RECOMMENDATION

That the report relating to the Kelcey Tier Draft Master Plan:

- (a) be received and noted; and
- (b) Council consider the outcomes of the consultation and the recommendations of the Consultant at a future Workshop prior to determining its final position in relation to the Master Plan.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager



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Kelcey Tier Master Plan

DRAFT for Council Officer Review

The Devonport City Council engaged ERA Planning Pty Ltd to lead a multi-disciplinary consultancy team to develop the master plan which comprised:

ERA Planning Pty Ltd (Principal Consultant)
Master Planning & Engagement

Playstreet Landscape Architecture & Urban Design
Mapping

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Photography

All photographs unless otherwise referenced have been provided by Carl Turk & Caroline Lindus.

Disclaimer

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1. Introduction

ERA Planning in conjunction with Playstreet Landscape Architecture and Urban Design have been engaged by the Devonport City Council to prepare a master plan for the Kelcey Tier Greenbelt Reserve (Reserve).

The Kelcey Tier is a 185ha area of remnant bushland located directly adjacent and to the south of Devonport.

The master plan aims to provide a realistic, measured and achievable approach to balancing the reserve values and recreational uses. To achieve this the master plan includes:

- Section 2 and Section 3 that identifies specific actions related to the Natural and Cultural Values.
- Section 4 then identifies specific actions associated with recreation opportunities which must be read in conjunction with sections 2 and 3 to ensure the natural and cultural values are enhanced and maintained.
- Appendix A includes maps that are associated with the trail networks, nodes and trackheads.
- Appendix B includes cost estimates.
- Appendix C provides the concept and framework, which was the background report that informed the Master Plan and outlines the Natural, Cultural and Recreation Values in greater detail, together with the summary of the stakeholder and community engagement.

1.1 Site and Surrounds

The Kelcey Tier Reserve is located at the southern edge of Devonport directly adjoining residential land in the Stony Rise and Tugrah areas. The site is elevated with its highest point at 205m above sea level. The Reserve provides a significant scenic landscape backdrop to the city, contains a highly valued recreational opportunities and significant biodiversity values.

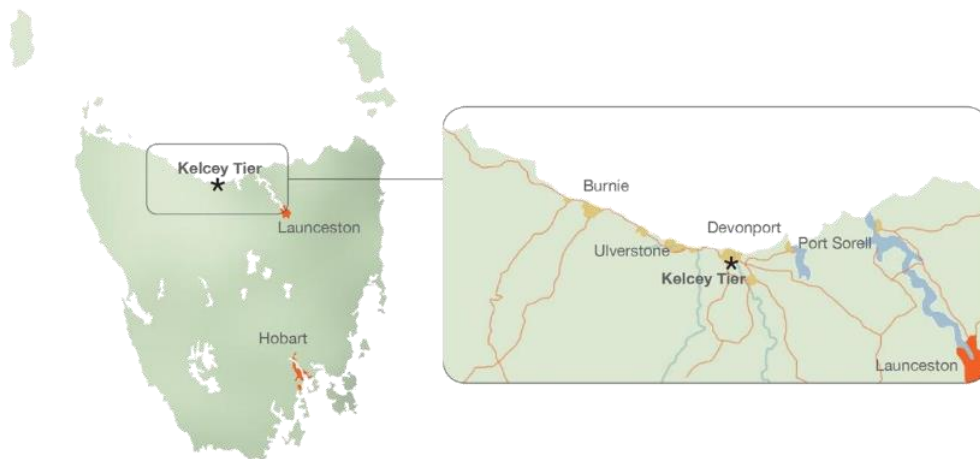


Figure 1: Location of Kelcey Tier.

2. Natural Values

2.1 Natural Values Management

In preparing the master plan, consideration has been made to the available information on ecological values of the site in a desktop manner only. Further information regarding this desktop can be found in **Appendix D Kelcey Tier Master Plan Concept and Framework**.

The available desktop information suggests Kelcey Tier Greenbelt has numerous ecological values which need to be taken into consideration when planning for expanded recreational use of the reserve. These values may be impacted by changes to the recreational features of the site, including directly by land clearance (eg tracks or car parks) as well as indirectly through erosion or spread of weeds and pathogens. The ecological values also provide opportunities for interpretation and passive enjoyment of natural values.

At a broad level, all areas of native vegetation on the site hold some ecological value and potential habitat for threatened and common fauna. More specifically, some areas are of particular ecological value (as shown in Figure 2), including:

- Threatened vegetation communities DOV (includes *E ovata* grassy woodland and *E ovata* shrubby forest) and WVI (*E viminalis* wet forest).
- Vegetation communities providing potential habitat for swift parrot as shown in the red hatching in Figure 2. Note that other communities on site may also provide habitat for the species including hollow bearing eucalypts of all species and areas of *E.ovata* and also possibly *E viminalis* and *E. obliqua*¹. Note that Kelcey Tier has been identified as a priority habitat for the swift parrot in the National Recovery Plan for the Swift Parrot (2011).
- Damp areas (including stream-sides, dams and their margins, road culverts and marshes) all of which provide potential habitat for the Central North burrowing crayfish (*Engaeus granulatus*).
- Areas with hollow bearing trees, particularly the area mapped as old growth in Figure 2.

¹ National Recovery Plan for Swift Parrot (2011). Table 1 shows potential habitat in the Cradle Coast region to include all hollow bearing eucalypts (potential nesting habitat), *E ovata* (foraging during breeding season) and *E obliqua* and *E viminalis* (foraging habitat breeding).

Kelcey Tier Master Plan

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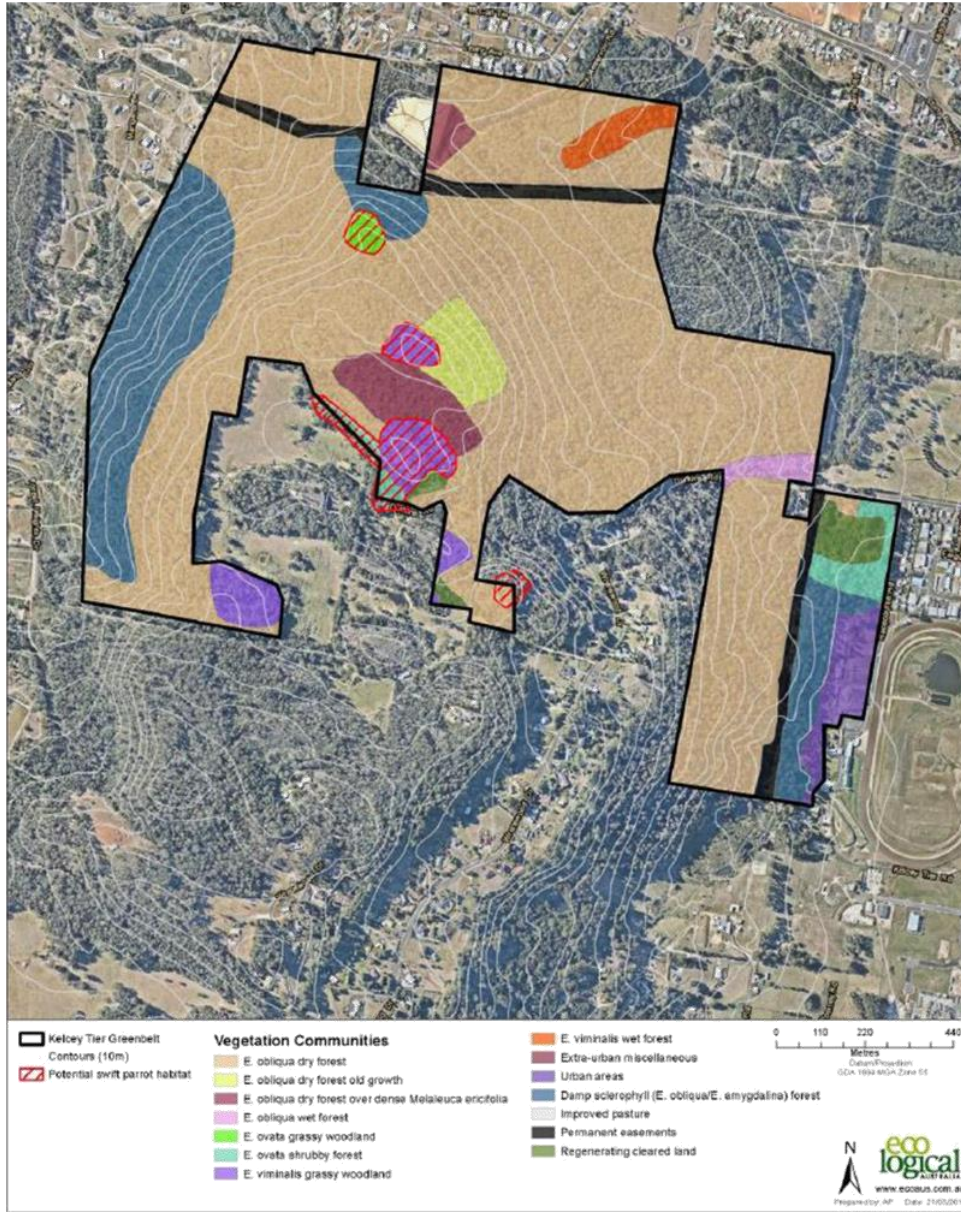


Figure 2: Vegetation Communities (Source – Ego Logical Map 6, from Kelcey Tier Greenbelt Bushfire Management Plan)

2.2 Natural Values Actions

Reference Number	Action	Reason	Priority
NVA1	Engage a suitably qualified person to undertake an updated ecological values survey and prepare a vegetation and weed management plan for the reserve, which includes specific recommendations as to ongoing actions, weed management, protection of sensitive areas, rehabilitation (where applicable) and plant and animal disease controls.	To ensure the values of the reserve are understood and maintained.	High
NVA2	Review options for improving the protection of the scenic, biodiversity and landscape values of the reserve and implement accordingly. This will include but not limited to: <ul style="list-style-type: none"> o The introduction of a map overlay to ensure the Clearing and Conversion of Vegetation Code applies to the entire reserve under the <i>Devonport Interim Planning Scheme 2013</i> or the Natural Assets Code and Scenic Protection Code under the Tasmanian Planning Scheme; and o A review of the reserve status as a National Park or Reserve under the <i>Nature Conservation Act 2002</i>. 	Improve the protection of the reserve's scenic, biodiversity and landscape values.	High
NVA3	Ensure that all development including trails obtain the required permits. Including but not limited to: <ul style="list-style-type: none"> o A planning permit if required under the <i>Devonport Interim Planning Scheme 2015</i>. It is noted that any clearing and conversion of native vegetation within the reserve requires a planning permit. o A permit to take if required under the <i>Threatened Species</i> 	To ensure due process is followed and the required level of independent examination of a development is undertaken.	Ongoing

Kelcey Tier Master Plan

DRAFT for Council Officer Review

	<p><i>Protection Act 1995</i> for direct impacts to listed species or products (eg dens/nests) of wildlife (including some non-threatened species).</p> <ul style="list-style-type: none"> o A Forest Practices Plan if required. Clearance of forest greater than 1 ha (unlikely to apply) as well as clearance of any vegetation within the definition of vulnerable which includes threatened vegetation communities and vegetation inhabited by a threatened species is required to be approved by way of an FPP. Specific exemptions do however apply if it relates to a building for which a permit is required under the <i>Land Use Planning and Approvals Act 1993</i>. o A referral under the Commonwealth <i>Environment Protection Biodiversity Conservation Act 1999</i> (EPBCA) may be required if it is likely that there may be significant impacts to Matters of National Environmental Significance (MNES), including listed species. 		
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3. Cultural Values

3.1 Cultural Values Management

In 1994 an archaeological survey to locate Aboriginal sites was conducted in the Kelcey Tier.

The report provided the following regarding the sites found:

Although the Kelcey Tier Greenbelt area has been disturbed by European modification of the landscape, this in no way diminishes the significance of Aboriginal sites present both in the Greenbelt and the general area. The Aboriginal site located on the existing fire trail is highly significant as it is indicative of Aboriginal trade and transportation of material across the region. The other Aboriginal site located in the immediate vicinity of the proposed track upgrading is also important. When combined with other sites located on adjacent private property, these sites are indicative of intense occupation and use of the area by Aboriginal people.

Aboriginal Heritage Tasmania were consulted and based on a review of the assessment report it was their opinion that the area has a low probability of Aboriginal heritage being present, given the size of the reserve and the type and size of potential development in the reserve. Subsequently, it was recommended that an Unanticipated Discovery Plan (UDP) be put in place during ground disturbing works. It is noted that the *Aboriginal Heritage Act 1975* does not necessarily consider the significant in terms of ongoing connection to place.

Further information regarding the cultural values can be found in *Appendix D Kelcey Tier Master Plan Concept and Framework*.

3.2 Cultural Values Actions

Reference Number	Action	Reason	Priority
CVA1	Council engage with the local Aboriginal Community to fully understand the cultural significance of the site.	To ensure the values of the reserve are understood and maintained.	Medium
CVA2	Future development of the site requires an Aboriginal Heritage assessment report prepared by a suitably qualified practitioner.	Ensure that Council meets the requirements of the <i>Aboriginal Heritage Act 1975</i> .	Ongoing

4. Recreation Values

4.1 Recreation Values Management

The Kelcey Tier is significantly valued by the local community of all ages. The reserve provides valuable opportunities for outdoor recreational experiences in an outdoor setting. It's discrete boundaries together with it being the nearest reserve to the City of Devonport is seeing unprecedented pressure on the reserve for recreation pursuits. There are several key influences that are occurring which have contributed to this increase in demand including:

- o The emerging and well recognised trend within recreational activities that is seeing the popularity of organised sporting activities decline with a corresponding increase in informal, unstructured recreation pursuits such as riding, running and walking. The popularity in mountain biking activities in particular has increased exponentially in recent years;
- o An increase in residents in proximity to the Kelcey Tier, particularly to the north west due to residential subdivisions;
- o Large tracts of land zoned General Residential and Future Residential (approximately 80ha within 1km of Kelcey Tier not yet developed; and
- o Multiple recreation groups including walkers, trail runners, mountain bikers and bird watchers with several clubs or associations directly connected with the Kelcey Tier, such as friends of Kelcey Tier, the Kelcey Tier Mountain Biking club and the Central North Field Naturalists.

Further information regarding recreation values can be found in *Appendix D Kelcey Tier Master Plan Concept and Framework*.

4.2 Recreation Values Actions

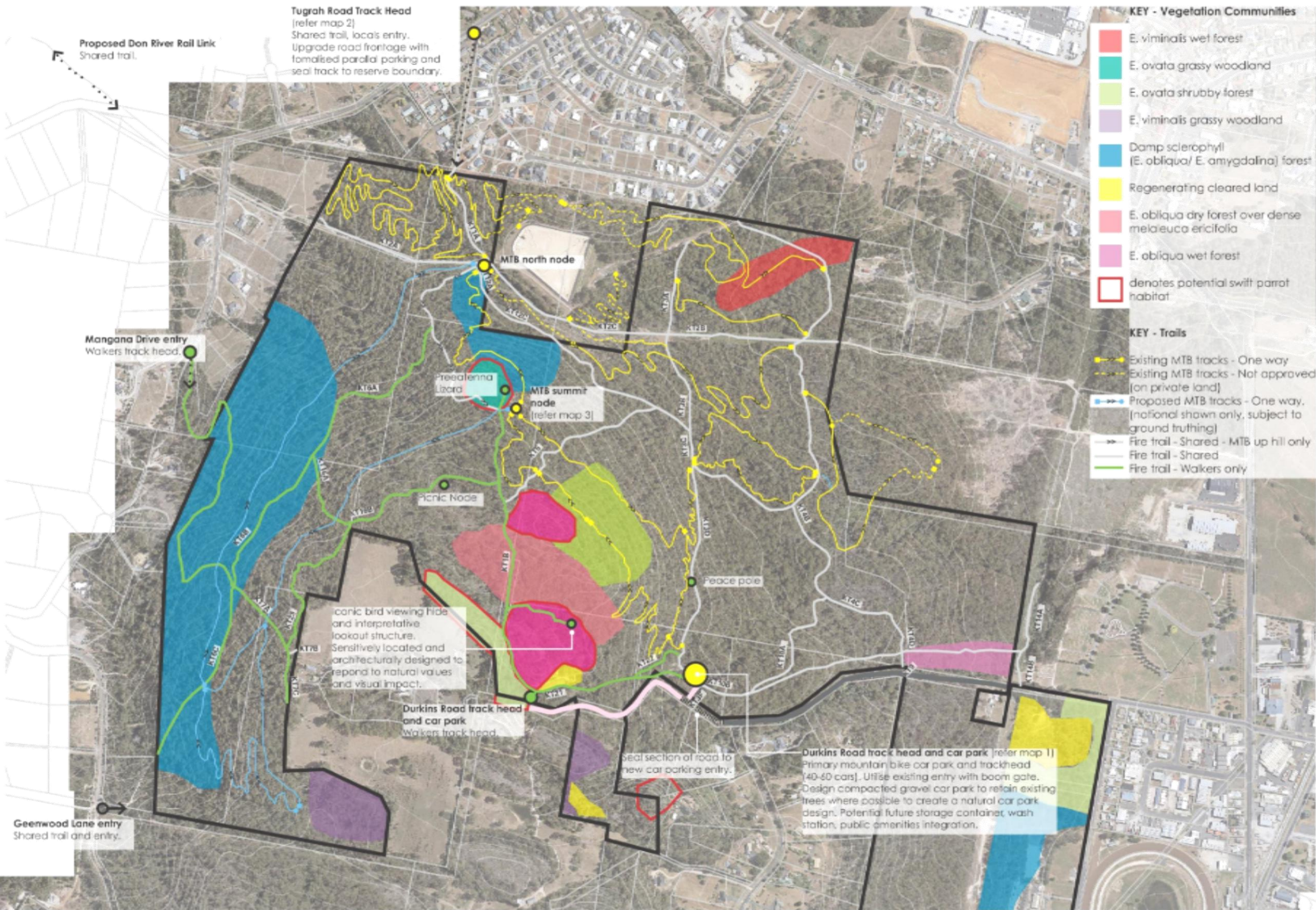
Reference Number	Action	Reason	Priority
RVA1	Implement the trail strategy in accordance Existing and proposed trail network (refer <i>Appendix A</i>).	To ensure there is a strategic approach to trail development and the needs of all user groups are equally met.	Ongoing
RVA2	Construction of all trails are to be undertaken by a suitably qualified and experienced trail construction expert.	Ensure that trails are constructed to an appropriate standard, minimising erosion and ongoing maintenance.	Ongoing
RVA3	Provide accurate skill level identification of MTB trails in accordance with the IMBA AU trail grading system.	To ensure that the MTB trails are consistent state wide.	Ongoing
RVA4	Design and implement a signage strategy that incorporates	To ensure there is adequate signage and information available that is	High

Kelcey Tier Master Plan

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	interpretation and trail maps (refer <i>Appendix C</i> for further details).	consistent with the reserve's values, is coherent, uniform and effective, without an unnecessary clutter of signage or repetition of messages.	
RVA5	Formalise agreement with landowners for trails not constructed within Council owned land (refer <i>Appendix A</i>).	To ensure appropriate land owner consent is in place for the formal trail network.	High

Appendix A Master Plan Maps



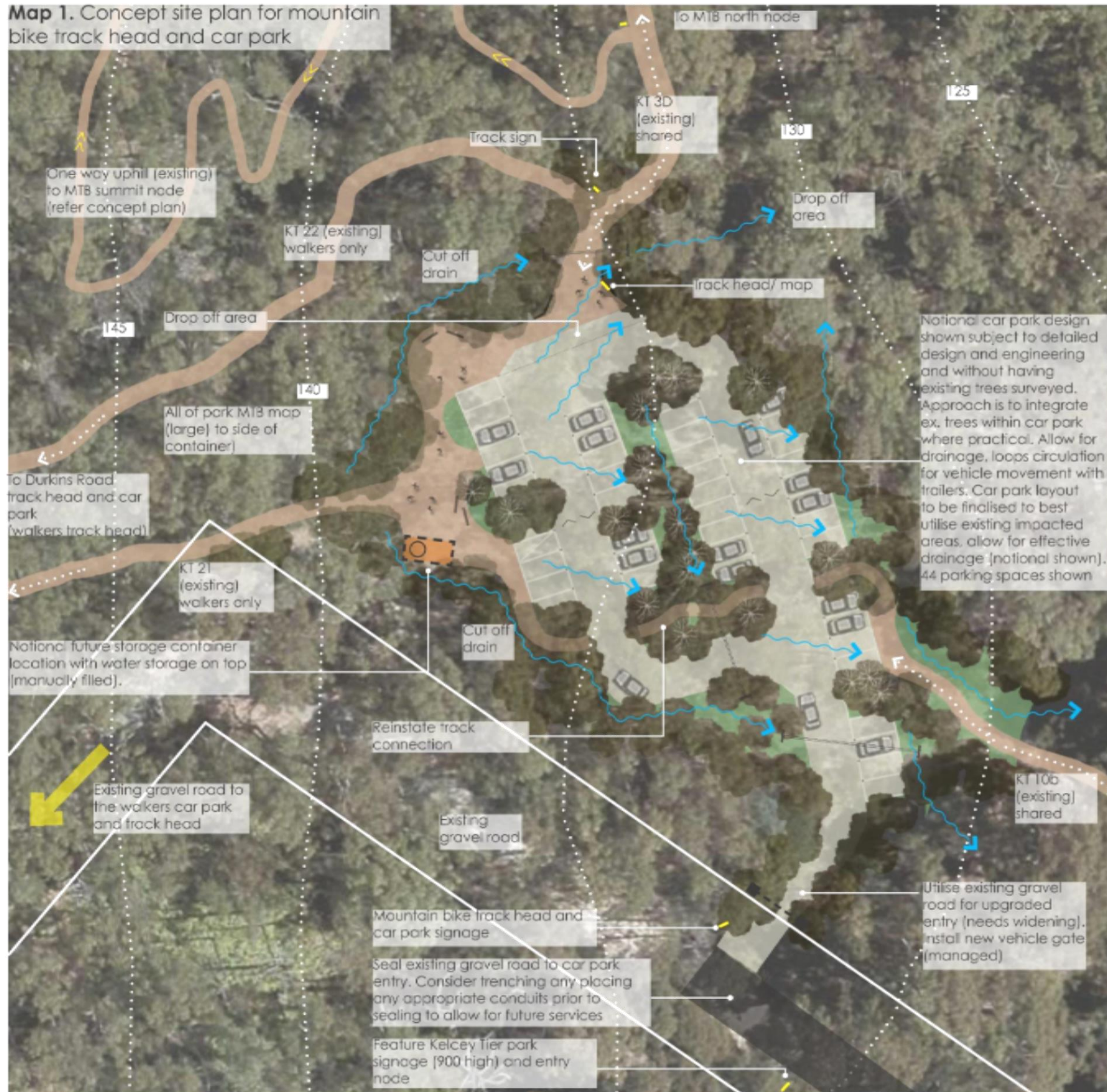
Kelcey Tier Master Plan (draft)
Existing and proposed trail network

1:7500 @ A3
North

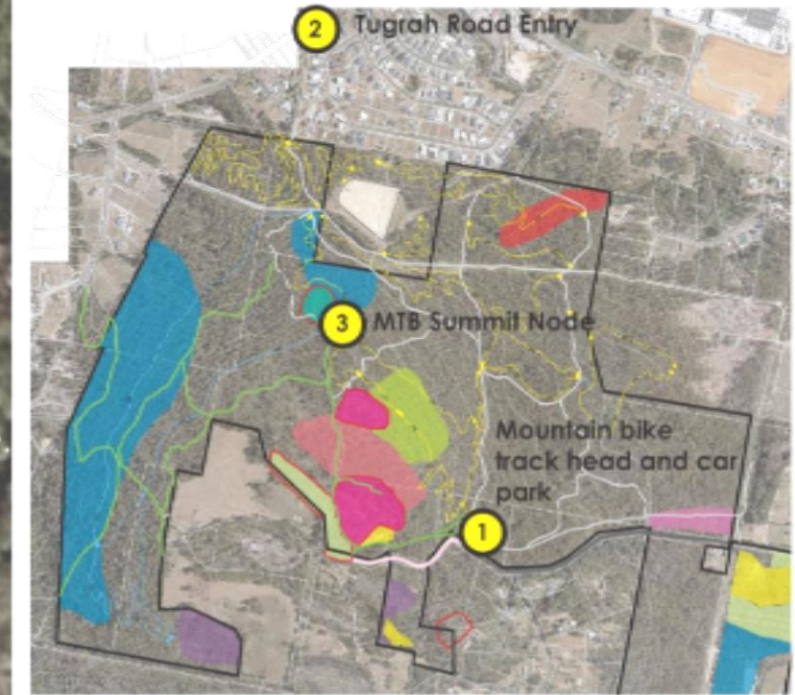
0 150m 300m 450m 600m

PLAYSTREET
LANDSCAPE
ARCHITECTURE
P ST.

