



*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 22 May 2017, commencing at 5:30pm.

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

## QUALIFIED PERSONS

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

Paul West  
GENERAL MANAGER

**17 May 2017**

### June 2017

<b>Meeting</b>	<b>Date</b>	<b>Commencement Time</b>
Infrastructure Works & Development Committee	13 June 2017	5:30pm
Community Services Committee	19 June 2017	5:30pm
Council Meeting	26 June 2017	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 22 MAY 2017 AT THE COUNCIL CHAMBERS AT 5:30PM**

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Agenda of an ordinary meeting of the **Devonport City Council** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday, 22 May 2017 commencing at 5:30pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chair	Ald S L Martin (Mayor)		
	Ald A L Rockliff (Deputy Mayor)		
	Ald C D Emmerton		
	Ald G F Goodwin		
	Ald A J Jarman		
	Ald L M Laycock		
	Ald J F Matthews		
	Ald T M Milne		
	Ald L M Perry		✓

**ACKNOWLEDGEMENT OF COUNTRY**

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

**IN ATTENDANCE**

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

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald L M Perry	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

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**3.0 PROCEDURAL**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 COUNCIL MEETING - 24 APRIL 2017**

**RECOMMENDATION**

That the minutes of the Council meeting held on 24 April 2017 as circulated be confirmed.

### **3.2 PUBLIC QUESTION TIME**

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

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (meeting Procedures) Regulations 2015*.
  2. Public participation will be the first agenda item following the formal motions; Apologies, Minutes and Declarations of Interest.
  3. A maximum period of time of 30 minutes in total will be allowed for public participation.
  4. A maximum period of time of 3 minutes will be allowed for each individual.
  5. A member of the public may give written notice to the General Manager 7 days before an ordinary meeting of Council of a question to be asked at that meeting.
  6. A member of the public will be entitled to ask questions relating to the activities of Council, giving an explanation that is necessary to give background to the question and ask supplementary or follow up questions relating to that specific matter that may come to light as a result of the answer.
  7. Questions do not have to be lodged prior to the meeting, however they would be preferably provided in writing.
  8. A question by any member of the public and an answer to that question are not to be debated.
  9. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so.
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**3.2.1 Responses to questions raised at prior meetings**

Meeting held 24 April 2017

**Reproduced below** is the response dated 1 May 2017 to Mr Trevor Smith's question:

"I refer to your questions raised at the 24 April 2017 Council meeting and provide the following responses:

**Q1.** *What is the dividend amount from Taswater each year?*

**Response**

As per the 2015/16 Annual Report, Council received the following distribution from TasWater in that financial year:

Dividend revenue	\$1,110,151
Tax equivalent	\$ 307,529
Guarantee fee	<u>\$ 133,222</u>
<b>Total</b>	<b>\$1,550,902</b>

The dividend component of the distribution from TasWater in 2016/17 is expected to be similar to that received in 2015/16.

**Q2.** *The payment that you receive each year from Taswater, is it linked in with CPI increases annually?*

**Response**

No.

**Q3.** *What was the total power bill for Aurora Energy, that the Devonport Council paid in 2016?*

**Response**

The total amount paid to Aurora Energy for the 2015/16 financial year were:

Electricity	\$262,295
Street lighting charges	\$788,735

**Q4.** *What are the expected power costs that Ratepayers will have to bear, after stages 1 and 2 of LIVING CITY are completed?*

**Response**

Unknown at this stage.

**Q5.** *What are the monthly costs for power so far for 2017?*

**Response**

The total electricity expenses for the period 1 July 2016 to 31 March 2017 is:

Electricity	\$172,528
Street lighting charges	\$530,612

**Q6** *When does the Enterprise Bargaining Agreement for Council workers start each year?*

**Response**

1 July

**Q7** *Are managers of all departments linked to this agreement, including the Assistant General Manager, General Manager as well as the Mayor of this Council?*

**Response**

No.

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The General Manager, Deputy General Manager and Mayor are not linked to the Agreement.

**Q8** *If the Managers of various departments are not linked to this EBA, when are their increases granted in the calendar year?*

**Response**

The General Manager and Deputy General Manager's increases are in accordance with contractual arrangements.

Section 340A of the *Local Government Act 1993* entitles Aldermen to allowances as prescribed in the *Local Government (General) Regulations 2015*. Section 42(2) specifies the allowances payable and establishes an indexation process. Allowances are adjusted from 1 November each year."

Meeting held 24 April 2017

**Reproduced below** is the response dated 2 May 2017 to Mr Malcom Gardam's question:

"At the Council meeting on 24 April 2017 you resubmitted four (4) questions that were previously asked by you on the basis that you were not satisfied with the responses provided.

Your introductory comments stated *"those answering the questions are either incapable of interpreting the question or are deliberately being evasive in the answers provided; and definitely insulting to the ratepayers' intelligence."*

Obviously, you are entitled to your opinion but I can advise that Council takes exception to your comment and do not agree with your views. Over an extended period, Council has allocated significant resources in responding to the litany of questions asked by you, and when detailed answers have been provided, you have at times proceeded to deride the responses.

At times interpreting your questions has been difficult as the rhetoric and sometimes preceding comments can cause confusion as to what you are actually asking. As an example, your resubmitted question 3 seeking the name of the consultants advising on the Conference Centre was previously interpreted as asking for details of those currently undertaking work on this aspect of LIVING CITY, when in fact you have now clarified that you wanted details of past consultancies.

In response to the specific questions raised:

**Q1.** *Council is respectfully requested to provide the reasons supporting its statement "...the comments included were in our view relevant and justified commentary"?*

**A.** At the meeting the Mayor advised the question had been asked and answered previously.

**Q2.** *Council is respectfully requested to provide the reasons supporting why it has never seen fit to similarly qualify the oft repeated supportive statements from businesses and individuals, now clearly benefiting from Living City proceeding, have not been viewed as relevant or justified commentary?*

**A.** At the meeting the Mayor advised the question had been asked and answered previously.

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**Q3.** Will Council please name the consultants ("independent experts") advising on the Conference Centre?

**A.** The initial decision to include a Conference Centre in the LIVING CITY development emerged through the master planning process. The concept of a Conference Facility and the Waterfront Hotel was further strengthened through advice of Council's appointed Development Managers, P+i Group and the Regional Benefit Study undertaken by HillPDA (December 2014). There is no specific consultant's report relating to the Conference Centre in isolation.

**Q4.** Will Council please name the report and date thereof that advised an 800 seat conference centre was viable for construction in Devonport?

**A.** Refer response to Question 3.

**Q5.** Could you please provide all of the examples whereby sections of reports that have been cherry picked for questioning and explain why those questions were not valid or otherwise relevant in respect of failures in due diligence or risk mitigation?

**A.** Just as you are entitled to your opinions and continue to make statements that are your views, the view expressed by officers in reporting to Council are equally their opinions and Aldermen can make their own assessment as to the validity or otherwise of those comments.

In response to your specific question though – the answer is no as I see no benefit to Council in expending resources to provide information that is already available.

**Q6.** Why do you believe that Council's selective use of one sentence on Page 15 of the 51 page Horwath HTL report, as specifically referenced, to substantiate Item 8 in the FAQ's (Pg.10) of the Waterfront Precinct booklet dated December 2016, is not ".....cherry picked and taken out of context to make misleading comments....."?

**A.** The Waterfront Precinct booklet was produced to provide an overview of the precinct plan. The Horwath HTL report that you refer to is available on the LIVING CITY website for anyone interested to access.

**Q7.** If Council believed that the initial Horwath HTL report did support this statement then why was a further Horwath HTL report commissioned at further ratepayer expense when a hotel developer will undertake their own feasibility studies anyway?

**A.** Council sought further confidential advice from Horwath HTL to assist in attracting and negotiating with potential hotel developers and operators.

**Q8.** What is the date of the second Horwath HTL report, currently held as confidential, and when was it commissioned by Council?

**A.** The report is dated November 2016. Horwath's have been working with Council since February 2016."

## **RECOMMENDATION**

That Council note the response to questions from Mr Trevor Smith and Mr Malcolm Gardam at the 24 April 2017 Council meeting.

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**3.2.2 Questions on notice from the public**

**MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA**

The following questions on notice were received from Mr Malcolm Gardam on 12 May 2017.

**LIVING CITY – QUESTIONS ON NOTICE FOR ORDINARY MEETING DATED 22/05/17**

It is regrettable but necessary that I reply to your letter dated 2<sup>nd</sup> May 2017, responding to my Questions without Notice presented at the Ordinary Meeting of Council on the 24<sup>th</sup> April 2017.

As a ratepayer I find Council's attitude to questions offensive and totally reject your comments with specific reference to your following statements, with the added bold type my emphasis.

Quote 1: ***"Over an extended period, Council has allocated significant resources in responding to the litany of questions asked by you, and when detailed answers have been provided, you have at times proceeded to deride the responses."***

As you well know the "litany of questions" has significantly resulted from having to re-submit the same questions more than once due to the responses not addressing the actual question. The height of absurdity has seen some questions re-submitted 4-5 times to try and receive a direct question-aligned answer.

On identifying that the Council's answers have not in all cases addressed the questions asked, I too have spent considerable time in elaborating on the preamble and including bold type in the questions to assist with Council's understanding of the question. At no time have I intentionally sought to deride the responses but moreover simply try to highlight why the question has not been adequately answered. In fact in most cases the more "detailed" the response the further from addressing the actual question it has been.

Unfortunately, this has led to lengthy preamble which should not be necessary. As I have previously stated, more than once, if Council answered the actual question then we could both save ourselves considerable time.

Quote 2: ***"At times interpreting your questions has been difficult as the rhetoric and sometimes preceding comments can cause confusion as to what you are actually asking. As an example, your resubmitted question 3 seeking the name of the consultants advising on the Conference Centre was previously interpreted as asking for details of those currently undertaking work on this aspect of LIVING CITY, when in fact you have now clarified that you wanted details of past consultancies."***

**At no time has Council ever sought clarification from me on any aspect of a particular question.**

The raising of a difficulty in interpreting the questions has only surfaced with Council now seeking to adjust a previous answer relating to questioning the existence of a consultant's report that advised an 800 seat conference centre was viable for construction in Devonport.

The question was deliberately not time restrained as to when Council received that advice (if at all) and in my opinion quite clear. Refer to further comments under Item 2 below.

**In order to provide clarity, completeness and ease of understanding, I have reproduced the relevant sections from the Questions without Notice document, dated 24<sup>th</sup> April 2017, below; and included Council's latest responses, MG Comment and further questions where warranted.**

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**ITEM 1 – Council Waterfront Report Statement** (Reproduced)

The following relates to my earlier Q5, dated 27/02/17 and Council's response dated 01/03/17 in relation to Page 26 of Section 5.3 Community Consultation – Waterfront Concept Plans and specifically Council's qualifying statement "**Of the substantive responses received, those noting outright objection/rejection were predominately from individuals who have been ongoing in expressing their disapproval of Council's decision to proceed with the LIVING CITY Master Plan or those with aligned business interests.**"

Previous questions queried why selected residents and business people of Devonport should be subjected to a warning above their submissions as a result of Council forming a subjective opinion while not applying a similar standard to supportive statements made by people who are benefitting from LIVING CITY.

