



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 April 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 April 2017

May 2017

Meeting	Date	Commencement Time
Governance & Finance Committee	15 May 2017	5:30pm
Council Meeting	22 May 2017	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 24 APRIL 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 April 2017 commencing at 5:30pm.

PRESENT

		Present	Apology
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 - 27 MARCH 2017

RECOMMENDATION

That the minutes of the Council meeting held on 27 March 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 27 March 2017

Reproduced below is the response dated 31 March 2017 to Mr Trevor Smith's question:

"I refer to your questions raised at the 27 March 2017 Council meeting and provide the following responses:

Q1. *Could you please provide me with the income details of the General Manager, of the Devonport City Council, for the year 2017, plus allowances?*

Response

In accordance with statutory requirements, information relating to the remuneration paid to the General Manager is available in Council's Annual Report each financial year.

A copy of the 2016 Annual Report can be accessed online at <http://www.devonport.tas.gov.au/Council/Publications-Plans-Reports/Annual-Report> or in hard copy at the Council Offices.

Q2. *How much did the Council outlay, to take over the lease, for parking at Woolworths and Coles carparks, at Best Street Devonport?*

Response

Nil

Q3. *How much income do you expect to receive from this venture, in the next 12 months?*

Response

Unknown at this stage.

Q4. *With the Council taking over this lease, is this part of your Parking Solution for the LIVING CITY?*

Response

This new arrangement aligns with Council's Parking Strategy action - "Explore private car park monitoring opportunities for expansion".

Q5. *Could you please provide me with the income details of the Assistant General Manager, of the Devonport City Council, for the year 2017, plus allowances?*

Response

Refer response to Question 1.

Q6 Will you give me a guaranteed assurance that the dates will be in the 2017-2018 Rates Notice.

Response

As previously advised, the information will be included in the pamphlet included with the 2017/18 rates notice.

Q7 Could you please provide me with the income details of the Mayor, of the Devonport City Council, for the year 2017, plus allowances?

Response

In accordance with statutory requirements, this information is available in Council's Annual Report each financial year. A report is also provided to each Governance & Finance Committee meeting outlining payments to elected members."

Meeting held 27 March 2017

Reproduced below is the response dated 29 March 2017 to Mr Winston Fawdry's question:

"I refer to your question raised at the 27 March 2017 Council meeting relating to the land at 56-58 Caroline Street, East Devonport as follows:

Q. *I request Council consider purchasing and re-establishing this area as a reserve. It could be adhered to the existing council land on the north side. The existing block is small with very limited access.*

Answer

Thank you for bringing this matter to Council's attention. Your request will be referred to Council as part of the 2017/18 budget deliberations and you will be advised in due course as to the outcome."

Meeting held 27 March 2017

Reproduced below is the response dated 30 March 2017 to Mr Malcolm Gardam's question:

"I refer to your questions raised at the 27 March 2017 Council meeting and provide the following responses:

Q1. *The Mayor is quoted as saying that "I've been to Melbourne and spoken with Big W and saw the report where their data identified Devonport as the place to set-up in the region."; accordingly, will the Mayor please advise ratepayers as to the following:*

- a. the date (month and year will suffice) that this viewing actually occurred; and*
- b. whether the report sighted actually stated a firm desire to establish in Devonport (perhaps subject to market demand) or just "identified Devonport as the place to set-up in the region."*

Response

(a) May 2012.

(b) Yes there is no doubt there was a firm desire for BigW to establish in Devonport.

Q2. *The Mayor is also recorded as saying "Alderman Martin said on-line retail had levelled at 6% to 7% of retail sales."*

For the benefit of ratepayers and nervous retailers will the Mayor please:

- a. advise as to the source of his information; and*
- b. whether he is confident of its accuracy.*

Response

The Mayor advised the source of his comments were as a result of numerous publications, documents and discussions over a period of time with various

parties. The Mayor also advised that in his opinion his comments were accurate.

Q2A. *Does the Mayor consider he is uninformed, misinformed or deliberately misleading ratepayers with his Advocate statement that "...On-line retail had levelled at 6% to 7% of retail sales."?*

Response

No.

Q3. *Can Council please elaborate on the process of engagement and specifically;*

- a. *did P+i first approach Council or did Council approach P+i?*
- b. *who recommended P+i?*
- c. *what background checks of previous P+i projects/clients were assessed and considered?*
- d. *what benchmarks were used to establish remuneration?*
- e. *are all briefings and meeting between Council and P+i formally recorded?*

Response

- (a) Council approached P+i.
- (b) P+i were recommended by a national retailer contacted by Council as part of its background research for LIVING CITY.
- (c) Contact was made with both major retailers and local government authorities that had dealt with P+i prior to their engagement.
- (d) An offer was provided by P+i which Council accepted as being reasonable for the services to be provided.
- (e) No – however briefings provided to Aldermen in Workshop sessions are reported through normal Council processes.

Q4. *A paid article titled "Breathing life into city" relating to Living City has been included on Page 23 of the Examiner's 175th Anniversary Edition, dated 29/03/17, and identified as containing sponsored content, accordingly, can Council advise as to the total cost, and who the sponsoring contributors were and their financial contributions if any?*

Response

\$2,045 for the article. Council is not aware of the advertising arrangements between Fairfax and any of the advertisers in the publication."

Meeting held 27 March 2017

Reproduced below is the response dated 30 March 2017 to Mr Bob Vellacott's question:

"I refer to your questions raised at the 27 March 2017 Council meeting and provide the following responses:

Q1. *On what basis are you recommending this report/document remains commercial in confidence and can only be made available to pre qualified potential hotel operators?*

- A.** The report contains information regarding trading projections for a potential hotel and will be used in confidential negotiations with potential developers.
- Q2.** *Do you realise that you will be voting for the release of a document to a selected few that, as I understand, Aldermen do not know of the actual content?*
- A.** Comment regarding the document was provided for Aldermen on page 54 of the meeting agenda.
- Q3.** *Who was the author of the RECOMMENDATION ITEM 5.4: page 55?*
- A.** The author and approver of the report is as listed below the recommendation.
- Q4.** *Who commissioned the document?*
- A.** Horwath HTL were engaged by Council to undertake the consultancy.
- Q5.** *Mayor and Aldermen when were you first made aware of the trading projections document?*
- A.** Horwath HTL have been providing advice on the hotel element of the waterfront precinct since their engagement in January 2016. The advice, information and reports provided have been referenced in Council workshops since this time.
- Q6.** *Will the Living City's new (approx) 31.5million multi-purpose building comply with the Green Building Councils Australian Standards criteria to qualify as an accredited Green Building?*

Response provided at meeting

The advice provided at the meeting by the Deputy General Manager was that the building will not have full green certification but a number of green initiatives have been included. The architects have taken a practical approach and applied measures that are worthy, but not to the extent of full certification.

- Q7.** *To clarify, was not a brief given to the architect to say that we were expecting a building such as this to qualify with the Australian Standards and receive that certificate.*

Response provided at meeting

The advice provided at the meeting by the Deputy General Manager was that the building complies with all Australian Standards. Council looked at the green star certification and cost vs benefits and concluded that it was not worth the additional outlay to achieve that accreditation. Environmental initiatives were factored in where they were considered to be cost effective."

RECOMMENDATION

That Council note the responses to questions from Mr Trevor Smith, Mr Winston Fawdry, Mr Malcolm Gardam and Mr Vellacott at the March 2017 Council meeting.

3.2.2 Questions on notice from the public

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

The following questions on notice were received from Mr Malcolm Gardam on 13 April 2017.

LIVING CITY – MAYOR'S STATEMENTS REGARDING BIG W

I refer to the following statements regarding Big W made by the Mayor in The Advocate newspaper (13/3/2017)

"I've been to Melbourne and spoken with Big W and saw the report where their data identified Devonport as the place to set-up in the region."

"We've created a big footprint to accommodate retail space and what that may be we are working through with the big players – such as Target and Big W"

In written correspondence of March 30th 2017 (File 32161) the Mayor advised the month and year of the referenced meeting as May 2012.

In the context of that current newspaper article about Living City any reasonable person reading his statement would obviously gain the impression that the Melbourne meeting with Woolworths was a recent one.

Q1. Will the Mayor please advise why he made the statement *"I've been to Melbourne and spoken with Big W and saw the report where their data identified Devonport as the place to set-up in the region"* without qualifying that this meeting took place almost five (5) years ago?

The Mayor's second statement in the same Advocate article was *"We've created a big footprint to accommodate retail space and what that may be we are working through with the big players – such as Target and Big W."*

By his statement the Mayor has clearly implied to readers of The Advocate that Council is currently actively engaged in serious negotiations with Woolworths Limited to establish a Big W discount department store as Council's key strategic pillar of its retail driven transformation "Vision" for Living City.

Q2 If this implied assertion of current negotiations is accurate would the Mayor please confirm same as indications from Woolworths Limited and analyst resources suggest this may not be the case driven by the **fact that the combined discount department store segment has not actually grown in real terms for more than a decade** and now exacerbated by the retail market disruption caused by the growth in on-line shopping?

Should the Mayor not be in a position to confirm current active commitment from Woolworths in regards to Big W would he please correct this impression created by his statement via a media press release.

This would ensure that the Mayor and Council could not be accused of knowingly misleading ratepayers.

Please include this correspondence and the Mayor's reply in the agenda and minutes of the April 2017 Devonport City Council Meeting.

DISCUSSION

The Mayor has indicated that he will respond to both questions raised by Mr Gardam at the meeting.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

The following questions on notice were received from Mr Malcolm Gardam on 13 April 2017.

LIVING CITY – MAYOR'S STATEMENTS REGARDING ON-LINE SHOPPING TRENDS

I refer to previous questions emanating from the Mayor's categorical, unsubstantiated and therefore potentially deceptive statements made in The Advocate newspaper (13/3/2017); at the Council meeting of March 27th and in further correspondence received from the Devonport City Council (File 32161) dated 30/6/2017 relating to the Living City retail driven "Vision" as follows:-

(A) Previous Questions - Council Minutes

The Mayor is also recorded as saying "*Alderman Martin said on-line retail had levelled at 6% to 7% of retail sales.*"

Q2. For the benefit of ratepayers and nervous retailers will the Mayor please:

- a) advise as to the source of his information; and
- b) whether he is confident of its accuracy.

Previous DCC Response

"The Mayor advised the source of documentation which includes numerous documents and discussions over a period of time and numerous publications and didn't give an actual source. I do believe on-line retail has tapered and levelled off but that is my opinion."

(B) Further advice received (File 32161).

"The Mayor advised the source of his comments were as a result of numerous publications, documents and discussions over a period of time with various parties. The Mayor also advised that in his opinion his comments were accurate."

(C) Supplementary Question - Council Minutes

Q2A. Does the Mayor consider he is uninformed, misinformed or deliberately misleading ratepayers with his Advocate statement that "*....on-line retail had levelled at 6% to 7% of retail sales.*"?

DCC Response

"Mayor responded that it was his opinion from reading a number of different publications and that he had not mislead the public as numbers constantly fluctuate."

(D) Further advice received (File 32161)

DCC Response

"No"

The above responses are unprofessional and yet again provide inadequate answers supported by facts to legitimate questions thus demonstrating the inability of the Devonport City Council to professionally and transparently manage the Living City project. It is also noted that The Advocate article failed to include that the statement by the Mayor was only in his opinion and instead presented it as fact.

The answers provided are further evidence that the Mayor and Alderman appear totally out of their depth when relying upon unsubstantiated opinion and incomplete information to support their assertions and whenever questioned

further are unable to provide any substantive reports to support their positions, despite being given numerous opportunities to do so.

In respect of the Mayor's statements detailed, both he and the Alderman are aware of comprehensive factual research (see appendix 1) presented to Council on March 27th which the Mayor has ignored as it disputes his statements that "*I do believe on-line retail has tapered and levelled off but that is my opinion*" and in further correspondence as above "*Mayor responded that it was his opinion from reading a number of different publications and that he had not mislead the public as numbers constantly fluctuate.*"

This previous research and additional worldwide factual on-line retail shopping data provided herewith totally refutes the uninformed statements and assertions of the Mayor; demonstrate the fact that Council are living in the past and in total ignorance or denial of the changes to the retail shopping environment worldwide.

This again highlights that Council and its advisors appear to be incapable of managing a ratepayer funded development of the size, scale, complexity and cost of Living City and have provided no documented evidence supporting a successful track record of ever doing so.

For the benefit of the Mayor and Aldermen I provide the following additional **objective factual research (not unsubstantiated subjective opinion)** in regards to the impacts both current and future on-line retail shopping relating specifically to supermarket, department store, and discount departmental store viability across Europe, USA, Asia Pacific and Australia.

I would have expected that the highly ratepayer paid Living City project management team comprising the Project Manager and the Devonport City Council rather than unpaid concerned ratepayers would have accessed and analysed the implications of this publicly available critical business planning information, which in my opinion indicates either a professional failure to understand market reality or a desire to withhold such information from ratepayers.

Online retail sales growth rates Europe

Table 1
Online Retail Sales and Growth Rates 2016 and 2017

	Online Sales (£bn) 2016	Growth 2015-16	Online Sales (£bn) 2017	Growth 2016-17	Online Sales (€bn) 2017
UK	£60.43	12.6 %	£67.38	11.5%	€ 77.63
Germany	£54.21	18.3%	£63.09	16.4%	€ 72.69
France	£37.00	16.7%	£42.11	13.8%	€ 48.51
Spain	£9.94	18.8%	£11.85	19.2%	€ 13.65
Italy	£7.62	16.9%	£8.78	15.2%	€ 10.11
Netherlands	£7.11	16.5%	£8.32	17.0%	€ 9.58
Belgium	£4.83	15.3%	£5.46	13.2%	€ 6.29
Austria	£4.77	13.5%	£5.41	13.4%	€ 6.23
Switzerland	£5.78	11.6%	£6.38	10.3%	€ 7.35
Sweden	£4.98	11.6%	£5.70	14.5%	€ 6.57
Poland	£5.23	17.8%	£6.14	17.2%	€ 7.07
Europe	£201.90	15.6%	£230.62	14.2%	€ 265.68

Please note that our figures are based on a strict definition of **retailing**, a term which is increasingly used in a loose fashion to mean 'anything relating to consumers', such as 'retail banking' or 'retail travel agents'. Including holidays, tickets, travel, motor fuel and insurance as 'retail' is all very well but it will usually

produce figures that are three times higher than those provided here, whether different industries like tickets and travel operate online. Hence we use the strict definition of retail and do not study travel, restaurants, tickets, transport etc. because it ain't the traditional retail industry.

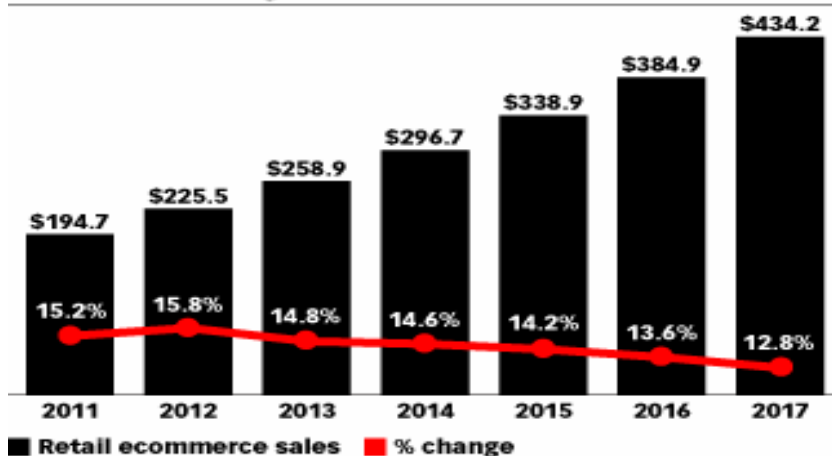
Source: Centre for retail research

Note: There is no “fluctuation” to use the Mayor’s words but a steady and consistent growth trend.

Online retail sales growth USA

US Retail Ecommerce Sales, 2011-2017

billions and % change



Note: eMarketer benchmarks its retail ecommerce sales figures against US Department of Commerce data, for which the last full year measured was 2012; includes products or services ordered using the internet via any device, regardless of the method of payment or fulfillment; excludes travel and event tickets
Source: eMarketer, April 2013

154297 www.eMarketer.com

Market growth projected to be 12.8% in 2017 reflecting an increase of \$US 49.3 billion on 2016

Constant growth since 2011 – no downward “fluctuation” in total market value

Online retail sales growth rates Asia Pacific

Retail Ecommerce Sales in Select Countries in Asia-Pacific and Worldwide, 2014-2018

billions

	2014	2015	2016	2017	2018
China*	\$472.91	\$672.01	\$911.25	\$1,208.31	\$1,568.39
Japan	\$78.55	\$89.55	\$100.30	\$111.33	\$122.46
South Korea	\$35.01	\$38.86	\$42.75	\$46.59	\$50.55
Australia	\$17.40	\$19.02	\$20.66	\$22.31	\$23.94
India	\$6.10	\$14.00	\$24.61	\$39.45	\$55.26
Indonesia	\$1.94	\$3.22	\$5.29	\$8.21	\$10.92
Other	\$35.00	\$40.95	\$47.37	\$52.22	\$60.55
Asia-Pacific	\$646.92	\$877.61	\$1,152.21	\$1,488.42	\$1,892.07
Worldwide	\$1,336.16	\$1,670.99	\$2,050.36	\$2,498.48	\$3,015.15

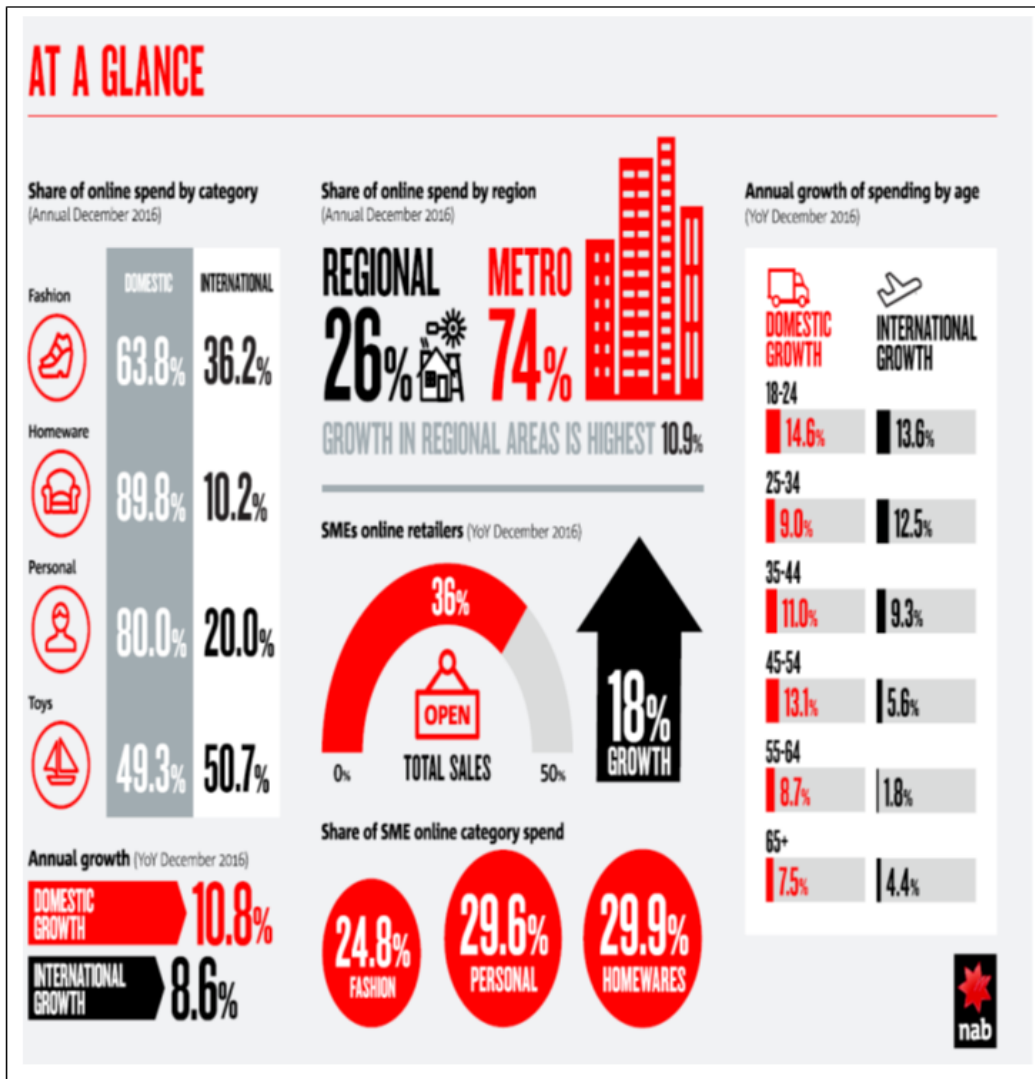
*Note: includes products or services ordered using the internet via any device, regardless of the method of payment or fulfillment; excludes travel and event tickets; *excludes Hong Kong*
Source: eMarketer, Dec 2015

201855 www.eMarketer.com

Note:- Given that Australian On-Line retail sales **grew by 8.0%** year on year 2015/16 and will continue to grow in 2016/17 and 2017/18 on what basis can the

Mayor conclude that on-line retail has **levelled at 6% to 7%** of retail sales and that **numbers constantly fluctuate**?

