



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 23 October 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.

Matthew Atkins
ACTING GENERAL MANAGER

18 October 2017

OCTOBER/NOVEMBER 2017

Meeting	Date	Commencement Time
Annual General Meeting	30 October 2017	5:30pm
Governance, Finance & Community Services	20 November 2017	5:30pm
Council	27 November 2017	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 23 OCTOBER 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, Fenton Way, Devonport on Monday, 23 October 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 - 25 SEPTEMBER 2017

RECOMMENDATION

That the minutes of the Council meeting held on 25 September 2017 as circulated be confirmed.

3.1.2 SPECIAL COUNCIL MEETING - 2 OCTOBER 2017

RECOMMENDATION

That the minutes of the special Council meeting held on 2 October 2017 as circulated be confirmed.

3.2 PUBLIC QUESTION TIME

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

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

File: 27452 D494364

Responses to questions raised at prior meetings are attached.

ATTACHMENTS

- [↓](#) 1. Response - Council Meeting Questions - September 2017 - Trevor Smith
- [↓](#) 2. Response - Council Meeting Questions - September 2017 - Bob Vellacott
- [↓](#) 3. Response - Council Meeting Questions - September 2017 - Malcolm Gardam

RECOMMENDATION

That the responses to questions from Mr Trevor Smith, Mr Bob Vellacott and Mr Malcolm Gardam at the 25 September 2017 Council meeting be noted.

Author: Position:	Robyn Woolsey Administration Officer	Endorsed By: Position:	Paul West General Manager
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DEVONPORT CITY COUNCIL
ABN: 47 611 446 016
PO Box 604 Devonport TAS 7310 – 17 Fenton Way Devonport
Telephone 03 6424 0511
Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

26 September 2017

In reply please quote:
File 29120/26729

Mr Trevor Smith
7 Glen Court
DEVONPORT TAS 7310

Dear Mr Smith

QUESTIONS RAISED – SEPTEMBER 2017 COUNCIL MEETING

I refer to your questions raised at the 25 September 2017 Council meeting and provide the following responses:

Q1 For the years 2014, 2015, 2016, could you please tell me the properties that you have sold or given away, on behalf of Ratepayers of Devonport?

Response:

No properties were sold or given away during the years 2014 and 2015. In 2016, the building known as "Tiagarra Aboriginal Culture and Art Centre" was transferred to Six Rivers Aboriginal Corporation. The transfer was for the building only and Six Rivers Aboriginal Corporation lease the land on which it is sited.

Q2 With losses approaching near \$500 thousand dollars and rising for the Julie Burgess, when will the Ratepayers expect to receive the Report from the General Manager? Will this happen soon, as the Ratepayers have already asked this same question on previous occasions?

Response

There was a report provided to Council via the Community Services Committee agenda for its meeting on 19 June 2017. Subsequent to this report, further issues with the Julie Burgess maintenance were identified as part of the annual survey inspection. These works are currently programmed. Council issued a media statement outlining the extent of the works proposed (refer attached).

A further update on the Julie Burgess maintenance was provided to Council via the Governance, Finance and Community Services meeting held on 18 September 2017.

Yours sincerely

Paul West
GENERAL MANAGER



The City with Spirit



DEVONPORT CITY COUNCIL

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MEDIA RELEASE

Julie Burgess looks ahead to bumper sailing season

31 August 2017

With the long awaited good weather fast approaching the *Julie Burgess* has set its sights and sails on a diverse and exciting sailing schedule for the 2017/18 season.

This includes a much-anticipated crossing of the Bass Strait in March 2018 for guest appearances at the Rhyll Wooden Boat Festival and the Wooden Boat Festival of Geelong.

These particular trips along with a program of regular Mersey River sailings and off-coast adventures, not only create the opportunity for commercial success, they offer money can't buy exposure for Devonport to new potential tourist markets.

The Wooden Boat Festival of Geelong is expected to attract more than 10,000 visitors to the event, providing opportunities for attendees to experience sailing opportunities on board.

Last sailing season the *Julie Burgess* team introduced new and varied product offerings such as the successful overnight island-hopping cruise to Three Hummock Island.

"To ensure the continued viability of this important Devonport attraction, we are mindful of the need to attract new audiences. This season, with an expanded program we will offer something for everyone, whether you want a peaceful sail along the Mersey into the Strait, or an overnight adventure island hopping off the coast" said Devonport Mayor Steve Martin.

As part of her preparations, the *Julie Burgess* will head into dry dock next month for maintenance to ensure she is suitably prepared for the sailing season.

The maintenance, estimated to cost \$50,000 will address rot found in a number of the boards that were used in the original restoration works. While Council is disappointed that it has to spend these additional funds on the vessel, it understands that based on the advice of shipwrights, the works will future proof the *Julie Burgess* ensuring safe open water sailings.



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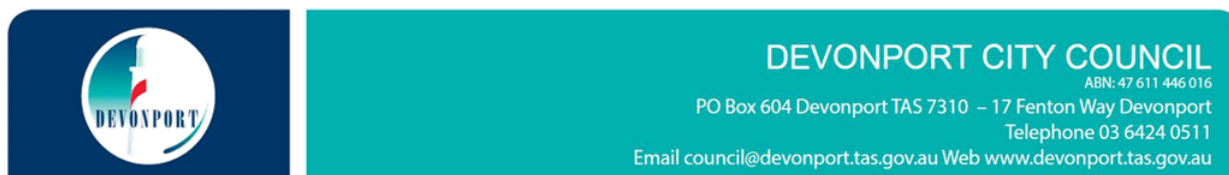


"The Julie Burgess provides passengers an immersive first-hand experience and a new perspective on Devonport. It is a unique experience." Said Mayor Martin.

ENDS

Council Contact:
JoHanna Robertson, Marketing & Events Coordinator
03 6424 0563 / 0428 131 266 / jrobertson@devonport.tas.gov.au





26 September 2017

In reply please quote:
File 32161/34397

Mr Bob Vellacott
11 Cocker Place
DEVONPORT TAS 7310

Email: vellacottrobert@yahoo.com.au

Dear Mr Vellacott

QUESTIONS RAISED – SEPTEMBER 2017 COUNCIL MEETING

I refer to questions raised at the 25 September 2017 Council meeting and provide the following responses:

Q1 Do you agree the statement from the President of DCCI is indeed a criticism of your stewardship and a vote of no confidence in properly representing some of Devonport's major ratepayers?

Response:

The Mayor responded to your question - No

Q1b And do you feel comfortable having the above said about you especially by the President of the Chamber of Commerce and Industry?

Response:

The Mayor responded to your question - Yes

Q2 My question is why has council opted to use one of Council's oft used phrase, to "cherry pick" the *Local Government Act* to make possible private sale without subjecting the property to a proper marketing process that would ensure the maximum value would be obtained.

Also I note the prospective purchaser's name has not been disclosed.

I recall when Strait off the Boat sea food shop made an application to rezone or change the use of the property situated in Forbes Street they were requested to provide a detained business plan?

Response:

Council has entered into a confidential contract for sale of the property which is based on a number of conditions precedent, including the successful rezoning of the property and development approval. Council under the *Local Government Act 1993* was required to obtain an independent valuation for the property prior to entering into the contract for sale. Based on this valuation, Council was of the view that the purchase price offered was appropriate.



The City with Spirit

Q3 Will Council treat this application in the same manner before progressing the rezoning and sale?

Response:

The rezoning and development approval is being progressed in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* and the Devonport Interim Planning Scheme 2013.

Q4 Why did Council consider it a necessity that this matter should be dealt with in closed session?

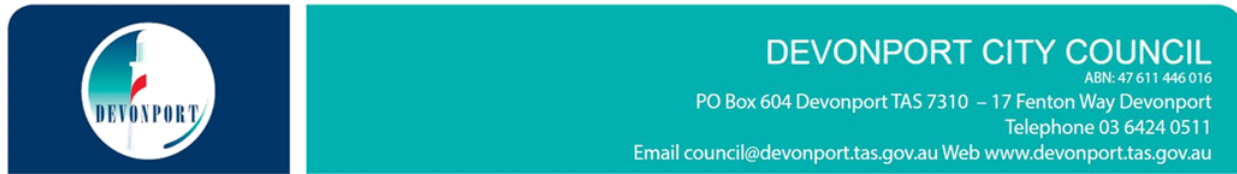
Response:

Any decision for Council to sell land is usually dealt with in Closed Session. The purchaser requested that their personal information be kept confidential until the contract of sale is finalised.

Yours sincerely



Paul West
GENERAL MANAGER



2 October 2017

In reply please quote:
File No. 32161

Mr Malcolm Gardam
4 Beaumont Drive
MIANDETTA TAS 7310

Email: mgardam@outlook.com.au

Dear Mr Gardam

QUESTIONS – SEPTEMBER 2017 COUNCIL MEETING

I refer to your questions raised at the 25 September 2017 Council meeting and provide the following responses:

- Q1.** Council has represented to Devonport ratepayers since November 2016 that the Food Pavilion (Providore Place) will be opening in November 2017, and include secured tenants in Southern Wild Distillery; Ben Milbourne restaurant, film studio and cooking school; and 41 Degrees South (since exposed in the Advocate as a withdrawn tenant); accordingly, will council now cease hiding behind the head lease agreement with Providore Place (subsidiary of P+i) and accept accountability to demonstrate delivery of Council representations to the ratepayers that the Food Pavilion will open in November 2017, operationally complete with the remaining supposed secure tenants?

Response:

Council do not accept the premise of your question that it is hiding behind the head lease and not accepting accountability. Council entered into a head lease agreement for the operation of the food pavilion as it considered this the best approach to minimise the risk/exposure whilst ensuring appropriate financial return and achieving the desired outcomes for the City.

Council's contract with Fairbrother requires the base build of the food pavilion to reach practical completion by 30 November. As is often the case on projects of this scale, some unavoidable delays have occurred and entitled the contractor to legitimate extensions of time. This has impacted on tenancy fit outs which in return will influence the opening dates for each of the tenancies. It should be noted that the food pavilion is only one of four projects occurring on the site and Council is comfortable the contractor is continuing to progress the works as quickly as possible.

Council in continuing to work with Providore Place Pty Ltd and Fairbrother to ensure that some activities will commence operating during the peak summer tourist season but expect that the complete precinct will not be fully operational until all projects are finished in mid-2018.



-2-

- Q2.** Observations of the building progress to date, and in particular fitout of tenancies, indicates that opening of the Food Pavilion in November 2017 is problematic at best; accordingly, will council now cease subrogating its accountability and categorically refute that the opening is not being delayed due to finalisation of individual tenancy agreements and associated tenancy specific fitout details, plus also refute strong rumours that the supposed "secured tenants" have actually not signed lease agreements to date, including the take up of the previously indicated and substantially purpose-built floor space areas under construction?

Response:

Refer response to question 1 above.

As you have been advised previously Council has entered into a lease with Providore Place Pty Ltd and the attraction, retention and management of the tenancies is a matter for them.

- Q3.** Attendees at council meetings, either during or immediately following meetings, do on occasions record statements made by aldermen and council staff in order to record formal statements or "side comments" made during discussions or public question time; and considering that close checking of official audio recordings indicates an issue with capturing statements not made directly with an operating microphone will council please advise if it has changed the mechanics of capturing the official Audio Recordings and when, plus will council amend processes to eliminate council representatives from not being recorded and thereby remove the opportunity to later state something was not said because it is inaudible or in fact not picked up at all on the official recording?

Response:

The recording of Council meetings is not mandatory and are available on the website as a service to the community. There have been, and will likely always be some comments not clearly picked up on the recordings. Council does not currently have any intentions to change the current process.

Yours sincerely



Paul West
GENERAL MANAGER

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 32161 D454170

MR RAY CHAPLIN – 55 WENVOE STREET, DEVONPORT

Questions on notice received from Mr Ray Chaplin on 21 September 2017 are reproduced as attachment 1.

DISCUSSION

In relation to the questions received 21 September 2017 it is proposed that Mr Chaplin be advised of the following:

Q1 Did the Mayor and Deputy General Manager provide a comprehensive debrief to all Aldermen of the contents and identified likely impediments to the Living City project succeeding contained within the Brand Focus presentation of February 3rd 2016?

Response

From memory your attendance at the meeting with the Mayor and Deputy General Manager was certainly communicated to the Aldermen at a Workshop session. A copy of the presentation you made was not provided and therefore not distributed.

In regard to your request to include your presentation in Council's October agenda, Council is concerned with some of the content included in your presentation insofar as it references and makes commentary about particular businesses. The attachment you provided has therefore been circulated to Aldermen on a confidential basis. If you wish to release this type of information into the public domain that is your decision, however Council is not prepared to be associated with reproducing it on its public agenda and therefore assuming some responsibility for the content.

Q2 What is the total amount already paid and still committed by contract to Projects & Infrastructure Pty Ltd since Council originally engaged this Company without a tender process?

Response

Payment information which is available to the public is recorded in each year's Annual Report as follows:

Year Ended	Amount
30 June 2014	233,375
30 June 2015	498,545
30 June 2016	600,000
30 June 2017	1,993,626

Future payments will be recorded in the Annual Report each year.

Q3 What is the total amount already paid and still committed by contract to Ben Milbourne since Council originally engaged him as Food Ambassador?

Response

Council entered into a confidential agreement with Ben Milbourne to undertake the role of Food Ambassador. Details relating to Mr Milbourne's engagement remains confidential and will not be disclosed.

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Questions on notice received from Mr Malcolm Gardam on 11 October 2017 are reproduced as attachment 3.

DISCUSSION

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

STAGE 1 DESIGN AND CONSTRUCT PHASE

- Q1.** What is the cost of the management fee associated with the Stage 1 design and construct construction phase, as agreed with Fairbrother, and what does it entail in terms of services provided as distinct from the accepted obligations of a contracted builder to deliver a project?

Response

Council have a contract with Fairbrother Pty Ltd to deliver Stage 1 of LIVING CITY for a guaranteed maximum price of \$59,074,852. There is no specified "management fee" as such, with this aspect incorporated into the contract sum. Fairbrother has an obligation to deliver all the services necessary to complete the contract terms as detailed in the project plans, specifications and modified AS4300 contract document.

WATERFRONT HOTEL DEVELOPMENT

- Q2.** On the 8 November 2015, the Development Manager's (P+i) lead consultant was reported in *The Advocate* as stating that Mr Hirst said **six hotel groups had already approached him to build on the site** where Harris Scarfe is off Best Street. "That's just early days, based on their understanding that there's an untapped market in Devonport and Living City will create the catalyst for change," he said. Since then Council has repeated the statement that six hotel developers/operators have shown interest and again reported in *The Advocate* (5/10/17) that "There were six developers and operators in total who submitted proposals for the hotel."; **accordingly, will Council confirm how many formal submissions were received from developers and how many formal submissions were received from operators at close of the advertised period being 30th June 2017?**

Response

Council received six submissions in response to its expression of interest process regarding the waterfront hotel. The submissions were provided in confidence and Council will not be making public any details regarding the submissions.

- Q3.** Considering that prior to Stage 1 receiving Council approval to proceed, and since, ratepayers have been told that up to six (6) hotel developers/operators were interested with Mr. Errol Stewart heavily touted by Council and the media as a front runner in developing (through his businesses) a new waterfront hotel in Devonport **if Stage 1 of Living City Stage 1 was approved for construction by Council**, (in fact one radio commentator announced on air Errol Stewart would build a hotel, which of course was false); **accordingly, and on the basis that Mr. Stewart has**

previously had no objections to his name being strongly associated with a waterfront hotel, and therefore his naming being inconceivable as confidential, will the Mayor confirm if any of Mr. Stewart's enterprises registered an EOI to develop a hotel?

Response

Refer answer to question 2.

Q4. Council must be extremely excited and relieved that it has appointed a preferred developer for the proposed waterfront hotel, however will Council please provide clarification in regards to the agreement entered into with Fairbrother insofar as;

- a) The Agreement with Fairbrother provides **an exclusivity period of two (2) years for Fairbrother** to investigate, and depending on identified demand/viability, see if it can progress a hotel to a "construction ready" stage only during the exclusivity period?

Response

Yes, the Agreement is currently only valid for two years. Should the project not be sufficiently advanced at the expiry of the agreement, Council will reassess its options at that point.

- b) There is no binding obligation on Fairbrother or guarantee of a development actually eventuating despite Council representations that it knows demand exists for a 150-200 room hotel?