**Initial DCC response** "A. In preparing the report for Council's consideration, **the comments included were in our view relevant and justified commentary.**"

**Previously repeated Q1 - 17/03/17** - Council is respectfully requested to **provide the reasons supporting its statement** "...the **comments included were in our view relevant and justified commentary.**"?

**Second DCC response** – "A. The comments were **considered relevant by the report author** and therefore included as part of the commentary."

**Previously repeated Q2 - 17/03/17** - Council is respectfully requested to **provide the reasons supporting why** it has never seen fit to similarly qualify the often repeated supportive statements from businesses and individuals, now clearly benefitting from Living City proceeding, **have not been viewed as relevant or justified commentary?**

**Second DCC response** – "A. Council disagree with your inference that officer reports are biased. As outlined in the answer to question 1, **reports are prepared on the basis that information considered relevant is included in the report commentary.**"

None of the Council's responses have provided **reasons why** "**The comments were considered relevant by the report author** and therefore included as part of the commentary." Council has raised the need to defend itself against perceived bias while I was prepared to consider your reasons first.

In the absence of creditable reasons as to why, the obvious conclusion is that the statement was included to disparage the authors of submissions that included legitimate concerns and constructive criticism while Council continues to neglect applying a similar standard to submissions and statements from supporting short-term beneficiaries.

Accordingly, in the spirit of fairness and to provide generous opportunity to respond to the actual question and allay concerns of selective discrimination, I re-submit my former questions.

**Q1.** Council is respectfully requested to **provide the reasons supporting its statement** "...the **comments included were in our view relevant and justified commentary.**"?

**Q2.** Council is respectfully requested to **provide the reasons supporting why** it has never seen fit to similarly qualify the oft repeated supportive statements from businesses and individuals, now clearly benefitting from Living City proceeding, **have not been viewed as relevant or justified commentary?**

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Council's latest response dated 2<sup>nd</sup> May 2017 to re-submitted Q1. and Q2. above was:

*"A. At the meeting the Mayor advised the question had been asked and answered previously."*

**MG COMMENT 12<sup>th</sup> May 2017**

Despite the same question being asked three (3) times, Council has at no time provided one "reason" of supporting argument why the statement was in the report drafted by the Deputy General Manager and included in the Meeting Agenda dated 22<sup>nd</sup> February 2017, leaving Council open to speculation of bias towards ratepayer questioning or applying constructive criticism of Living City.

I will leave it to others to judge whether Council responds to all questions but only provides answers when it suits.

No further response required.

**ITEM 2 – Convention Centre** (Reproduced)

Council has placed great emphasis on the 800 seat convention centre. Emphasis being for the Commonwealth Government grant, providing new revenue to support Council statements that Stage 1 is viable in its own right, attract increased visitations and establish a key element of gaining an adjacent new hotel.

Previous questions and responses from Council are:

**Previous question Q3 – 17/03/17.** - Will Council please name the consultants ("independent experts") advising on the Conference Centre?

**Previous DCC response – "A. Yes, at the appropriate time determined by Council."**

Considering I am only asking for the name of the consultant I fail to see what is so secretive unless the consultant does not yet exist.

**Previous question Q4 – 17/03/17** - Will Council please name the report and date thereof that advised an 800 seat conference centre was viable for construction in Devonport?

**Previous DCC response – "A. Council made a decision to proceed with the conference centre over two years ago and since that time have answered numerous questions from yourself and members of the Advance Devonport Interest Group regarding the decision. Council has nothing further to add from the answers previously provided."**

Considering that I am not asking for a copy of the consultant's report and only the name and date of the report, I again fail to see what is so secretive as to its existence and why the basis of the question cannot be answered, unless Council made the decision "over two years ago" as stated, without a consultant's feasibility report, before supposedly undertaking final community consultation in February 2016 prior to approving Stage 1 for construction.

Again, in the spirit of fairness and to provide generous opportunity to respond to the actual question, I re-submit my former questions.

**Previous re-submitted Q3.** Will Council please name the consultants ("independent experts") advising on the Conference Centre?

Council's latest response dated 2<sup>nd</sup> May 2017 to re-submitted Q3 above was:

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**A.** *“The initial decision to include a Conference Centre in the LIVING CITY development emerged through the master planning process. The concept of a Conference Facility and the Waterfront Hotel was further strengthened through advice of Council’s appointed Development Managers, P+i Group and the Regional Benefit Study undertaken by HillPDA (December 2014). **There is no specific consultant’s report relating to the Conference Centre in isolation”***

**Previously re-submitted Q4.** Will Council **please name the report and date thereof** that advised an 800 seat conference centre was viable for construction in Devonport?

Failure to provide the requested information adds credence to mounting concerns that Council makes a decision based on verbal assurances and then seeks to cobble up supporting reports after the event to try and substantiate the decision if enough questions are asked by ratepayers.

Council’s latest response dated 2<sup>nd</sup> May 2017 to re-submitted Q4 above was:

**A.** *“Refer response to Question 3.”*

**MG COMMENT 12<sup>th</sup> May 2017**

Thank you for finally responding to the actual question. What I do find alarming, as a former Commercial and Risk Manager, is that there is no specific consultant’s report relating to the Conference Centre in isolation and you have previously stated that advice from the Development Manager (P+i Group) is not in writing and as I have noted before there were qualifying statements in the Hill PDA report referring to further in market business studies being required.

I also note the proposed amendments to Section 65 of the Local Government Act points to a requirement that advice from qualified persons will have to be in writing and certified by the General Manager. In my opinion this is a wise inclusion to remove reliance on verbal assurances alone with the inherent risks arising from interpretation and relaying of that advice consistently and accurately to all Aldermen.

Prior to the decision to approve Stage 1 of Living City which included the 800 person capacity Conference Centre, Devonport Council was provided with the Gaining Edge pre – feasibility study report for the Launceston Council’s proposed 500 – 700 capacity conference facility.

**NEW QUESTION 4A** – If the Launceston City Council determined it was prudent to commission a pre–feasibility study for their proposed conference facility which recommended it not proceed to a full feasibility study, having given comprehensive quantitative reasons for the recommendation; why did Council totally ignore this report, nor commission its own pre- feasibility study?

**NEW QUESTION 4B** - Is this a proven example of a professional Launceston City Council having a sound understanding of what risk mitigation means and requires whilst an amateurish Devonport City Council has no such understanding or inclination to find out?

**ITEM 3 – General Manager’s Report April 2017** (Reproduced - I have included Council’s response dated 2<sup>nd</sup> May 2017 to below each question for ease of reading and understanding)

It is extremely disappointing that the General Manager has felt it necessary to resort to the following wording in his report when defending confidentiality of the second Horwath HTL Report in Section 2.2 on Living City.

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

As a ratepayer who has taken some issue with Council heavily promoting very selective aspects of the Hill PDA, KPMG and the Horwath HTL reports, while skirting around statements therein qualifying limitations of each report, the following questions are directed to the General Manager.

**Q5.** Could you please provide all of the examples whereby sections of reports that have been cherry picked for questioning and explain why those questions were not valid or otherwise relevant in respect of failures in due diligence or risk mitigation?

Council's response dated 2<sup>nd</sup> May 2017 to Q5 above.

**A.** *"Just as you are entitled to your opinions and continue to make statements that are your views, the view expressed by officers in reporting to Council are equally their opinions and Aldermen can make their own assessment as to the validity or otherwise of those comments. In response to your specific question though – the answer is no as I see no benefit to Council in expending resources to provide information that is already available."*

**Q6.** Why do you believe that Council's selective use of one sentence on Page 15 of the 51 page Horwath HTL report, as **specifically referenced**, to substantiate Item 8 in the FAQ's (Pg.10) of the Waterfront Precinct booklet dated December 2016, is not **".....cherry picked and taken out of context to make misleading comments....."?**

Council's response dated 2<sup>nd</sup> May 2017 to Q6 above.

**A.** *"The Waterfront Precinct booklet was produced to provide an overview of the precinct plan. The Horwath HTL report that you refer to is available on the LIVING CITY website for anyone interested to access."*

**MG COMMENT 12<sup>th</sup> May 2017**

As you well know I submitted a substantive report on the Waterfront Precinct centred on **Council assumptions from the released Horwath HTL report, as against not less than ten (10) serious qualifying statements by the author** as to limitations within the report, and used by Council to justify about \$250,000 on unnecessary "detailed hotel concept drawings" including a further Horwath HTL report.

From that I feel I was one of those subjectively targeted by your statement *"It was considered to be in Council's best interest to limit distribution of this information to **avoid details being cherry picked and taken out of context to make misleading comments as has previously occurred with other reports.**"*

For completeness and understanding I also include the Council statement referred to in my Q6. above relating to Page 10 of the FAQ's of the Waterfront Precinct booklet; being

**"8. How does Council know there is demand for an additional hotel?"**

*Independent advice from Howarth, a leading international hotel consultancy firm, considers there is adequate market demand for an additional 150-200 hotel rooms within Devonport. A copy of this report can be obtained from the LIVING CITY website."*

While Council may have other information from the second commissioned Horwath HTL report dated November 2016, it does not change the fact that my submission

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was based on the released report. To direct me back to that report without answering the questions is a circular copout with Council having committed to and promoted the statements in question.

In addition if this is the best reason for not releasing the second report then in no way is the content confidential or commercial-in-confidence.

I also note your comment that I am entitled to my views but must point out that I am always prepared to substantiate those views by references or supporting documentation. Most disappointingly, my experience with Council is that it does not do likewise and too often relies on rhetoric alone expected to satisfy serious ratepayer questions.

**NEW QUESTION 5A** – Does Council refute that each of the Hill PDA, KPMG and the initial Horwath HTL reports contain qualifying statements relating to limitations of those reports?

**NEW QUESTION 5B** – Can Council confirm that it has obtained sufficient written advice and in market studies to mitigate the consequences of the limitations stated within the Hill PDA, KPMG and Horwath HTL reports from resulting in an adverse outcome?

**Q7.** If Council believed that the initial Horwath HTL report did support this statement then why was a further Horwath HTL report commissioned at further ratepayer expense when a hotel developer will undertake their own feasibility studies anyway?

Council's response dated 2<sup>nd</sup> May 2017 to Q7 above.

**A.** *“Council sought further confidential advice from Horwath HTL to assist in attracting and negotiating with potential hotel developers and operators.”*

**MG COMMENT 12<sup>th</sup> May 2017**

Thank you for your response to Q7.

**NEW QUESTION 7A** – Can Council please confirm that the second Horwath HTL report includes a proper feasibility report and that a 150-200 room hotel is more than likely to be viable for construction in Devonport to support Council assertions that adequate market demand exists and the ongoing commitment of further ratepayer cash and borrowings?

**Q8.** What is the date of the second Horwath HTL report, currently held as confidential, and when was it commissioned by Council?

Council's response dated 2<sup>nd</sup> May 2017 to Q8 above.