Map 1. Concept site plan for mountain bike track head and car park



Reference Plan - Concept Maps



Precedent images showing car parking integration with trees

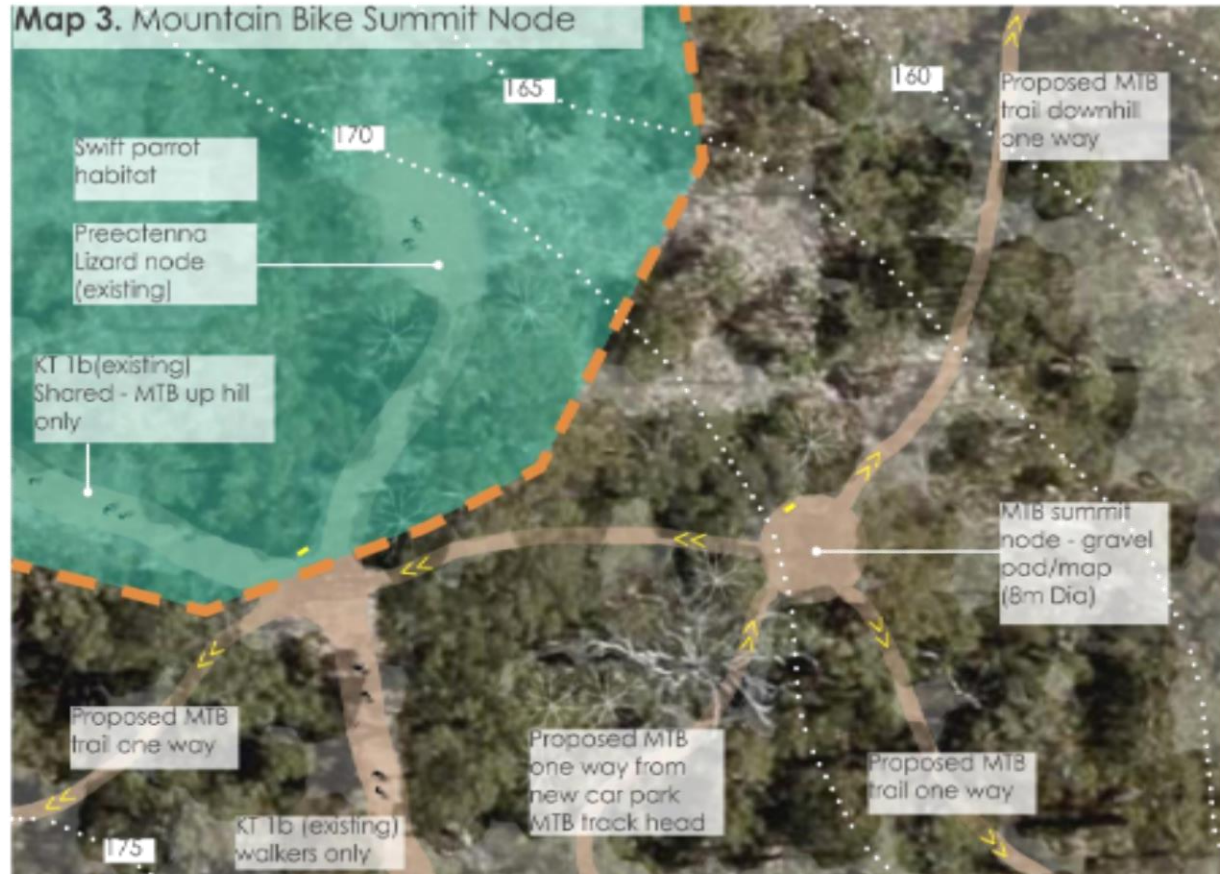
Scale 1:500@A3



Map 2. Tugrah Road Track Head



Map 3. Mountain Bike Summit Node



Precedent image - Potential Tugrah track head road reserve revegetation and weed control



Precedent image - Notional main map signage at walkers and mountain bike track head parking areas



Precedent image - Potential for bespoke interpretation elements

Precedent image - Potential 'look and feel' of passive picnic node (ignore bbq)



Precedent image - Use natural materials where infrastructure is required



Precedent image - potential 'look and feel' for an iconic bird viewing hide and interpretation lookout at walkers summit. Sensitive located and architecturally designed to respond to the natural values and visual impact.

Scale 1:500@A3

North ↑

PLAYSTREET
LANDSCAPE
ARCHITECTURE
P/ST.

Appendix B
Approximate costings



Indicative Costings Trails and Infrastructure

All costings are a broad estimate only and are subject to a quantity surveyor review, survey data and concept design and market conditions.

Exclusions from costing estimates: GST, preliminaries, contingency, consultant services, (survey, design, engineering, project management), disbursements, rock breaking, signage/ way finding (needs strategy), storage container (proposed option).

Mountain Bike Track Head – total approx. 200K

- Site preparation - clearing/ tree removal, chipping, topsoil stripping
25K
- Earthworks – general shaping
15K
- Drainage - cut of drains and culverts/ headwalls
15K
- Civil pavement construction – Base and gravel topping
85K
- Path/ open gravel pedestrian areas
15K
- Rehabilitation/ make good
10K
- Bollards
10K
- Furniture – seats
5K
- Entry gate
5K
- Miscellaneous items
15K

Tugrah Road Formalised Car Parking – total approx. 30K

- Demolition/ preparation
2K
- New flush kerb to grass
3K
- New spoon drain as divider between parallel park and road to continue drainage through
5K
- Base and hotmix for new parking area
5K
- Concrete pedestrian entry pavement
3K



- Landscaping and make good
2K
- Bollards / fence
5K
- Miscellaneous
5K

Mountain Bike Track Cost Estimate

- Trail construction
\$25 - \$30/ lineal metre
80 - 100 lineal metres/day

Appendix C Indicative Signage Strategy



Indicative Signage Strategy Kelcey Tier

Introduction

A thematic signage strategy will need to be developed for Kelcey Tier. The thematic signage strategy should incorporate park signage, way finding (internal) and bespoke interpretative signage with a clear hierarchy of signs. All signs should be from the same design language palette with appropriate qualified and skilled people engaged to undertake the work.

All signs should be solid, robust and graphic designed to capture essence of the park.

Tier 1 – Gate Way Signs (x2)

These signs should be strategically located at 2 sites:

- Dirkins Road just past Wrenswood Drive but before the MTB track head car park.
- Tugrah Road parallel proposed parking area.

An example of a robust sign for the gateway is a low stone wall 2m long 0.9m high with steel text/graphic.

Tier 2 – Car Park track head signs (1x Walkers and 1 x MTB)

Consistent with the Tier 1 – Gateway signs in design and form, this signage is to enable new visitors to reserve to way find.

Tier 3 – Park Map (x3)

These signs should be strategically located at 3 sites – walkers track head, MTB track head and Tugrah Road track head.

The signs could integrate a phone App for the park map on smart phones etc.

Tier 4 – Internal Slimline track identification signage (+25)

These signs are more symbol and pictogram based, located at intersections or strategic locations within the reserve and assists in denoting if a track is shared, MTB or walker only.

Appendix D Concept and Framework



Kelcey Tier Greenbelt Master Plan

Concept and Framework

22 August 2018



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1. Introduction

1.1 About the Project

ERA Planning in conjunction with Playstreet Landscape Architecture and Urban Design have been engaged by the Devonport City Council to prepare a master plan for the Kelcey Tier Greenbelt Reserve (Reserve).

The Kelcey Tier is a 185ha area of remnant bushland located directly adjacent and to the south of Devonport.

The master plan aims to provide a realistic, measured and achievable approach to balancing the reserve values and recreational uses, as well as:

- o Articulate a clear future direction for the Reserve along with a program of prioritised works, indicative associated costs and potential contributors.
- o Identify of possible development footprints for both passive and active recreation/community pursuits that do not degrade environmental or cultural assets.
- o Highlight existing infrastructure and identify any future additions to support key uses.
- o Enhance the community and visitor access, engagement and usage of the Reserve.

1.2 Purpose of the Report

The purpose of the Concept and Framework Report is to firstly detail all values of the reserve, secondly to identify the constraints and opportunities associated with the values and finally to identify a guiding vision for the future management of the reserve.

Appendix A includes a draft Trail Network and Infrastructure Map.

Enquiries relating to this report should be directed to:

Clare Hester
Senior Planner & Associate
ERA Planning
Email: clare@eraplanning.com.au
Mobile: (03) 6105 0443

1.3 Site and Surrounds

The Kelcey Tier Reserve is located at the southern edge of Devonport directly adjoining residential land in the Stony Rise and Tugrah areas. The site is elevated with its highest point at 205m above sea level. The Reserve provides a significant scenic landscape backdrop to the city.

Due north of the Reserve is residential land with lots approximately 1,200m², to the west and south is residential land, developed to a lower density and to the east is land used for industrial land as well as community uses including a cemetery and racecourse.

Access to the site is generally as follows:

- o Vehicular access along Durkins Road which is accessed from the east, off Stony Rise Road;
- o Vehicular access off Stony Rise Road through a right of way located on 137 - 139 Williams Reservoir Road to the benefit of TasWater; and
- o Bike and pedestrian access off Tugrah Road (located between 29-33 and 47 Tugrah Road).

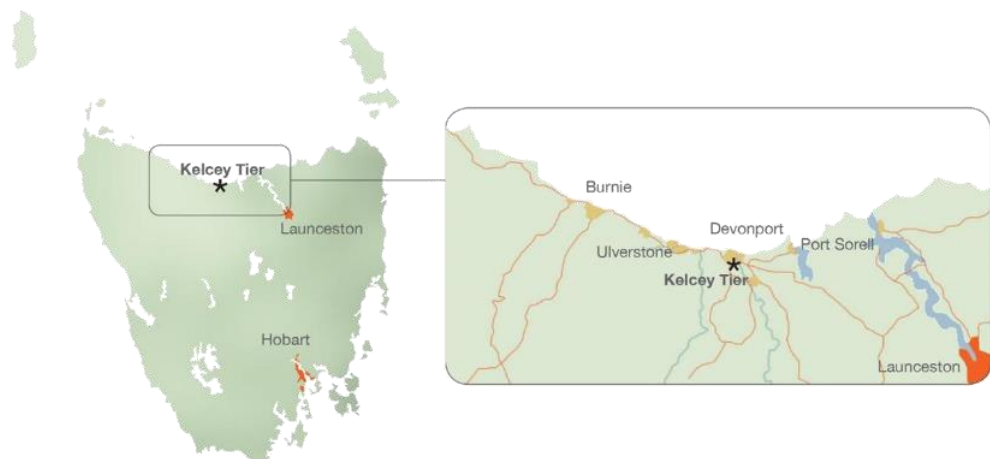


Figure 1: Location of Kelcey Tier

2. Natural Values

2.1 Statutory Controls

In preparing the master plan consideration has been made to the available information on ecological values of the site in a desktop manner only.

Available information has been sourced from the following:

- o Tasmanian Natural Values Atlas (accessed July 2018);
- o The Kelcey Tiers Greenbelt Bushfire Management Plan 2017 (Eco Logical);
- o The Fire Management Plan Kelcey Tier Greenbelt 2005 (AK Consulting); and
- o Information provided by participants of the community engagement process.

The Kelcey Tiers Greenbelt Landscape Management Plan 1992 was also reviewed for context but given its age (over 25 years ago) specific species from this plan were not considered in detail below.

2.2 Vegetation Communities

As a starting point, the Natural Values Atlas was consulted to identify vegetation communities at the site. That showed the site to be dominated by *Eucalyptus obliqua* wet forest (WOU), with *Eucalyptus obliqua* dry forest (DOB) in the far west, *Eucalyptus amygdalina* – *Eucalyptus obliqua* damp sclerophyll forest (DSC) in the south east and a small area of *Eucalyptus ovata* forest and woodland (DOV) in the north east. Of these communities only the latter, (DOV), is listed as threatened in Tasmania (under Schedule 3A of the *Nature Conservation Act 2002*).

The 2017 Bushfire Management Plan was then consulted and found to show a slightly different composition of vegetation communities. Discussions with the author of the 2017 Plan (Adrian Pyrke¹) confirmed the mapping in that report to be the most recent and reliable and it has therefore been adopted herein.

¹ Telephone and email discussions were held with Adrian on 23rd July 2018. Adrian confirmed that the mapping in the 2017 Bushfire Plan was originally sourced from North Barker & Associates, who prepared the mapping for AK Consulting as part of the 2005 Bushfire Plan. When the 2017 Bushfire Plan was being prepared by Eco Logical, Adrian briefly visited the site to ground truth the mapping and made a small amendment to reclassify the western most polygon, to better reflect ground conditions. The map in the 2017 Bushfire Management Plan is therefore deemed the most recent and reliable.

That mapping² (refer Figure 2 below) shows the site to be dominated by *Eucalyptus obliqua* dry forest (DOB) some of which is mapped as "old growth" and some with a *Melaleuca ericifolia* understorey. The remainder of the site is mapped as small patches of:

- o *Eucalyptus obliqua* wet forest (WOU)
- o *Eucalyptus ovata* grassy woodland (presumed to be DOV) - threatened
- o *Eucalyptus ovata* shrubby forest (presumed to also be DOV) - threatened
- o *Eucalyptus viminalis* grassy woodland (DVG)
- o *Eucalyptus viminalis* wet forest (WVI) – threatened
- o *Eucalyptus amygdalina*/ *Eucalyptus obliqua* damp sclerophyll (DSC)

Of these communities *E. ovata* forest and woodland (DOV) and *E. viminalis* wet forest (WVI) are both listed as threatened under the Tasmanian *Nature Conservation Act 2002*. Note that *E. ovata* forest and woodland (DOV) was nominated for listing on the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBCA) in 2013. That nomination has been indefinitely deferred. As a result, the community is currently not listed at a Commonwealth level but may be in the future.

According to the 2017 Bushfire Management Plan, *Melaleuca ericifolia* occurs on site, either as a shrub or sub-dominant tree in the understorey beneath eucalypts but does not form a swamp forest as listed under the *Nature Conservation Act 2002*. Further discussions with Adrian Pyrke (Pers Comm 23rd July 2018), on this matter indicated that it may be possible for some parts of the site to be classified as swamp forest, but these would be very small patches and therefore not of a suitable scale to be separately mapped as part of the site wide mapping completed to date.

During the engagement for the master plan, discussions were held with the community on the ecological values of the site and an updated vegetation map was provided by P Lawrence of the Field Naturalists. That map shows some differences in vegetation community than those mapped in the 2017 Bushfire Management Plan. Both sets of mapping show a complex mosaic of communities and it is likely that co-dominance of eucalypts occurs, as well as grading between wetter and drier parts of the site. This suggests that the definition of the vegetation communities on site may be subject to interpretation and further reinforces the need for ground truthing prior to any native vegetation clearance on site.

² Note that TasVeg codes included here in brackets are interpreted from the mapping, as that mapping source does not attribute TasVeg codes to the mapped communities.

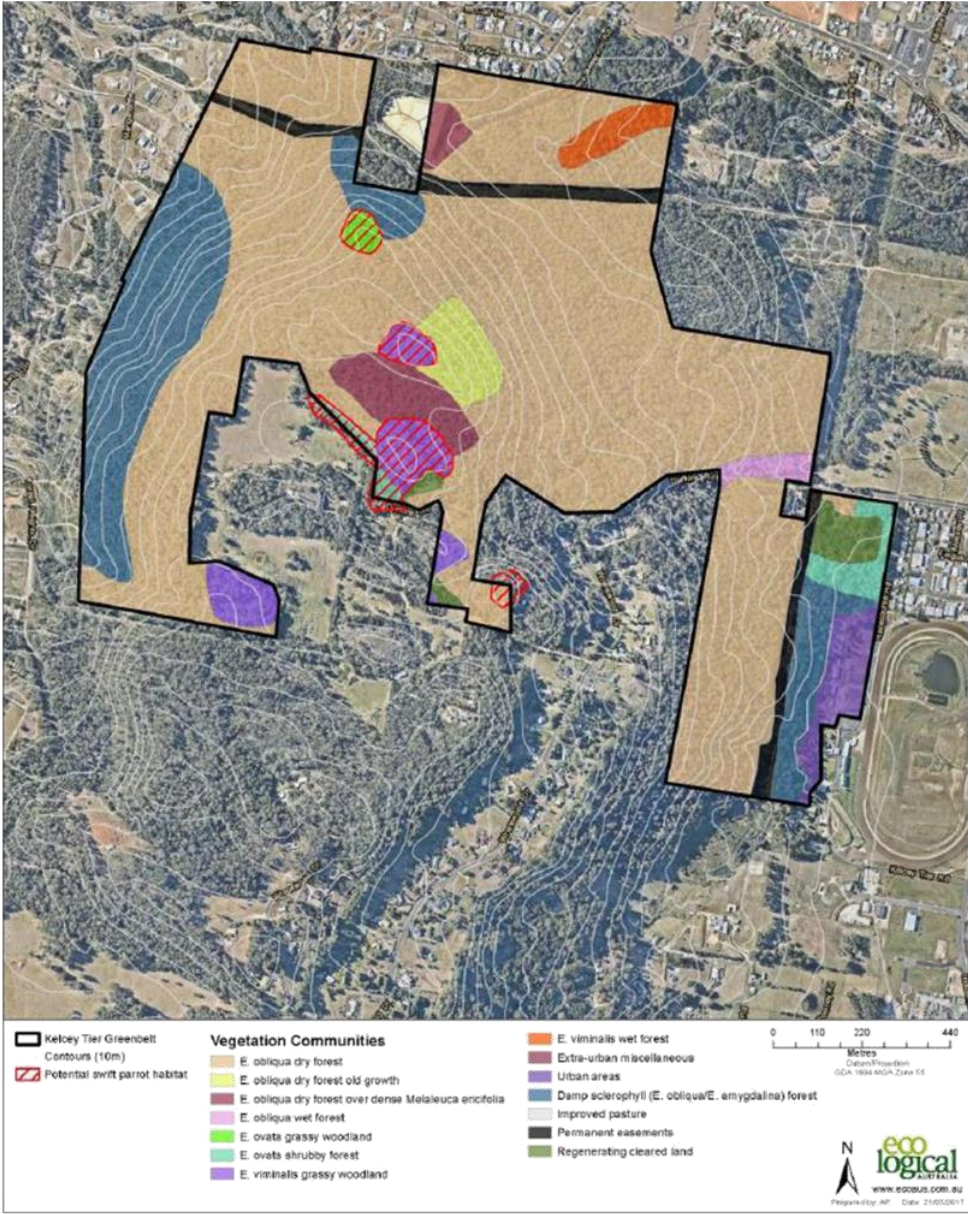


Figure 2: Vegetation Communities (Source - Ego Logical Map 6, from Kelcey Tier Greenbelt Bushfire Management Plan)

2.3 Threatened Flora

A Natural Values Atlas Report shows only two threatened flora species previously recorded within 500m of the site, namely *Epilobium pallidiflorum* (showy willowherb) and *Schenkia australis* (spike centaur). Both species are listed at a State level and previous records of these species are just outside of the site.

The community consultation process indicated orchids are regularly observed at the site and identified two small patches of *E viminalis* community in the central part of the site which may provide habitat for threatened flora (noting no known records to date). These areas are consistent with the mapping of *E viminalis* grassy woodland shown in Figure 2.

2.4 Threatened Fauna

The Natural Values Atlas Report identifies the following threatened fauna species previously recorded within or immediately adjacent to the site (within 500m):

- o Grey goshawk (*Accipiter novaehollandiae*)
- o Spotted-tailed quoll (*Dasyurus maculatus subsp. maculatus*)
- o Central North burrowing crayfish (*Engaeus granulatus*)
- o Swift parrot (*Lathamus discolor*)
- o Tasmanian devil (*Sarcophilus harrisii*)

In addition, the 2017 Bushfire Management Plan also refers to the following additional species (which are drawn from the 2005 Bushfire Management Plan):

- o Eastern barred bandicoot (*Perameles gunnii*)
- o Masked owl (*Tyto novaehollandiae*)

The grey goshawk is listed at a State level only, the Eastern barred bandicoot at a National level only and all other species are listed both in Tasmania (*Threatened Species Protection Act 1995*) and Nationally (*Environment protection and biodiversity Conservation Act 1999*).

Anecdotal evidence collected during community engagement process verified some of the species identified above, with reference made to burrowing crayfish, Tasmanian devil and swift parrot.

There are no recorded raptor nests within 1km of the site according to the Natural Values Atlas.

2.5 Weeds and Pathogens

The Natural Values Atlas and 2017 Bushfire Management Plan note the following environmental weeds as having previously been recorded from the site:

- o Slender thistle (*Carduus pycnocephalus*)
- o Pampass grass (*Cortaderia sp.*)
- o English broom (*Cytisus scoparius*)

- Spanish heath (*Erica lusitanica*)
- Fennel (*Foeniculum vulgare*)
- Perforated St Johns wort (*Hypericum perforatum subsp. veronense*)
- Blackberry (*Rubus fruticosus*)
- Ragwort (*Senecio jacobaea*)
- Gorse (*Ulex europaeus*)

2.6 Implications for Management

The available desktop information suggests Kelcey Tier Greenbelt has numerous ecological values which need to be taken into consideration when planning for expanded recreational use of the Reserve. These values may be impacted by changes to the recreational features of the site; including directly by land clearance (eg tracks or car parks) as well as indirectly through erosion or spread of weeds and pathogens. The ecological values also provide opportunities for interpretation and passive enjoyment of natural values.

At a broad level, all areas of native vegetation on the site hold some ecological value and potential habitat for threatened and common fauna. More specifically, some areas are of particular ecological value (as shown in Figure 2), including:

- Threatened vegetation communities DOV (includes *E ovata* grassy woodland and *E ovata* shrubby forest) and WVI (*E viminalis* wet forest).
- Vegetation communities providing potential habitat for swift parrot as shown in the red hatching in Figure 2. Note that other communities on site may also provide habitat for the species including hollow bearing eucalypts of all species and areas of *E.ovata* and also possibly *E viminalis* and *E. obliqua*³ Note that Kelcey Tier has been identified as a priority habitat for the swift parrot in the National Recovery Plan for the Swift Parrot (2011).
- Damp areas (including stream-sides, dams and their margins, road culverts and marshes) all of which provide potential habitat for the Central North burrowing crayfish (*Engaeus granulatus*).
- Areas with hollow bearing trees, particularly the area mapped as old growth in Figure 2.

Where possible these areas should be protected from further intrusion or development given their potential ecological significance. They also require protection from weeds and pathogens (including phytophthora), involving control of existing weeds where needed and hygiene measures to prevent new infestations.

³ National Recovery Plan for Swift Parrot (2011), Table 1 shows potential habitat in the Cradle Coast region to include all hollow bearing eucalypts (potential nesting habitat), *E ovata* (foraging during breeding season) and *E obliqua* and *E viminalis* (foraging habitat post breeding).

Given the period of elapsed time since the last ecological survey of the site (2005) and the apparent complexity of identified ecological values, it would be beneficial to have a new ecological survey undertaken to assist in planning future works and management of values or at a minimum any areas of native vegetation proposed for impacts (e.g. new trails or carparks) should be surveyed on site by a suitable qualified ecologist and any necessary permits and approvals sought. Possible ecological approvals may include:

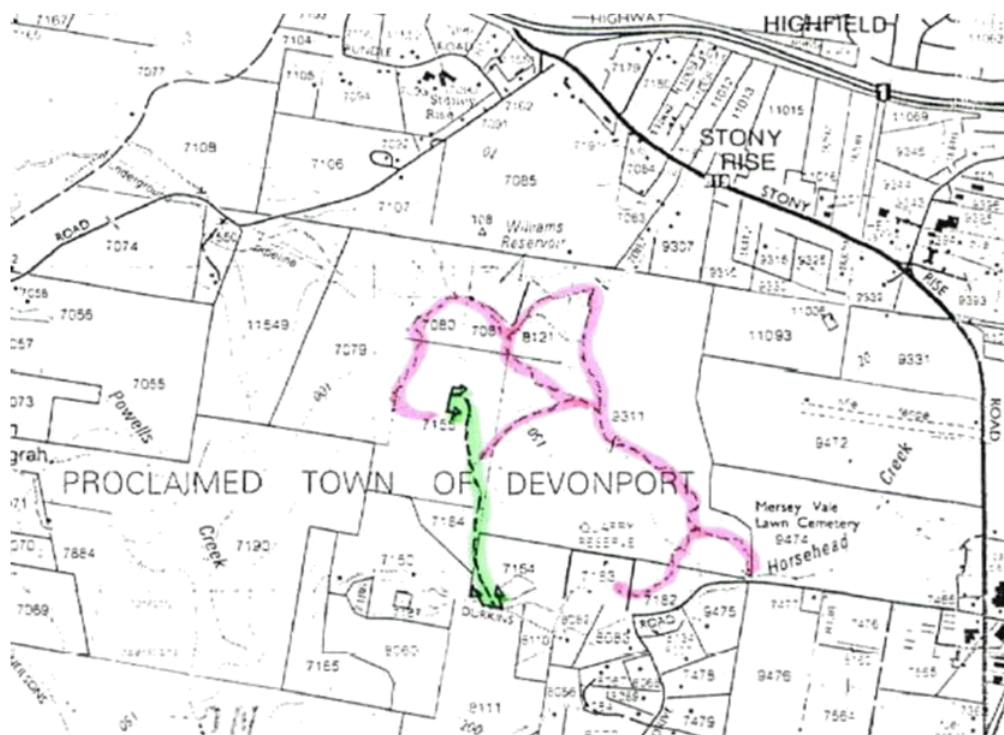
- o Permits may be required under the *Threatened Species Protection Act 1995* and/or the *Nature Conservation Act 2002* for direct impacts to listed species or products (eg dens/nests) of wildlife (including some non-threatened species).
- o A Forest Practices Plan is required⁴ for clearance of forest greater than 1 ha (unlikely to apply) but also for clearance of even small areas (less than 1 ha) of land defined as vulnerable which includes threatened vegetation communities and vegetation inhabited by a threatened species unless it relates to use and development for which a permit is required under the *Land Use Planning and Approvals Act 1993*.
- o A referral under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999* (EPBCA) may be required if it is likely that there may be significant impacts to Matters of National Environmental Significance (MNES), including listed species.

The potential for such approvals to apply can be confirmed by onsite assessment by a suitably qualified expert, of any areas of native vegetation to be impacted by proposed works.

⁴ With some exemptions

3. Cultural Values

In 1994 an archaeological survey to locate Aboriginal sites was conducted in the Kelcey Tier. Particular attention was paid to a section of a fire trail that was proposed for upgrading, however the document states that the remainder of the Kelcey Tier and some surrounding areas were also surveyed as demonstrated in the map below, which was extracted from the document.