Response

Correct, there is no guarantee of a development.

- c) Given that under the reported Council agreement with Fairbrother the hotel will not open until about 2021, why is there such a long delay given that the 800 delegate conference facility is expected to open in mid-2018?

Response

Considering the project planning, availability of land, design, permits and construction timeframes for a project of this complexity, 2020/21 is considered to be the earliest possible opening time.

- d) If as Council has represented to ratepayers that demand exists for a 150-200 room hotel, why has Council limited developers to one only and not allowed this supposed attractive hotel opportunity to be pursued by 2-3 developers on a similar basis to Fairbrother; that is a two (2) year period (or shorter 12 month period) to investigate simultaneously what they may be able to offer Devonport. In other words, why did Council limit the time period for developers to materialise to 30 June 2017, if it truly believes that the development is such a wonderful and obvious opportunity for private investors to compete?

Response

Council is following an established and proven approach for the development of public land. It considers this approach the most likely to method to deliver the desired outcome.

- e) Where was the Waterfront Hotel Expression of Interest advertised to attract prospective developers and do you consider this this was adequate to garner the best level of respondents?

Response

The EOI process was advertised locally through The Advocate. Broader interest was generated through consultants involved in the project and by soliciting responses Nationally and Internationally from within hotel and developer networks. The inclusion of a hotel within the LIVING CITY Master Plan is well known and Council is confident the expression of interest process was adequate.

- f) Will Council absolutely guarantee that the agreement they have signed with Fairbrother will result in a 150 - 200 rooms 3.5 - 4.5 star hotel if built?

Response

No, Council is unable to provide an absolute guarantee.

- Q5.** Considering that Council took an unusual step to commission “**detailed**” concept drawings for the hotel and “*the hotel will be 100% private investment*” and anticipated to be consistent with the artist's impression displayed for public comment in 2016; will Council be seeking reimbursement of the bulk of the \$210,000 cost, which should be the responsibility of the developer, or is this now a ratepayer paid contribution to Fairbrother and further sizeable waste of ratepayer funds?

Response

Council does not agree with your statement that the development of concept drawings was unusual, but rather a necessary step to ensure the best possible development on a very important parcel of public owned land. The investment Council has made in the design process will be one consideration in determining the purchase price for the land.

- Q6.** Are there, or will there, be any fees, charges, reimbursements of any description payable to Fairbrother under the hotel development contract, or otherwise, associated with the Waterfront Precinct and hotel development?

Response

The terms and conditions of the agreement are commercial in confidence. Normal disclosure and reporting requirements will apply to any financial transactions between the parties.

PROVIDORE PLACE – EXISTENCE OF INDIVIDUAL TENANT AGREEMENTS

- Q7.** a) While Council has offered that it is Providore Place's responsibility that “...*the attraction, retention and management of the tenancies is a matter for them.*” **is it plausible that the Mayor and senior staff (General Manager & Deputy General Manager) not be fully informed** and therefore aware of the individually secured tenants, or otherwise, **with the opening of Council's promoted vision of a different food experience only months away?**

Response

Council is regularly briefed by Providore Place Pty Ltd regarding tenancies in the food pavilion.

- b) As Council has been fully complicit in the representations made, and still being made, regarding there being three (3) secured tenants (one since reported as withdrawn) for the new Food Pavilion, **will the Mayor now confirm that Southern Wild Distillery and Ben Milbourne (restaurant, cooking school and film studio) had signed individual lease agreements as at 22nd September 2017?**

Response

As previously advised the sub tenancy agreements are the responsibility of the head lessee.

- c) Confirm that there is still going to be four (4) restaurants (initially a reported five) and still provide a "food experience with a difference" in line with Council's much promoted vision for the Food Pavilion?

Response

The vision for the food pavilion has not changed and it is still anticipated that the building will include at least 4 anchor tenants.

- d) If Council remains adamant that there are individual secured tenants, as previously represented to ratepayers, and therefore not delaying progress (and resulting in a reduced workforce on this building) will you please provide details of the stated delays being "*.....unavoidable delays have occurred and entitled the contractor to legitimate extensions of time.*"?

Response

Contractor delays have occurred for a number of reasons, however the most significant being as a result of delays in glass supply and inclement weather.

- e) If Council maintains that the naming of secured tenants to date is confidential, under the Head Lease Agreement with Providore Place, **is it plausible that this information would not be provided on request to interested businesses wishing to assess taking up a tenancy** without having to sign a confidentiality agreement for that purpose; or are they like the Devonport ratepayers expected to also just accept verbal inferences as to who to date are secured tenants?

Response

Refer answer to question 7b.

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Questions on notice received from Mr Bob Vellacott on 16 October 2017 are reproduced as attachment 4.

DISCUSSION

In relation to the questions received 16 October 2017 it is proposed that Mr Vellacott be advised of the following:

- Q1.** I again submit the question and if Council do not intend to request the same type of information from the applicant that Council required from the owners of Strat off the Boat, and then I request the reason for that decision?

Response

The operator of the business at 17 Forbes Street, Devonport did not apply for a rezoning of the land. He made a development application to operate a seafood business, which was permissible under the existing zoning.

In assessing that application Council requested details of how the business would deal with seafood products so as not to create amenity issues for surrounding properties.

The application to rezone and develop the property at 2-12 Murray Street, East Devonport is for a retail use and sufficient particulars were provided with the application to enable an objective assessment.

The final decision as to both the rezoning and the requested use will be made by the Tasmanian Planning Commission, not by Council.

Council can do no more than make a recommendation to the Commission after consideration of a mandatory report under the provisions of Section 39 of the *Land Use Planning and Approvals Act 1993* about the merit of any representations received during the exhibition period.

Q2 Am I correct to presume whilst there is a loop hole in the Local Government Regulations the use appears extraordinary and particularly in a case such as this Council has acceded to the applicants request for secrecy when I understand Council had every opportunity to deal with the proposed sale and rezoning in an open and transparent way?

Response

As previously advised any decision to sell land is usually dealt with in Closed Session, in a manner consistent with requirements set out in Section 177 of the Local Government Act 1993. This is consistent with the approach generally applied by other local government authorities and Council do not consider its actions unusual.

ATTACHMENTS

- [↓](#) 1. Question on Notice - Ray Chaplin - Council Meeting - 23 October 2017
- [↓](#) 2. Question on Notice - Mr Malcolm Gardam - Council Meeting - 23 October 2017
- [↓](#) 3. Questions on Notice - Bob Vellacott - Council Meeting - 23 October 2017

RECOMMENDATION

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

Author: Position:	Robyn Woolsey Administration Officer	Endorsed By: Position:	Paul West General Manager
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Mr Paul West
General Manager
Devonport City Council

21/9/2017

Dear Sir,

On February 3rd 2016 in the best interests of ratepayers and at no charge to the Devonport City Council (ratepayers) I made the attached presentation to the Mayor and Deputy General Manager

This presentation clearly demonstrated (by way of case studies) the essential due diligence and risk mitigation process integral to successful brand and business decision making

Would you please distribute this correspondence and the power point presentation to the Aldermen and request that they respond to the following questions:-

“Did the Mayor and Deputy General Manager provide a comprehensive debrief to all Aldermen of the contents and identified likely impediments to the Living City project succeeding contained within the Brand Focus presentation of February 3rd 2016?”

Please provide a simple yes or no answer

What is the total amount already paid and still committed by contract to Projects & Infrastructure Pty Ltd since Council originally engaged this Company without a tender process?

What is the total amount already paid and still committed by contract to Ben Milbourne since council originally engaged him as Food Ambassador?

It would be appreciated if you would include this letter, the attachment and Council's response within the agenda and minutes of the October Council meeting together with providing confirmation of receipt and distribution

Thanking you,

Ray Chaplin
Devonport Rate payer

Brand Focus
Ray Chaplin
55 Wenvoe Street
Devonport 7310
chapray@bigpond.net.au
0419 226211
ABN 19 389 496 737

11th October 2017

Devonport City Council
17 Fenton Way
DEVONPORT TAS 7310

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

ATTENTION: MR. PAUL WEST – GENERAL MANAGER

RE: LIVING CITY – QUESTIONS ON NOTICE DCC ORDINARY MEETING 23/10/17 (File 32161)

Dear Sir,

The following are questions on notice to the Ordinary Meeting of the 23rd October 2017, and are directed to the Mayor and General Manager.

STAGE 1 DESIGN AND CONSTRUCT PHASE

- Q1.** What is the cost of the management fee associated with the Stage 1 design and construct construction phase, as agreed with Fairbrother, and what does it entail in terms of services provided as distinct from the accepted obligations of a contracted builder to deliver a project?

WATERFRONT HOTEL DEVELOPMENT

- Q2.** On the 8 November 2015, the Development Manager's (P+i) lead consultant was reported in *The Advocate* as stating that *Mr Hirst said six hotel groups had already approached him to build on the site where Harris Scarfe is off Best Street. "That's just early days, based on their understanding that there's an untapped market in Devonport and Living City will create the catalyst for change," he said.* Since then Council has repeated the statement that six hotel developers/operators have shown interest and again reported in *The Advocate* (5/10/17) that *"There were six developers and operators in total who submitted proposals for the hotel."*; accordingly, will Council confirm how many formal submissions were received from developers and how many formal submissions were received from operators at close of the advertised period being 30th June 2017?
- Q3.** Considering that prior to Stage 1 receiving Council approval to proceed, and since, ratepayers have been told that up to six (6) hotel developers/operators were interested with Mr. Errol Stewart heavily touted by Council and the media as a front runner in developing (through his businesses) a new waterfront hotel in Devonport **if Stage 1 of Living City Stage 1 was approved for construction by Council**, (in fact one radio commentator announced on air Errol Stewart would build a hotel, which of course was false); accordingly, and on the basis that Mr. Stewart has previously had no objections to his name being strongly associated with a waterfront hotel, and therefore his naming being inconceivable as confidential, will the Mayor confirm if any of Mr. Stewart's enterprises registered an EOI to develop a hotel?

- Q4. Council must be extremely excited and relieved that it has appointed a preferred developer for the proposed waterfront hotel, however will Council please provide clarification in regards to the agreement entered into with Fairbrother insofar as;
- a) The Agreement with Fairbrother provides **an exclusivity period of two (2) years for Fairbrother** to investigate, and depending on identified demand/viability, see if it can progress a hotel to a "construction ready" stage only during the exclusivity period?
 - b) There is no binding obligation on Fairbrother or guarantee of a development actually eventuating despite Council representations that it knows demand exists for a 150-200 room hotel?
 - c) Given that under the reported Council agreement with Fairbrother the hotel will not open until about 2021, why is there such a long delay given that the 800 delegate conference facility is expected to open in mid-2018?
 - d) If as Council has represented to ratepayers that demand exists for a 150-200 room hotel, why has Council limited developers to one only and not allowed this supposed attractive hotel opportunity to be pursued by 2-3 developers on a similar basis to Fairbrother; that is a two (2) year period (or shorter 12 month period) to investigate simultaneously what they may be able to offer Devonport. In other words, why did Council limit the time period for developers to materialise to 30 June 2017, if it truly believes that the development is such a wonderful and obvious opportunity for private investors to compete?
 - e) Where was the Waterfront Hotel Expression of Interest advertised to attract prospective developers and do you consider this this was adequate to garner the best level of respondents?
 - f) Will Council absolutely guarantee that the agreement they have signed with Fairbrother will result in a 150 - 200 rooms 3.5 - 4.5 star hotel if built?
- Q5. Considering that Council took an unusual step to commission "**detailed**" concept drawings for the hotel and "*the hotel will be 100% private investment*" and anticipated to be consistent with the artist's impression displayed for public comment in 2016; will Council be seeking reimbursement of the bulk of the \$210,000 cost, which should be the responsibility of the developer, or is this now a ratepayer paid contribution to Fairbrother and further sizeable waste of ratepayer funds?
- Q6. Are there, or will there, be any fees, charges, reimbursements of any description payable to Fairbrother under the hotel development contract, or otherwise, associated with the Waterfront Precinct and hotel development?

PROVIDORE PLACE – EXISTENCE OF INDIVIDUAL TENANT AGREEMENTS

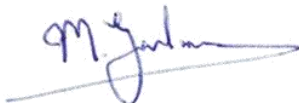
- Q7. The Mayor and General Manager have now twice refused to confirm the existence of signed individual tenant lease agreements as at the 22/09/17 for Providore Place and despite for well over 12 months having promoted there were individually "secured" tenants. The latest offering from Council was in **response to questioning if the absence of individual lease agreements was delaying fitout completion and the opening, also promoted as being before the end of the year, was "Council's contract with Fairbrother**

requires the base build of the food pavilion to reach practical completion by 30 November. As is often the case on projects of this scale, some **unavoidable delays have occurred and entitled the contractor to legitimate extensions of time. This has impacted on tenancy fit outs which in return will influence the opening dates for each of the tenancies.** Council has also stated that "As you have been advised previously **Council has entered into a lease with Providore Place Pty Ltd and the attraction, retention and management of the tenancies is a matter for them.**" Accordingly, and with Council continuing to avoid the question of secured (signed) individual lease agreements, will you please advise:

- a) While Council has offered that it is Providore Place's responsibility that "*...the attraction, retention and management of the tenancies is a matter for them.*" is it **plausible that the Mayor and senior staff (General Manager & Deputy General Manager) not be fully informed** and therefore aware of the individually secured tenants, or otherwise, **with the opening of Council's promoted vision of a different food experience only months away?**
- b) As Council has been fully complicit in the representations made, and still being made, regarding there being three (3) secured tenants (one since reported as withdrawn) for the new Food Pavilion, **will the Mayor now confirm that Southern Wild Distillery and Ben Milbourne (restaurant, cooking school and film studio) had signed individual lease agreements as at 22nd September 2017?**
- c) Confirm that there is still going to be four (4) restaurants (initially a reported five) and still provide a "food experience with a difference" in line with Council's much promoted vision for the Food Pavilion?
- d) If Council remains adamant that there are individual secured tenants, as previously represented to ratepayers, and therefore not delaying progress (and resulting in a reduced workforce on this building) will you please provide details of the stated delays being "*.....unavoidable delays have occurred and entitled the contractor to legitimate extensions of time.*"?
- e) If Council maintains that the naming of secured tenants to date is confidential, under the Head Lease Agreement with Providore Place, **is it plausible that this information would not be provided on request to interested businesses wishing to assess taking up a tenancy** without having to sign a confidentiality agreement for that purpose; or are they like the Devonport ratepayers expected to also just accept verbal inferences as to who to date are secured tenants?

Please ensure questions and written responses are included in full in the next Ordinary Meeting Agenda.

Yours sincerely,



Malcolm Gardam

A LC RBV QoN East Devonport land Sale Oct 2017

ROBERT VELLACOTT RATEPAYER
11 COCKER PLACE DEVONPORT 7310

QUESTIONS ON NOTICE FOR DEVONPORT CITY COUNCIL MEETING 23RD OCTOBER 2017

Mayor and Aldermen

I note in the responses to my questions ref- DCC meeting 25 September 2017 about the rezoning of land at 2- 12 Murray St East Devonport that my question in regard to the Strait off the Boat Seafood Shop application was not answered. (Reproduced for your convenience)

I recall when Strait Off the Boat sea food shop made an application to rezone or change the use of the property situated in Forbes Street they were requested to provide a detailed business plan?

Question.

Will Council treat this application in the same manner before progressing the rezoning and sale?

Question: - I again submit the question and if council do not intend to request the same type of information from the applicant that Council required from the owners of Strait off the Boat, and then I request the reason for that decision?

Also I note the response given in regard to Council not disclosing the prospective purchaser's name was because he did not wish it to be known.

Question: -. Am I correct to presume whilst there is a loop hole in the Local Government Regulations the use appears extraordinary and particularly in a case such as this Council has acceded to the applicants request for secrecy when I understand Council had every opportunity to deal with the proposed sale and rezoning in an open and transparent way?

Please include all the above and Council's response in the 23rd October 2017 Agenda.

Bob. Vellacott 16th October 2017

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.

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 DEVONPORT GYMNASTICS CLUB

File: 32109 D491694

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report is provided to update Council in regard to funding arrangements for the construction of a new Devonport Gymnastics Club (DGC) at Maidstone Park and determine Council's possible contribution to the project.