**A.** *“The report is dated November 2016. Horwath's have been working with Council since February 2016.”*

**MG COMMENT 12<sup>th</sup> May 2017**

Thank you for your response to Q8. and in addition advising when Horwath HTL were engaged but your response did not advise when the second report was “commissioned” being an additional cost to the general consultancy agreement and requiring Council approval, I assume.

**NEW QUESTION 8A** – Will Council please advise the date that the second Horwath HTL report on the proposed waterfront hotel was commissioned?

Hopefully this will bring the current protracted question and response nonsense to a close and we can both focus on future succinct questions with succinct answers that directly address the question.

Please provide responses in writing and ensure inclusion in full in the next Ordinary Meeting Agenda.

## **DISCUSSION**

In relation to the question received 12 May 2017 it is proposed that Mr Gardam be advised of the following:

**NEW QUESTION 4A:** If the Launceston City Council determined it was prudent to commission a pre-feasibility study for their proposed conference facility which recommended it not proceed to a full feasibility study, having given comprehensive quantitative reasons for the recommendation; why did Council totally ignore this report, nor commission its own pre-feasibility study?

**Response:** In its option Devonport City Council (DCC) has taken a different but equally valid approach to Launceston regarding whether to proceed with a conference centre development. As you are aware, the conference centre is just one element of the DCC approach to revitalising the CBD, and decisions concerning such have been made in the context of the overall plan to reinvigorate the City, and not as a standalone venture.

**NEW QUESTION 4B:** Is this a proven example of a professional Launceston City Council having a sound understanding of what risk mitigation means and requires whilst an amateurish Devonport City Council has no such understanding or inclination to find out?

**Response:** Council has no intention of responding to this question.

**NEW QUESTION 5A:** Does Council refute that each of the Hill PDA, KPMG and the initial Horwath HTL reports contain qualifying statements relating to limitations of those reports?

**Response:** No.

**NEW QUESTION 5B:** Can Council confirm that it has obtained sufficient written advice and in market studies to mitigate the consequences of the limitations stated within the Hill PDA, KPMG and Horwath HTL reports from resulting in an adverse outcome?

**Response:** Council made its decision on the information available to it at the time and understood the limitations of that advice and therefore does not believe further market studies are either necessary nor required.

**NEW QUESTION 7A:** Can Council please confirm that the second Horwath HTL report includes a proper feasibility report and that a 150-200 room hotel is more than likely to be viable for construction in Devonport to support Council assertions that adequate market demand exists and the ongoing commitment of further ratepayer cash and borrowings?

**Response:** The second Horwath HTL report was requested to provide additional data for prospective hotel operators/investors. There is currently no expectation that Council will be committing cash or borrowings for the development of the proposed hotel.

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**NEW QUESTION 8A:** Will Council please advise the date that the second Horwath HTL report on the proposed waterfront hotel was commissioned?

**Response:** The second Horwath report was commissioned in May 2016, after the receipt of the first report.

**RECOMMENDATION**

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

**3.2.3 Question without notice from the public**

**3.3 QUESTIONS ON NOTICE FROM ALDERMEN**

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



## **4.0 PLANNING AUTHORITY MATTERS**

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

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

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

4.1 Land Use Planning and Approvals Act 1993 - Delegations - (D461538)

## 4.1 LAND USE PLANNING AND APPROVALS ACT 1993 - DELEGATIONS

File: 32124 D461538

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report is provided for Council, in its role as Planning Authority under the *Land Use Planning and Approvals Act 1993*, to review and re-issue functions and powers delegated to prescribed staff, as authorised under Section 6 of the Act.

### BACKGROUND

Delegations under the *Land Use Planning and Approvals Act 1993* were previously issued to prescribed staff (General Manager; Deputy General Manager – Infrastructure, Works and Development; Development Manager; Planning Coordinator; and Planning Officer) at its Council meeting in February 2014. Additional authorisations relating to the issuing of infringements under this Act were delegated in May 2015. A recent review of the Act highlighted additional delegations which were required.

### STATUTORY REQUIREMENTS

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides the power for the Planning Authority (Council) to delegate functions and/or powers under the Act.

Section 6 of the LUPAA provides:

- (3) "A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority."

### DISCUSSION

As outlined in the Act, the Planning Authority can delegate any of its powers and functions under LUPAA. The purpose of providing delegations to appropriate Council Officers is to ensure that planning services are delivered in a timely and efficient manner.

The majority of delegations are delegated to a position rather than a person. Under this Legislation and in accordance with Section, the powers are delegated to a person.

### COMMUNITY ENGAGEMENT

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

### FINANCIAL IMPLICATIONS

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

### RISK IMPLICATIONS

- Legal Compliance  
Failure to provide appropriate delegations may leave Council exposed to challenge if a Council Officer undertakes a duty or makes a decision that they are not

empowered or authorised to do so under legislation. If delegations are not issued to prescribed staff, Council's planning functions would become time consuming, difficult and potentially unworkable.

**CONCLUSION**

The adoption of the *Land Use Planning and Approvals Act 1993* delegations (as attached) is recommended.

**ATTACHMENTS**

[1.](#) LUPAA Delegations - May 2017

**RECOMMENDATION**

That the report relating to the provision of planning delegations be received, and that Council as Planning Authority, determines in accordance with Section 6 of the *Land Use Planning and Approvals Act 1993*, that the attached delegations be adopted with immediate effect.

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

<b>LAND USE PLANNING AND APPROVALS ACT 1993 – DELEGATIONS (\$6 OF THE ACT)</b>						
<b>Section</b>	<b>Description</b>	<b>GENERAL MANAGER (Paul West) (or any person acting as GM)</b>	<b>DEPUTY GENERAL MANAGER (Matthew Atkins) (or any person acting as DGM)</b>	<b>DEVELOPMENT MANAGER (Brian May) (or any person acting as DM)</b>	<b>PLANNING COORDINATOR (Shane Warren)</b>	<b>PLANNING OFFICERS (Carolyn Milnes, Mark McIver &amp; Alex Mountney)</b>
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Devonport Interim Planning Scheme 2013	X	X	X		
	Refuse an application for use or development within a Use Class which fails to meet the applicable Acceptable or Alternative Solutions and therefore is prohibited under the Devonport Interim Planning Scheme 2013	X	X	X		
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction	X	X	X		
33	Determination of application requirements	X	X	X	X	X
33A	Make requests for additional information and determine whether additional information is satisfactory and in accordance with this section	X	X	X	X	X

Section	Description	GM	DGM	DM	PC	PO
33B	Respond to Tasmanian Planning Commission for a review of additional information	X	X	X	X	X
41	Respond to Tasmanian Planning Commission direction to modify amendment	X	X	X	X	X
43E	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section	X	X	X	X	X
43EA	Respond to Tasmanian Planning Commission for a review of additional information	X	X	X	X	X
43J	Make corrections to a permit granted in accordance with this section	X	X	X	X	X
43K	Issue minor amendments to permits issued under this section	X	X	X	X	X
48A	Issue notices requiring removal of signs	X	X	X	X	X
51	Determine valid application status and permit conditions	X	X	X	X	X
53	To grant (once only) an extension of the period during which an approved use or development must be substantially commenced	X	X	X		
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section	X	X	X		
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section. This delegation to only apply where the Officer exercising this delegation is not the planner responsible for the assessment of the development application	X			X	X
55	Make corrections to a permit granted by Council in accordance with this section	X	X	X	X	X
56	Make minor amendments to permits granted by Council in accordance with this section	X	X	X	X	X

Section	Description	GM	DGM	DM	PC	PO
57	Grant permits with or without conditions, for applications assessed under the Alternative Solutions within the Devonport Interim Planning Scheme 2013, where no public submissions have been received	X	X	X		
57(2)	Refuse an application that does not comply	X	X	X	X	X
57(4A)	A person must not obscure or remove a notice of an application for a permit displayed on the land that is the subject of the application within the time period specified (Infringement Penalty - Penalty Units (Individual) - 2; Infringement Penalty - Penalty Units (Body Corporate) - 2	X	X	X		
57A	Investigate or be a party to any mediation in relation to a discretionary permit	X	X	X	X	X
57-58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time. This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and: (a) less than three objections have been received; or (b) the General Manager has been advised of the intention to exercise the delegation no less than five full working days previously	X	X	X		
57-58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time	X				

Section	Description	GM	DGM	DM	PC	PO
57(6A)/ 58(2A)	Agree to the extension of consideration times for applications for permits	X	X	X	X	X
58	Grant permits with or without conditions for uses or developments assessed under Acceptable Solutions within the Devonport Interim Planning Scheme 2013 under this section	X	X	X		
58A	Require that an agreement is entered into in respect of a use or development	X	X	X		
59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section	X				
59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section	X	X	X		
60Q(8)	A person must not, within the period specified in the notice under subsection(1), obscure or remove a notice given under subsection(1) that is displayed on the land to which the notice relates (Infringement Penalty - Penalty Units (Individual) - 2; Infringement Penalty - Penalty Units (Body Corporate) - 2	X	X	X		
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf	X	X	X	X	X
63(3)	A person who uses land or undertakes development in a way that contravenes any State policy or a condition of a sealed scheme is guilty of an offence punishable, on summary conviction (Infringement Penalty - Penalty Units (Individual) - 15; Infringement Penalty - Penalty Units (Body Corporate) - 75	X	X	X		
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit	X	X	X		
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit	X	X	X		

Section	Description	GM	DGM	DM	PC	PO
71	Enter into agreements under Part 5 of this Act	X	X	X		
75	Make amendments to agreements under Part 5 of this Act	X	X	X		
	Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for a Council to consider the matter within the time stipulated in the Act, to determine the application	X				
80P(1)	A person must not falsely include in a document, that purports to be a copy of - (a) an authorised version of an electronic planning instrument or of an electronic policy instrument; or (b) selected provisions of such an authorised version - a certificate that purports to be a certificate under section 80N (Infringement Penalty - Penalty Units (Individual) - 15; Infringement Penalty - Penalty Units (Body Corporate) - 15	X	X	X		
80P(2)	A person must not falsely represent that a document is a copy of - (a) an authorised version of an electronic planning instrument; or (b) an authorised version of an electronic policy instrument - that has been produced by the Commission under section 80N (Infringement Penalty - Penalty Units (Individual) - 15; Infringement Penalty - Penalty Units (Body Corporate) - 15	X	X	X		
80P(3)	A person must not falsely represent that a document is a copy of - (a) an authorised version of an electronic planning instrument; or (b) an authorised version of an electronic policy instrument (Infringement Penalty - Penalty Units (Individual) - 15; Infringement Penalty - Penalty Units (Body Corporate) - 15	X	X	X		



## 5.0 REPORTS

### 5.1 DISPOSAL OF 108 TARLETON STREET, EAST DEVONPORT TO OAK POSSIBILITY

File: 10214 D467357

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

Council's Strategic Plan 2009-2030:

Strategy 4.7.4 Advocate for and provide access to quality services, facilities, information and activities that assist the frail, aged, people with disabilities and their carers to engage in all aspects of community life

#### SUMMARY

This report is provided to consider objections regarding the proposed donation of land at 108 Tarleton Street, East Devonport under Section 178 of the *Local Government Act 1993* to OAK Possability.

