



*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 Council Chambers, on Monday 24 July 2017, 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

**19 July 2017**

### August 2017

| <b>Meeting</b>                               | <b>Date</b>    | <b>Commencement Time</b> |
|--|----------------|--------------------------|
| Infrastructure Works & Development Committee | 14 August 2017 | 5:30pm                   |
| Council Meeting                              | 28 August 2017 | 5:30pm                   |

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 24 JULY 2017 AT THE COUNCIL CHAMBERS AT 5:30PM**

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Agenda of an ordinary meeting of the **Devonport City Council** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday, 24 July 2017 commencing at 5:30pm.

**PRESENT**

|       |                                 | <b>Present</b> | <b>Apology</b> |
|-------|---------------------------------|----------------|----------------|
| Chair | Ald S L Martin (Mayor)          |                |                |
|       | Ald A L Rockliff (Deputy Mayor) |                |                |
|       | Ald C D Emmerton                |                |                |
|       | Ald G F Goodwin                 |                |                |
|       | Ald A J Jarman                  |                |                |
|       | Ald L M Laycock                 |                |                |
|       | Ald J F Matthews                |                |                |
|       | Ald T M Milne                   |                |                |
|       | Ald L M 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 - 26 JUNE 2017**

**RECOMMENDATION**

That the minutes of the Council meeting held on 26 June 2017 as circulated be confirmed.



### **3.2 PUBLIC QUESTION TIME**

Members of the public are invited to ask questions in accordance with the following resolution of Council (Min Ref 54/16):

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. A maximum period of time of 30 minutes in total will be allowed for public participation.
  4. A maximum period of time of 3 minutes will be allowed for each individual.
  5. A member of the public may give written notice to the General Manager 7 days before an ordinary meeting of Council of a question to be asked at that meeting.
  6. A member of the public will be entitled to ask questions relating to the activities of Council, giving an explanation that is necessary to give background to the question and ask supplementary or follow up questions relating to that specific matter that may come to light as a result of the answer.
  7. Questions do not have to be lodged prior to the meeting, however they would be preferably provided in writing.
  8. A question by any member of the public and an answer to that question are not to be debated.
  9. 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.
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### 3.2.1 Responses to questions raised at prior meetings

**PLEASE NOTE:** A full copy of the questions have been included in the minutes of the Council meeting at which they were asked.

Meeting held 26 June 2017

**Reproduced below** is the response dated 29 June 2017 to Mr Trevor Smith's question:

"I refer to your questions raised at the 26 June 2017 Council meeting and provide the following responses:

**Q1.** Could you please list the core values that the Devonport City Council stands for in Local Government, compared to the other Councils along the North West Coast?

**Response:**

As advised at the meeting, Council's core values are listed in its Annual Plan. A copy of the Annual Plan is available at the Council offices or on line at [www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)

Annual Plans of other Councils would also be available on their websites or the respective Council offices.

**Q2.** I have previously asked, about the trees that were damaged or stolen from the planter stands in Best Street Devonport, at the front of The Advocate Office.

When will the trees be replaced, as it is an ideal time now, in winter?

**Response:**

Council has experienced difficulty in obtaining the required tree species "Acer" (October Glory).

The species are currently on order at three nurseries. All stocks of this tree have been depleted in Tasmania and the nurseries therefore have to wait until the shipments come through Tasmanian quarantine before they can be released to Council. As a result, extra trees have been ordered so that spares will be available for any future replacements.

**Q3.** With reference to file 31424, I asked you the question, as to why the blue metal hadn't been swept up at 243 William Street Devonport.

**Response:**

The linemarking and sweeping of the seal was scheduled for the week commencing 26 June. It is programmed to be completed by 30 June.

**Q4.** How much of Devonport Ratepayers money will be needed to fight the impending takeover of TasWater from Local Government?

**Response:**

Council considered a request from the Local Government Association of Tasmania at its June meeting regarding the TasWater takeover campaign and determined as follows:

*"That Council in relation to the request from the Local Government Association of Tasmania for funding assistance to support the campaign against the takeover of TasWater by the Tasmanian Government determine to advise the Association that whilst Council's position is that it does not support the takeover of TasWater by the State*

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*Government, it does not believe that it should be providing ratepayer money to fund a campaign of this nature."*

Meeting held 26 June 2017

**Reproduced below** is the response dated 3 July 2017 to Mr Malcolm Gardam's question:

"I refer to your questions raised at the 26 June 2017 Council meeting and provide the following responses:

- Q1.** With reference to the Mayor's advice of the 25<sup>th</sup> May 2017, to myself and another ratepayer, stating that *"In relation to questions surrounding the proposed retail precinct, please note that no further responses will be provided to your line of questions relating to the issue".;* accordingly, in order to not run afoul of your position on future questions, will the Mayor please clarify what he is referring to by **"your line of questions"** insofar as does it relate to;
- a. my questions requesting the Mayor to reasonably substantiate his statements in relation to Living City, when speaking in his capacity as Mayor, and where not qualified as being his personal opinion; or
  - b. my questions requiring that the Mayor elaborate and substantiate his statements inferring that Big W still has as a high priority the establishment of a new store in Devonport since personally viewing their data in 2012?; or
  - c. questions simply relating to reported ongoing discussions with developers and retailers, including as recently as April 2017 and previously promoted as being *"well advanced"* with the choice of those words inferring at the time that some form of agreement would be forthcoming, and thereby my questioning if current discussions are *"further advanced"* or *"less advanced"* after 5 years of ongoing discussions?; or
  - d. just any questioning as to the updated status of progress with developers/retailers necessary for the so called Stage 2 "retail led recovery" and thereby deriving the necessary new revenue streams to be generated from the promoted new northern retail precinct?

**Response:**

The response provided by the Mayor indicates that Council will no longer respond to questions relating to subject matters where previously an answer/response has been provided.

- Q2.** With further reference to the Mayor's advice of the 25<sup>th</sup> May 2017 regarding the statement that *"The numbers quoted of 830 full time equivalent jobs, and \$270 million of private investment, were provided as a guide of what could be achieved by LIVING CITY."* And noting that the Hill PDA estimated on-site full-time jobs to be created **included 159 existing jobs within the council chambers, Library/LINC, gallery and courthouse relocations;** would the Mayor please:
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- a. provide evidence of where Council has previously publicly stated that these representations were just a guide; and
- b. what are Council's current revised numbers for on-site full time CBD jobs and economic output annually from the completion of Stage 1 thru to the completion of all stages of the Master Plan?

**Response:**

Council has not revised the numbers of full-time CBD jobs and annual economic output expected from LIVING CITY. Council still intends to fully develop LIVING CITY, generally in accordance with the Masterplan and consequently the current numbers remain a valid guide to what can be expected to be achieved by the project. The numbers quoted were prepared by a reputable independent economic consultant using a nationally recognised formula. However they are subject to variation, dependent upon the eventual form of the various aspects of LIVING CITY.

References to these numbers in documents such as the December 2016 Waterfront Precinct consultation booklet and the FAQ's on Council's website, refer to the fact that these numbers were conclusions of the HILL PDA report. This report very clearly articulates how the numbers are formulated and regularly emphasises that they are estimates only.

- Q3.** Assuming Council does not directly employ a dedicated Development Manager, can Council please advise which of its Aldermen or employees are sufficiently qualified to safeguard the interests of the ratepayers in undertaking a development project, the size and complexity of Living City requiring significant commercial acumen, **particularly where Council is the Project Sponsor?**

**Response:**

Council has a team working on the LIVING CITY project. The team includes staff, consultants and contractors from a wide range of disciplines. Council has engaged P+i as its Development Managers for the project. In addition where necessary, consultant specialists are engaged on an as required basis for areas where there is insufficient expertise or capacity in house to manage the project.

It is noted that Council generally, has wide and varying responsibilities, which includes development, management and operations of a broad range of complex responsibilities. Each and every year, Council manages a budget in excess of \$38M that includes both operational tasks and capital works.

The elected Council has and will continue to take advice from specialists (internal and external) prior to making decisions in relation to LIVING CITY.

- Q4.** With reference to the Living City will Council please advise **which budget line item** the \$500,000 to \$600,000 annual fee paid to its Development manager (Projects + Infrastructure) is accounted to?

**Response:**

The fee currently being paid to Council's Development Manager will be capitalised as part of the overall budget for Stage 1 of LIVING CITY."

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Meeting held 26 June 2017

**Reproduced below** is the response dated 3 July 2017 to Mr Bob Vellacott's question:

"I refer to your questions raised at the 26 June 2017 Council meeting and provide the following responses:

- Q1.** Are all Aldermen aware of this letter and gave authority for the Commercial in Confidence aka secret document to be shown to me?
- Q2.** Mayor if you saw fit to allow me an exclusive sighting of a Council Commercial in Confidence report what reasonable excuse can you give for not allowing others the same privilege who wish to see it and another report that directly concerns them?

**Response:**

After numerous requests from you, the document (Horwath HTL – Concept Development with Trading Projections related to a Proposed Hotel Report) to which you refer was offered to you for viewing on a confidential basis. This document, was commissioned by Council as a supplementary report to the original Horwath HTL – Independent Report related to a Proposed Hotel (which was publicly released in May 2016) for the purposes of seeking private investment in developing a hotel in Devonport.

At the time, the offer was made to you the document had not been the subject of a Council report. Subsequently following numerous further requests by you and others to view the Horwath HTL supplementary report the matter was referred to Council for consideration.

As a result, at its meeting on 24 April 2017 Council determined in Closed Session that the report was to remain confidential."

**(N.B. Please refer to Questions on Notice for updated response to Mr Vellacott's letter).**

Meeting held 26 June 2017

**Reproduced below** is the response dated 29 June 2017 to Mr Tony Butlers' question:

"I refer to your concerns raised at the 26 June 2017 Council meeting regarding Pioneer Park at East Devonport and in particular, to the after-hours activity there.

Council responded to a report of some minor vandalism at the toilet block where a fire was lit in the rubbish bin the weekend of 24/25 June. All damage was cleared on the following Monday morning.

All incidences of vandalism of this nature are reported to Tasmania Police. Council has also contacted Tasmania Police outlining your concerns and seeking their support in addressing them."

Meeting held 26 June 2017

**Reproduced below** is the response dated 7 July 2017 to Mr Peter Stegmann's question:

"I refer to your questions raised at the 26 June 2017 Council meeting and provide the following responses:

- Q1.** I note the parking restrictions in Oldaker Street, south of Gunn Street are to be introduced in a 4 hourly increment. I note that west of Gunn
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Street is currently a 2 hour restriction. Could someone enlighten why the area east is 4 hours and not 2 hours?

**Response:**

It is assumed that the question is in relation to Oldaker Street, east of Gunn Street.

Parking in Oldaker Street between Fenton Way and Gunn Street will be time limited to 4 hours which is consistent with the area immediately to the west (between Gunn and William). It was felt that this would provide a balance between commuters and business customers. It was felt that a 2 hour limit would not be highly utilised and would be a poor use of the available road space

**Q2.** Sometime ago I asked the question what was happening with Curr Street, with the parking outside Hill Street (grocers). It is a very narrow street and there is parking on both sides of the street. From memory I was told that Council were negotiating with Hill Street, has any progress been made on that at all as it has nearly been made a one way street even though it is two way?

**Response:**

Council has been undertaking education and enforcement operations over the past few months and will continue to do so to deter illegal parking in Curr Street. Curr Street is a minor road, so unrestricted two way access at all times is not considered a necessity.

**Q3.** Parking in Oldaker Street east of Gunn Street with the increased traffic flow has made it difficult for businesses and traffic to come out as a lot of people park very close to the exits and entries. I am just wondering if when Council look at the traffic restrictions there, can they look at giving people a wider berth and some visibility when they are coming out from these businesses.

**Response:**

The General Manager advised that by timing parking in this area will result in actual bays being marked on the road so some of those issues with people parking closer to the driveways will be addressed.

**RECOMMENDATION**

That Council note the responses to questions from Mr Trevor Smith, Mr Malcolm Gardam, Mr Bob Vellacott, Mr Tony Butler and Mr Peter Stegmann at the June Council meeting.

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### 3.2.2 Questions on notice from the public

#### MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

**RE: LIVING CITY – REPLY TO MAYOR'S RESPONSES TO QUESTIONS TO ORDINARY MEETING 26 JUNE 2017 INCLUDING FURTHER QUESTIONS ON NOTICE (File 32161)**

The following response to Council's reply to questions on notice including further questions on notice was received from Mr Malcolm Gardam on 11 July 2017.

"I refer to the General Manager's letter dated 29<sup>th</sup> June 2017, in part responding to my questions to you for the Ordinary Meeting of the 26<sup>th</sup> June 2017.

The following questions on notice are also submitted for your personal response and inclusion in the Agenda to the Ordinary Meeting of the 24<sup>th</sup> July 2017. Bold and underlined type has been included to quoted statements for added emphasis.

**Preamble Q1.** - At the Ordinary Meeting of the 26/06/17, and following Alderman Jarman's statement that she remained concerned at the level of debt associated with Living City, **Alderman Emmerton stated that he too was concerned.**

**Q1.** Considering at the March 2016 meeting when Council approved construction of Living City Stage 1, Alderman Emmerton (a member of the Audit Panel and Governance, Finance & Community Services Committee - and regularly speaks with authority on Council's financial matters) had stated words to the effect that "*It really isn't a lot of money.*" in reference to the \$11m of cash reserves and \$39m of ratepayer borrowings required to allow Stage 1 to proceed; will you as Mayor and in particular as spokesperson on Living City matters (and as other Aldermen are unable, or unwilling, to respond to ratepayer questions on Living City) please personally respond to the following;

- a) in consultation with and on behalf of Alderman Emmerton, what has prompted him to state a new and disturbing position when his previous statement was in the full knowledge that "*significant risk*" (the equivalent to "*high risk*") already existed in the project?
- b) having repeatedly been advised by Council that it is "*comfortable*" with its Living City decisions, confirm if all Aldermen (excluding Alderman Jarman as she has previously been consistently clear on her concerns in public session of meetings) are now of the same opinion as Alderman Emmerton?

**Preamble Q2. & Q3.** – The following refers to section 5.3 of the minutes of the Audit Panel on Page 167 of the June Ordinary Meeting Agenda.

**Q2.** In relation to the "*projected impact of LIVING CITY on the Plan*" (LTFP - Long Term Financial Plan) it states within the Audit Panel Report that "*It was noted that Financial Liabilities are expected to **peak in the 2018 financial year at approximately \$58m** and progressively **decrease over the forecast period to approximately \$37m in 2027.** The need for a strong Balance Sheet to **underwrite future major capital works programmes** was discussed. KP advised that the projections were based on **conservative assumptions** and in particular the unbudgeted*

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*proceeds of asset disposals would be applied to debt reduction”; without which and at that rate repaying all the loans will take about 28 years with no allowance for more borrowings for Stages 2 & 3 or any other worthwhile projects, will Council advise as to the following;*

- a) what proportion of the \$58m borrowings is directly associated with the Living City building programme and all project related property purchases?
- b) what proportion of the estimated \$21m reduction over the ten year period up to 2027 is directly against Living City borrowings including the property purchases?
- c) are the “**conservative assumptions**” used for repayment projections based on realising the “*worst case scenario*” for achieving the **new revenue streams** promoted as resulting from Living City?

**Q3.** With reference to the statement that “*John Howard tabled a paper in relation to the impact of LIVING CITY on the budget and the Panel agreed to add reporting relating to this topic as a standing item on future agendas.*”; will Council provide a copy, or opportunity to view, the “*paper in relation to the impact of LIVING CITY on the budget*” to ratepayers?

**Preamble Q4. & Q5.** – Reference previous Question 4 dated 19/06/17 and Council response as follows.

**Previous Q4. dated 19/06/17** - “If the timeframe in Question 3 is greater than one (1) year from completion of the Multi-Purpose Building, to have firm developer/retailer commitments, how does Council intend to service the loans and interest during the “gap years” without adversely impacting existing Council rates or core services?”

**DCC Response 26/06/17** (Pg. 23 of June Meeting Agenda): “*Funding of LIVING CITY comes from a range of sources including:*

- *The creation of efficiencies and cost savings resulting from consolidation and changes to existing activities;*
- *Rental income on many buildings purchased for the LIVING CITY project, that covers more than the loan repayments on those properties;*
- *Sale of Council owned properties; and*
- *Income streams from new facilities created as part of LIVING CITY.*

*Council’s Long Term Financial Plan includes both the repayment of loans and the continuation of existing services.”*

The DCC responses raise a number of further questions particularly to Question 4 and I comment as follows.

**Dot Point 1** – “*The creation of efficiencies and cost savings resulting from consolidation and changes to existing activities;*”

Comment - Pursuing general efficiencies should be a given at any time and be applied overall to reducing, or at worst, not increasing Devonport's existing high rates and certainly not applied to Living City Stage 1 debt in

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isolation or as derived revenue streams. How has Council quantified those efficiency savings to factor in as a benefit/cost saving?

**Dot Point 2** – *“Rental income on many buildings purchased for the LIVING CITY project, that covers more than the loan repayments on those properties;”*

Comment – The statement that rental covers *“more than the loan repayments on those properties”* is meaningless without knowledge of the loan repayment structure. In addition, Council knows that properties purchased for Living City were predominantly from borrowings. Therefore these properties should be fully contributing to their own loan repayments and costs and not have sale proceeds journaled over to Living City revenue when it suits and perhaps to massage viability of LC Stage 1; particularly when the property loans do not appear to be included in the available Living City budgets or expenditures.

Unfortunately, the Council statement that returns from Living City specific property purchases exceed the loan repayments (after covering expenses, shortfall in rate return and the repayment of the principal?) cannot be substantiated by ratepayers as Council insists that these matters all remain commercial-in-confidence.

**Dot Point 3** – *“Sale of Council owned properties;”*

Comment - Sale of council owned properties (many of the Living City purchases were previously on the market for years with some prematurely purchased) will be subject to property sale price pressures - considering that quite a few of the most recent commercial property sales have been below market value then council could be in for a shock if a fire sale is necessary to reduce debt and it actually purchased the Living City properties at over-market value. There is no clear way of establishing if current CBD commercial property sales are driven by the positives or negatives flowing from Living City but some current well below valuation sale prices could indicate the latter; either way the real estate agents generally promoting Living City do not lose.