Online retail sale growth Australia

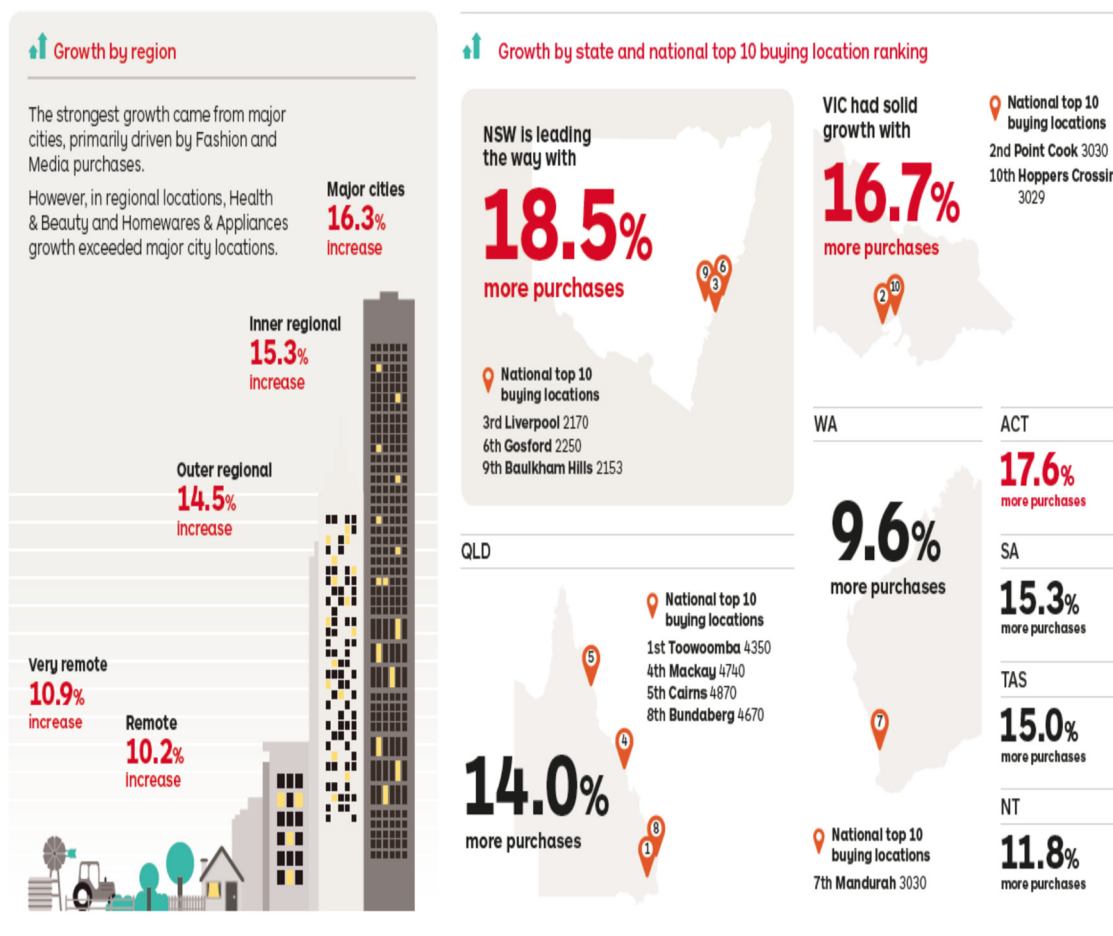


Growth more predominant in regional areas and in fashion, personal, toys and homewares – the traditional domain of Big W.

On line retail sales growth – Australia

Inside Australian Online Shopping Highlights – Jan to Jun 2016

For more information on how Australia Post can help your business, email acquire@auspost.com.au



This information has been prepared by Australia Post using a subset of deliveries in the 6 months to June 2016 compared to the same period last year, unless otherwise stated. Percentage growth and share are based on online purchases. While every effort has been made to ensure the accuracy at the time of publication, Australia Post takes no responsibility for any errors or omissions herein. Australia Post does not accept any liability for any loss or damage incurred by any use of or reliance on any information contained here.

Note: As Australia Post research is tracking parcel delivery of retail goods (not services) ordered on-line it represents a reliable indicator of the growth of on-line shopping.

The above statistics demonstrate growth when comparing the period Jan- June 2015 with Jan- June 2016 – fashion, health and beauty, homewares and appliances being key drivers.

Tasmania's growth rate of 15%.

There is no "levelling off" or "fluctuation" as claimed by the Mayor and wrongly communicated to Devonport ratepayers in The Advocate and subsequent statements.

Questions to the Mayor

Q1. Will the Mayor please provide factual evidence that refutes the latest and original research data (Appendix 1) that has now been provided to Council in regards to the growth of on-line retail shopping relating to goods or alternatively will the Mayor concede that the unqualified statements he has made in regards "on-line retail had **levelled at 6% to 7% of retail sales**" and

*“that it was his opinion from reading a number of different publications and that he had not mislead the public as **“numbers constantly fluctuate”** are both unsubstantiated and incorrect?*

- Q2.** If the Mayor is unable to substantiate his previous statements with factual evidence will he now correct the public record via a press release to ensure that he has, now, not knowingly mislead ratepayers?

Please include this correspondence and the Mayor's reply in the agenda and minutes of the April 2017 Devonport City Council Meeting.

APPENDIX 1 - Previous on-line information provided to Council

Further to the Mayor's response to my previous **Q2**. Questions without Notice, dated 27/03/17, I submit the following on-line information for the benefit of the Aldermen and ratepayers.

- 1) The latest Research conducted for and released by Australia Post stated that in the six month period January – June 2016 on line shopping continued its impressive growth with Australians making 15.9% more on – line purchases. (Tasmania recorded 15% more purchases)
- 2) World leading internet statistics portal Statistica has released information on retail e-commerce sales in AUSTRALIA from 2015 to 2021. In 2016 e-retail sales were \$US 9.5 billion and are forecast to grow to \$US 10.5 billion in 2017 representing an increase of 10.5% year on year.
- 3) In August 2016 e.marketer released a Retail e-commerce Sales Worldwide, 2015 – 2020 report which projects an almost doubling of on-line sales from 7.4% (2015) to 14.6% (2020).
- 4) As recently as two weeks ago the Myer chief executive, Richard Umbers, stated that “Myer's online revenue grew 48 percent during the six months to January 28th 2017.
- 5) In an article published in the March 2017 edition of Inside Retail successful Australian e-commerce retail entrepreneur Adam Hudson stated, “The correlation between household debt and retail spending was apparent in the December retail figures as well, with NSW and VIC, the most expensive places to live, being the worst performers for retailers for the period.

“When consumers have less to spend, they naturally seek out the lowest prices possible, something the bloated brick and mortar retailer simply cannot compete on.

“Compound that with people's increasing familiarity with shopping online and their lack of time, and you are looking at the perfect storm for traditional retail”.
- 6) At the November 2016 Woolworths AGM Chairman Gordon Cairns ruled out selling the loss making Big W stating “Because we would get nothing for it” as his reason.

This on-line growth trend decreases the local market share for traditional retailers.

Q2A. – Does the Mayor consider he is uninformed, misinformed or deliberately misleading ratepayers with his Advocate statement that “...on-line retail had levelled at 6% to 7% of retail sales.”?

Supplementary Information

CHAIRMAN'S ADDRESS/ANALYST COMMENT WOOLWORTHS 2016 ANNUAL MEETING

Woolworths Limited (ASX: WOW) chairman Gordon Cairns has ruled out selling off Big W, because the retailer "would get nothing for it".

Speaking at the company's AGM, Mr Cairns said, "*Big W made about \$200 million two or three years ago, the truth of the matter is we've let it deteriorate, and if we were to try and sell it now, we'd probably get nothing for it.*"

In the 2013 financial year (FY13) it's true that Big W generated \$191.3 million in earnings before interest and tax (EBIT), but it's been downhill from there. FY14 was lower at \$152.9 million as was FY15 at \$114.2 million, and last financial year Big W posted an EBIT loss of \$14.9 million. Revenues have steadily been falling too; suggesting Big W is facing structural challenges.

Amazon, online retailers and competitors Kmart and Target have made life tough for Big W. Kmart and Target are owned by arch-rival **Wesfarmers Ltd** (ASX: WES), which also owns Coles. Kmart has successfully turned itself around by focusing almost exclusively on cheap, private label products, but Target is in the same boat as Big W – struggling to grow earnings.

The major issue faced by the discount variety stores (Big W, Kmart and Target) is that many of their products are sold online at lower prices, or they face rising competition from department stores like **Myer Holdings Ltd** (ASX: MYR) and David Jones which have faced their own near-death experience. There's also the steady stream of overseas fashion retailers arriving in Australia and setting up shop.

DISCUSSION

The Mayor has indicated that he will respond to both questions raised by Mr Gardam at the meeting.

RECOMMENDATION

That the questions on notice from Mr Malcolm Gardam be noted by Council.

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.

3.4 NOTICES OF MOTION

3.4.1 DEVELOPMENT OF PROSPECTUS FOR DEVONPORT MUNICIPALITY - NOTICE OF MOTION - ALD L M LAYCOCK

File: 30012 D466853

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

ATTACHMENTS

Nil

MOTION

"That Council work with the DCCI, Industry and Innovation Group explore opportunities to obtain funding assistance which would allow an external consultant to be engaged to assist in the development of a business and industry prospectus for the Devonport area."

SUPPORT

The prospectus would be used by those (including the Premier) encouraging Industry and Businesses to locate to our municipality. This document would include all the data required by those considering starting a new business or industry.

The idea was raised by the Premier, Hon Will Hodgman at an Industry & Innovation meeting prior to Christmas and embraced by all Industry members.

OFFICER'S COMMENTS

Council do not currently have a document such as this that is readily available for potential investors and developers. The opportunity to create a prospectus in conjunction with an industry group would ensure ownership and buy-in from the business sector, however clarity would be required in regard to who resources the project.

Council do not currently have sufficient staff to gather the necessary data and develop the document, without impacting on other priorities. If the project was to proceed it would be best undertaken by a suitable consultant.

Given some large industrial opportunities may be more suited outside of the Devonport municipal area, the prospectus should incorporate the broader Devonport region. Consultation should also occur with the Cradle Coast Authority who are currently developing a "Futures Plan" to support economic development in North West Tasmania.

3.4.2 SOUTHERN ROOKE STREET UPGRADE - NOTICE OF MOTION - ALD L M LAYCOCK

File: 22678 D467281

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

ATTACHMENTS

Nil

MOTION

"That this Council progress with plans to upgrade southern Rooke Street as soon as possible."

SUPPORT

I understand that we have identified the upgrade in the long term Capital Works Program so it would be prudent of Council as part of the budget process to consider moving forward with these plans in light of the LIVING CITY project at the northern end of the CBD.

OFFICER'S COMMENTS

There is currently no allocation for these works in the 2017/18 capital works program and any decision to proceed would require the re-prioritisation of other projects within the 5 year capital works program.

Council do currently have an allocation of \$766,000 in its 5 year capital works program for CBD street scape improvements in 2018/19, a further \$1,050,000 in 2019/20 and \$500,000 in 2020/21. The location of these works is noted as to be confirmed.

Council has previously discussed potential street upgrades in southern Rooke Street, Stewart Street (west of the Mall) and at the Fourways. During the planning phases of LIVING CITY improvements to the Rooke Street Mall have also been raised. These allocations within the forward works program were intended to fund some of these projects.

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 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - NOMINATION FOR GENERAL MANAGEMENT COMMITTEE

File: 30415 D466298

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.3 Represent and promote Council at Regional, State and National forums

SUMMARY

To endorse the nomination of Mayor Steve Martin for the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

BACKGROUND

Council has received advice regarding the election for the appointment of representatives to the General Management Committee (GMC), see correspondence attached.

The GMC comprises eight members and provides oversight to LGAT operations. The GMC is elected by LGAT member council representatives every two years. It comprises the popularly elected president, the Lord Mayor and six other members elected by regional groupings of councils.

One of the two representatives of the North-West Coast represents councils with populations over 20,000, i.e. Devonport and Central Coast Council. Following the receipt of nominations, an election takes place in respect of each of these positions (if required) and all councils in the region vote for both positions.

STATUTORY REQUIREMENTS

Council as a member of the LGAT is entitled to vote in accordance with the Rules of the Association.

DISCUSSION

Mayor Martin has indicated his interest in being nominated as the representative for North West Councils with populations over 20,000. Mayor Jan Bonde has represented the councils with populations over 20,000 on GMC for the past 6 years.

The election timetable is as follows:

Nominations open	23 March 2017
Nominations close	23 May 2017 - 5.00pm
Ballot material posted (if a ballot is required)	Friday 26 May 2017
Close of postal ballot	12 July 2017 - 10.00am
Declaration of the result	12 July 2017

COMMUNITY ENGAGEMENT

No community engagement has been undertaken as a result of this report.

FINANCIAL IMPLICATIONS

There may be minimal costs incurred by the Mayor for attendance at GMC meetings.

RISK IMPLICATIONS

There are no identified risks in relation to this report.

CONCLUSION

As Mayor Martin has indicated his interest in being nominated for this position, Council's endorsement of the nomination is required.

ATTACHMENTS

1. Local Government Association of Tasmania - 2017 General Management Committee election

RECOMMENDATION

That Council endorse the nomination of Mayor Steve Martin for the Local Government Association of Tasmania's General Management Committee.

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



Level 3
169 Main Road
Moonah Tasmania 7009
PO Box 307
Moonah Tas 7009
Phone (03) 6208 8700
Fax (03) 6208 8791
ballot.box@tec.tas.gov.au
www.tec.tas.gov.au

Reference: F85.09

Mayor Steve Martin
Devonport City Council
PO Box 604,
DEVONPORT TAS 7310

Dear Mayor Steve Martin

Local Government Association of Tasmania – 2017 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2017 election of President and 4 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT). The LGAT have advised that elections for Southern Electoral District (population > 20 000) and Southern Electoral District (population < 20 000) will not be required due to these positions being filled at recent by-elections, and the Membership extending the terms of office for a further two years.

Nominations are now invited from LGAT members and must be received at my office by 5:00pm Tuesday 23 May 2017. Candidates will be notified of receipt of their nomination by this office.

Election timetable

- Nominations open..... Thursday 23 March 2017
- Nominations close..... 5:00 pm 23 May 2017
- Ballot material posted (if a ballot is required) Friday 26 May 2017
- Close of postal ballot..... 10:00 am Wednesday 12 July 2017
- Declaration of the result..... Wednesday 12 July 2017

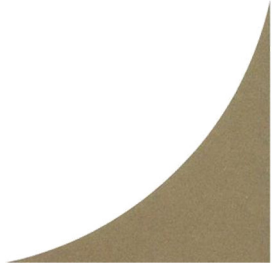
A nomination form and reply paid envelope are enclosed.

If you would like further information or assistance, please call Kristi Read of this office on 6208 8722.

Yours sincerely


Andrew Hawkey
ELECTORAL COMMISSIONER

21 March 2017





Local Government Association of Tasmania Nomination Form

Nomination of a candidate for election of President or Committee Member of the General Management Committee, Local Government Association of Tasmania.

Nominations are invited and must be lodged, posted, emailed or sent by facsimile to be received by the Returning Officer at the address shown below **before 5 pm Tuesday 23 May 2017**. This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election. Candidates will be notified of receipt of the nominations by this office.

It is the responsibility of the candidate to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each member is entitled to:

- nominate one elected Councillor or Alderman of a Member Council for the position of President of the Local Government Association of Tasmania; and
- nominate one elected Councillor or Alderman of a Member Council for the position of Committee Member of the General Management Committee. Members can only nominate a Councillor or Alderman within their own electoral district and population category.
- General membership elections will not be held for the Southern Electoral District. Please see reverse.