#### BACKGROUND

At Council's Closed Meeting held on 27 February 2017, it was agreed to enter into a Memorandum of Understanding with the not for profit organisation OAK Possability in relation to land at 108 Tarleton Street, East Devonport. It was further resolved to commence the process under Section 178 of the *Local Government Act 1993* ("the Act") relating to the disposal of the land to OAK Possability, subject to the conditions contained in the Memorandum of Understanding.

OAK Possability is a not for profit organisation that provides services to Tasmanians living with disability, those who are ageing and children and young people. Their intention is to develop the land into a mix of single dwellings and a shared accommodation home of likely four bedrooms which is designed for people living with disability and those who are aged.

The land proposed to be transferred is outlined in blue on the plan below:



A small portion of the property was formally transferred back to Council by the State Government in 2011 following a decision by the Government that the property was surplus to their requirements (Child Health Clinic and immediate land surrounding the building). Subsequently, this building was then leased to the Board of "Gran's Van" and a carport structure added to the site for use by them. "Gran's Van" only utilises a very small section of the property with the balance maintained by Council. Anecdotal evidence is that its usage for public recreation type purposes is extremely limited.

It would appear that its main use is as a through way from Tarleton Street to the East Devonport shopping precinct. The property is zoned Residential under the Devonport Interim Planning Scheme and is listed on Council's Public Lands Register.

### **STATUTORY REQUIREMENTS**

The *Local Government Act 1993* 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 the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4)** If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
  - (a)** publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
  - (ab)** display a copy of the notice on any boundary of the public land that abuts a highway; and
  - (b)** notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5)** If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6)** The council must —
  - (a)** consider any objection lodged; and
  - (b)** by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of —
    - (i)** that decision; and
    - (ii)** the right to appeal against that decision under section 178A.
- (7)** The council must not decide to take any action under this section if —
  - (a)** any objection lodged under this section is being considered; or
  - (b)** an appeal made under section 178A has not yet been determined; or
  - (c)** the Appeal Tribunal has made a determination under section 178B(b) or (c).

**178A. Appeal**

- (1) Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b).
- (2) An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –
  - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
  - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management and Planning Appeal Tribunal Act 1993 does not apply.

**DISCUSSION**

In accordance with Section 178 of the Act, the proposed transfer of 108 Tarleton Street was advertised in The Advocate, letters were sent to all neighbouring properties and a notice placed on the land.

During the advertising period eight (8) representations were received. The letters received are provided as an attachment to this report, however a summary of the issues raised and officer comment are outlined in the table below:

Issue	Council Officer's comment
Concerns that the development will devalue surrounding properties	There is no evidence to suggest the type of development proposed will devalue neighbouring properties
The type of specialist facility to be built? Style or layout of the proposed facility - Single dwelling or multiple units?	The project will consist of mixed development for people living with disability and those who are aged. There will be a mix of single dwellings and a shared accommodation home of likely four bedrooms. The design and construction method are intended to be consistent with the local surroundings
Entry and exit points Concerns re safety onto Tarleton St; Will a traffic management strategy be developed?	All aspects regarding entry/exit and traffic management will be assessed as part of a future Development Application
Concerns regarding the safety and security of surrounding properties	No evidence to suggest this type of development will impact on the safety and security of neighbouring properties
Sell and place proceeds back into the East Devonport area	Under the <i>Local Government Act 1993</i> , Council has the right to dispose of land if it believes that the transfer will provide significant benefits to the community

Report to Council meeting on 22 May 2017

<p>Where is proposed facility to be situated on land (request to view plans)?</p>	<p>The actual details relating to design and layout are not finalised, however they will be required as part of a future Development Application</p>
<p>Will trees be removed?</p>	<p>It is likely that some of the trees will need to be removed depending on the final design and layout of the development on the site</p>
<p>Wants to retain park – essential for health and wellbeing of citizens</p>	<p>There are a number of reserve areas noted on Council's Public Land Register in East Devonport including:</p> <ul style="list-style-type: none"> <li>• Mary Street wetlands</li> <li>• Pioneer Park incorporating Apex Park</li> <li>• Each Devonport Beach Coastal Reserve</li> <li>• Neely Street, East Devonport</li> </ul> <p>Council also has a number of leases with Crown Land Services which are used as public open space including:</p> <ul style="list-style-type: none"> <li>• Frederick Head Walking Track</li> <li>• Reg Hope Park/Julie Burgess area</li> <li>• Police Point including walking track and Brooke Street parklands</li> </ul>
<p>Was the land donated on proviso it be kept as park land and never built on. Been vacant for 52 years If not, how did Council acquire this land?</p>	<p>Council records do not provide sufficient information as to how Council secured the land. Records dating back to 1970 indicate the Council were in ownership at that time.</p> <p>The Child Health Clinic (and immediate land surrounding it) was transferred back to Council in 2011 from the State Government.</p>
<p>Status of OAK Possability?  Will rates be charged as they are a NFP?</p>	<p>OAK Possability is a not for profit organisation that provides services to Tasmanians living with disability, those who are ageing and children and young people. The development is only intended for people living with disability and those who are aged.</p> <p>Yes, full Council rates will be payable on the development as part of the agreement with OAK Possability</p>

OAK Possability has indicated that they offer a wide range of services in Tasmania including:

- adult and children's respite
- supported accommodation
- semi-independent living
- leisure and recreation
- specialist support services
- community support

The benefits this project are likely to bring to Devonport include:

- Improved specialist disability accommodation for 10-16 people.
- Economic benefits– estimated \$4.5M construction project and recurrent salaries paid to staff following completion.
- Additional Council income – through rates paid on the property.
- the provision of innovative housing for those in need. The proposed development will provide a range of outcomes including social inclusion, health and well-being, independence and ongoing support costs.

OAK Possability previously advised that if the land transfer proceeds, they will hold discussions with Gran's Van to enable them to continue their operations on site in the current form.

### **COMMUNITY ENGAGEMENT**

Community engagement has been undertaken as prescribed by Section 178 of the Act and feedback has been summarised in the table listed under the Discussion section of this report.

### **FINANCIAL IMPLICATIONS**

The land valuation information provided by the Valuer-General in 2015 identified the following values for the property at 108 Tarleton Street:

- Land Value \$220,000
- Capital Value \$245,000

Should Council support the proposal, the cost associated with pursuing the removal of the property from the public land register is likely to range between \$500 - \$1,500. If an objector lodged an appeal with the Resource Management & Planning Appeals Tribunal (RMPAT) against the transfer of land in accordance with Section 178A 3(a) or (b), costs are likely to be higher.

Once developed, Council would receive rates income for the facility.

The donation of the land would also require Council to remove it off from its Asset Register and recognise a loss on disposal. That loss on disposal would be approximately \$220,000 and would impact on the financial year in which the transfer occurs.

### **RISK IMPLICATIONS**

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

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**

The transfer of 108 Tarleton Street, East Devonport, as Council's in-kind contribution to the project, would allow significant benefits to be achieved for the community, both economically and socially.

The Memorandum of Understanding with OAK Possability ensures that no action to transfer the land will be undertaken until such time as the requirements of the *Local Government*

Act 1993 have been met and until OAK Possability has obtained all the necessary development approvals/permits that will be required.

**ATTACHMENTS**

[1.](#) Objections - 108 Tarleton Street, East Devonport

**RECOMMENDATION**

That Council receive and note the report in relation to disposal of the property at 108 Tarleton Street, East Devonport and the objectors be advised that Council:

- (a) has considered their objections; and
- (b) intends to proceed with the transfer to OAK Possability 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

Dear Sir,

Reference 108 Tarleton St E'port.

I strongly disapprove of Devonport City Council giving away the above property. This land is owned by the rate payers and if the council no longer require it, they should sell it and pay down some of the massive debt. I live immediately opposite this land and I already find it very difficult to enter Tarleton street with such heavy traffic especially with the huge back up of cars going to and from the Spirit

Yours faithfully

G. Waterman

I am writing as a conscientious objector to the recently advertised intention for the Council to give away prime land at 108 Tarleton Street, East Devonport.

Having recently moved from Launceston to reside on the North West Coast, I have observed the lack of beautiful parklands particularly in East Devonport.

The property in question is situated in the centre of a main stream traffic area and in my opinion would be totally unsuitable for a specialist disability facility.

I feel sure there is a level, better situated property which is quieter & safer for this organisation, if not free.

The residents of East Devonport are equally as deserving of attractive parklands as those on the West & with more consideration & imagination from Council, this could be achieved for all to enjoy, including the disabled.

Katepayer /  
Koshyn Goodger.



**OBJECTION TO THE INTENTION OF DONATING PUBLIC LAND AT 108 TARLETON STREET EAST DEVONPORT.**

I have concerns I would like addressed by the Devonport City Council regarding the donation of land at 108 Tarleton Street East Devonport.

Many older East Devonport residents can remember this area being a refuse site. Additionally there has always been a very strong rumour, that this parcel of land was donated to the community on condition it was to kept as a recreational area. I note this land is zoned recreation, information gained at [www.devonport.tas.gov.au](http://www.devonport.tas.gov.au), public land register. A number of treated timber play equipment items, once occupied this recreation area for many years, until they were deemed unsafe and removed by the Council who planted the trees that currently grace this area.

I have serious concerns regarding donation of this land, when Devonport City Council is making a massive investment into the Living City Project. With the Council contributing \$11M, and the remainder of up to \$39M needed to be borrowed ([www.livingcitydevonport.com.au/FAQs](http://www.livingcitydevonport.com.au/FAQs)) for Stage 1, surely the Council should be interested in recouping some costs through this parcel of land, and that can not happen by donating it?

This area of land is used daily by locals and interstate visitors, as a thoroughfare to gain access from Tarleton Street to the shopping precinct in Wright Street. Passengers embarking and disembarking the Spirits of Tasmania, exercise their pets in this recreational area.

I visited the Council offices searching for answers regarding this proposal. With each question I asked it was answered with the same response: "I don't know". These questions included:

1. Was this land donated to the Council on proviso it is to be kept as recreational park land and never built on? Is this why this parcel of land has been left vacant for over 52 years?
2. If the land was not donated to the Council, how did the Council acquire this area of land?
3. What is the style or layout of the proposed accommodation facility?
4. Where would access be gained to this proposed facility and what traffic management strategies would need to be put in place?

I would appreciate that these concerns be addressed and a reply with clear responses be produced at your earliest convenience.

Yours sincerely



Roseanne Howell  
On behalf of Mrs J Morris

To the Mayor,  
Aldermen  
and G M DCC.

I am writing in response to  
DCC notice of intention to donate public  
land at 108 Tarleton st.

At the moment DCC has a large debt  
which needs to be repaid so DCC should be  
selling the land to help repay this debt.  
Alternatively DCC could provide residents  
of Surrey St with a complete footpath.