**Dot Point 4** – *“Income streams from new facilities created as part of LIVING CITY.”*

Comment – New income streams were always spruiked by Council to justify that Living City was not a council-funded project and viable in its own right. Unfortunately, council has failed to demonstrate that adequate in-market studies support new private development actually materializing in a reasonable timeframe to provide the new revenue streams, or that returns from the Food Pavilion and Conference Centre will meet budget and underpin Council representations to ratepayers.

Only one (1) out of the four (4) Council points (Dot Point 4), and maybe Dot Point 2 only if all expenses/borrowings and ongoing costs have been accounted directly to Living City Stage 1. As a given *“modus operandi”* for management of all Council activities, the proceeds from the sale of other properties should be applied overall to a reduction in all expenditures and general rate savings, considering that Devonport already levies amongst the highest rates in Tasmania.

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**Q4.** Does Council believe that the first three (3) Dot Points should actually apply as best practice to all Council activities and **not be singled out as a means of funding Living City**, and if not in agreement why not?

**Q5.** With reference to Dot Point 3, what existing Council owned properties (not being Living City specific purchases) does Council have in mind to sell/sacrifice to fund Living City (represented to ratepayers as not being a council-funded project)?

**Preamble Q6.** – It states the following on Page 154 of the June Ordinary Meeting Agenda.

*“Council **allocated \$1.8M in the 2016/17 capital works budget** for the Art Gallery relocation. This **amount was prior to any detailed design** being completed and preceded the increased scope of the project. Based on the quantity surveyors estimate **a further \$1.3M is required in the 2017/18 budget** to proceed with the project. However, final costs won't be known until the tender process is complete. A separate report on the tenders and associated costs will be provided to Council once the tender process is complete.”*

**Q6.** Based on the above statement, will Council please advise as to the following:

- a) what elements have created a 70% blowout of the initial budget from “concept design” to “detailed design” and why has such a massive and costly oversight in planning occurred?
- b) who on Council is responsible for managing realistic scope and budget development for its building activities?
- c) who on Council is responsible for ensuring council's building activities are assessed against the municipality's overall financial capacity to undertake without adversely affecting rates or services?
- d) how is the revised budget of \$3.1M going to be funded and does it include more borrowings?
- e) considering there was a need to reduce the Stage 1 tender price by about \$12.5m and now a potential 70% blowout on the Art Gallery relocation; are Aldermen concerned that there is a ratepayer perception that Aldermen have subrogated their fiduciary obligations and control over the “ratepayers' collective credit card” due to influence from, and over reliance on, paid consultants and the senior staff driving scope and implementation strategy on Living City?

Please ensure answers are received in writing and this documentation is included in full in the next Ordinary Meeting Agenda.”

## **DISCUSSION**

In relation to the questions received 11 July 2017 it is proposed that Mr Gardam be advised of the following:

**Q1.** Considering at the March 2016 meeting when Council approved construction of Living City Stage 1, Alderman Emmerton (a member of the Audit Panel and Governance, Finance & Community Services Committee - and regularly speaks with authority on Council's financial

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matters) had stated words to the effect that "It really isn't a lot of money." in reference to the \$11m of cash reserves and \$39m of ratepayer borrowings required to allow Stage 1 to proceed; will you as Mayor and in particular as spokesperson on Living City matters (and as other Aldermen are unable, or unwilling, to respond to ratepayer questions on Living City) please personally respond to the following;

- a) in consultation with and on behalf of Alderman Emmerton, what has prompted him to state a new and disturbing position when his previous statement was in the full knowledge that "significant risk" (the equivalent to "high risk") already existed in the project?
- b) having repeatedly been advised by Council that it is "comfortable" with its Living City decisions, confirm if all Aldermen (excluding Alderman Jarman as she has previously been consistently clear on her concerns in public session of meetings) are now of the same opinion as Alderman Emmerton?

**Response:** All Aldermen, in making decisions regarding LIVING CITY have been aware of the risk associated with the project.

Personally as Mayor, I remain fully committed to LIVING CITY as I believe so do other Aldermen.

**Q2.** In relation to the "projected impact of LIVING CITY on the Plan" (LTFP - Long Term Financial Plan) it states within the Audit Panel Report that "It was noted that Financial Liabilities are expected to **peak in the 2018 financial year at approximately \$58m** and progressively **decrease over the forecast period to approximately \$37m in 2027**. The need for a strong Balance Sheet to **underwrite future major capital works programmes** was discussed. KP advised that the projections were based on **conservative assumptions** and in particular the unbudgeted proceeds of asset disposals would be applied to debt reduction"; without which and at that rate repaying all the loans will take about 28 years with no allowance for more borrowings for Stages 2 & 3 or any other worthwhile projects, will Council advise as to the following;

- a) what proportion of the \$58m borrowings is directly associated with the Living City building programme and all project related property purchases?

**Response:** Approximately 85 per cent or \$49M is directly associated with LIVING CITY. \$39M of this total is borrowings approved (but not yet taken up) for Stage 1 construction.

- b) what proportion of the estimated \$21m reduction over the ten year period up to 2027 is directly against Living City borrowings including the property purchases?

**Response:** Approximately 79 percent or \$16.5M

Note: the amounts referred to above are included in the Long Term Financial Plan based on assumptions made at the time of preparation.

- c) are the "**conservative assumptions**" used for repayment projections based on realising the "worst case scenario" for achieving the **new revenue streams** promoted as resulting from Living City?
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**Response:** The revenue assumptions are based on the worst-case outcomes for Stage 1 as well as progress of Stages 2 and 3.

- Q3.** With reference to the statement that “*John Howard tabled a paper in relation to the impact of LIVING CITY on the budget and the Panel agreed to add reporting relating to this topic as a standing item on future agendas.*”; will Council provide a copy, or opportunity to view, the “*paper in relation to the impact of LIVING CITY on the budget*” to ratepayers?

**Response:** The minutes of the Audit Panel are provided to Council. Papers discussed by the Panel are considered to be internal working documents only and therefore there is no intention for this information to be released.

- Q4.** Does Council believe that the first three (3) Dot Points should actually apply as best practice to all Council activities and **not be singled out as a means of funding Living City**, and if not in agreement why not?

**Response:** Yes, Council agrees that creating efficiencies and cost savings, seeking profits on rental properties and sale of surplus properties is good practice.

Council is responsible for managing its finances as it sees fit, and it is appropriate that expenditure includes items such as community facilities, economic development projects, Council offices and car parking.

- Q5.** With reference to Dot Point 3, what existing Council owned properties (not being Living City specific purchases) does Council have in mind to sell/ sacrifice to fund Living City (represented to ratepayers as not being a council-funded project)?

**Response:** Council actively manages its property portfolio. Should any property become vacant or be identified as surplus to Council's needs, sale is one option which may be considered. Information relating to potential property sales will be notified to the public at the appropriate time.

- Q6.** Based on the above statement, will Council please advise as to the following:

- a)** what elements have created a 70% blowout of the initial budget from “concept design” to “detailed design” and why has such a massive and costly oversight in planning occurred?

**Response:** In setting the 2016/2017 capital works budget, an initial \$1.8M amount was included for the Art Gallery relocation project. Since this time, the scope of the project was increased by Council to include A- grade air conditioning to enable the facility to host high class exhibitions, changes to the wheelchair seating and foyer areas of the DECC and the inclusion of Visitor Information Services adjacent to the Market Square.

Detailed design has also been completed since this time, providing a more accurate assessment of the likely costs, including greater than expected electrical works. The detailed design also includes some foundation/structural works associated with a potential later stage relating to the development of a small Black Box Theatre, which physically will be within the footprint of the art gallery space.

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The removal of these elements, would decrease the cost of Stage 1 but require the Art Gallery to close for the construction period of later stages. These changes were all actively incorporated by Council and are not considered to be oversights.

- b)** who on Council is responsible for managing realistic scope and budget development for its building activities?

**Response:** Ultimately the General Manager is responsible for managing the scope and budget of such projects.

- c)** who on Council is responsible for ensuring council's building activities are assessed against the municipality's overall financial capacity to undertake without adversely affecting rates or services?

**Response:** Ultimately the Council is responsible for ensuring that its capital works budget is financially sustainable.

- d)** how is the revised budget of \$3.1M going to be funded and does it include more borrowings?

**Response:** The revised \$3.1M budget is to be funded from the 2016/2017 (carried forward) and the additional allocation provided in the 2017/2018 capital works budgets. No borrowings are associated with this project.

- e)** considering there was a need to reduce the Stage 1 tender price by about \$12.5m and now a potential 70% blowout on the Art Gallery relocation; are Aldermen concerned that there is a ratepayer perception that Aldermen have subrogated their fiduciary obligations and control over the "ratepayers' collective credit card" due to influence from, and over reliance on, paid consultants and the senior staff driving scope and implementation strategy on Living City?

**Response:** Council is satisfied that the process for design and value management of its capital projects has been satisfactory.

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

The following questions on notice were received from Mr Bob Vellacott on 14 July 2017.

"Thank You for your responses to my Questions raised at the DCC meeting of 26 July 2017 a copy of which for your convenience is reprinted below (Letterhead removed).

My first Question was in regard to the Commercial in Confidence Architectural Brief for the Waterfront Precinct of living City. Ref. Mayor Steve Martin's letter to me dated 31st January 2017 which I read to Council and gave a hard copy of it as well as copy of comments and questions without notice to one of Council staff after I spoke.

My questions 1 and 2, I think, were explicit and directed to all Aldermen and asked

**Previous Q1.** Are all Aldermen aware of this letter and gave authority for the Commercial in Confidence aka secret document to be shown to me?

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Sir your response, in my opinion did not address that particular question whatsoever and I now question why aldermen, it appears very apparent, are forbidden to answer a simple question.

**New Question to General Manager -**

In view of the above I would appreciate if you would now inform me if you were aware of the content of the letter 31st January sent by the Mayor to me?

And if you and the Aldermen were not, was the Mayor's actions a breach of Council's Code of Conduct?

Further, my question 2 asked of the Mayor at the meeting was:-

**Previous Q2.** Mayor if you saw fit to allow me an exclusive sighting of a Council Commercial in Confidence report what reasonable excuse can you give for not allowing others the same privilege who wish to see it and \*another report that directly concerns them?

(\*Ref. Horwath HTL – Concept Development with Trading Projections related to a Proposed Hotel Report.)

Again your response does not directly address the question and it again appears, in my opinion that Council is not being open and transparent in what information is given to ratepayers who would have legitimate concerns about the Living City Project and in particular the waterfront hotel negotiations.

I therefore pose the following question:-

**New Question to General Manager -** Given the fact Council is not a private corporation or business how can anything be Commercial in Confidence when a document such as this should only be a general examination of an issue and not refer to any specific organisation/entity?"

I note that Council expresses their dislike at questions being asked by ratepayers especially the second time or more when evasive, unsatisfactory or incomplete answers/responses are given. Also council complains of having to waste time in answering questions.

I believe the questions I asked Council on the night of 26th June 2017 were uncomplicated and could have been answered simply and directly and they gave all the opportunity to not only be open and transparent but also to save time and effort in trying to compile evasive answers. Indeed the Mayor's denial of a reasonable request by me to allow Aldermen to answer a simple question on that night and the consequent answers/responses given are a prime example of council being guilty of the very thing i.e. time wasting that they themselves complain about.

Please Find attached copy of the Question and Comments asked on the 26 June 2016 and others that I prepared and for various reasons did not see fit to read or ask.

Please also include all of the above and responses in the DCC Meeting Agenda for the 24 July 2017.

Robert B. Vellacott"

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3<sup>rd</sup> July 2017

Dear Mr Vellacott

**QUESTIONS RAISED – JUNE 2017 COUNCIL MEETING**

I refer to your questions raised at the 26 June 2017 Council meeting and provide the following responses:

**Q1.** Are all Aldermen aware of this letter and gave authority for the Commercial in Confidence aka secret document to be shown to me?

**Q2.** Mayor if you saw fit to allow me an exclusive sighting of a Council Commercial in Confidence report what reasonable excuse can you give for not allowing others

the same privilege who wish to see it and another report that directly concerns them?

**Response:**

After numerous requests from you, the document (Horwath HTL – Concept Development with Trading Projections related to a Proposed Hotel Report) to which you refer was offered to you for viewing on a confidential basis. This document, was commissioned by Council as a supplementary report to the original Horwath HTL – Independent Report related to a Proposed Hotel (which was publicly released in May 2016) for the purposes of seeking private investment in developing a hotel in Devonport.

At the time, the offer was made to you the document had not been the subject of a Council report. Subsequently following numerous further requests by you and others to view the Horwath HTL supplementary report the matter was referred to Council for consideration. As a result, at its meeting on 24 April 2017 Council determined in Closed Session that the report was to remain confidential.

Yours sincerely

Paul West

**DISCUSSION**

In relation to the questions received 14 July 2017 it is proposed that Mr Vellacott be advised of the following:

“It is noted that the response provided to your question at the 26 June 2017 meeting specifically discussed the Horwath HTL – Concept Development with Trading Projections Report.

As you have identified your question was in relation to the offer by the Mayor for you to view a different confidential document relating to the Waterfront Precinct Architectural Brief. Apologies for misunderstanding your question – contrary to your suggestion this was not intentional as it was genuinely thought the document to which you referred was the Horwath HTL Report.

The document to which you referred (Waterfront Precinct Architectural Brief) was provided to Council as a confidential attachment to a “open session” report at the 25 July 2016 meeting.

**Q1** I would appreciate if you would now inform me if you were aware of the content of the letter 31<sup>st</sup> January sent by the Mayor to me? And if you and the Aldermen were not, was the Mayor’s actions a breach of Council’s Code of Conduct?

**Response:** Not that I can recall. I do not believe the provision of the offer for you to view the document was a breach of the Code of Conduct. It is

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noted however that individuals need to make their own assessments in relation to Code of Conduct matters which is outlined in the Model Code of Conduct Policy available on Council's website.

**Q2** Given the fact Council is not a private corporation or business how can anything be Commercial in Confidence when a document such as this should only be a general examination of an issue and not refer to any specific organisation/entity?"

**Response:** The Waterfront Precinct Architectural Brief was specifically prepared to assist short listed tenderers with their submissions. A determination was made at officer level that the document should remain confidential and only be provided to the short listed Architectural firms selected as part of the tender process.

It is noted that the decision to appoint the Architect was made in open Council even though it could have been dealt with in Closed Session in accordance with the *Local Government (Meeting Procedures) Regulation 2015*, Section 15 (2)(d) as the matter related to contracts and tenders for the supply of services.

Council is entitled under its statutory legislative provisions to determine that items can be kept confidential for a range of reasons.

The document you have referred to does not contain information which is "commercial" in nature however it was considered "confidential" on the basis it was specially developed as background for prospective tenderers."

#### **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.

### **3.2.3 Question without notice from the public**

## **3.3 QUESTIONS ON NOTICE FROM ALDERMEN**

At the time of compilation of the agenda no questions on notice from Aldermen were received.

### **Address to Council**

Inspector Stuart Wilkinson, Tasmania Police will address the Council regarding the item raised at the meeting held 26 June 2017 in relation to anti-social behaviour at Pioneer Park, East Devonport.

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## **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 CONTRACT CT0194-01 SUPPLY, DELIVERY AND PLACEMENT OF HOTMIX ASPHALT

File: 33878 D480057

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

Council's Strategic Plan 2009-2030:

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

#### SUMMARY

This report seeks Council's approval to award Contract CT0194-01 for the supply, delivery and placement of hotmix asphalt sealing to Roadways Pty Ltd.

#### BACKGROUND

This contract relates to the hotmix asphalt component within the "Reseal Program 2017-2018" listed in the 2017/18 capital works program. Included within the scope of works is supply only of asphalt materials and also milling and road edge treatments associated with hotmix sealing work.

The tender specification makes provision for rise and fall adjustments in the contract rate. This inclusion to the contract lessens the risk to both Council and the Contractor during periods of oil and bitumen price volatility.

Tenderers were asked to submit prices for a prioritised list of roads requiring resealing:

- Steele Street: Gunn Street to Forbes Street,
- Steele Street: Forbes Street to Fenton Street,
- William Street: Valley Road to Charles Street,
- Wright Street: Stephen Street to Norton Way,
- Middle Road: Bridge overpass to Olive Court, and
- Best Street: Fenton Way to Edward Street.

#### 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

A Tender Planning and Evaluation Committee was formed to evaluate all tenders received. The Tender Planning and Evaluation Committee minutes are available for viewing by Aldermen upon request.

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

Table 1

|                       | Roadways P/L | Crossroads P/L | Hardings Hotmix P/L | Downer EDI Works P/L | Fulton Hogan P/L |
|-----------------------|--------------|----------------|---------------------|----------------------|------------------|
| <b>Tendered Price</b> | \$326,646    | \$345,655      | \$412,141           | \$414,796            | \$356,012        |

As highlighted in table 1, Roadways Pty Ltd (\$326,646) is the lowest tender. The Tender Planning and Evaluation Committee has considered each of the selection criteria and Roadways Pty Ltd has ranked highest overall and therefore offer Council best value for money.

### COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 10 June 2017 and tenders were also advertised on Council's web site.

### FINANCIAL IMPLICATIONS

A budget allocation of \$700,000 has been allowed in the 2017/18 capital works budget for resealing of Council's road network. This budget allocation is for both Contract CT0194-01 hotmix asphalt and Contract CT0194-02 sprayed bituminous surfacing as well as the design and project management costs (approximately \$23,000) associated with the annual reseal program.

Additional hotmix sealing works may be undertaken based on the accepted schedule of rates up to the allocated budget amount.

### RISK IMPLICATIONS

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

### CONCLUSION

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Roadways Pty Ltd has achieved the highest total score and is therefore most likely to offer "best value" in relation to Contract CT0194-01.

### ATTACHMENTS

Nil

### RECOMMENDATION

That Council, in relation to Contract CT0194-01 – Supply, Delivery and Placement of Hotmix Asphalt Sealing Service:

- award the contract to Roadways Pty Ltd at their tendered rates; and
- note that design and project management for the total reseal project, including both hotmix and sprayed bituminous surfacing is estimated at \$23,000 (ex GST).

|           |                            |              |                 |
|-----------|----------------------------|--------------|-----------------|
| Author:   | Shannon Eade               | Endorsed By: | Paul West       |
| Position: | Project Management Officer | Position:    | General Manager |

## 5.2 CONTRACT CT0194-02 SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING

File: 33878 D480059

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report seeks Council's approval to award Contract CT0194-02 for the supply, delivery and placement of sprayed bituminous surfacing to Roadways Pty Ltd.