Candidate Please print

<i>Family Name:</i>	<i>Given names:</i>	<i>Member Council:</i>
<i>Position:</i> <input type="checkbox"/> President <input type="checkbox"/> Committee Member		
<i>Postal address:</i>	<i>Email address:</i>	
<i>Given names for ballot paper: (if different from above)</i>	<i>Contact phone numbers:</i>	
	<i>Mobile</i>	<i>Other</i>
<ul style="list-style-type: none"> • <i>I accept the nomination as a candidate for election to the position shown above.</i> 		
<i>Signature</i>		<i>Date</i>

Nominator

<i>Name of Member Council:</i>	<i>Hereby nominates the above-named candidate for election.</i>
<i>Name of person authorised to lodge nomination on behalf of Member Council</i>	<i>Contact phone numbers:</i>
	<i>Mobile</i> <i>Other</i>
<i>Endorsed at council meeting held on:</i>	<i>This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election.</i>
<i>Date</i>	
<i>Signature of authorised person</i>	<i>Date</i>

The address for lodgement at the Tasmanian Electoral Commission is:

Level 3, TasWater Building, 169 Main Road, MOONAH TAS 7009

Postal Address: PO Box 307, MOONAH TAS 7009

Phone: (03) 6208 8721

Fax: (03) 6208 8791

Email: nominations@tec.tas.gov.au

Electoral Districts

(for the purpose of electing members to the General Management Committee)

NORTH WEST AND WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Burnie City Council
Circular Head Council
King Island Council
Waratah-Wynyard Council
Kentish Council
Latrobe Council
West Coast Council

Members within the electoral district having a population of 20,000 or more – **one position**

Devonport City Council
Central Coast Council

NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Break O'Day Council
Flinders Council
Meander Valley Council
Dorset Council
George Town Council
Northern Midlands Council

Members within the electoral district having a population of 20,000 or more – **one position**

Launceston City Council
West Tamar Council

SOUTHERN ELECTORAL DISTRICT – NO ELECTION FOR EITHER CATEGORY

Members within the electoral district having a population less than 20,000 – **no election**

Brighton Council
Glamorgan-Spring Bay Council
Derwent Valley Council
Southern Midlands Council
Central Highlands Council
Huon Valley Council
Sorell Council
Tasman Council

Members within the electoral district having a population of 20,000 or more – **no election**

Clarence City Council
Glenorchy City Council
Kingborough Council

5.2 TORQUAY FERRY - PARTNERSHIP AGREEMENT WITH COUNCIL - AMENDMENT TO AGREEMENT

File: 14110 D468023

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.2.1 Support tourism through the provision of infrastructure and facilities

SUMMARY

This report is provided to assist Council in considering a request from Mersey Bus and Coach Services Pty Ltd (Merseylink) to amend the terms of the proposed Partnership Agreement between them and Council for the operation of the Torquay Ferry. The amendment relates to the payment of \$25,000 from Council to Merseylink and its GST status.

BACKGROUND

Council endorsed a draft Partnership Agreement at its December 2016 meeting. The agreement relates to a payment of \$25,000 to Merseylink to assist in the operation of the Torquay Ferry. The Agreement stipulated that the payment of \$25,000 was inclusive of GST.

STATUTORY REQUIREMENTS

Statutory requirements in relation to Section 77 of the *Local Government Act 1993*, relating Council's ability to the grant or provide pecuniary or non-pecuniary benefits were detailed in the original Council report.

DISCUSSION

Merseylink has now written to Council requesting that the \$25,000 payment be recognised as being GST exclusive.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken in relation to this report however in the past there has been significant community interest in the future operations of the Torquay Ferry.

FINANCIAL IMPLICATIONS

By amending the GST status of the payment, Council will be required to contribute an additional \$2,273 on top of what would have been required if the amount was GST inclusive.

RISK IMPLICATIONS

No specific risks are identified however should Council decline the request it may receive some criticism.

CONCLUSION

The Council would appear to have two options, agree or refuse the request from Merseylink.

If the amended Agreement as attached is not supported, an alternative resolution may be:

Report to Council meeting on 24 April 2017

"Council advise Merseylink that funding for the Torquay Ferry remain as GST inclusive."

ATTACHMENTS

1. TORQUAY FERRY PARTNERSHIP AGREEMENT

RECOMMENDATION

That Council amend the Partnership Agreement with Merseylink to reflect that the payment of \$25,000 is to be GST exclusive.

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



TORQUAY FERRY PARTNERSHIP AGREEMENT

BETWEEN

DEVONPORT CITY COUNCIL

AND

MERSEY BUS AND COACH SERVICES PTY LTD (TRADING AS "MERSEYLINK")

<p>IT IS MUTUALLY AGREED:</p> <ul style="list-style-type: none"> • Term of agreement is for three years commencing from the date of signing. • Agreement to be reviewed annually at the end of June, at which time an option to continue or to cease operations / partnership agreement can be determined by either party to the Agreement. • Operation of the ferry is subject to usual conditions. Unforeseen circumstances which result in the inability of the Ferry to operate are to be advised to Council as soon as practical. Extended withdrawal of services may result in the contribution by Council being reduced accordingly. 	
<p>DEVONPORT CITY COUNCIL agrees to:</p> <ul style="list-style-type: none"> • Maintain ownership of the pontoon on western side of the Mersey River and undertake necessary maintenance as required. • Provide a payment of \$25,000 (GST exclusive) per annum to Merseylink to assist in ensuring the ongoing viability of the Torquay Ferry. Payment will be made in two instalments 31 December (\$12,500) and 30 June (\$12,500) in arrears. 	<p>MERSEYLINK agrees to:</p> <ul style="list-style-type: none"> • Operate the ferry from 1 September to 31 May inclusive (9 months) each year. <p><u>Hours of Operation</u></p> <ul style="list-style-type: none"> ○ Monday to Friday – 7.00am – 5.30pm (continuous) ○ Saturday – 9.00am – 5.00pm (continuous) <ul style="list-style-type: none"> • Operate the ferry outside normal operating hours during the following annual events held in the City: <ul style="list-style-type: none"> ○ Christmas Parade ○ New Year's Eve ○ Devonport Show ○ Easter Saturday ○ Rotary Club Car Show ○ Taste the Harvest ○ Up to four other events organised/ approved by Council each year. • Maintain ownership of pontoon on the eastern side of the Mersey River • Undertake annual maintenance as required on the Ferry and the Eastern Pontoon between 1 June and 31 August each year. • Acknowledge Council's support by affixing a sign at the pontoons (signs to be provided by Council).
<p>SIGNED BY:</p> <p>POSITION: General Manager</p> <p>DATE:</p>	<p>SIGNED BY:</p> <p>POSITION:</p> <p>DATE:</p>

5.3 REVISED COMMITTEE STRUCTURE AND MEMBERSHIP

File: 22992 D468110

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 consider Alderman representation on Committees, effective 1 July 2017.

BACKGROUND

At Council's Governance and Finance Meeting held on 20 March 2017, it was determined as follows (Min. Ref. 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."*

STATUTORY REQUIREMENTS

In accordance with Section 23 of the *Local Government Act 1993* (Council Committees), and Section 24 of the Act (Special Committees), Council has established Committees to assist in carrying out its functions.

DISCUSSION

At a recent Council workshop, Aldermen discussed the composition of the membership of the revised Committees structure, effective 1 July 2017.

Currently membership of the Section 23 committees is as follows:

Planning Authority (PAC)	Governance & Finance (GFC)	Infrastructure, Works & Development (IWDC)	Community Services (CSC)
Ald Martin (Chair)	Ald Goodwin (Chair)	Ald Perry (Chair)	Ald Rockliff (Chair)
Ald Emmerton	Ald Emmerton	Ald Emmerton	Ald Goodwin
Ald Goodwin	Ald Martin	Ald Goodwin	Ald Jarman
Ald Matthews	Ald Milne	Ald Jarman	Ald Laycock
Ald Perry	Ald Perry	Ald Laycock	Ald Martin
	Ald Rockliff	Ald Matthews	Ald Milne

Report to Council meeting on 24 April 2017

With the decision to merge the Governance and Finance and Community Services Section 23 Committees, membership was considered in preparation for a 1 July commencement of the changes.

Six Aldermen for each Committee (including PAC) was sought and nominations received. It is proposed membership be as follows:

Planning Authority (PAC)	Governance, Finance & Community Services (GFCSC)	Infrastructure, Works & Development (IWDC)
Ald Martin (Chair)	Ald Rockliff (Chair)	Ald Perry (Chair)
Ald Milne	Ald Martin	Ald Laycock
Ald Perry	Ald Milne	Ald Rockliff
Ald Emmerton	Ald Goodwin	Ald Jarman
Ald Matthews	Ald Emmerton	Ald Matthews
Ald Goodwin	Ald Jarman	Ald Goodwin

The following revised membership for the new/existing/merged Section 24 committees is also proposed:

Status	Committee/Group	Current Membership	Proposed Alderman Membership
Existing	Devonport Food and Wine	Ald Laycock Ald Goodwin	Ald Laycock Ald Goodwin
New	Devonport Jazz	N/A	Ald Jarman Ald Milne Ald Laycock
New	Tidal Festival	N/A	Ald Milne Ald Jarman Ald Laycock
Existing	Maritime and Heritage	Ald Laycock Ald Goodwin	Ald Laycock Ald Goodwin
Existing	Devonport Regional Gallery	Ald Jarman	Ald Jarman Ald Milne
Existing	East Devonport	Ald Rockliff Ald Jarman (Ald Emmerton - proxy)	Ald Rockliff Ald Jarman Ald Emmerton - Proxy
Amalgamated Learning Communities (LC), Building Families (BF) and Community Safety (CS)	Liveable Communities	Mayor Martin (LC)(CS) Ald Milne (LC) Ald Rockliff (BF) (Ald Jarman - Proxy for LC)	Mayor Martin Ald Milne Ald Rockliff Ald Jarman - Proxy
Existing	Public Art	Ald Jarman Ald Matthews Ald Milne	Ald Jarman Ald Matthews Ald Milne

Report to Council meeting on 24 April 2017

Renamed (formerly Sports & Recreation)	Active City	Ald Rockliff Ald Perry Ald Matthews	Ald Rockliff Ald Perry Ald Matthews Ald Martin
Existing	Community Assistance	Financial Ald Martin Ald Goodwin Ald Emmerton	Ald Martin Ald Goodwin Ald Emmerton
Existing	General Performance Review	Manager's Mayor Martin Deputy Mayor Rockliff Ald Laycock Ald Perry Former Ald Keay	Mayor Martin Deputy Mayor Rockliff Ald Laycock Ald Perry Ald Emmerton

Terms of Reference for Committees will be updated as required and presented to Council for adoption prior to 1 July. The Council Committees Policy will also be reviewed to reflect the changes and presented to Council prior to 1 July.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken as a result of this report. Community representation on the Section 24 Committees will be sought from the current membership.

FINANCIAL IMPLICATIONS

The consolidation of Committees will provide minimal financial benefit through reduced administration costs and a reduction in staff hours attending out of hours meetings.

RISK IMPLICATIONS

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

CONCLUSION

The proposed membership will assist in the streamlining and consolidation of Council's committee structure, and ensuring fair and even representation of Aldermen across Council's committees.

ATTACHMENTS

Nil

RECOMMENDATION

That membership of Council's Section 23 and Section 24 Committees be endorsed to take effect from 1 July 2017 as follows:

Planning Authority (PAC)	Governance, Finance & Community Services (GFCSC)	Infrastructure, Works & Development (IWDC)
Ald Martin (Chair)	Ald Rockliff (Chair)	Ald Perry (Chair)
Ald Milne	Ald Martin	Ald Laycock
Ald Perry	Ald Milne	Ald Rockliff
Ald Emmerton	Ald Goodwin	Ald Jarman
Ald Matthews	Ald Emmerton	Ald Matthews
Ald Goodwin	Ald Jarman	Ald Goodwin

Report to Council meeting on 24 April 2017

Committee/Group	Membership
Devonport Food and Wine	Ald Laycock Ald Goodwin
Devonport Jazz	Ald Jarman Ald Milne Ald Laycock
Tidal Festival	Ald Milne Ald Jarman Ald Laycock
Maritime and Heritage	Ald Laycock Ald Goodwin
Devonport Regional Gallery	Ald Jarman Ald Milne
East Devonport	Ald Rockliff Ald Jarman Ald Emmerton – Proxy
Liveable Communities	Mayor Martin Ald Milne Ald Rockliff Ald Jarman – Proxy
Public Art	Ald Jarman Ald Matthews Ald Milne
Active City	Ald Rockliff Ald Perry Ald Matthews Ald Martin
Community Financial Assistance	Ald Martin Ald Goodwin Ald Emmerton
General Manager's Performance Review	Mayor Martin Deputy Mayor Rockliff Ald Emmerton Ald Perry Ald Laycock

Author: Position:	Karen Hampton Governance Coordinator	Endorsed By: Position:	Paul West General Manager
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5.4 SHARED AUDIT PANEL - APPOINTMENT OF CHAIRPERSON

File: 30196 D468531

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.4 Provide internal and external audit functions to review Council's performance, risk management, financial governance and reporting

SUMMARY

To consider the appointment of a Chairperson of the Shared Audit Panel of the Devonport and Central Coast Councils.

BACKGROUND

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

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

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

As a result of the former Chairperson being appointed as Commissioner of Glenorchy City Council, she resigned effective from 12 February 2017 as the Ministerial Order states:

(2A) A councillor, or employee, of a council is not eligible to be a member of an audit panel of another council.

The Chairperson's position was advertised in the Advocate, Saturday 18 February 2017 and did not attract a suitable candidate. The position was subsequently readvertised on Saturday 25 March 2017 with applications closing on 7 April 2017. One application was received from Mr Robert Atkinson.

STATUTORY REQUIREMENTS

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

DISCUSSION

Mr Robert Atkinson was Chairperson of Council's Audit Panel for approximately four years concluding at the end of 2014. Since that time, the shared audit panels have been formed.

Mr Atkinson is a chartered accountant and has the necessary qualifications required to undertake the role of Chairperson. A copy of his CV is available on request.

Central Coast Council will consider this matter on 19 April 2017.

COMMUNITY ENGAGEMENT

There was no community engagement undertaken as a result of this report, apart from the public advertising process.

FINANCIAL IMPLICATIONS

There are no additional financial implications as a result of this report. Audit Panel members are paid a sitting free shared between the two Councils.

RISK IMPLICATIONS

- Political/Governance
The Audit Panel plays a key oversight role in Council's Risk Management activities providing elected members with an extra level of comfort that the systems in place are adequate.

CONCLUSION

Mr Atkinson is an experienced Audit Panel member and has the necessary qualifications required to undertake the role of Chairperson of the Shared Audit Panel.

ATTACHMENTS

Nil

RECOMMENDATION

That Council appoints Robert Atkinson as Chairman of:

- a) Devonport City Council's Audit Panel; and
- b) Devonport City/Central Coast Councils Shared Audit Panel.

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

5.5 DEVONPORT SURF LIFE SAVING CLUB - HEADS OF AGREEMENT

File: 26371 D468651

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.7.3 Attract and promote equitable distribution and sharing of financial and other resources throughout the community

SUMMARY

To consider renewing a Heads of Agreement with the Devonport Surf Life Saving Club ("the Club") to support surf lifesaving and emergency response services for the Devonport community.

BACKGROUND

In July 2014, Council resolved to enter into an Agreement with the Club to provide support for surf lifesaving and emergency response services at the Bluff precinct, Devonport as follows (Min. No. 118/14 refers):

"That Council endorses the Council prepared Heads of Agreement with the Devonport Surf Life Saving Club providing an amount of \$2,000 per annum for three years commencing 1 July 2014."

The three year agreement ends on 1 July 2017 and requires Council's consideration on whether to renew the Agreement.

STATUTORY REQUIREMENTS

Section 77(1) of the *Local Government Act, 1993* relates to this report. Section 77(1) states:

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

DISCUSSION

There are no changes proposed to the current Heads of Agreement which has been in operation since 1 July 2014. The draft agreement (attached) sets out the Club's commitment for the provision of lifesaving services, as well as for events which require water safety support such as regattas, triathlons and other community activities.

The 'Heads of Agreement' document clearly sets out both parties' obligations as well as review and termination time frames.

In 2011, Devonport Council commissioned Surf Life Saving Tasmania to undertake a risk assessment at the Mersey Bluff Headland. They subsequently provided a "Coastal Risk Assessment and Treatment Plan" which set out a number of actions which the Council and Surf Life Saving Tasmania could implement to increase the safety in this area. This plan is currently in the process of being reviewed by Surf Life Saving Tasmania and will be discussed with the Club once received.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

An allocation for payment to the Club would need to be provided in Council's operational budget. As part of its budget deliberations, Council has provisionally allocated an amount of \$2,000 for the Surf Club in the Community Partnerships area.

RISK IMPLICATIONS

It is believed there are no major risk implications as a result of this report however there could be negative media if Council do not agree to continue the Agreement with the Club.

CONCLUSION

A "Heads of Agreement" document, which clearly defines the responsibilities of both parties is consistent with Council's practice when providing financial assistance to a community group or sporting organisation.

This is a renewal of a current Agreement with the Club which has been operating satisfactorily during this period.

ATTACHMENTS

1. Draft HEADS OF AGREEMENT between Council and the Devonport Surf Life Saving Club July 2017

RECOMMENDATION

That Council endorses the Heads of Agreement with Devonport Surf Life Saving Club providing an amount of \$2,000 per annum for three years commencing 1 July 2017.