All told DCC should not be giving  
this property away for free but should  
get a reasonable monetary return for  
any property it disposes of.

Rodney Russell.

Dear Sir/Madam

Reference Property 108 Tarleton St. East Devonport

I wish to strongly object to the Devonport City Council "GIVING AWAY" to any entity or organization the above property currently being utilised as a Park.

This Land is for the use of Ratepayers and owned by Ratepayers and if any consideration is ever given by the Council to dispose of same it should be put to public Auction or Tender and all proceeds obtained from sale should be used towards improvements in the Devonport Community.

I also know that years ago the East Devonport Tip was located on this site along with acres of Tea Tree Swamp and a lagoon with a creek running through that entered the river adjacent to the old Yacht Club.

To date there has been no plans provided by the proposed ~~to~~ developer and with only one external access to Tarleton St (the busiest thoroughfare) with hundreds of semi trailers a day and a massive clearance of access caused by siphons watering the board the Spout of Tormana both mornings and evenings during <sup>the</sup> peak sailing season access both in and out will be impossible.

I am also aware that the East Devonport Medical Clinic approached Council for extra land to increase their car parking and were refused.

Also a prominent East Devonport Ratepayer offered to purchase this block several years ago for development and were refused.

I am also aware that a previous development application for 40 houses to be built on this block was refused due to access problems onto Tarleton St during the time that Alderman Jack Benson was a member of Council.

I repeat again I am totally opposed to this public real estate being given away. Council should first find out how they originally received the land and if they are in a position to ~~do~~ dispose of some it MUST go to Tender at Public Auction.

Yours Faithfully,

W. HILDITCH

RATEPAYER

N.B. The Company you are planning to give this land to was registered as a Public Co in 2000 and only in 2014 did it become a 'NOT FOR PROFIT' organization. Also being NFP will rates be charged as they are currently exempt from GST, TAX and all other fees.

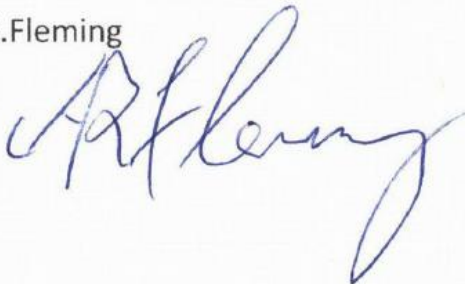
Paul West,  
General Manager,  
Devonport City Council,  
P.O. Box 604,  
Devonport, 7310.

Dear Sir,

I am writing to object to the planned destruction of the park at 108 Tarleton St, East Devonport.

Most cities put a high value on parks and public open spaces. They realise that they are essential for the health and wellbeing of the citizens.

A.R.Fleming

A handwritten signature in blue ink, appearing to read 'A.R. Fleming', written in a cursive style.

To the Manager,

I wish to object to the proposed disposal as a gift land, situated at 108 Tarleton Street, East Devonport with no reflection how noble the gesture maybe.

This land has an estimated value in excess of six hundred fifty thousand dollars (\$650,000.00), being a ratepayer in the area for many years and hearing the Devonport Council cry poor when suggesting funds for various improvements such as.

- a) continued subsidy for Mercy Ferry
- b). construction of Bass Street
- c). redemption of East Devonport beaches and there are many more

If indeed the Devonport Council is the owner of the said land, would the Council be able to avail copy of the journey of the land titles and conveyances from the granted titles of J. & L. Thomas and James Jones.

Thank you for your attention and consideration.

Respectfull yours

B. E. Richards  
Brian E. Richards

'Attention Aldermen.'

Re: Donation of land @ 108 Tarleton St, East Devonport

I am objecting to the donating/disposal of the said land. My property is on the southern boundary, with this land as public space for more than 50 yrs.

Why is council disposing of this park now?

My concerns regarding this disposal include:

- : The devaluation of the surrounding properties.
- : What type of 'Specialist Facility' is to be built?
- : Is it to be a single dwelling or multiple units?
- : The entry and exit points.
- : Safety and security of the surrounding properties

As a property owner I would like to view plans for the proposed development.

If council wishes to dispose of this land why can't it be put to tender or auction and the proceeds spent in the East Devonport area which has long been neglected by council development.

Where is proposed facility to be situated on land?  
Will the trees be removed?

Hoping you will have some answers to my concerns

Your Sincerely

Judith Robson

21 Stephen St

East Devonport T310

## 5.2 TASWATER - STATE GOVERNMENT TAKEOVER

File: 28434 D471928

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report is provided to further update Council on the State Government's proposal to take control of TasWater.

### BACKGROUND

In March, 2017, the Tasmanian Treasurer, Peter Gutwein, MP announced "The State Government has decided that the best way to resolve Tasmania's inadequate water and sewerage infrastructure is to assume ownership and control over TasWater. This will facilitate a faster solution to the problem and resolve the long-term underinvestment that has led to the current unsatisfactory situation".

Council at its meeting on 27 March 2017 determined:

*That the report of the General Manager relating to TasWater be received and noted and that Council not form a definite view on the proposed takeover by the State Government until such time as more information and clarity is provided on the matter.*

### STATUTORY REQUIREMENTS

TasWater is an entity established by the State Government under the *Water and Sewerage Corporation Act 2012*. It is currently 100 per cent owned by local government.

### DISCUSSION

The Treasurer was invited to address a meeting of the Local Government Association of Tasmania (LGAT) on 7 April 2017. The main thrust of the Treasurer's presentation was:

- transfer all rights, assets, liabilities and obligations (including all staff) of TasWater to a new Government Business Enterprise, to begin operation on or before 1 July 2018.
- extend the current Prices and Services Plan for one year, to 2018-19, with a price increase of 2.75 per cent.
- legislate to ensure the Government can provide clear direction to the business.
- reform the economic regulatory framework so that:
  - the Treasurer will set prices through an Order, on advice of the Tasmanian Economic Regulator.
  - the Regulator is responsible for customer service standards and environmental, health and water regulation will be unchanged.
- the Government will target price increases for the new business of between 2.75 and 3.5 per cent.
- the legislation will contain explicit provisions to prevent a future privatisation of TasWater.



Report to Council meeting on 22 May 2017

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The Treasurer indicated that under the State Government ownership, the focus will fundamentally change. There would be a single focus on fixing infrastructure and keeping prices lower. The Government has indicated that it will (for at least 10 years):

- not require TasWater to pay Income Tax Equivalent
- waive Government Guarantee Fees – lowering the cost of debt (interest rate by 0.6% or around 15%)
- freeze all distributions from the entity (other than the payment of Council rates)
- reinvest all free cash flow into the accelerated infrastructure program
- directly fund the \$20 million annual payments to councils from 2018-19 to 2024-25 from the State Budget
- commit to provide additional support from the State Government's balance sheet to support the business should that be required in the future
- continue to fund water and sewerage bill concessions at around \$10 million per year

The Treasurer reiterated that the Government understands that councils hold concerns regarding their TasWater returns and stated the Government will:

- guarantee annual payments of \$20 million from 2018-19 to 2024-25 – exactly what would have been received under the TasWater's 10 year plan.
- guarantee that, after these payments cease, councils will receive one half of the total value of returns annually from the corporation in perpetuity.
- guarantee the Government will reinvest all returns its receives to assist with the ongoing infrastructure program and keeping prices low for customers
- guarantee the Government is not taking over TasWater for the revenue stream.

Subsequent to the LGAT meeting, the Chairman of TasWater, Miles Hampton visited Council on 10 April and provided a presentation on behalf of the Corporation.

Mr Hampton's presentation outlined:

- disputed the assertions being made by the State Government that there was a crisis in water and sewerage in Tasmania.
- a number of statistical measures that would indicate that TasWater is meeting industry standards and benchmarks.
- does not believe that additional funding will enable TasWater to move much faster than the already developed 10-year plan. Doing it faster is not justified on water quality or environmental grounds, so why incur the bring forward costs?
- indicated that at the end of TasWater's 10-year plan, their modelling indicates customer prices will be at or below the national median for comparative businesses.
- under TasWater's plan debt will be \$900M whereas under the Government's plan debt is \$1.5 billion.
- consolidated revenue of the State Government will take a \$160M hit.
- to have the Government potentially overriding one single element – price recommendations – will serve to undermine the balance of the regulatory plan that addresses service standards and capital improvements.
- the Government's plan ignores financial sustainability and the impact on future ratepayers and water and sewerage customers.

Report to Council meeting on 22 May 2017

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There has been a steady flow of information provided from both sides of the debate (State Government and TasWater) during the past few weeks. In particular there have been media reports in which both Mr Hampton and Minister Gutwein have questioned each others positions in relation to the matter and their respective integrity.

In the leadup to the TasWater Owners Representatives and the LGAT's Special General Meetings on 11 May, correspondence provided to councils included (copies attached):

- 21 April 2017 – Miles Hampton, Chairman TasWater
- 5 May 2017 – Michael Brewster, CEO TasWater (includes a copy of a letter sent to the Treasurer by the Chairman dated 16 May 2016)
- 9 May 2017 – Hon Peter Gutwein, Treasurer

Council at a Workshop on 8 May 2017 discussed the issue of TasWater to provide some guidance to its TasWater Owner Representative (Ald Goodwin) and its LGAT Delegate (Mayor Martin).

Several concerns relating to the way in which this issue has been handled were discussed. It was clear most Aldermen believe that the issue has been unnecessarily politicised and that there has not been sufficient information provided which can satisfactorily be relied upon in reaching a considered position.

At the LGAT meeting, the following was determined:

*That Members confirm there is no water and sewerage crisis, reject the proposed State Government ownership of TasWater and, through LGAT, urge the State Government to work cooperatively with LGAT, Councils and TasWater on the optimal water and sewerage infrastructure upgrade program to achieve the best outcome for Councils and consumers.*

### **COMMUNITY ENGAGEMENT**

There has been significant media coverage leading up to and since the State Government's decision to takeover TasWater.

### **FINANCIAL IMPLICATIONS**

The financial impact of the overall 10-year freeze has previously been reported to Council and is expected to be approximately \$546,000 per annum (based on current \$ value).

Council's current equity in TasWater is valued at \$85.6 million.

There is the potential that the LGAT may seek additional financial support if it is determined that a campaign actively opposing the State Government's takeover is to be pursued. If this situation eventuates a separate request will be likely provided to the next LGAT General Meeting.

### **RISK IMPLICATIONS**

The primary risk to Council is the impact on its financial activities as a result of the reduced revenue over an extended period of time. It is also unknown at this stage what the financial impacts of the Government's takeover will be to individual councils going forward, in particular post the 2024/25 financial year.

**CONCLUSION**

The informal position of Council was for its Representatives to vote against the State Government's proposal on the basis that at present Council was not convinced:

- that the actions proposed were necessary; and
- that transferring the ownership of TasWater to State Government ownership would dramatically improve outcomes for its ratepayers.