Map 1: Study Area from Archeological survey – pink identifying the extent of the survey area and green the fire trail that was intensively surveyed.

The report provided the following with regard to the sites found:

Although the Kelcey Tier Greenbelt area has been disturbed by European modification of the landscape, this in no way diminishes the significance of Aboriginal sites present both in the Greenbelt and the general area. The Aboriginal site located on the existing fire trail is highly significant as it is indicative of Aboriginal trade and transportation of material across the region. The other Aboriginal site located in the immediate vicinity of the proposed track upgrading is also important. When combined with other sites located on adjacent private property, these sites are indicative of intense occupation and use of the area by Aboriginal people.

Advice was sort from Aboriginal Heritage Tasmania with regard to the cultural heritage significance of the site across two stages. The first stage was requesting an Aboriginal Heritage Desktop Review: the response as follows:

Aboriginal Heritage Tasmania (AHT) has completed a search of the Aboriginal Heritage Register (AHR) regarding the proposed master plan for the Kelcey Tier Reserve and can advise that there are three Aboriginal heritage sites recorded within the Reserve. The sites consist of two isolated artefacts and an artefact scatter, recorded as part of an Aboriginal heritage assessment back in 1994. Based on a review of the assessment report it is believed that the area has a low probability of Aboriginal heritage being present.

Accordingly, there is no requirement for an Aboriginal heritage investigation and AHT have not object to the project proceeding.

Please be aware that all Aboriginal heritage is protected under the Aboriginal Heritage Act 1975. It at any time during works you suspect Aboriginal heritage, cease works immediately and contact AHT for advice. Attached is an Unanticipated Discovery Plan, which you should have on hand during ground disturbing works, to aid you in meeting your requirements under the Act.

The second stage was seeking clarification from Aboriginal Heritage Tasmania in the conflicting advice from AHT and the 1994 an archaeological survey:

Thanks for your enquiry around Aboriginal Heritage Tasmania's (AHT) response regarding the Kelcey Tier master plan. I think I can see were the words we use in our responses can create possible discrepancies. When we talk about low probability of Aboriginal heritage being present, we're basing it on the size and scale of the total impact of the proposal and the potential of unknown Aboriginal heritage being impacted by the proposal.

In this instance, we have determined that the proposal has a minimal footprint therefore the likelihood of Aboriginal heritage being present doesn't justify any further assessment. Assessments can be costly to the proponent so we need to make sure that recommendations asking for an archaeological investigation are warranted.

The 2 known Aboriginal heritage sites that are nearby to Kelcey Tier are on private land and consist of an isolated artefact and a low density artefact scatter. The sites are both within 1km of AH6879 and AH6880 and are of a similar nature to the one's found within the report. There are larger concentrations of Aboriginal heritage sites on major river systems, 6.5km west and 3.5km east of Kelcey Tier. It is expected that any further Aboriginal heritage found within the Kelcey Tier area would be of a similar nature to what's already been recorded.

As mentioned in my original email, it is recommended that an Unanticipated Discovery Plan (UDP) be put in place during ground disturbing works, to aid you in meeting your requirements under the Aboriginal Heritage Act 1975.

4. Recreation Values

4.1 Increase in demand

An emerging and well recognised trend within recreational activities is seeing the popularity of organised sporting activities decline with a corresponding increase in informal, unstructured recreation pursuits such as riding, walking and running. The popularity in mountain biking has, in particular, increased exponentially, with tourists engaging in mountain biking activities having risen 121% in 2016 compared to the year before. For example, the Blue Derby Trail, was visited by 24,000 riders in the first 12 months of its opening⁵.

It is noted, that the Kelcey Tier, given its relatively small area is opined to be a 'local' trail network rather than a regional or sub-regional destination as is Blue Derby.

4.2 Growth in nearby population

In addition, to increasing participation in informal recreation activities, around Kelcey Tier there has been an increase in residents in close proximity to the Kelcey Tier which is evident in Figure 3 over page, particularly to the north west of the Kelcey Tier off Tugrah Road, due to additional residential subdivision on adjacent land.

There are large tracts of land zoned General Residential, approximately 80ha within 1km of the Kelcey Tier that are still to be developed. In addition, there are a significant number of lots that are zoned Low Density residential nearby that are also undeveloped. Residential growth in these areas will place additional pressure on the Kelcey Tier, due to increased local level usage.

⁵ <https://www.theadvocate.com.au/story/4389389/hiking-numbers-rise/> 1 August 2018

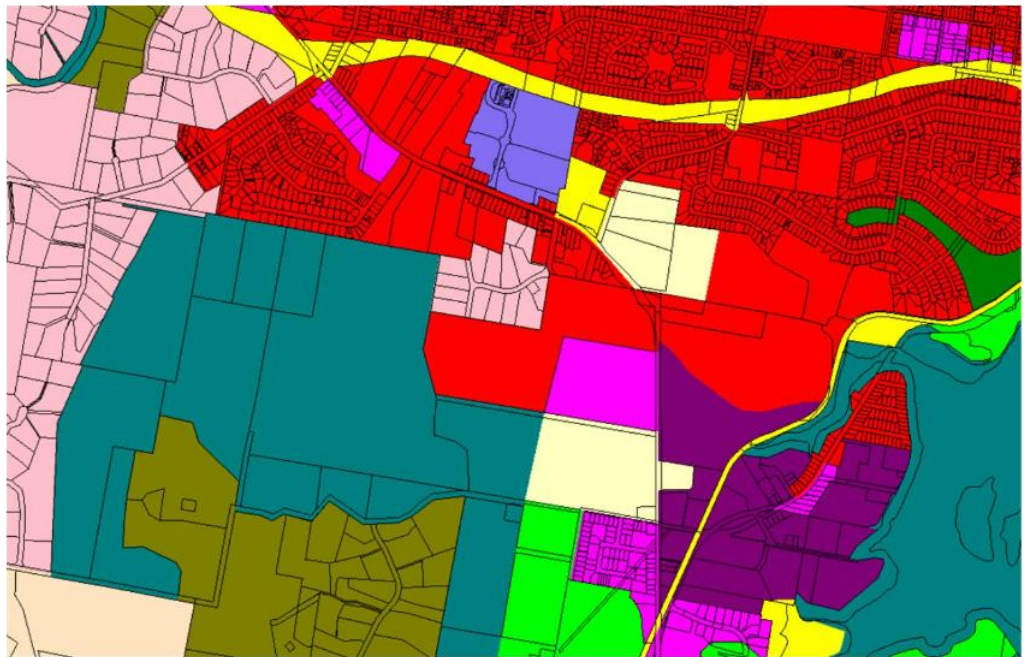


Figure 3: Screenshot of zoning. Note that the red is the General Residential zoned land that shows significant tracts of land for further residential development. Source www.thelist.tas.gov.au 2 August 2018

4.3 Multiple Recreation Values

The Kelcey Tier is enjoyed by multiple recreation groups. This includes, walkers, trail runners, mountain bikers and bird watchers, with a number of club or associations directly connected with the Kelcey Tier, such as the Friends of Kelcey Tier, the Kelcey Tier Mountain Biking Club and the Central North Field Naturalists. There are also organisations such as school groups, TAFE and mountain bike clinics that are regular users of the Kelcey Tier.

5. Community Engagement

5.1 Overview

An initial Community Engagement process has informed the development of this master plan concept and framework. A workshop for key stakeholder was organised and attended by approximately 20 people including representatives from a number of key stakeholders groups including the mountain biking community, the naturalists club, nearby residents, bushwalkers and representatives from Council. The workshop occurred for a period of three hours and discussed opportunities, constraints, issues, challenges and the way forward. The topics explored by each group were as follows:

- o What is working and what is not working?
- o Kelcey Tier's contribution to the sub-region in terms of recreational opportunities
- o Social, Environmental and Landscape Values
- o Proposed trail network
- o Supporting infrastructure and access
- o Vision for Kelcey Tier

A drop-in session was also held for a period of two hours on a Saturday morning to provide an opportunity to the community to provide input into the master plan. There were no attendees at this drop-in session (besides the representatives from ERA Planning and Devonport City Council).

An additional two weeks was provided for stakeholders and the community to provide written comments; an additional 8 submissions were received.

The following is a summary of the comments received.

5.2 What is working?

- o Better utilised than in the past
- o Less anti-social behaviour due to increase level of usage
- o Nothing is working
- o Signage is better than it used to be
- o No more trail bikes or 4WD, horse riders, dumping of cars; although some comments that this still occurred
- o MTB good for businesses in town
- o Very accessible from Devonport
- o Fantastic location
- o Great MTB trails
- o Young people involved – community involvement

- People getting fit
- Walks are good
- Under developed into not too formal with surfaces etc
- Getting teenagers out and about
- Natural aspect
- People of all ages can do activities.

5.3 What is not working?

- Absence of management – there is no one looking after it
- More evidence of car and rubbish dumping
- Not controlled – horses, dirt bikes
- No consideration for disease such as fungal infections
- Complaints not taken seriously
- Lack of consultation with other user groups from Council when new trails constructed
- Respect of critically endangered swift parrot not being taken seriously
- Concern that increase in trail development is crowding out fauna habitat
- Dual system for riders and walkers not working
- No control of spread of trails – incremental
- Car park lack of and therefore pressure on residential streets
- No clear boundaries to Council land
- Darken road is not appropriate for lots of traffic
- Lack of signage
- Potential for conflict between users particularly at cross over points
- Lack of linkages to other green spaces

5.4 Sub-regional Recreational Opportunities

Mountain Biking

- Penguin MTB Park
- Stubbs Road
- Dial Range
- Launceston

- Paloona (only downhill track on NW coast)
- Don Heads

Kelcey Tier attracts riders from outside of area such as Launceston and Burnie. Users are also from the mainland that come to ride at Derby/Blue Tier and then ride in Kelcey Tier before they catch the boat.

Walkers

- Mt Roland
- Narantapu
- Don River
- Dooleys Hill (La Trobe)
- Henry Somerset – protected for orchids
- Badgers – Sheffield
- Gog Range – Mole Creek
- Coppermine forest reserve
- Dial range
- Fern Glad – Burnie
- Blythe River Conservation area
- Red Water Creek
- Bells Parade (Latrobe)

5.5 Social, Environmental and Landscape Values

5.5.1 Social

- Backdrop to Devonport – sense of place
- Only MTB opportunity in Devonport
- Opportunities for younger people and teenagers
- Walking, trail runners, cross country, school groups, orienteering, educational opportunities for plant identification and geology.
- Community involvement racing groups, bbq's after events etc.
- KT Mountain bike club was resistant towards me conducting mountain bike coaching in reserve. The club doesn't have formal agreement in place – so this control over my activities was unprecedented and not a helpful way in which activities such as mine should be handled. In

summary, having an unregulated, self-appointed group of individual calling shots on who can use the reserve, enabling the ability to push others out and control the area to their own satisfaction is not working.

- The KT Mountain Bike club represent a select few and do not represent all mountain bikers in the area
- We need to ensure community and locals all have the ability to share KT reserve, not just mountain bikers.

5.5.2 Environmental

- Dam/bird hide could be located where M. Eric was destroyed for fire trail. 10 endemic birds found in this area.
- Sugar gliders, Tassie Devils, Orchids, Swift parrot
- Weed – invasion of Spanish heath and gorse. This is problematic in the Taswater area near to water catchment.
- Frog habitat
- E. Ovata sections and also scattered throughout – swift parrot habitat
- Endangered plant species
- Important reserve for swift parrots to use on their migration to the mainland. Breeding/nesting/foraging KT listed as an important site in recovery plan

5.5.3 Landscape

- Visual backdrop to Devonport

5.6 Proposed Trail Network

There was a general lack of agreement on trail development intensity, type and location. There were some participants in the workshop that were seeking a total riding time within the reserve from 1.5 – 2 hours to 4 – 5 hours, where other participants did not want to see the development of any further trails.

5.7 Supporting Infrastructure and Access

- Possible car park but most people park at Tungarah Road as direct access to most trails
- Nowhere to park car / no easy access to trails which is hard for me as a coach and participants meetings me on site
- Signage needed both trail head, external directional signage and internal signage, shared signage, difficulty of trails, directional signage
- Improved interpretation of biodiversity values

- Twilight events – 25 – 30 cars with 60 – 80 cars parked on Tungarah Road on a busy day, Normal summer evening – 15
- Green trail adjacent to peace pole required
- Create a natural car park
- Shuttle bus opportunities
- State wide signage strategy should be followed
- Maps should be made available
- Bike wash in main entrance areas required
- Toilets needed
- Can go peace pole hill on way back to get to car park if needed
- Home maker centre has toilets
- Boot washing station
- BBQ shelter needs to be located near to car park
- Pump track/dirt jumps

5.8 Vision Statement

To promote and protect the current and future needs of the users of the reserve, increase the use and awareness of the values that has been recognised and valued.

- Audit of environmental values complete
- Trail implemented and included in state wide trail maps
- Listed as a Council reserve
- Signage complete
- Recognition of all values

Kelcey Tier to retain its unique feel being a natural environment catering for a diverse group of people.

- Do not want to change the feel that it has at the moment
- Build on interpretation
- Manage the progression of tracks

6. Key Opportunities and Constraints

6.1 Key Opportunities

6.1.1 Infrastructure

There is significant opportunity for further strategic development of the trail network and supporting infrastructure, such as formalising a trail head within the reserve for mountain bikers, development of trail maps, creation and implementation of an interpretation strategy and improving the trail network for all walking, mountain biking and shared use trails.

6.1.2 Improved protection of values

Currently, the trail network has been largely constructed without the required approvals, including land owner consent on the TasWater land. Subsequently, the appropriate level of consideration of the impact on the biodiversity and cultural values of the reserve has not been undertaken. The master plan provides an opportunity to make recommendations around the protection of the reserve regarding the planning scheme controls and other such mechanisms, like the preparation and implementation of a weed management plan.

It is further highlighted by preparing a strategic document for the development of the trail network through community engagement, all reserve values can be protected and maintained in a balanced manner.

6.1.3 Management of Reserve

The master plan provides an opportunity to make clear recommendations around the responsible parties for the governance and management of the reserve and its values, to minimise the risk of conflicts between different user groups into the future.

6.1.4 Improved Health and Fitness

The improved trail network and supporting infrastructure for the reserve will assist in satisfying the recognised increase in the participation rate in informal recreation activities by the community.

6.2 Key Constraints

6.2.1 Reserve Size

There is increasing pressure on the reserve for the construction of more mountain biking trails. The reserve at only 185ha, will reach saturation where other users of the reserve and other values will be detrimentally affected, if mountain biking trail construction is allowed to continue unabated.

6.2.2 Competing Recreation Values

The reserve is seen as a significant asset to the community and in particular, to the users of the reserve. There is the risk that the mountain bikers using the reserve will become the dominant user group of the reserve and detrimentally affect the experience of other trail users.

6.2.3 Impacts on Residential Amenity

The recognised trail head to the reserve is from Durkins Road within the reserve. The more informal trail entrances and ones used by many of the mountain bikers is the access located between 47 Tugrah Road and 29-33 Tugrah Road and to a lesser extent off Stony Rise Road along a TasWater right of way along 137-139 Stony Rise Road. There is anecdotal evidence during the workshop that the nearby residents to these access points are at times unhappy with the increase traffic and parking within proximity.

6.2.4 Biodiversity and Cultural Heritage Values

There are known significant biodiversity values with the reserve as well as known cultural heritage values. Accordingly, each trail or new development proposed in the reserve needs a detailed assessment of these values to ensure they are adequately protected.

7. Vision

7.1 The Proposed Vision

The vision is a result of the stakeholder workshop and the background analysis undertaken for the preparation of the master plan:

The master plan will protect and increase the awareness of the biodiversity and cultural values of the Kelcey Tier whilst providing for the recreation needs of all current and future users of the reserve in a balanced and harmonious way.

7.2 Next Steps

The next steps are as follows:

- o Council to endorse the Concept and Framework document
- o ERA Planning together with Playstreet to prepare Draft Master Plan
- o Draft Master Plan to go on public exhibition (once endorsed by Council) for a period of 28 days
- o In accordance with the responses received and in consultation with Council, amend the Draft Master Plan
- o Council to endorse the final Master Plan

ERA Planning Pty Ltd ABN 67 141 991 004

183 Macquarie Street, Hobart
T: 6105 0443 E: enquiries@eraplanning.com.au

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Document Status

Author:	Clare Hester
Reviewer:	Emma Riley
Version:	Kelcey Tier Master Plan Draft for Council officer review



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1. Introduction

ERA Planning, in conjunction with Playstreet Landscape Architecture and Urban Design, have been engaged by the Devonport City Council to prepare a master plan for the Kelcey Tier Greenbelt Reserve (Reserve).

The Kelcey Tier is a 185ha area of remnant bushland located directly adjacent, and to the south of, Devonport.

The master plan aims to provide a realistic, measured and achievable approach to balancing the reserve values and recreational uses.

An initial Community Engagement process informed the development of the master plan concept and framework. This included a workshop for key stakeholder, which was attended by approximately 20 people including representatives from key groups such as the mountain biking community, the naturalists club, nearby residents, bushwalkers and representatives from Council. The workshop occurred for a period of three hours and discussed opportunities, constraints, issues, challenges and the way forward.

In addition to the workshop a drop-in session was also held for a period of two hours on a Saturday morning to provide an opportunity for the community to provide input into the master plan. There were no attendees at this drop-in session (besides the representatives from ERA Planning and Devonport City Council). An additional two weeks was also provided for stakeholders and the community to provide written comments; an additional 8 submissions were received.

Following Council endorsement of the Draft Master Plan a public comment period was held from 27 November 2018 through to the 25 January 2019. This extended, nearly 9 week period, accounted for the holiday period during late December and January. Section 2 below provides a summary of the submission received and Section 3 provides the recommended response.

2. Summary of Submissions

Table 1: Summary of submissions by type

Type of submission	Number
General Public This includes all submissions not obviously from an organisation	25
Community, Recreation and Environmental Groups	3
TOTAL	28

The following is a collation of comments that were received during the comment period for the Draft Kelcey Tier Master Plan.

Table 2: Summary of issues raised

Issue	Comment
Car park	Development of proposed car park would be unacceptable to residential amenity. Consider using the cemetery as a trail head/car park. Tugrah Road currently used as a car park is an accident waiting to happen.
Costings	Should include annual operating activities, cost of weed management, etc. Should include cost of ecological values assessment. Overinvestment into things like car parks and signage rather than trail development.
Cultural Values	Cultural Value Action CVA1 has only a medium priority to engage with local Aboriginal community. What measures will be employed to ensure the cultural values within the reserve are assessed, understood, maintained and protected. No recognition of the internationally significant Peace Pole in the master plan. Inappropriate use of Preetenna on the mountain bike website.
Environmental Values	The recent burning program by Tasmanian Fire Service (TFS) has resulted in loss of ecological values. We need more appropriate fire management regimes. Disrespect for the 1992 Kelcey Tier Landscape Management Plan.

	<p>Road traffic along upper Durkins Road already has impacted on the local resident Tasmanian devil population.</p> <p>Mountain bike traffic will impact on resident animal populations.</p> <p>Action plan needs to include weed, disease and fire management.</p> <p>Full agreement with NVA1 and NVA2.</p> <p>TASVEG is not correct.</p> <p>The placement of mountain bike tracks should avoid any trees that may support suitable tree hollows for nesting.</p> <p>Inadequate reference to past ecological surveys.</p>
Health Benefits	Health benefits of urban bushland needs to be highlighted.
Implementation	<p>No guarantee that NVA3 (<i>all development obtain the required permits</i>) will be actioned.</p> <p>Signage strategy should meet the needs of all user groups.</p>
Process of master plan	<p>Not enough consultation.</p> <p>Public consultation period was an inconvenient time over the holiday period.</p> <p>No time provided for in depth discussion of ideas.</p> <p>Master Plan prepared after the trails had been constructed.</p>
Recreational Values	<p>Need to highlight the recreational benefits for all user groups.</p> <p>Action items for walkers have been ignored.</p> <p>Cover photos demonstrates priority given to mountain bikers over other user groups.</p> <p>Mountain biking is an organised sport.</p> <p>Not enough trails that start and finish at the proposed carpark.</p> <p>Needs to be approximately 8km of new trail building.</p> <p>More expert trails built on west side of Kelcey Tier.</p> <p>No more trails should be constructed in the reserve.</p> <p>Consideration of closing trail that passes through the habitat of the central north burrowing crayfish.</p> <p>Too many trails identified – balance not achieved.</p> <p>Acknowledgement that Council has leased trails to the Devonport Cycling Club.</p> <p>The plan does not address of when saturation point is reached for the reserve.</p>
Technical errors	Remove reference to KT Mountain Biking Club as no such organisation.

State/national destination	<p>Potential to market the Kelcey Tier to riders around the state and interstate – need improved facilities to continue to attract State Events such as XCO championships.</p> <p>Purchase land between FRM and Kelcey Tier for car park/toilets/café/picnic shelter etc</p>
Signage	<p>Improved signage required.</p> <p>Must consider all users.</p>
Viewing structure	Viewing structure/bird hide not appropriate.
Wash down facility	Facility would be beneficial to control spread of Phytophthora.

3. Response to Submissions

3.1 Car Park

Alternative locations for the proposed car park were identified. These included the use of the cemetery site (owned by Council on Stoney Rise Road) or the adjacent site at 57 Stoney Rise Road (privately owned). Similarly, the consultants considered the TasWater site (Williams Reservoir) as a potential location.

These locations were ruled out given the steep climb required to access the main trail area from the sites on Stoney Rise Road, the public access constraints on the Williams Reservoir site and the significant financial outlay required for the purchase of land not owned by Council (57 Stoney Rise Road).

It is further noted that the site proposed, which is within Kelcey Tier and therefore owned by Council: has been previously disturbed; is accessed off an existing public road; is positioned at the start of an up-hill track that accesses the mountain bike summit node launch pad to access two downhill trails and a longer easier ride (proposed trails); and places the user on the existing main trail which runs generally along the contour to the mountain bike north node.

Recommended Response: It is recommended that the proposed car park is retained in the final Kelcey Tier Master Plan.

3.2 Costings

The costings are an estimate and were for trails and infrastructure only, not the ongoing management, maintenance, operation costs or other costs associated with the implementation of the Kelcey Tier Master Plan such as the change in status of the Kelcey Tier under the *Nature Conservation Act 2002* or the preparation and implementation of the signage strategy.

Recommended response: Provide clarification in Appendix B that the costing is for the physical infrastructure only.

3.3 Cultural Values

As described in Appendix D of the Draft Master Plan (section 3), the response from Aboriginal Heritage Tasmania (AHT) conflicts with the position of an archeological survey undertaken in 1994. The concern raised regarding Cultural Values related to the response from AHT. It is further noted, that the most recently endorsed trail by Council (not as a planning authority) included advice from AHT that a further Aboriginal heritage assessment was not required. The Peace Pole is identified on the trail maps.

Recommended response: Amend Cultural Value Action CVA1 to be a high priority (from medium priority).

3.4 Environmental Values

The Natural Value Actions included as a high priority: that an ecological survey, together with a vegetation and weed management plan be prepared for the reserve (NVA1); as well as the protection of the scenic, biodiversity and landscape values be improved (NVA2); with (as an ongoing priority) all

future development (or existing development that has not had the necessary approvals) obtain the required permits with a key consideration of these permits being the environmental values (NVA3). Accordingly, subject to these actions being implemented, the ongoing protection of the environmental values of the reserve will be significantly improved.

Response: No change

3.5 Health Benefits

Identifying the health benefits (both mental and physical) of having a reserve within proximity to a population is beyond the scope of this project.

Response: No change

3.6 Process

The consultation process included a 3-hour workshop, a 2-hour drop-in session, a 14-day submission period, as well as one-on-one meetings with stakeholder groups during the preparation of the concept and review (Appendix D). Once the Draft Master Plan was prepared and endorsed by Council, to account for the holiday period over Christmas and New Year, a 9-week public exhibition period occurred during November, December and January. Such a document would commonly be placed on public exhibition for a period of 30 days. This is considered sufficient consultation.

Response: No change

3.7 Recreational Values

Finding the balance between all user groups and user values within a reserve of only 185ha is an important outcome of the Master Plan. It is noted that in equal proportions, concerns were raised regarding the number of new trails and not enough trails.

Response: No change to the trail map is considered necessary. Replace the picture on the front page to a more generic view of the Kelcey Tier (ie remove image of recently constructed mountain bike trail).

3.8 Technical Errors

The master plan is to be amended to refer to the Mersey Valley Devonport Cycling Club not the Kelcey Tier Mountain Bike Club.

Response: Amend accordingly (including Appendix D).

3.9 State/National destination

The Kelcey Tier is a relatively small area of bushland of only 185ha that has environmental, recreational and cultural values. The reserve is adjacent to a large population centre which, combined with its size, places a significant amount of pressure on these values. Moreover, with the recent increase in popularity of mountain bike riding, a significant number of additional trails have been constructed and/or proposed in the past few years. It is critical for the ongoing sustainability of the Kelcey Tier that all values are protected, and all user groups provided for.

Response: Include in the introduction of Section 4.1 (Recreation Values Management) that given the site is highly constrained, in terms of recreation values, the Kelcey Tier is considered to be a local recreation reserve only, utilised predominantly by the local community, not as a State or National mountain biking destination. Identifying the Kelcey Tier as a State or National mountain biking destination would create unsustainable pressure on the Kelcey Tier and the associated infrastructure required.

3.10 Signage

Signage needs to be inclusive of all user groups.

Response: Incorporate reference to all user groups under RVA4.

3.11 Viewing structure

The viewing structure was seen as a destination point for the walkers and bird watchers on the trail network, however was not welcomed by this user group.