Author: Position:	Karen Hampton Governance Coordinator	Endorsed By: Position:	Paul West General Manager
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**HEADS OF AGREEMENT
BETWEEN
DEVONPORT CITY COUNCIL AND
DEVONPORT SURF LIFE SAVING CLUB**



<p>DEVONPORT CITY COUNCIL agree to:</p> <ul style="list-style-type: none"> • Provide \$2,000 per annum for the next three financial years commencing 1 July 2017. • Meet with representatives of the Devonport Surf Life Saving Club as and when required to discuss any issues which may arise under the terms of this agreement. • Work with the Devonport Surf Life Saving Club to develop an action plan arising from the recommendations of the "Coastal Risk Assessment and Treatment Plan" as reviewed by Surf Life Saving Tasmania. <p>Council's key contact: Governance Coordinator</p> <p>.....</p> <p>SIGNED BY:</p> <p>POSITION:</p> <p>DATE:</p>	<p>DEVONPORT SURF LIFE SAVING CLUB agree to:</p> <p>Surf Life Saving Club Patrols</p> <ul style="list-style-type: none"> • Have a Club Patrol Operations Manual for the Surf Life Saving Club's operational patrol area. This is to be displayed in the patrol room, or a highly visible area of the Club • Only allocate proficient, registered and financial surf lifesavers for patrol duty as per SLSA's requirements for minimum award numbers. (Nb. If a lifesaver is not proficient from the previous season, or is found not competent at a proficiency assessment, they must complete another proficiency assessment and be found competent before they can patrol for this season: refer to SLSA Policy 5.4) • Ensure all surf lifesaving equipment is in a serviceable condition and signed off for immediate use (refer to Beach Management – a Patrol Captain's Guide for Patrol Equipment Checklist) • Ensure all lifesavers and equipment is "rescue ready" at the commencement and for the duration of the patrol season • Ensure all lifesavers are dressed in accordance with the SLSA Patrol Uniform Policy with the addition of SLST supplied Patrol jackets and track pants • Patrol members shall obey all instructions of the Patrol Captain in the general work of surf lifesaving • Provide at the Clubs' beach; a full patrol and fully equipped and crewed IRB, specific for patrol duties, during any surf carnival/special event conducted (in addition to the beach patrol's IRB) • Provide appropriate water safety during any SLSA sanctioned event <p>Patrol Season</p> <p>The Patrol season is to commence no later than first weekend of December and conclude no earlier than the last Sunday of March annually. The Club is to patrol all weekends and public holidays in accordance with their Plan for a minimum of 10 hrs per weekend (4 hrs on Christmas Day), or as otherwise negotiated</p>
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	<p>with the State Lifesaving Officer. The daily timing of each patrol is to be determined according to individual beach patronage patterns, as described by the Club in the Plan. In addition, the DSLSC supports a range of community events including but not limited to regatta's, triathlons and community events that rely on water safety and SLSC support to run.</p> <p>Method of conducting patrols</p> <ul style="list-style-type: none"> • Safer swimming areas are to be designated by patrols utilising the Red and Yellow Patrol Feathered Flags. This is considered to be a traditional patrol, and traditional patrolling area • Roving patrols, outpost patrols and surveillance patrols are strongly encouraged, however due consideration is to be given to whether the lifesavers have the appropriate level of training and equipment • The Patrol Captain should refer to the Plan and take in to account local weather and swell conditions/ forecasts when deciding how to allocate personnel and equipment • Additional internal notes regarding performance will be discussed with the Patrol Captain and opportunities for improvement provided • At the start and finish of each patrol, the Patrol Captain is to complete the Patrol Captain's Checklist and leave it signed in a folder next to the Patrol Log Book <p>Other</p> <ul style="list-style-type: none"> • Work with the Devonport City Council to develop an action plan arising from the recommendations of the "Coastal Risk Assessment and Treatment Plan" as reviewed by Surf Life Saving Tasmania. <p>DSLSC's key contact: DSLC President </p> <p>SIGNED BY:</p> <p>POSITION:</p> <p>DATE: </p>
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This agreement is for a period of three (3) years from the date of signing and is to be reviewed by Council every twelve (12) months.

5.6 LOCAL GOVERNMENT (TARGETED REVIEW) AMENDMENT BILL 2017

File: 18760 D467285

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.3 Represent and promote Council at Regional, State and National forums

SUMMARY

This report is provided to assist Council in responding to the recently released draft *Local Government Amendment (Targeted Review) Act 2017* Bill.

BACKGROUND

The Minister for Planning and Local Government, Hon Peter Gutwein MP, in mid 2015 determined that a targeted review of the Local Government Act should be undertaken. A Steering Committee was established to undertake the review and to provide recommendations to the Minister.

As a result, the draft Bill has now been released for consultation before being tabled in Parliament. A copy of the draft Bill is provided as an attachment to this report and should be read in conjunction with the table included under the discussion heading.

STATUTORY REQUIREMENTS

The *Local Government Act 1993* is the primary legislative document under which the Council is required to operate.

DISCUSSION

The key legislative amendments included within the draft are as follows:

- providing the Minister with the ability to issue Ministerial Orders in relation to such matters as the role of mayors, functions of elected members and general managers;
- a greater focus and commitment from elected members to engage in ongoing professional development and abide by the principles of good governance;
- implementing Performance Improvement Directions as a quicker way of addressing issues in a council to potentially avoid a Board of Inquiry or Local Government Board review;
- improving the outcomes for Boards of Inquiry in terms of recommendations that can be made following an inquiry that provide greater efficiencies and flexibility; and
- requiring general managers to maintain a gifts and donations register for the purpose of mandatory disclosure of gifts and campaign donations by local government elected members.

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The table below outlines the proposed amendments and comments related to them:

Section	Details of Amendment	Officers Comments
S.3	Interpretation	Electoral advertising definition expanded to include advertising on the internet. This appears to be a reasonable inclusion.
S.16	<u>Boundary Adjustments</u> This section has been amended such that a Local Government review is not required to approve minor boundary adjustments. This will make the process for minor boundary adjustments more efficient. The section has also been amended so that the process for boundary adjustments is clearer.	The intent of this amendment seems reasonable as it only refers to minor boundary adjustments and where all owners of land who would be affected have been consulted by the relevant councils and have consented, in writing, to the adjustment.
S.27	<u>Role of the Mayor</u> The role of the mayor has been expanded under the legislation. The amendments are to give mayors a greater leadership responsibility and further distinguish the role of mayor as distinct to the role of elected members.	The new paragraphs inserted are to clarify the role of the mayor. While it may seem unnecessary to amend the Act, it essentially provides greater clarity to the role than previously. It has likely come about because of issues identified in some councils recently.
S.27(2)(a)	<u>Deputy Mayors</u> The word "absent" has been amended to better reflect the broad circumstances in which mayors sometimes need deputy mayors to act in the role of mayor.	The clarification that if the mayor is "absent from duty as mayor or from the State, otherwise unavailable for duty as mayor or unable to perform the functions of mayor" the deputy mayor is to act in the position and exercise the powers and perform the functions of the mayor seems reasonable.
S.27A	<u>Ministerial Orders – Functions of the Mayor</u> A new provision has been inserted which provides the Minister for Planning and Local Government (the Minister) with the power to make an order to expand and clarify the role of the mayor. The Minister, with consultation from the sector, can implement (or amend) such an order where there may be a need to clarify these matters. A Ministerial Order would be binding without adding further detail into the legislation. Further, amending a Ministerial	This amendment gives the Minister significant power to direct how a mayor carries out his/her role. There is a requirement for the Minister to consult with councils on matters being considered for inclusion in an order. The Minister will however have the final decision. The introduction of Ministerial Orders also apply to: <ul style="list-style-type: none"> • Order relating to functions of councillors (28AA) • Order relating to appointment and performance of general managers

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	<p>Order would not require any amendments to the legislation and it therefore affords both the Minister and the sector more flexibility.</p>	<p>(61A)</p> <ul style="list-style-type: none"> • Order relating to general managers functions generally • Order relating to general managers function to liaise with mayor (62B) <p>The introduction of Ministerial Orders have the potential to further dilute the ability for a council to function autonomously and could result in increased prescription and direction by the Minister.</p> <p>Whilst there may have been some recent issues experienced in councils that have led to these amendments, the concern is the level of power proposed to be provided to the Minister. At least in the past if there was to be a change proposed, scrutiny through the Parliament would occur – in future the Minister will have greater flexibility and autonomy in directing councils and there may be opportunity for the Minister to use this power for the direct benefit of the Government or potentially in a way which may be detrimental to councils.</p>
<p>S.53, 54A, 55B, 338A, 339 and 339A</p>	<p><u>Audit Panel Members</u> These sections have been amended to ensure that the relevant offence provisions also apply to members of an audit panel. The relevant offences are: failure to declare a pecuniary interest, disclosure of information, improper use of information and misuse of office.</p>	<p>The proposed amendments are supported.</p>
<p>Part 5A S.56A</p>	<p><u>Requirement to notify gift/donation</u> This new provision requires a councillor to notify the general manager of a council if they receive a gift or a donation as prescribed under the regulations. The <i>Local Government (General) Regulations 2015</i> will be amended to provide the details around the notification of gifts and donations.</p>	<p>There is no detail around what will be prescribed in the Regulations therefore it is unknown at this stage what impact the proposed new section to the Act may entail.</p>
<p>Part 5A S.57</p>	<p><u>Gifts and Donations Register</u> This new provision establishes that a gift and donation register must</p>	<p>There is no detail around what will be prescribed in the Regulations therefore it</p>

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	<p>be kept by the general manager of a council.</p> <p>The <i>Local Government (General) Regulations 2015</i> will be amended to prescribe the details for the register, including what items need to be disclosed, when and how, and any thresholds or limitations.</p>	<p>is unknown at this stage what impact the proposed new section to the Act may entail.</p> <p>There is obviously a drafting error in relation to this proposed amendment when it refers to Section 57. There is already a Section 57 in the Act. It is likely this clause should be Section 56B.</p>
61	<p><u>Appointment of a General Manager</u></p> <p>This section has been amended so that councils need to take into account any relevant Ministerial Orders when they are appointing a person as general manager.</p>	<p>In future, the Minister may have greater flexibility to provide direction to councils in relation to the appointment of general managers if this proposed amendment is accepted. This could result in the autonomy of councils being further diminished.</p>
61A	<p><u>Ministerial Orders – Appointment and Performance</u></p> <p>A new provision which provides the Minister with the power to issue a Ministerial Order that details the high-level principles regarding the selection, reappointment and the monitoring of and appraisal of performance for general managers.</p>	<p>In future, the Minister may have greater flexibility to provide direction to councils. This could result in the autonomy of councils being further diminished.</p>
61B	<p><u>Appointment of Acting General Managers</u></p> <p>This section has been amended to clarify the appointment/reappointment of acting general managers. The current provisions are unclear and may create confusion around this process. This amendment will reduce ambiguity.</p>	<p>The proposed amendment is in line with current practice at Devonport City Council and therefore is supported.</p>
62A	<p><u>Ministerial Orders - Functions</u></p> <p>A new provision which provides the Minister with the power to make a Ministerial Order to clarify the functions and powers of the general manager.</p>	<p>In future, the Minister may have greater flexibility to provide direction to councils. This could result in the autonomy of councils being further diminished.</p>
62B	<p><u>Ministerial Order – Liaison</u></p> <p>A new provision which provides the Minister with the power to make a Ministerial Order that provides clarity around the requirement for general managers</p>	<p>In future, the Minister may have greater flexibility to provide direction to councils.</p> <p>The very fact that a provision giving the Minister the power to provide a Ministerial</p>

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	<p>to "liaise" with mayors.</p> <p>Such a Ministerial Order would cover, more broadly, the nature of the liaison between the general manager and the mayor and better describe expectations around the nature of the liaison required between mayors and general managers.</p>	<p>Order relating to liaison between the mayor and general manager is an indictment on local government. This should be a given and there should be no need for such a provision in a mature and well-functioning local government sector.</p>
65	<p><u>Written advice Qualified Persons</u></p> <p>This section has been amended to ensure that any qualified advice, including verbal advice, is provided to the councillors in writing.</p> <p>This amendment aims to ensure that such advice is adequately recorded and is accurate. Providing qualified advice in writing ensures that all elected members receive the same advice, supports effective decision making and is important for transparency and accountability.</p>	<p>Understanding how this amendment will work in practice is unclear and will likely require further clarification.</p>
72	<p><u>Annual Report</u></p> <p>An existing requirement under subsection 84(2)(da) has now been moved to section 72 such that this is reported under the Annual Report.</p> <p>This amendment ensures best practice in financial management in line with Australian Accounting Standards (AASB 124).</p>	<p>This proposed amendment is appropriate.</p>
83A	<p><u>Model Financial Statements</u></p> <p>This is a new section that requires councils to issue their financial statements in line with model financial statements issued by the Director of Local Government for each financial year. The Tasmanian Auditor-General will be required to provide a set of model financial statements to the Director of Local Government to issue.</p> <p>There will be a transitional period provided to allow councils enough</p>	<p>In practice this is what currently occurs. Each year the Auditor General provides model financial accounts for use of Council.</p> <p>This proposed amendment is appropriate.</p>

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	<p>time to prepare for the requirement of model financial statements.</p> <p>Model financial statements will reduce complexity within the legislation because they will necessarily incorporate any other changes in accounting standards or other relevant legislation. They will also help make this financial information easier to compare across councils.</p>	
84(2)(b)	<p><u>Related Parties Disclosure</u> Subsection 84(2)(b) has been removed because the new model financial statements will necessarily incorporate related parties disclosures under the accounting standards (AASB 124), therefore avoiding any unnecessary duplication within the legislation.</p>	<p>Related Parties Disclosure is a new accounting requirement from 1 July 2016. Arrangements have been put in place to ensure that Council complies with this requirement.</p>
214A	<p><u>Scope of Review</u> This section has been amended to clarify the scope of a Local Government Board review.</p> <p>The amendment clarifies the intention of this provision and reflects the changes that are being made to section 226 around the operations of the council to include matters such as governance and performance.</p>	<p>This proposed amendment better clarifies the scope of a Local Government Board review.</p>
New Part 12B	<p><u>Performance Improvement Direction</u> A Performance Improvement Direction (PID) is a new, simple and streamlined mechanism that will be used to require a council, a councillor or some councillor(s) to do something to rapidly improve their performance.</p> <p>Generally, a PID will act as an (optional) intermediary step between the Director of Local Government investigating a matter and the Minister requiring a Local Government Board Review or Board of Inquiry into the council,</p>	<p>This suggested inclusion in the Act is likely in response to performance or governance issues which have been identified within some councils.</p> <p>Early intervention when an issue arises is certainly preferable to the long drawn out processes which have occurred recently with councils in southern Tasmania.</p> <p>The amendments will also provide for consequences of failing to comply with performance improvement directions.</p>

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	<p>councillor or councillor(s) in question.</p> <p>PIDs are intended to be an efficient and cost effective method of improving council performance in appropriate circumstances where the Minister is of the view that a Local Government Board Review or Board of Inquiry may not be necessary, or may prevent the need for a Board of Inquiry or Local Government Board review.</p>	
215 (5)	<p><u>Suspension of councillors</u> This section has been amended so that an individual councillor, or a number of councillors, or all councillors may be suspended and such a suspension can occur at any time during the Board of Inquiry process. It also clarifies that councillors remain suspended until such time as a decision is made by the Minister or the Governor following the final report of a Board of Inquiry.</p> <p>These amendments would give the Minister greater flexibility and allow Boards of Inquiry to be tailored to specific and sometimes changing circumstances. It may also improve efficiency and mitigate any impacts upon the community while an inquiry is ongoing.</p>	<p>It is unlikely that the changes will impact many councils. It does however provide the Minister with greater flexibility to address issues which occur during a Board of Inquiry process.</p>
217	<p><u>Requests for Information</u> This section provides the Board of Inquiry with the power to require a person to provide written answers to a formal request for information.</p> <p>This amendment will allow Boards of Inquiry to operate more efficiently and ensure that information is provided in a timely manner such that the process is not hindered.</p>	<p>The proposed amendment is likely to be as a result of recent experience in undertaking Board of Inquiries in two southern Tasmanian councils.</p>
225	<p><u>Results of Inquiry</u> Several subsections of section 225 have been amended to ensure</p>	<p>This amendment will give the Minister the ability to provide direction not just to a</p>

Report to Council meeting on 24 April 2017

	that individual councillor(s) are also captured under these provisions such that the Minister has the power to direct an individual councillor.	council (as is now the case) to individual councillors as a result of a Board of Inquiry. It would appear appropriate for such an amendment to enable the Minister to provide direction where identified.
226	<u>Dismissal of councillors - Individuals</u> This section has been amended to clarify that individual councillors can also be dismissed (rather than all councillors). This amendment will provide the Minister with the flexibility to dismiss an individual councillor, several or all councillors.	This amendment would seem reasonable.
226(1A)	<u>Dismissal of Councillors</u> This section has been amended to further clarify what is intended by the phrase "operation of the council". This phrase is to include one or more of the matters listed, including the administrative operation or the governance of the council. The amendment will ensure the phrase operates as intended to capture these areas of operation.	This amendment would seem reasonable.
230 & 231	<u>Appointment of Commissioner</u> These two sections have been amended to clarify that the commissioner is only appointed when all of the councillors are either dismissed or suspended.	The amendments are necessary to clarify that a commissioner is only appointed in circumstances where the whole council is dismissed.
260, 269 & 274	<u>Elections</u> All the dates under these sections have been increased by 1 week. This is to accommodate changes in Australia Post's services which have increased the time taken for mail to be delivered. This amendment will allow greater time for local government postal votes to be returned.	Agreed that these changes are necessary.
278(3)	<u>Electoral Advertising</u> This subsection has been amended to delete 'broadcast' as it is unnecessary duplication with an exclusion described in	Appears to be a reasonable amendment.

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	subsection 278(4)(b).	
341	<p><u>Immunity from Liability</u> This section has been amended to clarify and ensure it operates efficiently in light of other statutory immunities available under the <i>Statutory Authorities (Protection from Liability) Act 1993</i>.</p>	Appears to be a reasonable amendment.
348A	<p><u>References to Act</u> This section clarifies references within the Act to orders and regulations and their status.</p>	A procedural amendment.
Schedule 5, Clause 3 (f)	<p><u>Office of Councillors</u> This amendment is designed to address an unintended technical consequence that arises from the current operation of Schedule 5, Clause 3 (Vacation of Office). It impacts councillors who are moving residence from their elected municipality into another municipality but who are eligible to be enrolled on the general managers electoral roll in respect to their elected municipality and therefore remain eligible to hold office. The Act does not provide enough time for changes in their electoral details to occur and could result in a councillor becoming automatically vacated from office due to this technicality. The aim of this amendment is to provide a transitional period to give councillors who are eligible to remain in office the time to ensure they can update their electoral details so that they are not automatically vacated. The automatic vacation provision will continue to operate if the councillor is not entitled to remain in office, due to their electoral status.</p>	A procedural amendment which appears appropriate.

The following have not been included in the draft amendment Bill however are being considered for inclusion. These have been identified since the conclusion of the Steering Committee's recommendations to the Minister and are generally aimed at strengthening existing provisions, rather than introducing materially new provisions.