BACKGROUND

At the June 2017 meeting, Council resolved as follows (Min 109/17 refers):

That the report relating to a new Gymnastics facility be received and noted that Council advise the Devonport Gymnastics Club that:

- 1. It is willing to act as a guarantor for a loan of no more than \$300,000 specifically to be used for a new gymnastics facility at Maidstone Park subject to confirmation of funding from State and Federal Government and entering into a formal agreement; and*
- 2. Ongoing discussions regarding the exact location of the facility are continuing.*

Discussions have continued with the Club since this date and have now reached a point where Council need to determine what, if any, contribution will be provided towards the project.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report. Appropriate planning and building legislation will be applicable at later stages of the project.

DISCUSSION

Estimated total project costs for the construction of a new gymnastics facility are \$2.04m. In a letter received from the DGC (attachment 1) dated 8 September 2017, and subsequent discussions with Council officers, the club confirmed it has recently secured \$500,000 from the Federal Government towards their project and have received official notification from the State Government that they will provide \$750,000 from a Community Infrastructure Grant. This amounts to \$1,250,000 in secured funding.

For the project to commence, the DGC has requested a further \$250,000 from the Federal Government to match the State funding of \$750,000 and are confident this will be forthcoming.

The balance of \$388,000 is to be provided by the DGC through cash and loan contributions. Council previously determined that it would be willing to act as a guarantor for a loan of no more than \$300,000 however given Council's existing borrowing levels, providing a loan from Council to the club could provide a more beneficial and simpler outcome for both parties.

Also in its letter dated 8 September 2017, the DGC requested Council consider waiving building fees and permits (development fees) for the new facility and commit \$150,000 to the construction of the car park and pathway to the existing car park near the Netball Centre. The Club were advised earlier in the year that a decision regarding Council's contribution towards a car park would be made once the final site was confirmed, which is now the case.

The proposed 1,400m² building and carpark is located within the green space on the northern side of Bay Drive opposite the football oval that adjoins the caretaker's residence.

The exact positioning is subject to confirming that existing sewer infrastructure will not be affected by the proximity of the development.

The proposed use is permitted within the assigned Recreation zone of the *Devonport Interim Planning Scheme 2013* however discretion is required due to the proposed number of car parking spaces (34) not being compliant with the car parking code requirement (7 spaces/100m² of gross floor area – 98 spaces).

The proposed building is subject to normal application as part of which the club will need to demonstrate that the lesser number of parking spaces proposed is adequate to meet the likely needs and requirements of the site users based on frequency, numbers of spectators and participants and duration of events that generate the vehicle parking demand. Spectator provision within the gymnasium is limited and this factor may assist in the final determination. It is also expected that nearby carparking areas are also available for overflow situations if required.

Council's City Engineer has indicated the cost of the car park may in fact be closer to \$200,000 in his estimation. The plan of the car park, provided by Vos Construction, is a very basic sketch, therefore some assumptions have been considered about the detail of the project including pavement depth, seal type, extent of kerb and storm water requirements. The most basic car park could probably be built for around \$100,000, but it would not be acceptable for Council to take over as an asset.

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

Council's lease agreement with the DGC for the land expires on 21 February 2018 and states there is to be no extension should the proposed gymnastics club not be substantially proceeded during the initial term.

COMMUNITY ENGAGEMENT

In relation to the exact location of the facility, consultation with the Maidstone Park Management Controlling Authority and clubs located within the Maidstone Precinct has been undertaken. All stakeholders agree the preferred location is in Bay Drive as initially planned and as per the land lease agreement currently held with Council.

FINANCIAL IMPLICATIONS

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

State Government	\$750,000 secured
Federal Government	\$500,000 secured
Federal Government	\$250,000 <u>pending</u>
DGC (Council Loan)	\$300,000 to be determined

DGC savings	\$ 88,000 secured
Council capital contribution for car park and pathway	\$150,000 to be determined
Total project cost	\$2,038,000

In addition to the above, Council has donated the land towards the project and may waive development fees, pending the outcome of this report.

As part of negotiations, Council has proposed a loan of \$300,000 with a ten year repayment schedule, with interest fixed at 3.8%. The Gymnastics Club have provided in-principle support to this proposal. Prior to entering a formal arrangement with the DGC security arrangements for the loan will be finalised.

RISK IMPLICATIONS

There is a risk that the Federal Government may renege on the request for an additional \$250,000 funding allocation to the DGC.

There is a financial risk for Council if the DGC is not able to make the loan repayments, however current cash flow projections indicate that it should be manageable. It is not clear whether the Club has taken into account the operational costs of the new facility and their subsequent impact in their entirety when preparing these projections.

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

CONCLUSION

The DGC have been actively pursuing external funding for their new facility and require Council, or other support, for the project to reach fruition. The contribution requested from Council is significant, but will assist a sporting club in desperate need of a new facility the opportunity for this to occur.

ATTACHMENTS

- [1.](#) Devonport City Council fee waiver request
- [2.](#) DGC car park and costing

RECOMMENDATION

That Council receive and note the report regarding a new facility for the Devonport Gymnastics Club at Maidstone Park and subject to entering a new lease for the facility, agree to:

1. Provide a loan of up to \$300,000 to the Club, with a fixed 3.8% interest rate and ten-year term;
2. Commit \$150,000 in the 2018/2019 Capital Works Program as a contribution towards car parking and a pathway to the existing Netball Centre car park;
3. Waive all Council Development Fees for the project; and
4. Confirm the exact location of the facility is in Bay Drive as per the land lease agreement between Council and the Devonport Gymnastics Club.

Author: Position:	Fabio Pizzirani Sport & Recreation Development Coordinator	Endorsed By: Position:	Shane Crawford Executive Manager Corporate, Community & Business Services
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8th September 2017

To Devonport City Council

We are writing to inform you of the progress of the Devonport Gymnastics Club Multi Purpose Facility.

To date we have secured the following funding towards the facility build:

- Federal Government \$500,000
- State Government \$750,000

The Devonport Gymnastics Club will be contributing \$388,000 (+GST) to the build. This will be possible with the help of Devonport City Council in the form of a loan of \$300 000 (+GST) and Club savings.

We are in negotiations with the Federal Government for the additional \$250,000 required to commence building.

We would like to formally request that the Devonport City Council consider waiving Council building fees and permits, and commit to the construction of the car park and pathway to existing carpark. Drawings for this are attached to this email.

The Devonport Gymnastics Club currently has just over 300 registered members and 10 employees, the expectation is that in the first year of operation our membership will grow considerably and we will require another 8-10 employees to meet demand.

This much needed facility will be a great asset for the Devonport community. We would like to thank the Devonport City Council for their ongoing support.

Regards

Tracy Badman

Treasurer

Devonport Gymnastics Club

admin@devonportgymnastics.org.au



12th September 2017
MS: MS: TD16042c

Devonport Gymnastics Club Inc.
C/- Email mtbadman@bigpond.net.au cc gtpenfold@bigpond.com
admin@devonportgymnastics.org.au
Devonport 7310

Attention: Tracy Badman
Refer Enquiries to Mark Smith

Re: Devonport Gymnastics Proposed New Gymnastic / MPF facility - Maidstone Park Spreyton - Design and Construct Turnkey Budget - separate budget cost for the carpark

Dear Madam

Further to our recent meetings and discussions we have modified the carpark design to provide a safer traffic flow and included a drop off and pick zone as per the attached revised layout

Carpark and paths
Total excluding GST **\$150,650.00**

Should you require any further clarification please contact Mark Smith at the Devonport office on 03 64244444 or by Email msmith@vosgroup.com or call my mobile 0419 140024.

Yours faithfully
VOS CONSTRUCTION & JOINERY PTY LTD

A handwritten signature in black ink, appearing to read 'Mark Smith'.

Mark Smith
CHIEF ESTIMATOR

Encl

LAUNCESTON 03 6398 8300 | 3 HUDSON FYSH DR, WESTERN JUNCTION TAS 7212
HOBART 03 6229 0300 | 70 BROWNS RD, KINGSTON TAS 7050 | PO BOX 146 KINGSTON TAS 7051
DEVONPORT 03 6424 4444 | 40 APPELDRE ST, DEVONPORT TAS 7310 | PO BOX 168 DEVONPORT TAS 7310

ADMIN@VOSGROUP.COM | VOSGROUP.COM | VOS CONSTRUCTION & JOINERY P/L ABN 99 009 558 258 | VOS ENTERPRISES P/L ABN 43 921 408 590

MAKING A POSITIVE DIFFERENCE

5.2 FOOD ORGANICS AND GARDEN ORGANICS COLLECTION SERVICE

File: 29119 D488999

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 1.4.2 Facilitate, and where appropriate, undertake improvements in waste and recycling collection, processing services and facilities

SUMMARY

This report seeks to determine Council's interest in participating in a regional kerbside collection service for food organics and garden organics.

BACKGROUND

The Cradle Coast Waste Management Group (CCWMG) is a local government skills based group, hosted by the Cradle Coast Authority (CCA) and was created in 2007 to provide an integrated regional approach to waste management. Actions undertaken by the CCWMG on behalf of Councils are funded through a \$5 per tonne levy applied to waste delivered to all Council owned landfills.

The current Cradle Coast Regional Waste Management Strategic Plan 2017-2022 (Strategy) was prepared by the group and guides the development and implementation of actions for their annual plan and budget each year. The Strategy and annual plan is endorsed by the seven participating North-West Councils (West Coast and King Island are not part of the CCWMG).

The Strategy has an overarching objective of diverting 50% of all municipal solid waste from landfill by 2022.

Over the last six years the Cradle Coast Waste Management Group (CCWMG) has been investigating the feasibility of introducing a household waste kerbside collection service for food organics and garden organics (FOGO).

These investigations have included significant research into determining the most suitable end use of the collected product and in conjunction with the Northern Tasmanian Waste Management Group (NTWMG) a twelve-month trial was undertaken in selected locations. Survey responses from residents involved in the trial indicated strong support for the new service.

The primary benefit of a FOGO collection is the reduction in volume of organics being landfilled which as a result extends the life of existing landfills and reduces greenhouse gas emissions.

Disposal of organic waste in landfill is considered a poor environmental outcome, not only for the lost landfill capacity. Any organic waste dumped in landfill undergoes anaerobic decomposition (because of the lack of oxygen) and generates methane. When released into the atmosphere, methane is 20 times more potent a greenhouse gas than carbon dioxide and therefore it is considered good environmental practice to reduce as much as possible the amount of methane produced from landfill.

In addition to the environmental benefits from gas reduction, the moisture content of organics contributes greatly to the creation of leachate, a management problem for landfills and a threat to ground and surface water quality.

It also provides a convenient service for residents to dispose of garden and food waste and in many cases reducing or eliminating visits to the waste transfer station.

The proposed FOGO service would consist of a fortnightly 240 litre bin collection. The bin would accept the following waste:

- Lawn clippings;
- Tree and shrub prunings;
- Kitchen fruit, vegetable, dairy, cereal and meat waste, and
- Biodegradable kitchen waste and bin liners.

Council currently provides residential properties with a 240-litre bin co-mingled recycling collection service on a fortnightly basis. The service is provided through a contract with Veolia Waste Management as a result of a joint tender with the seven member Councils of the CCWMG.

Council also provide a weekly domestic garbage collection service. This service is provided through Council's own day labour workforce utilising Council owned trucks. Residents provide their own bins up to a maximum allowable size of 240 litres. Approximately 7,000 tonnes of waste are collected annually by this service.

Modelling for a kerbside FOGO collection service is based on providing the service only to those properties that currently receive the recycling bin service. This means that commercial properties and some rural properties would not be included in the service.

Council at its February 2015 meeting determined (Min 36/15 refers):

That the report of the Deputy General Manager detailing the proposed food and garden organics collection service be received and noted and that Council advise the Cradle Coast Waste Management Group of its:

1. *in-principle support for the introduction of a food and garden organic collection; and*
2. *providing similar endorsement from member Councils, endorse proceeding with calling tenders for the service.*

Similar support was gained from other member Councils and tenders were called for:

- FOGO bin supply, collection and transport
- FOGO composting construction and design

This report presents the outcomes of the tender process and seeks to determine Council's interest in progressing with a regional kerbside collection service for food organics and garden organics.

At the time of writing this report the position of the other member Councils in regard to participation in a regional kerbside FOGO collection service is as follows:

Council:	Position:
Circular Head	Yet to determine a position
Wynyard Waratah	Yet to determine a position
Burnie City Council	Not proceeding with the new service
Central Coast	Yet to determine a position
Latrobe	Not proceeding with the new service
Kentish	Support the new service on a voluntary opt-in basis.

STATUTORY REQUIREMENTS

The CCWMG is a working group of the CCA. The CCA is established as a Joint Authority under Section 30 of the *Local Government Act 1993*.

DISCUSSION

The introduction of a kerbside FOGO collection service will greatly assist Council and the region to achieve the waste diversion goal of 50% of the waste stream diverted from landfill.

The new service would also provide additional benefits including:

- Reduce the rate of consumption of regional landfill space,
- Reduce greenhouse gases, and
- Beneficial reuse of a waste stream.

With the completion of the CCWMG tender process for a regional FOGO collection service and the DWM process for the development of a FOGO composting facility at the Dulverton landfill, there is now more certainty as to the cost implications of delivering a kerbside FOGO service.

This report provides estimates as to the additional cost to deliver such a service based on the following scenarios:

- Scenario 1: Introduce a kerbside FOGO collection service for each household and all other waste services remain the same.
- Scenario 2: Introduce a kerbside FOGO collection service for each household and change the existing weekly garbage collection service to a fortnightly collection service.

Dulverton Waste Management (DWM) have developed a model to assist Councils to understand the cost implication of introducing a kerbside collection service for FOGO.

An understanding of the potential sources of FOGO and their annual quantities is required to calculate the cost implications. The table below identifies estimates of contributing FOGO waste streams:

FOGO Source:	Estimated Annual Total for DCC: (tonnes)	Comment:
Kerbside Collection	2,816	FOGO that is currently collected in the existing kerbside garbage collection service. This FOGO currently ends up in landfill.
Green waste – separated at Spreyton Waste Transfer Station (SWTS)	3,600	FOGO is currently separated at the SWTS, mulched and transported to Dulverton to be processed in the composting facility or used as cover material for landfill.
SWTS waste stream	387	FOGO that is currently disposed of in the pit at the SWTS. This FOGO currently ends up in landfill.
	6,803	

Initial investigations by the CCWMG indicated that the potential annual FOGO stream for the region could be in the order of 20,000 tonnes.

COMMUNITY ENGAGEMENT

As part of the investigation process the CCWMG in conjunction with the NTWMG undertook a twelve-month FOGO collection trial. Three locations across Northern Tasmania were provided with a 240-litre bin fortnightly collection service. In this region the trial included 220 properties at Port Sorell and Shearwater. A survey was undertaken at the end of the twelve months.

Generally, respondents were very supportive of the introduction of a FOGO collection and found the bins easy to use and did not result in odour issues. Nearly all noted that they believed a FOGO collection would result in fewer trips to their waste transfer station.

In regard to questions about willingness to pay, the majority preferred it to be included as a cost within their rates payment and selected the \$20 per year option (the lowest choice) as the amount they considered as a reasonable contribution.

Survey results from the trial areas in the northern region indicated similar results to those from Port Sorell and Shearwater.

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

FINANCIAL IMPLICATIONS

The provision of a kerbside FOGO collection service will not be cost neutral. The model developed by DWM has enabled Councils to prepare a cost analysis for a variety of scenarios. The model considers additional costs involved in providing the new service as well as potential savings resulting from FOGO being removed from other waste streams.

The model considers the following cost implications for Council:

- FOGO collection fortnightly transport costs;
- FOGO diverted from waste collection to FOGO collection;
- FOGO diverted from SWTS to FOGO collection;
- Reduced SWTS income;
- FOGO processing costs;
- Other potential costs/savings.

The DWM model was used to calculate the following scenarios:

Scenario:	Cost per household per annum:	Total annual cost to DCC
1. Fortnightly kerbside FOGO collection service introduced per household, no other changes to waste services.	\$95 (equates to a 7% rate increase for the average residential property)	\$1,060,390
2. Fortnightly kerbside FOGO collection service introduced per household, garbage collection service reduced from weekly to fortnightly.	\$76 (equates to a 5.5% rate increase for the average residential property)	\$848,312

It should be noted that these figures are based on:

- All CCWVG member Councils participating in a regional contract
- A 20-year agreement for gate fees (processing fees) at Dulverton
- Average residential property rates (exc. fire levy) of \$1394

It should be noted that with Burnie City Council and Latrobe Council already indicating they will not be participating there will potentially be an increase to the costs outlined in this report.