Response: Remove recommendation for viewing structure from Master Plan.

3.12 Wash down facility

Wash down facilities are common at key mountain bike destinations and beneficial to preventing the spread of weeds and pathogens.

Response: Incorporate the consideration of washdown facilities along Tugrah Road and the proposed car park off Durkins Road; taking into account the amenity of nearby residents, access to water, water pressure and water management.

ERA Planning Pty Ltd ABN 67 141 991 004
183 Macquarie Street, Hobart
T: 6105 0443 E: enquiries@eraplanning.com.au

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Document Status

Author:	Clare Hester
Reviewer:	Anahita Jungawalla
Version:	Final for Council Officer Review
Date:	8 February 2019
Job Number:	1718-098 Kelcey Tier



To Devonport City Council,

In regards to the proposed Master Plan for the Kelcey Tier Greenbelt, we believe there needs to be much more consultation with our Mountain Bike Club before anything is adopted.

For the proposed new car park on Durkins Rd to work there will need to be trails that start and finish in this area. Currently there is only one trail that starts at the new carpark and no trails finish at the proposed new car park. The existing trail network has been designed so that the next stage of trails to be built will link up the carpark with the existing trails. There needs to be approximately 8km of new trail built in this area which will be mainly easy, beginners and intermediate trails.

We would like to see more expert and technical trails build on the west side of Kelcey Tier and link these into a cross country loop similar to what is proposed in the master plan.

Signage is a huge issue in KT. Attracting new people to the area is hard with the current signage and information available. The potential to market our trails to riders around the state and interstate is huge but cannot be done with the current signage situation. Entry signs, trail head maps, signage around the trails, information on the council's website, this all needs to be focused on and implemented by council as it is too much for a voluntary club to be expected to do.

Something else to plan for the future if funds could be secured is to acquire land behind FRM that borders Kelcey Tier and build a car park, toilets and showers, maybe a café and picnic area and maybe a pump track.....

In December 2018 we held the State XCO Championships. We had 86 competitors and plenty of spectators. We used Williams Reservoir Rd for car parking and this area was not big enough with cars having to park in Allan Robertson's paddock and in Leary Avenue. Thought needs to be given to this parking problem if Devonport is interested in attracting more such events.

Kind Regards

Josh Cox

Mersey Valley Devonport Cycling Club MTB

22/01/2019 D564524

THE HORSE HAS BOLTED



Comments on the 2018 Kelcey Tier Draft Master Plan by the

FRIENDS OF KELCEY TIER
Save Devonport's Remnant Bushland



17 January 2019

TO: Devonport City Council PO Box 604 Devonport 7310

22/01/2019 D564524



The public release of this draft on 27 November 2018 of the so-called master plan - '*Kelcey Tier Master Plan*' by ERA Planning Pty Ltd, Hobart, was AFTER the new mountain bike tracks had been cleared, established and officially opened by the Devonport Mayor (pictured opposite) on 21 November 2018.



At its meeting on 26 November 2018, the Devonport Council then invited public comment on the draft Plan, with closure of feedback on 25 January 2019. This timing being inconvenient to interested stakeholders over the busy holiday period with little prospect of any meaningful consideration or amendment.

"Mountain Bikes are not: for the faint hearted, for admirers of scenery, or those adverse to mud, or emergency rooms." REF: "Journeys" RACT Journal Oct/Nov. 2017.

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Expressions of Interest (EOI)

It is noted that the DCC EOI for the development of this Master Plan for the Kelcey Tier Greenbelt Reserve was to guide Council's management of the Kelcey Tier Greenbelt over the next ten years.¹

Included in that EOI was:

- *Identification of possible development footprints for both passive and active recreation/ community pursuits that do not degrade environmental or cultural assets,*

Whilst this Draft Plan does identify the footprint for "active recreation/community pursuits", rather than the 'possible development footprint', that footprint has now been established, being in existence and in use before the release of the Draft Plan - so now 'the horse has bolted'!

Active recreational non-passive, competitive pursuits do impact and degrade the environmental and cultural assets as well as disturb the peace and tranquility of this reserve.

- *the credibility of the Master Plan and its prospects for success will largely hinge on the success of the community engagement process*

Community engagement was very limited (as per the Draft Plan (Section 5. Attachment 1), just one 3-hour session for the public information and nobody for the drop-in session). The 3-hour session was dominated with mountain bike enthusiasts which prevented friendly and meaningful contribution by other interested parties and there was little contact with local adjoining residents/ landowners. Therefore this Plan has a very limited prospect of success, other than for the mountain bike users, as the community engagement process was inadequate and the whole process flawed right from the beginning.

- *upon endorsement of the draft Master Plan by elected members, the Plan will be displayed for public comment for a 30-day period.*

Devonport Council endorsed the Plan at its meeting on 26 November 2018 and agreed to release it for public comment on 27th November to close on 25th January 2019. This public comment period is inadequate, especially as it coincides with the busy holiday period.

It seems that Council is not really interested in public comment as the deal has already been done with some but not all of the mountain bike users as indicated in 5.2.1 Attachment 1, where "the KT Mountain Bike club represent a select few and do not represent all mountain bikers in the area."

2. Natural values

The 2018 Draft Plan does acknowledge that the area "has numerous ecological vales which need to be taken into consideration when planning the expanded recreation use of the reserve", but this Plan has been written AFTER the mountain bike recreation tracks were constructed!

Threatened fauna recorded in KTG (AVK Environmental Management 2005 and Natural Values Atlas) include:

- eastern barred bandicoot (*Perameles gunnii*)
- grey goshawk (*Accipiter novaehollandiae*)
- masked owl (*Tyto novaehollandiae*)
- spotted-tailed quoll (*Dasyurus maculatus*)
- swift parrot (*Lathamus discolor*)
- tasmanian devil (*Sarcophilus harrisii*)
- Central North burrowing crayfish (*Engaeus granulatus*)

¹ E-mail from DCC Karen Hampton to Central North Field Naturalists, 1 October 2018

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The Draft Plan suggests that “the ecological values provide opportunities for interpretation and passive enjoyment of natural values.” Prior to the draft Plan release, sensitive vegetation communities and bird/animal habitat had been impacted by new track construction and ‘vegetation management’ through the use of fire for hazard reduction by the Tasmanian Fire Service (TFS). The Devonport Council directed the TFS be responsible for fire management of Kelcey Tier bushland. Prior to the recent hazard reduction burning program, some consultation resulted in a lack of direct on-site consultation or ground assessment to identify areas of significant vegetation communities. This recent burning program resulted in the loss of some areas of Melaleuca, loss of Creeping heathmyrtle (*Euryomyrtus ramosissima*) - food habitat, and the unnecessary felling of a White gum (*Eucalyptus viminalis*).

The springtime display of Creeping heathmyrtle (*Euryomyrtus ramosissima*), pictured opposite, is a feature found on the exposed rocky-plates. In summer these areas provide food for seed-eating birds including Blue-winged parrot and Fire-tailed finch which are an attraction to bird photographers. Unfortunately with the recent Greenbelt hazard reduction program by TFS some strategic areas of this vegetation was burnt leading to a disruption to this scarce food source.



In addition to the loss of some sections of Heathmyrtle, a mature Swamp gum (*Eucalyptus viminalis*), pictured opposite, was unnecessarily felled by TFS right beside the Allison Track. A reminder of the folly of this exercise.



Currently this season no Swift parrots (*Lathamus discolor*) have been observed at Kelcey Tier. This is most unusual as they are normally regular visitors. Apart from a possible scarcity of food this season other reasons for the non-appearance of these birds may be due to the recent hazard reduction TFS burning program or the impact of the network of mechanical track work in the previously undisturbed bushland and/or the users of these newly constructed mountain bike tracks.

As indicated in 2.6 (Attachment 1) ecological values need to be taken into consideration for any expanded recreation use (mountian bike tracks) with a new ecological study undertaken.

The de Gryse 1992 Report.

What total disrespect by ERA for not considering data supplied by the professional contributors (Chris Sharples - geologist, Mike Driessen - wildlife/mammal biologist, and Louise Guilfedder - botanist) as well as to consultant (Jerry de Gryse) who were all engaged by Council to prepare the 1992 Kelcey Tier Landscape Management Plan. These contributors are alive and still acting in a professional capacity. Their work should not be dismissed as “out of date”, and the 1992 Report should have been used by this Council (elected members and staff) and its present and future contractors/consultants as a foundation for knowledge about the area’s diversity and natural values at that time. Not thrown out into the ‘dustbin of time’.

2.2. Natural Values actions

It is noted in NVA3 “that all development including trails obtain the required permits” and an “independent examination of a development is undertaken” with the priority indicated as “ongoing”. All such permits for the development of trails should have been undertaken prior to the commencement of any works.

With the present stage of mountain bike track work now completed, there is no guarantee that NVA3 will be actioned with an independent examination of any of the past track plans. For example what assessment was undertaken and by whom to establish possible dens for the Tasmanian devil (*Sarcophilus harrisii*) or nests for raptors, both of which are known to exist within the Greenbelt?

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Road traffic along upper Durkins Road leading to Allison Track carpark already has impacted on the local resident Tasmanian devil population and this road kill, as already experienced (see opposite), will only increase with an increase in traffic.



Mountain bike traffic will also impact on resident populations of the blue-tongue lizard along with other lizards, skinks, mountain dragons, snakes and echidnas either foraging or sunbaking on the sunny exposed tracks potentially leading to bike-kill of these animals.

3. Cultural values

The previous 1992 Kelcey Tier de Gryce Plan did signal to Council that in order to enhance the Management Plan, a survey should be undertaken as it should be assumed that there are sites of cultural significance within Kelcey Tier.¹

As part of the proposal by the Devonport Council for the upgrading of the Allison Track walking track, a brief assessment of the cultural heritage of Kelcey Tier was commissioned by the Council in 1994. The consulting team from the Tasmanian Aboriginal Land Council (TALC) were shown known Aboriginal sites (including stone flakes, tools, ochre, rock engravings and rock formations) both in and adjacent to the Kelcey Tier Greenbelt. Subsequently the TALC report indicated that *"these sites are indicative of intense occupation and the use of this area by Aboriginal people"*. This is contrary to the comment in the current Draft Plan by Aboriginal Heritage Tasmania whose opinion *"that the area has a low probability of Aboriginal heritage being present, given the size of the reserve and the type of development"*. The plethora of mountain bike tracks are in effect de-facto roads, which should be subject to a more detailed Aboriginal heritage assessment.

According to 3.2 CVA Actions, it is considered only of 'medium' priority for Council to engage with the local Aboriginal community to fully understand the cultural significance of this bushland reserve. Why did this consultation not take place with the local Aboriginal community (Six Rivers Aboriginal Corporation) by the consultants ERA who were engaged to prepare this Plan. What measures will be employed to ensure the cultural values within the reserve are assessed, understood and maintained as well as be protected?

Any further development plans by Council or the mountain bike people for any new tracks, car parks, Durkins road widening or any soil disturbance does require Aboriginal heritage assessment as is recognised in CVA2. However in addition this assessment should be undertaken in conjunction with the local Aboriginal community (Six Rivers Aboriginal Corporation).

Some of the Aboriginal stone tools from the Kelcey Tier Greenbelt were taken away back to Hobart by Aboriginal Heritage Officer Steve Stanton but one example (pictured opposite) was overlooked. There has been no follow up assessments undertaken subsequently and recently there has been disturbance of one of two stone formations, possibly burial sites, on private land just 50m south of the Greenbelt boundary.



In the meantime there have been additional stone artefacts found, some are within the Greenbelt, some are on private adjoining land and others are within the Durkins Road easement opposite the Greenbelt as pictured. As such these finds do need to be officially recognised and recorded.²



¹ De Gryce Pty Ltd *Kelcey Tier Greenbelt Landscape Management Plan*. June 1992.

² Tiagarra and the Queen Victoria Museum & Art Gallery. Community History reference CHS37 B.1/58.

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4. Recreation values & 4.3 Attachment 1

The numbers of visitors to the Kelcey Tier Greenbelt over the past year (2017-18) have been estimated in the region of 10,000.

The consultants do not differentiate between passive and non-passive recreation with competitive recreation including extreme sports (mountain bike) activities. The non-passive users of the earlier established network of fire trails in Kelcey Tier, prior to the existence of the current plethora of mountain bike trails, attracted a wide variety of users including; leisure and fitness walkers, Tasmania Police to maintain their bike fitness, a local womens' walking group, many families, school groups, horse riders, Scouts and Cubs. These folk choose this area to walk their dog or just leisure or fitness walking, photography, wildlife, wildflower and bird watching. In addition some Aboriginal folk also visit to make contact with their culture.

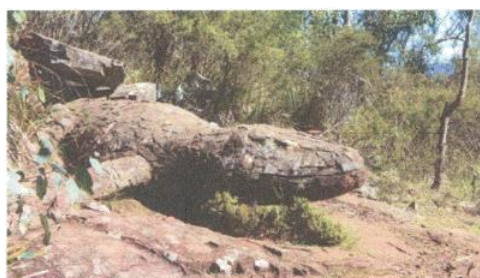
All of these passive users seek its peace and tranquility within the surrounds of the natural and cultural values of this undisturbed bushland.



The establishment of the Peace Pole in the Kelcey Tier Greenbelt in 2007 by Council its dedication was attended by members of the local Aboriginal community, Green Corps and Friends of Kelcey Tier (pictured opposite). This is an international attraction to this feature which was not recognised or included in the ERA Draft Plan.

Another feature of the reserve that was also not addressed in the Draft Plan is the Allison Track walkway to Preatenna. This local Aboriginal name was selected for the Blue-tongue lizard that is

regularly seen along the track.¹ The walk to this sculpture (pictured opposite), one of only a few in Devonport, is popular with young people as well as adults, being a quiet place for contemplation with views of Mersey Bluff, Devonport, the Don and Bass Strait. An informal visitors' book provides an insight into users of this artistic arrangement with their thoughts and appreciation of the natural values of this place. See Attachment A.



A recent conflicting use of Preatenna is that it now appears in the mountain bike web site where groups of mountain bikers can be seen as crowding this sculpture, even on top of it. Not only is this inappropriate but is an added insult to Aboriginal people as is the logo that has been adopted for the mountain bike trails as it incorporates the lizard (Preatenna), pictured opposite.

It should be redesigned with the lizard excluded as the construction and use of the mountain bike trails fail to respect Aboriginal culture.



¹ The Advocate newspaper 10 September 1993.

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4.1 Recreation values actions

A trail strategy with a **user protocol** should have been established **before** the tracks were opened and included in this draft Plan, not as an 'ongoing priority' as per RVA 1. Much of the signage has already been completed prior to the finalisation of the Master Plan.

The design and site implementation as per RVA4 should be done in consultation with the needs of all user groups not just mountain bike users. Appendix C specifies one location at upper Durkins Road, just above Wrenswood Drive. This is considered to be an inappropriate location. Much more thought needs to be considered with consultation with adjoining local landowners before any action is implemented for the location for the these MTB track heads.

In addition to signage for the proposed MTB track heads direction signage, user protocol signage applicable to all users needs to be considered along with a clearly identified mountain bike track users' protocol.

6. Key opportunities and constraints.

6.1.2 improved protection of values

Appendix (1) of Draft Plan clearly identifies that *"currently the trail network has been largely constructed without the required approvals"* and that *"consideration of the impact on the biodiversity and cultural values of the reserve have not been undertaken"*. This is a poor reflection on Council and staff for initially allowing the mountain bike club to construct the current network of mountain bike trails unheeded, without proper community engagement including other informal users to minimise the risk of conflicts and ensure that the natural and cultural values are protected and maintained in a balanced manner.

It is noted that there will be increased pressure on the reserve to construct more mountain bike trails. However, it is considered that with the plethora of existing formalised trails as well as many informal trails, these provide ample opportunity for this form of recreation. Certainly no more trails should be constructed in the reserve and some trails need to be closed off and rehabilitated.

6.2.3 Impacts on residential amenity and emergency access

It is noted in the Draft Plan that the mountain bike trail heads that provide access into the reserve already are causing stress and concern by nearby residents. Unless there is an agreed access point/s with appropriate infrastructure, these problems will be exacerbated. Emergency access to the existing fire trails is hampered with cars parked across these entrances, particularly at the Allison Track carpark.

Problems already exist off Tugrah Road and the now mooted mountain bike trail head off the narrow section of Upper Durkins Road (pictured opposite - photo P. Sims). This access into the reserve is via an existing fire trail where trees have been felled, wood taken and rubbish dumped. Any formal development of this site as a car park would require further removal of trees and vegetation, impacting on the values of the reserve. It would also impact on the residential amenity for locals and need constant management with surveillance for security.



Therefore, such a development at this Durkins Road track head site would be unacceptable to local adjoining landowners and residential amenity.

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Natural rehabilitation of the former disturbed area, now proposed as a car park for 40 vehicles

Alternatively, with a well publicised clearly signed access point to the reserve trails this already exists off Stony Rise Road at the Mersey Vale Cemetery. This should be considered as the main focal head point. At this site, which is in close proximity for access to the mountain bike trails, there are already established secure facilities that provide for safe and easy access for vehicle, ample parking, toilets and water (pictured below). Additional facilities could be added to cater for essential bike and rider washdown, picnic tables and rubbish collection. Such a location would also ideally provide for easy access for emergency ambulance services.



Existing facilities at the Mersey Vale Cemetery off Stony Rise Road.



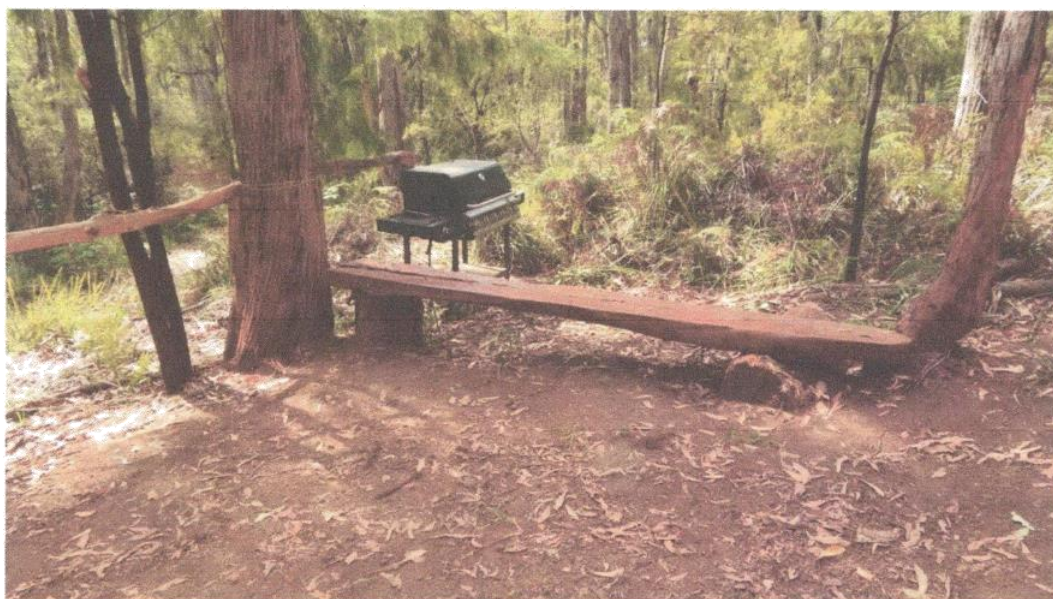
Part of an official map indicating mountain bike trails leading off the Mersey Vale Cemetery

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Appendix A. Master Plan maps

The small scale map indicates the location of a 'bird hide' included in a box with very fine print which may escape the notice of those who sight this Plan. Photographers and bird observers who frequent this reserve are somewhat aghast at any such a suggestion. Discussion with specialist users of this reserve certainly do not want any such 'hide' construction (only applicable to wetlands). These folk set up cameras and sit quietly to observe birds and animals at various non-fixed strategic spots.

Any specifically designed structure would be an inappropriate intrusion and serve no useful purpose other than attract anti-social activities and potential vandalism. There are enough existing problems with anti-social activities, including frequent rubbish dumping and fire bombing of the rubbish bin, as well as the removal of the lock from access barrier leading to the Allison Track fire trail.



BBQ and seat within the Kelcey Tier Greenbelt positioned via vehicle access along the KT1 fire trail



Abandoned wooden jumps along several unofficial mountain bike tracks

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CONCLUSIONS

It is disappointing that this so-called '2018 Draft Kelcey Tier Management Plan' was not seen as important enough by the Council to be developed until after construction of messy ill-thought out environmentally insensitive mountain bike tracks were given carte blanche approval.

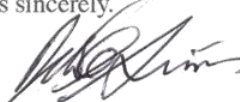
So it cannot, even euphemistically, be called a 'master plan' for the bushland reserve. It is at best a bike park rebranding only. And a retrospective one at that. In other words, a 'bit of spin'.

The opportunity for community consultation has been limited throughout the whole process, and now as a result, we expect that there will be even fewer written responses than one might otherwise have hoped from an informed involved Devonport community (many people are asking "if it's to do with this DCC, why should we bother?").

Once again, it appears the Devonport Council has foolishly sought to divide the community; pandered to a favourite few; ignored its own rules and processes, and now wishes to try to cover-up the fact that the 'horses' have bolted.

Should the Council wish to regain some credibility with its community, we suggest that **respecting all users of the Kelcey Tier Greenbelt Reserve as well as all adjacent landowners and nearby residents is essential.**

Yours sincerely,

 17/1/2019

Peter C. Sims OAM - For and on behalf of the Friends of Kelcey Tier Network



Rare fruit of Native Olive (*Notelaea ligustrina*) Kelcey Tier Greenbelt Reserve. Photo: February 2017

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ATTACHMENT A

'PREATENNA' LIZARD LOG BOOK - KELCEY TIER GREENBELT RESERVE

11.1.2013 Small Log book (extract).

2 May 2013. Come here heaps of times and always enjoyed it (a live clown below) we came with a friend and stayed for a little while. Our dog enjoyed it too!! TFTC!! Took: snake Left: Dinosaw. Found by "Little Dinosaws"

2.6.13. Visited lizard, beautiful day. Left a tin of jelly beans.

7.9.13. Karl, Liam Grae Borth 7 Durkins 1st white house at road bottom. Left rice bar, fruit box, biscuit. Took post card & took nos of toys to look up on net. Election day.

19.10.13. John & Peter and Jessie. Visited first time in years. Lovely to see the repairs of Preatenna's back, and lots of messages in the tin. This is one of our city's best kept secrets.

4.2.14. Had a lovely bike ride to the lizard. Don't want to go to school tomorrow, it will be our last year of high school! Soph and hannah XOXO

8.2.15 Stu and Jo Trip to the lizard to collect natural art for our wedding XXX11.2. 2015. 7.11.15. Have been wandering around these tracks for a couple of years, but it's the first time we've stopped at Preatenna. Beautiful spot! Tom & Emmeline.

NEW LOG BOOK (extract) - donated by BORTH Family. Entries are in order of appearance.

11.2.2015. G'day all. Beautiful night for a walk to the lizard. I have brought with me a new tin, pad & pen. Please don't be a wanker and take it because I love reading what other people have got to say. Enjoy the view and the tin. CHOW.

A great idea!! C.P.

27.2.15. Kate & Olivia. Sitting on the lizard enjoying the view after arriving at this place via the quad bike. Well wishers to anyone that reads this may your life be filled with fun and adventure and may you be so lucky to find a friendship like ours. XXX

16.7.15. The lizard is absolutely beautiful. The boys and I enjoyed our walk here. Have a happy day.

1.3.15. A walk to the lizard to celebrate our wedding anniversary. Lovely day. N.J.A.

1.3.15. We didn't expect to find a lizard! What a great surprise. Sandy & Janus.

29.9.15. Sitting in the sun with friends looking over my new hometown. I think it was a good idea coming here, so nice. Love the lizard and the tin. David, Richard & Michael.

25.3.15. Great place. Bit hard coming up K1 but worth it. The lizard looks terrific. Dallas, Sue. View tops.

8.9.15. Beautiful spot. Pity the Council didn't take some pride in it. Thanks for leaving the tin. Bob & Ruby.

30.3.15. Was lead here by a friend. I'm guessing this is a 'geocache' site? Lovely view and a fabulous surprise to find this beautiful lizard in the bush. Does anyone know who made it? [artist JON ISEMAN] Looking for an easier way in ... Kath & Steve.

Good Friday 3.4.2015. Brought the dogs for a walk. Lovely day for it, dogs confused by the lizard rock!

Happy Easter Lee & Marc - Lily & Maya

Came up for a walk from Tugrah Rd. Brett, Andrea, Ruby, Ebony, Sam, Tahlia, Tilly & Lily.

22.11.15. We are here! Look out at Preatenna Lizard. Love your box idea!! Lil n Stu, Darke & Jong.

11.4.15. Hi there K,B,T,D & R. ... I live in D'port & bring my dog for a walk up here often - lovely spot, especially with the sun shining thorough the trees., Cheers - Maggie (70 yo).

17.4.2015. Hello, nice to c the tin. good idea. We r walking to show my kids the lizard. They like it. Em + Sancho + Lulu & Shawnan. PS.. we hope you liked our bums on your head.

18.4.15. Hi my name is Molly I am 7 I like the lizard.

28.4.15. Lovely family day outing, it's a beautiful spot. S.C.O.

19.7.15. BORTH FAMILY 7 Durkins Rd. Left fruit bar, 2 chocky bars, paper towels 2 start a fire if you get trapped overnight. Sorry no matches. Took our snake tin back as too big. Keep it going. 0407 220 882. Vip gardens.