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Section	Details of the Proposed Amendment	General Manager's Comments
Section 339A (Misuse of Office)	Considering clarifying this provision so that it also includes an "attempt" to procure, the doing, or not doing anything to gain an advantage or to avoid a disadvantage.	The proposed amendment would better reflect the intent of the provision and is supported.
Section 339E (Complaints against non-compliance or offence)	<p>Considering clarifying this provision so that:</p> <ul style="list-style-type: none"> • the Director of Local Government has the power and ability to refer such matters of non-compliance to third parties or other investigative authorities where the Director considers the matter may more appropriately be handled within their jurisdiction; • the matters which the Director can investigate are clarified; and • the Director, in determining the procedure for handing complaints or investigating matters, can also authorise a person to undertake an investigation. <p>These amendments could make the investigation provisions clearer.</p>	<p>At present the Act is reasonably restrictive in relation to this Section.</p> <p>Introducing amendments to provide more clarity on procedure and process is supported.</p>
Financial Administration	<p>Considering including a similar provision to the <i>Public Account Act 1986</i> that allows general managers to continue to run the council and expend funds until the council adopts the estimates in the situation where a council does not approve its estimates prior to 1 July of any year.</p> <p>This would allow councils to continue to operate efficiently in such circumstances.</p>	<p>Section 82 of the Act currently requires that a council is to adopt its estimates by 31 August each year.</p> <p>A technical amendment as proposed would provide a better level of clarity which does not currently exist.</p>
Financial Administration & Section 3 (Interpretation)	Considering including a definition of 'senior positions' within a council as it is currently not defined and could be	Devonport City Council has adopted the practice that 'senior positions' are those Executive Managers who report directly to the General

Report to Council meeting on 24 April 2017

	<p>further clarified to avoid confusion. This could encapsulate those senior employees who directly report to a general manager.</p> <p>This would assist in the efficient operation of section 72 (Annual Report) and other relevant financial administration provisions under the Act.</p>	<p>Manager.</p> <p>Care needs to be taken in the drafting of this type of amendment to ensure operational staff who may report to the general manager are not inadvertently captured as a result.</p>
Petitions (Part 6)	<p>Considering including within the Act a power to prescribe for online petitions. This recommendation was made by the Steering Committee, however there are practical difficulties in implementing this recommendation, including the cost of information technology to validate the process. This amendment would require further detail and prescription under a future amendment to the regulations.</p>	<p>Prior to forming a position on this issue a clearer understanding of how it may work in practice would be required.</p>

COMMUNITY ENGAGEMENT

The targeted review of the Local Government Act has been previously publicised. Community members were invited to make submissions to the Working Group.

The draft Bill has also now been publicly released and any community member with an interest have been invited to make submissions to the Local Government Division by Friday 5 May 2017.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council specifically relating to this report. Some of the proposed amendments may have some minor financial impact on Council going forward.

RISK IMPLICATIONS

Council is accustomed to working under the provisions of the *Local Government Act 1993*. Some of the proposed amendments will impose greater statutory obligations on councils which in some cases will be seen as positive and in other cases negative.

Whilst there may have been some recent issues experienced in councils that have led to some of the proposed amendments, there is a concern about the potential level of power proposed to be provided to the Minister. At least in the past if there was to be a change proposed scrutiny through the Parliament would occur – in future the Minister will likely have greater flexibility and autonomy in directing councils through the issuing of Ministerial Orders which councils will be obliged to abide by.

CONCLUSION

The targeted review of the *Local Government Act* has been underway for some time. The Council has previously provided comments on proposed amendments. The final opportunity for Council to comment is during the current consultation on the draft Bill.

The officer comments included in the discussion section of this report have been developed taking into account comments provided by Aldermen at a recent Workshop session.

ATTACHMENTS

1. Local Government Amendment (Targeted Review) Bill 2017

RECOMMENDATION

That the report of the General Manager on the draft *Local Government Amendment (Targeted Review) Act 2017* Bill be received and noted and Council provide a submission to the Local Government Division in line with the table included within the discussion section of this report.

Author:	Paul West
Position:	General Manager

Drafted in the Office of
Parliamentary Counsel

TASMANIA

**LOCAL GOVERNMENT AMENDMENT
(TARGETED REVIEW) BILL 2017**

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16. Section 65 amended (Qualified persons)
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19. Section 84 amended (Financial statements)
20. Section 214A amended (Scope of review)
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DRAFT

**LOCAL GOVERNMENT AMENDMENT
(TARGETED REVIEW) BILL 2017**

*(Brought in by the Minister for Planning and Local
Government, the Honourable Peter Carl Gutwein)*

A BILL FOR

An Act to amend the *Local Government Act 1993*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Local Government Amendment (Targeted Review) Act 2017*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Local Government Act 1993** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

*No. 95 of 1993

Local Government Amendment (Targeted Review) Act 2017
Act No. of

s. 4

- (a) by omitting the definition of *absolute majority* and substituting the following definition:

absolute majority means –

- (a) if no councillors are suspended, more than half of the number of councillors to be elected to a council; or
- (b) if one or more councillors are suspended, more than half of the number of councillors to be elected to a council after subtracting the number of councillors who are suspended;
- (b) by inserting the following definition after the definition of *assets*:

audit panel means the audit panel established under section 85;

- (c) by inserting the following paragraph after paragraph (e) in the definition of *electoral advertising*:
- (f) on the internet;
- (d) by inserting the following definition after the definition of *model code of conduct*:

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Local Government Amendment (Targeted Review) Act 2017
Act No. of

s. 5

model financial statements means the model financial statements published, and provided to councils, under section 83A, as replaced from time to time;

- (e) by omitting “7th” from the definition of *nomination period* and substituting “8th”;
- (f) by omitting “5th” from the definition of *nomination period* and substituting “6th”;
- (g) by inserting the following definition after the definition of *partner*:

performance improvement direction means a direction issued to a council or councillor under section 214M;

5. Section 16 amended (Municipal areas)

Section 16 of the Principal Act is amended by omitting subsections (4) and (5) and substituting the following subsections:

- (4) The Minister, on receiving a report on a review made under section 214D that recommends an adjustment of the boundary of a municipal area or an electoral boundary within a municipal area, regardless of whether the adjustment is minor or significant in nature, may recommend to the Governor

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Local Government Amendment (Targeted Review) Act 2017
Act No. of

s. 5

that an order be made so adjusting that boundary.

(4A) The Minister –

(a) on receiving –

(i) from the Board, made otherwise than in a report on a review made under section 214D; or

(ii) from the Director –

a recommendation that an adjustment, that is minor in nature, be made to the boundary of a municipal area, or an electoral boundary within a municipal area; and

(b) if satisfied that all owners of land who would be affected by the adjustment have been consulted by the relevant councils and have consented, in writing, to the adjustment –

may recommend to the Governor that an order be made so adjusting that boundary.

(5) The Governor, by order and on the recommendation of the Minister under subsection (4) or (4A), may do one or both of the following:

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Local Government Amendment (Targeted Review) Act 2017
Act No. of

s. 6

-
- (a) adjust a boundary of a municipal area;
 - (b) if the municipal area is divided into electoral districts, adjust any boundary of any electoral district as may be necessary.

6. Section 27 amended (Functions of mayors and deputy mayors)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (aa), (a), (b), (ba) and (c) from subsection (1) and substituting the following paragraphs:
 - (a) to act as a leader of the community of the municipal area; and
 - (b) to carry out the civic and ceremonial functions of the mayoral office; and
 - (c) to promote good governance by, and within, the council; and
 - (d) to act as chairperson of the council and to chair meetings of the council in a manner that supports decision-making processes; and
 - (e) to act as the spokesperson of the council; and

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- (f) to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels; and
- (g) to lead and participate in the appointment, and the monitoring of the performance, of the general manager; and
- (h) to liaise with the general manager on –
 - (i) the activities of the council and the performance and exercise of its functions and powers; and
 - (ii) the activities of the general manager and the performance and exercise of his or her functions and powers in supporting the council; and
- (i) to oversee the councillors in the performance of their functions and in the exercise of their powers; and
- (j) any function imposed by an order under section 27A; and
- (k) any other function imposed by this or any other Act.

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- (b) by omitting from subsection (2)(a) “absent; and” and substituting “absent from duty as Mayor or from the State, otherwise unavailable for duty as mayor or unable to perform the functions of mayor; and”.

7. Section 27A inserted

After section 27 of the Principal Act, the following section is inserted in Division 3:

27A. Order relating to Mayor’s functions

- (1) The Minister, by order, may do any one or more of the following:
- (a) clarify the functions of mayor;
 - (b) impose on mayors such functions as the Minister considers appropriate.
- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
- (4) An order under this section may be combined with an order under one or more of the following sections:

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- (a) section 28AA;
- (b) section 62A;
- (c) section 62B.

8. Section 28AA inserted

After section 28 of the Principal Act, the following section is inserted in Division 3:

28AA. Order relating to functions of councillors

- (1) The Minister, by order, may clarify the functions of councillors.
- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
- (4) An order under this section may be combined with an order under one or more of the following sections:
 - (a) section 27A;
 - (b) section 62A;
 - (c) section 62B.

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9. Section 53 amended (Notification of interest)

Section 53 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “councillor or member” and substituting “councillor, member or member of an audit panel”;
- (b) by omitting from subsection (1) “committee or controlling authority” and substituting “committee, controlling authority or audit panel”;
- (c) by omitting from subsection (2)(b) “councillor or member” and substituting “councillor, member or member of an audit panel”.

10. Section 54A amended (Register of interests of members)

Section 54A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “authority.” and substituting “authority or of members of an audit panel.”;
- (b) by omitting from subsection (2) “committee or controlling authority” and substituting “committee, controlling authority or audit panel”.

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11. Section 55B inserted

After section 55A of the Principal Act, the following section is inserted in Part 5:

55B. Interests of members of audit panels

- (1) A member of an audit panel must notify the general manager, in writing, of having an interest, as referred to in section 49, in any matter –
- (a) in respect of which the audit panel is conducting, is or to conduct, a review; or
 - (b) which may affect the outcome of a review being, or to be, conducted by the audit panel; or
 - (c) in respect of which the audit panel is providing or making, or is to provide or make, advice or a recommendation; or
 - (d) which may affect any advice or recommendation the audit panel is providing or making, or is to provide or make.

Penalty: Fine not exceeding 50 penalty units.

- (2) Section 51 applies as if a reference to a member were a reference to a member of the audit panel.
- (3) The general manager is to –

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- (a) advise the council of the existence of any interest notified under subsection (1); and
 - (b) keep a register of any such interest.
- (4) Any register kept under subsection (3)(b) is exempt from the provisions of the *Right to Information Act 2009*.

12. Part 5A inserted

After section 56 of the Principal Act, the following Part is inserted:

PART 5A – GIFTS AND DONATIONS

56A. Councillor to notify of gifts and donations

- (1) A councillor who receives –
- (a) a gift or donation prescribed by the regulations for the purposes of this section; or
 - (b) a gift or donation of a class prescribed by the regulations, for the purposes of this section –

must notify the general manager of that gift or donation.

Penalty: Fine not exceeding 10 penalty units.

- (2) A notice is to –

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- (a) be in writing; and
- (b) contain the details prescribed by the regulations; and
- (c) be provided to the general manager within the period prescribed by the regulations.

57. Gifts and donations register

- (1) The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.
- (2) The register is to include the following information:
 - (a) the name of the councillor;
 - (b) a description of the gift or donation;
 - (c) any other information required by the regulations to be included.

13. Section 61 amended (Appointment of general manager)

Section 61 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

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(1A) In appointing a person as general manager of the council, a council is to do so in accordance with any relevant order made under section 61A.

(b) by omitting subsection (6).

14. Sections 61A and 61B inserted

After section 61 of the Principal Act, the following sections are inserted in Division 1:

61A. Order relating to appointment and performance of general managers

- (1) The Minister, by order, may do any one or more of the following:
- (a) specify the principles governing the selection of a general manager;
 - (b) specify the matters, and classes of matters, that are to be taken into account when a council is selecting, or reappointing, a general manager;
 - (c) specify the procedures to be followed by a council in relation to appointing, or reappointing, a general manager;
 - (d) provide, or provide for the development of, the processes and procedures to be followed by

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a council in monitoring the performance of a general manager.

- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –
 - (a) he or she is absent from duty for any reason; or
 - (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or
 - (c) the position of general manager is vacant.
- (2) The mayor may appoint a person to act in the office of general manager if –
 - (a) the general manager is absent and no person holds an appointment under subsection (4); or

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- (b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.
- (3) An appointment under subsection (2) ends when the first of the following occurs:
- (a) the general manager returns to duty;
 - (b) the term of the appointment expires;
 - (c) the mayor or the council revokes the appointment;
 - (d) a person is appointed as general manager under section 61.
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.
- (5) An appointment under subsection (4) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:
- (a) the term of the appointment expires;
 - (b) the council revokes the appointment;

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- (c) if the appointment is to the holder of an office, the person ceases to hold that office.
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

15. Sections 62A and 62B inserted

After section 62 of the Principal Act, the following sections are inserted in Division 1:

62A. Order relating to general manager's functions generally

- (1) The Minister, by order, may clarify the functions of general managers by specifying matters, or classes of matters, that are operational or administrative in nature and so are to be performed by general managers.
- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

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- (4) An order under this section may be combined with an order under any one or more of the following sections:
- (a) section 27A;
 - (b) section 28AA;
 - (c) section 62B.

62B. Order relating to general manager's function to liaise with mayor

- (1) The Minister, by order, may specify the manner in which general managers are to liaise with their mayors.
- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
- (4) An order under this section may be combined with an order under any one or more of the following sections:
- (a) section 27A;
 - (b) section 28AA;
 - (c) section 62A.

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16. Section 65 amended (Qualified persons)

Section 65 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
- (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

17. Section 72 amended (Annual report)

Section 72(1) of the Principal Act is amended by inserting after paragraph (c) the following paragraph:

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- (caa) a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during the preceding financial year together with a statement of the revenue associated with that activity;

18. Section 83A inserted

After section 83 of the Principal Act, the following section is inserted in Division 3:

83A. Model financial statements

- (1) The Auditor-General is to provide to the Director model financial statements to be used by the councils.
- (2) From time to time the Auditor-General may provide to the Director replacement model financial statements to be used by the councils that are to be substituted for the existing drafts for model financial statements.
- (3) On receipt of the model financial statements or replacement model financial statements, the Director –
- (a) is to publish on the relevant website of the Department the model financial statements or replacement model financial statements for use by councils; and

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- (b) is to provide a copy of the model financial statements or replacement model financial statements to each council no later than the next occurring 30 June in preparation for use by the council in relation to its financial statements for the financial year ending on that 30 June.

19. Section 84 amended (Financial statements)

Section 84(2) of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) and substituting the following paragraphs:
- (a) be in the form set out in the model financial statements provided under section 83A; and
- (b) contain the information required by those model financial statements; and
- (b) by omitting paragraph (da).

20. Section 214A amended (Scope of review)

Section 214A of the Principal Act is amended as follows:

- (a) by omitting “matters:” and substituting “matters, in whole or in part:”;

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(b) by omitting paragraph (a) and substituting the following paragraph:

(a) the operation of a council, including the performance and exercise of the council's functions and powers, the administrative operation of the council, the governance of the council and the decision making of the council;

21. Part 12B inserted

After section 214K of the Principal Act, the following Part is inserted:

PART 12B – PERFORMANCE IMPROVEMENT DIRECTIONS

214L. Recommendation for issuing performance improvement direction

- (1) The Director may recommend to the Minister that he or she issue a performance improvement direction to a council or councillor.
- (2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if, in the Director's opinion, the council or councillor –

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- (a) has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act and the Director considers that the failure is not of a minor nature; or
- (b) has failed on a number of occasions to comply with a statutory requirement, or a number of different statutory requirements, under this or any other Act or under subordinate legislation made under this or any other Act, regardless of whether any such failure is of a minor nature.
- (3) The recommendation is to include the grounds on which the recommendation is based.

214M. Minister may issue performance improvement direction

- (1) On receipt of the recommendation of the Director provided under section 214L, the Minister may –
 - (a) issue to a council or a councillor a direction requiring the council or councillor to take, refrain from taking or cease taking an action for the purpose of complying with the statutory obligations of

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the council or councillor under this or any other Act; or

(b) refuse to issue such a direction.

(2) The Minister may issue a direction to a council or councillor only if satisfied that it is appropriate to do so after considering any submissions made under section 214N(2)(d) and the recommendation of the Director provided under section 214L.

(3) A direction may require the council or councillor –

(a) to take, refrain from taking or cease taking an action within the period specified in the direction; and

(b) to notify the Minister, in writing and within the period specified in the direction, of the steps the council or councillor has taken, or proposes to take, to comply with the direction.

(4) A direction may set out the consequences of failing to comply with the direction.

214N. Right of council or councillor to make submissions

(1) If the Minister is proposing to issue a performance improvement direction to a

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council or councillor, the Minister is to notify the council or councillor of that fact.

(2) The notice provided under subsection (1) is to –

- (a) be in writing; and
- (b) include a draft of the proposed performance improvement direction; and
- (c) include the grounds for the making of the performance improvement direction; and
- (d) notify the council or councillor that it, he or she may make written submissions to the Minister on the matter within the period, of not less than 14 days, specified in the notice.

(3) The council or councillor may make written submissions to the Minister in relation to the proposed performance improvement notice within the period specified in the notice under subsection (1).

214O. Consequences of failing to comply with performance improvement direction

(1) If a council or councillor fails to comply with a performance improvement

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direction, the Minister may do one or more of the following:

- (a) suspend all of the councillors or the councillor from office for a period not exceeding 6 months;
 - (b) under section 214, require the Board to carry out a general review, or a specific review, of the council;
 - (c) under section 215, establish a Board of Inquiry to investigate the council.
- (2) If the Minister suspends all of the councillors of a council, the Governor, under Division 2 of Part 13, may appoint a person as commissioner for that council during that suspension and that Division applies in relation to the appointment of the commissioner.

22. Section 215 amended (Board of Inquiry)

Section 215 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

- (5) If the Minister establishes a Board of Inquiry to investigate a council, the Minister, at any time during the inquiry, may suspend all the councillors, or any of the councillors, from office for the period ending on the day on which –

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- (a) the Minister gives a direction under section 225(2); or
- (b) an order under section 226 dismissing all the councillors or any councillor takes effect.

23. Section 217 amended (Powers of Board of Inquiry)

Section 217 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph before paragraph (a) in subsection (1):
 - (aa) require any person to provide, in writing and within the time specified in the requirement, answers to the questions asked, or the information specified, in the requirement; and
- (b) by inserting the following paragraph before paragraph (a) in subsection (2):
 - (aa) fail to comply with a requirement referred to in subsection (1)(aa); or

24. Section 225 amended (Result of inquiry)

Section 225 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2) “councillor,” after “a council,”;

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- (b) by inserting in subsection (2)(a) “councillor,” after “council,”;
 - (c) by omitting from subsection (2)(a) “its” and substituting “its, his or her”;
 - (d) by inserting in subsection (2)(b) “councillor,” after “council,”;
 - (e) by omitting from subsection (2)(b) “its” and substituting “its, his or her”;
 - (f) by inserting in subsection (2)(c) “councillor,” after “council,”;
 - (g) by omitting from subsection (2)(c) “its” and substituting “its, his or her”;
 - (h) by inserting in subsection (2)(d) “councillor,” after “council,”;
 - (i) by inserting in subsection (3) “councillor,” after “a council,”;
 - (j) by inserting in subsection (3) “councillor,” after “require the council,”;
 - (k) by inserting in subsection (3)(a) “councillor,” after “council,”;
 - (l) by inserting in subsection (3)(b) “councillor,” after “council,”.