These figures do not include any possible savings for individual households due to a reduction in visits to the SWTS. Considering gate fees and vehicle costs, residents will save in the order of \$15 per visit.

If Council was to support the introduction a kerbside FOGO collection service, the new service would commence in July 2018. The cost of the new service would need to be incorporated into Council's 2018/19 operating budget.

RISK IMPLICATIONS

Introducing a kerbside FOGO collection service has several associated risks:

- Some residents will be dissatisfied with the additional costs of the new service and potentially the reduction in frequency of the garbage collection service.
- If residents don't use the new service, the full volumes of FOGO will not be segregated but will continue to go to landfill.
- If all the Cradle Coast Councils do not participate in the regional contract the price will increase for the Councils that do participate.
- The exact quantities of FOGO may vary. This report is based on the best available information but in some cases, are estimates only.

CONCLUSION

The introduction of a kerbside FOGO collection service will greatly assist Council and the region to achieve the waste diversion goal of 50% of the waste stream diverted from landfill. However, the introduction of the new service has a significant cost implication and will increase the rates of an average residential property in the order of 7% per annum.

It is recommended that if Council support the new service that the existing garbage collection service be reduced from weekly to fortnightly to assist in minimising the cost increase.

With uncertainty in regard to the participation of other Councils any decision to proceed in Devonport should be subject to revised costings being acceptable to Council.

If Council do not support the change from a weekly to fortnightly garbage collection service, however still wish to proceed with a FOGO service, part b of option 1 can be deleted.

ATTACHMENTS

Nil

RECOMMENDATION

That the report relating to Food Organics and Garden Organics Collection Service be received and noted and that Council:

Option 1

- a) agree to participate in a new fortnightly regional kerbside food organics and garden organics collection service subject to a further review of final costs once the number of participating Councils is confirmed; and
- b) change the existing residential garbage collection service from weekly to fortnightly to coincide with the introduction of the new service.

OR

Option 2

advise the Cradle Coast Waste Management Group that it does not support the introduction of a new regional kerbside food organics and garden organics collection service at this point in time.

Author:	Kylie Lunson	Endorsed By:	Matthew Atkins
Position:	Infrastructure & Works Manager	Position:	Deputy General Manager

5.3 PROPOSED SALE OF PUBLIC LAND - MCCABE AVENUE, DEVONPORT

File: 33903 D492316

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

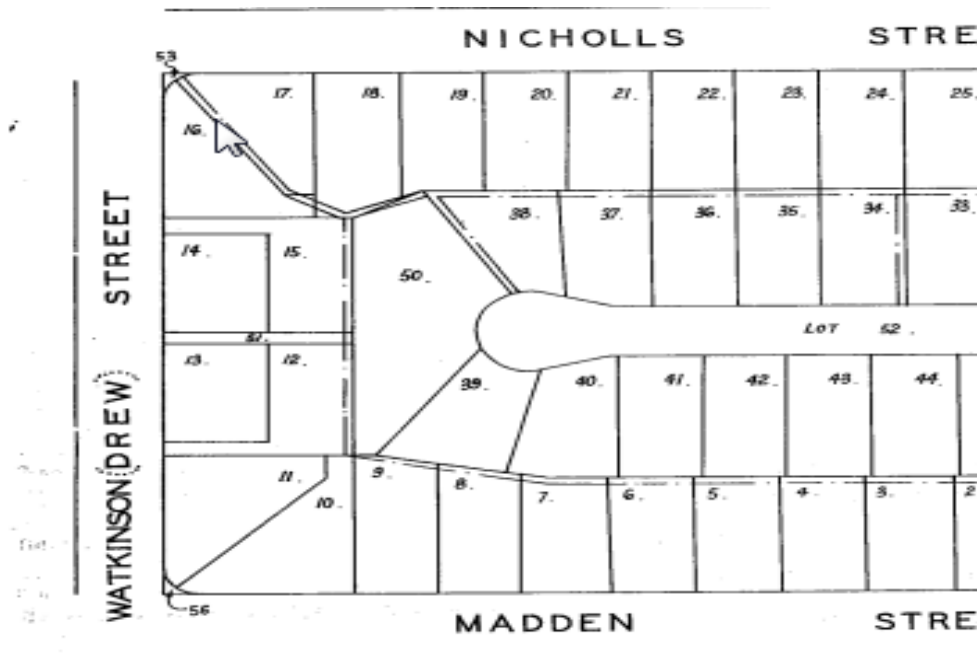
This report is provided to consider objections received regarding the proposed disposal of land located at McCabe Avenue, Devonport, in accordance with Section 178 of the *Local Government Act 1993* (the "Act").

BACKGROUND

A recent review of Council owned land, identified the potential for 0.1831 hectares of public land at McCabe Avenue, to be sold. This land is listed on Council's Public Land Register.

At Council's closed meeting held on 25 August 2017, it was determined to commence the process under Section 178 of the *Local Government Act 1993* ("the Act") relating to the possible disposal of the land.

The parcel of land, located at the western end of McCabe Avenue (adjacent to numbers 9 and 10 McCabe Avenue), was transferred to Council from the Director of Housing in 1982. The space is grassed with a number of trees, but has no built infrastructure. A walkway, connecting McCabe Avenue with Watkinson Street, intersects the parcel of land. The parcel of land is zoned "General Residential" under the Devonport Interim Planning Scheme 2013 and is listed on Council's Public Land Register (refer image below – lot 50).



STATUTORY REQUIREMENTS

As this parcel of land is listed on Council's Public Land Register, Section 178 of the Local Government Act 1993 is relevant and provides:

178. Sale, exchange and disposal of public land

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

178A. Appeal

- (1) Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b).
- (2) An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –

Report to Council meeting on 23 October 2017

- (a) *the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or*
- (b) *there is no similar facility available to the users of that facility.*
- (4) *The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.*
- (5) *The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management and Planning Appeal Tribunal Act 1993 does not apply.*

DISCUSSION

Following a recent review of Council's public land, this title has been identified as surplus to Council's needs.

The size of the parcel of land allows for a potential subdivision and still enable the pathway to be retained, providing access for pedestrians onto Watkinson Street as currently exists. Following the Section 178 process, if Council agrees to proceed with the sale, more detailed investigations would be required to determine subdivision potential and the ability to maintain the walkway across the property onto Watkinson Street from McCabe Avenue.



A total of 18 objections and a petition were received and are provided as an attachment to this report. It is noted that of the 40 signatures on the petition, 16 are not Devonport residents.

A summary of the issues raised and officer comment are outlined in the table below:

Issue	Council Officer's comment
Decreased value land/home for neighbouring properties. Concerns that it may be sold to Housing Department for unit development	There is no evidence to suggest disposing of the land and any subsequent development would devalue neighbouring properties.
Parking concerns in cul-de-sac with increased traffic flow if land is built on	Any proposal for development of the land would be subject to a Development Application at which time future infrastructure needs to cater for increased capacity if necessary would be determined.

Report to Council meeting on 23 October 2017

Removal of gum trees and birdlife	The area to the north contains reserve bushland and as native animals are nomadic and react to their changing environment, it would be likely a natural progression for them to move further along to this reserve.
Loss of a safe and enjoyable recreational area for children	There are a number of reserve areas noted on Council's Public Land Register in this area including: <ul style="list-style-type: none"> • 124 North Street (3.216 hectares) • Coles Beach Foreshore (2.523 hectares) As well as walking tracks associated with the Don Bushland Reserve

COMMUNITY ENGAGEMENT

The proposed disposal of the land at McCabe Avenue was advertised twice in The Advocate and a notice placed on the land as well as on display at the Council offices. Whilst not a statutory requirement, letters were also sent to neighbouring properties advising them of the proposed disposal.

FINANCIAL IMPLICATIONS

The land valuation information provided by the Valuer-General in 2015 identified a land and capital value of \$70,000 for the property.

The sale of the land will reduce operational and maintenance costs (current maintenance cost for this parcel of land is approximately \$1,356 pa), and rate income will be received once the sale of the property is achieved.

A valuer would be engaged to provide a formal valuation should Council wish to proceed with subdividing and selling the land. Legal and valuation costs would be deducted from the proceeds of sale, as well as any real estate agent costs.

An estimate of costs to subdivide the land will be investigated further should Council determine to proceed.

RISK IMPLICATIONS

There is a risk that if Council determines to proceed with the sale that objections will be lodged under Section 178A of the Act with RMPAT.

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

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

CONCLUSION

In accordance with Section 178 of the Act, Council need to formally consider objections received and determine whether to proceed to dispose of the land at McCabe Avenue, Devonport.

Council has two clear options, being to either note the objections but proceed to dispose of the land or determine not to take any further action and retain the land as public open space.

ATTACHMENTS

- [1.](#) Objections received regarding disposal of land in McCabe Avenue

RECOMMENDATION

Option A

That Council receive and note the report in relation to disposal of the property at McCabe Avenue, Devonport and the objectors be advised that Council:

- (a) has considered their objections; and
- (b) does not intend to proceed with the disposal.

OR

Option B

That Council receive and note the report in relation to disposal of the property at McCabe Avenue, Devonport and the objectors be advised that Council:

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

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

25/09/2017

General Manager
Devonport City Council
17 Fenton Way
Devonport 7310

Dear General Manager

Under section 178 of the Local Government Act 1993, we wish to lodge an objection to Council's intention to sell land adjacent to numbers 9 and 10 McCabe Avenue, Devonport.

As the owners of 10 McCabe Avenue, we believe that the loss of public access to this land will have a detrimental effect for the residents of Devonport, specifically McCabe Avenue.

The land is used by residents and visitors alike as a safe and enjoyable space for recreational activities. When we purchased the property in 2008, this space was seen as a safe area in which children can play within close vicinity, without fear of being too far away or being too close to traffic. Without this space, young children particularly will not have a safe area to play and exercise within the area. As adults, this space is used for cycling, running, sports amongst friends and is most definitely a special and valued space for all who live in and around the McCabe Avenue.

Furthermore, we are concerned at the potential for this land to be sold to Housing Tasmania. This may result in house prices devaluing due to this type of development, and will result in a loss of amenity for current resident due to the reduced privacy and additional noise, and traffic that such a development may bring. If the land must be sold, selling to private buyer would assist in keeping with the current scale, bulk, massing and proportion of the street scape.

Thank you for considering our objection to this proposal.

Gavin and Angela Boyd

Karen Hampton

Subject: FW: HPRM: McCabe Avenue matter
Attachments: petition.pdf
Record Number: D493863

Sent: Monday, 25 September 2017 10:19 AM
To: Karen Hampton <KHampton@devonport.tas.gov.au>; council <council@devonport.tas.gov.au>
Subject: HPRM: McCabe Avenue matter

As referred to in my letter objection to the Council's Notice of intention to sell McCabe Avenue park emailed on 12 September, attached is a petition.

I also intend to set up a Facebook page to bring awareness to this issue.

Brad Freeman

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PETITION

TO: DEVONPORT CITY COUNCIL

We refer to the Notice of Intention to Dispose of Land published on 1 September 2017 in respect of the land adjacent to 9 and 10 McCabe Avenue.
We object to the proposed disposal.

Date	Name	Address	Phone Number	Signature
6/9/17	Erica Murrell	112 Wotton St Dev.	0400493682	
13/9/17	BRAD WOOTTON	18-22 HILLCREST ROAD DEVONPORT	0417105277	
13/9/17	Stefan michajlew	141 Cotten St LaTrobe	0407 802 892	
13/9/17	Bryan Seddington	1198 nook road sheffield	0497 855 791	
13/9/17	Matthew Webb	66 stubbs Road Turners Beach	0400 150 00	
13/9/17	Ben Hill	268 Dial RD Penguin	0488 975 011	
13/9/17	Peter Tebey	73 Penamb Drive Devonport	0418134587	
13/9/17	Darren Brooks	154 SHEFFIELD RD Spreyton	0419 519 971	
13/9/17	Kain Mitchell	3 Lindsay PL Devonport	0400247580	
13/9/17	CHRIS JAMES	413 Amherst St West Alverstone	0459128407	
13/9/17	Asley Clark	345 FORTH RD DON	0497017922	
13/9/17	Nigel Simpson	5 Bruford place D'port	0400870520	
13/9/17	Chris Senior	66 Waddle valley Rd Hooia Hills	0400511506	
13/9/17	RICKI HALL	36 Tasmans Street Dport	0427699413	
13/9/17	JOHN FANDREY	82 ALVERSTONE RD ALVERSTONE	0498635884	
13/9/17	JUSTIN FANDREY	19 HILTOP AVE GAWLER	0417509185	

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PETITION

TO: DEVONPORT CITY COUNCIL

We refer to the Notice of Intention to Dispose of Land published on 1 September 2017 in respect of the land adjacent to 9 and 10 McCabe Avenue.
We object to the proposed disposal.

Date	Name	Address	Phone Number	Signature
13-9-17	GLENN TOMLIN	7 BLACKWOOD CRT PORE SORRELL	0417525144	<i>G.R. Tomlin</i>
13-9-17	MIKE WOOTEN	2-5 DORIE CRT SPAREW		<i>MJ Wooten</i>
19.9.17	Marianne Friesman	7 Douglas Ct. Port Sorell	0477771664	<i>M Friesman</i>
20.09.17	Modeline Howel	9 Arnold St	0447342221	<i>M Howel</i>
20/9/17	ALEX COUSINS	1 CLEMENTS STREET DEVOPT	0410 58 3359	<i>A Cousins</i>
20/9/17	Theresa Muffet	11 Victoria St Devonport	0457527787	<i>T Muffet</i>
20/9/17	Ashlee Muffet	11 Victoria St Devonport	0427 703004	<i>A Muffet</i>
20/9/17	Daniel batten	11 victoria st devoport	0489929276	<i>D Batten</i>
20/9/17	Emily mufet	36 North Cordine St EastDev	0450497083	<i>E Muffet</i>
20/9/17	Andrew Mundy	" " " " "	0458497883	<i>A Mundy</i>
22/9/17	Ashton Crowden	36 Tasman St Dev	0438 913 581	<i>A Crowden</i>
22/9/17	Cooper Hail	36 Tasman St Devonport	0427 639 413	<i>C Hail</i>
22/9/17	MAX FREE MAN	112 WATKINSON ST DEVONPORT	0424243040	<i>M Free Man</i>

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PETITION

TO: DEVONPORT CITY COUNCIL

We refer to the Notice of Intention to Dispose of Land published on 1 September 2017 in respect of the land adjacent to 9 and 10 McCabe Avenue.
We object to the proposed disposal.

Date	Name	Address	Phone Number	Signature
21/9/17	Dimitry Smith	Sorell Street Devonport	0419 918 795	<i>[Signature]</i>
21/9/17	Phirsta Brann	3 Ewington Way	04777 48449	<i>[Signature]</i>
21/9/17	Helen Tarr	Hilltop AVE.	0448147963	<i>[Signature]</i>
21.9.17	Dardene Lee	31 Allambie Cress	0428302332	<i>[Signature]</i>
21.9.17	Samantha White	114 Watkinson Street	0455988128	<i>[Signature]</i>
21.9.17	Alexandra Stobl	3159 Best street	0487695253	<i>[Signature]</i>
21.9.17	LEE-ANNIE WARD	98 WOIWORA ROAD	0402172821	<i>[Signature]</i>
21.9.17	Kittiyg Fulver	64 Collins ST	0439117716	<i>[Signature]</i>
21.9.17	Vonessa Dennis	26 Eagle Ridge Road Spreydon	0499088600	<i>[Signature]</i>
22.9.17	Anie Lawren.	16 Georgiana St D.	0467288829	<i>[Signature]</i>
22.9.17	Rachel Norris	127 Stony LSE	0409075234	<i>[Signature]</i>

13 TOTAL

General Manager, Devonport City Council

We would like to strongly object to the council's recent intention to dispose of the land situated between 9 and 10 McCabe Avenue, more commonly known to local residents as 'the park'.

This area has been used by local residents for many varying activities over the years, from the time of having council play equipment installed and still just as much after its removal several years ago. It has always been a safe and comforting area for resident children to play with siblings and other neighbourhood children and for some long-term residents, their grandchildren can now enjoy the same benefits. The park has most definitely been a major deciding factor in purchasing property within the area and is one of the first comments made when speaking with new residents about their decision to purchase. So, obviously, this area plays a huge role in the Council's decision to dispose of the park as it is sure to affect any future property sales, both in sale value and desirability to the neighbourhood.