4.4.15. Mark, Christian & Deb. Made it here. Mark enjoyed the views. Great.

21.7.15. Brought a friend here for the first time to show her where I used to come as a kid with my family.

The notebook thing is a really good idea and it's nice to read what other people have said. CJA Pippi, & Bonnie XOXOXO

10.5.15. Hagley Wescombe, Rory Wescombe, Tyler Wescombe, Julie Wescombe & Jeremy Wescombe. We loved the walk and the lizard.

Spreyton Scout Group & some Cubs - party of 20.

13.5.15. Today is my last day in this beautiful and amazing place called Tasmania. Thank you for everything. Love YA Cris.

21.5.15. Green Army: Pig Island Crew Brodie, James, Jarrod, Luke, Ryan Frank. (FoKT NOTE: This crew did some work on the walking tracks).

1.11.15. LIFE Overlooking Devonport. Leading up here a great spot, Pondering, breathing. Taking in life and everything. Energy Sounds. Listening to my heart pound. Light, cloud, rustle. Hearing the citie's bustle. Away, alone. With my mind on my own, time, break. Without someone to speak. Flies, insects, lizard, peace broken by the endless chain of life that doesn't cease. Cindy B Benny F.

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9.7.15. Awesome day in Gorgeous Tasmania. Love the blue tongue. Thank you for those responsible. XX Holly & Kate.

17.7.15. Visited the lizard today. thought it would be a cool idea to paint the Lizzy & give him some colour but not sure if allowed. Let me know your thoughts.

18.7.15. Kate visited first time and born & bred a Devonport girl!! I think some colour would be amazing - even mosaics by the Community House Mosaic Group?? Lovely walk + place for reflection.

27.8.15. Kids at school, so decided to go on a solo walk to the lizard. Note next time don't go the long way LoL. Fair to say I'm exhausted but finally arriving at the lizard it was we;; worth oit to see this beautiful view of Devonport and Bass Strait. I decided to read through this book and am glad that most people appreciate what a wonderful idea this tin is and the immature few grow Up. Well better head back to civilisation and pick my kids up. I hope every one has a wonderful day and enjoy the view. Tamika XO

10.9.15. Steve & Gwen retirees (Miandetta). Lovely spot. Nice walk on a sunny day after recovering from the winter bug! Saw the lizard photo on Panorama, sparked my interest. Had to come and check it out! Lovely place for a cache. Encourages a sense of community ownership of the place. Sitting on the lizard is OK. He is strong. (Need a chainsaw to drop about 30 scrubby trees to improve the view - good luck with that). Cheers all.

14.9.15. Got here 2nd attempt on mountain bike! I can'd believe there are no flowing MTB/walk tracks through this great space. Fire roads are mostly steep eroded scars - no fun and unsustainable. I will take this up with Council. Thank you to who ever constructed the lizard! It's great. - Mark.

22.9.15. What a beautiful day for a walk to the lizard! Haven't been here in years, better yet I got to drag my other half up here too! Lots of love, Ella and Jake XOXO

22.9.15. We visit here today with our friend Brendon, here all the way from Brisbane. What a beautiful spot. Love the lizard, the view and the idea. Brooke Archie and Benjamin Kingston, Brisbane Q'land.

5.10.15. Beautiful day for a walk! Stumbled cross lizard - very unexpected. Touring Tasmania for 4 weeks - Day 2! Clare & Rod - Victoria.

FOR ANYONE LIFTING ROCKS TO LOOK AT CREATURES ... please respect the homes of lizards and put the rock back where it was.

29.11.15. Sunday walk for Grey Wolf Award for Spreyton Club Scouts 7 names.

21.11.15. Tom from Holland. Steve took me to this beautiful spot on the hill to show me the lizard and the amazing view. Thank you!

1.10.15. We can see the whole of Devonport. It's so pretty. I want to come here again and I saw a stone lizard. Izabel & Ashlen Bissett.

1.10.15. My name is Shelby Simpson. I am here with my Auntie Somner my cousins Taz and Ash. We can see an amazing view of Devonport. We can see the lighthouse from here and beach blues. We are here at the stone lizard on Alison Walk. I hope I can write in this book soon. Shelby OXOXOXO.

12.1.16. My first time at the lizard with grandson William, its super I love the view. Breen

2018

13.2.18. 1st Spreyton Cubs with 20 names.

NOTE: Many pages missing.....



PETER C. SIMS OAM
PO Box 692
QUOIBA
TASMANIA 7310

Mobile 0408 556 012
E-mail <tark1@bigpond.com>

8 January 2019

Devonport City Council
PO Box 604
Devonport 7310

Kelcey Tier Draft Master Plan 2018 - comments

I am one of several long-time residents and presently live on my *Land for Wildlife* property at 65 Durkins Road that is surrounded on three sides (south, west and north) by the Kelcey Tier Greenbelt. Over the years I have closely observed the area's many natural and cultural values and as well as the recreation use of this area.

Management of this remnant bushland has always been an issue with Council and I have been involved for many years in reporting to Council on the many anti-social activities including vandalism, wood hooking, shooting, illegal entry (trail bikes & 4WD vehicles) and the dumping of green waste as well as household and business rubbish.

I have been a bushwalker for over 60 years being a former member/President of the *North West Walking Club*, former President of *Bushwalking Tasmania*, also as a former member of the Government's *Historic & Scientific Advisory Committee* that was responsible for the drafting of the Aboriginal Relics legislation. These voluntary activities combined with my profession enabled me to serve as a member of a former Tasmanian Governmental *Environmental Impact Assessment Group* that was established to assess the environmental impact of developments then current in Tasmania and more recently as a member of the national assessment team for cultural and environmental projects as part of the Australian Government's *Caring for Country* program.

With the above and my present Life Membership of the *Australian Rock Art Research Association* (AURA), Hon. Research Associate with the *Queen Victoria Museum & Art Gallery*, member of *Six Rivers Aboriginal Corporation*, member of the *Australian Institute of Aboriginal and Torres Strait Islander Studies* and certificated *Indigenous Community Volunteer*, I am presenting my personal comments for consideration on the current Kelcey Tier Draft Management Plan as prepared by ERA Planning Pty Ltd.

Being closely associated with the 1992 *Kelcey Tier Landscape Management Plan* and with my experience in land management issues, I am particularly interested and concerned with this present draft Plan. At the outset I must say that this document is very poorly constructed and appears uninformed about the 1992 Plan and is an appeasement by Council in support of the pre-determined activities granted for party-political reasons to a group of local mountain bike enthusiasts. It is at best a *Mountain bike Park Plan conceived and written after the bike paths were actually built, and certainly unworthy of its title as a Master Plan, as it fails to address many issues including: no concepts for future expansion of tracks or facilities, no protocol guidelines for mountain bike users of this reserve, inadequate reference to past ecological studies, and inadequate public consultation.*

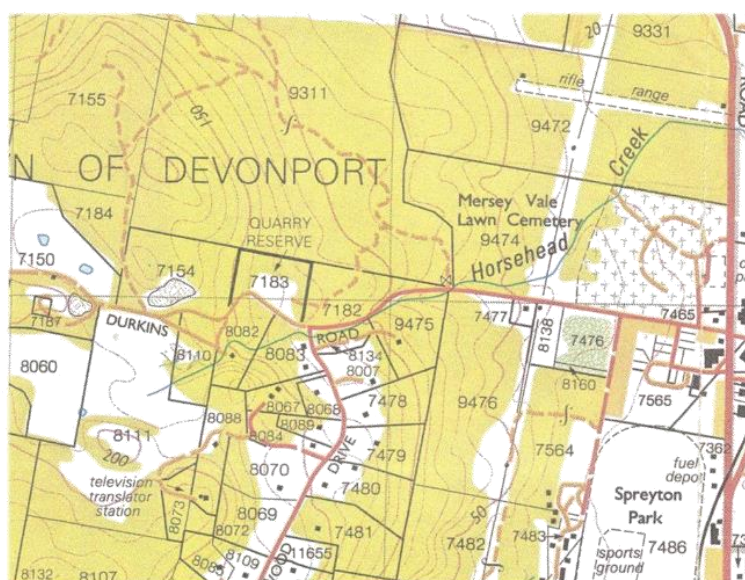
The EOI provided by Council to ERA included:

The Master Plan will provide a realistic, measured, and achievable approach to balancing Reserve values and uses, as well as:

- *A clear future direction for the Reserve along with a program of prioritised works, indicative associated costs, and potential contributors*
- *Identification of possible development footprints for both passive and active recreation/community pursuits that do not degrade environmental or cultural assets*
- *Highlights existing infrastructure and identifies any future additions to support key uses*
- *Enhances community and visitor access, engagement, and usage of the Reserve*

The cover photo of this draft Plan of one of the newly constructed mountain bike tracks has been selected to indicate the consultants' priority to emphasise this single endeavour rather than a balanced assessment with guidelines to Council for the future of this multi-use public open space.

TASMAP Latrobe 4443 Ed. 2. 1988.



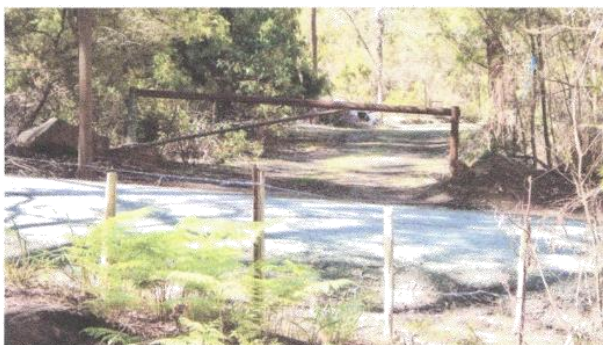
The above map shows two blocks 8140 and part of 8088 which were incorporated into the Kelcey Tier Greenbelt reserve and were correctly illustrated in the current draft Plan map on page 169 as an Attachment. Also included in this attachment map, is the incorporation of Lot 7183 into the reserve boundaries which is opposite my property which is shown as Lot 8082.

It is recognised that the existing car park spaces at the entrance to the Allison Track walking track are very limited, just 4-5 which are presently inadequate. This restricted space here has been due to past and ongoing anti-social behaviour incidents.

The other area that has been arbitrary included in the Plan indicates the main car park for 44 spaces is on Map 1 (page 170 of DCC Agenda), which is designated as **mountain bike track head and car park**. This area selected (Lot 7183) site consists of regenerating bushland at a former quarry reserve used as a rock loading facility, which seems to have been selected as the only option for a mountain bike track head and car park.

Any such a car park as envisaged at this particular site in the Plan apart from the clearance of the existing bushland, which should not take place, proper facilities would need to be established and managed including: a water supply off the Taswater Wrenswood Drive mains for a fire hydrant, toilets, potable water, wash down facilities for bikes and bikers, serviced rubbish bins, also seats/tables/shelter for picnickers. Restricted managed secure access would be necessary to prevent unauthorised vehicle use along the existing connected fire trails to prevent illegal entry for bush camping, wood hooking, arson threats and bushland rubbish dumping.

Daily management of these facilities in the Reserve at this particular area would be needed to provide an expectation of security for patrons as well as infrastructure. Should such facilities be considered necessary, there is limited space and with the additional traffic on the narrow gravel road, unmanaged access and noisy patrons, **would be unacceptable to me** living on my adjoining property. This relatively open area is subject to flooding with uncontrolled storm water off Durkins Road which would require engineered drainage work properly designed so as to not alter the source of water into the surrounding bushland and along Durkins Road.



Pictured opposite is the present boom gate leading into the Kelcey tier Greenbelt via a designated fire trail access off Durkins Road at the proposed mountain bike track head and car park.

It is at this point where a parking area is indicated in the Plan on page 170 has been designated without any prior consultation with me despite the fact that I am a neighbouring landholder.

I consider this proposal both impracticable and unacceptable to me for inclusion in this Plan.

As an alternative, I'd suggest the area at the Mersey Vale cemetery could be utilised where there are already established secure facilities including: toilets, parking space for cars, rubbish collection, potable water, an area for washdown and picnic tables all within easy access off both Stony Rise Road and Durkins Road. The siting of this area is in close proximity to the Kelcey Tier mountain bike tracks that border the cemetery a short distance to the west.



The development of this site would not further impact on the bushland of Kelcey Tier, and be a practical alternative as well as a less costly impost on ratepayers.



Mersey Vale Memorial Cemetery current space for car parking, office, water and toilets within easy reach of the Kelcey Tier Greenbelt as illustrated.

A reduction in traffic on this narrow section of Upper Durkins Road would reduce the chance of wildlife road kill of threatened species including Tasmanian devils that have already been killed on this section of road as illustrated opposite.



This alternative location for the *mountain bike track head and car park* with the erection of clear road and track direction signage would also provide an open, practical access for emergency police, ambulance and helicopter services.

I trust that the above submission will be considered by Council for an alternative location for the *mountain bike track head and car park* to be included in the final Master Plan.

Yours sincerely,



Peter C. Sims OAM

Devonport City Council**P.O. Box 604****Devonport 7310****Kelcey Tier Draft Master Plan 2018**

Thank you for the opportunity to comment of the Kelcey Tier Draft Master Plan My response comes from two perspectives:

1. As a long-term resident and ratepayer. I have lived at 136 Durkin's Road since 1979. My property adjoins the Green Belt.
2. As an enthusiastic bush lover who wishes to see the Devonport Community progress and it's residents enjoy the benefits which Kelcey Tier has to offer. I support the concept of multiple recreational values and would like to see Kelcey Tier managed in a way which preserves the natural integrity of the area.

Historically I believe that Kelcey Tier was seen as a Greenbelt for the city and the idea was to have this area as a wildlife and native vegetation reserve. Council mismanagement when approving development of Mountain bike trails without following due process of community consultation and environmental impact studies has been most disappointing and has now seen a shift from the original concept for the use of Kelcey Tier. Since the increase in developing these trails I have observed that the boom gate on the old quarry opposite Wrenswood Drive has been left open on several occasions and that the padlock has been cut. I have also seen this area, which was supposed to be for the use of contractors who were developing trails being used by mountain bike riders as a car park and meeting point.

With these things in mind and deep concerns about degradation of the area, losing the most valuable asset the Tier, its natural environment, a Draft Plan for Kelcey Tier is certainly needed.

To comment on The Draft Master Plan, one must first look at the process.

Community Engagement Concept and Framework 5:1 Overview

I attended the community workshop held at the Devonport Council Chambers. The workshop was very carefully controlled and structured. Whilst this ensured that agenda items were covered no time was allowed for any in depth discussion or sharing of ideas.

No background information was provided by ERA. Past management issues were not acknowledged before the group. This meant that participants had little or no common shared understanding of the underlying forces driving a master plan. It was not until I came to write this response that I became aware that the Devonport City Council had actually entered into a lease agreement with the Mersey Valley Devonport Cycling Club for the purpose of building and maintaining new mountain bike trails. Knowing this, that the wording of the lease says "to maintain and develop new mountain bike tracks" it raises the question as to

whether comments at the workshop will have any relevance or influence over decisions about future development of proposed bike tracks.

A map was circulated and referred to at the workshop when discussing mountain bike trails but this map did not show the proposed trails which now appear on the map Appendix A Master Plan Maps. If this was an oversight it does not engender great confidence for further decision making. I wonder what the process was to have them included in the Draft Plan.

There are several points within the Draft Master Plan which I believe need to be acknowledged and addressed.

I agree with the aim of the Master Plan to provide a realistic, measured and achievable approach to balancing the reserve values and recreational uses, but I do not feel that the Plan gives enough information on how this will be done.

2 Natural Values I agree with the importance of both the Value Management and Value Actions.

They are of high importance particularly if the natural environment, which I see as the main asset of the Tier is to be protected. I would like to see someone employed in a full-time capacity to oversee the care and management of this area.

Looking at Kelcey Tier Draft Master Plan 4:1 Recreational Values Management point 1

” seeing the popularity of organised sporting activities decline with a corresponding increase of informal, unstructured recreation pursuits.... The popularity in mountain bike activities in particular has increased exponentially recent years” These words appear to be classing mountain bike riding as an unstructured sport. Whilst there are many riders who use KelceyTier who are not affiliated with a club I think it is fair to say the bulk of current users belong to a club. The Mersey Valley Bike Club is highly organised. Indeed, the club organises and runs competitive events at Kelsey Tier e.g. 2018 X C O State Championships and 5:7 Twilight Events. Readers of this draft plan may be lead to the belief that the impact of mountain bikes is less than it is currently and will be in the future.

As the council has leased property to the Mersey Valley Bike Club, I believe that this should be acknowledged and written in the Master Plan.

4:2 Recreational Values Management.

All listed actions relate to mountain bike trail strategies focusing on the expansion of the trail network and associated infrastructure. No other issues concerning managing other recreational pursuits are mentioned. This needs to be addressed.

Concept and Framework Key Opportunities and Constraints

6.2.1 The Reserve will reach saturation where other uses of the reserve and other values will be detrimentally affected if mountain bike trail construction is allowed to continue unabated.

6.2.2 There is the risk that the mountain bikers using the reserve will become the dominant user group of the reserve and detrimentally affect the experience of other trail users.

These points reflect major concerns, but the plan does not address the issue of how it will be determined when enough is enough, when saturation point is reached and what studies will be done to assist informed decision-making pertaining to this. Looking at the map Appendix A of proposed and existing trails I believe that this point has been reached and would advocate for the completion and ongoing maintenance of existing bike tracks and no further development of new proposed tracks.

The Tier provides opportunities for many recreational activities and proponents for further development of tracks point to the financial benefits biking brings through tourism. These benefits are welcome but there needs to be a balance between recreational use and reserve values and there also needs to be a balance between meeting the needs of our local community and tourism.

Appendix B

Approximate Costings

All costings given in the Draft Master Plan relate only to trail development and infrastructure relating to mountain bikes. Cost of implementing an ecological vegetation survey as mentioned in Natural Actions is not mentioned nor is ongoing costs relating to weed control. Long term dedicated funding is needed to maintain the health of this precious nature reserve.

Concept and Framework

7 Vision

7.2 Next Steps After point 4 I would like to see the amended plan made available for perusal by interested parties. There may be a protocol already in place for this, but I would like to see this happen.

Regards,

Justine Loone

Comments¹ by the Central North Field Naturalists² on 2018 Kelcey Tier Draft Master Plan

The Central North Field Naturalists Inc (CNFN) welcome the initiative of the Devonport City Council to develop an updated Master Plan for the Kelcey Tier Greenbelt Reserve. It is timely to update the comprehensive Kelcey Tier Greenbelt Landscape Management Plan compiled by De Gryse in 1992.

The aim of the Master Plan (section 1) is to "provide a realistic, measured and achievable approach to balancing the reserve values and recreational uses". We are in full agreement with this aim. However, the Master Plan does not adequately address this aim. Nor does the Master Plan adequately address the Terms of Reference as established by the Devonport City Council (EOI letter dated 23 April 2018). Rather, the Master Plan focuses on the expansion of mountain bike tracks and associated infrastructure, including costings; whilst ignoring many other issues for managing an important nature reserve.

Issue ignored or not adequately discussed in the Master Plan that should be included are:

- "A clear future direction for the Reserve along with a program of prioritised works". Recommending that further ecological vegetation survey is required (NVA1 in section 2.2) (we already knew that) is not satisfactory. An accurate detailed map of the Reserve is the first step before the location of any mountain bike tracks can be considered.
- "A 10-year action plan" for all aspects of managing the Reserve as required in the Terms of Reference. The plan should include actions to sustainably manage and preserve the biodiversity in this nature reserve; especially weed, disease and fire management.
- Details on the values of biodiversity, to help prioritise various actions including endangered flora and fauna, weed control, areas for mountain bike tracks, quiet areas for nature lovers.
- Recreational benefits to the many walkers, nature lovers, students; in particular the local Devonport community.
- How to "balance the reserve [biodiversity] values with recreational uses", or in other words "identification of possible development footprints for both the passive and active recreation/community pursuits that do not degrade environmental or cultural assets".
- "A program of prioritised works" should include annual operating activities to manage and maintain the reserve. The Master Plan fails to mention this nor does it provide any costings for annual maintenance of the Reserve.

Vision

Kelcey Tier is a biodiversity reserve that is in close proximity to the Devonport community. That is its real value, and it is essential this is recognised in the Master Plan. The vision (see Terms of Reference) is to manage this nature reserve without having a detrimental impact on biodiversity and on the values that all recreational users appreciate.

Biodiversity values

The CNFN fully support Natural Values Action 2 (NVA2 in section 2.2) that the Devonport City Council "improve the protection of the scenic and biodiversity values" by (1) listing Kelcey Tier Greenbelt Reserve as a Reserve under the *Nature Conservation Act 2002*, and (2) developing a map overlay to ensure the *Clearing and Conversion of Vegetation Code* applies to the entire reserve under the Devonport Interim Planning Scheme 2013.

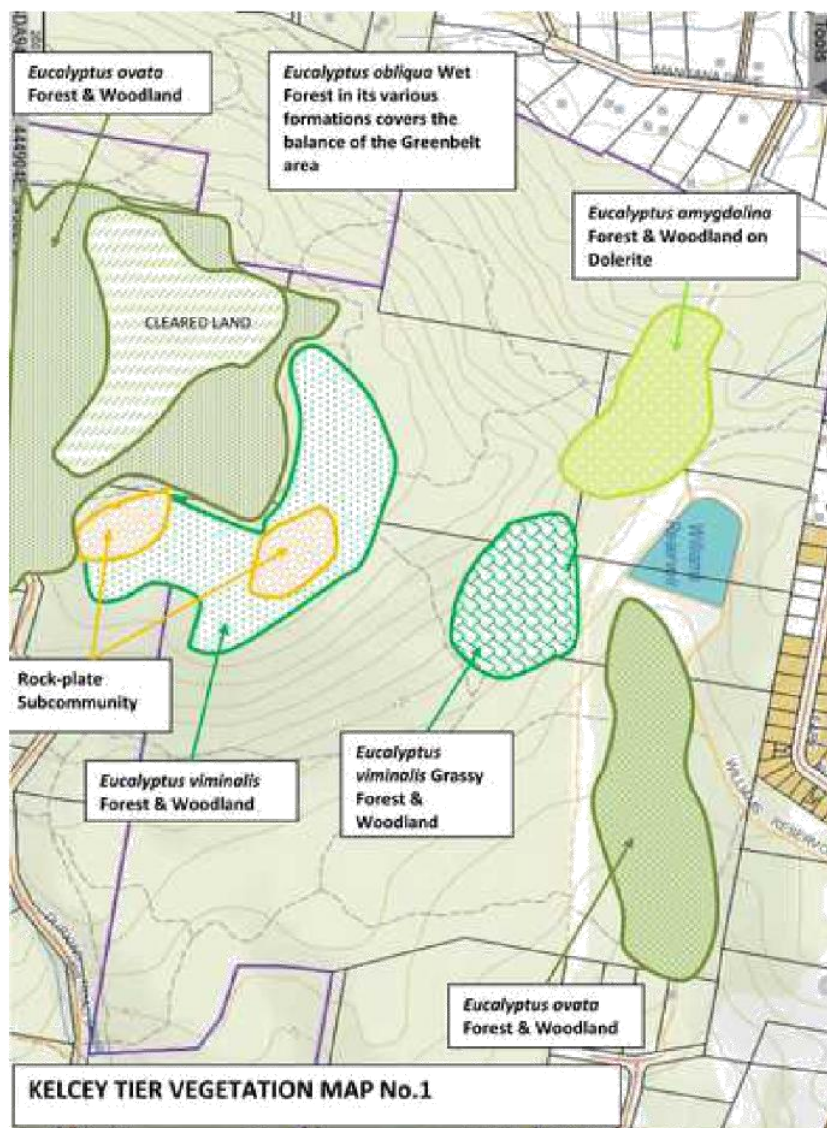
¹ 22 January 2019

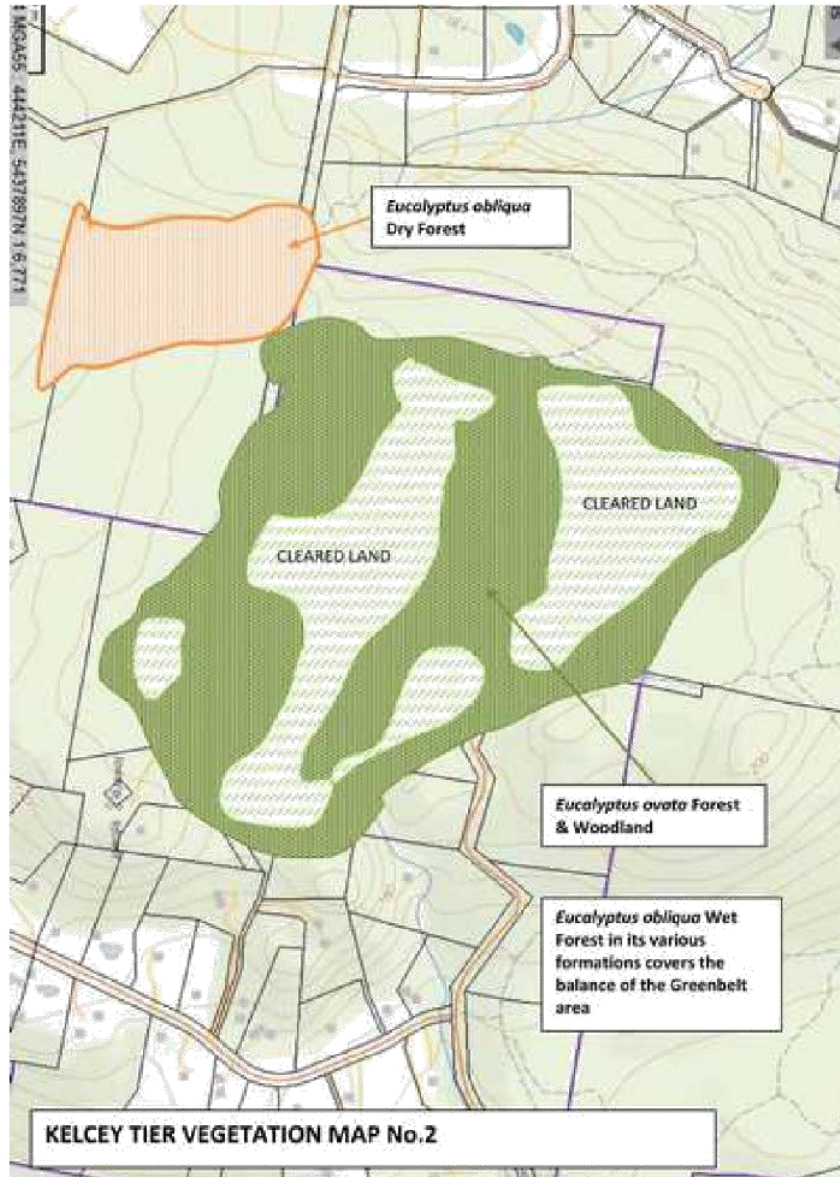
² Peter Lawrence, Secretary, Central North Field Naturalists, disjunctnaturalists@gmail.com

Natural biodiversity values - vegetation communities

CNFN are in full agreement with Natural Values Action 1 (NVA1 in section 2.2) that an updated survey is required to map the vegetation communities and ecological values. In fact, a map of the vegetation communities is required before any discussion or progress can be made on designing the location of mountain bike tracks (see attached letter from CNFN dated 17 July 2018).