### BACKGROUND

This contract relates to the spray seal component within the "Reseal Program 2017-2018" listed in the 2017/18 capital works program.

The tender specification also makes provision for rise and fall adjustments in the contract rate. This is a sensible inclusion to the contract to lessen the risk to both Council and the Contractor during periods of oil and bitumen price volatility.

Tenderers were asked to submit a price for a prioritised list of roads requiring resealing:

- Nicholls Street: North Fenton Street to Victoria Parade,
- Murray Street: Tarleton Street to Caroline Street,
- Tarleton Street: Melrose Street to Brooke Street,
- David Street: Brooke Street to Cul-de-sac,
- Wenvoe Street: Turton Street to Hilltop Avenue,
- Forthside Road: Forth Road to No 249 Forth Road,
- Forth Road: Lillico Road to Braddons Lookout Road,
- Coles Beach Carpark Western End, and
- Buster Road: Bridge to Melrose Road, Aberdeen.

### 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

The Tender Planning and Evaluation Committee minutes are available for viewing by Aldermen upon request.

Tenders were received from five companies. All tenders received were conforming.

Table 1

|                       | Roadways P/L | Crossroads P/L | Hardings Hotmix P/L | Downer EDI Works P/L | Fulton Hogan P/L |
|-----------------------|--------------|----------------|---------------------|----------------------|------------------|
| <b>Tendered Price</b> | \$173,789    | \$177,064      | \$193,340           | \$212,459            | \$232,656        |

As highlighted in table 1, Roadways Pty Ltd (\$173,789) is the lowest tender. The Tender Planning and Evaluation Committee have considered each of the selection criteria and

Roadways Pty Ltd has ranked highest overall and therefore offer Council best value for money.

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 10 June 2017 and tenders were also advertised on Council's web site.

**FINANCIAL IMPLICATIONS**

A budget allocation of \$700,000 has been allowed in the 2017/18 capital works budget for resealing of Council's road network. This budget allocation is for both Contract CT0194-02 sprayed bituminous surfacing and Contract CT0194-01 hotmix asphalt as well as the design and project management costs (approximately \$23,000) associated with the annual reseal program.

Additional reseal works may be undertaken based on the accepted schedule of rates up to the allocated budget amount.

An earlier report for Contract CT0194-01 includes approval for the costs of the hotmix asphalt contracts as well as the design and project management costs.

**RISK IMPLICATIONS**

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

**CONCLUSION**

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Roadways Pty Ltd has achieved the highest total score and is therefore most likely to offer "best value" in relation to Contract CT0194-02.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council, in relation to Contract CT0194-02 – Supply, Delivery and Placement of Sprayed Bituminous Surfacing Services award the contract to Roadways Pty Ltd at their submitted rates.

|           |                            |              |                 |
|-----------|----------------------------|--------------|-----------------|
| Author:   | Shannon Eade               | Endorsed By: | Paul West       |
| Position: | Project Management Officer | Position:    | General Manager |

## 5.3 MULTI-PURPOSE AND ARTS CENTRE - BRANDING

File: 34260 D479354

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

To establish a process for creating appropriate branding and naming of the Multi-Purpose Building and Arts Centre and outline options for the individual services of each facility.

### BACKGROUND

LIVING CITY is a bold plan to transform the local economy through the creation of new tourism opportunities, food experiences and business prospects. Stage 1 of LIVING CITY includes a multi-purpose building incorporating Council, Service Tasmania, LINC and a convention centre that will attract new business and community events to the City.

Construction of the multi-purpose building is currently underway with a completion date expected in mid-2018.

In addition, Council has determined to relocate the Devonport Regional Gallery (DRG), and Visitor Information Centre (VIC) into the Devonport Entertainment and Convention Centre (DECC) creating a new Arts Centre. This venue will have close working association with the convention centre, with staff and equipment likely to be used across both venues.

### STATUTORY REQUIREMENTS

In relation to venue naming, the Development Agreement signed between Council and the State Government includes:

*"Clause 11.5 (b) Without limiting the matters that may be agreed for the purpose of Clause 11.5 (a)(i), the By-laws for the Body Corporate will provide as follows:*

*(ii) the granting of naming rights for the Multi-Purpose Building by the Body Corporate will require a unanimous resolution.*

### DISCUSSION

Branding is an important component of building a strong identity for the area. For this particular project, branding can be considered in a three-tiered hierarchical structure:

- Area/Precinct Branding
- Venue Specific Branding
- Building Component Branding

### Area Branding

At this stage, it is not advised to proceed with a brand or name for the entire precinct. To do so would be inconsistent with all other areas of the City and provide little benefit at this time.

### **Venue Specific Branding**

There are four major buildings in this area that require branding:

- Multi-Purpose Building
- Arts Centre
- Providore Place
- Car Park

The multi-purpose building requires an identifiable name that can be used in the identification of the building. It is anticipated that to maintain consistency, wayfinding, signage, display and other aspects of the building will follow the style determined in the multi-purpose building branding guide.

To develop a name, and associated identity for the multi-purpose building it is proposed a series of community consultation sessions or focus groups be held. These groups would include key stakeholders from Service Tasmania, LINC, Aldermen, staff and community members.

Convention Centres and multi-purpose event venues require a well thought-out marketing plan that starts with the creation of a unique 'brand identity' that represents what the venue wishes to be known for in what is often a crowded market. Whilst there is not a lot of direct competition for large scale venues in Devonport and indeed northern Tasmania, there is a substantial number of competitors around Australia. The naming and branding of this venue will be critical for marketing, promotion and potential grant and funding opportunities in the future.

To develop a name, brand and identity for the new Arts Centre it is proposed a series of community consultation sessions or focus groups be held. These groups would include key stakeholders from the performing and visual arts community, Aldermen, staff and community members. Consideration needs to be given as to whether the name has a localised or regional identity.

Car park naming conventions throughout the City have been relatively straight forward and non-controversial in the past, generally identifying by street name. It is suggested Council Officers identify and recommend a name for the new car park.

Providore Place has commenced this exercise and have developed venue specific branding for their site.

### **Building Component Branding**

With the key tenants of the multi-purpose building having identifiable brands, it is recommended the Convention Centre be aligned with the Arts Centre for the purpose of branding the Centre as a whole.

The naming of meeting rooms will be considered as part of this project.

For accreditation purposes Visitor Services will need to maintain their current identity. Consideration will be given as part of this project as to whether the Devonport Regional Gallery and Devonport Entertainment and Convection Centre are best to be "rolled" up under the one name.

### **Delivery**

Given the complexity and importance of the task, it is recommended a suitable consultant be sourced to complete the work. Should this option not be agreed, an internally facilitated process would be developed.

Report to Council meeting on 24 July 2017

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**Proposed Timeframe** (using a consultant)

| <b>Activity</b>  | <b>Target Date</b> |
|--|--------------------|
| Closing date for creative consultant quotes  | 4 August 2017      |
| Appointment of successful consultant   | 9 August 2017      |
| Draft Designs developed and distributed for comment, includes period of consultation/workshops | 14 September 2017  |
| Draft Brand strategy and designs tabled at Council meeting                                     | 25 September 2017  |
| Draft Brand strategy and designs open for public comment                                       | 27 September 2017  |
| Public Comment Close   | 6 October 2017     |
| Revision Period  | 13 October 2017    |
| Council endorses final strategy and designs  | 23 October 2017    |
| Council advise supplier of preferred design templates  | 24 October 2017    |
| Delivery of documentation/specifications of templates  | 3 November 2017    |

**COMMUNITY ENGAGEMENT**

Placemaking is important to ensure the community feels connected to the public space. Community consultation will be an important component of the naming and branding process through consultation with committees and focus groups of key stakeholders as outlined.

Following consultation with Council's partners in the multi-purpose building, LINC and Service Tasmania, it is confirmed that both support the process as outlined in this report. In responding to the draft report, the representative of Service Tasmania made the following valid points:

- *Developing a branded 'personality' for the MPB is an important step in building its reputation within Devonport as a hub for entertainment, community and government services. Service Tasmania enthusiastically supports this initiative by Devonport City Council.*
- *As partner of the LIVING CITY MPB project, future occupant of the building and as a state-wide service provider, Service Tasmania has a commitment to being easily accessible to all Tasmanians. Thus, it's essential that while the importance of venue branding is acknowledged, it cannot distract from the findability of core services for people both living in Devonport or who are just visiting.*

**FINANCIAL IMPLICATIONS**

As it is recommended to use consulting support to develop a branding concept, there will be expenditure required to cover this expense. Appropriate purchasing processes will be followed to procure the consultant. The expense can be covered from the 2017/18 operational budget.

**RISK IMPLICATIONS**

Naming of, or changing the name of any venue is subject to opinion and will likely create community reaction.



**CONCLUSION**

Given the new venues are expected to start operating in mid-2018, it is essential Council facilitate a timely project to provide branding options and building names for the consideration of key stakeholders.

Should the recommendation be accepted an expression of interest process will commence immediately to secure an appropriate consultant for the work.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council note the report regarding naming and branding of the Multi-Purpose Building and Arts Centre and:

- (a) note that in accordance with the Development Agreement with the State Government the granting of naming rights for the multi-purpose building will require a unanimous resolution of the Body Corporate;
- (b) authorise the General Manager to appoint a consultant to undertake the consultative work; and
- (c) that a further report be provided to Council with clear recommendations for the naming and branding following the consultation.

|                      |   |                           |                              |
|----------------------|---|---------------------------|------------------------------|
| Author:<br>Position: | Shane Crawford<br>Executive Manager Corporate,<br>Community & Business Services | Endorsed By:<br>Position: | Paul West<br>General Manager |
|----------------------|---|---------------------------|------------------------------|

## **5.4 UNCONFIRMED MINUTES - CRADLE COAST WASTE MANAGEMENT GROUP - 19 JUNE 2017**

File: 29119 D480755

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

Council's Strategic Plan 2009-2030:

Strategy 5.1.4 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure

### **SUMMARY**

To provide Council with the unconfirmed minutes of the Cradle Coast Waste Management group (CCWMG) meeting which was held on 19 June 2017.

### **BACKGROUND**

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

### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to the report.

### **DISCUSSION**

The unconfirmed minutes of the CCWMG meeting which was held on 19 June 2017 are attached for consideration.

The highlights of the meeting were:

- Endorsement of the 2017/18 Annual Plan and Budget
- Endorsement of the Strategic Plan 2017-2022
- New contract negotiated with Veolia for the collection of cardboard and newsprint resulting in a \$15 per tonne cost reduction for member councils.

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

There is a voluntary levy applied to landfill deposits by councils of \$5 per tonne. At present the levy is utilised by the CCWMG to undertake its programs and works schedule.

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 19 June 2017 are presented for information.

### **ATTACHMENTS**

- [1. Unconfirmed Minutes - Cradle Coast Waste Management Group - 19 June 2017\)](#)

**RECOMMENDATION**

That the unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 19 June 2017 be received and noted.

|           |                                |              |                 |
|-----------|--------------------------------|--------------|-----------------|
| Author:   | Kylie Lunson                   | Endorsed By: | Paul West       |
| Position: | Infrastructure & Works Manager | Position:    | General Manager |

CRADLE COAST WASTE MANAGEMENT MEETING  
19 June 2017

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MEETING HIGHLIGHTS

Endorsement of the 2017/18 Annual Plan and Budget and Strategic Plan 2017-2022.

Veolia negotiated new cardboard and newsprint recycling contracts resulting in a \$15.00 per tonne cost reduction.

DRAFT

## CRADLE COAST WASTE MANAGEMENT GROUP

## UNCONFIRMED MINUTES

Meeting held Monday, 19 June 2017 at 10.30 am  
Cradle Coast Authority, 1-3 Spring Street, Burnie



## 1. WELCOME

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The Chair, Ms. Sandra Ayton, opened the meeting at 10:30 am and welcomed attendees.

Present at the meeting were:

- |                     |                          |                        |
|---------------------|--------------------------|------------------------|
| • Ms. Mel Pearce    | Committee Member         | Dulverton Waste        |
| • Mr. Mat Greskie   | Committee Member         | Dulverton Waste        |
| • Mr. Rowan Sharman | Committee Member         | Burnie City Council    |
| • Ms. Kylie Lunson  | Proxy for Matthew Atkins | Devonport City Council |
| • Mr. Brett Smith   | Committee Member         | Cradle Coast Authority |
| • Mr. Don Thwaites  | Observer                 | Kentish Council        |
| • Ms. Lauren Clarke | Minutes Secretariat      | Cradle Coast Authority |

## 2. APOLOGIES

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Apologies were received from:

- |                      |                  |                                       |
|----------------------|------------------|---------------------------------------|
| • Ms. Jan Febey      | Committee Member | Latrobe Council                       |
| • Mr. Bilal Akhtar   | Committee Member | Waratah-Wynyard/Circular Head Council |
| • Mr. Matthew Atkins | Committee Member | Devonport City Council                |

## 3. GOVERNANCE

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### 3.1. CONFIRMATION OF MINUTES

The Unconfirmed Minutes of the 10 April meeting were presented at Item 3.1 of the Agenda.

#### MOTION

That the CCWMG **CONFIRM** and **ACCEPT** the Unconfirmed Minutes of the meeting of 10 April 2017 as a true and correct record.

Moved: Brett Smith / Seconded: Mat Greskie / CARRIED

### 3.2. BUSINESS ARISING FROM MINUTES

Nil

### 3.3. REVIEW OF ACTIONS LIST

The group reviewed and noted the actions list.

## 4. FOR DECISION

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### 4.1. FINANCIAL REPORT

A briefing note and financial report were presented at item 4.1 of the agenda papers.

The group NOTED the financial report as presented.

Moved: Brett Smith / Seconded: Rowan Sharman / CARRIED

#### 4.2. CCWMG STRATEGIC PLAN 2017-2022

The group discussed the plan and congratulated Dulverton. It was noted that the plan was comprehensive and easily read.

The group was advised that Hydro Tas have made representations to Kentish Council in relation to reduce the use of plastic bags. The group discussed previous plastic bag recycling options and their effectiveness. It was agreed that the matter should be further explored.

ACTION Mel Pearce to explore options for addressing plastic bags including consultation with Veolia.

ACTION Mel Pearce to change the wording on page 14 under FOGO on the second last paragraph to 'in the event that'.

#### MOTION

That the group ACCEPT the strategic plan and that it be circulated to councils for endorsement at the next council meetings.

Moved: Rowan Sharman / Seconded: Brett Smith / CARRIED

### 5. FOR DISCUSSION

---

#### 5.1. WASTE AUDIT REPORT

The Waste Audit report was circulated out-of-session in May 2017.

MRA Consulting requested to release the report to the Federal Government to provide them with an example of the data and their findings.

#### MOTION

That MRA can release the Waste Audit report to the Federal Government.

#### 5.2. DRAFT CCWMG AP&B 2017/18

The group agreed that the Annual Plan and Budget for 2017/18 was comprehensive. The group requested that the following amendments be made:

- Include 'SP Reference' in a column to show how projects and objectives are linked.
- Under executive summary on page 69 for FOGO, 'provisional' needs to be added.
- Change the title of Don Thwaites to 'Observes on behalf of the CCA Representatives group' on page 71.
- On point 4, page 71, change the wording to reflect 'take ownership or encourage'.
- Lower on page 71, define what municipal waste is.

ACTION Include item for the investigation of plastic bag management.

ACTION Mel Pearce to amend the funding allocation for Project 2.18 to allow for the development of consistent collateral by the CCWMG for Council utilisation.

#### MOTION

That the group ENDORSE the Annual Plan and Budget for 2017/18.

Moved: Rowan Sharman / Seconded: Brett Smith / CARRIED

## 6. FOR NOTING

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### 6.1. PAINTBACK

Mel Pearce informed the group that she had circulated an email to councils in relation to the collection of paint. The group was advised that *Paintback* are not looking to expand their services at this stage but will consult with Dulverton if the situation changes.

#### *STCA Communication Participation*

Mel Pearce informed the committee that she was contacted from a representative of the Southern Tasmania Council Authority (STCA) regarding Rethink Waste and Good Sort. Mel provided them with costs for participation and notified them that many initiatives are voluntary.

### 6.2. RFQ FOR 5-YEAR COMMUNICATION PLAN DEVELOPMENT & 2 YEARS COMMUNICATION SERVICES

The group discussed the RFQ and noted that there was an expired memorandum of understanding (MoU) between the Cradle Coast Waste Management Group, Cradle Coast Authority and Dulverton Waste Management, which in part, provided for communication services to be provided by the Authority.

It was agreed to proceed with the RFQ for the development of the 5-year communications plan and that the provisions of communication services would be discussed, along with the MoU, at the next meeting.

**ACTION** Mel Pearce to include the MoU and RFQ's discussion as separate agenda items for August's meeting.

**ACTION** Mel Pearce, in collaboration with the CCA, to review the MOU and make tracked changes if required, to be provided at the August meeting.

#### **MOTION**

That the group ENDORSE the 5 year Communication Plan development.

Moved: Kylie Lunson / Rowan Sharman / CARRIED

### 6.3. WASTE TO ENERGY ARTICLE

The Waste to Energy article was listed on the agenda for the reference of CCWGM members.

### 6.4. PROJECT 2.06: COMMUNICATIONS UPDATE

Mel Pearce provided a two-page summary of communications over the past two months.

The group agreed that communications are an integral tool to waste management and are crucial in the promotion of responsible waste and recycling management.

### 6.5. CCWGM PROJECT TASK LIST

An update was given to group members about the status of each project and the following were highlighted:

- The recycling bin assessment report should be received in the next week and will be circulated to members by the end of the financial year.
- The data collection portal is in progress.
- Mel Pearce will reduce the forecast for waste governance from \$20K to 0.

The group was advised that Sandra Ayton has prepared a report on proposed regional waste governance which will be considered by the councils' general managers with the view to

presenting the matter to council meetings in August. Sandra will pass the report to Mat Greskie and Brett Smith following the meetings.

The group NOTED the project task list as presented.

**7. GENERAL BUSINESS**

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Mat Greskie – Veolia have advised Dulverton that they have negotiated new contracts with regard to news print and cardboard recycling resulting in a \$15.00 per tonne cost reduction.