25. Section 226 amended (Dismissal of councillors)

Section 226 of the Principal Act is amended as follows:

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- (a) by inserting in subsection (1) “or councillor” after “a council”;
- (b) by omitting from subsection (1) “the councillors” and substituting “any councillor or all councillors”;
- (c) by inserting in subsection (1)(a) “councillor or” after “failure of the”;
- (d) by inserting in subsection (1)(b) “councillor or” after “conduct of the”;
- (e) by inserting the following subsection after subsection (1):
 - (1A) In subsection (1) –
 - operation of the council* includes the performance and exercise of the council’s functions and powers, the administrative operation of the council, the governance of the council and the decision making of the council.
- (f) by inserting in subsection (2) “councillor or” after “If a”;
- (g) by inserting in subsection (2) “councillor or all” after “dismiss the”;
- (h) by inserting in subsection (3) “a councillor or all” after “dismissal of”.

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26. Section 230 amended (Appointment of commissioner on suspension)

Section 230 of the Principal Act is amended by inserting “all of” after “suspends”.

27. Section 231 amended (Appointment of commissioner on dismissal)

Section 231(1) of the Principal Act is amended by inserting “all of” after “dismissal of”.

28. Section 260 amended (Closure of electoral roll)

Section 260 of the Principal Act is amended by omitting “6th” and substituting “7th”.

29. Section 269 amended (Notice of election)

Section 269(1) of the Principal Act is amended by omitting “7th” and substituting “8th”.

30. Section 274 amended (Election without poll)

Section 274(3)(b) of the Principal Act is amended by omitting “4th” and substituting “5th”.

31. Section 278 amended (Electoral advertising)

Section 278(3) of the Principal Act is amended by omitting “publish, broadcast” and substituting “publish”.

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32. Section 338A amended (Disclosure of information)

Section 338A(3) of the Principal Act is amended by inserting “or a member of an audit panel” after “law, a member”.

33. Section 339 amended (Improper use of information)

Section 339 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “councillor or a member” and substituting “councillor, a member or a member of an audit panel”;
- (b) by omitting from subsection (1) “councillor or member.” and substituting “councillor, member or member of an audit panel.”;
- (c) by omitting from subsection (4)(b) “councillor or member” and substituting “councillor, member or member of an audit panel”.

34. Section 339A amended (Misuse of office)

Section 339A of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) In this section –

member includes a member of an audit panel.

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35. Section 341 amended (Immunity from liability)

Section 341 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) A person who is –

- (a) a councillor; or
- (b) a member of the Board; or
- (c) the Executive Officer; or
- (d) a member of the Code of Conduct Panel or an audit panel; or
- (e) a member of a Board of Inquiry; or
- (f) a member of a special committee or a controlling authority; or
- (g) a commissioner, or an employee, of a council –

does not incur any personal liability in respect of any act done or omitted to be done by the person in good faith in the performance or exercise, or the purported performance or purported exercise, of any function or power under this or

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any other Act or in the administration or execution, or purported administration or purported execution, of this Act.

- (b) by inserting in subsection (2) “a councillor, an employee of the council, or” after “lie against”;
- (c) by inserting the following subsection after subsection (2):
 - (3) A liability that would, but for subsection (1), lie against a member of the Board, the Executive Officer, a member of the Code of Conduct Panel, a member of a Board of Inquiry or a commissioner lies against the Crown.

36. Section 348A inserted

After section 348 of the Principal Act, the following section is inserted in Division 3:

348A. References to Act

A reference to this Act includes a reference to any regulations, rules, by-laws and orders made under this Act.

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37. Schedule 5 amended (Office of Councillors)

Clause 3 of Schedule 5 to the Principal Act is amended by inserting after subclause (1) the following subclauses:

(1A) Despite subclause (1)(f), if—

- (a) a councillor is no longer eligible to nominate as a candidate under section 270 because the councillor ceases to be entitled under section 254(1) to be enrolled on the electoral roll kept under section 258(7) for an electoral district of the electoral area in respect of which he or she is a councillor; and
- (b) the councillor is entitled, by reason of section 254(2), to be enrolled on the electoral roll kept under section 258(1) in respect of that electoral area—

the councillor does not vacate the office of councillor on so ceasing to be eligible to nominate as a candidate under section 270 but, subject to subclause (1B), vacates the office at the end of the thirtieth day after ceasing to be eligible to so nominate unless the councillor lodges an electoral enrolment form under section 257 within that 30-day period.

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- (1B) Despite subclause (1)(f), if a councillor referred to in subclause (1A) lodges an electoral enrolment form under section 257 before the end of the thirtieth day specified in that subclause, the councillor does not vacate the office of councillor.

38. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

5.7 TENDER REPORT CONTRACT CT0176 TARLETON STREET & WRIGHT STREET SAFETY IMPROVEMENTS

File: 32662 D467404

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 CT0176 Tarleton Street & Wright Street Safety Improvements to Harding Hotmix Pty Ltd.

BACKGROUND

This report considers tenders received for "Tarleton Street & Wright Street Safety Improvements" listed within the 2016/17 capital expenditure budget.

This project involves changes to the traffic signals at the intersection of Tarleton Street and Wright Street as well as changes to traffic islands, signage and line marking to improve safety and efficiency.

This intersection was identified in the action plan of the Road Network Strategy 2016. A report was provided to the Infrastructure, Works and Development Committee in April 2016 which recommended work be undertaken to improve safety and efficiency. Subsequently a \$95,000 grant was obtained from the Federal Government's Black Spot Program to undertake the safety improvement component of the project.



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.

DISCUSSION

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

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

TABLE 1

No.	Tender	Status	Tender Price (ex GST)	Revised Tender Price (ex GST)
1	Hardings Hotmix Pty Ltd	Conforming	\$113,900	\$89,773
2	Kentish Construction and Engineering Company Pty Ltd	Conforming	\$118,426	N/A
3	Civilscape Contracting Tasmania	Conforming	\$133,792	N/A

As highlighted in the above table Hardings Hotmix Pty Ltd tender of \$113,900 is the lowest price. The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

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

The evaluation by the committee indicates that Hardings Hotmix Pty Ltd scored highest overall against the selection criteria and therefore offers Council the best value for money. Hardings Hotmix Pty Ltd were then invited to revise their price based on a reduced scope of work in order to reduce the total project cost.

The Tender Planning and Evaluation Committee minutes were prepared and confidential copies can be made available upon request by Aldermen.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 4 March 2017 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The 2016/17 capital expenditure budget includes an allocation for the "Tarleton Street & Wright Street Safety Improvements" project of \$125,000 which includes \$95,000 Black Spot Program external funding. The total cost of the project is estimated at \$138,750, which is \$13,750 over the budget allocation.

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

TABLE 2

No.	Tender	Price (ex GST)
1	Contract CT0183	\$89,773
2	Project management/administration	\$15,000
3	Construction contingency	\$8,977
4	Traffic signal relocations and upgrades (estimated)	\$25,000
	TOTAL	\$138,750

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

Discussions are ongoing with the Department of State Growth (DSG) regarding the cost of the project. The Department are the owner of the traffic signals and also the administrator of the Black Spot Program.

Savings have been achieved on another Council Black Spot project (Thomas & Tarleton Street improvements) and the surplus funding would be sufficient to fund the shortfall on this project.

DSG have yet to confirm a quotation for the traffic signal upgrade, which may reduce the amount required for this item. Alternately, if the full allocation of \$25,000 is required for the signals it is anticipate that approval will be obtained to reallocate surplus Black Spot funding to cover the shortfall in overall budget.

The scope of work has been reviewed to ensure it is minimised whilst still ensuring the project objectives are met.

RISK IMPLICATIONS

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

CONCLUSION

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that Hardings Hotmix Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to award Contract CT0176 Tarleton & Wright Street Safety Improvements.

The total project cost of \$138,750 requires a budget increase of \$13,750 to deliver the project, and it is anticipated that this will be funded through assistance from DSG either by savings in the traffic signal cost or an increase in Black Spot funding.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CT0176 Tarleton & Wright Street Safety Improvements:

- a) award the contract to Hardings Hotmix Pty Ltd for the tendered sum of \$89,773 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$15,000 (ex GST);
- c) note that relocation of existing infrastructure for the project are estimated to cost \$25,000 (ex GST); and
- d) note that a construction contingency of \$8,977 (ex GST) is included in the budget.

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

5.8 PETITION - PAY AS YOU LEAVE (PAYL) PARKING - FOURWAYS

File: 31342 D468591

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.3.1 Improve the City's physical access and connectivity

SUMMARY

To present Council with a petition in relation to Pay As You Leave (PAYL) parking in the Fourways Carpark.

BACKGROUND

The petition (copy attached) contains 29 signatures and requests PAYL parking to be installed in the Fourways carpark.

STATUTORY REQUIREMENTS

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

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains:
 - (a) a clear and concise statement identifying the subject matter; and
 - (b) a heading on each page indicating the subject matter; and
 - (c) a brief statement on each page of the subject matter and the action requested; and
 - (d) a statement specifying the number of signatories; and
 - (e) the full printed name, address and signature of the person lodging the petition at the end of the petition.

DISCUSSION

The petition presented to Council does not meet the requirements of the *Local Government Act 1993* and therefore this report is for information only.

Fourways carpark has 91 parking spaces. It is unique as it is fully surrounded by one hour parking meters with the exception of a 15-minute parking zone along a section of Best Street outside the existing bakery and Fourways Fruit and Veg. Almost every shop fronts onto the street having both parking meters or the off-street carpark as a parking option. The average carpark occupancy for last financial year was 55% and this financial year to date is an average of 54%. The street meters last financial year had an average of 75% occupancy and this year so far, an occupancy of 70%.

In addition, free timed and untimed parking is within 50-150 metre walk in almost any direction.

There are practical infrastructure issues in relation to converting this particular car park to PAYL. Firstly, adequate queuing length as per the recommended guidelines for PAYL would have to be provided which in turn would mean that parking would need to be removed at the entry and exit gates to allow sufficient turning in and out of the carpark and onto Kemping street. This would mean a decrease in parking outside Charcoal

Chicken and the Indian Restaurants closest to the entry and exit which would likely affect the passing patronage.

Secondly there is the consideration of the large trucks that deliver to the Reject Shop, Chemist and the Fourways Supermarket and manoeuvrability for these vehicles would need to be considered in the design. Deliveries through a PAYL car park can be problematic.

In 2015, a trial of Pay by phone "Easy Park" Ap was implemented with the objective of giving parkers an alternative to Pay and Display parking in all Council off Street car parks. The Fourways carpark usage of Easy Park is the third highest in the City with an average of 200 transactions per month.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

There is not any impact on the Council's operating budget as a result of this petition.

For noting, a capital expenditure allocation of approximately \$325,000 would be required to install PAYL in the Fourways car park. This would be sufficient for supply and installation of a ticket machine and associated software, boom gates, infrastructure modifications and electronic signage.

An increase in operational expenses associated with change to design, maintenance, after-hours attendance and depreciation are estimated to total approximately \$70,000 per annum.

It is difficult to estimate what impact PAYL would have on Council's parking revenue, if any. PAYL in the Best Street car park has shown that use of the PAYL system has taken the community some time to become familiar with and comfortable to use.

RISK IMPLICATIONS

Council has a requirement to meet its obligations under the *Local Government Act 1993* in relation to tabling of petitions. This petition does not meet the requirements of the Act and only a small number of Devonport residents have signed the document.

PAYL parking is a matter that has raised community interest, and both the petitioners and general community will need to be informed of any Council decision at the appropriate time.

CONCLUSION

The alternative of Pay by Phone as a payment method for people who want the opportunity to pay when they leave, free parking within easy walking distance, the financial implications of installing equipment such as boom gates, intercoms etc, the usage of this carpark and the type of shops in this precinct, does not indicate a need for PAYL in the Fourways Carpark at this point in time.

ATTACHMENTS

1. Petition For Exit Pay Parking At Fourways

RECOMMENDATION









That Council receive and note the petition relating to PAYL parking and take no further action at this stage.

Author:	Shane Crawford	Endorsed By:	Paul West
Position:	Executive Manager Corporate, Community & Business Services	Position:	General Manager

05/04/2017 D467906

Petition for exit pay parking at Fourways.



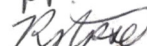
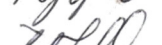












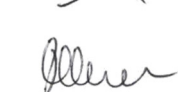


Exit pay parking means people don't have to worry about parking limits and fines, such worries are a hindrance for people going into Fourways. This is a petition to Devonport council by the following people for exit fee parking at Fourways.

Name	Address	Signed.
A HAN Kwiese	239 William St 239 William St	
Margie Bromhead	6/145 Steele St.	
S Marshall. J Churcher	26 Ronald St 73 Steele St	 Jehudr Dyl
T Duke	85 Mary St est Dport	
T Bartlett	Devonport	
B Frappell	12 Lockers Place Devonport	
G Owinlan	14 DARLING ST PORT SMOKE	
J. Cox	1/151 TASMAN ST D. PORT	

05/04/2017 D467906

Petition for exit pay parking at Fourways.

Exit pay parking means people don't have to worry about parking limits and fines, such worries are a hindrance for people going into Fourways. This is a petition to Devonport council by the following people for exit fee parking at Fourways.

Name	Address	Signed.
Mary Criggie	173B Oldlake St	
Joanna Apse	7 Westbury Place	
Robert Apse	7 Westbury Place	
Carl Mitchell	99 Parker Street	
Brenda Hardwick	12 Shepherds Rd. Railton	
Pauline Russell	72 North ST D'Port	
CHRISTINE HYLAND	39 HIGHFIELD RD. EAST DEVONPORT	
SUZANNE WALSH	20 TUGRAH RD, D'PORT	
Alice Wood	97 Parker St D'port	
Tarley McKenna	613 Lenth Rd, Lenth	
Judy Dawkins	132 Nixon St, Devonport	
Jean Barber	3, College Court, Devonport	
Kim O'Reilly	2/51 Greenway Ave, D'Port	
Mike Hancock	11 Berningham Dr	
Melissa Evans	55 Middl' Rd, Oport	
M. Bellis	26 Moriarty Lathke.	
L Edward	Uversmore	
Claudia Martin	11 Newton St D'Port	
Goldicutt	60 Sorell Str, D'Port	

5.9 PAYMENT OPTIONS

File: 32161 D419330

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 outline a change in payment options available to the community, specifically regarding rates payments, to take effect from 1 July 2017.

BACKGROUND

Each year in preparation for the rating period, a review of the rates notice structure is undertaken.

The current Rates Notice provides customers with the option of payment as follows:

- Payment in person at the customer service counter
- Payment by mail
- BPoint
- MyPost Digital Mailbox
- Telephone and Internet Banking (BPay and BPay View)
- Centrelink Centrepay
- Direct Debit

The new multi-purpose civic building will have a significant customer service counter at the Rooke Street entrance. Service Tasmania and Council customer service tasks will be conducted from this counter. Efficiency can be gained and improved service standards achieved by Service Tasmania delivering some of the current Council tasks, specifically taking standard payments.

Tasks provided by Service Tasmania on behalf of Council will be able to occur at any Service Tasmania outlet across the state.

STATUTORY REQUIREMENTS

In accordance with the *Local Government Act 1993*, Council is required to maintain a Customer Service Charter, which was revised and adopted by Council at the May 2016 meeting.

DISCUSSION

The annual review of the rates notice was extended this year to include a review of existing payment options for ratepayers. Currently Council allows ratepayers to establish a direct debit payment arrangement via a credit card. This arrangement creates issues for Council in relation to storing, using and updating credit card information in the Property & Rating system. To address this risk, it is suggested that a direct debit payment arrangement only be established. Currently Council has approximately 680 ratepayers utilising a credit card payment arrangement and it is suggested that each ratepayer is contacted and given 12 months (to 30 June 2018) to transition to a direct debit payment arrangement.

The review of the rates notice has also identified information which is no longer required. It is proposed to redesign the rates notice and in doing so include an option for ratepayers to request a reminder notice by email. It is also proposed to investigate sending an SMS reminder to ratepayers when rates are due.

Report to Council meeting on 24 April 2017

The updated rates notice will include information regarding the option to make rates payments at Service Tasmania shopfronts from 1 July 2017.

There are operational advantages to Service Tasmania undertaking some payment tasks for Council given the co-location in the Multi-Purpose building. Service Tasmania has submitted a proposal indicating an interest in working with Council to identify tasks that can be completed more efficiently if done by both parties and it would be beneficial for any transition to occur as soon as possible so that any issues can be resolved prior to the physical relocation of services.

One counter will potentially provide the customer with one point of contact for the building. They will be able to complete multiple transactions at the one time. There are some occasions presently where Council customers must visit Service Tasmania prior to completing their task and this issue will be eliminated.

Service Tasmania has well established practices and systems having focussed on service tasks since their inception.

Payments can be made at any Service Tasmania shopfront around the state and transactions relating to Devonport Council will not have to be completed only in a Devonport based shopfront.

Should anyone wish to still direct their payments through Council staff only, they will be able to do so as per current practice.

It is likely Service Tasmania will charge a fee of \$0.63 per minute (plus GST) for counter service transactions. According to the proposal, provision, deployment, integration and maintenance of any required Council systems will be at Council's expense. In this case, it is expected there will be very few requirements in this regard. In the past Council has investigated the option of utilising Australia Post shopfronts for rates payments. Due to the charges involved Council has limited the payment option to the East Devonport Post Office and has not extended the service to include all Australia Post shopfronts.

Service Tasmania currently provide services to six Councils throughout the state:

George Town Council	Customer enquiries, complaints, dog registrations/payments, infrastructure services, property rates and charges payments
Kentish Council	Health and Food licences, hire of Council facilities, kennel licences, Customer enquiries, complaints, dog registrations/payments, infrastructure services, lost dogs, pension rebates, property rates and charges payments, sundry debtor statement payments
Meander Valley Council	Dog Registration Renewal, New Dog Registrations, Customer enquiries, complaints, sundry debtor invoice payments, property rates and charges payments, pension rebates
Northern Midlands	Campbell Town Hall Payments and Bookings, dog registrations/payments, Customer enquiries, complaints, infrastructure services, Lodgement of Applications, Sundry Invoices and Statement Payments, Lost Dogs, Pension Rebate, property rates and charges payments
Glenorchy City Council	Community Info line
Dorset Council	Council Rates & Charges Payments

Report to Council meeting on 24 April 2017

Council's customer service counter averages 2,350 receipts per month across all payment types.

COMMUNITY ENGAGEMENT

Community consultation has not been undertaken as a result of this report.