To start this process, CNFN members, accompanied by Phil Hrstich the Devonport City Council NRM Officer, conducted a quick one-day vegetation survey of Kelcey Tier on 20 June 2018 (see below two maps produced by CNFN). This quick survey showed that the threatened vegetation community *Eucalyptus ovata* Forest is more extensive than is shown on TASVEG. The area near the top of the tier and off the end of Durkins Road is not mapped on TASVEG 3.0. TASVEG should not be considered or used as the definitive reference for the vegetation communities in a given location. It is a starting point and of limited value without the actual ground-truthing of the location. A more extensive vegetation survey is required as an initial first-step when developing a management plan.





Another vegetation community of high conservation value that is present but not mapped on TASVEG is the rock-plate sub-community which occurs along the ridge. The presence of the *Euromyrtus* is indicative of this community. The form of *Euromyrtus* is uncommon and of conservation significance locally.

Swift parrot habitat

The primary food source of swift parrots (*Lathamus discolor*) when breeding is the flowers of blue gum (*Eucalyptus globulus*) and black gum (*E. ovata*). They also require suitable tree hollows for nesting which can occur in any species of eucalypt. Due to spatial and temporal patterns in flowering, the location of breeding varies each year. The species is listed as critically endangered under the *Environment and Biodiversity Conservation Act 1999*.

Historically, northern Tasmanian would have provided extensive breeding habitat for the species. However, habitat loss in the region has been extreme and very little remains. Kelcey Tier is one of the most regularly used swift parrot breeding sites in northern Tasmania, and is identified as a Swift Parrot Important Breeding Area (SPIBA) under the Forest Practices Authority Threatened Fauna Advisor (personal communication Dr Matthew Webb, Australian National University).

The placement of mountain bike tracks should avoid any trees that may support suitable tree hollows for nesting. It is best if both walking and bike tracks avoid old trees by 30-40 metres. The reason being that at some stage there will be a fire, either wild or planned, and there is a chance that old trees will catch alight. When that happens, it is common to fell the tree so as to avoid the chance of a weakened tree falling on the track. If there is not a track within that distance, the authorities may allow the tree to stay.

Burrowing crayfish

Consideration needs to be given to closing on old track that passes through the habitat of the central north burrowing crayfish (*Engaeus granulatus*).

Weed and disease management

Other mountain bike track areas have experienced a prolific spread of weeds resulting from increased mountain bike use. The same can be expected in Kelcey Tier. Hence the Master Plan should include a section on weed control, a labour intensive exercise that will require a budget. A bike wash-down facility would also be beneficial to control the spread of *Phytophthora*.

Fire management

The Kelcey Tier Greenbelt Bushfire Management Plan states "The vegetation of most areas of KTG (Kelcey Tier Greenbelt) is amenable to planned burning, although the ideal fire regimes for KTG forests and woodlands are not documented in any evidence-based publication. Therefore, what are considered to be appropriate fire regimes for the vegetation communities of KTG are recommendations that will need to be reviewed following monitoring over many decades, in other words, by applying the adaptive management model".

Our observations of a recent burn at Kelcey Tier is the fire removed most of the under-storey vegetation, which drastically reduced the invertebrate and the reptile (lizards) populations.

At a recent workshop on fire management at Campbell Town on 6 August 2018 Dr Peter McQuillan (University of Tasmania) discussed the importance of invertebrates in ecosystems (eg for breaking down and composting vegetation, a food source for lizards) and the advantages of cool, slow-burn fires as a fire-managing tool, but being mindful of not overdoing the more frequent use of cool, slow-burn fires. Phil Hrstich, the Devonport City Council NRM Officer, attended the workshop and maybe able to provide further insights into an appropriate fire management regime for Kelcey Tier.

Cultural Values

The CNFN do not have expertise in cultural heritage, so are not able to offer informed comment on this aspect. However, we do note that it is essential to consider and discuss cultural values in the Master Plan for the Kelcey Tier Greenbelt Reserve.

Recreational values - walkers

The CNFN fully support the concept of multiple recreational values (Appendix D, section 4.3). Yet the five "Recreational Values Actions" (section 4.2) all relate to mountain bike tracks. There are no action items related to non-bike users (walkers). Why are action items for walkers ignored, if the master plan caters for multiple recreational values?

Prior to the recent track construction, the estimated number of walkers in the Kelcey Tier Reserve is an average of 35 persons per day during the summer months, down to 15 persons per day in the winter months. That is approximately 9,000 person visits per year. This number is significant, and hence it is essential that the Master Plan detail and discuss the requirements of walkers.

The main facilities for walkers are: quiet tracks in an area with no mountain bike riders, maybe with the occasional seat. Barbecues are not required, nor are extra parking facilities as parking at the cemetery is sufficient even for larger groups.

Saturating the whole 185 ha area with mountain bike tracks (as illustrated in Appendix A) is contrary to the primary aim of this Master Plan to "balance reserve values and recreational uses" (section 1); and contrary to the aim to cater for "multiple recreation users including walkers, trail runners, bird watchers, students, and bike riders" (section 4.1). If the construction of more mountain bike tracks is allowed to continue unabated (Appendix D, section 6.2.1) it will have a detrimental effect both on biodiversity (eg, lizards sunning on tracks, echidnas, increased weed infestation), and will discourage walkers, bird enthusiasts, nature lovers who like a quiet environment to relax and fully appreciate the natural flora and fauna.

Bird Hide

The suggested bird hide at Kelsey Tier is totally inappropriate: little wildlife would be attracted to the site, and too much human disturbance would discourage birds.

Good placement of a bird hide requires an understanding of bird behaviour and their habitats (personal communication, Dr Richard Donaghey, ornithologist). Hides at wetlands can provide a good bird watching experience because waterbirds are dependent on water.

Forest and woodland birds move around but food and/or water may attract them. Too much human disturbance near a hide, for example near roads and car parks, will diminish the experience of the observers and birds may be more wary. Although flowering shrubs and trees will attract birds, the provision of water is a far better option.

We suggest that Kelcey Tier Greenbelt Reserve is not a suitable place to locate a bird hide. It is far better to just have a few quiet walking tracks that enable bird enthusiasts to wander along and observe birds naturally.

Health benefits of an urban bushland

There is ample evidence ([see article in The Conversation "How urban bushland improves our health and why planners need to listen"](#)) that access to urban bushland improves the health of individuals. Older persons, whom are a significant and increasing proportion of the Devonport community, especially benefit from regular walks in natural environments. Access to green spaces contributes to improved mental health, and reduced heart disease, obesity and diabetes.

Car parking infrastructure

Appendix B includes costings for two carparks, (1) at the track head, and (2) at Tugrah Road. There are no figures on the estimated numbers of bike riders per day that would use these car parks. Plus, there is no discussion about alternative parking arrangements. For example, why can't the large

parking area (including toilets) at the Mersey Vale Cemetery be used, and bike riders ride up the hill, via a safe bike track, to the mountain bike tracks.

Costings

Appendix B includes cost estimates for:

- capital infrastructure for Mountain Bike Track Head - \$200K
- capital infrastructure for Tugrah car parking - \$30K
- mountain bike track construction - \$30 per lineal metre

There is no mention of capital infrastructure for walkers. In any case this would be minimal. The cost of implementing an ecological vegetation survey (as per Natural Values Actions) is not mentioned.

More importantly, there is no mention of on-going annual maintenance costs, particularly for weed control and mountain bike track maintenance. Appendix D section 2.5 lists the major weeds. But there is no discussion on the anticipated spread of weeds by mountain bikes and how to manage and control the weeds. The Master Plan should include an itemised budget estimate for annual on-going maintenance of the Kelcey Tier Reserve, including weed control and track maintenance. The next question is, who pays the increased maintenance cost resulting from the increased mountain bike use; the Mersey Valley Devonport Cycling Club or the Devonport ratepayers? This should be clarified.

Our understanding, in talking with other councils, is the annual budget costs on a per person/user basis for organised sports requiring facilities is of a 10 fold order of magnitude as compared to walkers who only require rough tracks.

Community engagement

A major flaw of the Master Plan (Appendix A map 1) and the Community Engagement process (section 5.1; consultation workshop on 12 July 2018) is that a map of future mountain bike tracks was proposed before the vegetation communities had been adequately mapped. At the key stakeholder workshop on 12 July 2018 participants were asked to consider the proposed mountain bike trail network without having an accurate map of vegetation communities to guide the considerations. Estimates of the numbers of bike riders expected to use the new tracks was not provided, nor was the number of walkers currently using the tracks (estimated at 9,000 person visits per annum) discussed. Of course "there was a general lack of agreement" (Appendix D section 5.6) because participants were not provided with sufficient background information to have an informed dialogue about the proposals in question.

Letter from CNFN dated 17 July 2018

Clare Hester
ERA Planning
clare@eraplanning.com.au

Central North Field Naturalists
web: <https://www.disjunctnaturalists.com>
email: disjunctnaturalists@gmail.com

JoHanna Robertson
Acting Community Services Manager
Devonport City Council
JRobertson@devonport.tas.gov.au

17 July 2018

Kelcey Tier Mountain Bike Tracks

The Central North Field Naturalist are willing to help update the management plan for the Kelcey Tier Greenbelt Reserve. Our group only recently became aware of the issues after some of our local members, who are resident neighbours of Kelcey Tier, raised concerns. The workshop held on Thursday 12 July 2018 was enlightening, and the beginnings of a rapport between some members of the mountain bike community and some nature-loving local residents. Unfortunately the workshop participants did not have sufficient information to consider the actual location of existing tracks including un-authorized mountain bike tracks, or guidelines to consider the question of how many and where to locate and construct the new mountain bike tracks. It was unrealistic to expect one 3-hour workshop to resolve this question.

The Kelcey Tier Greenbelt Reserve is a significant ecological reserve on the edge of Devonport, that is a valued by the local community, as evidenced by the significant increase in activity by: tourists and visitors to Preatenna stone sculpture (summary of visitors at Preatenna given by Peter Sims to DCC officer), walkers, school groups, parents with children, nature lovers, joggers, mountain bike riders. The Devonport City Council (DCC) is responsible and accountable for managing this 185 hectares of predominantly natural bushland. Sadly, in the last few years the DCC has failed to provide any leadership or direction in managing the reserve. The 1992 Kelcey Tier Greenbelt Landscapes Management Plan has not been updated, and more importantly the recommendations have been largely ignored by Council in their communications with the Mersey Valley Devonport Cycling Club (MVDCC) about their proposal to construct mountain bike tracks.

The MVDCC obtained a grant of \$53,900 from the Tasmanian Community Fund to upgrade and construct mountain bike tracks. A requirement of the grant is approval from the land manager, in this case the DCC, and for the land manager to guarantee on-going maintenance of the capital infrastructure. A letter from the DCC (23 August 2017) to the Tasmanian Community Fund in support of the MVDCC application for funds states: *"Plans for any proposed works, including signage and access must be provided to Council to ensure appropriate communication to the public and nearby residents is undertaken."* The MVDCC did not provide any information until very recently, and certainly no information was provided to nearby residents of Kelcey Tier and the Devonport public. The DCC have known about the MVDCC proposal to upgrade the mountain bike tracks for over a year, but failed to provide any leadership or direction until local residents raised concerns after observing construction of tracks. An informative public forum to discuss mountain

bike trails was held in July 2017 at St Helens - did anyone from the DCC or MVDCC attend?

This brief note suggests a process to develop a detailed plan for mountain bike tracks at Kelcey Tier. It is preferable if each major step in the process is agreed by all parties and approved by the land manager, before proceeding to the next major step in the process.

First step

- **biodiversity survey, geotechnical survey and ecological values** - most of this information is available but needs to be assembled and compiled into a suitable summary
- **Aboriginal heritage assessment** in consultation with Six Rivers Aboriginal Corporation to determine no-go areas for mountain bike tracks- this consultation has been undertaken but is sensitive and not available for public distribution
- **current and future usage by walkers, nature lovers, joggers** - this information is difficult to collect because most walkers are local residents, individuals not in clubs. The numbers of walkers and nature lovers is increasing and is probably significantly more than bike riders. Many older persons appreciate the enjoyment and health benefits of walking in nature reserves.
- **current and future usage by mountain bike riders** - information, not just aspirations, is required on numbers of bike riders who will ride from their home in Devonport, or drive to Kelcey Tier by car. An estimate is required on the number of users for different levels of riding difficulty, green, blue, black, etc. Will it cater predominantly for junior riders or for the serious riders? Numbers of riders for state or regional gatherings need to be considered separately when considering the requirements for tracks, toilets, car parking, etc. Kelcey Tier is quite different from Blue Tier - Kelcey Tier is close to a city and the regular users will probably be locals. Aspirations for attracting large numbers of tourists, like Blue Tier, is unrealistic and not based on any real data. Another unknown is the future expansion and impact of e-bikes?
- **social, environmental, and economic costs of mountain bike tracks** - this information can be collected from other councils and mountain bike clubs.
 - **social** - narrow walking tracks can become highly eroded and degraded once used for mountain biking, leading to user conflict, and loss of amenity for natural area users.
 - **environmental** - natural areas are constantly impacted by human pressures and biodiversity is in decline. Threatened vegetation communities include *Eucalyptus ovata* forest and dolerite rock-plate micro-habitats. Threatened species include: swift parrot - critically endangered, grey gosshawk - endangered, tasmanian devil - critically endangered, burrowing crayfish *Engaeus granulatus* - endangered. In addition, many small species are influenced by changes in the vegetation structure that occurs with disturbance at the edge of bushland (Burgin and Hardiman, 2012 Australian Zoologist). *Phytophthora* will spread with increased human presence leading to die-back of many native plant species.
 - **economic** - mountain bikes are effective seed dispersers at landscape scales (Weiss *et al*, 2006, Journal of Environmental Management). Weeds including spanish heath, already present at Kelcey Tier could spread rapidly if not adequately controlled. Track maintenance to prevent erosion and sediment run-off on to adjacent vegetation is essential, requiring track closures. One estimate for track maintenance is \$1,000 per km per year; some groups have a trail care employee. Do the community ratepayers fund these costs?

Second step

- an agreement on which areas in the reserve are sensitive or key biodiversity habitats and no-go for mountain bike tracks, which areas are suitable for mountain bike tracks, which areas are suitable for walking tracks, and which areas where no fire-trails, no walking or bike tracks are permitted.

Third step

- **Determine and marking the exact route for the mountain bike tracks.** A preferred method that has been used successfully in other areas is for the mountain bike construction person to walk the proposed route accompanied by a botanist/ecologist. When a particular endangered plant species or large tree with hollows is found the track is re-routed a few metres to one side to by-pass this micro-habitat. I have personally spoken to Robert Potter, a mountain bike rider, and Anna Povey, an ecologist, who have both followed this process and both fully recommend it. In fact Robert Potter offered his services if required.
- **Facilities for car parking, toilets, and bike washing.** Car parking can only be determined after the location of the bike tracks is agreed (some areas will be no-go for bike tracks) and there is an estimate on numbers of riders arriving by bike or by car. Local persons arriving by bike would mostly enter from the north. Toilets and bike-washing hygiene facilities require water which is available lower down on the north or east but not on the higher slopes. A suggested car park at the quarry on Upper Durkins Rd has limitations due to the lack of water and a narrow gravel road.

We look forward to a balanced and robust mountain bike trail proposal incorporating social, environmental and economic aspects that the Devonport City Council can present to the whole community. Also, we offer our services in surveying biodiversity and vegetation communities, if that would be useful.

Peter Lawrence
Secretary, Central North Field Naturalists
disjunctnaturalists@gmail.com



Todd Johnstone Perhaps remove the negative comments in this Master plan about the kt mountain bike club, it doesn't and never has existed. Also when paying the 30- 40 thousand dollars of council money for this "master plan" make sure the spelling is correct.

Like · Reply · Message · 3w · Edited



5



Tom Ash Adequate parking for the users of the bike tracks. Great to see the public enjoying their sport. Unfortunately Tugrah Rd is getting very congested with cars and 4wd's.

Like · Reply · Message · 3w



3



Raeleen Bound Perhaps the track off Tugrah Road up to the bike track could be maintained. Spray the blackberries and do up the track.

Like · Reply · Message · 3w



3

↩ 1 Reply



Andrew 'macca' Mckendrick David Kent

Like · Reply · Message · 3w



Scott Edgerton Dirt bike tracks instead of Mountain bike trails for a change?

Like · Reply · Message · 3w



1



Rachel Jones Where do you stand to get this view? Lots of trees in the way every place I've been.

Like · Reply · Message · 3w

↩ 3 Replies



Mikala Burgess Adam Mapley 🤔 1

Like · Reply · Message · 3w



Nick Kuys Typically there's some of those using the area that aren't staying aware of residents and other road users there with parking and driving onto the wrong side of the road into oncoming traffic so they can park closer.

No parking signs need to be put on... [See more](#)

Like · Reply · Message · 3w



Beth Murfet Andrew Doran

Like · Reply · Message · 3w



Tammy Milne Can you people actually go to the website and give all this feedback so it is officially logged.

Like · Reply · Message · 3w



1



Tammy Milne <http://www.devonport.tas.gov.au/.../Public-input-sought...>



DEVONPORT.TAS.GOV.AU

Public input sought on Draft Kelcey Tier Master Plan

Like · Reply · Message · Remove Preview · 3w



Tammy Milne Oops my autism again! I'll try again. It would be great if people followed the link and had their say on the official site, making your thoughts and voice heard. We can only make this community better if we all speak up!

Like · Reply · Message · 3w · Edited



5



Nick Kuys Typically there's some of those using the area that aren't staying aware of residents and other road users there with parking and driving onto the wrong side of the road into oncoming traffic so they can park closer.
No parking signs need to be put on the opposite side to stop cars narrowing the road.

Lot of area up Alison track that be better for parking with all the added traffic and parking instead of jamming up the side of tugrah road. And less risk not being next to traffic flow with getting bikes in and out of vehicles or while crossing the road. Next thing someone will want to reduce the speed limit in tugrah road because of it 🙄

Like · Reply · Message · 2w

Name	Comments
Rachel	Its great to see lots of ppl riding bikes in greenbelt but sometimes many cars/buses parked on tugrah rd where they start. At times when schools use it, can be 20 odd kids and bikes. Couple days ago was 9 vehicles parked at the entrance. Maybe a parking area could be done at the reservoir. It worries me sometimes that I'll hit someone when driving past. Also, there are less 4wd and quad bikes in the belt than in previous years that's improving. More people would use tracks if the signage was clearer, maybe call tracks a name rather than numbers.
D	Sustainability and the eco systems within the area must be managed for the future. Otherwise, if it is turned into yet another human playground it will not remain healthy. Please have this issue carefully appraised. Just because there is quite a lot of land in Tasmania doesn't mean we need to decimate the lot.
Tammy	So i have been told that in the past the Kelsey Tier was managed ie actually someone went and looked at it regularly checking for issues, now I'm told that doesn't happen. I would like to know about the science behind burning in spring (no where is this recommended). I would like to know about the council actually isnt just waiting for the natural assets of our community to degrade so much that they are no longer variable as public 'natural bushland' and thus will be sold off to the highest bidder. I want to know about the lack of actual grooming, weeding, cat managment and care taken of our natural assets. Is it true one bloke works 2 days a week and is expected to look after all our natural assists? Not enough hour for sure!!!
Troy	The mountain bike trails are great, hopefully the council continues to support the great work being done there. This is a great area for adults and kids alike, not to mention a very healthy hobby. Most of the environmental arguments are a stretch to say the least.
Todd	Please remove the negative comments in this Master plan about the kt mountain bike club. There is no such club. Also why do the swift parrots only habit the areas around the lizard and along the private boundary. Proof that they are here is needed. I love that since mountain bike trails have grown trees have stopped being poached; the areas where trails are provide a great fire break and may see the need for "burn offs" minimised or stopped.
Izaak	We need a close parking area, sooner rather than later, for use up at Kelsey Tier. Many afternoons I head up for a ride, and can be 15 plus cars parked, along tugrah road. Overall though great to see big numbers out using the trails of all ages.
Nelly	All time, energy and funds directed at this project will be of benefit for the whole community. This is such a wonderful project.
Jonathan	I fully support this project. I feel that having the existing MTB trails has been a huge benefit to the public, especially in regards to the health benefits of having such a resource available in the area and by expanding this resource will only further benifit the

	community by giving greater scope of riding and by drawing in visitors to the area who will in turn spend money locally therefore benefiting local businesses. Additionally I feel that with the other MTB projects in the area, Wild Mersey and the Dial range project, having a greater range of trails on offer at Kelsey tiers would encourage visitors to have extended stays in the area which, again, will bring more money into local businesses.
James	<p>I am a regular visitor to Devonport from NSW to visit family and regularly visit and ride at Kelsey tier. The master plan appears to be missing the main ingredient required, a masterplan of the mountain bike trails to unlock the highest benefits for Devonport. The existing trails are not linked or designed to make best use of the site and minimise environmental impact or enhance rider enjoyment. There is a very real need for a trail masterplan to be developed as part of this masterplan and then any infrastructure such as parking and signage support that plan. This plan is missing the MTB trail plan, or if included is not of a suitable quality or level of detail that council should support significant investment until completed. The budget appears to be an over investment in typical council infrastructure such as parking and signage for very little investment in quality trail, or at least a design of trail what will support such an investment. This master plan has the investment balance out of kilter.</p> <p>As context, I am the Vice President of a volunteer mtb club in NSW that supports national and international events, involved in regular stakeholder engagement at a council, state and national level. In my most recent visit to Tasmania 6 weeks ago we bypassed Devonport with 15 other interstate visitors on a two week trip despite travelling via Spirit of Tasmania because I know the trails available in Devonport at Kelsey tier are very limited and not worth the effort despite having the time available. There were approximately 15 other vehicles full of mountain bikes on the same 'Spirit' sailing that made the same decision, driving straight out of Devonport to other MTB destinations such as Penguin, Derby, Maydena, Hobart & Launceston. This masterplan in it's current guise won't change that interstate visitor decision and appears to be a potential lost opportunity when a captive market now exists with interstate visitation to Tasmania for mountain biking booming. The Mersey valley trail proposal will only partially resolve this issue and the residents of Devonport (including my extended family) deserve the best investment possible from council. The addition of a MTB trail masterplan as a part of this Kelsey tier masterplan should be considered the main additional requirement for the benefit of all Devonport residents.</p>
Andrew C	<p>It has been great to see so many young families taking their children for a ride around the tracks , seems to be more and more people riding in the last couple of months.</p> <p>Could we use the easement of Tugrah road as a car park. You could park on one side along the fence and do a 3 point turn to get out. This would keep more people off the side of Tugrah road</p>

Andrew Q	<p>The initiative shown by local groups to develop the Mtn bike trails at Kelcey tier has been nothing short of fantastic. It uses an area of Devonport that was previously utilised by few but now utilised by many, including my 15 year old daughter & myself. Mountain biking is now one of the fastest growing activities in Australia & by having a well developed set of trails, we are catering for local women, men & children of all ages to be able to enjoy this within close proximity of Devonport. It is also now having a positive effect on local business's with people travelling from across the north to visit these trails & consequently using eateries, fuel, accommodation etc. The health aspect for our community cannot be underestimated & with the growing epidemic amongst young people around gaming & social media over use, mountain biking is a great tool to get younger generations off the couch & into a healthy outdoor environment.</p> <p>As a Devonport resident & ratepayer I also understand these types of development attract many different opinions, however it would be devastating for our city to be influenced by a small party of negative people.</p> <p>Parking in the Tugrah Road green belt entrance is one area that needs special attention as I am sure local residents may be effected by large amounts of vehicles looking to park. Hopefully a sensible resolution can be reached which satisfies all parties.</p> <p>I strongly hope we continue to sensibly develop the trails & facilities in this area.</p> <p>Regards Andrew Quarry</p>
Andrew B	<p>The old quarry on Durkins Road would make a good car park for MTB riders. This would take the pressure off the Tugrah Road entrance which could also be used to access a lower level car park at the dam. I am a recent convert to Kelcey Tiers and the trails are fun and varied to ride. Signage would help at the start and finish of each trail with the occasional map. I've been there late in the afternoon in winter and had to follow the setting sun to find my way out among the plethora of fire trails.</p>
Phil	<p>There are <i>Engaeus granulatus</i> present in 2 sites, p6 map of the master plan orange area listed as <i>E. viminalis</i> wet forest and green area listed as regenerating cleared land. A rare plant that will be affected by tracks is also present <i>Tetratheca ciliata</i> grows along KT3 and KT5 mostly near their intersection.</p> <p>It is sad that so much track development has been allowed to go on in the Kelcey Tier Greenbelt without any consultation with environmentally aware people. The original idea of having a wildlife and native vegetation reserve has been severely damaged by what has gone on. Council used to have a Bushland Co-ordinator looking after the area, but the position was removed and funds slashed after a restructure in 2008.</p> <p>There are too many tracks already in the greenbelt, I hope that no more will be allowed.</p>
Anna	<p>Congratulations on (belatedly) putting together a draft Master Plan for the Kelcey Tiers. The plan rightly prioritises getting a proper natural values assessment for the reserve, as well as</p>