Despite being unaware of Council's reasoning behind the disposal of this land, we can only assume it is for the short-term financial benefits associated with the sale and decreased maintenance costs. Furthermore, we residents are concerned about whether the sale of this land breaches the requirement for developed areas to conserve a designated 'green area' for public use. If the McCabe Avenue area was a new subdivision, preserving a space such as the park would be compulsory, yet Council is moving to sell and render the region void of such land. Anybody purchasing property in any newly developed subdivision with a green area would assume this land will remain as is and would not be sold by Council in the future.

As is the case with most cul-de-sacs, you do get a bottle-neck effect as the natural layout gets to the turning-circle part of the cul-de-sac, and McCabe Avenue is not any different. Currently, street parking out the front of houses 9 and 10 makes turning problematic as it blocks the turning-circle of the court, and these residents and their visitors are often forced to park out the front of houses further down the street. Council planning shows two proposed blocks for the park area and states it will preserve the existing walkway, which will most likely have to be altered centrally to provide driveway access to each block. Therefore, no street parking will be available whatsoever for these planned blocks. Given the prospective sizes of the blocks, development of units on the land is highly probable and would, therefore, substantially worsen the already poor parking situation. Comparable to this scenario is the disordered parking situation and reduced traffic flow identifiable at the units at the Eastern end of McCabe Avenue, despite the fact that these units are located at the open end of the court.

As concerned residents, we hope Council sees reason to leave this park as it is and has always been: a much valued and treasured asset to our neighbourhood.

All correspondence can be sent to Chris Denholm, 11 McCabe Avenue, Devonport 7310

Email: chrisdenholm@outlook.com | Phone: 0419 465 336

I/we CHRIS & LISA DENHOLM (name)

of 11 McCABE AVENUE (address)

26 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: Chris & Lisa Denholm

ROGER J. WILKINSON
I/we ELIZABETH J HALL (name)
of 8 MCCABE AVE DEVONPORT (address)
45 ESTH. (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: *E J Hall*
R J Wilkinson

I/we Annette & Michael Charleston (name)

of 4 McCabe Av (address)

24 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: A Charleston


I/we LESLIE ROY BOUTCHER (name)

of 9 MCCABE AVE (address)

1988 2017 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: LR Boucher

I/we Rachel Hutchins (name)

of 10 McCabe Ave (address)

2 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: R

I/we Ben and Asten Rawlings (name)

of 115 Nixon street Devonport (address)

11½ (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: _____



I/we Terence Evans (name)

of 3 McCabe Avenue (address)

47 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: T. V. Evans

I/we Tracey Evans (name)

of 15 McCabe Avenue (address)

47 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: Tracey Evans

I/we Keith and Jennifer Snell (name)

of 3 Karana Avenue, Miandetta (address)

14 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: 

Our 4 children, over the last eighteen years, and now, are still using this park as a safe haven to play while visiting our friends in McCabe Avenue. This is a highlight of our visit.

Everybody in Devonport pay rates to keep these areas for our children, grandchildren and residents to use as a safe haven.

With Regards,



I/we DEAN MILLIKIN & BETH SMITH (name)

of 183 NICHOLLS ST DEVONPORT (address)

8 PLUS (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

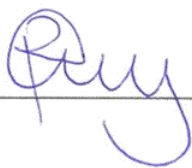
Signed: BSmice of mill

I/we RUTH ELLEN GRAY (name)

of 6 MCCABE AVENUE, DEVONPORT (address)

21 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: 

I/we MARK DAVID SHERRIFF (name)

of 5 McCABE AVE DEVONPORT (address)

38 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed:  _____

I/we Joshua & Belinda Fisher (name)

of 12 McCabe Avenue (address)

9 (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: Belinda Fisher

I/we Maree Leedham (name)

of 181 Nicholls Street, Devonport. (address)

1. (years at this address)

wish to object to the disposal, as intended by Council, of the park land at the end of McCabe Avenue (between house numbers 9 and 10).

Signed: 

I have recently signed a lease at the above mentioned address. I live in the home with my four year old twins. I grew up in 13 McCabe Avenue and my parents still live in that home. My parents and I often play in the park area with my children and I have fond memories of playing there myself as a child.

I object to the proposed development of the area for housing and respectfully request that the space be utilised once again as a playground area for the children / grand children of local residents.

Kind Regards

Maree Leedham



Karen Hampton

From: Jenny111 <brett.barb@gmail.com>
Sent: Wednesday, 20 September 2017 6:46 PM
To: council
Subject: File 33903

Dear Sir. As property owners (181 Nicholls St) we would like to object most strongly to the sale of public land at McCabe Avenue .This land is adjacent to our back fence.

Parks and open spaces are what makes Tasmanian towns unique and pleasant places to live.Turning open spaces into development projects is a step back in time and just not necessary.Devonport should be a leader in modern planning and development.

Yours Sincerely. Brett and Barbara Eggleston
ph. 03 64255124

18/09/2017 D492825

13 mccabe Avenue
Devonport 7310
18th September 2017

The General Manager
Devonport City Council

As long time residents of McCabe avenue Devonport we would like to voice our opposition to the conversion of public land at the end of our cul-de-sac to building blocks.

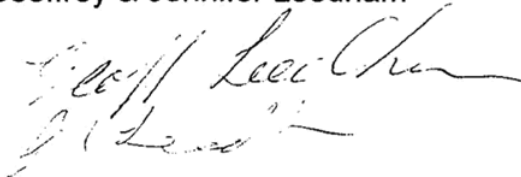
We have used the park for forty plus years, playing there with our children, even after the playground equipment was removed and now with our grandchildren two of whom have a house adjoining the park. These ever active four year olds love the area especially the big trees which we assume would need to be removed.

One should not always assume the worst but when we saw Wilson Homes looking at the land several weeks ago we wondered what was in the wind.

If the land must be sold by council I hope we all have a chance to buy the blocks, or is the sale already concluded and the notice at the end of our street is only rhetoric.

The park has been a major point for people buying houses in the area and extra housing at the end of avenue is not going to help with traffic flow and parking.

Geoffrey & Jennifer Leedham



15/09/2017 D492621

14 September 2017

File 33903

Paul West
Devonport City Council
PO Box 604
DEVONPORT TAS 7310

Dear Paul

NOTICE OF INTENTION TO DISPOSE OF PUBLIC LAND – MCCABE AVENUE, DEVONPORT

Thank you for your correspondence regarding Council's intention to dispose of public land at McCabe Avenue, Devonport.

I wish to object to the disposal of the public land at McCabe Avenue on the grounds that the decision of Council is not in the public's interest.

In accordance with Section 178 of the Local Government Act 1993

- a) The community may suffer undue hardship due to the loss of access to, and the use of public land

The public land at McCabe Avenue is regularly used by local children as well as students of Don College for recreational activities. Removal of this land would result in hardship to the mental and physical wellbeing of the local community.

- b) There isn't a similar facility available to the users of the facility.

There isn't a similar facility available close by that has a similar size, space, level block, security and accessibility to locals that McCabe Public land offers.

McCabe Avenue Public Space provides mutual benefits for the Council and the community. It has been enjoyed and utilised for over twenty years to lose this space would be detrimental to the community.

I appreciate Council considering the public's interests before considering disposal of this Public Land.

Yours faithfully



Donna Appleby
106 Watkinson Street
DEVONPORT TAS 7310

Bradley Freeman
112 Watkinson Street
DEVONPORT TAS 7310

Phone: 0458 533 441

Email: erica@live.com.au

11 September 2017

General Manager
Devonport City Council
PO Box 604
DEVONPORT TAS 7310

VIA EMAIL council@devonport.tas.gov.au

Re: Intention to Dispose of Land – McCabe Avenue

I refer to the Notice of Intention to Dispose of Land published on 1 September 2017 in respect of the land adjacent to 9 and 10 McCabe Avenue.

I object to the proposed disposal.

The reserve in McCabe Avenue is able to be accessed via a gate at the rear of my property at 112 Watkinson Street, Devonport. I live at my property with my partner of 7 years, and our almost two year old son. My family often use the reserve for recreational activities, such as cricket, football, and for our son to ride his bike.

The Council reserve at the rear of my property weighed heavily into my decision to purchase my property in 2006. I was drawn to the idea that my family and neighbours in the area would have a common space to gather for recreational activities. I believe that disposing of this land with the intention to subdivide it, is not in the public's interest as there is no similar facility nearby available for use for the same purpose. The schools in vicinity to our residence are not public common land, nor are they available 365 days a year.

Our blocks are quite small, the use of the reserve is so beneficial to my son growing up, and to the other neighbourhood children. Some of those children live in a unit block which is located on the corners of McCabe Avenue, Nixon Street and Madden Street. Those children have no outdoor space to play at all other than the reserve.

The land at McCabe Avenue that the Council intends to dispose of and/or subdivide has on it a number of large trees, particularly gum trees. These trees are the home to a number of birds throughout different times of the year, particularly Kookaburras, as well as possums. The land is also used by wallabies to graze throughout the night, and is also used by "masked lapwings" (plovers) for nesting. It is my understanding that masked lapwings are a protected wildlife under *Schedule 1, Part 4* of the *Wildlife (General) Regulations 2010*. The wildlife, flora and fauna in the area have already intrigued my son, and I am sure that the educational value of him living in such close proximity to nature is priceless (he can see the Kookaburras in the trees from his bedroom window).

I am concerned as to how the land will be used if it is disposed of. I feel that the loss of the public open space will have a negative impact on the value of my property, and surrounding properties.

I am also concerned that whilst the Council states in the Notice of Intention to Dispose of Property that the pathway currently located on the land will be maintained, this cannot be guaranteed.

I have spoken with other residents of the Devonport community who have used the reserve at McCabe Avenue or who just believe that the land should not be disposed of and retained for the use of the community. These people have agreed to sign a petition which I intend to forward to the Council in due course.

As stated above, I object to the disposal of this land and am very passionate that it should remain in its existing use.

If you require any further information please let me know.

Regards

Brad Freeman

5.4 CODE FOR TENDERS AND CONTRACTS

File: 17652 D495737

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

To adopt proposed amendments to Council's Code for Tenders and Contracts to ensure compliance with the *Public Interest Disclosures Act 2002*.

BACKGROUND

The main objective of the *Public Interest Disclosures Act 2002* ("PID Act") is to encourage and facilitate the making of disclosures of improper conduct (or detrimental action) by public officers and public bodies. The Act specifically includes local government in its definitions of "public body" and "public officer" and therefore applies to all councils.

At the September meeting of the Governance, Finance and Community Services Committee, an updated PID Act Procedures Manual was recommended for adoption by Council and subsequently endorsed at the September Council meeting.

As part of the Ombudsman's review, he determined that there needed to be a greater emphasis on contractors and that advice be readily available to them regarding their rights under the PID Act.

The Ombudsman letter to Council stated as follows:

"While revising the model procedures I formed the view that this review would be a positive opportunity to consider what action (if any) public bodies are taking to actively inform contractors of their right to make a disclosure to the Ombudsman or the Integrity Commission."

STATUTORY REQUIREMENTS

Council, as a "public body", as referred to in the *Public Interest Disclosures Act 2002*, is required to comply with its statutory obligations under the Act.

Section 333A of the *Local Government Act, 1993*, sets out Council's requirements regarding the calling of tenders. The revised Code for Tenders and Contracts meets all requirements of this Section of the Act.

DISCUSSION

Based on the Ombudsman's advice, a review was undertaken of tender documents as well as Council's *Code for Tenders and Contracts*. It was determined that Section 10 "Complaints Process" be updated to refer to the PID Act and contact details for Ombudsman and Integrity Commission be included.

The changes to the Code are detailed below however a full version of the revised Code is attached to this report. The changes are highlighted on page 14 of the attachment and have been approved by the Ombudsman insofar as it relates to the PID Act.

If a complainant is not able to satisfactorily resolve the issues of concern with the Council directly, complainants may make disclosures of 'improper conduct' by public officers and public bodies (Council) in accordance with the *Public Interest Disclosures Act 2002*. Such disclosures can be made directly to the Ombudsman or the Integrity Commission (refer to details below).

Clause 6.3 of the Public Interest Disclosures Model Procedures Manual deals specifically with Contractors, and Clause 6.1 details the right to make a disclosure. Further information on making of disclosures is located on Council's website - <http://www.devonport.tas.gov.au/Council/Council-Policies - Public Interest Disclosures Act>.

Contact details:

The Ombudsman, GPO Box 960, Hobart TAS 7001 www.ombudsman.tas.gov.au
Tasmanian Integrity Commission, GPO Box 822, Hobart TAS 7001 www.integrity.tas.gov.au

In order to amend the Code to meet the Ombudsman's request, it was determined to make the relevant changes now with a full review of the Code to be undertaken in accordance with its statutory review period of every 4 years. This will be undertaken following Council elections in 2018.

COMMUNITY ENGAGEMENT

No community consultation has been undertaken in respect of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

- Political/Governance
Updating the Code for Tenders and Contracts ensures good governance and adherence to best practice as determined by the Ombudsman's office in its latest review of the PID Act.

CONCLUSION

The revised Code for Tenders and Contracts is attached for consideration by Council. It has been revised to reflect issues which were highlighted by the Ombudsman's office and also takes into account revised governance practices around the awarding of tenders and contracts.

The additions made to the Code for Tenders and Contracts are in accordance with the Ombudsman's recommendations.

ATTACHMENTS

- [1.](#) Code for Contracts and Tenders - revised October 2017

RECOMMENDATION

That Council adopt the revised Code for Tenders and Contracts with immediate effect.

Author:	Karen Hampton	Endorsed By:	Matthew Atkins
Position:	Governance Coordinator	Position:	Deputy General Manager



Code for Tenders and Contracts



The City with Spirit

Adopted 20 October 2014

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1 Introduction

The purpose of this Code for Tenders and Contracts ('the Code'), is to provide a policy framework on best practice Tendering and Procurement methods in line with the legislative requirements of the *Local Government Act 1993* ('the Act') and the *Local Government (General) Regulations 2005* (or successor legislation) ('the Regulations').

With this Code, Council aims to achieve the Tendering principles of:

- open and effective competition;
- value for money;
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

This Code:

- is consistent with the Act and the Regulations; and
- includes procedures and guidelines for any prescribed matter.

As a measure of accountability and transparency, the General Manager will:

- make a copy of this Code (and any amendments) available for public inspection at Council's offices during ordinary office hours; and
- provide a copy of this Code to any interested party free of charge; and
- publish a copy of this Code on Council's website.

The Act and Regulations require Council to invite Tenders for any Contract it intends to enter into for the supply or provision of goods or services valued at or above the legislated prescribed amount in the Regulations. In accordance with the Regulations, Council will invite Tenders by one of the following means:

- (i) an open Tender process;
- (ii) a Multiple-Use Register (refer Section 3.7); or
- (iii) a Multiple-Stage Tender (refer Section 3.8).

There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 4 of this document.

This Code applies to the Devonport City Council and its management of Tenders and Contracts. Some operational matters in this Code will be managed by the General Manager or other authorised Council Officers under formal delegation.

2 Definitions

In this Code the following words have the following meanings:

Code – refers to this Code for Tenders and Contracts.

Conditions of Tendering – means the documents referred to in Section 6.

Contractor – a person or organisation, external to Council, engaged under a Contract for services (other than as an employee) to provide specified goods or services.

Contract – a Contract is an obligation, such as an accepted offer, between competent parties with consideration to do some act.

Expression of Interest – a submission to Council either by a publicly advertised invitation process or by direct request.

Invitation for Quotations – a process used to secure Contracts for goods or services

Multiple-Stage Tender – a process that allows for a staged assessment of the market to be made in terms of the capabilities of potential suppliers and the goods and services that are available to satisfy the requirement, before a final Tender stage is undertaken with selected suppliers.

Multiple-Use Register – a register of suppliers who, in response to an Expression of Interest, meet criteria established by Council in respect of the supply of goods or services.

Procurement – the entire process by which all goods and services are obtained by Council, and includes all planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.

Probity – is a risk management approach to ensuring procedural integrity.

Probity Advisor – a Probity Advisor is a person who provides advice on Probity issues before, during and after the Tender process and contracting to ensure the process is, or has been, fair and in accordance with legislative and other requirements. Probity Advisors would only be engaged at the General Manager's discretion.