**ATTACHMENTS**

- [↓](#)1. Attachment 1 - TasWater Letter dated 21 April 2017
- [↓](#)2. Attachment 2 - TasWater Letter dated 5 May 2017
- [↓](#)3. Attachment 3 - Hon Peter Gutwein Treasurer Letter dated 9 May 2017

**RECOMMENDATION**

That the report of the General Manager relating to TasWater be received and noted and that Council confirm its position that it does not support the proposed takeover by the State Government of the Corporation as it is not convinced that such action would be in the best interest of its community.

Author:	Paul West	Endorsed By:	Paul West
Position:	General Manager	Position:	General Manager



TW HPRM ref: 17/36209

21 April 2017

Dear Mayor

On 11 May we will meet to discuss the Treasurer's most recent proposal.

I have heard that some of you are asking who should we believe, the Treasurer or your Chairman? I am also hearing that some of you are saying it is a done deal, so why bother? I have also heard that some of you are saying let's wait until we see the detail of the draft legislation?

It is my view that the longer you take to reach a collective position, the greater the likelihood that the position of the Treasurer will prevail.

To that end I strongly urge LGAT to make a decision at the 11 May meeting.

As you know I have been making presentations to a number of Councils, and by 11 May I will have addressed the majority of Councils.

I summarise the key elements of those presentations below.

#### Is there a crisis?

Initially the Treasurer declared the need for action as a result of there being a crisis. I note that this language is no longer being used by the Treasurer. This is because there simply is no crisis and no amount of cherry picking data and quotes from the Economic Regulator will make it so.

The facts are:

- 99.2% of serviced customers can drink their water straight from the tap and this will be 100% by the time the government proposes its takeover.
- There is no environmental crisis. At no time has the DHHS or the EPA verbally or in writing advised us that a crisis exists, nor have the EPA issued any fines for environmental damage over the last 12 months
- We have been working with the Regulators to ensure that our Plan meets their expectations and at no time have they advised that our approach is at odds with the outcomes they are seeking.

#### Why accelerate the current plan?

Our \$1.55B ten year plan will see the majority of the water and sewerage issues facing the state resolved by the end of June 2026. The business will remain sustainable with debt at \$891M, it will not need to take money away from other government activities, and it will not penalise future generations of customers with unnecessary debt that ultimately will need to be repaid.

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The government's proposition is simply that they will accelerate our plan by three years. We have modelled their latest proposal and can advise that this three year acceleration will increase our debt level to \$1.48B and require a further \$160M to be funded from other sources, money that is desperately needed for hospitals, education and other infrastructure. So when all stripped back, we finish our current program three years earlier while increasing debt by \$590M and requiring \$160M to be drawn from other sectors.

#### Changes to the regulatory Model?

The government are flagging an intention to do away with the role of the independent regulator in setting prices, with the Minister to set prices.

Put simply this does not represent sensible economic policy, is completely at odds with the national water initiative and inevitably future pricing will be set on the basis of short term political imperatives.

#### The promise of future returns?

In 2009, you were made promises about significant funding for upgrades to water and sewerage infrastructure, promises that have delivered little.

You are now being made further promises, which may be being made in good faith, but let's look at the reality:

- There is no guarantee that your 'guaranteed' \$20M returns will be retained by future governments
- The government have now backed away from its initial promise to give Councils half of the returns beyond 2026.
- Our modelling indicates that there will be nil or negligible returns post 2026 and it is therefore likely that Councils will get nothing beyond.
- You are being asked to give up a \$1.6B investment with no compensation.

#### Who should we believe?

Ultimately this is a matter for each council, but I would point to the following:

- There is only one fully detailed Plan, the TasWater Plan. It has been published and you have each been provided with a copy since last year. There is nothing hidden nor has our agenda changed. It is a fully funded Plan to fix the state's water and sewerage systems, a Plan that will leave Councils owners into the future. A Plan that has been endorsed by Councils.
- We have operated in a collaborative and open manner with Councils, involved you to the maximum extent possible in key decisions including sharing the good and bad with you.

In contrast, the Treasurer's approach has been characterised by:

- A repeated refusal to offer financial assistance (until now)
- A promise of "engagement" that disappeared into the ether as a "take it or leave it proposition"
- An approach devoid of detail
- An approach that will saddle the State with an additional \$590M in debt that will ultimately become a burden for the following generations

**My recommendation**

It is my strong recommendation that you should reject this proposal on the basis that:

- The underlying premise for the change is a crisis that does not exist
- Customers and rate payers will ultimately be worse off under the Treasurer's plan.
- The cost of the three year acceleration at \$590M in additional debt and \$160M transferred from other sectors is not warranted and will unnecessarily divert monies to water and sewerage which are better invested elsewhere
- You are effectively only receiving what you would have under the current TasWater Plan with no upside post the end of the 10 year plan period and no recognition of the investment made by your communities over many decades
- The deal is subject to the vagaries of future political cycles

**Where to from here?**

It is my judgement that it is time to make a collective decision on whether to support or oppose the Government's planned takeover and I hope, no urge you to so resolve at the 11 May meeting.

If Councils accept there is a crisis they should vote to accept the government's proposal.

If Councils do not accept there is a crisis and that the imposition of an additional \$590M in debt on that Tasmanian Community is unwarranted, then they should reject the government's proposal.

I will expand on the above at the 11 May meeting, but in the meantime if you or your council has any specific questions you would like me to address at the meeting, please forward them to [miles.h@me.com](mailto:miles.h@me.com) by 4 May 2017 and I will seek to address them at the meeting.

Yours sincerely

A handwritten signature in cursive script that reads "Miles Hampton".

**Miles Hampton**  
Chairman



TW HPRM ref: 17/41230

5 May 2017

**Mayor Mick Tucker**  
Break O'Day Council  
32 – 34 Georges Bay Esplanade  
St Helens TAS 7216

Dear Mayor Tucker

As requested, please find attached a copy of the letter referred to by the Treasurer in his recent commentary, with the Treasurer's highlights noted.

In this letter I will comprehensively lay out the background, context and relevance of the letter dated 20 May 2016 to our current situation, and demonstrate that there is no conflict between the Chairman's statements of 20 May 2016 and those made earlier this year because, in the intervening time, a solution has been developed and is being implemented.

**Context and history leading up to the letter of 20 May 2016**

In the first two years of TasWater (ie FY2013/14 and FY2014/15) the focus was on establishing the new business and developing a clear understanding of the statewide picture. Data was not always available or reliable; however our analysis strongly suggested that:

- We urgently needed a long term plan that prioritised expenditure based on what mattered most from a statewide perspective;
- A capital expenditure program based on \$100M per annum - or \$1 billion over 10 years - was likely to be inadequate in addressing the water and sewerage challenges across the state; and
- Without a change in financial circumstances, TasWater was not able to fund the size of program needed to address the state's key challenges over the next decade.

On that basis the Board required the following activities to be undertaken:

- Obtain independent advice on the maximum amount of debt we could responsibly incur;
- Start work on a long term statewide plan to address our key challenges, including areas of non-compliance with current standards;
- Further investigate the possibility of obtaining external funding as a means of funding an expanded plan and keeping price increases for customers to a minimum; and
- Until the plan was fully formed, continue to concentrate our capital program on what mattered most to the community - ie removing drinking water alerts, reducing drinking water risks, reducing dry weather sewage spills (particularly to areas with oyster leases), managing dam safety risks, ramping up our sewerage program and reducing the sewage odour impacts from our treatment plants and pumping stations.

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We then developed a first draft of a 10-year, \$1.8 billion plan to responsibly address the state's key water and sewerage infrastructure challenges. This plan was subsequently endorsed by the Owners at their 12 May 2016 General Meeting. Funding for the plan involved all parties taking some pain.

That is:

- Owners would have their distributions frozen over the 10-year period;
- TasWater would have to find additional annual savings of \$10 million per annum,
- The State government would contribute \$10 million per annum; and
- The Federal government would contribute \$30 million per annum.

With the support of the Owners of TasWater the Chairman and I took this proposal to both the State government and subsequently Tasmanian Federal Liberal members.

It is within this context that the letter of 20 May 2016 from the Chairman to the Treasurer needs to be read. The letter rightly reflected that the status quo was not acceptable and that TasWater had developed a proposal to address the key issues in a sensible timeframe. While the proposal required funding from both the State and Federal governments, it would not only have addressed the key challenges the state faced but also the relocation of Macquarie Point STP and upgrades to the Launceston Combined Stormwater and Sewage System.

While the State government supported the plan, ultimately they were unable to obtain any Federal funding and subsequently advised TasWater that they were not in a position to fund their portion of the proposal.

The TasWater Board was then placed in a difficult position. It was of the view that the existing circa \$100 million per annum program was inadequate, yet the risks of not advancing the rate of infrastructure improvement were unacceptable.

On this basis the Board asked management to develop an alternative which would allow the execution to the maximum extent possible of the plan that had been put to our Owners and State government.

A revised \$1.55 billion program was then considered and approved by the TasWater Board. Key highlights were:

- The achievement of further savings by TasWater (increased from \$10 million to \$15 million per annum);
- A one third reduction in distributions to our Owners (from \$30 million to \$20 million per annum);
- Removal of the Macquarie Point STP relocation project and upgrades to the Launceston Combined Stormwater and Sewage System from the plan (on the basis that in TasWater's view, these projects should not be funded by water and sewerage customers or given priority over addressing the broader public health and environmental challenges);
- The proposed increase in the fixed component of customer charges would be capped at 5% in PSP3 and 4% in subsequent Price and Service Plans, with the corresponding increase in variable charges to be capped at CPI; and
- Projected borrowings at year 10 of approximately \$900 million, being consistent with independent expert analysis that confirmed that TasWater's targeted interest cover ratio of greater than 2.0 times aligned with the median interest cover ratio of comparable water utilities (projected gearing and interest cover ratio for the 10 year period of the plan were 47.1% and 2.0 times respectively).





This revised \$1.55 billion 10-year plan delivered on the aims set out by the Chairman in his letter to the Treasurer of 20 May 2016.

The Board then took the decision that this plan was in the best interests of all Tasmanians and that distributions to our Owners would be cut to \$20 million per annum from July 2018. On 23 August 2016 the Chairman wrote to all Owners' Representatives advising them of the Board's decision and subsequently met with Owners on 6 October 2016 to take them through the rationale for the decision. While the matter was robustly debated, ultimately councils determined they would support the plan whilst continuing to seek Federal funding, in partnership with the State Government, for those projects outside the plan (namely Macquarie Point STP relocation and upgrades to the Launceston combined system).

#### The need for change

TasWater has been transparent about the significant improvement task, with Government and our owners. In his letter of 20 May 2016 to the Treasurer, the Chairman was simply pointing out the need to find a way of addressing the issues as we saw them (refer paragraphs under The Need), while offering up a solution which involved seeking State and Federal government support for our proposal. The key point to understand here is that the Chairman was setting out both the problem and the solution. There is only a crisis if there is no solution.

As outlined above, the solution initially proposed funding contributions from both the State and Federal Governments, which was not forthcoming. TasWater was then required to develop a solution that could be implemented independent of any external support. Having done that in August 2015, the Chairman has objected to having the earlier information used against the organisation and its owners as a means of justifying an alleged crisis in water and sewerage in Tasmania. The Government has asserted this 'crisis' warrants intervention of a nature that our modelling shows will result in the corporation - and ultimately customers - incurring significantly more debt than is needed and the transfer of funds that could be better used for other essential services.