Mel Pearce – There is a cardboard CPI increase and councils are in front because Veolia didn't include the increase early enough. Mel forwarded an email to group members in May explaining this.

Rowan Sharman – There has been publicity around illegal dumping that has overall received a positive response.

**8. NEXT MEETING AND MEETING CLOSE**

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The next meeting will be held on Monday 14 August 2017 at the Cradle Coast Authority Offices.

Meeting closed at 12:03 pm.

DRAFT



## 5.5 80-82 RIVER ROAD, EAST DEVONPORT - OBJECTIONS TO DISPOSAL

File: 10803 D478078

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.5 Ensure compliance with all relevant legislative requirements, standards, policies and procedures

### SUMMARY

This report is provided to consider objections received regarding the proposed disposal of land at 80-82 River Road, Ambleside under Section 178 of the *Local Government Act 1993*.

### BACKGROUND

Council recently received an expression of interest to purchase the property at 80-82 River Road, East Devonport which has been owned by Council since 1991 and is 1.8730 hectares in area. It is zoned "Environmental Management", and is bound by the Mersey River Crown Reserve to the West, River Road to the East, residential property boundaries to the South and North.

At Council's closed meeting held on 22 May 2017, it was determined to commence the process under Section 178 of the *Local Government Act 1993* ("the Act") relating to the possible disposal of the land.

The land proposed to be disposed of is outlined in red below:



### STATUTORY REQUIREMENTS

The land, whilst not formally listed on Council's Public Land Register, has previously been referred to as "Public Open Space" and therefore it was determined that any future action relating to the sale, change of use or disposal of the property should be dealt with in accordance with Section 178 of the Act.

**178. Sale, exchange and disposal of public land**

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

**178A. Appeal**

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

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

**DISCUSSION**

This property has been the subject of Council reports since 2008 as it was identified as being surplus to Council's needs. It had also been identified by some local residents at that time as an ongoing concern for public health and safety with vermin present, bushfire safety concerns, tree falling concerns and instances of inappropriate public behaviour. Council addressed these concerns to some extent, through clearing the site's boundary of vegetation for fire management and occasional mowing of the grassed and cleared areas of the site to deter vermin.

Council also previously considered developing the land into an 8-lot subdivision on the eastern half of the property and retaining the balance for public open space in accordance with Council's "Guidelines for the Planning, Design and Construction of Public Open Space – July 2007". Council however determined to defer discussion on this matter in 2012 and since that time no further action has been taken.

One issue previously identified with the property was the existence of the protected *Melaleuca Ericifolio*, (commonly referred to as "Ti Tree"), on the site. Discussions have previously been held with the Forest Practices Authority (FPA) regarding the management of the trees. It was noted at the time that a report on the trees provided by Van Diemen Consulting in 2011 highlighted that "*Melaleuca erocifolia* swamp forest at the site is in extremely poor condition, being mainly comprised of non-native species in the mid and understorey layers. The abundance of weeds in the vegetation, in association with very few native species (in terms of diversity and their abundance) makes this vegetation type in the site of little significance for conservation management".

In accordance with Section 178 of the Act, the proposed disposal of 80-82 River Road was advertised twice in The Advocate and a notice placed on the land as well as on display at the Council offices with a 21 day period for objections to be received.

Four objections were received and are provided as an attachment to this report. A summary of the issues raised and officer comment are outlined in the table below:

| Issue   | Council Officer's comment   |
|---|---|
| Decreased living conditions for current owners (privacy and outlook). | This is a subjective opinion which is difficult to respond too.   |
| Increased risk of criminal activity.                                  | There is no evidence to suggest that crime would increase if land was disposed of and developed.                            |
| Decreased value land/home for neighbouring properties.                | There is no evidence to suggest disposing of the land and any subsequent development would devalue neighbouring properties. |
| Told this land would never be sold.                                   | No guarantees can be provided regarding the future use/disposal of any land, whether Council or privately owned.            |

Report to Council meeting on 24 July 2017

|   |  |
|---|--|
| <p>Increased demand on infrastructure if developed (water and sewerage).</p>  | <p>Any proposal for development of the land would be subject to a Development Application at which time future infrastructure needs to cater for increased capacity if necessary would be determined.</p>  |
| <p>Destruction and removal of native animals and their habitation.</p>  | <p>The area to the west is Crown Land reserve bushland and as native animals are nomadic and react to their changing environment, it would be likely a natural progression for them to move further along the Crown reserve.</p>   |
| <p>Destruction and removal of botanical environment (Ti tree in particular).<br/><br/>One of the last areas of remnant bushland in East Devonport.</p>                                  | <p>Any removal or clearing of Ti-tree would be subject to advice from the Forest Practices Authority.<br/><br/>Within the Devonport municipal area, there is approximately 20 hectares of Ti-Tree sites, including Coles Beach, Don Reserve, Don Heads, Centennial Park and Tea Tree Lane.</p>   |
| <p>Only being sold to fund Living City project.</p>   | <p>The potential disposal of this site was identified as being surplus to Council needs as far back as 2008, when investigations commenced to develop approximately half the land and leave the balance as open space.</p>   |
| <p>Loss of the area for recreational/public space purposes.<br/><br/>Contrary to Council's "Guidelines for the Planning, Design and Construction of Public Open Space – July 2007".</p> | <p>There are a number of reserve areas noted on Council's Public Land Register in East Devonport including:</p> <ul style="list-style-type: none"> <li>• Mary Street wetlands</li> <li>• Pioneer Park incorporating Apex Park</li> <li>• East Devonport Beach Coastal Reserve</li> <li>• Neely Street, East Devonport</li> </ul> <p>Council also has a number of leases with Crown Land Services which are used as public open space including:</p> <ul style="list-style-type: none"> <li>• Frederick Head Walking Track</li> <li>• Reg Hope Park/Julie Burgess area</li> <li>• Police Point including walking track and Brooke Street parklands</li> </ul> |

Should Council agree with disposal of this land, there would be a public tender process or auction.

**COMMUNITY ENGAGEMENT**

In accordance with Section 178 of the Act, the proposed disposal of 80-82 River Road was advertised twice in The Advocate and a notice placed on the land as well as on display at the Council offices. Whilst not a statutory requirement, letters were also sent to all neighbouring properties advising them of the proposed disposal.

During the consultation period 4 objections were received.

**FINANCIAL IMPLICATIONS**

The valuation information provided by the Valuer-General in 2015 identified the property as having a land value of \$310,000. A formal valuation in accordance with the Act would need to be attained should Council wish to proceed with selling the land.

Legal and valuation costs would be deducted from the proceeds of sale, as well as any costs relating to the sale (real estate agent and/or auction costs etc).

**RISK IMPLICATIONS**

There is a risk if Council determines to proceed with the transfer that objections will be lodged under Section 178A of the Act to the Resource Management Planning Appeal Tribunal.

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

- (a) *the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or*
- (b) *there is no similar facility available to the users of that facility.*

In addition, the Forest Practices Authority may place stringent conditions on the land relating to the protection of the Ti Trees. If the land is to be disposed of, this issue would transfer to the new owner.

**CONCLUSION**

In accordance with Section 178 of the Act, Council needs to formally consider objections received and determine whether to proceed to dispose of the land at 80-82 River Road, Ambleside.

**ATTACHMENTS**

- [1.](#) Objections - 80-82 River Road, Ambleside

**RECOMMENDATION**

That Council receive and note the report in relation to disposal of the property at 80-82 River Road, Ambleside and the objectors be advised that Council:

- (a) has considered their objections; and
- (b) intends to proceed with the disposal in accordance with Section 178(6) of the *Local Government Act 1993*.

|                      |   |                           |                              |
|----------------------|---|---------------------------|------------------------------|
| Author:<br>Position: | Karen Hampton<br>Governance Coordinator | Endorsed By:<br>Position: | Paul West<br>General Manager |
|----------------------|---|---------------------------|------------------------------|

We refer to your correspondence dated 2<sup>nd</sup> June 2017 – addressed to Mr. G. L. & Mrs. L. A. Marshall in which you sought our input and feedback on the proposed Council sale of the existing public open space contained within the property known as 80-82 River Road.

It was indeed interesting to note that the Devonport City Council publication – “Guidelines for the Planning, Design and Construction of Public Open Space – July 2007” – clearly highlighted the “limited public open space in the Ambleside/Panorama Heights Precinct as well as the lack of parks and gardens. This document also highlighted the fact that the public open space located at 80-82 River Road had potential for use by residents within the sub-region with its primary use function being for family and social recreation. Surely any reduction in the existing size of the current open space area will significantly impact on Council’s concerns for both limited public open space in our Ambleside/Panorama Heights Precinct and the lack of parks and gardens.

In the time that we have resided and owned our residential property at 11 Ambleside Place we have noticed a varied and significant amount of wildlife using the existing and adjoining public open space. Whilst it is recognised that some vermin – such as rats and mice – utilise this area ( similar to other areas of our City), we have noticed that wallabies, possums (brush and ringtail), echidnas, blue tongue lizards, black cockatoos and sea eagles also use this reserve. We therefore convey to you (and Council) our genuine concern at a reduction in reserve area for the noted native fauna. We are therefore strongly opposed to a massive reduction of the existing native habitat.

Based on the points raised in the three (3) earlier paragraphs we would raise our strong opposition to the proposal indicated to us by Council. Should Council further progress their plans in disposal/sale of the existing/current public open space at 80-82 River Road we would expect to see a change in the amenity of the area. Naturally one of the main attractions to our current residential site was and still remains the adjoining public open space which provides a beneficial ambience to our living and outdoor activities. It would be reasonable to assume that other property owners within Ambleside Place and River Road (as well as those adjoining the existing public open space) would have seen this reserve area as being beneficial to their lifestyle when they acquired property within close proximity to the noted public open space area.

It should also be mentioned that we are aware that for some time now Council has required a 5% contribution to be given to Council from sub-division developers which was always to be used for the provision of public open space. We are also aware that some developers provided land for parks and reserves abutting their development which necessitates Council’s Parks and Reserves outdoor staff maintaining. Looking at the Ambleside/Panorama Heights Precinct the adjoining public open space is the only Council owned land that is/was ear-marked for family and social recreation. Based on the land development that has taken place over so many years in this precinct the land area at 80-82 River Road is minimal when compared with the existing residential blocks in the area. It should also not be forgotten that once any of the public open space land is disposed of it can never be returned to its natural state.

Naturally should Council consider progressing its aims of selling off the entire public open space area at 80-82 River Road we would be strongly opposed to this and as such resort to appealing through every legal process Council must comply with. Surely the concept of selling off such a sizable area of the public open space appears contrary to the views held by the Devonport City Council in July 2007.

Whilst access to the Mersey River is currently accessible from River Road through the currently uninhibited access roadway between the privately owned land of the previously owned Reeconian Rowing Club and the currently owned Mersey Rowing Club, this could easily

be retarded should the two (2) lot owners consider the installation of gateway access in the future.

Whilst we have other matters that we could raise, we believe that the points highlighted within this item of correspondence should be sufficient to make Council completely review their current aspirations and as such leave the area of the existing public open space property as it is – with of course to regular maintenance by your Parks and Reserves outdoor personnel to make it more usable by the many residents on the eastern side of the Mersey River, south of the Bass Highway.

Yours faithfully,

Gregory L. Marshall

Lesley A. Marshall

Ella Marshall

Dear Sir,

Re: File 10803 – 80-82 River Road Ambleside

In reply to your letter dated 2 June 2017, I wish to voice my opposition to Council's intention to sell this area of land for development.

When purchasing this block in 1977 we were told that the area in question was a green-belt area and would never be built on. I believe other residents were of the same understanding. This was, of course, an appealing feature and remains so today. It was also good to know that children could play and have adventures in an area like this, while still being so close to home.

Over the years I have had numerous sewage blockages, all of which were attended and rectified by council or Tas Water. I am concerned about the accessibility to have issues such as this investigated when they arise and how extra housing would impact on the frequency of this type of issue.

I would also like to mention the impact on flora and fauna. The area is home to wallabies, possums, bandicoots, blue tongue lizards and echidnas (which are difficult to relocate). Honey bees and frogs also benefit from the area. There are occasional rats, which is understandable as we are near a river and I think most areas have rats and/or mice on occasion. The area grows mostly Tea-trees and since houses were built closer to the river between Enderly Court and the turn-off to Latrobe (on River Road) it may be the only remaining Tea-tree tract in the area.

I hope that council will reconsider it's intention to sell this area of land.

Yours faithfully,



Sandra Hay.



I am the property owner of 84 and 86 River Road. As an adjoining property owner to this public land, I strongly object to Council's intention to sell or dispose of this land for the following reasons:

1. I suspect that this is one of the last areas of remnant bushland in East Devonport, therefore I think it should be preserved.
2. This property is a natural habitat for several species of native wildlife - mammals and birds.
3. The cost for Council to continue to maintain this land as it is would not be cumbersome, as there is very little maintenance done.
4. I expect that Council's intention to sell this land is purely to fill the coffers to fund the Living City project in West Devonport.

Additionally, I will mention that a meeting was held in early 2012 (April I believe) regarding Council's proposed intentions for this public land. All adjoining property owners were invited and a number of us attended, including myself. I believe that all present were against any proposed development of this land. We were all told at the close of the meeting that we would be contacted with any future plans or proposals regarding this land. No contact has been made since then until this recent letter advising the intention to sell/dispose of the land.

I have lived at this property for just over 16 years. My decision to purchase it was strongly weighed by the existence of this bushland that you are proposing to sell. From a personal aspect, it provides me with a certain amount of privacy, quiet surroundings, pleasant scenery, and the enjoyment of watching the wildlife that lives there.

I sincerely hope that my objection is taken seriously and has an effect on Council's intention to sell or dispose of this land. If anyone wishes to discuss this with me I can be reached on 041\* \*\*\* \*\*\*. If you would so kindly acknowledge receipt of my email as I know that today is the deadline for any objections.

Pamela Kossman

I am writing in response to your letter 2<sup>nd</sup> June 2017 with the proposal of development of 80-82 River Road, Ambleside, your reference File 10803.

It was with disappointment, but not with a great surprise, to receive your letter and observe the public notice go up on the public land on River Road. The recent clearing of land in front of this public land by a private developer must have given council a renewed hope to subdivide the tea tree stand behind, as they did back in 2012.

Again the proposal appears to be poorly planned, as it is unviable and definitely not in the interest of the people (community) in Ambleside.

Various properties are for still for sale along River Road, and the land right in front of this proposed development has been since 2010.

The idea of a development being right at my back door step clearly concerns me, especially with the possibility of the land being developed to a point of for sale, like various other areas in Devonport have done so over time (eg. Tugrah, Spreyton). These areas clearly support my argument that there is no demand, or one that progresses very slowly. To increase the availability of the area by 15 possible titles and the potentially numerous of homes/units, concerns me greatly.

Having the land developed and just sitting open will increase the easy access to all our existing properties, and will increase the possibility of opportunistic crime greatly.

The reason we bought our home back in 2010 was for the outlook it has on the public land and the privacy it gives our home. To see the tea tree stand and the associated wildlife be replaced by numerous units, and being right on our back door step will significantly decreases the satisfaction of living in the area.

Since 2012, council has done nothing to improve the land proposed for subdivision, Eg. making it more accessible, providing a children's play ground, or parkland for the front area of Ambleside. From last time, I understand that to have the land sold off means that council receives rates and is no longer responsible for maintenance of the parcel. I strongly object to the development if this is the council sole reason for doing it.

In short I clearly object to the proposed development for the following reasons:

- Decreased living conditions for current owners (privacy and outlook)
- Decreased value land/home for current owners
- Destruction of public land
- Destruction and removal of animal habitations
- Destruction and removal of botanical environment
- Loss of potential public park lands
- Increased risk of criminal activity

Looking forward to your reply yours sincerely,

Melle & Michelle Zwerver

## 5.6 PUBLIC QUESTION TIME POLICY

File: 31740 D481037

### 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

To present the draft Public Question Time Policy to Council for endorsement for public consultation.

### BACKGROUND

Council's Public Question Time guidelines were last reviewed in March 2016 (Min Ref 54/16 refers).

A draft Public Question Time Policy has been prepared based on the current guidelines, the *Local Government Meeting Procedures Regulations 2015* as well as feedback from Aldermen at Council's workshops held in June and July, 2017.

### STATUTORY REQUIREMENTS

Public question time is prescribed by Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* which states:

- (1) *A member of the public may give written notice to the general manager at least 7 days before an ordinary council meeting of a question to be asked at that meeting.*
- (2) *The chairperson of an ordinary council meeting may –*
  - (a) *address questions on notice submitted by members of the public; and*
  - (b) *invite any member of the public present at the meeting to ask questions relating to the activities of the council.*
- (3) *The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.*
- (4) *A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary council meeting.*
- (5) *The chairperson of an ordinary council meeting may –*
  - (a) *refuse to accept a question from a member of the public; or*
  - (b) *require a question from a member of the public asked without notice to be put on notice and in writing to be answered at a later ordinary council meeting.*
- (6) *If the chairperson of an ordinary council meeting refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so.*
- (7) *A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.*
- (8) *The period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include –*
  - (a) *the day on which notice is given under that subregulation; and*
  - (b) *the day of the ordinary council meeting.*

**DISCUSSION**

A draft Public Question Time Policy is attached for Council's consideration. If endorsed, it is proposed that the Policy be placed on exhibition for 21 days to allow for community comment prior to being formally considered by Council.

The Policy has been drafted in accordance with Regulation 31 and any additional criteria as determined by Regulation 31(7). It is also based on best practice for Tasmanian Local Government and consistent with other Councils in Tasmania.

A review of Tasmanian Council's guidelines/policies relating to public question time was undertaken when preparing the policy and are consistent with the draft attached. A comparison of neighbouring councils is set out below:

| <b>Council</b> | <b>Time permitted</b> | <b>Questions permitted</b>  |
|----------------|-----------------------|---|
| Burnie City    | 15 minutes            | 2 questions per person (any questions without notice to be written on form provided and handed to relevant officer prior to public question time commencing)                          |
| Central Coast  | 30 minutes            | Not more than 2 questions per person at each meeting, including any questions for which written notice has been previously given  |
| Kentish        | 15 minutes            | 2 questions per person on any specific subject<br>1 minute to address Council but must then ask their question  |
| Latrobe        | 15 minutes            | 2 questions per person however, 2 <sup>nd</sup> question only entitled to be asked if all other persons present have asked one question each and the 15 minute period has not elapsed |

Council's proposed policy provides 30 minutes for Public Question Time with a maximum of 2 questions per person as well as a 3 minute time limitation per person. If time permits, a third question may be asked once all community members who wish to ask questions have done so, limiting a third question to a time of 2 minutes.