	<p>more focussed assessments for each individual development. It was very poor form to allow the development of mountain bike tracks without doing any kind of environmental assessment beforehand. It has also been very disappointing over the years that Devonport Council did not have a bushland officer at all (after a previous position was ended) . Even though I understand there is a part-time NRM officer now, the fact that these tracks could be put in without an assessment suggests that there has not been sufficient NRM involvement in this reserve.</p> <p>Mountain bike and walking tracks can be done sensitively, and create great recreation opportunities, while improving engagement with nature and reducing vandalism, but, without careful planning, they can also destroy threatened species, spread weeds and disease, disturb nesting threatened species, and lead to erosion.</p> <p>Of even more importance is the need for weed management. The draft master plan identifies the need for a weed management plan, and it is essential that actual weed control is done from that, annually or more frequently for the next decade at least. The very invasive weeds, spanish heath, burghan (<i>Kunzea ericoides</i>) and arum lily, as well as some other species, will certainly spread and dominate the vegetation unless actively controlled. I cannot urge you enough to control these menaces. The flora and much of the fauna of the understorey will be lost if you don't. They will also spread to surrounding areas, and with mountain bikes carrying dirt, weed seeds are likely to spread from here to natural areas around the state. This is so critical, that the council should immediately begin control of these species along track edges and under the powerlines, even before waiting for a management plan, so that their seeds are not spread inadvertently by mountain bikers and slashers. The council should also liaise with Tas Water, from whose property it appears the spanish heath has come, as the reservoir grounds are full of it.</p> <p>Thankyou for beginning to value Kelcey Tiers enough to put a master plan together. With a natural values assessment and weed management plan, and involvement of a bushland officer to ensure these are followed up with right action, the Kelcey Tiers will continue to be a beautiful place for locals and visitors and wildlife alike.</p>
Anna	There should be a washdown station for bikes, so that weeds are not spread from here elsewhere. This will be popular with riders, as the area can be muddy
Leonie	<p>1) Current issues with Tugrah Road Access to Kelcey Tier Reserve.</p> <p>Lack of infrastructure on Tugrah Road in a high residential area. The increased use of the Tugrah Road access point to the Kelcey Tier Reserve has become a road hazard and an accident waiting to happen. Tugrah Road is a very busy road with a high use of trucks together with pedestrians (prams, school children, elderly), and cyclists. Excess parked vehicles of track users (cars, 4WD'S, buses) at times 20 plus vehicles contribute to road congestion at the access point area.</p>

	<p>- The access point has no footpaths on the nature strip. There is no curb and channeling on opposite side of road to access point despite area prone to flooding (track users also park vehicles on this side). The nature strip at access point and immediate track area became a muddy slosh during wet weather with increased bike use. Pedestrians walking along Tugrah Road (school children, prams, elderly) were forced to walk on the road, sometimes around parked vehicles during this time.</p> <p>- Inadequate parking for track users including; buses (large/small) from school groups/tour operators & no bus turning circle; 4WD'S (large/small); cars with trailers. All vehicles require turning around on road.</p> <p>Excess vehicles are parking on nature strips and blocking local pedestrian access along Tugrah Road.</p> <p>- Inadequate safe and spacious area to offload/load bikes. Currently bikes offload/load on the road & roadside. Of concern are cyclists including children who have used the track, have been witnessed riding onto the road between cars with oncoming traffic.</p> <p>- No toilet/change room facilities. Cyclists using the track have been witnessed in full view of the public of urinating on Tugrah Road and the nature strip and changing clothes.</p> <p>Solutions:</p> <p>As sensibly proposed by Andrew Brockband, car park and access point at old quarry, Durkins Road with plenty of room. Another possible site is via Williams Reservoir Road.</p> <p>Carpark proposed infrastructure includes:</p> <ul style="list-style-type: none"> - Toilet with change room. - Drinking water access. - Wash station for bikes. - Carpark lighting for cyclists/walkers in winter months, dawn/evening, - Spacious parking provision for: buses (large/small) of school groups/tourist operators with bus turning circle and drop off zone (also for use by other vehicles). - Spacious parking provision for large/small 4WD'S, cars and trailers. <p>2)Track Hazards Current Issues: collision hazard for cyclists and walkers using tracks. Son had near miss with another cyclist who rode the wrong way at speed.</p> <p>Solutions:</p> <ul style="list-style-type: none"> -Separate tracks for cyclists and walkers with signs. -Dedicated bike tracks with one way directional signs. -Courtesy signs reminding cyclists on shared tracks to be aware of other cyclists/walkers, sound bike bell when approaching walkers and to be cautious when passing cyclists/walkers. <p>Considering the growing demand for recreational use, good planning with adequate infrastructure will enhance the Kelcey Tier Reserve experience and promote an attractive asset for Devonport.</p>
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Jackie	I love the fact kids, teenagers and families have somewhere to ride. We need to encourage healthy active lifestyles. I agree with others a safe car park is required.
Brent	It would be a good idea to join Wrenswood drive with Squibbs road, this is a safety issue as there is only one road out of there and in an emergency particularly a fire it could be quite dangerous. The road would come off Blackwood lane and go past Taswater reservoir and onto Squibbs road.
Lyn	Please leave Kelcey Tier as a natural green belt area. I am disappointed in what has happened to this lovely area in relation to the mountain bike tracks, ramps etc. It is now not a safe place to walk due to mountain bikes speeding around corners. I urge the Council to please leave this area alone, we need more green belt natural areas.
Suzanne	As a resident of Durkins Road, I have witnessed the steady increase in vehicular traffic up past the corner of Wrenswood and Durkins over the last few years. That part of the road is very narrow with limited space for passing vehicles as they tear down the hill covering us in dust. I note that the recommendation is to seal this part of the road and sincerely hope that if further development of the bike trails is to be undertaken, increasing the already constant traffic, that this portion of the road is indeed sealed, sooner rather than later. Of very real concern, I have already been witness to unregistered motorcross bikes constantly riding up and down Durkins & Wrenswood and late evening drifting sessions, rally cross, car racing around this corner. We've been waiting for an accident to happen for a long time now. With the added traffic that the MTB will bring, the corner of Wrenswood and Durkins Road will become a blackspot. It's already dangerous and more traffic will certainly make it worse.
June	<p>Well done for organising a draft master plan for Kelcey Tier at last. Hopefully Devonport City Council will accept the plan, take note of its recommendations, step up and endeavour to sustainably manage this lovely piece of remnant bushland for the benefit of all current and future users whilst also ensuring the protection of its natural values and the habitats of critically endangered flora and fauna.</p> <p>As a shared public space, Kelcey Tier provides excellent opportunities for recreation for cyclists, runners and walkers ranging from young family groups through to the elderly. The physical and mental health benefits of exercising in a natural environment are well documented. In addition, Kelcey Tier is a beautiful scenic backdrop to the city, valued also by those who are not able to ride or walk its tracks.</p> <p>However, it is vitally important that Council ensures that the health of the bushland is not degraded due to overuse and over development. As recommended in the draft Master Plan, an independent and rigorous ecological values survey by a suitably qualified person is urgently needed. At present, Council employs one part time NRM officer to care for all its natural areas. This needs to be increased substantially. Kelcey Tier</p>

	<p>should also be protected by being placed on the list of Council reserves and ultimately through a management plan which is legally binding.</p> <p>The problem of parking could be eased if a shared cycling/walking lane is created to link Kelcey Tier to the Don Reserve and also to the city via Middle road and Stony Rise road. Cyclists could then access the Kelcey Tier tracks by riding in safety from the city, or from car parks such as those at the Home Maker centre or the swimming pool.</p>
Russell	<p>The Draft Master Plan is a comprehensive review. Our concern as walkers is the potential for conflict at points where walking tracks intersect mountain bike trails. Older, slower walkers cannot quickly dodge a fast moving bike. Bikes moving at speed are vehicles. With increased usage of this small reserve by bikes, what will there be to stop bikes also riding at speed on walking trails?</p>
Neal	<p>It is critical for Devonport's future livability that this wonderful natural area so close to the city is managed appropriately for both it's significant biodiversity and recreational values. The two highest priorities should surely be that we properly understand the ecological values within the site and prepare and fund a management plan so that those ecological values can be managed appropriately. This includes understanding and reducing any identified threats such as weed incursion or inappropriate development. Even though these are identified as high priorities in the Master Plan I do not see cost estimates against them to guide budget allocations in the 2019/2020 Financial Year. These are not costly activities and are undoubtedly the most important. You can't manage something properly if you don't know what you're managing. Once we fully understand the ecological values across the site, along with the threats, then and only then can we appropriately and sensitively develop specific areas for recreational use such as mountain biking, walking, birdwatching etc. Being a 'very average' mountain biker myself I can tell you that no mountain biker wants to knowingly contribute to the destruction of the area in which he / she is riding. It is often only ignorance that leads to that outcome. A full ecological study, management plan and funded long-term follow-up maintenance program to manage the identified threats is the only way to avoid this. Well done on the draft, it is a great start and I look forward to seeing Kelsey Tier being both protected and utilised sensitively in the coming years.</p>

5.6 BASS STRAIT MARITIME CENTRE CAFE LEASE

File: 34312 D567099

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report seeks Council's endorsement of a preferred operator for the Bass Strait Maritime Centre café.

BACKGROUND

A café commenced at the Bass Strait Maritime Centre (Bass Strait Diner) in April 2013. A lease was provided to Devonfield Enterprises from 5 April 2013. On 14 December 2017, Devonfield provided Council with written notice indicating their intention to cease operating the Bass Strait Diner at the end of January 2018.

Council initiated an expression of interest process on the 31 January 2018 to seek a new operator. Negotiations with applicants were unsuccessful and an operator was not appointed at that time.

Numerous potential operators have enquired and viewed the premises sporadically since the conclusion of the expression of interest process.

Initially it was Council's intention to locate an operator that would operate a service, in-keeping and compliant with the existing infrastructure and equipment. However, issues regarding the Centre's waste water and the standard of the kitchen equipment were raised by potential operators as the main reason for not pursuing a lease. The kitchen is currently fitted with domestic type appliances and the Centre does not have a grease trap preventing an operator for cooking with oils or fats onsite.

Due to the inability to locate a suitable operator, Council considered the option to either; install a grease trap and upgrade the facility; or install an automated coffee machine and provide prepacked snacks.

Prior to a decision being made, a potential operator, Paul and Claire Fielding, contacted Council with a proposal to operate a café from the Centre that potentially did not require Council to upgrade the infrastructure or equipment. A copy of the Fielding's proposal is provided as a confidential attachment to this report.

STATUTORY REQUIREMENTS

Council is committed to ensuring that businesses that prepare and have foods for public sale and consumption meet the requirements of the *Food Act 2003* and all appropriate State and National standards and legislation.

DISCUSSION

The Bass Strait Maritime Centre has operated without a café since Devonfield ceased operating in January 2018. Undoubtably a café benefits the Bass Strait Maritime Centre by providing a value-added experience to visitors and encouraging tour operators to include the Centre on itineraries.

Anecdotally, when operating, the café mostly attracted local customers. There is a small positive correlation between historic café sales and admission sales indicating a café operation has a positive financial impact for the Centre. This data is accessed through the Centre's point-of-sale system. The system was previously shared by Devonfield, the café operator and Council for Centre admissions.

As it became increasingly difficult to attract an operator that would work within the limits of the facility, Council investigated the option of installing infrastructure and equipment to raise the premises to a commercial operating level, requiring capital investment of approximately \$30,000.

Council also investigated the option of installing an automated coffee machine, associated crockery and undertake staff training to internally operate a coffee kiosk, estimated to be approximately \$18,000.

In January 2019, a local existing operator, Paul and Claire Fielding, contacted Council with an expression of interest to operate a café from the Centre. The proposal detailed the operator's willingness to work within the limitations of the kitchen. The operator is aided by their current location and operation. The operator will not require Council to purchase or upgrade any equipment at the Centre and has proposed a walk in/walk out arrangement.

The potential operator provided details of the proposed menu and information regarding their work practices, which were assessed by Council Officers to be of a high standard and in keeping with the existing practices of the Centre as a visitor attraction.

This potential operator's proposed menu was provided to TasWater for review. Subsequently TasWater endorsed the operator proposal without the requirement of Council to install a grease trap. Council will be required to install a basket arrestor on the waste pipe in the kitchen, however this will be at a minimal cost, estimated to be \$500 approximately.

The operator is seeking a two-year lease with an initial grace period, and option to extend by further two years.

COMMUNITY ENGAGEMENT

There was no community engagement undertaken. There was some media coverage relating to the Café during January 2019.

FINANCIAL IMPLICATIONS

The potential operator would enter a two-year lease with option to extend by a further two years. Council will receive a rental income following an initial rent-free period. An independent valuation of the potential rental amount has not been undertaken in this instance.

The preferred operator would not require Council to install additional infrastructure or purchase additional equipment, however there will be a need to install a basket arrestor on the kitchen waste pipe, estimated to be \$500 (to be funded by Council).

RISK IMPLICATIONS

At present, there is no café operating at the Bass Strait Maritime Centre. The offer to commence a café service will provide an added activity at the Centre which will enhance the visitor experience.

CONCLUSION

The potential operator can commence at the Bass Strait Maritime Centre on a walk in/walk out arrangement with no additional infrastructure or equipment required from Council, apart from basket arrestors being installed on the kitchen's waste pipe. TasWater have

provided an endorsement of the operator's menu and practices providing Council install the basket arrestor.

ATTACHMENTS

1. Paul & Claire Fielding - Cafe Lease - BSMC

Confidential

RECOMMENDATION

That Council in relation to the Bass Strait Maritime Centre Café:

- (a) receive and note the report;
- (b) accept Paul and Claire Fielding's offer to provide a Café service at the Centre; and
- (c) authorise the General Manager to finalise a lease agreement between Council and Paul and Claire Fielding.

Author:	Geoff Dobson	Endorsed By:	Paul West
Position:	Convention & Arts Centre Director	Position:	General Manager

5.7 DEVONPORT GYMNASTICS CLUB

File: 32109 D567903

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.1.1 Provide sport, recreation and leisure facilities and programs to meet the needs of the community

SUMMARY

This report is provided to update Council regarding the proposed construction of a new Devonport Gymnastics Club (DGC) at Maidstone Park.

BACKGROUND

At the meeting held 26 February 2018, Council determined (Min. No. 23/18 refers):

"That Council receive and note the report regarding the proposed facility for the Devonport Gymnastics Club at Maidstone Park and confirm:

- 1. that the proposed location at Maidstone Park is approved subject to the Devonport Gymnastics Club being responsible for any additional costs which may accrue to the project for the relocation of the stormwater drain;*
- 2. it will provide a loan of up to \$300,000 to the Club, with a fixed 3.8% interest rate and ten-year term conditional upon secured funding verified in writing from the Federal Government of \$500,000 and the State Government of \$750,000;*
- 3. the commitment of up to \$150,000 in the 2018/2019 Capital Works Program as a contribution towards car parking; and*
- 4. the waiving of all Council Development application fees for the project."*

When discussions were first commenced with DGC, a site in Bay Drive had been identified, however this site was unsuitable due to the unstable nature of the ground as a reclaimed landfill area. To develop the land to enable construction of this type of facility would have increased the costs by approximately \$500-600,000. Subsequent discussions then identified a piece of vacant land at Maidstone Park highlighted below:



STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report. Appropriate planning and building legislation are applicable and will be managed once applications have been submitted.

DISCUSSION

The vacant site next to the bowls greens was identified due in part to the bowls green site not being available for up to two years from when discussions commenced. This was because of the approximate timing of the completion of the Devonport Country Club where the Spreyton Bowls Club (SBC) will be moving to.

With the time that has lapsed since Council resolved to provide the land to DGC, the SBC have indicated that they could vacate earlier than planned (originally January 2020) to enable the DGC to use the site that would be left unused by their departure from Maidstone Park.

Subsequent discussions have occurred with representatives of DGC and their building contractor regarding this possibility and a concept plan prepared showing the revised new location (below).



The size of the bowling green site is sufficient to accommodate the Gymnastic Centre and also allow for improved car parking outcomes.

DGC wish to commence building April/May 2019, subject to all building and planning requirements being finalised. The SBC will need to remove all fixtures immediately following the end of their season in March/April 2019 so that Council can clear the site back to a level construction site.

The proposed use is permitted within the assigned Recreation zone of the *Devonport Interim Planning Scheme 2013*, however once a development application has been lodged, there may be requirements relating to parking which could involve discretion. Council's Planning department identified that there were potentially issues with the previous site that did not meet the requirements of the Planning Scheme. The bowls green appears to be more ably compliant, subject to final development application being submitted and assessed.

A formal lease agreement will be developed with DGC, clearly outlining ownership of the facility and ongoing maintenance expectations.

COMMUNITY ENGAGEMENT

In relation to the exact location of the facility and the change to the bowls green site, consultation has been undertaken with the Devonport Gymnastics Club, the Spreyton Bowls Club and the President of the Maidstone Park Management Controlling Authority.

Council will continue to liaise with all parties associated with Maidstone Park to ensure a smooth transition.

FINANCIAL IMPLICATIONS

In summary, funding for the project would be made up as follows:

State Government	750,000 secured
Federal Government	500,000 secured
Federal Government	250,000 secured
Council Loan	300,000
DGC savings	88,000 secured
Council capital contribution for car park and pathway	<u>\$150,000</u>

Total project cost **\$2,038,000**

In addition to the above, Council will be providing the land towards the project and has agreed to waive development fees. The SBC will remove any fixtures from the site that they require and Council will clear the land back to a level site in readiness for construction.

RISK IMPLICATIONS

There is a risk that the works could exceed initial estimates. Again, it is unknown what, if any, contingency has been provided, and should the project exceed budget whether any further requests to Council for support may be forthcoming.

CONCLUSION

The DGC have been actively pursuing external funding for their new facility and require Council, or other support, for the project to reach fruition. The site at Maidstone Park which has now been identified is the preferred area for the facility and has sufficient space for both the centre and car parking.

The Spreyton Bowls Club's willingness to vacate their site earlier provides a better long-term use of the land at Maidstone Park.

ATTACHMENTS

Nil

RECOMMENDATION

That Council receive and note the report regarding the proposed facility for the Devonport Gymnastics Club at Maidstone Park and approve the new location situated on the current bowls greens for the development.

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

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

Date	Description	Purpose
4/02/2019	Integrity Commission	As part of the induction process for the new Council, Richard Bingham, Chief Executive Officer of the Integrity Commission provided an outline of the roles and functions of the Commission.
	TasNetworks – Project Marinus	A presentation by a representative of Project Marinus relating to the feasibility study undertaken on opportunities for renewable energy expansion in Tasmania.
	Electoral Candidate Signage	Discussion around the implementation of a policy regarding election signage being displayed in buildings owned by Council but leased to other parties.
	Local Government Legislation Framework	The State Government has released a Discussion Paper on the Review of Tasmania's Local Government Legislation Review. A response to the questions proposed throughout the Paper was discussed.
	Draft EMRS Survey	An outline of the questions to be asked as part of the EMRS Survey.
	ALGA – Call for Notice of Motions	The Australian Local Government Association will hold its Annual General Assembly in Canberra with the opportunity for councils to propose motions.
	Shared Audit Panel	An update on the process to appoint new independent members to the Shared Audit Panel. The Panel is a shared arrangement between Devonport and Central Coast Councils.
	Cradle Coast Waste Management Governance Arrangements	An outline of a report to be provided to the Infrastructure, Works & Development Committee relating to the future governance of waste management in the North West.
	2019 Budget Timetable	Provision of the timetable relating to the preparation of the 2019 Budget.
11/02/19	LIVING CITY Waterfront Park Development	Discussion with the Architect, Landscape Designer and Traffic Engineer relating to the feedback received regarding the

Report to Council meeting on 25 February 2019

		Development Application for the Waterfront Park.
18/02/2019	Retaining Wall	An update relating to the retaining wall in Stewart Street.
	Kelcey Tier Green Belt – Master Plan	An overview of the consultation received for the Kelcey Tier Master Plan and the Consultant's advice regarding those submissions.
	Devonport Gymnastics Club	An update on the progress of the relocation of the Gymnastics Club to Maidstone Park.
	CCA Representatives Meeting	A review of the agenda for an upcoming meeting of the CCA Representatives Group.

RECOMMENDATION

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

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

File: 22947 D563528

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report details meetings and functions attended by the Mayor.

BACKGROUND

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

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions during 24 January and 20 February 2019:

- Council meeting, Committees, Workshops and meetings with staff and Councillors.
- Meetings with community members
- Media – ABC Radio, Martin Agatyn (7AD x 2), Belinda King (ABC), Darrin Kerwin (7AD) Jess Bennett (SeaFM)
- paranapple arts centre 2019 season launch
- Australia Day Ceremony
- Southern Wild Distillery Official Opening
- Devonport Harness Racing Cup
- Networking meeting hosted by the Coordinator General's Department
- Meetings with Maidstone Park Authority Executive and stakeholders re impending changes at the centre
- Don College Evening of Excellence
- Met with Senator Martin and the Federal Minister for Local Government.
- Attended Kids @ Providore market and YFCC Skate Competition
- Maidstone Park Controlling Authority meeting
- Spoke at Tas Community Fund celebration of issuing \$100 Million in grant funds in Burnie
- Attended TasWater Owners Briefing
- Soroptimists meeting
- Met with Coordinator of NW Suicide Prevention Trial Site
- Launch of Devonport Motor Show 2019
- St Brendans Shaw College Awards Presentation
- Burnie Regional Art Gallery – Opening of TasMen Men with Heart exhibition
- Opening of Robinson Collection exhibitions - paranapple arts centre
- Arboretum Committee meeting
- East Devonport Special Interest Group meeting
- Forum re Local Government Legislative Framework
- Launch of International Women's Day Calendar of Events
- Welcomed participants in the National SAP Festival at Valley Road (Junior Soccer Carnival)

Report to Council meeting on 25 February 2019

- Attended Taste the Harvest
- North West Suicide Prevention Trial Site Workshop
- With other Councillors toured the Dulverton Landfill site
- Attended the Eisteddfod Society AGM
- Attended the State Grants Commission Hearing
- Attended the Official Opening of Hannah's Foundation
- Attended Devonport Soroptimists AGM

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - FEBRUARY 2019

File: 29092 D561345

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 24 January and 20 February 2019. It also provides information on matters that may be of interest to Councillors and the community.

BACKGROUND

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

STATUTORY REQUIREMENTS

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

DISCUSSION

1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Met with or responded to matters raised by individual Councillors at various times during the period.
- 1.4. Met with the Chair of Council's Audit Panel to discuss matters relating to the appointment of new Panel members.
- 1.5. Met with a Tas Audit Office representative to discuss a review process which the Office has been undertaking during the past 12 months.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Met with representatives of the Devonport Strikers Soccer Club to discuss their recent success in gaining a grant for undertaking improvements at the Valley Road complex. A request to be provided to Council to contribute an amount up to \$40,000 towards the works.
- 2.2. Met with the Chief Executive Officer of Cancer Council of Tasmania to be informed of their activities in the Devonport region, particularly following the relocation of their regional office to Devonport from Ulverstone.
- 2.3. Attended the 2019 Australia Day Celebrations at the paranapple centre. Assisted the Mayor on the day by acting as the MC.

NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 2.4. Attended a meeting of the Cradle Coast General Managers Group. Matters discussed included:
- Futures Plan and the arrangements to progress through a shared services model.
 - Priority Projects – Federal Election – further discussion following the Representatives Workshop earlier in the week.
 - Shared Services – looking to use the Futures Plan as the basis for the first project. There are a number of examples of shared service arrangements already occurring in the Region. These are to be collated and provided as examples to the State Government.
 - Website Developments – opportunity may exist for improving the website arrangements for a number of councils through the development of a local content management system. This project is to be led by Devonport.
 - Cradle Coast Waste Management Governance Review Project – report being considered by all affected councils during January and February. To date Latrobe, Kentish and Central Coast have adopted the recommendations with Waratah-Wynyard accepting part.
 - State-wide Planning Scheme Update – most councils are on track to meet the 30 June deadline provided by the Minister.
 - Camping on Vacant Land – some areas having difficulty controlling camping on residential land.
- 2.5. With the Mayor attended a quarterly briefing by the Chair and CEO of TasWater.

3. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 3.1. Attended with the Mayor a networking event hosted by the Office of the Coordinator General. The purpose of the meeting was an introduction of the recently appointed Assistant Director – North West, Ms Jackie Harvey.
- 3.2. The State Government has commenced a Local Government Legislation Review process. As a result, there have been a number of workshops held throughout the State to discuss the review program. Attended the session in Ulverstone for council officers.
- 3.3. Met with an officer from the Department of State Growth for a preliminary discussion on opportunities to work together to progress planning for improvements to the East Devonport corridor from the Spirit of Tasmania Terminal to the Bass Highway.
- 3.4. With the Mayor represented Council at the State Grants Commission Hearings in Burnie.