FINANCIAL IMPLICATIONS

Improved payment options theoretically make it easier for customers to pay so there may be benefits from having payments received earlier. The proposed charge from Service Tasmania is \$0.63 per minute (plus GST) and it is difficult to accurately predict transaction numbers in such an arrangement.

RISK IMPLICATIONS

Changes of this nature should have minimal human resource implications for Council's customer service or finance teams.

Training should be undertaken to ensure any transition works as seamlessly as possible.

CONCLUSION

Whilst Council is unlikely to see a financial advantage from entering into an arrangement with Service Tasmania there is likely to be genuine benefit for customers of Council from such a model.

It is difficult to predict with certainty customer numbers of the real impact of such a change to customer satisfaction, but there is sufficient basis to progress with the arrangement.

ATTACHMENTS

Nil

RECOMMENDATION

That Council note the proposed changes to payment options to commence from 1 July 2017 and authorise the General Manager to enter into a Memorandum of Understanding with Service Tasmania to offer expanded payment options.

Author:	Shane Crawford	Endorsed By:	Paul West
Position:	Executive Manager Corporate, Community & Business Services	Position:	General Manager

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

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

Date	Description	Purpose
03/04/2017	Devonport Gymnastics Club	Consider a request from the Devonport Gymnastics Club for assistance with the development of a new gymnastics facility in Devonport.
	Committee Membership	Considered Committee membership for S23 and S24 Committees.
	Related Parties Disclosure Policy	Provided information regarding Council's recently adopted Policy.
	Cradle Coast Authority Membership	Discussed membership.
	LGAT General Meeting Agenda – 7 April 2017	Previewed agenda for LGAT General meeting.
	Local Government Act Review	Considered the <i>Local Government Amendment (Targeted Review) Bill 2017</i> .
	Payment Options	Discussed new account payment options in preparation to relocation to new building.
10/04/2017	TasWater Briefing	The Chair of TasWater provided a briefing to Aldermen on his views surrounding the proposed takeover of the water corporation by the State Government. Central Coast Councillors and staff also attended this session.

RECOMMENDATION

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

Author: Position:	Robyn Woolsey Administration Officer	Endorsed By: Position:	Paul West General Manager
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6.2 MAYOR'S MONTHLY REPORT

File: 22947 D454201

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 March 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 March 2017:

- Radio 7AD interviews
- Richard Colbeck & Vanessa Findlay – short term accommodation
- Story Dogs – Nixon Street Primary School
- Learning Communities Special Interest Group
- Cradle Coast Authority Representative's meeting
- Mersey Maiden Dragon Boat
- Opening Football Federation SAP Competition – Valley Road
- Queens Baton Relay media event
- Hillcrest Primary School Fair
- Devonport SLSC Sponsor's Night
- Devonport Basketball senior game vs Penguin
- Devonport Regatta
- Pioneer Park Road Safety Park sod turning
- Briefing – Mersey Leven Emergency Management Committee
- Our Lady of Lourdes - Ms Mitchell's Grade 3
- NW Greyhound Association – presentation City of Devonport Cup
- Resident meetings
- Devonport Striker Season launch and celebrity match
- Officially opened Pathway House
- Mersey Leven Emergency Management Committee
- Diamonds of Devonport Presentation Night
- Tim Blair
- Brian Webber C3 Church
- Launch Toast for Kids Charity Gala
- Meet the Speakers – Maggie Dent & Mem Fox
- Building Stronger Brighter Families Forum
- Officially opened Taste the Harvest
- Financial Assistance Committee
- Student Amy Bienan interview

Report to Council meeting on 24 April 2017

- Zemes Jewellery
- Devonport Young Leaders
- East Devonport Twilight Market
- Devonport Triathlon
- Minamata delegation activities including welcome BBQ, visits, plaque unveiling cherry blossoms, Official function DSLSC & exchange of gifts
- Run Devonport
- Tour LIVING CITY site
- Community lunch, Reg Hope Park
- Citizenship ceremony
- Harmony Day, Child & Family Centre East Devonport
- State Grants Commission
- Attorney General, Vanessa Goodwin with GM Paul West
- Nixon Street Primary School P&F AGM
- Sea FM Radio interview
- Devonport Community House
- Don College Media students interview
- Twilight Tour Devonport Regional Gallery
- Reading Information Session, Miandetta Primary School
- C3 Church breakfast – guest speaker LIVING CITY
- Live & Learn catch up
- Officially opened C3 Church
- Children's Book Council of Australia (TAS) – Campbell Town
- Devonport Motor Show
- Deputy Mayor Annette Rockliff
- Radio interview Chris Morris
- Alex Tay, Director of Local Government with GM Paul West
- Destination Action Plan, Devonport – Cradle Coast Authority
- Australian Masters Games Community presentation DECC
- Dedication Service Vietnam Memorial
- Sport & Recreation Strategic Special Committee
- Woolworths Devonport
- Brian Carlton Radio interview
- ABC Radio interview
- Children's Book Council of Australia TAS – notable and finalist Children's Book of the Year
- Christian Men's Business Breakfast – guest speaking spot LIVING CITY
- ABC Television interview
- Sylvia Sayers 7AD

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - APRIL 2017

File: 29092 D462029

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, 23 March to 19 April 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. Met with a representative of Belgravia Leisure to discuss operational matters relating to the Devonport Aquatic Centre.
- 1.4. Attended the LG Professionals awards presentation in Launceston at which Devonport's Team "City Spirit" were announced as winners of the State Management Challenge. The Management Challenge is a professional development opportunity where teams are required to compete against each other in areas associated with contemporary local government management. The team consisting of Kym Peebles, Karen Hampton, Karina Moore, JoHanna Robertson, Alex Mountney and Amandeep Singh will now attend the Australasian Final in Hobart in late May.

Council also received two highly commended awards at the event, being for the "Modern Burial System" in the category of Innovation and for the "Read Devonport" project in the category of Collaboration and Community Achievement.

- 1.5. Preparation for the 2018 budget is now well underway. A significant amount of time is now being allocated to finalising the budget documentation for presentation to Aldermen at upcoming Workshops.

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. With the Mayor met with the operator of the Barclay Lodge to discuss his concerns around the proposed new hotel on the Devonport Waterfront. In particular, he sought an opportunity to be provided with details surrounding the Horwarth HTL prepared to assist in negotiations with any potential hotel developer.

It was considered to be in Council's best interest to limit distribution of this information to avoid details being cherry picked and taken out of context to make misleading comments as has previously occurred with other reports.

Considering the ongoing level of interest in the report and its contents a report has been listed on the Closed Session agenda to allow Council to further consider the matter.

3. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 3.1. Met with a local resident in relation to a planning issue with property in East Devonport.
- 3.2. Met with the President of the Devonport Chamber of Commerce and Industry (DCCI) to further discuss opportunities for Council to work cooperatively with the Chamber on retail promotion activities in Devonport. It has been proposed that Council will undertake a targeted consultation with retailers during May to assist in developing a Retail Marketing Strategy for Council consideration in due course.
- 3.3. Met with a property owner from East Devonport to discuss access issues to his and adjoining properties. Options to address the concerns are being considered for further discussion with the property owner.
- 3.4. Met with representatives of Hill Street Grocers to provide them with an update on the activities associated with LIVING CITY. It was agreed that regular updates will be provided and opportunities to work collaboratively going forward in areas of common interest.
- 3.5. Attended the Devonport Magistrates Court to participate in a Conciliation Conference relating to the refusal by a ratepayer to pay the fixed charge component of the rates levied.
- 3.6. At the request of the Devonport and Surrounds Tourism Association attended a meeting. This meeting was attended by a number of Aldermen and senior staff.

4. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 4.1. Attended a meeting of the Cradle Coast General Managers' Group. At this meeting items discussed included:
 - An update on the activities of the Cradle Coast Authority by the Chief Executive Officer, Brett Smith.
 - Australian Masters Games.
 - State-wide Planning Scheme – discussion on process around the preparation of local provisions.

Report to Council meeting on 24 April 2017

- Shared Services Study.
 - Cradle Coast Waste Management Group – including the proposal relating to the introduction of a FOGO collection and future governance arrangements.
 - TasWater – implications of the likely impact on councils as a result of the State Government's decision to take control of TasWater from 1 July 2018.
- 4.2. As an appointed member of the Shared Services Working Group through the Cradle Coast Authority participated in a teleconference with the appointed consultants Third Horizon. The draft report provided by the consultants is continuing to be refined and it is hoped that a final report will soon be available for consideration by councils. An additional data request has now been received from Third Horizon to which councils are to respond by 28 April.
- 4.3. With the Mayor attended a General Meeting of the Local Government Association of Tasmania in Launceston on 7 April. Matters listed on the agenda included:
- Roadside Vegetation on State Government Controlled Roads – agreed that LGAT would lobby the Minister for Infrastructure for improved roadside vegetation management on State controlled roads.
 - Weed Management and Biosecurity – agreed that the State Government be requested to consider a more coordinated approach to weed management across the State.
 - TasWater – the Minister for Planning and Local Government, Hon Peter Gutwein addressed the meeting to outline the Government's proposal to take control of TasWater from 1 July 2018.
 - Other matters discussed included:
 - Planning Reform
 - Health Forum
 - Policy Update
 - Building Act
 - Air BnB
 - Review of the Local Government Act
- 4.4. Met with representatives of the Coordinator General's Office to discuss opportunities for Council to pursue greater cooperation when applying for grant funding both from the State and Commonwealth.
5. STATE AND FEDERAL GOVERNMENT PROGRAMS
- 5.1. With the Mayor met with the Attorney General, Vanessa Goodwin.
- 5.2. With the Mayor met with the recently appointed Director of Local Government, Alex Tay. This was a 'meet and greet' opportunity at which the following matters were discussed:
- his approach to the role of Director and how his office would operate in the future;
 - Local Government Act review;
 - Code of Conduct Review;
 - Cradle Coast Shared Services;

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- his plan for the Local Government Division to be more proactive in working with councils in the future hoping to circumvent issues before matters become unworkable; and
 - the introduction of Performance Improvement Plans as part of the review of the Act.
- 5.3. With the Mayor met with Chairman and Acting CEO of Metro Tasmania. With the introduction of the hospital link service between Burnie and Mersey Community Hospital Metro now has a presence in Devonport. Some discussion on the current passenger transport review occurred.
- 5.4. Met with representatives of the Tasmanian Building and Construction Industry Training Board to discuss the re-establishment of a collection agency agreement between them and Council. Discussion around the impacts of the new Building Act and the collection of the training levy also discussed.
- 5.5. Advice has been received that the State Government has released the *Integrity Commission Amendment Bill 2007* for public comment. The Bill proposes minor mechanical amendments to the Act including the following:
- removes the Auditor-General and Ombudsman as members of the Board;
 - includes a person with "experience, in a government organisation, in both human resources and industrial relations" as a member of the Board;
 - reduces the quorum at a meeting of the Board from four to three;
 - strengthens the provisions in relation to the suspension or removal of Board members;
 - amends the Act to include appointment, suspension and removal provisions in relation to the Chief Commissioner that are consistent with those that apply to the Director of Public Prosecutions and Solicitor-General, as recently amended by the Law Officers (Miscellaneous Amendments) Act 2015;
 - excludes the Chief Commissioner and CEO as designated public officers; and
 - amends section 13(a) of the Act to clarify that the role of the Board includes providing guidance to facilitate the functions and powers of the Integrity Commission being performed and exercised in accordance with sound public administration practice and principles of procedural fairness and the objectives of the Act.

The Bill gives effect to the Government's response to recommendations 1-6 of the Independent Review of the Integrity Commission Act 2009. The remaining 49 recommendations will be implemented later in 2017 which will include a more substantial change to the Act.

LGAT will prepare a submission into the review focused on the operation of the Integrity Commission, including the exercise of its powers, the investigation of complaints and the conduct of inquiries - these issues will be dealt with as part of the changes later in the year.

- 5.6. The Department of Justice have advised that the draft Bill on the Tasmanian Planning Policies has been released for comment. Responses are to be provided by 15 May 2017. A copy of the information provided is currently being

reviewed by Planning staff and a response will be prepared and submitted by the due date. A copy of the correspondence advising of the draft Bill is attached. Other supporting information has been circulated to Aldermen under separate cover. Any comments on the proposed Bill should be provided to the Planning Manager by 8 May.

6. OTHER

- 6.1. The Chairman of TasWater provided a briefing on the State Government's plans for the takeover of TasWater from 1 July 2018. Councillors from Central Coast also attended the Workshop.

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. Department of Justice - Tasmanian Planning Policies Bill
2. Action Report on Council Resolutions - April 2017
3. CONFIDENTIAL - Action Report on Council Resolutions - April 2017 Confidential

RECOMMENDATION

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

Author:	Paul West
Position:	General Manager

Department of Justice

OFFICE OF THE SECRETARY

14th Floor, 110 Collins Street Hobart 7000
GPO Box 825 Hobart 7001
Phone 03 6165 4943
Email secretary@justice.tas.gov.au Web www.justice.tas.gov.au



DOC/17/34452

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

By email: council@devonport.tas.gov.au

Dear Mr West

**Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill 2017
and draft Tasmanian Planning Policies**

Please find enclosed for your information and comment a copy of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill 2017* (the Bill) and draft Tasmanian Planning Policies and Overview. Also enclosed is an Explanatory Document that has been prepared to accompany consultation on the Bill and the draft Tasmanian Planning Policies.

The Bill proposes amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA) to provide a mechanism for making and amending Tasmanian Planning Policies. These policies will provide strategic direction on matters of state interest within the planning system, guiding councils when they make decisions regarding development and land use planning.

The suite of Tasmanian Planning Policies will inform the planning system primarily through regional land use strategies and will also inform the first and subsequent five-yearly reviews of the Tasmanian Planning Scheme in accordance with the requirements of LUPAA. Tasmanian Planning Policies will not be self-executing, which means they will not apply directly to the determination of permit applications and related matters by planning authorities and other bodies under the Tasmanian Planning Scheme.

The key features of the Bill are that it:

- Sets out the purpose of the Tasmanian Planning Policies and the matters they may relate to (the TPP criteria);
- Provides for the Minister for Planning and Local Government to prepare draft Tasmanian Planning Policies in consultation with the Tasmanian Planning Commission (the Commission), local councils and State Service Agencies and State Authorities;
- Requires the Commission to publicly exhibit the draft Tasmanian Planning Policies and receive and consider representations;
- Requires the Commission to prepare a report to the Minister that summarises any issues raised in representations and state whether the Commission is satisfied that the draft Tasmanian Planning Policies meet the TPP criteria;

- Provides for the Minister to make, refuse or modify the draft Tasmanian Planning Policies; and
- Provides for the Tasmanian Planning Policies to be reviewed and/or amended.

The draft Tasmanian Planning Policies have been prepared to support the objectives of Tasmania's Resource Management and Planning System, as set out in LUPAA. They aim to further those objectives through the promotion of sustainable development, sound strategic planning and social and economic wellbeing, and the protection of Tasmania's natural environment and heritage values.

A suite of five draft Tasmanian Planning Policies has been prepared to allow the Government to set strategic policy direction for the planning system across a range of matters of State interest for:

- Economic Development;
- Settlement and Liveable Communities;
- Cultural and Natural Heritage;
- Hazards and Risks; and
- Transport and Infrastructure.

It is intended for the Overview and five draft Tasmanian Planning Policies to stand as a single statutory document.

It should be noted that the enclosed draft Tasmanian Planning Policies have been prepared for the purpose of consultation on the Bill. If LUPAA is amended in accordance with the Bill, these draft policies will be subject to the legislative process for making Tasmanian Planning Policies proposed in the Bill, including public exhibition, consideration of representations and the preparation of a report by the Commission.

The Bill and draft Tasmanian Planning Policies give effect to the Government's election commitment in 2014 to prepare policies that would provide guidance to councils on how to implement the new statewide planning scheme and plan for Tasmania's future land use needs.

The Department of Justice invites your comments on the Bill and draft Tasmanian Planning Policies by **Monday, 15 May 2017**.

Please email your submission to planning.unit@justice.tas.gov.au and include "Tasmanian Planning Policies" as the email subject line. You can also mail your written submission to:

Planning Policy Unit
Department of Justice
GPO Box 825
HOBART TAS 7001

Yours sincerely



Simon Overland
Secretary

7 April 2017

DEVONPORT CITY COUNCIL
ACTION REPORT ON COUNCIL RESOLUTIONS – APRIL 2017

OPEN SESSION						
MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
March 2017	35/17	Financial Assistance – Round Two 2016/2017	Approve Major Grants, Minor Grants through the 2016/2017 Community Financial Assistance budget allocations as listed in the minutes.	Completed		EM(CC&B)
	36/17	Shared Audit Panel – Annual Report and Minutes of Meetings	Note 2017 Work Plan approved by Panel; adopt the updated Audit Panel Charter; and defer consideration of a further independent Panel Member with financial experience until a new Chairperson is appointed.	Completed		EM(OP)
	37/17	Tender Report Contract CT0183 Steele Rooke & MacFie Street Intersection Improvements	Award the contract to Kentish Construction & Engineering Company for tendered sum of \$264,615 ex GST.	Completed		DGM
	38/17	LIVING CITY Quarterly Report – March 2017	Note changes to adopted Stage 1 funding model a) reduction of \$900,000 in project costs; b) increase of \$1,000,000 in funding from State Government; c) inclusion of additional revenue and expenditure for fit out of LINC and Service Tasmania; and d) a reduction in likely loan borrowings of \$1,900,000; and additional advice obtained from Horwath HTL re likely trading projections and financial modelling of waterfront hotel and determine this is a confidential document to be made available only to pre-qualified potential hotel operators.	Completed		DGM

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
March 2017	39/17	TasWater – State Government Takeover	Not form a definite view on proposed takeover by State Government until more information and clarity is provided.	Completed	TasWater CEO and Chair meeting with Council on 10 April 2017.	GM
	45/17	Governance & Finance Committee Meeting – 20 March 2017	Public Land Register - Updates to Register Update to include land as listed in the minutes.	Completed	Public Land Register placed on Council's website.	GM
			Related Parties Disclosures Policy Make publicly available on Council's website and offices.	Completed	Policy placed on Council's website.	
			Local Government Association of Tasmania and Australian Local Government Association - Call for Motions Submit motions relating to abandoned vehicles and school immunisation programs	Completed	Motions to be submitted by due date.	
		Review of Section 24 Strategic Special Committees and Special Interest Groups Amalgamate Governance & Finance and Community Services Committees effective 1 July 2017.	Completed	Report prepared for April Council meeting.		