**COMMUNITY ENGAGEMENT**

A 21 day community consultation period will provide an opportunity for public input and feedback in relation to the draft Policy. The consultation will be promoted through local media, Council's website, social media channels and online engagement platform 'Speak Up Devonport'. Feedback forms will also be available in hard copy format from Council's Customer Service Centre.

All feedback received will be collated and considered by Council prior to formal adoption of the policy.

**FINANCIAL IMPLICATIONS**

It is believed there will be no financial implications as a result of this report. Council's resources in undertaking the community consultation will be absorbed in normal day to day operations.

**RISK IMPLICATIONS**

- Legal Compliance  
A Public Question Time Policy ensures compliance with Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

**CONCLUSION**

The adoption of the Public Question Time Policy provides an opportunity for members of the public to ask questions of Council in accordance with the *Local Government (Meeting Procedures) Regulations 2015*. A consultation period will ensure Council is able to consider any feedback received from the general public prior to its formal adoption.


**ATTACHMENTS**

[1.](#) Draft Public Question Time Policy

**RECOMMENDATION**

That the report relating to the Public Question Time Policy be received and noted and Council endorse the release of the Policy for a 21 day public consultation period.

|           |                        |              |                 |
|-----------|------------------------|--------------|-----------------|
| Author:   | Karen Hampton          | Endorsed By: | Paul West       |
| Position: | Governance Coordinator | Position:    | General Manager |

|   |   |   |                                |
|---|---|---|--------------------------------|
|  |   | <b>PUBLIC QUESTION TIME<br/>POLICY</b>        |                                |
| POLICY TYPE   | POLICY ADOPTED (DATE)   | MINUTE NUMBER                                 | POLICY DOCUMENT NUMBER (TRIM): |
| Council   | ** July, 2017   | **/17   |                                |
| DOCUMENT CONTROLLER   | RESPONSIBLE MANAGER   | STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE) | DATE OF NEXT REVIEW            |
| Governance Coordinator  | General Manager   | 5.6.5   | July 2019                      |
| <b>PURPOSE</b>  | To provide an opportunity for members of the public to ask questions about Council activities at each ordinary council meeting, special council meeting and Section 23 meetings in accordance with Regulation 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i> .   |   |                                |
| <b>SCOPE</b>  | <p>This policy applies to:</p> <ul style="list-style-type: none"> <li>a) all members of the public;</li> <li>b) all formal Council meetings (including special meetings) held by Devonport City Council; and</li> <li>c) all meetings of the following committees: <ul style="list-style-type: none"> <li>• Governance, Finance and Community Services Committee;</li> <li>• Infrastructure Works and Development Committee.</li> </ul> </li> </ul>   |   |                                |
| <b>POLICY</b>   | <p><b>1.1. Public Question Time</b><br/> In accordance with Section 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, Council has determined that a period of thirty (30) minutes be set aside for members of the community to ask questions relating to Council activities.</p> <p>Public question time provides an opportunity for people to ask questions about Council's activities but is not an opportunity to make statements.</p> <p><b>1.2. Questions on notice</b><br/> A member of the public may give written notice to the General Manager at least 7 days before an ordinary Council meeting of a question to be asked at that meeting.</p> <p>The question and a proposed response (if appropriate) will be included on the agenda for the scheduled meeting.</p> <p>If the person is unable to attend the scheduled meeting, they should advise the General Manager and their question/s will be held over until the following meeting.</p> <p>Questions can be lodged by:</p> <p>Mail: PO Box 604, Devonport 7310<br/> In person: 17 Fenton Way, Devonport<br/> Email: <a href="mailto:council@devonport.tas.gov.au">council@devonport.tas.gov.au</a></p> |   |                                |

|  |  |
|--|--|
|  | <p><b>1.3. Questions without notice</b></p> <p>Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).</p> <p>A member of the public who wishes to ask a question at the meeting are to state their name and address prior to asking their question.</p> <p>A maximum of 2 questions per person are permitted.</p> <p>A maximum period of 3 minutes will be allowed per person.</p> <p>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.</p> <p>Questions are to be succinct and not contain lengthy preamble.</p> <p>Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.</p> <p>A question by any member of the public and an answer to that question are not to be debated.</p> <p>Questions without notice and their answers will be recorded in the minutes.</p> <p>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.</p> <p>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.</p> <p><b>1.4. Questions may be refused in certain circumstances</b></p> <p>The Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:</p> <ol style="list-style-type: none"> <li>a) Relates to any planning issue or item listed on the agenda for the Council meeting (note; this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council meeting agenda);</li> <li>b) Is unlawful in any way;</li> <li>c) Contains defamatory remarks, offensive or improper language;</li> <li>d) Questions the competency of Council staff or Aldermen;</li> <li>e) Relates to the personal affairs or actions of Council staff or Aldermen;</li> <li>f) Relates to confidential matters, legal advice or actual or possible legal proceedings;</li> <li>g) Relates to any matter which would normally be discussed in the Closed Section of a Council meeting pursuant to Regulation 15 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>;</li> <li>h) Is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry;</li> <li>i) Is vague in nature or irrelevant to Council activities;</li> <li>j) Are questions that have been substantively asked (and responded to) at any previous Council meeting.</li> </ol> |
|--|--|

|  |  |
|--|--|
|  | <p>If a chairperson refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so.</p> <p><b>2. Roles and Responsibilities</b><br/>         Authority is delegated to the General Manager and the Chairperson to uphold this Policy.</p> |
| <b>LEGISLATION AND RELATED DOCUMENTS</b> | <p><i>Local Government Act 1993</i><br/> <i>Local Government (Meeting Procedures) Regulations 2015</i><br/> <i>Audio Recording Policy</i></p>  |
| <b>ATTACHMENT/S (IF APPLICABLE)</b>      | N/A  |

DRAFT



## 5.7 SPECIAL INTEREST GROUPS AND ADVISORY BOARD MEMBER ENDORSEMENT

File: 22992 D481053

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.4 Ensure effective administration and operation of Council's committees

### SUMMARY

To present the proposed members for Council Special Interest Groups and Advisory Board.

### BACKGROUND

At Council's Governance and Finance Meeting held on 20 March 2017, it was determined (Min. GFC59/17 refers):

*That the Review of Committees report be received and noted and that Council:*

1. *amalgamate the activities of the Governance and Finance and Community Services Committees and form the Governance, Finance and Community Services Section 23 Committee effective 1 July 2017;*
2. *agree to proposed changed structure for Special Interest Groups, Special Committees and Working Groups as outlined in the report;*
3. *membership of Aldermen on all Section 23 Committees and Committees be referred to a future Council Workshop for determination;*
4. *develop terms of reference/guidelines for all Committees; and*
5. *note that new working groups or special interest groups will be convened on an as required basis from time to time."*

Further to this, at Council's Community Services Meeting held on 19 June 2017, it was determined (Min. CSC13/17 refers):

That Council adopts the:

- (a) Active City Special Interest Group Terms of Reference
- (b) East Devonport Special Interest Group Terms of Reference
- (c) Liveable Communities Special Interest Group Terms of Reference
- (d) Public Art Special Interest Group Terms of Reference
- (e) Devonport Regional Gallery Advisory Board Terms of Reference
- (f) Devonport Food and Wine Working Group Terms of Reference
- (g) Devonport Jazz Working Group Terms of Reference
- (h) Tidal Festival Working Group Terms of Reference

### STATUTORY REQUIREMENTS

The *Local Government Act 1993* outlines at Section 23 and 24 the statutory requirements relating to the appointment and functions of Committees.

**DISCUSSION**

A fourteen (14) day media campaign featuring Media Release, Mayors Message, boosted Facebook Posts and a radio campaign, along with email notification to previous Special Interest Group members and community networks was conducted, seeking expressions of interest for community members for Special Interest Groups and Advisory Board.

Through this process Council received Expressions of Interest from thirty-six (36) people.

The formal expression of interest process required community members to submit an application in which they identified their skills in line with selection criteria from the relevant terms of reference for each special interest group or advisory board.

The applications have been assessed by Council Officers against the relevant selection criteria and applicants for membership to special interest groups and advisory board are listed below.

The East Devonport Special Interest Group received six (6) nominations for five (5) positions, based on the diversity and skills identified by members it is recommended that the East Devonport Special Interest Group Terms of Reference be altered to six (6) community members.

The Liveable City Special Interest Group received ten (10) nominations for six (6) positions, based on the diversity and skills identified by members it is recommended that the Liveable City Special Interest Group Terms of Reference be altered to ten (10) community members.

The Devonport Regional Gallery Advisory Board received nine (9) nominations for eight positions, based on the diversity and skills identified by members it is recommended that the Devonport Regional Gallery Terms of Reference be altered to allow one (1) additional community member.

| <b>Active City Special Interest Group</b> |                    |
|---|--------------------|
| <b>No. of Community Members</b>           | 8                  |
| <b>Membership Expression of Interest</b>  | Josh Cox           |
|   | David de Cani      |
|   | Michael Gunson     |
|   | David Mullett*     |
|   | Ted Van Overmeeren |
|   | Andrew Towns       |
| <b>Membership Vacancies Remaining</b>     | 1                  |

*\*Nomination received after the close date.*

| <b>East Devonport Special Interest Group</b> |               |
|--|---------------|
| <b>No. of Community Members</b>              | 5             |
| <b>Membership</b>                            | Tracey Carter |

Report to Council meeting on 24 July 2017

|                                       |                 |
|---------------------------------------|-----------------|
| <b>Expression of Interest</b>         | Maureen Clark   |
|                                       | Jenny Mountney* |
|                                       | Neil Newman     |
|                                       | Scott Newman    |
|                                       | Frances Wilson  |
| <b>Membership Vacancies Remaining</b> | Nil             |

\*Nomination received after the close date.

|   |                   |
|---|-------------------|
| <b>Liveable City Special Interest Group</b> |                   |
| <b>No. of Community Members</b>             | 6                 |
| <b>Membership Expression of Interest</b>    | Tracey Carter     |
|   | Judy Cecil        |
|   | Alisa Driver      |
|   | Donna Hare        |
|   | Raquia Mark       |
|   | Kathleen Priestly |
|   | Tom Reilly        |
|   | Sylvia Sayers     |
|   | Scott Whiley      |
| Jodhi Wilkinson                             |                   |
| <b>Membership Vacancies Remaining</b>       | Nil               |

|   |                                |
|---|--------------------------------|
| <b>Maritime and Heritage Special Interest Group</b> |                                |
| <b>No. of Community Members</b>                     | 4                              |
| <b>No. Industry Experts</b>                         | 4                              |
| <b>Membership Expression of Interest</b>            | Helen Anderson                 |
|   | Neils Bruns – Industry Expert  |
|   | Judy Cecil                     |
|   | Graham Kent – Industry Expert  |
|   | Ann Teesdale – Industry Expert |
| Frances Wilson                                      |                                |
| <b>Membership Vacancies Remaining</b>               | 2                              |

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| <b>Public Art Special Interest Group</b> |                     |
|--|---------------------|
| <b>No. of Community Members</b>          | 2                   |
| <b>No. Industry Experts</b>              | 1                   |
| <b>Membership Expression of Interest</b> | Judy Cecil          |
|  | Linda Johnston      |
| <b>Membership Vacancies Remaining</b>    | 1 – Industry Expert |

| <b>Devonport Regional Gallery Advisory Board</b> |                                     |
|--|-------------------------------------|
| <b>No. of Community Members</b>                  | 4                                   |
| <b>No. Industry Experts</b>                      | 4                                   |
| <b>Membership Expression of Interest</b>         | Vivienne Breheney – Industry Expert |
|  | Lee Dixon                           |
|  | Lisa Garland – Industry Expert      |
|  | Linda Johnston                      |
|  | Josephine Kelly                     |
|  | Alister McCrae – Industry Expert    |
|  | Alexandra Morse                     |
|  | Marilyn Raw                         |
| Carol Whish-Wilson – Industry Expert             |                                     |
| <b>Membership Vacancies Remaining</b>            | Nil                                 |

### **COMMUNITY ENGAGEMENT**

A fourteen (14) day media campaign featuring Media Release, Mayors Message, boosted Facebook Posts and a radio campaign, along with email notification to previous Special Interest Group members and community networks was conducted, seeking expressions of interest for community members for Special Interest Groups and Advisory Board.

Through this process Council received thirty-eight (38) Expressions of Interest from thirty-six (36) people.

### **FINANCIAL IMPLICATIONS**

There is minimal financial impact as a result of this report. Associated advertising costs have been identified in the 2017/2018 Operating Budget, administrative cost savings are expected to be achieved as a result of reducing to overall number of special interest groups and advisory board.

**RISK IMPLICATIONS**

- Workplace Health and Safety  
To minimise any potential workplace health and safety risks, all endorsed members will complete Council's volunteer induction to ensure they understand their obligations under the *Workplace Health and Safety Act 2012*.
- Consultation and/or Communication  
Adhering to terms of reference and the development of agendas reduces the risk of special interest groups and advisory boards not achieving set objectives of Council.

**CONCLUSION**

The report identifies suitable community members for endorsement as members of special interest groups and advisory board.

Where vacancies remain on special interest groups, Council officers will continue to identify suitable community members for inclusion.

**ATTACHMENTS**

1. Special Interest Committees Confidential

**RECOMMENDATION**

That Council receive and note and:

- a. increase the East Devonport Special Interest Group membership to six (6) community members;
- b. increase the Liveable City Special Interest Group membership to ten (10) community members;
- c. increase the Devonport Regional Gallery Advisory Board membership to reflect five (5) community members; and
- d. endorse the appointments as outlined in this report.

|                      |   |                           |   |
|----------------------|---|---------------------------|---|
| Author:<br>Position: | Brooke de Jong<br>Community and Cultural<br>Development Manager | Endorsed By:<br>Position: | Shane Crawford<br>Executive Manager Corporate,<br>Community & Business Services |
|----------------------|---|---------------------------|---|

## 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   |
|-------------|--|---|
| 3 July 2017 | Management Challenge<br>Team Presentation        | The staff involved in the recent Local Government Professionals Management Challenge provided an overview of their experience to Aldermen.  |
|             | Devonport Prospectus                             | The Devonport Chamber of Commerce & Industry President, Stacey Sheehan and the Chairman of the Chamber's Industry Group, Brian Chandler provided information to Aldermen on a proposal for the preparation of a Devonport Prospectus. |
|             | Public Question Time Policy                      | A draft Policy prepared following a previous Workshop was discussed with Aldermen. As a result, a report is included on the Council meeting agenda.   |
|             | Don Cricket Club                                 | Discussed the lease of the Don Cricket Clubrooms.   |
|             | LIVING CITY Waterfront<br>Precinct Traffic Study | A copy of the Traffic Study completed by Pitt & Sherry discussed with Council.  |
|             | Convention Centre<br>Operations                  | An initial discussion around the proposed operations of the Convention Centre.  |
|             | Tasmanian Ambulance<br>Service                   | Opportunities for the possible relocation of the Ambulance Service was discussed.   |

## RECOMMENDATION

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

|                      |   |                           |                              |
|----------------------|---|---------------------------|------------------------------|
| Author:<br>Position: | Robyn Woolsey<br>Administration Officer | Endorsed By:<br>Position: | Paul West<br>General Manager |
|----------------------|---|---------------------------|------------------------------|

## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D454204

### 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 by the Mayor to provide a list of meetings and functions attended by him for the month of June 2017.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In his capacity as Mayor, Alderman Steve Martin attended the following meetings and functions during the month June 2017:

- Learning Communities Special Interest Group
- Spec Savers Opening Day
- Masters Games internal meeting
- Radio 7AD interviews
- Devonport Linc's LIVING CITY Living Room forum
- Deputy Mayor, Annette Rockliff
- Council Budget Workshop
- Reece High School
- Productivity Commission Inquiry into Transitioning Regional Economies
- Australian Masters Games meeting Scott Wade & Royce Fairbrother
- Stephen Farquer, Qantaslink – Hobart
- Becky Shelly, Peter Underwood Centre for Education Attainment - Hobart
- Mark Sayer, Interim CEO TASTafe – Hobart
- Cricket Tasmania - Hobart
- Advocate interview
- Mel Blake, Beacon Foundation
- State Wide Planning Reforms & Cradle Coast Region Local Provisions – Burnie
- Simon Hamilton, Providore Place
- Devonport Cup Junior Soccer Championships
- State Futsal Championships
- Resident meetings
- Nick Cummins, Cricket TAS
- Infrastructure, Works & Development Committee
- Budget Drop-in public session
- Modern Burial System operation
- Andrew Hillier, Devonport Chaplaincy
- Devonport Golf Club, official launch new Country Club
- Australian Local Government of Australia – Canberra – Report attached
  - Regional Cooperation & Development Forum

Report to Council meeting on 24 July 2017

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- National General Assembly
- Shadow Minister for Disability & Carers, Senator Carol Brown
- Senator Johnathon Duniam
- Senator Jacqui Lambie
- His Excellency, General the Honourable, Sir Peter Cosgrove AK MC (Retd)
- Sam Kennedy, Director Public Sector Strategy & Innovation OPTUS
- Martin Bruetsch, Corporate Sales Manager BMW
- Justine Keay MP
- Senator Duniam's Liberal Minister gathering: -
  - Assistant Minister for Cities & Digital Transformation, Angus Taylor
  - Minister for Education Simon Birmingham
  - Senior Advisor (Infrastructure & Cities) Office of the Prime Minister, Alice Thompson
- Adviser, Office of Greg Hunt Minister for Sport, Nicholas Hunter
- Dame Enid Lyon's Charity Trust Fund
- Rod Andrews, Devonport City Soccer Club
- Lions Club of City of Devonport Changeover Dinner
- Tasmanian Logistic Committee – Australian Maritime College, Launceston
- Readers Cup (Sth TAS) Secondary Schools, Mt Carmel College, Hobart and Primary Schools, Friends School
- Radio 7AD – Koinz for Kids
- Citizenship Ceremony
- Deputy Premier Jeremy Rockliff with GM Paul West
- Tina Treloar, Devonport Chamber of Commerce & Industry

**ATTACHMENTS**

- [1.](#) Report – Australian Local Government Association - Mayor Steve Martin - 18-21 June 2017

**RECOMMENDATION**

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



## Report – Australian Local Government Association National General Assembly 18 – 21 June 2017 Canberra

The Australian Local Government Association (ALGA) is the peak body nationally representing around 560 Councils to the Australian Government, political bodies, ministries, government departments as well as international agencies and so on.