#### Price increases

In the 20 May 2016 letter from the Chairman he advised that our initial modelling resulted in a 52% price increase over the 10 year period of the \$1.8 billion plan. It is not well understood that this is a compound number which reflects the increase in the fixed component only of our charges and does not include the variable component of customer pricing. If the variable component is included (forecast in the model at CPI consistent with the current and prior Price and Service Plan) this results in an average projected increase for customers of 4.1% per annum for the comparable period from when the government is seeking to take over ownership of TasWater. This is based on average increases of 4.6% in the PSP3 period (FY2018/19 - FY2020/21) and 3.8% in subsequent years. The Government has said it will cap prices at between 2.75% and 3.5%, regardless of the determination of the independent Economic Regulator.

I would also reiterate, as the Chairman has done, that irrespective of what we forecast under the current TasWater model the independent Economic Regulator will ultimately determine what level of increases is justified.

#### The impact on the economy

In his letter, the Chairman states " ... the boost to the Tasmanian economy from a \$1.8 billion infrastructure spend would be very significant, and all regions of the state would benefit". TasWater stands by this comment. That comment related to a \$1.8 billion program involving a considerable increase in capital expenditure, with the expenditure profile aligning both with the organisation's



ability to generate solutions for such a program and giving the market the time to adapt to the increased expenditure.

The Chairman's commentary following the State government's takeover announcements related to a very different scenario. The government's initial announcement was that it could shorten the TasWater capital program from 10 years to '4 to 5 years'. Given the first year of our 10 year program is FY2016/17 and at that point in time we were projecting capital expenditure of \$127 million, under the initial Government scenario we would need to spend the balance of the \$1.55 billion over four years, which in turn would mean accelerating our expenditure to an average of \$356 million dollars per year for the balance of the five year period.

Putting aside the financial implications of such an acceleration, if attempted it would be likely to result in a substantial amount of wasted expenditure and substandard engineering solutions which ultimately would have to be rectified by further expenditure over and above what is currently planned.

Additionally, accelerating the program by five years risks driving up the cost of construction and delays to projects which could then result in fewer solutions being delivered within the \$1.55 billion program. It is also not unreasonable to expect that the high demand for construction resources would then impact the costs of construction in areas of the state's economy beyond the water sector. These are the points the Chairman was making at the time of his initial responses.

More recently, the Government has announced that its proposal is based on a seven-year program, not the '4 to 5' initially announced. This reduces the risks but still results in a significant increase in debt. Further the Government's proposal requires the injection of additional external funding, which in the past they have denied.

I apologise for the length of this reply; however I felt it important to be accurate and comprehensive.

I trust this letter answers your question and clarifies the actual sequence of events and the relationship between the Chairman's statements following the takeover announcement and his letter to the Treasurer of 20 May 2016. Please feel free to share this correspondence with other members of your council and key stakeholders.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Michael Brewster".

**Michael Brewster**  
Chief Executive Officer



TW ref: 16/47334

20 May 2016

Mr Peter Gutwein  
Treasurer  
15 Murray Street  
Hobart TAS 7000

A handwritten signature in blue ink that reads "Peter".

Dear Mr Gutwein

I am writing to you in confidence as a relevant portfolio minister of the Tasmanian State Government, to bring you up-to-date on the call last week by the TasWater Owner Representative Group for support the plan to roll out some \$1.8 billion in funding for water and sewerage infrastructure over the next decade.

If implemented, not only would Tasmania finally be able to overcome the failings of our current water and sewerage infrastructure, greatly improving our environmental outcomes and stimulating local economies throughout the state, but also in keeping prices down for consumers.

The response from both tiers of government has been swift and sharp ...this is a problem that Councils created... they should solve it.

But this is to deny that we have a problem that needs to be addressed urgently.

This letter seeks to highlight the need, the funding proposal and to answer some key questions.

#### The need

As a community we need to ask ourselves:

- for how much longer will we allow our sewage treatment plants to discharge treated effluent that pollutes our waterways ....in 2014-15 only one of 79 of our EPA regulated sewage treatment plans achieved 100% compliance with its regulatory discharge limits
- most regulatory limits for sewage treatment plants reflect standards of yesterday, surely we should be seeking compliance with modern day standards
- for how much longer will small communities remain on boil water alerts or worse still do not consume alerts ....23 communities remain on boil water or do not consume alerts



- what will be the next townships to suddenly find themselves with a temporary boil water alert as Wynard, Irish Town and Strahan experienced this summer
- which community will next experience water supply outages as we continue to have more than double the water main breaks per 100km of water main compared with the rest of Australia
- for how much longer will we have double the number of breaks and chokes per 100km of sewer main compared with the rest of Australia
- for how much longer will we regard it as acceptable for the combined stormwater & sewerage infrastructure in Launceston to discharge raw sewage into the Tamar River when major rain events occur.

The clean green image on which Tasmania relies is at risk if we do not grasp the nettle and push forward with this plan.

#### The funding proposal

TasWater has proposed that the estimated \$1.8bn required to address Tasmania's water & sewerage infrastructure shortcomings be funded as follows:

- TasWater can fund \$1.2bn whilst maintaining interest coverage at a prudent 2 times
- TasWater will find a further \$10M in annual operational savings equating to \$100M over ten years
- Owner Councils have been asked freeze distributions at the current level, equating to \$82M over the ten years
- We have proposed that the State Government contribute \$100M over ten years
- We have proposed that the Federal Government to contribute \$300M over the next ten years
- We have proposed that TasWater customers will incur aggregate tariff increases over the next ten years of 52%.

In essence our plan represents a sharing of the pain across all levels of government, TasWater and the community.

#### Isn't this the fault of Local Government?

Many would seek to ascribe the challenges we are facing in the water and sewerage on the former owners of the infrastructure (Local Councils), but the truth is, as a community we must all bear some responsibility for this problem.

It is arguable that previous State Government policies could have better enabled more timely upgrades while Federal Governments could have done more to assist in major capital works, plus much of the infrastructure is just getting old.

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Throw in greatly increased environmental standards and you begin to see that the answer to the question of previous neglect is not as simple as people would have you think.

Regardless though, the simple reality is this issue needs to be addressed by all levels of government as it is a community problem.

**Could TasWater simply borrow the additional funds?**

This raises two questions.

Firstly, what would happen to the balance sheet and the profit and loss of TasWater in this circumstance.

Under TasWater's plan gearing will end up at 45%. If it were to borrow the further amount to complete the plan, gearing would be untenable at 93%.

Secondly, to enable TasWater to maintain the board policy of an interest coverage ratio of no less than two times (which was established following a benchmarking study), tariffs would have to increase by a further 26% or a total of 78% over the next ten years.

Following as it does an increase in target tariffs over the past seven years in excess of 38%, this would be an unacceptable ask of a community already challenged by cost of living issues.

**Why should the State Government contribute funds?**

As noted above State Government agencies have to accept some responsibility for the present situation.

However, more importantly though, the boost to the Tasmanian economy from a \$1.8 billion infrastructure spend would be very significant, and all regions of the State would benefit.

The TasWater plan includes relocation of the Macquarie Point sewage treatment plant as part of a major rationalization of sewage treatment plants, a re-location that is a pre-requisite to any re-development of the site.

**Why should the Federal Government contribute funds?**

TasWater recently participated in a benchmarking study involving 19 water authorities. The TasWater customer base represented 2% of the population served by the authorities surveyed.

The study showed that TasWater has 38% of the water treatment plants, 37% of the level 2 sewage treatment plants and 18% of the dams.

The cost of operating and maintaining such a disproportionate amount of infrastructure let alone upgrading what is now failing infrastructure is simply too great a cost for the small Tasmanian community.

The TasWater plan involves a significant reduction in the number of plants, with the principle objective of reducing operating costs on an ongoing basis.

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In a state with low average incomes, where water and sewerage tariffs as noted above having increased by 38% over the past seven years, and a plan that has as a key premise, a further 52% increase in tariffs over the next ten years, the community simply cannot take any more.

The Federal Government should help communities that are unable to help themselves.

**Should Councils forgo distributions to bridge the funding gap?**

TasWater is required by law to pay Councils both loan guarantee fees and income tax equivalents.

In FY16 these will amount to approximately \$9 million and TasWater will pay a dividend of \$21 million making a total distribution to owners group of \$30 million.

To date the Board of TasWater has been prepared to declare a dividend for two principal reasons.

**The first reason is to honour the commitments given at the time the various stages of the reform were endorsed by Councils.**

When the reform occurred in 2009, Councils were promised dividends as an inducement to endorse the reform proposal. Indeed this was re-affirmed when the transition from three regional corporations to TasWater occurred in 2012.

The promise of dividends was particularly crucial to several Councils. For example Glenorchy City Council was making a surplus of \$9 million from the provision of water and sewerage services prior to the reform.

As a shareholder in TasWater they receive \$3 million in distributions. They have had to reduce services and increase rates to overcome the substantial loss of income, as have other Councils.

At \$21 million the dividend represents a return of less than 2% on the net assets transferred to TasWater when the reform occurred.

So the first reason the TasWater board has been prepared to pay a modest dividend is to seek to honour the commitments that caused Councils to endorse the reform in the first place.

**The second reason is that of equity.**

Whilst much of the infrastructure transferred from Councils to TasWater was in a poor state of repair, this was not universally the case.

For example Burnie City Council transferred a modern, state of the art sewage treatment plant worth over \$10 million.

It is inequitable that Councils who have properly maintained their water and sewerage infrastructure be asked to cross subsidize by way of reduced distributions, those that did not.

But in any event it is likely a zero sum game.

If TasWater reduces distributions to the owners group, in all likelihood the Councils will increase rates to offset the reduced income.

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It is appreciated that the current budget circumstances of the State & Federal Governments may make this a challenging task. However I feel it is important that you have a fulsome appreciation of the issues and underlying drivers for seeking external funding..

I would be pleased to respond to any questions that you may have relating to this correspondence and can be contacted by email on [miles.h@me.com](mailto:miles.h@me.com) or by phone on 0418 120 163.

Yours sincerely

A handwritten signature in blue ink that reads "Miles Hampton".

Miles Hampton  
Chairman  
TasWater

Cc:

Premier Will Hodgman  
Deputy Premier Jeremy Rockliff  
Infrastructure Minister Rene Hidding  
Minister for Tourism and International Education Senator Richard Colbeck  
Senator the Hon. Stephen Parry, President of the Senate  
Senator Eric Abetz  
Senator David Bushby  
Mr Eric Hutchinson MP  
Mr Andrew Nikolic AM, CSC, MP  
Mr Brett Whiteley MP

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ABN: 47 162 220 653

Treasurer

Level 9 Executive Building  
15 Murray Street HOBART TAS 7000  
Ph +61 3 6165 7670  
Email [treasureroffice@dpac.tas.gov.au](mailto:treasureroffice@dpac.tas.gov.au)



Ald Steve Martin  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

09 MAY 2017

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

Dear Mayor

#### **Transfer of the water and sewerage industry to the State Government**

I write to you in your capacity as Mayor of Devonport City Council in relation to the State Government's plan to take control of TasWater and the Local Government Association of Tasmania meeting to consider this matter on 11 May 2017. I would request that you please share this letter with each of your aldermen ahead of that meeting.