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
December 2016	238/16	Community Services Committee Meeting – 12 December 2016	<p>Beach Volleyball Courts</p> <p>1. Encourage Devonport Volleyball Association to relocate to Coles Beach or Bluff Precinct.</p> <p>2. Remove existing courts at EDR&FC and replace with grass; fencing and sand to be recycled and used at other Council facilities; and</p> <p>Allocate funds in 2017/28 budget to assist relocation, establishment, marketing and promotion of new Beach Volleyball league</p>	In progress	Meeting held with DVA 9/3/17. DVA currently do not wish to involve themselves with relocation but wish for existing site to be demolished. Report will be provided to next Community Services Committee meeting. Waiting on confirmation from DVA in regard to the above.	EM(CC&B)
October 2016	197/16	Community Services Committee Meeting – 17 October 2016	<p>Minutes of the Sport and Recreation Strategic Special Committee Meeting – September 2016</p> <p>Authorise an investigation in relation to staging of a Tasmanian Masters Games, which may be hosted in Devonport.</p>	In Progress	Preliminary investigation and actions commenced,	EM(CC&B)
September 2016	170/16	Funding & Assistance – Home Hill – NOM – Ald Laycock	Seek to develop stronger relationship with the Australian Councils of National Trusts (ACNT)/National Trusts of Australia to explore opportunities for funding and assistance available to complete actions within the Home Hill strategic plan	In progress	Discussions have commenced with National Trust of Australia. Meeting to be held in May.	EM(CC&B)
	181/16	Governance & Finance Committee Meeting – 19 September 2016	<p>Pay by Phone Parking Technology - Review</p> <p>Undertake an expression of interest process for pay by phone technology to be maintained in Council car parks.</p>	In progress	Documentation prepared for release at appropriate time.	EM(CC&B)

6.4 UNCONFIRMED MINUTES - CRADLE COAST WASTE MANAGEMENT GROUP - 13 FEBRUARY 2017

File: 29119 D467962

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 13 February 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 this report.

DISCUSSION

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 13 February 2017 are attached for consideration.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONCLUSION

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 13 February 2017 are presented for information.

ATTACHMENTS

1. Unconfirmed Minutes - Cradle Coast Waste Management Group CCWMG - 13 February 2017

RECOMMENDATION

That the unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 13 February 2017 be received and noted.

Author:	Matthew Atkins	Endorsed By:	Matthew Atkins
Position:	Deputy General Manager	Position:	Deputy General Manager

CRADLE COAST WASTE MANAGEMENT GROUP UNCONFIRMED MINUTES



Meeting held Monday, 13 February 2017 at 10.30 am
Cradle Coast Authority, 1-3 Spring Street, Burnie

1. WELCOME

The Chair, Ms. Sandra Ayton, opened the meeting at 10:35 am and welcomed attendees.

Present at the meeting were:

- | | | |
|----------------------|-------------------|------------------------|
| • Mr. Matthew Atkins | Committee Member | Devonport City Council |
| • Ms. Mel Pearce | Committee Member | Dulverton Waste |
| • Mr. Mat Greskie | Committee Member | Dulverton Waste |
| • Ms. Jan Febey | Committee Member | Latrobe Council |
| • Mr. Don Thwaites | Observer | Kentish Council |
| • Mr. Brett Smith | Committee Member | Cradle Coast Authority |
| • Ms. Lauren Clarke | Minutes Secretary | Cradle Coast Authority |

2. APOLOGIES

Apologies were received from:

- | | | |
|---------------------|------------------|---------------------------------------|
| • Mr. Rowan Sharman | Committee Member | Burnie City Council |
| • Mr. Bilal Akhtar | Committee Member | Waratah-Wynyard/Circular Head Council |
| • Ms. Bev Cumming | Observer | Burnie City Council |

3. GOVERNANCE

3.1. Confirmation of Minutes

The Unconfirmed Minutes of the 14 November meeting were presented at Item 3.1 of the Agenda.

MOTION

That the CCWMG **CONFIRM** and **ACCEPT** the Unconfirmed Minutes of the meeting of 14 November 2016 as a true and correct record.

Moved: Matthew Atkins / Seconded: Jan Febey / **CARRIED**

3.2. Business Arising from Minutes

Nil.

4. FOR DECISION

4.1. Financial Report

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

The CCWMG **NOTE** the financial report.

4.2. CCA/DWM Financial Management MOU

A draft MOU between the CCA and DWM was tabled for information. Mel Pearce reminded the Group that the CCA manage the financials and are responsible for accurate and timely reporting to the CCWMG. DWM manage the projects and provide authorisations for payments of project expenses.

MOTION

That the CCWMG **RESOLVE to note** the MOU.

5. FOR DISCUSSION

Strategic Plan

Mel Pearce shared with the Group that she has been in contact with Blue Environment who indicated that there will be a draft strategic plan received in late February 2017.

ACTION – When received, Mel Pearce to forward the draft strategic plan to the Group out of session.

6. FOR NOTING

6.1. Battery Collection Update

Mel Pearce informed the Group that 5 schools ranging from Devonport through to Burnie expressed interest in the collection of batteries, so far there has been one collection of 630 kg's worth of batteries, however it cost \$6K per tonne to recycle them. The costs is affordable within the budget if there are to be more collections in the next financial year.

Mat Greskie mentioned that the Group should monitor the tonnage rate and if the program still has merit, then is the \$35K a good investment per year to continue this. The group decided to revisit this in the new financial year.

6.2. E-Waste Event Possibility

Mel Pearce informed the Group of a one off E-Waste event opportunity and that negotiations with Toxfree and Techcollect are currently underway. Should the event proceed a collection day will be held in Launceston and one at one centralised location on the NW Coast.

Should the event proceed, the CCWMG would be required to fund transport of e-waste from CCWMG transfer stations to the even location and assist with advertising. Toxfree and

Techcollect will supply the labour at the event. As part of the negotiations, an event location will be determined and advised to the CCWMG.

It was highlighted that advertising is a high priority for this event. Sandra Ayton mentioned that the communications budget could be utilised for advertising.

MOTION

That the Group **ENDORSE** the E-Waste event.

6.3. CCWMG Project Task List 2016/17

FOGO Tenders

Mat Greskie informed the Group that they have received 5 tenders, 4 of those tenders ranged between approximately \$3M and \$12.5M. The DWM Board will consider a report about the tenders next week. The CCWMG will receive a letter from the DWM Board when the assessment is complete detailing the appropriate composting technology and the gate fee. The CCWMG agreed that once further information was received on the FOGO costs, a meeting would be held out of session to review and resolve a consistent approach to take back to each Council.

Recycling Assessments

Recycling assessments recommence on the 20th of February 2017 until the 13th of April 2017.

7. General Business

Kate Elphinstone entered the meeting at 11:33 am to provide a communications plan update:

- TV advertising is running from September 2016 – May 2017.
- The interactive games have been uploaded to the website, a significant amount was budgeted for this, leaving \$13K left over. The website was having issues at the time of the games upload, therefore Kate Elphinstone spent time with Emmark studios to fix the issue.
- A hosting service is being explored for all councils to use for collateral and to have a central place to access photos.
- Kate is hoping to get some magnets created for educational purposes for any key issues with recycling and to promote the re-think waste website. The Northern Tasmania Waste Management Group (NTWMG) has decided that they will not be going ahead with the magnets.
- The communications plan is a project for the region, which includes a contribution from CCWMG and NTWMG.
- Kate Elphinstone is meeting with Fairfax Media next week to discuss advertising in the newspaper for the re-think waste brand, with social media, radio and google advertising to be arranged.

Kate Elphinstone left the meeting at 11:41 am.

Sandra Ayton asked the Group individually if they have any updates:

- Mel Pearce and Sandra Ayton mentioned that they had a meeting on Thursday with MRA Consulting and they worked through the state-wide strategy. The Waste Reference Group are looking at what Minister Mathew Groom is interested in.

7.1. FOGO Calculator Presentation – 11:45 am

Phil Adams entered the meeting at 11:45 am.

Mat Greskie ran through a presentation of how to use the FOGO Calculator, which he created.

An example was used to show the Group how the calculator can be used to estimate the effect of FOGO on a Council and household.

Mat Greskie finished the presentation at 12:12 pm.

8. Next Meeting and Meeting Close

The next meeting will be held on Monday 10 April 2017 at the Cradle Coast Authority Offices.
Meeting closed at 12:12 pm.

DRAFT

7.0 SECTION 23 COMMITTEES

7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 10 APRIL 2017

File: 29528 D468675

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.4.1 Provide timely, efficient, consistent and quality services which are aligned with and meet our customers needs

SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 10 April 2017.

ATTACHMENTS

- Minutes - Infrastructure Works and Development Committee - 10 April 2017

RECOMMENDATION

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 10 April 2017 be received and the recommendations contained therein be adopted.

- IWC 08/17 Tender Report Supply & Delivery of a Street Sweeper **(approved under delegated authority)**
- IWC 09/17 Cemetery Strategy - Year Six Status
- IWC 10/17 Victoria Parade Boat Ramp Area Improvements
- IWC 11/17 Ambulant Disability Facilities
- IWC 12/17 Street Lighting Assessment - Crash Locations
- IWC 13/17 Traffic Management Proposals - Steele Street and Forbes Street
- IWC 14/17 Illegal Waste Dumping
- IWC 15/17 Infrastructure and Works Report
- IWC 16/17 Development and Health Services Report

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

Page 1 of 7

**MINUTES OF AN INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING OF THE
DEVONPORT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS
ON MONDAY, 10 APRIL 2017 COMMENCING AT 5:30PM**

Meeting	From		To	Time Occupied
Open Session	5:30pm		5:55pm	25 mins
Closed Session	5:55pm		5:58pm	3 mins
Total				28 mins

PRESENT: Ald L M Perry (Chairman)
Ald C D Emmerton
Ald G F Goodwin
Ald A J Jarman
Ald L M Laycock
Ald J F Matthews

Aldermen in Attendance:

Ald S L Martin
Ald T M Milne
Ald A L Rockliff

Council Officers:

General Manager, P West
Deputy General Manager, M Atkins
Manager Development, B May
Infrastructure and Works Manager, K Lunson
Governance Coordinator, K Hampton

Audio Recording:

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

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 PUBLIC QUESTION TIME

3.1.1 Questions on notice from the public

Nil

3.1.2 Questions without notice from the public

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Item 6.1 on page 57 states a "Total Expenditure" including "Commitments" of \$18.41m for the 9 months to the end of March.

The "Forecast" to the end of March is \$20.5m.

Page 2 of 7

- Q** With "Total Expenditure" \$2.09m behind forecast what is being done to catch-up and achieve the \$39.05 "Forecast" by the end of June 2017.

Response

The Infrastructure & Works Manager advised that the vast majority of jobs are currently being constructed so it would be expected that the expenditure for those will then be accounted for in May and June. Council is happy with the progress to date.

3.2 QUESTIONS FROM ALDERMEN

Nil

3.3 NOTICES OF MOTION

Nil

4.0 TENDERS**4.1 TENDER REPORT SUPPLY & DELIVERY OF A STREET SWEEPER (D466150)****IWC 08/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That the Infrastructure, Works and Development Committee in accordance with the delegated authority provided to it by Council under Minute 198/15 award the supply and delivery of a Street Sweeper to Bucher Municipal Pty Ltd for the tendered sum of \$262,385 (ex GST).

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

5.0 INFRASTRUCTURE AND WORKS REPORTS**5.1 CEMETERY STRATEGY - YEAR SIX STATUS (D465614)****IWC 09/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That it be recommended to Council that the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Devonport City Council Cemetery Strategy.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

Page 3 of 7

5.2 VICTORIA PARADE BOAT RAMP AREA IMPROVEMENTS (D465749)**IWC 10/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Laycock

That it be recommended to Council that:

1. funds from the three projects identified within the 2016/17 capital expenditure budget relating to the boat ramp facility be carried forward;
2. an additional \$300,000 be allocated for "Victoria Parade boat ramp improvements" in the 2017/18 capital expenditure budget;
3. note further consultation with stakeholders is to be undertaken prior to the project progressing; and
4. parking controls to be applied to the new facility to favour usage by boat trailers and RV's.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

5.3 AMBULANT DISABILITY FACILITIES (D465827)**IWC 11/17 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Goodwin

That it be recommended to Council that the report of the Infrastructure & Works Manager be noted and the forward works program amended to include ambulant disability facilities in conjunction with renewals of existing toilet blocks.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

5.4 STREET LIGHTING ASSESSMENT - CRASH LOCATIONS (D466179)**IWC 12/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Goodwin

That it be recommended to Council that the report of the City Engineer be noted and that funds be allocated in future budgets to progressively implement the identified upgrades to public lighting.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

Page 4 of 7

5.5 TRAFFIC MANAGEMENT PROPOSALS - STEELE STREET AND FORBES STREET (D466401)**IWC 13/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Laycock

That it be recommended to Council that the report of the City Engineer be noted and no further action be taken.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

5.6 ILLEGAL WASTE DUMPING (D465829)**IWC 14/17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Emmerton

That it be recommended to Council that the report of the Development Manager be received and noted and that Council endorse the reply dated 20 March 2017 provided to the complainant.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

6.0 INFRASTRUCTURE AND WORKS BI-MONTHLY UPDATES**6.1 INFRASTRUCTURE AND WORKS REPORT (D465673)****IWC 15/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Matthews

That it be recommended to Council that the Infrastructure and Works report be received and noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

Page 5 of 7

6.2 DEVELOPMENT AND HEALTH SERVICES REPORT (D465786)**IWC 16/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That it be recommended to Council that the Development and Health Services Report be received and noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

7.0 CLOSED SESSION**IWC 17/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Laycock

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
7.1	McCall Terrace Stormwater Improvements	15(2)(i)

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Matthews	✓	

CARRIED UNANIMOUSLY

The Chairman adjourned the meeting at 5:55pm to reconvene in Closed Session at 5:55pm.

The Council moved out Closed Session at 5:58pm.

There being no further business the Chairman declared the meeting closed at 5:58pm.

7.2 COMMUNITY SERVICES COMMITTEE MEETING - 10 APRIL 2017

File: 29530 D468678

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.4.1 Provide timely, efficient, consistent and quality services which are aligned with and meet our customers needs

SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Community Services Committee meeting held on Monday, 10 April 2017.

ATTACHMENTS

1. Minutes - Community Services Committee - 10 April 2017

RECOMMENDATION

That the minutes of the Community Services Committee meeting held on Monday, 10 April 2017 be received and the recommendations contained therein be adopted.

CSC 05/17 Permanent Art Collection Acquisition

CSC 06/17 Sports Carnivals Association of Tasmania - Application for Funding

CSC 07/17 Minutes of the Sport and Recreation Strategic Special Committee Meeting - March 2017

CSC 08/17 Community Services Report - April 2017

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

**MINUTES OF A COMMUNITY SERVICES COMMITTEE MEETING OF THE DEVONPORT CITY
COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY, 10 APRIL 2017
COMMENCING AT 6.00PM**

PRESENT: Ald A L Rockliff (Chairman)
Ald G F Goodwin
Ald A J Jarman
Ald L M Laycock
Ald S L Martin
Ald T M Milne

Aldermen in Attendance:

Ald C D Emmerton
Ald J F Matthews
Ald L M Perry

Council Officers:

General Manager, P West
Executive Manager Corporate, Community & Business, S Crawford
Governance Coordinator, K Hampton

Audio Recording:

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

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 PUBLIC QUESTION TIME

Nil

3.2 QUESTIONS FROM ALDERMEN

Nil

3.3 NOTICES OF MOTION

Nil

4.0 COMMUNITY SERVICES REPORTS**4.1 PERMANENT ART COLLECTION ACQUISITION (D466616)****CSC 05/17 RESOLUTION**

MOVED: Ald Martin

SECONDED: Ald Milne

That it be recommended to Council that it approve the purchase of the Anne Morrison Waterline #1, Waterline #3 and Waterline #7 artworks for inclusion in the permanent art collection.

	For	Against		For	Against
Ald Rockliff	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Martin	✓	
Ald Jarman	✓		Ald Milne	✓	

CARRIED UNANIMOUSLY

4.2 SPORTS CARNIVALS ASSOCIATION OF TASMANIA - APPLICATION FOR FUNDING (D466750)

MOVED: Ald Jarman

SECONDED: Ald Goodwin

That it be recommended to Council that the request from Sports Carnivals Association of Tasmania be received and agree to provide a contribution of \$10,000 per year (which is to include the value of the waiving of the ground hire fees) for the event for three years, with the first contribution to be paid in the 2017/18 financial year.

	For	Against		For	Against
Ald Rockliff		✓	Ald Laycock		✓
Ald Goodwin	✓		Ald Martin		✓
Ald Jarman	✓		Ald Milne		✓

LOST

CSC 06/17 RESOLUTION

MOVED: Ald Martin

SECONDED: Ald Laycock

That it be recommended to Council that the request from Sports Carnivals Association of Tasmania be received and defer consideration of additional funding until such time that further evidence is provided including provision of detailed financial reports for the last two years and projections for the 2017 series.

	For	Against		For	Against
Ald Rockliff	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Martin	✓	
Ald Jarman	✓		Ald Milne	✓	

CARRIED UNANIMOUSLY

4.3 MINUTES OF THE SPORT AND RECREATION STRATEGIC SPECIAL COMMITTEE MEETING - MARCH 2017 (D466849)

CSC 07/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Laycock

That it be recommended to Council that the minutes of the Sport and Recreation Strategic Special Committee meeting held on Wednesday 29 March 2017 be received and noted.

	For	Against		For	Against
Ald Rockliff	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Martin	✓	
Ald Jarman	✓		Ald Milne	✓	

CARRIED UNANIMOUSLY

4.4 COMMUNITY SERVICES REPORT - APRIL 2017 (D466768)

CSC 08/17 RESOLUTION

MOVED: Ald Martin

SECONDED: Ald Goodwin

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

	For	Against		For	Against
Ald Rockliff	✓		Ald Laycock	✓	
Ald Goodwin	✓		Ald Martin	✓	
Ald Jarman	✓		Ald Milne	✓	

CARRIED UNANIMOUSLY

There being no further business on the agenda the Chairman declared the meeting closed at 6:22pm.

8.0 CLOSED SESSION

RECOMMENDATION

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

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Application for Leave of Absence	15(2)(h)
8.2	Horwath HTL Hotel Report	15(2)(f)
8.3	Closed Session - Infrastructure Works and Development Committee Meeting - 10 April 2017	15(2)(f)

OUT OF CLOSED SESSION

RECOMMENDATION

That Council:

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

Item No	Matter	Outcome
8.1	Application for Leave of Absence	Noted
8.2	Horwath HTL Hotel Report	
8.3	Closed Session - Infrastructure Works and Development Committee Meeting - 10 April 2017	Noted

9.0 CLOSURE

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