The National General Assembly (NGA) is conducted annually to discuss and deal with national issues as well as provide opportunities for representatives to be addressed by well renowned key note speakers and exposure to national expo exhibitors. NGA is an opportunity to share views, knowledge and experience to assist in the development of national policy.

**The Regional Cooperation & Development Forum**, held on Sunday 18 June featured guest speakers Minister for Regional Development Senator Fiona Nash; Meander Valley Council's Martin Gill; Shadow Minister for Regional Services, Territories and Local Government Stephen Jones; Visy General Manager Kenneth Epp; Optus Government Strategy & Innovation Director Samantha Kennedy; and Executive Director Regional University Network Dr. Caroline Perkins.

This forum launched the State of the Regions Report and focussed on regional growth. The key messages that emanated were:

- Health, vitality and destiny
- Adapt to change
- Be innovative
- Reinvent

- Strive to achieve community ambitions
- Digital
- Network, collaborate and partner

Senator Fiona Nash – “back regions with big ideas” & “strive to make lives better and have a brighter future.”

**ALGA National General Assembly, (NGA)**, was opened by His Excellency, General the Honourable, Sir Peter Cosgrove AK MC (Retd), attracted over 800 attendees from across the entire nation.

Met and spoke with His Excellency, encouraging him to come to Tasmania to participate in the 2017 Australian Masters Games – golf. A quick precis on LIVING CITY was also provided

The NGA included dealing with 92 motions and featured guest speakers: -

- Australian Financial Review's political editor, Laura Tingle
- Sunshine Coast Council's Mayor Mark Jamieson – “Developing Smart Cities”
  - Improve prosperity & well-being
  - Clear plan on how we can enhance the future
  - Activated City
- BMW Corporate Sales Manager, Martin Bruetsch – “The Future of Personal Mobility” –
  - New i3 BMW a new range of battery powered vehicles
- Panel Discussions
  - Building Tomorrow's Communities
  - Governance in a Digital Age?”
  - Building Liveable Communities
- The Hon. Bill Shorten MP, Leader of the Opposition
  - Labor, up for Local Government to be included in the Constitution
  - After top 3 local priorities that create jobs and that build better communities
- Minister for Indigenous Affairs, Senator Nigel Scullion

**Meetings/Conversations: -**

- Shadow Minister for Disability & Carers, Senator Carol Brown
  - Active people with disabilities
  - Masters Games
- Senator Johnathon Duniam
  - LIVING CITY, general catch up
  - Launched 2017 Coat Day Appeal with Senator Stephen Parry
- Senator Jacqui Lambie
  - LIVING CITY, general catch up
  - Learning Communities, “supermarket conversations”
- Sam Kennedy, Director Public Sector Strategy & Innovation OPTUS
- Martin Bruetsch, Corporate Sales Manager BMW
- Justine Keay MP
  - LIVING CITY, general catch up
  - Learning Communities, “supermarket conversations”
- Senator Duniam's Liberal Minister gathering: -
  - Assistant Minister for Cities & Digital Transformation, Angus Taylor
  - Minister for Education Simon Birmingham
  - Senior Advisor (Infrastructure & Cities) Office of the Prime Minister, Alice Thompson

- Adviser, Office of Greg Hunt Minister for Sport, Nicholas Hunter
  - Sport as an enabler
  - Masters Games
  - Sports tourism
  - Future plans

## 6.3 GENERAL MANAGER'S REPORT - JULY 2017

File: 29092 D462035

### 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, 22 June to 19 July 2017. It also provides information on matters that may be of interest to Aldermen and the community.

### BACKGROUND

The report is provided on a regular monthly basis and addresses several management and strategic issues currently being undertaken by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

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

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. With Deputy Mayor Rockliff attended a meeting of the Dulverton Waste Management Authority as Council's Representatives. In accordance with the Rules of the Authority the minutes of this meeting have been provided to Council in Closed Session.
- 1.4. Met with staff impacted by the Council's decision to restructure its garbage collection services to non-residential customers. The purpose of the meeting was to explain the rationale behind the move and the likely impacts on the delivery of services. The new non-residential services will be introduced progressively over the ensuing months.
- 1.5. Over the past 4 months management has been negotiating a new Enterprise Agreement with staff. An offer was made to staff which included a 2.5% pay increase each year for the life of the proposed 3-year Agreement, with the maintenance of all existing conditions under the current Enterprise Agreement for current staff. The following is a summary of proposed changes which were proposed to be incorporated into the Enterprise Agreement:
  - New Family and Domestic Violence Leave – 1 week per year
  - New Professional Membership Clause
  - New Health and Wellbeing Clause

- New salary sacrifice clause
- Paid maternity leave available after 12 months continuous services on a pro-rata basis
- Recognition of Long Service Leave for trainees
- Ability to donate long service leave in addition to donating annual leave
- Commit to develop a new single pay classification structure, descriptors and associated pay scale within the first 12 months of the Agreement
- Existing employees to continue to receive 15 days personal (sick) leave per year. New employees commencing after 1 July 2017 would accrue 10 days per year
- Common personal leave accrual date of 1 January
- 2.5 per cent increase per year for 3 years
- 5 per cent one-off payment to allowances effective 1 July 2017
- 25 per cent casual loading (increased from 20 per cent)

The only substantive change sought by management in the final agreement was for there to be a reduction in sick leave days for new staff employed after 1 July 2017 from the current 15 days per year to the industry standard of 10 days per year.

A vote was held on Tuesday 4 July. The result was that of the 126 votes cast there was 55 YES and 70 NO with 1 INFORMAL.

As a result, the existing Enterprise Agreement will continue to operate under the requirements of Fair Work, however there is no capacity for any increases to be applied until a new Agreement is accepted.

The Bargaining Committee will be reconvened in due course.

## 2. LIVING CITY

- 2.1. Participated in a LIVING CITY Working Group meeting. This is a regular meeting where Council officers and representatives of P+i Group discuss progress and activities associated with the project.
- 2.2. Attended a meeting of the LIVING CITY Reference Group. This Group consists of senior representatives of Council, LINC and Service Tasmania and is authorised to make decisions in relation to the arrangements for co-location of the services once the new Multi-Purpose Building is complete. A major decision reached at this meeting will see Council and LINC move to LANaaS for Information Technology. It appears that Service Tasmania will remain using its current independent service. The naming (branding) of the building was also discussed – a separate report on this subject has been included on the current agenda.
- 2.3. Attended two Project Control Group (PCG) meetings relating to LIVING CITY. The PCG consists of representatives of Council, Fairbrother, P+i and 6ty (Contract Superintendent).
- 2.4. Attended meetings of the Multi-Purpose Civic Building Reference Group. This group includes representatives of Council, LINC and Service Tasmania.

3. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 3.1. Met with a local resident to be informed regarding his proposal for new developments in Devonport.
- 3.2. Met with representatives of Meercroft Care Inc to further discuss their expansion plans and the requirement for additional parking to be provided on site. This was a follow up meeting from when representatives attended a Workshop session with Aldermen some months ago.
- 3.3. Met with the Business Development Manager of an international industrial company to discuss opportunities that may be available for development in the Devonport area.
- 3.4. Met with the CEO of Tasplan Superannuation. Tasplan Super is the default scheme for Council employees.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Attended a meeting of the Premier's Local Government Council (PLGC) in Hobart.
- 4.2. With the Mayor attended a catch-up meeting with the Deputy Premier, Hon Jeremy Rockliff MP in his capacity as the local member.
- 4.3. The Minister for Planning and Local Government on 26 June 2017 issued "Notice of Interim Planning Directive No. 2 – Exemption and Standards for Visitor Accommodation in Planning Schemes. A copy of the Minister's letter is attached together with the Department of Justice Information Sheet title 'Visitor Accommodation Use in a Home or Dwelling'.
- 4.4. Met with representatives of the Co-ordinator General's office.

5. OTHER

- 5.1. Council were advised on 6 July 2017 by the Resource Management and Planning Appeal Tribunal (RMPAT) that the appeal against its decision to donate land situated at 108 Tarleton Street, East Devonport was dismissed.

A preliminary directions hearing was held on Tuesday 20 June. Following the hearing the Tribunal issued a "direction" to the appellants that within 14 days "*to deliver further and better particulars of the grounds of appeal addressing the issues that arise for consideration under Section 178A(3) of the Local Government Act 1993*".

As a result of failing to comply with this direction, the appeal was dismissed.

**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 is 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. Visitor Accommodation - Regulatory Changes
- [↓](#) 2. Attachment D - Information Sheet - Visitor Accommodation Use - 1 July 20(2)
- [↓](#) 3. Current and Previous Minute Resolutions Update - July 2017
- 4. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential July 2017

**RECOMMENDATION**

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

|           |                 |
|-----------|-----------------|
| Author:   | Paul West       |
| Position: | General Manager |

Treasurer  
Minister for Planning and Local Government

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GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7670  
Email: [treasureroffice@dpac.tas.gov.au](mailto:treasureroffice@dpac.tas.gov.au)



26 JUN 2017

Dear General Managers

As you will be aware, from 1 July 2017 there will be regulatory changes to planning and building requirements relating to the use of homes and other dwellings for visitor accommodation. This follows the Government's policy announcement on supporting Tasmania's visitor economy with accommodation sharing made earlier this year.

The changes are in line with the Government's commitment to grow and support the tourism and hospitality sectors.

In summary, the 'reform package' relating to the use of homes and other dwellings for visitor accommodation comprises the following:

- Interim Planning Directive No.2, to implement the changes to planning requirements in current planning schemes;
- Director's Determination, to implement the changes to building requirements;
- A Standard Application Package, which comprises a Planning Permit application form and a Building Self-assessment form, to streamline the approval processes where a permit is required;
- A capped planning permit application fee of \$250 for a 'permitted' change of use to visitor accommodation; and
- An Information Sheet, dated 1 July 2017, to provide guidance to the general public on the reforms, focusing on new and existing visitor accommodation use operators and providing answers to frequently asked questions.

A Fact Sheet (dated June 2017) providing a summary of the 'reform package' is currently available on the Department of Justice's (DOJ) [Tasmanian planning reform website](#).

DOC/17/63427



### Interim Planning Directive No.2

The changes to the planning requirements will be implemented through *Interim Planning Directive No.2 – Exemption and Standards for Visitor Accommodation in Planning Schemes (IPD2)*, which I have determined to be issued under section 12A(2)(a) of the *Land Use Planning and Approvals Act 1993*<sup>1</sup> (LUPAA). The effective date is 1 July 2017.

My determination follows a recommendation made by the Tasmanian Planning Commission (the Commission) that an assessment be undertaken on a draft Planning Directive, which was lodged by the Secretary of the DOJ, as a State Agency under section 10(1)(c) of LUPAA. The Commission considered the draft planning directive and recommended that an assessment be undertaken and that I, as Minister, issue a direction under section 11(1)(a) of LUPAA. The Commission also recommended that an interim planning directive in terms of the draft planning directive, to be called Interim Planning Directive No.2 (IPD2), be issued.

I will also direct the Commission to undertake an assessment of the draft Planning Directive under section 11(1)(a) of LUPAA.

IPD2 is a self-executing document that must be read with the relevant interim planning scheme, the *Flinders Planning Scheme 2000*, or the *Sullivans Cove Planning Scheme 1997*. It has the effect of implementing provisions similar to the State Planning Provisions (SPPs).

In summary, IPD2 implements the SPP exemption for Visitor Accommodation use in a person's main residence in all planning schemes across the State, along with:

- making the definition of the Use Class Visitor Accommodation the same as the SPPs for all interim planning schemes and introducing a definition for Visitor Accommodation in the *Flinders Planning Scheme 2000* and *Sullivans Cove Planning Scheme 1997*;
- making the Visitor Accommodation Use Class, Permitted, without qualification in all residential and village zones, in all planning schemes, excluding the *Flinders Planning Scheme 2000*; and
- applying a consistent use standard for Visitor Accommodation in all residential and village zones, in all planning schemes, excluding the *Flinders Planning Scheme 2000*.

A copy of IPD2 is attached (Attachment A). It will also become available on the Commission's [iPlan website](#) along with further information. In accordance with LUPAA, formal notification of IPD2 will be provided shortly in separate correspondence to all planning authorities and a notice will be published in the Gazette of the issue of the IPD2.

### Director's Determination

The Director of Building Control intends to issue the *Director's Determination – Short or Medium Term Visitor Accommodation* under section 20(1)(e) of the *Building Act 2016*, to come into effect on 1 July 2017. This will coincide with the introduction of IPD2.

The Determination is currently in draft form, pending the completion of stakeholder consultation, but will have effect from 1 July 2017. Any changes in the finalisation of the Determination are expected to be minor in nature.

<sup>1</sup> References to provisions of LUPAA are references to the **former provisions** of LUPAA as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*.

A copy of the draft Determination is attached (Attachment B). It will also be available on the DOJ's [Building Services website](#).

The Determination will apply only to existing dwellings or residential properties where a fee is being charged for the use of short of medium term visitor accommodation. It does not apply to the use of a dwelling or residential premises by family or friends of the owner or occupier, unless a fee is being charged or consideration made.

The Determination will require a Building Self-assessment Form to be completed by the owner or occupier to declare that the property meets the minimum building standards with respect to an Occupancy Permit, plumbing, and essential building services.

The Building Self-assessment Form must be completed in the following situations where existing dwellings or residential premises are used or intended to be used as visitor accommodation, and a fee is being charged:

- owner occupiers of dwellings or residential premises of over four bookable rooms, or
- dwellings which are investment properties or shacks less than 300m<sup>2</sup> (i.e. not occupied by the owner).

### **Standard Application Package**

A Standard Application Package provides a simple pathway for those seeking approval for the use of existing homes or other dwellings for Visitor Accommodation use.

The Standard Application Package comprises a Planning Application Form and a Building Self-assessment Form.

The Planning Application Form relates to IPD2, and only applies to the change of use of an existing building for visitor accommodation that is 'Permitted', as follows:

- interim planning schemes – change of use to Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup> and the land is zoned either General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village; or
- *Sullivans Cove Planning Scheme 1996* – change of use to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup> and the land is located within the Activity Area 1.0 Inner City Residential (Wapping).

The Planning Application Form will be applicable for planning applications for a change of use to Visitor Accommodation that is 'permitted' (as set out above) only. It will not apply if:

- the use is exempt from requiring a planning permit, as set out in IPD2;
- the use requires a 'discretionary' planning permit under the planning scheme. For example, a change of use to Visitor Accommodation in an existing building greater than 300m<sup>2</sup>, or other planning scheme provisions apply requiring discretionary assessment, such as off-street parking, bushfire planning, heritage, or non-residential use standards in zones (eg external lighting requirements);

- other uses or if any development (not otherwise exempt) are included in the proposal, in addition to the change of use to Visitor Accommodation.

The Building Self-assessment Form will apply in the following situations where the property is used or intended to be used for Visitor Accommodation:

- owner occupiers of dwellings or residential premises of over four bookable rooms; or
- dwellings which are investment properties or shacks less than 300m<sup>2</sup> (i.e. not occupied by the owner).

A copy of the Standard Application Package is attached (Attachment C). Electronic versions will be available on the DOJ's [Tasmanian planning reform website](#).

From 1 July 2017, the Standard Application Package must be used by applicants and processed by local councils for the purpose it is intended for, as set out above. The Planning Application Form must be used in the place of any existing Planning Authority's permit application form. The Building Self-assessment Form must be retained by councils acting as the Building Authority.

#### **Capped planning permit application fee of \$250 for a 'permitted' change of use**

A capped fee of \$250 will apply to planning permit applications for a 'permitted' change of use to visitor accommodation, where the following applies:

- interim planning schemes – change of use only to Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup>, and the land is zoned either General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village; or
- *Sullivans Cove Planning Scheme 1996* – change of use only to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup> and the land is located within the Activity Area 1.0 Inner City Residential (Wapping).

From 1 July 2017, local councils may determine the planning application fee up to a maximum of \$250.00.

This will be mandated through an amendment to the *Land Use Planning and Approvals Regulations 2014*.

#### **Information Sheet**

An Information Sheet has been prepared to provide guidance to the general public on these reforms. It focuses on new and existing visitor accommodation use operations and provides answers to some frequently asked questions.

A copy is attached (Attachment D). It will also be available on the DOJ's [Tasmanian planning reform website](#).

Finally, I acknowledge the role of local councils in implementing these important reforms to support the growing tourism sector. While the reforms introduce some different processes to those already operating, the work load for councils should substantially reduce through the introduction of the exemption from planning approval for home-sharing up to 4 bedrooms and the reduced building regulation required under the Director's Determination.

If you require further information, please contact DOJ's Planning Policy Unit on tel. (03) 6216 1429 or email [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au)

Yours sincerely



Hon Peter Gutwein MP  
**Minister for Planning and Local Government**

**Attachments:**

Attachment A – Interim Planning Directive No.2 – Exemption and Standards for Visitor Accommodation in Planning Schemes

Attachment B – Draft Director's Determination – Short or Medium Term Visitor Accommodation

Attachment C – Standard Application Package

Attachment D – Information Sheet – 1 July 2017



## VISITOR ACCOMODATION USE IN A HOME OR DWELLING

Information Sheet – 1 July 2017

### NEW VISITOR ACCOMMODATION USE

If you plan to use your existing home, shack or investment property for visitor accommodation, you need to be aware of the Government's reforms to planning and building requirements, supported by simpler processes, which take effect Statewide from 1 July 2017.

Planning and building requirements will vary depending on how you plan to use your property.