Public Tender Process – a process where any party that can meet the requirements of the Tender has the opportunity to submit a Tender Response.

Tender – a document inviting offers from interested parties capable of providing specified goods or services valued over the legislated prescribed amount in the Regulations or when determined appropriate by the General Manager.

Tender Planning and Evaluation Committee – a committee established to oversee and manage the process of scoping, evaluating, selecting and managing tenders and related contracts.

Tender Response – an offer that is submitted in response to a Tender for goods or services valued over the legislated prescribed amount in the Regulations or when determined appropriate by the General Manager.

3 Tendering Principles

This Code has been developed as a set of guidelines that Council will follow in order to comply with the tendering requirements under the Act. The following provides a brief definition of each principle and what it means in practice to Council.

3.1 Open and effective competition

Ensuring that the tender process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- use transparent tender processes which potential contractors, suppliers and the public can have confidence in;
- test the market by pre-determined and clear unbiased specifications and processes;
- establish and maintain procedures to ensure that fair and equitable consideration is given to all tender responses received;
- establish and maintain procedures to ensure a prompt and courteous responses to all reasonable requests for advice and information from potential or existing tenderers;
- establish and maintain procedures to ensure that all potential tenderers are provided with the same information relating to each tender, and are given an equal opportunity to meet the tender requirements;
- treat all suppliers of goods and services consistently and equitably;
- Council will endeavour not to amend the terms of a tender during the period that the tender is open, however, if it is necessary for Council to make an alteration to the terms of a tender, the alteration will be made by addendum and forwarded to prospective tenderers. In order to do this, Council will record details of all parties provided with tender documentation;
- apply reasonable and uniform tender evaluation criteria for the assessment and consideration of tenders. Unless otherwise specified in the tender documentation, the following tender evaluation criteria will be used as the basis of tender evaluation criteria in the assessment of tender responses:
 - Cost of goods or services;
 - Experience, capability and resources of the tenderer to best meet the tender requirements;
 - Quality systems in place and compliance with statutory requirements if relevant;
 - Provision of services to best meet the tender requirements;
 - Workplace health and safety requirements (including requirements of relevant Acts, Regulations, Standards, Codes of Practice and Council policies and procedures; and
 - Evidence of required insurance policies, and financial security, where required.

- wherever applicable in tenders, include in the evaluation criteria that Council will consider the acceptance of alternative tenders provided that they achieve the outcomes specified in the tender invitation.

3.2 Value for money

Achieving the required outcome at the best possible price.

In practice this means that Council will consider:

- the value of the acquisition and potential benefits against the costs of that purchase;
- an assessment of risks associated with the purchase including the preferred procurement method;
- how well goods or services meet needs;
- maintenance and running costs over the lifetime of a product;
- disposal value;
- time constraints;
- the impact of the procurement decision on the local economy, such as through industry development and employment creation;
- The impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel).

3.3 Enhancement of the capabilities of local business and industry

Ensuring that local businesses that wish to do business with Council are given the opportunity to do so.

In practice this means that Council will:

- wherever possible, develop the tender evaluation criteria to ensure local businesses have the same opportunities as all other respondents to tender for goods or services;
- at a minimum, always advertise each tender locally in a newspaper circulating in the area and when considered appropriate, advertisement nationally will occur;
- make tender documentation available on request at Council offices or via mail or email;
- ensure that sufficient time has been provided to allow prospective tenderers to prepare an adequate response when inviting tenders. At a minimum, tenders will be open for a period not less than 14 days.

3.4 Ethical behaviour and fair dealing

Ensuring all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.

In practice this means that Council will:

- be fully accountable for the tendering practices that it uses and the decisions it makes;
- ensure that decisions are not influenced by self-interest or personal gain;
- establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers;
- identify and deal with any conflicts of interest identified; and
- ensure that all tendering is undertaken in accordance with this Code and Council policies.

3.5 Open Tender

Council will utilise the procedures in the Regulations and this Code for conducting its tenders process. Tender responses will be opened in private by two Council officers and the name of the prospective tenderer and the tender price, where appropriate, will be recorded in Council's electronic records management system.

Tender responses will be either opened manually at the designated closing time or through a suitable, secure electronic tendering system.

3.6 Standing Tenders

From time to time Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

Evaluation of standing tenders will be undertaken in the same manner as ordinary tenders.

3.7 Multiple-Use Register

From time to time Council may utilise a Multiple-Use Register process to establish a register of suppliers that Council may use more than once. Council's policy is that the Multiple-Use Register will be divided into three main value categories namely:

1. Category 1 - small scale supply of goods and services valued at less than \$50,000 (excluding GST).
2. Category 2 – supply of goods and services of large scale or specific professional consultancies usually in excess of \$50,000 (excluding GST) but less than the prescribed amount in the Regulations.
3. Category 3 – supply of goods and services in excess of the prescribed limits in the Regulations.

If it is determined that such a register is to be established, Council will invite Expressions of Interest from prospective suppliers for inclusion on the register.

All prospective suppliers who have sought to be included on the register will be advised of the results of their submission.

Based on established evaluation criteria, Council may accept or reject a submission for inclusion on the Multiple-Use Register. If a submission is rejected, Council will advise the reasons for that rejection as soon as practicable.

Council will allow any supplier to apply for inclusion on an established Multiple-Use Register at any time, unless the supplier has made an application within the previous twelve months that has not been accepted. Applicants will be assessed on the original evaluation criteria for that register.

For all Category 2 and 3 goods and services, Council will invite all successful applicants that are registered (unless this is not practical in the circumstances) to quote for the provision of the required goods and services.

All successful applicants that are registered in the Multi Use Register for the relevant category of those goods and services will be invited.

Council will review each Multiple-Use Register and readvertise its invitation for service providers and suppliers to be included on Council's Multi Use Registers at least once every two years.

3.8 Multiple-Stage Tenders

A multiple-stage tender process may be used from time to time in cases where it is considered appropriate to:

- gain market knowledge and clarify the capability of potential contractors;
- obtain industry input into specific proposals which are proposed from time to time; and
- pre-qualify respondents for the following stage of this type of tender process.

Multiple-stage tenders will follow the processes set out in the Regulations that Council is required to follow. The main stages in the process are:

3.8.1 Expression of Interest

An expression of interest (sometimes called a registration of interest) will be used to shortlist potential suppliers before the formal tender stage is commenced. Suppliers will be short-listed based on the evaluation criteria set out in the expression of interest. This will be based on the principles of open and effective competition and value for money as set out in sections 3.1 and 3.2 of this Code. Evaluation will also include such matters as the experience, capability, resources, technical, managerial and financial capacity of respondents, and the methodology that will be implemented to best achieve the contract requirements. Other specific evaluation criteria may be included in the tender documentation when applicable.

By proceeding through this initial Expression of Interest stage, opportunities for the reduction in the overall costs of the tendering process may be achieved because this first stage will limit the "Request for Tender" to those respondents who have been assessed as best meeting the evaluation criteria.

3.8.2 Request for Tender

At the completion of stage one, (expression of interest phase), short-listed respondents will be formally invited to tender.

3.9 Strategic Alliances

Rather than traditional tendering processes, Council may choose to procure goods and or services through contract arrangements already established and administered by other organisations, including:

- Local Government Association of Tasmania (LGAT) through the National Procurement Network
- State Government Contracts and
- any other purchasing group of which Council is a member.

4 Exemptions

The Regulations detail the tender requirements for goods and services valued in excess of the legislated prescribed amount in the Regulations. Council may not issue a tender or use a quotation process where the goods and services sought relate to:

- (a) an emergency if there is insufficient time to invite tenders for the goods or services required to adequately respond to the emergency;
- (b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or the Commonwealth;
- (c) a contract for goods or services supplied or provided by another Council, a single authority, a joint authority or the Local Government Association of Tasmania;
- (d) a contract for goods or services obtained as a result of a tender process conducted by another Council, a single authority, a joint authority, the Local Government Association of Tasmania, or any other local government association in this State or in another State or Territory;
- (e) a contract for goods or services in respect of which a Council is exempted under another Act from the requirement to invite a tender;
- (f) a contract for goods or services that is entered into at public auction;
- (g) a contract for insurance entered into through a broker;
- (h) a contract arising when a Council is directed to acquire goods or services due to a claim made under a contract of insurance;
- (i) a contract for goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –
 - (i) extenuating circumstances; or
 - (ii) remoteness of the locality; or
 - (iii) the unavailability of competitive or reliable tenderers; or
- (j) a contract of employment with a person as an employee of the Council.

5 Tender Planning and Evaluation Committee

A Tender Planning and Evaluation Committee will be formed to oversee and manage processes for the scoping, evaluation, selection and management of tenders and related contracts, prior to tender documents being finalised. A Committee will be formed for every tender with the composition of the Committee to be approved by the General Manager.

Tender Planning and Evaluation Committees will include persons with relevant background and experience required for the particular project, and may include external consultants to provide expert input. Tender Planning and Evaluation Committees will usually consist of three members with at least one person appointed with accounting experience and qualifications.

All Tender Planning and Evaluation Committee meetings will have an agenda item regarding declarations/conflicts of interest.

Outcomes of all Tender Planning and Evaluation Committee meetings will be formally minuted and these minutes are to form the basis of the Tender Report to Council for projects over the legislated prescribed amount in the Regulations or to the General Manager for projects under the legislated prescribed amount.

If a conflict of interest is identified and/or perceived, full disclosure is to be made to the General Manager who will then determine whether the conflict of interest would likely influence the tender outcome. The General Manager may remove a person from the Committee if deemed necessary.

The Tender Planning and Evaluation Committee will review and consider the following aspects of a tender:

- the tender and evaluation process adopted;
- critical dates (e.g. when the contract is to start, when the current contract is due to expire, critical project milestones, expenditure constraints etc.);
- a certification by the officer responsible for managing the tender process, verifying conformity with relevant Council policies and guidelines; and
- any other relevant issues or information, such as a Probity Advisor's report.

When references checks are undertaken, a set of questions will be developed by the Tender Planning and Evaluation Committee and utilised when conducting the checks. The results will be compiled by the Tender Planning and Evaluation Committee as part of the overall Tender Report.

The Australian Standard Code of Tendering AS 4120-1994 and this Code underpins the way in which Council will manage its tender processes.

6 Conditions of Tendering

The Conditions of Tendering form the basis on which prospective Tenderers are to submit their Tender Responses. The procedures for these matters, if not already covered by this Code, are to be set out in the Conditions of Tendering and Form of Tender which generally forms Part 2 of the Tender.

The Conditions of Tendering will include the following:-

- details of the goods or services required;
- details of the duration of the contract, including any extensions that are specified in the contract;
- the criteria for evaluating tenders;
- the method of evaluating tenders against the evaluation criteria;
- any mandatory tender specifications and contract conditions; and
- a reference to Council's Code for Tenders and Contracts.

The Conditions of Tendering may be changed or modified from time to time to give effect to this Code's requirements, the requirements of the Act and Regulations, and to reflect any necessary operational changes and requirements that are necessary.

Any changes to the Conditions of Tendering are to be consistent and in accordance with this Code, the Act and Regulations.

7 Use of Probity Advisors

Council will engage the service of Probity Advisors where the nature of the tender warrants particular sensitivity to due process. For example, where Council is seeking tenders for large and complex developments that may involve joint venture proposals, or where the contractual engagement is for extended periods.

8 Acceptance of Tenders

Late tender responses will not be accepted.

A tender response that does not comply with the Conditions of Tendering may be rejected and excluded from Council's tender evaluation process.

Any tender response provided that does not fully comply with the mandatory evaluation criteria set out in the tender will be regarded as non-conforming and will not be considered or evaluated further.

All tender responses conforming with the mandatory requirements will be further assessed as to compliance with other evaluation criteria and where they do not meet these other criteria, may be excluded from further evaluation.

Tender responses that do not comply with other evaluation criteria in the following circumstances will be excluded:

- if the variation is of a nature that cannot be met by a simple request for information or clarification or where this further information is sought and not provided; or
- does not respond directly to the purpose or suggests alternative solutions to that sought in the tender and has not been allowed for in the evaluation criteria meaning that other prospective tenderers have not been given the opportunity to consider.

The tender assessment report will provide for the:

- results of each tender submission against the evaluation criteria established; and
- advice and recommendations concerning the acceptance or rejection of tender responses based on the evaluation undertaken.

Any decision by Council to award a tender to a tenderer other than the recommended tenderer will need to be supported by written reasons.

9 Debriefing unsuccessful tenderers

Council will provide a debriefing interview to any unsuccessful tenderer who requests one. The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which each tenderer's offer could be improved.

At the interview, discussions will centre on how the unsuccessful tender performed with respect to the evaluation criteria.

During this interview, the following will NOT happen:

- comparisons between the unsuccessful tenderer's offer and the successful, or any other, offer; or
- the debriefing interview being used to justify the selection of the successful tenderer.

The debriefing will include at least one member from the Tender Planning and Evaluation Committee.

Council will document the proceedings of each debriefing interview in writing, including:

- attendees;
- the information provided to the unsuccessful tenderer;
- any issues arising;
- the details of any information that was requested, but not disclosed due to commercial in confidence or other considerations; and
- any other issues.

Where a multiple-stage tender process is used in which expressions of interest are used to shortlist, respondents not short-listed may be offered a debriefing interview, in a similar way to unsuccessful tenderers.

10 Complaints Process

Councils are provided with broad competency powers under the Act to carry out their functions and powers and to procure works or services.

The Act also includes accountability measures under which Councils can be held responsible for their actions and decisions taken when carrying out their functions and exercising their powers.

Information regarding Council's formal complaint resolution process is set out in Council's Customer Service Charter.

In the first instance, complainants are encouraged to seek resolution of their complaint by contacting the Council representative who managed the tender to which the complaint relates.

If a complainant is not able to satisfactorily resolve the issues of concern with the Council directly, complainants may make disclosures of 'improper conduct' by public officers and public bodies (Council) in accordance with the *Public Interest Disclosures Act 2002*. Such disclosures can be made directly to the Ombudsman or the Integrity Commission (refer to details below).

Clause 6.3 of the Public Interest Disclosures Model Procedures Manual deals specifically with Contractors, and Clause 6.1 details the right to make a disclosure. Further information on making of disclosures is located on Council's website - [http://www.devonport.tas.gov.au/Council/Council-Policies - Public Interest Disclosures Act](http://www.devonport.tas.gov.au/Council/Council-Policies-Public-Interest-Disclosures-Act).

Contact details:

The Ombudsman, GPO Box 960, Hobart TAS 7001 www.ombudsman.tas.gov.au
Tasmanian Integrity Commission, GPO Box 822, Hobart TAS 7001 www.integrity.tas.gov.au

11 Reporting Procedures

Council is obliged to report at a minimum on a series of procurement matters.

Council will report in its Annual Report details of any contract entered into during the year for the supply or provision of goods and or services valued at or above the legislated prescribed amount in the Regulations.

Contract Extension:

Council will report in its Annual Report, the details of any extension of a contract where Council agreed to extend a contract by an absolute majority and the pre-existing contract did not specify extensions.



Details that will be reported at a minimum are:

1. A description of the contract;
2. The period of the contract;
3. The periods of any options for extending the contract;
4. The value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
5. The business name of the successful contractor; and
6. The business address of the successful contractor.

Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied.

12 Review of Tender Process

The General Manager, or an Executive Manager authorised to do so by the General Manager, will ensure the effective operation of the Code by ensuring each Tender process will be subject to control verifications during the pre-advertisement and pre-decision making periods, and before any contract is signed.

13 Review of Code

Council will formally review this Code at least every four years.

5.5 TENDER REPORT - DEMOLITION OF FORMER MATERNITY HOSPITAL 169 STEELE STREET

File: 34598 D496487

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.5.1 Work in partnership with industry and government to pursue opportunities which address impediments and foster economic development in the area

SUMMARY

This report seeks Council's approval to award Contract 1316 for the Demolition of the Former Maternity Hospital at 169 Steele Street to Mendelssohn Construction Pty Ltd.

BACKGROUND

This report considers tenders received for the "Demolition of former Maternity Hospital 169 Steele Street" which were called following Council's decision at a special Council meeting held on 7 August 2017 to purchase the property.

In 1960 the Department of Public Works Tasmania commenced construction of the Devonport Maternity Hospital at 169 Steele Street. After many years of service, the hospital was decommissioned in the late 1980's.