4. OTHER

- 4.1. Council at the Governance, Finance & Community Services Meeting on 21 January 2019 considered an updated Code of Conduct based on the recent changes required under the *Local Government Act 1993*. Following submission of the document for review to the Local Government Division it was been identified that there had been three minor drafting errors which required correction. As a result, the following corrections (as highlighted below) have been actioned:

Report to Council meeting on 25 February 2019

Ref:	Original	Amended
Part 2	This Part does not apply in relation to a pecuniary interest.	7. This Part does not apply in relation to a pecuniary interest.
6 (b)	6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must – b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council decision and remain out of the room until the matter is decided by the Council.	6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must – b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
Part 9		Part 9 – Variation of Code of Conduct. 1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

The Code of Conduct as updated above is attached in full.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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

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

RISK IMPLICATIONS

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

CONCLUSION

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

ATTACHMENTS

1. Current and Previous Minute Resolutions Update - February 2019
2. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential February 2019

[3.](#) Model Code of Conduct

RECOMMENDATION

That the report of the General Manager:

- (a) be received and noted; and
- (b) Council formally adopt the updated Code of Conduct as attached.

Author:	Paul West
Position:	General Manager

Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
Resolution Title:	Painting of Murals on Silos Operated by Tasmanian Stockfeed Services – Notice of Motion – Cr Leon Perry (D564292)
Date:	29 January 2019
Minute No.:	04/19
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Letter of support sent to Tasmanian Stockfeed Services.
Resolution Title:	PA2018.0185 Residential (Single Dwelling and Studio) – 7 Charlotte Gardens Devonport (D563733)
Date:	29 January 2019
Minute No.:	05/19
Status:	Completed
Responsible Officer:	Development Services Manager
Officers Comments:	Planning permit issued
Resolution Title:	Tender Report – Contract CT0226 – Parker and Ronald Streets Intersection Upgrade (D559266)
Date:	29 January 2019
Minute No.:	06/19
Status:	Completed
Responsible Officer:	Infrastructure and Works Manager
Officers Comments:	Contract signed
Resolution Title:	Community Consultation – Waterfront Precinct (D559670)
Date:	29 January 2019
Minute No.:	07/19
Status:	Completed
Responsible Officer:	Project Officer
Officers Comments:	Workshop held with Councillors 11 February 2019. Report on current agenda
Resolution Title:	Petition – Request to Construct Footpath in Appledore Street, Devonport (D561411)
Date:	29 January 2019
Minute No.:	08/19
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Petitioner advised of Council's decision.

Resolution Title:	LIVING CITY Loan (D563212)
Date:	29 January 2019
Minute No.:	09/19
Status:	Completed
Responsible Officer:	Executive Manager Organisational Performance
Officers Comments:	Construction loan converted.
Resolution Title:	Review of Devonport Food and Wine 2018 (D564287)
Date:	29 January 2019
Minute No.:	10/19
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Report noted
Resolution Title:	Local Government Model Code of Conduct (GFC 01/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Placed on Council's website and Director of Local Government provided with a copy. Minor change noted in the February GM's Report
Resolution Title:	Fraud and Corruption Control Policy (GFC 02/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	Executive Manager Organisational Performance
Officers Comments:	Updated and available on the website
Resolution Title:	TechnologyOne Asset Management System Implementation (GFC 05/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	Executive Manager Corporate and Business Services
Officers Comments:	Agreement with TechOne finalised.


Resolution Title:	Bass Strait Maritime Centre Cafe (GFC 08/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	Convention & Arts Centre Director
Officers Comments:	Report on current agenda.
Resolution Title:	Devonport Motor Show – Partnership Agreement (GFC 09/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Partnership Agreement signed by both parties
Resolution Title:	Youth Family and Community Connections – Partnership Agreement (GFC 10/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Partnership Agreement signed by both parties
Resolution Title:	Alcohol and Drug Foundation – “Good Sports” Initiative (GFC 11/19 – 21 January 2019)
Date:	29 January 2019
Minute No.:	13/19
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Liaising with Alcohol and Drug Foundation to communicate with sporting groups

Previous Resolutions Still Being Actioned

Resolution Title:	Pensioner Parking Review (D558908)
Date:	17 December 2018
Minute No.:	240/18
Status:	In progress
Responsible Officer:	Executive Manager Corporate Services
Officers Comments:	Activities to support the transition from vouchers to a permit system underway.

Resolution Title:	Proposal – Mural – Surf Club Complex Foyer (D551344)
Date:	26 November 2018
Minute No.:	218/18
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Mural project approved to proceed
Resolution Title:	Kelcey Tier Draft Master Plan (D555306)
Date:	26 November 2018
Minute No.:	222/18
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Report on current agenda
Resolution Title:	Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)
Date:	22 October 2018
Minute No.:	187/18
Status:	In progress
Responsible Officer:	General Manager
Officers Comments:	A request for support from TasPorts sent.
Resolution Title:	Mary Binks Memorial (D544264)
Date:	24 September 2018
Minute No.:	169/18
Status:	In Progress
Responsible Officer:	General Manager
Officers Comments:	Signage organised
Resolution Title:	Review of Devonport City Council Strategic Plan 2009-2030 (GFC 52/18 – 17 September 2018)
Date:	24 September 2018
Minute No.:	178/18
Status:	In progress
Responsible Officer:	Executive Manager Organisational Performance
Officers Comments:	Consultation on the Strategic Plan review is underway.

Resolution Title:	Disability/Equal Access and Inclusion (D491448)
Date:	25 September 2017
Minute No.:	181/17
Status:	In progress
Responsible Officer:	Community Services Manager
Officers Comments:	Feedback received on proposed draft actions – Strategy to be finalised.
Resolution Title:	Funding & Assistance – Home Hill – NOM – Ald Laycock
Date:	26 September 2016
Minute No.:	170/16
Status:	In progress
Responsible Officer:	Convention and Arts Centre Director.
Officers Comments:	Following a meeting with National Trust further review of the garden plan being undertaken by the consultants appointed by National Trust.

	MODEL CODE OF CONDUCT POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	January 2019	13/19 (GFC 01/19)	D563771
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
General Manager	General Manager	5.3.2 – Provide appropriate support to elected members to enable them to discharge their functions	Within 3 months after each ordinary election
PURPOSE	<p>This Code of Conduct sets out the standards of behaviour expected of the Councillors of the Devonport City Council, with respect to all aspects of their role.</p> <p>As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.</p> <p>Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.</p> <p>This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.</p>		
SCOPE	<p>This Code of Conduct applies to a councillor whenever he or she:</p> <ul style="list-style-type: none"> • conducts council business, whether at or outside a meeting; • conducts the business of his or her office (which may be that of mayor, deputy mayor or councillor); or • acts as a representative of the Council. 		
POLICY	<p>Model Code of Conduct:</p> <p>PART 1 - Decision making</p> <ol style="list-style-type: none"> 1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority. 2. A councillor must make decisions free from personal bias or prejudgement. 3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware. 4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions. <p>PART 2 - Conflict of interests that are not pecuniary</p> <ol style="list-style-type: none"> 1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have. 2. A councillor must act openly and honestly in the public interest. 3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any 		

	<p>meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.</p> <ol style="list-style-type: none"> 4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest. 5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible. 6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must – <ol style="list-style-type: none"> a) declare the conflict of interest, and the nature of the interest, before discussion on the matter begins; and b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council. 7. This Part does not apply in relation to a pecuniary interest. <p>PART 3 - Use of Office</p> <ol style="list-style-type: none"> 1. The actions of a councillor must not bring the Council or the office of councillor into disrepute. 2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body. 3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body. <p>PART 4 - Use of resources</p> <ol style="list-style-type: none"> 1. A councillor must use Council resources appropriately in the course of his or her public duties. 2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures. 3. A councillor must not allow the misuse of Council resources by any other person or body. <p>PART 5 - Use of information</p> <ol style="list-style-type: none"> 1. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes. 2. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation. <p>PART 6 - Gifts and benefits</p> <ol style="list-style-type: none"> 1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation. 2. A councillor must avoid situations in which a reasonable person
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	<p>would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.</p> <p>PART 7 - Relationships with community, councillors and Council employees</p> <ol style="list-style-type: none"> 1. A councillor – <ol style="list-style-type: none"> a) must treat all persons fairly; and b) must not cause any reasonable person offence or embarrassment; and c) must not bully or harass any person. 2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate. 3. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation. 4. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council. <p>PART 8 – Representation</p> <ol style="list-style-type: none"> 1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council. 2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties. 3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor. 4. A councillor must clearly indicate when he or she is putting forward his or her personal views. 5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute. 6. A councillor must show respect when expressing personal views publicly. 7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council. 8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment. <p>PART 9 – Variation of Code of Conduct</p> <ol style="list-style-type: none"> 1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Local Government (General) Regulations 2015</i> <i>Public Interest Disclosures Act 2002</i></p>
ATTACHMENTS	<p>Appendix 1 - Notes Accompanying the Model Code of Conduct Appendix 2 - Code of Conduct Complaint Form</p>

APPENDIX 1 – NOTES ACCOMPANYING THE MODEL CODE OF CONDUCT

1. Introduction

Purpose of code of conduct

This Code of Conduct sets out the standards of behaviour expected of the councillors of the Devonport City Council, with respect to all aspects of their role.

As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.

Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.

Application of code of conduct

This Code of Conduct applies to a councillor whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of mayor, deputy mayor or councillor); or
- acts as a representative of the Council.

A complaint of failure to comply with the provisions of the Code of Conduct may be made where the councillor fails to meet the standard of conduct specified in the Model Code of Conduct.

Standards of conduct prescribed under the Model Code of Conduct

The model code of conduct provides for the following eight standards of conduct:

1. Decision making

A councillor is to bring an open and unprejudiced mind to all matters being considered in the course of his or her duties, so that decisions are made in the best interests of the community.

2. Conflict of interests that are not pecuniary

A councillor effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of his or her role and acting in the public interest.

3. Use of office

A councillor uses his or her office solely to represent and serve the community, conducting himself or herself in a way that maintains the community's trust in the councillor and the Council as a whole.

4. Use of resources

A councillor uses Council resources and assets strictly for the purpose of performing his or her role.

5. Use of information

A councillor uses information appropriately to assist in performing his or her role in the best interests of the community.

APPENDIX 1 – NOTES ACCOMPANYING THE MODEL CODE OF CONDUCT

6. Gifts and benefits

A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out his or her duties without being influenced by personal gifts or benefits.

7. Relationships with community, councillors and council employees

A councillor is to be respectful in his or her conduct, communication and relationships with members of the community, fellow councillors and Council employees in a way that builds trust and confidence in the Council.

8. Representation

A councillor is to represent himself or herself and the Council appropriately and within the ambit of his or her role, and clearly distinguish between his or her views as an individual and those of the Council.

Principles of good governance

By adopting this Code of Conduct, councillors commit to the overarching principles of good governance by being:

Accountable – Explain, and be answerable for, the consequences of decisions made on behalf of the community.

Transparent – Ensure decision making processes can be clearly followed and understood by the community.

Law-abiding – Ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.

Responsive – Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

Equitable – Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.

Participatory and inclusive – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.

Effective and efficient – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.

Consensus oriented – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.

2. Legislation

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au.

Code of conduct

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

APPENDIX 1 – NOTES ACCOMPANYING THE MODEL CODE OF CONDUCT

Making a code of conduct complaint

A person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.

A person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the general manager of the relevant council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the councillor has allegedly contravened;
- contain details of the behaviour of each councillor that constitutes the alleged contravention;
- be lodged with the general manager within six months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

Code of conduct complaint lodgement fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$75.50 in 2015/16).

3. Further assistance

Councillor dispute resolution

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A council's internal dispute resolution process should be the first step that is taken when there is a dispute between councillors.

A councillor who is party to any disagreement should request the Mayor (or Lord Mayor) or the General Manager to assist that councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

APPENDIX 1 – NOTES ACCOMPANYING THE MODEL CODE OF CONDUCT

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints under the *Local Government Act 1993*

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the *Act*.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the *Act*, where it is genuinely believed that a council, councillor or general manager may have committed an offence under the *Act* or failed to comply with the requirements of the *Act*.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

Key contacts


Department of Premier and Cabinet's Local Government Division
Executive Building, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6232 5685
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania
326 Macquarie Street, HOBART TAS 7000
GPO Box 1521, HOBART TAS 7001
Phone: (03) 6233 5966
Email: admin@lgat.tas.gov.au
Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000
GPO Box 822, HOBART TAS 7001
Phone: 1300 720 289
Email: mper@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

Ombudsman Tasmania
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

APPENDIX 2 – CODE OF CONDUCT COMPLAINT FORM

		<p align="center">DEVONPORT CITY COUNCIL</p> <p align="center">CODE OF CONDUCT COMPLAINT FORM</p>
INTRODUCTION		
<p>This form is designed to help you comply with the Local Government regulations pertaining to the Code of Conduct. It is not compulsory that it accompany a complaint.</p> <p>All complaints must be in writing.</p>		
INSTRUCTIONS		
<p>If completing this form by hand, please use black or blue pen and print clearly.</p> <p>Send your completed form to the General Manager of the Council.</p> <p>Please remember to attach the prescribed fee.</p>		
CONTACT DETAILS (of person making the complaint)		
Name:	Telephone (mobile):	
Address (Residential):	Telephone (work):	
Address (Postal):	Telephone (home):	
SUMMMARY OF COMPLAINT		
Name of Councillor who you believe has breached the Code of Conduct:		
Provisions of the Code of Conduct that you believe have been breached:		

APPENDIX 2 – CODE OF CONDUCT COMPLAINT FORM

Date(s) of incident(s):	
Location(s) of incident(s):	
DETAILS OF THE COMPLAINT (FURTHER INFORMATION MAY BE ATTACHED)	
WITNESSES (INCLUDE ANYONE WITH KNOWLEDGE OF WHAT HAPPENED)	
HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?	
YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, when did you make the complaint?	
DESIRED OUTCOME OF COMPLAINT	
Please explain what you would like to happen as a result of lodging this complaint:	
PLEASE SIGN AND DATE	
SIGNATURE:	
Date:	

7.0 SECTION 23 COMMITTEES

7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 11 FEBRUARY 2019

File: 29528 D567143

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 11 February 2019.

ATTACHMENTS

[1.](#) Minutes - Infrastructure Works and Development Committee - 11 February 2019

RECOMMENDATION

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 11 February 2019 be received and the recommendations contained therein be adopted.

- IWC 02/19 Tender Report Contract CT0169 Formby & Best Street Intersection Improvements **(Approved Under Delegation)**
- IWC 03/19 Tender Report Contract CT0233 Adelaide Street Kerb Renewal **(Approved Under Delegation)**
- IWC 04/19 Bike Route Hierarchy
- IWC 05/19 Victoria Parade Parking in the Vicinity of the Senior Citizen's Club and the Boat Ramp
- IWC 06/19 Ronald Stormwater Catchment Risk Assessment
- IWC 07/19 Cradle Coast Waste Governance
- IWC 08/19 Development and Health Services Report
- IWC 09/19 Infrastructure and Works Report

Author: Position:	Robyn Woolsey Executive Assistant Management	General	Endorsed By: Position:	Paul West General Manager
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MINUTES OF AN INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 11 FEBRUARY 2019 COMMENCING AT 5:30PM

PRESENT: Cr L Perry (Chairperson)
Cr G Enniss
Cr A Jarman
Cr L Laycock
Cr L Murphy

Councillors in Attendance:

Cr J Alexiou
Cr A Rockliff
Cr S Milbourne (from 5:31pm)

Council Officers:

General Manager, P West
Executive Manager Corporate & Business Services, J Griffith
Development Services Manager, K Lunson
Infrastructure and Works Manager, M Williams

Audio Recording:

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

1.0 APOLOGIES

The following apology was received for the meeting.

Cr Hollister	Leave of Absence
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2.0 DECLARATIONS OF INTEREST

The following Declaration of Interest was advised:

Cr Perry	5.2	Victoria Parade Parking in the Vicinity of the Senior Citizens Club and the Boat Ramp
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2.1 APPOINTMENT OF CHAIR

IWC 01/19 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Jarman

That Cr Laycock assume the Chair during the Chairperson's absence whilst discussing agenda item 5.2.

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

CARRIED UNANIMOUSLY

3.0 PROCEDURAL**3.1 PUBLIC QUESTION TIME****RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT**

Q1 I'm not sure what you call them, but there are two signs at each end of the Mall with Devonport information on them. I think everyone knows what they are. They have the wrong location information in regards to the Visitor Centre, Council Chambers, the Gallery and Library. When will that be changed?

Response

The General Manager advised that Council is aware that there are a number of signs throughout Devonport that need updating and a process is in place to have them done. Council has recently issued orders for large signs that need to be updated and there has been another process underway to identify others because it would be of benefit to be able to do them all at the one time. Council have certainly made attempts to ensure that the information that is available online is correct.

Q2 When will the words "Devonport Regional Gallery" be removed from the old gallery in Stewart Street?

Response

The General Manager responded that the question would be taken on notice and a response provided in writing.

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Adelaide Street Renewal Item 4.2 page 9.

In **Background** are the following words:-

"The road will be resealed following the kerb renewal and a raised hump will be installed at each end of the street to facilitate pedestrians using Best Street and Oldaker Street and to discourage the use of Adelaide Street as a through route."

The facilitation of the road humps for the pedestrians seems to be a peculiar support for the road humps that are truly for some other purpose!

Road humps for discouraging the volume of flow through traffic also seem strange. If flow through traffic is an issue then the street could be dead ended!

Q1 If the road humps are to facilitate pedestrians crossing Adelaide Street is this approach going to be applied to Kempling Street and Victoria Avenue in the future?

Q2 What is the problem with through traffic?

Response

The Infrastructure and Works Manager responded that in relation to the first question about road humps, the plan would be in future to roll them out to other low traffic environments, where there would be higher number of pedestrians, to further reduce traffic speeds and encourage walking as a mode of transport instead of driving where practical.

Adelaide Street is heavily parked out by people working in the Fourways - through traffic is reasonably difficult because of the width of the street. By placing obstructions at either end people will realise that and prefer to go another way. The residents can

still travel in either direction which suits them and the pedestrians at either end still get the benefit of the crossing.

RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT

Q3 The proposed unit development at 169 Steele Street and community care. Who owns the right of way between the two?

Response

The General Manager advised that the right of way is on the Title of 169 Steele Street.

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Q3 The matter of signs has already been commented upon by Mr West but I have another question and that is the name blocks on the table in front of me are not correct either, when is that going to be fixed?

Response

The General Manager advised new name blocks have been ordered, but because of the January Christmas shutdown they were not due to be delivered until sometime in February. In making the decision to change their title from Aldermen to Councillors – it was very clear when the decision was made that Council would not be replacing a number of items unnecessarily just because of the title change. For instance business cards, will still have Alderman on them, until the business cards have been used up by the Councillors.

4.0 TENDERS

4.1 TENDER REPORT CONTRACT CT0169 FORMBY & BEST STREET INTERSECTION IMPROVEMENTS (D560285)

IWC 02/19 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Laycock

That the Infrastructure, Works and Development Committee in relation to CT0169 Formby and Best Street Intersection Improvements and in accordance with the delegated authority provided to it by Council under Minute 214/18:

- a) award the contract to Kentish Construction and Engineering Company Pty Ltd (trading as Treloar Transport) for the tendered sum of \$192,516(ex GST);
- b) note that Telstra & TasNetworks relocations costs for the project are estimated at \$20,502 (ex GST);
- c) note that traffic signal relocation works are estimated at \$15,000
- c) note that costs to supply light poles and plants to the project are estimated at \$6,200 (ex GST);
- d) project management costs for the project are estimated at \$8,000 (ex GST); and
- e) note a contingency allowance of \$19,252 (ex GST).

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

CARRIED UNANIMOUSLY

4.2 TENDER REPORT CONTRACT CT0233 ADELAIDE STREET KERB RENEWAL (D561495) IWC 03/19 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Murphy

That the Infrastructure, Works and Development Committee in relation to Contract CT0233 Adelaide Street Kerb Renewal and in accordance with the delegated authority provided to it by Council under Minute 214/18:

- a) award the contract to Civilscape Contracting Tasmania for the tendered sum of \$135,749 (ex GST);
- b) note that Telstra costs for the project are estimated at \$1,330 (ex GST);
- c) project management costs for the project are estimated at \$21,000 (ex GST); and
- e) note a contingency allowance of \$18,575 (ex GST).

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

CARRIED UNANIMOUSLY

5.0 INFRASTRUCTURE AND WORKS REPORTS

5.1 BIKE ROUTE HIERARCHY (D559052)

IWC 04/19 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

That it be recommended to Council that the report of the Infrastructure and Works Manager be noted and that the Bike Route hierarchy be adopted.

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

CARRIED UNANIMOUSLY

Cr Perry declared an interest in the following matter and left the meeting at 5:45pm.

Cr Laycock assumed the Chair.

5.2 VICTORIA PARADE PARKING IN THE VICINITY OF THE SENIOR CITIZEN'S CLUB AND THE BOAT RAMP (D559996)**IWC 05/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Murphy

That it be recommended to Council that the report of the Infrastructure and Works Manager be noted and that Council convert the existing twelve metered spaces on east side of Victoria Parade (south of the railway crossing) to free two-hour parking.

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

CARRIED UNANIMOUSLY

Ald Perry returned to the meeting at 5:47pm and resumed the Chair.

5.3 RONALD STORMWATER CATCHMENT RISK ASSESSMENT (D564382)**IWC 06/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Jarman

That it be recommended to Council that the report of the Infrastructure and Works Manager regarding Ronald catchment be noted and that forward capital works funding currently allocated for projects in the Ronald catchment be deferred and funding reallocated to other high priority stormwater projects.

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

CARRIED UNANIMOUSLY

5.4 CRADLE COAST WASTE GOVERNANCE (D565532)**IWC 07/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Murphy

That it be recommended to Council that the Council agree to the eleven recommendations included within the Waste Governance Report as follows:

1. That the preferred option to be adopted as the waste management governance model is an expanded Dulverton Waste Management Joint Authority.
2. That consideration be given to establish a new consulting and project management unit within the Dulverton Waste Management Joint Authority, to provide consulting services to the Cradle Coast Councils (as required).

3. That a two-stage approach be adopted where:
 - Stage 1 would deliver the existing regional waste services plus administration and financial services. That the rules of the DWM Joint Authority be amended to allow Burnie City Council, Waratah-Wynyard Council and Circular Head to become members and a members' representative group be formed. This group (as distinct from full members) would be responsible for the oversight of the consulting and project management operations.
 - Stage 2 would progress with the consent of the owner councils and if Stage 1 delivered improved services and outcomes for all councils. This stage would require an extensive asset revaluation, consultation with all stakeholders, owners and users, and finally a transfer of assets to DWM.
4. It is proposed that the CCWMG be dissolved when the transfer of responsibility for the delivery of programs and projects to the DWM Joint Authority is complete (Stage 1).
5. That the proposed indicative pricing structure as listed below, be accepted. The proposal is while the levy remains stable at \$5.00 per tonne, DWM would provide the current pricing structure:
 - Fixed project management charge for levy projects of \$94,245
 - Would undertake administration and financial services and would absorb the costs currently undertaken by the CCA (currently \$6,300)
 - Continue to contract manage the regional contracts under the existing arrangements for:
 - Kerbside recycling – no charge
 - Green waste recycling – 3% on charge
 - The fixed project management fee to increase by Hobart CPI or CCI each 1 July, commencing on 1 July 2019 with CPI or CCI determined at the start of the agreement by the members representative group
 - A change in the levy rate would necessitate a review of the fee structure.
6. It is proposed that the General Manager will be responsible to ensure the timely, accurate and consistent delivery of data on the operation of their council's transfer stations is provided to DWM.
7. It is proposed that the budget include some discretionary allocation of monies for projects that fall within or meet agreed criteria, then approval of these projects can be authorised by the DWM CEO. Any authorisation would be reported at the next meeting of the members' representative group.
8. It is proposed that DWM be engaged to undertake a follow-up safety audit of the transfer stations and to prepare an action plan and costing for each facility.

9. It is proposed that a qualified risk management consultant or DWM conduct a risk assessment of the operations at all transfer stations and develop a risk management plan or upgrade the plan if one exists.
10. It is proposed that all councils adopt the DWM transfer station operational policies, practices and procedure documents as soon as practicable, along with the training to support these documents.
11. It is proposed that a customer awareness campaign focusing on the true cost of disposal of waste at a transfer station be implemented.

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

CARRIED UNANIMOUSLY

6.0 INFRASTRUCTURE AND WORKS BI-MONTHLY UPDATE

6.1 DEVELOPMENT AND HEALTH SERVICES REPORT (D559671)

IWC 08/19 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Jarman

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

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

CARRIED UNANIMOUSLY

6.2 INFRASTRUCTURE AND WORKS REPORT (D565541)

IWC 09/19 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Murphy

That it be recommended to Council that the Infrastructure and Works report be received and noted, and that Council authorise the \$200,000 budget allocation for "Brooke Street Upgrade - Caroline Catchment Stage 1" be reallocated to a new project "John Stormwater Catchment Upgrade".

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

CARRIED UNANIMOUSLY

7.0 CLOSURE

There being no further business on the agenda the Chairperson declared the meeting closed at 5:51pm.

Confirmed

Chairperson

8.0 CLOSED SESSION**RECOMMENDATION**

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

Item No	Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> Reference
8.1	Confirmation of Closed Minutes - Council Meeting - 29 January 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(i)
8.3	Shared Audit Panel - Appointment of Independent Members	15(2)(g)
8.4	Community Development Grants Programme - Grant Deed - LIVING CITY Waterfront	15(2)(g)

OUT OF CLOSED SESSION**RECOMMENDATION**

That Council:

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

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 29 January 2019	Confirmed
8.2	Application for Leave of Absence	
8.3	Shared Audit Panel - Appointment of Independent Members	
8.4	Community Development Grants Programme - Grant Deed - LIVING CITY Waterfront	Authorised General Manager to finalise and execute Grant Deed

9.0 CLOSURE

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