A summary of the new arrangements is outlined in the table below. The new arrangements only relate to the use of an existing property where no development is involved.

| Type of property             | Homes used by their owner or occupier as their main place of residence  | Investment properties, shacks, or other existing buildings up to 300m <sup>2</sup>   | New buildings or existing buildings over 300m <sup>2</sup>         |
|------------------------------|---|--|--|
| <b>Planning Requirements</b> | <p>Exempt from requiring a planning permit if:</p> <ul style="list-style-type: none"> <li>the dwelling is only let while the owner or occupier is on vacation or temporarily absent; or</li> <li>visitors are accommodated in not more than 4 bedrooms in the dwelling.</li> </ul> <p>If it does not meet the exemption, a planning permit is required. The use will be 'Permitted' if:</p> <ul style="list-style-type: none"> <li>it is located within a residential zone / activity area;</li> <li>guests are accommodated within an existing building;</li> <li>the building has a gross floor area of not more than 300m<sup>2</sup>; and</li> <li>all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.</li> </ul> | <p>Planning approval is required. Apply to your local council.</p> <p>Visitor accommodation use is 'Permitted' if:</p> <ul style="list-style-type: none"> <li>located within a residential zone / activity area;</li> <li>guests are accommodation within existing buildings; and</li> <li>the building has a gross floor area of not more than 300m<sup>2</sup>; and</li> <li>all other requirements in the planning scheme are met that are necessary for a 'Permitted use.</li> </ul> | <p>Planning approval is required. Apply to your local council.</p> |

## VISITOR ACCOMMODATION USE IN A HOME OR DWELLING

| Type of property             | Homes used by their owner or occupier as their main place of residence  | Investment properties, shacks, or other existing buildings up to 300m <sup>2</sup>  | New buildings or existing buildings over 300m <sup>2</sup> |
|------------------------------|---|---|--|
| <b>Building Requirements</b> | <p>No building permit required, if the home has four or less bookable rooms.</p> <p>A Building Self-assessment Form must be completed if existing dwellings or residential premises are used or intended to be used as visitor accommodation with more than four bookable rooms.</p> <p>Note: if building work is proposed, then building approvals are required. Planning approval may also be required.</p> | <p>A Building Self-assessment Form must be completed if existing dwellings or residential premises are used or intended to be used as visitor accommodation with gross floor area of not more than 300m<sup>2</sup>.</p> <p>Note: if building work is proposed, then building approvals are required. Planning approval may also be required.</p> | Apply to your local council.                               |
| <b>What's next?</b>          | <p>No further steps are required if exempt from requiring a planning permit.</p> <p>If a planning permit is required, there is a new standard application package, which combines the Planning Permit Application Form with the Building self-assessment Form, to streamline the process.</p> <p>Lodge the standard application package with your local council.</p>  | <p>There is a new standard application package, which combines the Planning Permit Application Form with the Building self-assessment Form, to streamline the process.</p> <p>Lodge the standard application package with your local council.</p>   | Apply to your local council.                               |
| <b>What is involved?</b>     | <p>In all cases, check with your insurance company that you have adequate cover etc.</p> <p>If a planning permit is required, complete and sign the standard application package. An application fee of not more than \$250 will apply.</p> <p>Your local council issues a planning permit.</p>   | <p>Complete and sign the standard application package. An application fee of not more than \$250 will apply.</p> <p>Your local council issues a planning permit.</p>  | Building and planning requirements will be necessary.      |



## VISITOR ACCOMMODATION USE IN A HOME OR DWELLING

### EXISTING VISITOR ACCOMMODATION USE

If you currently operate a lawful visitor accommodation use from your home or from another dwelling that you own (i.e. investment property or shack), where you have obtained all relevant planning and building approvals for the use, the Government's reforms to planning and building requirements will not impact you. No further action is necessary.

However, there may be other implications relating to land tax, council rates and electricity tariffs that could potentially affect existing visitor accommodation operators. Please see frequently asked questions below and answers, for further information.

### FREQUENTLY ASKED QUESTIONS

#### Can I renovate or build for visitor accommodation?

Yes, but you must comply with normal planning and building requirements and procedures. Talk to your local council.

The above table applies with regard to the use, not development, of an existing dwelling or residential premises for visitor accommodation. Any proposed building or works will require planning and building approval (unless otherwise exempt).

There are no additional requirements under the *Building Act 2016* for owners or occupiers of a dwelling or residential premises used or intended to be used for short or medium term visitor accommodation, if the property is their main place of residence and has four or less bookable rooms.

However, if building work is required as part of converting the dwelling or residential premises to visitor accommodation then:

- the owner may need to take into account the Access to Premises Standard requirements; and
- if the property is in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for the property.

#### I have an apartment. Can I use it for visitor accommodation? Do I need planning or building approval?

Yes, provided you comply with any additional requirements from the body corporate.

The above table applies with regard to the use, not development, of your existing dwelling or building for visitor accommodation. Any proposed building or works will require planning and building approval (unless otherwise exempt).



### VISITOR ACCOMMODATION USE IN A HOME OR DWELLING

#### I have a granny flat. Do I need planning or building approval to use it for visitor accommodation?

Granny flats are considered part of the house (even though they may be under or out the back) of the existing dwelling, if they are connected to the same services as the house.

Therefore, your granny flat may be used for visitor accommodation, in accordance with the arrangements identified in the above table.

The above table applies with regard to the use, not development, of your existing dwelling or building for visitor accommodation. Any proposed building or works will require planning and building approval (unless otherwise exempt).

#### Do I need insurance?

You should consult with your insurance provider to ensure appropriate coverage.

#### What is Building Self-assessment? Do I need building approval?

The Building Self-assessment Form can be used to demonstrate minimum building safety standards can be met, but only for circumstances where an owner or occupier plans to use their dwelling or residential premises with more than four bookable rooms, or their investment property or shack that is less than 300m<sup>2</sup> for visitor accommodation.

If this is the case and the minimum building requirements can be met, building approval is not required. Otherwise, building approval may be required. Talk to your local council.

The Building Self-assessment Form is part of the standard application package that covers both an application for a permitted planning permit and self-assessment declaration that your property meets the minimum building safety standards.

The Building Self-assessment Form sets out the minimum safety standards with respect to an Occupancy Permit, plumbing and essential services.

#### Will I have to pay land tax?

Land tax implications are separate from the new arrangements for planning and building requirements.

Properties are only exempt from land tax if they are classified as 'principal residence land' or as 'primary production land'.

Where 'principal residence land' is used for purposes other than as the owner's principal residence, land tax may apply.

For further information about land tax, please refer to the State Revenue Office's website at <http://www.sro.tas.gov.au>.

A fact sheet will be available on the website from 1 July 2017.





## VISITOR ACCOMMODATION USE IN A HOME OR DWELLING

### Will my council rates increase?

The Office of the Valuer General (OVG) provides a Property Classification Code (PCC) to each property, which is applied having regard to the current usage of the property as at date of inspection. This code is divided further to identify different uses with each area.

Local councils utilise OVG data to assess the rates on individual properties based on their individual rating models and rating resolutions.

When local councils approve a change of use for a property to “Visitor Accommodation”, they usually request the OVG to undertake a supplementary valuation to review the values and PCC. In the case of a residential property that was changed to Visitor Accommodation, the OVG would in most cases change the PCC from ‘R1 – House’ to a commercial classification ‘C52 – Holiday Apartment’, if that was the predominant use of the property. The valuation would be reviewed also. These changes are dependent on advice from the local council, when a change of use is approved.

The implication of a change of use from Residential to Visitor Accommodation (entire property, through either the Permitted or Discretionary permit pathway) will trigger reconsideration of the PCC by the OVG. In its determinations, the OVG will reclassify the PCC to the predominant use of the property. A review of the existing value will be undertaken accordingly, which may result in an increase in council rates.

For further information, please contact your local council.

If you believe that your property has been incorrectly valued, please contact the Office of the Valuer General.

### Will I have to pay more or less for electricity?

Under the new arrangements, some existing small-scale visitor accommodation providers may find their ‘businesses’ fall into the exempt category from a planning/building perspective, where they are currently being charged a commercial rate for their electricity. An example may be a B&B that meets the exemption requirements, where the owner or occupier resides in the dwelling as their main place of residence and visitors are accommodated in not more than 4 bedrooms.

Such premises may request to have their residential tariff reinstated from 1 July 2017, by contacting Aurora Energy directly. However, this will be a decision by Aurora Energy, and their acceptance that the dwelling is principally used as a private dwelling.

Aurora Energy customers are assigned to tariff classes on the basis of their “usage and size” and deemed residential where the premises are “used wholly or principally as private residential dwelling(s)”.

Aurora Energy will continue to apply the tariff existing at premises until a change is requested by the customer, or unless Aurora Energy is advised of a change by TasNetworks.



*VISITOR ACCOMMODATION USE IN A HOME OR DWELLING*

For visitor accommodation use in an existing building and not more than 300m<sup>2</sup>, the electricity tariff will still have a residential tariff apply.

If a change of use is reported to Aurora Energy and the electricity costs remain or are anticipated to be below 150 megawatt hours per year, the tariff will be classed as a small business tariff.

For further information, contact Aurora Energy directly on 1300 13 2007, or visit their website at [www.auroraenergy.com.au](http://www.auroraenergy.com.au) .

## Current and Previous Minute Resolutions Update

| OPEN SESSION<br>Current Resolutions |   |
|-------------------------------------|---|
| <b>Resolution Title:</b>            | <b>Extra Disability Parking Bay in CMax Carpark – Ald A J Jarman (D476646)</b>  |
| <b>Date:</b>                        | 26 June 2017  |
| <b>Minute No.:</b>                  | 94/17   |
| <b>Status:</b>                      | In progress   |
| <b>Responsible Officer:</b>         | Executive Manager Corporate Community & Business  |
| <b>Officers Comments:</b>           | A report is being prepared which will include broader discussion regarding disability parking   |
| <b>Resolution Title:</b>            | <b>AM2017.01 Rezoning from General Residential to Commercial and PA2017.0062 Transport Depot and Distribution and Storage – 26 North Caroline Street East Devonport (D476553)</b> |
| <b>Date:</b>                        | 26 June 2017  |
| <b>Minute No.:</b>                  | 95/17   |
| <b>Status:</b>                      | Completed   |
| <b>Responsible Officer:</b>         | Development Manager   |
| <b>Resolution Title:</b>            | <b>Rates and Charges Policy (D473420)</b>   |
| <b>Date:</b>                        | 26 June 2017  |
| <b>Minute No.:</b>                  | 96/17   |
| <b>Status:</b>                      | Completed   |
| <b>Responsible Officer:</b>         | General Manager   |
| <b>Officers Comments:</b>           | Updated Policy available on Council website   |
| <b>Resolution Title:</b>            | <b>Financial Management Strategy (D477480)</b>  |
| <b>Date:</b>                        | 26 June 2017  |
| <b>Minute No.:</b>                  | 97/17   |
| <b>Status:</b>                      | Completed   |
| <b>Responsible Officer:</b>         | Executive Manager Organisational Performance  |
| <b>Officers Comments:</b>           | Updated Strategy on Council website   |
| <b>Resolution Title:</b>            | <b>Annual Plan and Budget Estimates – 2018 (D458225)</b>  |
| <b>Date:</b>                        | 26 June 2017  |
| <b>Minute No.:</b>                  | 98/17   |
| <b>Status:</b>                      | Completed   |
| <b>Responsible Officer:</b>         | General Manager   |
| <b>Officers Comments:</b>           | Annual Plan available on Council's website and at Customer Service  |

|                             |   |
|-----------------------------|---|
| <b>Resolution Title:</b>    | <b>TasWater – Takeover – LGAT Campaign (D476771)</b>  |
| <b>Date:</b>                | 26 June 2017  |
| <b>Minute No.:</b>          | 100/17  |
| <b>Status:</b>              | Completed   |
| <b>Responsible Officer:</b> | General Manager   |
| <b>Officers Comments:</b>   | Letter sent to LGAT advising of Council's position  |
| <b>Resolution Title:</b>    | <b>Money in Sport Conference – Mayor Martin (D477465)</b>   |
| <b>Date:</b>                | 26 June 2017  |
| <b>Minute No.:</b>          | 101/17  |
| <b>Status:</b>              | Completed   |
| <b>Responsible Officer:</b> | General Manager   |
| <b>Officers Comments:</b>   | Registration for conference finalised   |
| <b>Resolution Title:</b>    | <b>Tender Report Contract 1314 Supply &amp; Delivery of Pre-Mixed Concrete (IWC 20/17 – 13 June 2017)</b> |
| <b>Date:</b>                | 26 June 2017  |
| <b>Minute No.:</b>          | 107/17  |
| <b>Status:</b>              | Completed   |
| <b>Responsible Officer:</b> | Infrastructure & Works Manager  |
| <b>Officers Comments:</b>   | Contract has been awarded.  |
| <b>Resolution Title:</b>    | <b>Stormwater Connection Policy (IWC 21/17 – 13 June 2017)</b>  |
| <b>Date:</b>                | 26 June 2017  |
| <b>Minute No.:</b>          | 107/17  |
| <b>Status:</b>              | Completed   |
| <b>Responsible Officer:</b> | City Engineer   |
| <b>Officers Comments:</b>   | Policy is available on Council's website.   |
| <b>Resolution Title:</b>    | <b>Waste Management Review (IWC 23/17 – 13 June 2017)</b>   |
| <b>Date:</b>                | 26 June 2017  |
| <b>Minute No.:</b>          | 107/17  |
| <b>Status:</b>              | In progress   |
| <b>Responsible Officer:</b> | Infrastructure & Works Manager  |
| <b>Officers Comments:</b>   | Work has commenced to roll-out the changes to the Commercial Collection Service.                          |

|                             |  |
|-----------------------------|--|
| <b>Resolution Title:</b>    | <b>Request for Commemorative Seat – Mersey Vale Memorial Park (IWC 24/17 – 13 June 2017)</b>                             |
| <b>Date:</b>                | 26 June 2017   |
| <b>Minute No.:</b>          | 107/17   |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Governance Coordinator   |
| <b>Officers Comments:</b>   | Determination of placement of seat confirmed with applicant/Council  |
| <b>Resolution Title:</b>    | <b>Beach Volleyball Courts (CSC 09/17 – 19 June 2017)</b>  |
| <b>Date:</b>                | 26 June 2017   |
| <b>Minute No.:</b>          | 109/17   |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business   |
| <b>Officers Comments:</b>   | No action required regarding new facility. Removal of existing facility included in 2017/18 budget.                      |
| <b>Resolution Title:</b>    | <b>Sporting Precinct Master Plan (CSC 12/17 – 19 June 2017)</b>  |
| <b>Date:</b>                | 26 June 2017   |
| <b>Minute No.:</b>          | 109/17   |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business   |
| <b>Officers Comments:</b>   | Master Plan adopted and will be reviewed annually.   |
| <b>Resolution Title:</b>    | <b>Terms of Reference Council Special Interest Groups, Working Groups and Advisory Boards (CSC 13/17 – 19 June 2017)</b> |
| <b>Date:</b>                | 26 June 2017   |
| <b>Minute No.:</b>          | 109/17   |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business   |
| <b>Officers Comments:</b>   | Report regarding membership listed on July agenda. Meetings under new structure to commence shortly.                     |

#### Previous Resolutions Still Being Actioned

|                             |   |
|-----------------------------|---|
| <b>Resolution Title:</b>    | <b>Disposal of 108 Tarleton Street, East Devonport to Oak Possability (D467357)</b> |
| <b>Date:</b>                | 22 May 2017   |
| <b>Minute No.</b>           | 78/17   |
| <b>Status:</b>              | Completed   |
| <b>Responsible Officer:</b> | Governance Coordinator  |
| <b>Officers Comments:</b>   | RMPAT advised appeal has been dismissed.  |

|                             |  |
|-----------------------------|--|
| <b>Resolution Title:</b>    | <b>Development of Prospectus for Devonport Municipality – Notice of Motion – Ald L M Laycock</b>   |
| <b>Date:</b>                | 24 April 2017  |
| <b>Minute No.:</b>          | 53/17  |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Governance Coordinator   |
| <b>Officers Comments:</b>   | DCCI representatives attended July workshop  |
| <b>Resolution Title:</b>    | <b>Sports Carnivals Association of Tasmania – Application for Funding (CSC 06/17 – 10 April 2017)</b>  |
| <b>Date:</b>                | 24 April 2017  |
| <b>Minute No.:</b>          | 69/17  |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business   |
| <b>Officers Comments:</b>   | Determination made at G F & C S Committee meeting 17 July for endorsement at July Council meeting  |
| <b>Resolution Title:</b>    | <b>Harbourmaster's Café – Erection of Commercial Umbrellas</b>   |
| <b>Date:</b>                | 27 February 2017   |
| <b>Minute No.:</b>          | 20/17  |
| <b>Status:</b>              | In Progress  |
| <b>Responsible Officer:</b> | General Manager  |
| <b>Officers Comments:</b>   | All documentation lodged by the proponent and provided to Crown Land Services for approval.  |
| <b>Resolution Title:</b>    | <b>Feasibility Study – development mobile phone app (Community Services Committee – 12 December 2016)</b>  |
| <b>Date:</b>                | 19 December 2016   |
| <b>Minute No.:</b>          | 238/16   |
| <b>Status:</b>              | In Progress  |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business Services  |
| <b>Officers Comments:</b>   | Development of a Devonport Information Mobile application is an action of the Digital Strategy, with a medium priority to be completed in 3-5 years only if external funds can be sourced. |
| <b>Resolution Title:</b>    | <b>Investigation – Staging – Tasmanian Masters Games (Community Services Committee – 17 October 2016)</b>  |
| <b>Date:</b>                | 24 October 2016  |
| <b>Minute No.:</b>          | 197/16   |
| <b>Status:</b>              | Completed  |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business Services  |
| <b>Officers Comments:</b>   | Report being prepared for future Council agenda  |

|                             |   |
|-----------------------------|---|
| <b>Resolution Title:</b>    | <b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>   |
| <b>Date:</b>                | 26 September 2016   |
| <b>Minute No.:</b>          | 170/16  |
| <b>Status:</b>              | In Progress   |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business Services   |
| <b>Officers Comments:</b>   | Discussions have commenced with National Trust of Australia. Waiting for further information from National Trust. |
| <b>Resolution Title:</b>    | <b>Pay by Phone Parking Technology – Review (Governance &amp; Finance committee – 19 September 2016)</b>          |
| <b>Date:</b>                | 26 September 2016   |
| <b>Minute No.:</b>          | 181/16  |
| <b>Status:</b>              | In Progress   |
| <b>Responsible Officer:</b> | Executive Manager Corporate Community & Business Services   |
| <b>Officers Comments:</b>   | Documentation prepared for release at appropriate time.   |

## 7.0 SECTION 23 COMMITTEES

### 7.1 PLANNING AUTHORITY COMMITTEE MEETING - 17 JULY 2017

File: 29133 D482407

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

Council's Strategic Plan 2009-2030:

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

#### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 17 July 2017.