The property was sold by the State Government in 1994 and was subsequently sub-divided at some stage into smaller lots. In later years, 12 residential accommodation units on the ground floor were established and occupied until vacated in the mid 2000's and the property has been dormant ever since.

In 2011, a building permit was issued to the then owner, Portside Development Pty Ltd who undertook part demolition and asbestos removal at the site. This included removal of all loose and accessible fixed asbestos. At the completion of works, the site was inspected by the appointed building surveyor and a certificate of final inspection was issued.

Although a large amount of asbestos was removed in 2011, there remains a substantial amount of fixed asbestos on the site primarily under the ground floor slab.

In August 2017, a pre-demolition HAZMAT (hazardous materials) survey was completed by ES&D environmental service and design which listed all identifiable HAZMAT materials within the site.

Asbestos containing materials were located in the void formers of the ground floor slab (photo 1), insulation within fire doors (photo 2) and brake shoe linings of the lift motor brakes (photo 3).

Polychlorinated biphenyl's (PCB's) was identified in the capacitors of fluorescent lights on the second level and suspected within one light fitting on the ground level.

Asbestos containing materials and PCB's will need to be removed as part of the demolition process. There is approximately 1,000m² of ground floor concrete slabs with void formers (see photo below).



Photo 1 – ground floor void formers



Photo 2 - brake shoe linings



Photo 3 – fire doors

In September 2017, Council purchased the site with agreement from the State Government that a grant of up to \$950,000 will be provided to cover the cost of demolition and returning the property to a greenfield site.

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

Tenders for demolition were publicly advertised on 26 August 2017 and closed on 3 October 2017. 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 eight companies, with a wide range in price. Six tenders received were conforming and two tenders were non-conforming as summarised in table 1. The non-conforming tenders did not provide a trade breakdown schedule.

TABLE 1

No.	Tenderer	Status	Tender Price (ex GST)
1	Mendelssohn Construction Pty Ltd	Conforming	\$ 519,070.70
2	CMA Contracting Pty Ltd	Conforming	\$1,010,600.00
3	Fairbrother Pty Ltd	Conforming	\$ 877,316.00
4	Hazell Bros Group Pty Ltd	Conforming	\$ 738,591.19
5	Liberty Industrial Pty Ltd	Conforming	\$ 640,750.00
6	BridgePro Engineering Pty Ltd	Non-Conforming	\$1,085,500.00
7	Spectran Contracting Pty Ltd	Non-Conforming	\$ 972,315.00
8	Oliver Kelly Construction Pty Ltd	Conforming	\$1,417,713.00

At the time of tender the quantity of asbestos void formers in the ground floor slab was estimated to be two thirds of the south wing slab which equates to approximately 470m².

As part of the tender, all contractors were asked to provide a rate per m² for any additional floor slabs with asbestos void formers.

Since the close of tenders, a further onsite survey and investigation of the ground floor slabs has confirmed there is additional asbestos void formers in the northern ground floor concrete slab. The exact quantity is unable to be confirmed, however best estimates are in the order of 672m². Based on this information a further assessment of cost to remove and dispose of additional asbestos has been calculated using the tendered rates received and are summarised in table 2.

TABLE 2

No.	Tenderer	m ² rate	Additional m ²	Additional removal	Tender plus additional removal
1	Mendelssohn Construction Pty Ltd	\$321	672	\$215,712.00	\$734,782.70
2	CMA Contracting Pty Ltd	\$595	672	\$399,840.00	\$1,410,440.00
3	Fairbrother Pty Ltd	\$535	672	\$359,520.00	\$1,236,836.00
4	Hazell Bros Group Pty Ltd	\$235	672	\$157,920.00	\$896,511.19
5	Liberty Industrial Pty Ltd	\$197	672	\$132,384.00	\$773,134.00
6	BridgePro Engineering Pty Ltd	Not provided	672	-	-
7	Spectran Contracting Pty Ltd	Not provided	672	-	-
8	Oliver Kelly Construction Pty Ltd	\$1332	672	\$895,104.00	\$2,312,817.00

As highlighted in the above tables Mendelssohn Construction Pty Ltd tender of \$519,070.70 plus the additional asbestos removal of \$215,712.00 totalling \$734,782.70 is the lowest price.

The Tender Planning and Evaluation Committee has 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 Mendelssohn Construction Pty Ltd scored highest overall against the selection criteria and therefore offers Council the best value for money.

Mendelssohn Construction Pty Ltd specialises in industrial and commercial demolition projects providing asbestos removal and demolition services with offices in Launceston and South Melbourne.

Mendelssohn Construction currently employ 17 staff. They hold an open builders license (unrestricted) and a Class A asbestos removalist license with certifications for OH&S Management System AS4801, Quality Management System ISO9001 and Environmental Management System ISO14001.

Mendelssohn Construction have provided a list of projects completed in Tasmania including works for Taswater, Launceston City Council and the Launceston Airport. Previous projects have a focus on asbestos removal rather than demolition of large concrete structures such as the hospital. Reference checks have not identified any concerns.

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

Workplace Standards Tasmania will be requested to approve the contractor's methodology for the asbestos removal and demolition process.

Once awarded, demolition is expected to commence in November 2017 and be completed by March 2018.

Generally, the building will be pulled down from top to bottom, utilising the rubble on site to build up ramps to access high level towers. Once material is on ground it will be sorted and separated into relevant waste disposal streams, ie steel recycling and concrete/brick etc.

Once the building has been removed the ground floor slabs containing asbestos will be broken down into manageable pieces and loaded into EPA (Environmental protection Authority) approved trucks for carting to Dulverton landfill.

It has been suggested that a commemorative or interpretative feature of some type be constructed once the project is complete to recognise the existence of the Maternity Hospital. This could be built into the footpath or next to the footpath on the Steele Street frontage so as not to restrict any future development on the site.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 26 August 2017 and tenders were also advertised on Council's website and on Tenderlink.

Minimising the impact the demolition will have on neighbouring properties will be an important part of the project.

This has been considered as part of the tender evaluation process noting consultation with adjacent property owners will be essential.

FINANCIAL IMPLICATIONS

A summary of the likely costs based on the tender outcome is as follows:

No.	Item	Cost (exc GST)
1	Mendelssohn Construction Pty Ltd base tender	\$519,070
2	Potential additional ground floor slab asbestos removal based on Mendelssohn Construction Pty Ltd tendered rate	\$215,712
3	Project management & administration	\$40,000
4	Commemorative feature	\$20,000
5	Contingency	\$150,000
	Total	\$944,782

The contingency allowance is substantial as there is potential that further asbestos or other hazardous material maybe identified during the demolition process.

The State Government have committed to providing a grant of up to \$950,000 for the demolition of the hospital. A grant deed is currently being finalised with Crown Law and will be executed prior to commencing the project. Based on the estimated costs as outlined above the grant funding should be sufficient to fully fund the project.

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 Mendelssohn Construction Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract 1316 Demolition of the Former Maternity Hospital at 169 Steele Street.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract 1316 Demolition of the Former Maternity Hospital at 169 Steele Street:

- a) award the contract to Mendelssohn Construction Pty Ltd for the tendered sum of \$519,070.70 (ex GST);
- b) include an allowance based on tendered rates of \$215,712 (ex GST) for additional ground floor asbestos removal;
- c) note a provisional sum allowance of \$20,000 (ex GST) for a commemorative feature;
- d) note design, project management and administration is estimated to cost \$40,000 (ex GST); and
- e) note a construction contingency of \$150,000 (ex GST) has been included.

Author: Position:	Jamie Goodwin Project Manager	Endorsed By: Position:	Matthew Atkins Deputy General Manager
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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
2/10/2017	Devonport Food & Wine Festival Update	Providing update on diversity of program and festival highlights
	Integrated Branding and Graphic Design for New Infrastructure Development	Identification of preferred brand concept and naming strategy for the multi-purpose building, Convention Centre and Arts Centre
	Victoria Parade Parking	Discussions on parking control options
	Street Lighting	Discussions on options for LED Street Lighting
16/10/2017	Mersey Bluff Caravan Park	Lease discussions.

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:	Matthew Atkins Acting General Manager
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6.2 MAYOR'S MONTHLY REPORT

File: 22947 D454207

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 September 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 September 2017:

- Radio Sea FM interviews
- 2017 Festival of Learning Official Launch
- LIVING CITY Branding Workshops
- Devonport Regional Gallery Exhibition launch – Troy Ruffells
- Mersey Valley Cycling Club Criterium Presentations
- Stacey Sheehan, President Devonport Chamber of Commerce & Industry
- Festival of Learning – Art Spark, Devonport Regional Gallery
- Festival of Learning – meditation, Devonport Community House
- Devonport Food & Wine Festival, Program Launch at Home Hill
- Headspace – relocation 33 Steele Street
- "Welcome to Devonport" Booklet
- Financial Assistance Working Group
- Officially opened the 2017 City of Devonport Eisteddfod
- Officially launched the 2017 Devonport Reader's Cup - Miandetta Primary School
- Paul Molnar, Program Manager Hydro Tasmania - Battery of the Nation Program
- Festival of Learning – Creative Flair Workshop
- 7AD Radio interviews
- DCCI AGM & Annual Dinner
- Devonport City Soccer Club
- Deputy Mayor Annette Rockliff
- Liveable City Committee
- Mersey Leven Emergency Management Committee briefing
- Work Readiness for Growth Industries Presentations – Devonfield
- City of Devonport Eisteddfod
- Mersey Leven Emergency Management Committee – Sheffield
- Festival of Learning – Virtual Reality TAS Tafe
- Gerard Ennis – Devonport Football Club
- Guest Speaker, Launch of ANZ Manufacturing Paper – ANZ Devonport
- Healthy Tasmania - Lucy Byrne, Penny Terry

Report to Council meeting on 23 October 2017

- Festival of Learning – University of Tasmania Expo
- Child Health Association Centenary Celebration – Ulverstone
- The Cultivate Group P/L
- Festival of Learning – Creative Flair Workshop
- Leader of the Opposition, Rebecca White – Hobart
- Shadow Minister for Events, Scott Bacon - Hobart
- Martyn Goddard – Hobart
- ABC Radio interview
- Cradle Coast Authority, Sid Sidebottom, Brett Smith & Teresa Lord – Ulverstone
- Rob Bradley Australian Confederation of Sports – telephone conference
- Devonport Chamber of Commerce & Industry – Tina Treloar
- Resident meetings
- Devonport Sports & Service Club meeting
- Festival of Learning – 1,2,3 Create Devonport Regional Gallery
- Don College – Table Tennis match
- Devonport & Cradle Country Tourism Committee
- Festival of Learning – Book launch Ross Walker, Devonport LINC
- Reece High School – Scott Wilson
- Glee Club Annual Spud-athon
- Christian Business Men Connection breakfast
- Coast FM radio interview
- Shadow Minister for Sport & Recreation Michelle O’Byrne, Launceston
- Officially opened the East Devonport Bowls Club season
- Official Opening Devonport Men’s Shed – Devonfield
- Reece High School – Table Tennis match
- Council Ordinary meeting
- Learning Communities Steering Committee
- Festival of Learning – Rock n Rhyme, Devonport LINC
- Spreyton Primary School, “A 100 Years of Rock” School Production
- Suicide Prevention Trial briefing
- “Rumble in the Jungle” Australian Masters Games promotion
- Latrobe Primary School – Boccia, disability sport with Ald Tammy Milne
- Active City Committee
- AFL Breakfast TAS TAFE student training
- Chat n Choose 30th Birthday celebrations
- Festival of Learning – “Building Your Baby’s Brain” Child & Family Centre
- Primary Health TAS – launch National Suicide Prevention Trial
- Devonport Orchid Society’s Annual Spring Show - Spreyton

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - OCTOBER 2017

File: 29092 D462048

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 and Acting General Manager, 21 September to 18 October 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. Over the past several months management has been negotiating a new Enterprise Agreement with staff. An offer was made to staff in July which included a 2.5% pay increase each year for the life of the agreement which was voted down by employees 55 for and 70 against.

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

Following further negotiations with staff a revised offer was put to the vote on 9th October 2017 with the only substantive change being that there would be no change to the sick leave provisions of 15 days per year under the terms of the existing Enterprise Agreement 2014.

In relation to the pay increments offered the offer included 2.8% in year 1 and 2.5% in both years 2 and 3.

The outcome of the ballot was of the 125 votes cast there was 112 in favour and 10 against with 3 informal votes. As a result of the acceptance of the Agreement the increase will be effective from 4 September 2017.

2. LIVING CITY

- 2.1. Participated in a LIVING CITY Working Group meeting. This is a regular meeting where Council officers and representatives of P+i Group discuss progress and activities associated with the project.
- 2.2. Attended meetings of the LIVING CITY Project Control Group. This Group comprises representatives of Council, Fairbrother Pty Ltd, Lyons Architects and 6ty (appointed Superintendent for Stage 1).
- 2.3. Met with the preferred developer for the Waterfront Hotel site. As a result of the Council's Expression of Interest process Council has determined to enter into a 'Preferred Proponent Agreement' with Fairbrother Pty Ltd to be the developer of the hotel. The MOU requires Fairbrother to source funding, development approval, design and an operator for the hotel.
- 2.4. Given community interest in the timing of Stage 1 completion, a media release was issued on 12 October 2017 outlining details on the status of the building works. Current indications are that the carpark will be complete and operating prior to Christmas, the food pavilion base build will be complete prior to Christmas with tenant fit outs to follow, resulting in a progressive opening of the facility during the first half of 2018. The multipurpose building is on target for completion in mid-2018. A final relocation date for Council, LINC and Service Tasmania into the new building is yet to be established.

3. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 3.1. Met with a local resident interested in taking on a business activity in Devonport.
- 3.2. Met with property owners in relation to land classification issues with their land.
- 3.3. Met with the recently appointed Manager of the Devonport Airport.

4. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 4.1. Attended LGAT organised General Managers' Meeting in Hobart. The following matters were discussed as part of the agenda for the meeting:
 - Environment Protection Authority – Director Wes Ford provided an outline of the current and future focus for the EPA and the way they interact and work with councils.
 - Climate Change Impacts on local government – Donovan Burton the Principal Consultant assisting the Tasmanian Government on its Climate Action 21 agenda provided an overview of his work and how climate change is and will continue to have an impact on the way in which local government deals with its responsibilities for asset management and land use planning into the future.
 - Issues relating to the delays experienced in obtaining advice/permits from Crown Land Services.
 - Local Government Division presentation on matters relating to legislation, compliance and future audit program for local government.
 - Presentations from TasPlan Superannuation and MAV insurance.
 - Professional development session focussed on awareness of and tensions that can occur in leadership positions.

Report to Council meeting on 23 October 2017

- 4.2. Dulverton Waste Management Joint Authority provided to Council a summary of its activities for the year ended 30 June 2017. In the past Council would include this summary in its Annual Report. As the Annual Report had essentially be finalised prior to receiving the information it has instead been attached herewith for the information of Aldermen.
 - 4.3. Cradle Coast Authority has also provided an overview for the year ended 30 June 2017. This is also attached for the information of Aldermen.
 - 4.4. The Deputy General Manager attended the Cradle Coast General Manager's meeting at the Penguin Athletics' Centre. The meeting included an update on the Dial Regional Sports Complex, CCA Shared Services, CCA Board and Representatives meetings, State cat management plan and Cradle Coast waste management governance project.
 - 4.5. The Deputy General Manager attended a presentation by the project consultant on the Cradle Coast Regional Shared Services Project. The meeting was held at the Cradle Coast Authority and was attended by the Local Government Minister, the Hon. Peter Gutwin and representative of the Director of Local Government.
5. STATE AND FEDERAL GOVERNMENT PROGRAMS
- 5.1. Attended a Workshop with the Coordinator General's office and representatives of the Burnie Council to discuss the opportunities that may be available to progress a cooperative approach for the development of a funding application for the region.

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.](#) Dulverton - Annual Report Summary
- [2.](#) CEO Annual Report Summary - Cradle Coast Authority - 2016 2017 Financial Year
- [3.](#) Current and Previous Minute Resolutions Update - October 2017
4. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential October 2017

RECOMMENDATION

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

Author:	Matthew Atkins
Position:	Acting General Manager



Report to Owner Councils for inclusion in Council Annual Report 2016/17

1.

2016/17 was a great year all round for DWM. Being recognised as the best landfill facility in Australia was a highlight.

Five year financial forecasts on an activity basis are now routinely provided to Owner Councils as each Annual Plan and Budget is developed. The financial forecasts detail future income, operational expenditure, capital investment, cash flow and likely dividends. These forecasts guide the activities of the business into the future.

A complete set of financial reports and Key Performance Indicators (KPIs) are provided to Owner Representatives quarterly and to Directors each month, and provide Owners, Board and management with confidence of DWM ongoing financial health.

Workplace Health and Safety (WHS) continues to be a major focus for the Board, Management, Staff and Contractors. Directors commenced a program of site safety inspections during the 2012/13 financial year which continues today.

DWM continues to exceed the WHS standard set by many larger organisations, however, DWM will not become complacent and will continue to advance all aspects of WHS.

With the stability that robust systems for WHS, environment, finance, business, risk management and records management bring, Owner Representatives, Board and staff have been able to focus on business growth and development. Growth in revenues has resulted.

The Rules of the Authority were revised and officially adopted on the 1st of September 2016, providing increased clarity around roles and responsibilities of all parties.

During 2015/16 DWM undertook an extensive and rigorous tender process for the site Operation and Maintenance services. New contractor Gradco commenced on site on the 31st of October 2016. The detailed systems in place at DWM resulted in an extremely smooth transition with no drop in the customer experience during the changeover. Gradco have worked closely with DWM to further refine the safety, environmental and quality outcomes on site.

As the primary waste management provider in the region, DWM continues to provide waste expertise to the Cradle Coast Waste Management Group (CCWVG). Knowledge in landfill, organics recycling, kerbside recycling and other industry relevant activities allows DWM's services to be provided for the greater benefit of the region.

The 2016/17 Financial Year concluded far stronger than budgeted. The result was influenced by a number of waste stream revenues which were the result of considerable effort by the whole DWM team. Growth in dairy processing wastes and the construction of the aluminium salt-cake mono-cell are examples. Expenditure growth remained below tonnage growth.

Both income and profit exceeded budget. DWM was able to fund all 2016/17 capital works from its own funds. It should be noted that the forecast in the five year financial plan is to avoid further borrowing other than for land acquisition, major plant replacement and landfill cell construction.

The total quantity of chargeable waste disposals managed by DWM increased by 17.78% to 88,533 tonnes from 75,165 tonnes in the previous year. The majority of this waste goes to landfill, however, in 2016/17 diversion to the Dulverton Organics Recycling Facility (DORF) for recycling into compost increased from 22.9% to 25.2%. This figure does not include approximately 7,525 tonnes of green-waste also accepted at the DORF.

Pleasingly the amount of tax equivalents (or NTER - National Tax Equivalent Regime) paid and payable to the Owner Councils relating to the 2016/17 financial year, plus Dividends paid, increased on previous years. Dividends to Owner Councils are forecast into the foreseeable future.

Mat Greskie

Chief Executive Officer

25th September, 2017

The Cradle Coast Authority (CCA) was created by the nine north-west Tasmanian councils to connect communities, business and government to work together for the good of the Cradle Coast Region. The CCA and the councils are building a vibrant, capable and resilient Cradle Coast region through effective collective action.

In 2016/17, Devonport City Council invested \$190,708 into the CCA which in turn has been matched by co-investments of \$649,044 from local government - for regional and economic development, \$327,500 from State Government - for the development of the region's visitor economy; and \$1,746,686 from the Commonwealth and State Governments - for natural resource management. The CCA has also been able to secure \$871,994 in government grants for the region.

Regional and economic development activities in 2016/17 included the development of the Cradle Mountain Master Plan. As the region's largest visitor attraction, the CCA secured \$1M to undertake the detailed investigations required to build the business case for the reimagination of the Cradle Mountain visitor experience. The CCA completed the Coastal Pathway Investment Prospectus which has been used to attract government co-investment in the infrastructure required to build a pedestrian pathway connecting communities between Latrobe and Wynyard. The Regional Futures Plans is being developed as a foundation for a long-term partnership with State and Commonwealth Governments for collaboration and investment in the region on important social and economic infrastructure and initiatives.

The CCA has invested \$2,062,828 in natural resource management projects within the region during 2016/17. Key projects included managing the region's response to the June 2016 floods which devastated parts of the region's agriculture assets and infrastructure. NRM officers worked closely with Government to help landowners recover. Other projects delivered during the year included; the Macquarie Harbour clean-up, in April 2017 – which saw a 5-day clean-up effort of unprecedented proportions across 80kms of shoreline along Tasmania's West Coast; the Clean Rivers project, which in conjunction with Dairy Tas, provided funding to help protect waterways impacted by the dairy industry; and the many projects which assist the ongoing protection endangered species such as the Giant Freshwater Lobster and the Tasmanian Devil.

The visitor economy is an increasingly significant contributor to the region's prosperity representing around 5% of the regional economic activity including more than 3,800 jobs. The visitor economy supports traditional business within accommodation and hospitality but also more broadly services that support visitors including retail, health and automotive service business. During 2016-17, the CCA invested \$627,411 in projects and initiatives designed to support and stimulate the visitor economy.

During 2016/17, the CCA and its representatives reviewed the organisation's governance model resulting in changes to improve its relationship with the region. The

councils now have two Mayors and a General Manager as directors on the CCA Board. The CCA's Rules are being amended to clarify and reinforce the roles and responsibilities of the CCA. In August 2017, a new Corporate Plan was approved which provides the CCA with a clear and focused suite of activities to address current and emerging issues and gaps that have been barriers to the betterment of the region's economic and social prosperity.

Throughout 2016/17, the CCA has been working closely with councils in preparation for the 16th Australian Masters Games. To be held in October 2017, the AMG will attract more than 5,000 visitors to the region with an expected financial benefit in excess of \$12M into the region's economy.

In July, Mr Sid Sidebottom was appointed as the new Chairperson of the CCA. Mr Sidebottom brings a wealth of experience representing the region. The CCA thanks Mrs Cheryl Bell-Chambers who stepped down as the Chairperson and director in June. Mr Ian Waller stepped down as the Manager, Regional Tourism after 15 years of tireless and dedicated service to the region.

Brett Smith

Chief Executive Officer



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Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
Resolution Title:	Cradle Coast Waste Management Governance (D478484)
Date:	25 September 2017
Minute No.:	177/17
Status:	Completed
Responsible Officer:	Deputy General Manager
Officers Comments:	CCWMG advised of Council's position
Resolution Title:	Financial Assistance – Round One 2017/2018 (D476963)
Date:	25 September 2017
Minute No.:	178/17
Status:	Completed
Responsible Officer:	Executive Manager Corporate, Community and Business
Officers Comments:	Recipients advised.
Resolution Title:	Annual Financial Statement – 30 June 2017 (D489416)
Date:	25 September 2017
Minute No.:	180/17
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Financial statements included in Annual Report.
Resolution Title:	Disability/Equal Access and Inclusion (D491448)
Date:	25 September 2017
Minute No.:	181/17
Status:	In progress
Responsible Officer:	Executive Manager Corporate, Community and Business
Officers Comments:	Developing Engagement Plan
Resolution Title:	Parking Review (D460301)
Date:	25 September 2017
Minute No.:	182/17
Status:	Completed
Responsible Officer:	Executive Manager Corporate, Community and Business
Officers Comments:	Changes noted for commencement 1 January 2018

Resolution Title:	Tender Report CT0205 Torquay Road Reconstruction (D490889)
Date:	25 September 2017
Minute No.:	183/17
Status:	Completed
Responsible Officer:	Deputy General Manager
Officers Comments:	Tender awarded.
Resolution Title:	Finance Report for August 2017 (GFC 14/17 – 18 September 2017)
Date:	25 September 2017
Minute No.:	189/17
Status:	Completed
Responsible Officer:	Executive Manager Organisational Performance
Officers Comments:	Budget amended.

Previous Resolutions Still Being Actioned

Resolution Title:	AM2017.01 Rezoning from General Residential to Commercial and PA2017.0062 Transport Depot and Distribution & Storage – 26 North Caroline Street East Devonport (D485987)
Date:	28 August 2017
Minute No.:	150/17
Status:	In progress
Responsible Officer:	Deputy General Manager
Officers Comments:	Statutory advertising period underway.
Resolution Title:	AM2017.02 & PA2017.0101 Rezoning from Port and Marine Zone to Local Business Zone to Allow the Development of a Retail Complex – 2-12 Murray Street, East Devonport (D487893)
Date:	28 August 2017
Minute No.:	151/17
Status:	In progress
Responsible Officer:	Deputy General Manager
Officers Comments:	Statutory advertising period underway. Due to advice of TPC, advertising period extended to 18/10/2017.
Resolution Title:	Proposed Sale of Land – 24-26 Triton Road, East Devonport (D485382)
Date:	28 August 2017
Minute No.:	158/17
Status:	In progress
Responsible Officer:	General Manager
Officers Comments:	Valuation requested, EOI prepared for real estate agent services. Currently being assessed.

Resolution Title:	Multi-Purpose and Arts Centre – Branding (D479354)
Date:	24 July 2017
Minute No.:	122/17
Status:	In Progress
Responsible Officer:	Executive Manager Corporate, Community & Business Services
Officers Comments:	Design Eye Creative appointed. Focus Groups held. Draft workshopped with Council on 2/10/2017. Report prepared for October Council meeting.
Resolution Title:	Extra Disability Parking Bay in CMax Carpark – Ald A J Jarman (D476646)
Date:	26 June 2017
Minute No.:	94/17
Status:	Completed
Responsible Officer:	Executive Manager Corporate Community & Business
Officers Comments:	Completed
Resolution Title:	Waste Management Review (IWC 23/17 – 13 June 2017)
Date:	26 June 2017
Minute No.:	107/17
Status:	In progress
Responsible Officer:	Infrastructure & Works Manager
Officers Comments:	Work has commenced to roll-out the changes to the Commercial Collection Service.
Resolution Title:	Harbourmaster's Café – Erection of Commercial Umbrellas
Date:	27 February 2017
Minute No.:	20/17
Status:	Completed
Responsible Officer:	General Manager
Officers Comments:	Crown Land Services approval received and umbrellas collected ready for placement.
Resolution Title:	Feasibility Study – development mobile phone app (Community Services Committee – 12 December 2016)
Date:	19 December 2016
Minute No.:	238/16
Status:	In progress
Responsible Officer:	Executive Manager Corporate Community & Business Services
Officers Comments:	Development of a Devonport Information Mobile application is an action of the Digital Strategy, with a medium priority to be completed in 3-5 years only if external funds can be sourced.

Resolution Title:	Funding & Assistance – Home Hill – NOM – Ald Laycock
Date:	26 September 2016
Minute No.:	170/16
Status:	In progress
Responsible Officer:	Executive Manager Corporate Community & Business Services
Officers Comments:	Landscape Management plan development commenced. Special Projects officer at National Trust commenced business plan.
Resolution Title:	Pay by Phone Parking Technology – Review (Governance & Finance committee – 19 September 2016)
Date:	26 September 2016
Minute No.:	181/16
Status:	In progress
Responsible Officer:	Executive Manager Corporate Community & Business Services
Officers Comments:	Documentation prepared for release at appropriate time.

7.0 SECTION 23 COMMITTEES**7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 9 OCTOBER 2017**

File: 29528 D496365

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 9 October 2017.

ATTACHMENTS

[1.](#) Minutes - Infrastructure Works and Development Committee - 9 October 2017

RECOMMENDATION

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 9 October 2017 be received and the recommendations contained therein be adopted.

IWC 34/17 Tender Report Contract CT0212 Devonport Road Renewal (Bay Drive to Mersey Road)

IWC 35/17 Mersey Bluff Cemetery

IWC 36/17 Chalmers Lane - Traffic and Parking

IWC 37/17 Street Lighting Bulk Changeover

IWC 38/17 Formby Road Car Park - Review of Accessible Spaces

IWC 39/17 Infrastructure and Works Report

IWC 40/17 Development and Health Services Report

Author: Position:	Robyn Woolsey Administration Officer	Endorsed By: Position:	Paul West General Manager
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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, 9 OCTOBER 2017 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:04pm	34 minutes
Closed Session	6:04pm	6:08pm	4 minutes
Total			38 minutes

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

Aldermen in Attendance:
Ald S L Martin
Ald T M Milne

Council Officers:
Acting 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

Nil

3.2 QUESTIONS FROM ALDERMEN

Nil

3.3 NOTICES OF MOTION

Nil

4.0 TENDERS**4.1 TENDER REPORT CONTRACT CT0212 DEVONPORT ROAD RENEWAL (BAY DRIVE TO MERSEY ROAD) (D493066)****IWC 34/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That the Infrastructure, Works and Development Committee in relation to Contract CT0212 Devonport Road Renewal (Bay Drive to Mersey Road) and in accordance with the delegated authority provided to it by Council under Minute 198/15:

- a) award the contract to Civilscape Contracting Tasmania Pty Ltd for the tendered sum of \$274,549 (ex GST);
- b) note that the TasNetworks relocations for the project are estimated to cost \$5,000 (ex GST);
- c) note that design, project management and administration for the project are estimated to cost \$30,000 (ex GST); and
- d) note a construction contingency of \$27,455 (ex GST) is included.

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

CARRIED UNANIMOUSLY

5.0 INFRASTRUCTURE AND WORKS REPORTS**5.1 MERSEY BLUFF CEMETERY (D491078)****IWC 35/17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Matthews

That it be recommended to Council that the report of the Infrastructure and Works Manager regarding the Mersey Bluff Cemetery be noted and that Council:

- a) install blade signage on Coles Beach Road to direct visitors to the cemetery;
- b) install an interpretive sign detailing the history of the cemetery and listing the names of each person buried in the original Mersey Bluff Cemetery; and
- c) update the information provided on Council's website relating to cemetery burial information.

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

CARRIED UNANIMOUSLY

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5.2 CHALMERS LANE - TRAFFIC AND PARKING (D492009)**IWC 36/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That it be recommended to Council that the report of the City Engineer be noted and that Council:

- a) write to the residents regarding the road rules related to parking in a narrow street; and
- b) Council receive a report in 2018 prior to finalisation of the 2018/19 budget.

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

CARRIED UNANIMOUSLY

5.3 STREET LIGHTING BULK CHANGEOVER (D467877)**IWC 37/17 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Rockliff

That it be recommended to Council that the report of the Infrastructure and Works Manager regarding bulk street light changeover be received and noted and that Council endorse scenario 2, being the continuation of the current TasNetworks ownership model.

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

CARRIED UNANIMOUSLY

5.4 FORMBY ROAD CAR PARK - REVIEW OF ACCESSIBLE SPACES (D489785)**IWC 38/17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Rockliff

That it be recommended to Council that the report of the City Engineer in relation to accessible parking spaces in the Formby Road car park be received and that Council authorise the installation of two additional accessible parking spaces in the north west corner of the car park.

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

CARRIED UNANIMOUSLY

6.0 INFRASTRUCTURE AND WORKS BI-MONTHLY UPDATE**6.1 INFRASTRUCTURE AND WORKS REPORT (D486838)****IWC 39/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Laycock

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

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

CARRIED UNANIMOUSLY

6.2 DEVELOPMENT AND HEALTH SERVICES REPORT (D488292)**IWC 40/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Jarman

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

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

CARRIED UNANIMOUSLY

7.0 CLOSED SESSION**IWC 41/17 RESOLUTION**

MOVED: Ald Laycock

SECONDED: Ald Jarman

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

Item No	Matter	<i>Local Government (Meeting Procedures) Regulations 2015 Reference</i>
7.1	Plant Replacement	15(2)(d)

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

CARRIED UNANIMOUSLY

8.0 CLOSURE

The Chairman adjourned the meeting at 6:04pm to reconvene in Closed Session at 6:04pm.

The Committee moved out of Closed Session at 6:08pm

There being no further business the Chairman declared the meeting closed at 6:08pm

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	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.3	Closed Session - Infrastructure Works and Development Committee Meeting - 9 October 2017	15(2)(f)
8.4	Mersey Bluff Caravan Park Lease	15(2)(b)
8.5	Multi-Purpose and Arts Centre - Branding	15(2)(c)

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	
8.2	Unconfirmed Minutes - Joint Authorities	Noted
8.3	Closed Session - Infrastructure Works and Development Committee Meeting - 9 October 2017	Noted
8.4	Mersey Bluff Caravan Park Lease	
8.5	Multi-Purpose and Arts Centre - Branding	

9.0 CLOSURE

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