#### ATTACHMENTS

[1.](#) Minutes - Planning Authority Committee - 17 July 2017

#### RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 17 July 2017 be received and the decisions determined be noted:

- PAC 15/17 Planning Applications approved under Delegated Authority 12 June 2017-7 July 2017
- PAC 16/17 PA2017.0055 Residential (Multiple Dwellings x 5 to be used for the purposes of Supported Accommodation for Disabled Persons) - Assessment against the performance criteria for provisions including 10.4.1, 10.4.2, 10.4.3 and Traffic Generating Use ...
- PAC 17/17 PA2017.0084 Residential (Single Dwelling) - Assessment against the Performance Criteria for Building outside of the Permitted Building Envelope - 116-118 North Street Devonport
- PAC 18/17 PA2017.0081 Residential (Shed) - Assessment against Performance Criteria for Setbacks and Building Envelope - 31 Swilkin Drive Spreyton

|           |                        |              |                 |
|-----------|------------------------|--------------|-----------------|
| Author:   | Robyn Woolsey          | Endorsed By: | Paul West       |
| Position: | Administration Officer | Position:    | General Manager |



**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY, 17 JULY 2017  
COMMENCING AT 5:00PM**

**PRESENT:** Ald S L Martin (Mayor) in the Chair  
Ald C D Emmerton  
Ald G F Goodwin  
Ald J F Matthews  
Ald T M Milne  
Ald L M Perry

**Aldermen in Attendance**

Ald A J Jarman

**Council Officers:**

General Manager, P West  
Manager Development and Health Services, B May  
Planning Officer, M McIver  
Cadet Planner, A Mountney

**Audio Recording:**

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

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 12 JUNE 2017-7 JULY 2017 (D480444)**

**PAC 15/17 RESOLUTION**

MOVED: Ald Goodwin  
SECONDED: Ald Matthews

That the list of delegated approvals be received.

|              | For | Against |              | For | Against |
|--------------|-----|---------|--------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Matthews | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne    | ✓   |         |
| Ald Goodwin  | ✓   |         | Ald Perry    | ✓   |         |

CARRIED UNANIMOUSLY

|                                |
|--------------------------------|
| <b>4.0 DEVELOPMENT REPORTS</b> |
|--------------------------------|

**4.1 PA2017.0055 RESIDENTIAL (MULTIPLE DWELLINGS X 5 TO BE USED FOR THE PURPOSES OF SUPPORTED ACCOMMODATION FOR DISABLED PERSONS) - ASSESSMENT AGAINST THE PERFORMANCE CRITERIA FOR PROVISIONS INCLUDING 10.4.1, 10.4.2, 10.4.3 AND TRAFFIC GENERATING USE AND PARKING CODE (LESSER THAN PERMITTED NUMBER OF PARKING SPACES) - 35 DANA DRIVE DEVONPORT (D480397)**

**PAC 16/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0055 and grant a Permit to use and develop land identified as 35 Dana Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 5 to be used for the purposes of supported accommodation for disabled persons) – assessment against the performance criteria for provisions including 10.4.1, 10.4.2, 10.4.3 and Traffic Generating Use and Parking Code (lesser than permitted number of parking spaces)

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans prepared by RFS Projects and referenced as Supported Accommodation New Unit Development – Lot 39 Dana Drive, Devonport (Drawing Nos. 1 – 4). Copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The car park layout is to comply with Australian Standard *AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking*. All design drawings are to be submitted as part of any subsequent building permit application and include turning paths for access and egress for all proposed parking sites including 300mm clearance as per AS2890.1 Appendix B.
3. The developer is to comply with the conditions (and have regard to any further information) specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this Notice is attached.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

1. Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and

2. Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to condition 2 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries. For information, please find attached a copy of the standard vehicle turning template provided under Australian Standard AS/NZS 2890.1 (2004) – *Parking Facilities – Off Street Car Parking*.

In regard to condition 3 and information specified in the TasWater Submission to Planning Authority Notice, the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

Hours of construction (including demolition) must be: Monday to Friday 7am – 6pm; Saturday between 9am - 6pm; and Sunday/statutory public holidays 10am - 6pm.

During the construction and subsequent use of the building, all reasonable measures are to be taken to minimise off-site environmental effects that may result in a nuisance. This includes air, noise and water pollution with such matters subject to the provisions and requirements of the *Environmental Management and Pollution Control Act 1994* including Regulations made thereunder.

Enquiries regarding the following notes can be directed to Council's City Infrastructure Department – Ph 6424 0511.

The proposed new access driveway shall be constructed generally in accordance with Tasmanian Standard Drawing TSD R09v1.

Any existing redundant driveway and associated infrastructure is to be demolished and reinstated to concrete footpaths, barrier kerb and/or nature strip to match the adjoining infrastructure and otherwise in accordance with the relevant Tasmanian Standard Drawings.

Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of subsequent building and plumbing permit applications.

The existing stormwater service connection is to be utilised for the development.

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

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

|              | For | Against |              | For | Against |
|--------------|-----|---------|--------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Matthews | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne    | ✓   |         |
| Ald Goodwin  | ✓   |         | Ald Perry    | ✓   |         |

CARRIED UNANIMOUSLY

**4.2 PA2017.0084 RESIDENTIAL (SINGLE DWELLING) - ASSESSMENT AGAINST THE PERFORMANCE CRITERIA FOR BUILDING OUTSIDE OF THE PERMITTED BUILDING ENVELOPE - 116-118 NORTH STREET DEVONPORT (D480915)**

**PAC 17/17 RESOLUTION**

MOVED: Ald Perry

SECONDED: Ald Goodwin

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0084 and grant a Permit to use and develop land identified as 116-118 North Street, Devonport (CT73838/34) for the following purposes:

- Residential (single dwelling) – assessment against the performance criteria for building outside of the permitted building envelope.

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans prepared by S Group Architecture and referenced as Proposed Dwelling – 118 North Street, Devonport Project No J002521 (Drawing Nos A0-000 – A5-000). Copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions (and have regard to any further information) specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this Notice is attached.
3. The dwelling is to incorporate appropriate building materials so as to assist with the noise and vibration attenuation of the adjacent rail corridor. This should include:
  - (a) all exterior windows for the dwelling are to be of double glazed construction; and
  - (b) appropriate acoustic insulation is to be installed in the walls and ceilings of the dwelling.
4. Any cut or fill associated with construction of the development (including site preparation works) must be appropriately managed so as to:
  - (a) not result in a modification of surface stormwater water flow to increase –
    - (i) surface water drainage onto adjacent land;

- (ii) pooling of water on the site or on adjacent land; or
- (iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;
- (b) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;
- (c) manage disposal of intersected ground water;
- (d) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;
- (e) not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and
- (f) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised -
  - (i) it is satisfied the cut or fill will not result in harm to the utility; and
  - (ii) any condition or requirement it determines are appropriate to protect the utility.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

1. Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
2. Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to condition 2 and information specified in the TasWater Submission to Planning Authority Notice, the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

The requirements specified in condition 4 are those set out in the permitted standard E4.6.1 A1 of the Change in Ground Level Code (E4) of the *Devonport Interim Planning Scheme 2013*.

Hours of construction (including demolition) must be: Monday to Friday 7am – 6pm; Saturday between 9am - 6pm; and Sunday/statutory public holidays 10am - 6pm.

During the construction and subsequent use of the building, all reasonable measures are to be taken to minimise off-site environmental effects that may result in a nuisance. This includes air, noise and water pollution with such matters subject to the provisions and requirements of the *Environmental Management and Pollution Control Act 1994* including Regulations made thereunder.

Enquiries regarding the following notes can be directed to the Council's City Infrastructure department:

- (i) Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current NCC.
- (ii) The proposed access driveway shall be constructed generally constructed in accordance with Tasmanian Standard Drawing TSD R09v1.
- (iii) Should any works occur within the road reserve than a permit to work within the road reserve must be sought and granted prior to any works being undertaken.
- (iv) The developer is responsible to repair/re-instate any damage incurred to Council assets as a result of executing this permit.

|              | For | Against |              | For | Against |
|--------------|-----|---------|--------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Matthews | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne    | ✓   |         |
| Ald Goodwin  | ✓   |         | Ald Perry    | ✓   |         |

CARRIED UNANIMOUSLY

#### 4.3 PA2017.0081 RESIDENTIAL (SHED) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE - 31 SWILKIN DRIVE SPREYTON (D480948)

##### PAC 18/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0081 and grant a Permit to use and develop land identified as 31 Swilkin Drive, Spreyton (CT) 273116/27 for the following purposes:

- Residential (shed) – assessment against performance criteria for setbacks and building envelope.

Subject to the following conditions:

##### Planning Conditions

1. The Use and Development is to proceed in accordance with the submitted plans referenced as:
  - Proposed Residence & Steel Framed Shed - DRG. No. SJD/17/16 (01-03), dated May 2017 by Steve Jordan Drafting; and
  - Steel Shed Plans by Fairdinkum Sheds dated 23/5/2017.
2. The shed is hereby approved to have a maximum height of 3.65m above natural ground level.

##### Infrastructure Conditions

3. The existing stormwater service connection is to be used for the purposes of this development.
4. The existing driveway is to be used for the purposes of this development.

5. Should any works occur within the road reserve a permit to work within the road reserve must be sought and granted prior to any works being undertaken.
6. The developer is responsible to repair/re-instate any damage incurred to Council assets as a result of executing this permit.

Note: The following is provided for information purposes.

This planning permit does not provide planning approval for Stage 2 (future dwelling).

Hours of construction must be: Monday to Friday 7am – 6pm; Saturday between 9am - 6pm; and Sunday/statutory public holidays 10am - 6pm.

During the construction and subsequent use of the building, all reasonable measures are to be taken to minimise off-site environmental effects that may result in a nuisance. This includes air, noise and water pollution with such matters subject to the provisions and requirements of the *Environmental Management and Pollution Control Act 1994* including Regulations made thereunder.

### THIS IS NOT A BUILDING OR PLUMBING PERMIT.

Prior to commencing any building or plumbing work you are required to:

1. Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
2. Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to conditions 3-6 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

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

|              | For | Against |              | For | Against |
|--------------|-----|---------|--------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Matthews | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne    | ✓   |         |
| Ald Goodwin  | ✓   |         | Ald Perry    | ✓   |         |

CARRIED UNANIMOUSLY

**With no further business on the agenda the Chairman declared the meeting closed at 5:06pm.**

Confirmed

Chairman

## 7.2 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 17 JULY 2017

File: 33784 D482467

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Governance, Finance & Community Service Committee meeting held on Monday, 17 July 2017.

### ATTACHMENTS

1. [Minutes - Governance, Finance & Community Service Committee - 17 July 2017](#)

### RECOMMENDATION

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 17 July 2017 be received and the recommendations contained therein be adopted.

- GFC 01/17 Council Policies - Biennial Review
- GFC 02/17 Local Government Association of Tasmania - Annual General Meeting and General Meeting - 26 July 2017
- GFC 03/17 Elected Members' Expenditure Report - May-June 2017
- GFC 04/17 Sports Carnivals Association of Tasmania - Application for Funding
- GFC 05/17 Devonport Community House Partnership Agreement
- GFC 06/17 Governance & Finance Report
- GFC 07/17 Community Services Report - July 2017

|           |                        |              |                 |
|-----------|------------------------|--------------|-----------------|
| Author:   | Robyn Woolsey          | Endorsed By: | Paul West       |
| Position: | Administration Officer | Position:    | General Manager |



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**MINUTES OF A GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING OF  
THE DEVONPORT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS  
ON MONDAY, 17 JULY 2017 COMMENCING AT 5:30PM**

**PRESENT:** Ald S L Martin (Chairman)  
Ald C D Emmerton  
Ald G F Goodwin  
Ald A J Jarman  
Ald T M Milne

**Aldermen in Attendance:**  
Ald J F Matthews  
Ald L M Perry

**Council Officers:**  
General Manager, P West  
Executive Manager Corporate, Community & Business, S Crawford  
Executive Manager Organisational Performance, K Peebles  
Governance Coordinator, K Hampton  
Arts & Convention Centre Manager, G Dobson

**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.

|                  |                  |
|------------------|------------------|
| Ald A L Rockliff | Leave of Absence |
|------------------|------------------|

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL**

**3.1 PUBLIC QUESTION TIME**

Nil

**3.2 QUESTIONS FROM ALDERMEN**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 GOVERNANCE REPORTS****4.1 COUNCIL POLICIES - BIENNIAL REVIEW (D471037)****GFC 01/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Goodwin

That it be recommended to Council that the following reviewed Council policies be adopted with immediate effect:

1. Asset Management Policy
2. Audio Recording Policy
3. Boundary Fencing Policy
4. Commemorative Seat Policy and Procedure
5. Community, Childcare & Commercial Lease Policy
6. Community Engagement Policy
7. Complaint Handling Policy
8. Credit Card Policy
9. Customer Service Charter
10. Dealing with Difficult Customers Policy
11. Dilapidated Buildings Policy
12. Driveway Policy
13. Equal Employment Opportunity (EEO) & Diversity Policy
14. Financial Assistance Policy
15. Fitness for Work Policy & Procedure
16. Harassment, Bullying & Anti-Discrimination Policy
17. Investment Policy
18. Permanent Art Collection Policy
19. Personal Information Protection Policy
20. Purchasing Policy
21. Recruitment & Selection Policy
22. Related Parties Disclosure Policy
23. Rooke Street Mall Policy
24. Sponsorship Policy
25. Sport & Recreation Groups Lease Policy
26. Street Trading Policy
27. Subdivision Maintenance Bond Policy
28. Subdivision Outstanding Works Bond Policy
29. Tree Policy

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|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

#### 4.2 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - ANNUAL GENERAL MEETING AND GENERAL MEETING - 26 JULY 2017 (D479415)

##### GFC 02/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Milne

That it be recommended to Council that the agendas for the Local Government Association of Tasmania Annual General Meeting and General Meeting to be held on 26 July 2017 be received and noted.

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  |     | ✓       |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED

#### 4.3 ELECTED MEMBERS' EXPENDITURE REPORT - MAY-JUNE 2017 (D480061)

##### GFC 03/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That it be recommended to Council that the report advising of Aldermen expenses be received and noted.

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

### 5.0 FINANCE REPORTS

Nil

### 6.0 COMMUNITY SERVICES REPORTS

#### 6.1 SPORTS CARNIVALS ASSOCIATION OF TASMANIA - APPLICATION FOR FUNDING (D470479)

##### GFC 04/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That it be recommended to Council that the request from Sports Carnivals Association of Tasmania be received and that Council agree to:

- (a) provide a contribution of \$5,000 to the Sports Carnival Association of Tasmania for the 2017 event; and

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- (b) note funding of \$5,000 has been previously committed to the Devonport Athletics Club for the conduct of the 2017 event; and
- (c) further review the success or otherwise of the new format of the Carnival prior to committing future funding to either entity.

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

## 6.2 DEVONPORT COMMUNITY HOUSE PARTNERSHIP AGREEMENT (D479459)

### GFC 05/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That It be recommended to Council that the report regarding the partnership agreement with the Devonport Community house be noted and

1. Council endorse the revised partnership with the Devonport Community House; and
2. Council enters into discussions with the Men's Shed for a new partnership agreement.

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

## 7.0 INFORMATION REPORTS

### 7.1 GOVERNANCE & FINANCE REPORT (D478398)

#### GFC 06/17 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Goodwin

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

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

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**7.2 COMMUNITY SERVICES REPORT - JULY 2017 (D478399)****GFC 07/17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Milne

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

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

**8.0 CLOSED SESSION****GFC 08/17 RESOLUTION**

MOVED: Ald Milne

SECONDED: Ald Jarman

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

| Item No | Matter  | Local Government (Meeting Procedures) Regulations 2015 Reference |
|---------|---|--|
| 8.1     | Outstanding Debtors – 90 Days and Over Report           | 15(2)(j)   |
| 8.2     | Outstanding Rates Debtors – Three Years and Over Report | 15(2)(j)   |

|              | For | Against |            | For | Against |
|--------------|-----|---------|------------|-----|---------|
| Ald Martin   | ✓   |         | Ald Jarman | ✓   |         |
| Ald Emmerton | ✓   |         | Ald Milne  | ✓   |         |
| Ald Goodwin  | ✓   |         |            |     |         |

CARRIED UNANIMOUSLY

The Chairman adjourned the meeting at 6:09pm to reconvene in Closed Session at 6:09pm.

The Committee moved out Closed Session at 6:16pm.

**CLOSURE**

There being no further business on the agenda the meeting was declared closed at 6:16pm.

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

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

| <b>Item No</b> | <b>Matter</b>   | <b>Local Government (Meeting Procedures) Regulations 2015 Reference</b> |
|----------------|---|---|
| 8.1            | Application for Leave of Absence  | 15(2)(h)  |
| 8.2            | Unconfirmed Minutes - Joint Authorities   | 15(2)(g)  |
| 8.3            | Closed Session - Governance, Finance & Community Service Committee Meeting - 17 July 2017 | 15(2)(f)  |
| 8.4            | Acquisition of roadway - Caroline Street, East Devonport                                  | 15(2)(f)  |
| 8.5            | Fenton Villas   | 15(2)(c),(f)  |
| 8.6            | Waterfront Hotel - Expressions of Interest  | 15(2)(c),(f)  |
| 8.7            | General Manager's Performance Review 2017   | 15(2)(a)  |

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**OUT OF CLOSED SESSION****RECOMMENDATION**

That Council:

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

| <b>Item No</b> | <b>Matter</b>   | <b>Outcome</b> |
|----------------|---|----------------|
| 8.1            | Application for Leave of Absence  |                |
| 8.2            | Unconfirmed Minutes - Joint Authorities   | Noted          |
| 8.3            | Closed Session - Governance, Finance & Community Service Committee Meeting - 17 July 2017 | Noted          |
| 8.4            | Acquisition of roadway - Caroline Street, East Devonport                                  |                |
| 8.5            | Fenton Villas   |                |
| 8.6            | Waterfront Hotel - Expressions of Interest  |                |
| 8.7            | General Manager's Performance Review 2017   |                |

**9.0 CLOSURE**

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

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