In my presentation to the LGAT on 7 April 2017, I outlined the Government's plan to address the very serious issues faced by the industry. You would therefore be aware that our plan involves the establishment of a new Government Business Enterprise created specifically for this task, a new economic regulatory framework and the acceleration of TasWater's 10 year infrastructure plan.

However before you consider this matter at your meeting later this week it is important to understand why the Government wants to take control of TasWater.

#### ***As a community we need to ask ourselves:***

- ***for how much longer will we allow our sewage treatment plants to discharge treated effluent that pollutes our waterways?***
- ***for how much longer will small communities remain on boil water alerts or worse still do not consume alerts?***
- ***what will be the next township to suddenly find themselves with a temporary boil water alert?***
- ***which community will next experience water supply outages as we continue to have more than double the water main breaks per 100km of water main compared with the rest of Australia?***
- ***for how much longer will we have double the number of breaks and chokes per 100km of sewer main compared with the rest of Australia?***
- ***for how much longer will we regard it as acceptable for the combined stormwater and sewerage infrastructure in Launceston to discharge raw sewage into the Tamar River following heavy rain?***

***The clean green image on which Tasmania relies is at risk if we do not grasp the nettle and push forward with this plan.***



I could not agree more, however these aren't my words or my statistics.

They're those of your Chairman of TasWater, Miles Hampton, when he wrote to me last year saying *"we have a problem that needs to be addressed urgently."*

I agree wholeheartedly with Mr Hampton that Tasmania's water and sewerage infrastructure is inadequate and that our State's image is at risk.

And I'm perplexed that he now says TasWater doesn't believe there is a crisis and that the Government is misrepresenting statistics (the same ones he was prepared to use only last year to make his case) about the State's inadequate, ageing and non-compliant water and sewerage infrastructure.

Furthermore the latest State of the Industry Report from Tasmania's independent Economic Regulator confirms little has changed and in some cases has gotten worse since Mr Hampton wrote to me last year. The Regulator now points out that "Tasmania's water and sewerage assets are deteriorating faster than they can be replaced".

That report found sewer overflows have increased by more than 20 per cent and that only one of our 79 major sewage treatment plants is fully compliant and that's only because it is not assessed on contemporary standards.

Twenty five systems were operated under a temporary or permanent boil water alert while another five systems had a public health alert (do not consume) in place and thirteen water supplies had chemical contaminants detected above safe health limits.

This is critical public infrastructure essential not only for the basic health of our population, but for our environment, our agricultural and seafood industries and for Tasmania's economic future.

TasWater belatedly says it now has a plan to deal with these issues, both water and sewerage, but this has gone on too long and too many deadlines have passed for that to be believed.

Take towns like Derby, Gretna, Ringarooma and Branxholm. The expectation was that they would already be fixed but this hasn't happened. Unbelievably because of the delay, at the Enduro World Series in Derby only last month, when Tasmania was hosting the international mountain biking community, TasWater had to supply thousands of bottles of water and five 15,000 litre water tanks – because you still can't drink the water in Derby.

And not only that, there continue to be spills of raw sewage into our pristine environment, since 2016 TasWater has reported around 100 incidents of sewerage overflows and spills to the Environment Protection Authority.

We cannot allow the current situation to continue.

I want to be clear the Government is not taking over TasWater for the revenue stream.

Nor is it an attempt to undermine local councils to force amalgamations.

That's why we have guaranteed the promised returns to Councils until 2024-25, meaning that Councils won't have to put up rates.

After that, Councils will get 50 percent of all returns, and the 50 percent we get will be reinvested either back into water and sewerage infrastructure, or to put further downward pressure on prices.

Importantly, the State Government will ensure that price increases are kept between 2.75-3.5% instead of the 5% proposed by your owners representatives at Legislative Council hearings in December last year, saving the average customer up to \$550 over six years.

3

And, we'll speed up the current works program and complete the remainder of TasWater's 10 year infrastructure plan in five years once we take them over. This will create an estimated additional 1,000 jobs in the sector, which will be good for the economy especially in regional Tasmania. A point that was also made by Mr Hampton when he wrote to me last year.

Tasmanians deserve better water and sewerage services faster, with lower price increases for customers - and that's what our Plan will deliver.

As an issue of State significance, it is my responsibility as a member of the State Government to ensure that the people of Tasmania have access to acceptable water and sewerage services. It would be remiss of us to allow this crisis to continue for longer than is necessary, and that is why we have chosen the proposed course of action.

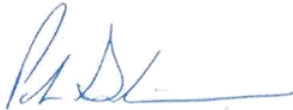
We understand that not every council is supportive of the State Government being responsible for water and sewerage infrastructure and services, however I would ask that you set aside sectoral politics and consider what is in the best interests of Tasmania.

Our plan will fix our failing system faster, price rises will be lower for customers and your council will not need to increase rates. It is fair for all concerned.

To assist in the smooth transition of the industry to new ownership, and so that work can begin on the development of a detailed accelerated infrastructure plan, I once again ask you to allow the State Government to engage with TasWater at the earliest opportunity.

In the interests of the Tasmanian community, I urge the Devonport City Council to support our plan for better water and sewerage outcomes for all Tasmanians.

Yours sincerely



Hon Peter Gutwein MP  
Treasurer

c.c. Mr Paul West, General Manager

## 6.0 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

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

Date	Description	Purpose
1/5/2017	108 Tarleton Street, East Devonport – Proposed Transfer to OAK Possability	Council advertised its intention to dispose of public land. A number of objections were received during the exhibition period and were provided to Council for discussion purposes.
	80-82 River Road, East Devonport	This parcel of land previously considered for disposal. Council determined at the time to defer consideration. Discussion around opportunity to reconsider the future of this property.
	Budget 2017/18	The budget pack was delivered to Council on 27 April. This Workshop focussed on matters relating to waste management, parking arrangements and the future of the Julie Burgess.
8/5/2017	TasWater/LGAT Special Meeting	Consideration of agendas
	Budget 2017/18	Continuation of discussions on the development of the 2017/18 budget and capital works program.
15/5/2017	Budget 2017/18	Continuation of discussions on the development of the 2017/18 budget and capital works program.

## RECOMMENDATION

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

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

## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D454202

### 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 April 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 April 2017:

- Spreyton Primary School Apple Festival – cook off with Ben Milbourne
- Resident meetings
- Mr Graham Jones with GM Paul West
- Devonport Chamber of Commerce & Industry luncheon
- CEO Heart Foundation, Mr. Graham Lynch
- LGAT Mayor's Professional Development Day - Launceston
- TAS TAFE, Lori Hocking – Launceston
- LGAT General Meeting – Launceston
- Reclaim the Lane – National Youth Week
- Steele Street Clinic Medical Committee
- Devonport Orions Cricket Club Annual Dinner
- Deputy Mayor Annette Rockliff
- President DCCI, Stacey Sheehan
- Chairman Metro Tasmania Michael Harris with GM Paul West
- Chairman TAS Water Miles Hampton – Council Workshop
- Infrastructure Works & Development Committee
- Community Services Committee
- Mr Adam Richardson
- Radio 7AD interviews
- RHS Principal Grant Armitage & RHS Adrian Singline
- Home Hill Easter Egg Hunt
- Tasmanian Masters Games group
- Nixon Street Primary School Pedlar's Parade
- Devonport Trades Challenge group – Festival of Learning
- Senator Jacqui Lambie
- Private dinner with Her Excellency, Governor of Tasmania Kate Warner and Mr. Richard Warner
- Devonport and Cradle Coast Tourism Inc

Report to Council meeting on 22 May 2017

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- Premier Will Hodgman with Minister Rene Hiding, & Health Department representative with GM Paul West
- Sally Milbourne with Providore Place Devonport Simon Hamilton
- Trish McDonald TAS Mental Health Services/Adult Community Mental Health
- Toast for Kids Charity Gala work
- ANZAC DAY
  - Dawn Service - Devonport
  - Forth Service
  - Welcome speech Morning Service – Devonport
- Australian Masters Games Internal Committee
- Dulverton Offices
- Coorong Mayor Neville Jaensch, South Australia
  - Conversations re "Creating Coonalpyn" Regional Renewal Through the Arts with:
    - Dianne Gordon, Country Arts SA, Coorong District Council, Raukkan Community Council
    - Artist Guido Van Helten
- Coonalpyn, SA

**ATTACHMENTS**

Nil

**RECOMMENDATION**

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

## 6.3 GENERAL MANAGER'S REPORT - MAY 2017

File: 29092 D462033

### 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, 20 April to 17 May 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. Continued the development of the 2017/18 budget. A budget pack was delivered to Aldermen on 27 April with the first Workshop conducted on 1 May. Further Budget Workshops were convened on 8 and 15 May.
- 1.4. Participated in interviews for the position of a Convention and Arts Centre Manager.
- 1.5. Reviewed the asset schedule related to Council's insurance portfolio.

#### 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. Chaired a meeting of the LIVING CITY Steering Committee established to meet requirements outlined in the development agreement between Council and the State Government. The Steering Committee includes members representing LINC; Service Tasmania, Treasury and Department of State Growth. The main purpose of the Steering Committee is to monitor progress on the development of the multi-purpose building and ensuring a coordinated response is provided to matters to be determined.

Report to Council meeting on 22 May 2017

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- 2.3. Met with Council's Development Managers, P+i to discuss LIVING CITY matters generally and to be updated on matters of interest. A briefing for Aldermen is proposed at a Workshop session in early June.
  - 2.4. Attended the Project Control Group (PCG) meeting relating to LIVING CITY. The PCG consists of representatives of Council, Fairbrother, P+i and 6ty (Contract Superintendent).
3. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)
- 3.1. Met with a local developer to discuss matters relating to the interpretation of planning scheme provisions as they relate to supported accommodation developments in Devonport. A number of Aldermen also attended this meeting.
  - 3.2. At the invitation of the Kentish Arts Festival Committee attended a function to celebrate Firelight 17.
4. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT
- 4.1. A sub-committee was appointed by the Cradle Coast Authority Representatives for the recruitment a new Chairman following the resignation of Cheryl Bellchambers. The sub-committee included Mayor Bonde, Mayor Thwaites, Mayor Walsh, Cheryl Bellchambers and Paul West. As a result attended the interviews and prepared a confidential report on behalf of the sub-committee for consideration at the next Representatives meeting on 25 May.

**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. [Current and Previous Minute Resolutions Update - May 2017](#)
2. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential May 2017

**RECOMMENDATION**

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

Author:	Paul West
Position:	General Manager

## Current and Previous Minute Resolutions Update

<b>OPEN SESSION Current Resolutions</b>	
<b>Resolution Title:</b>	<b>Development of Prospectus for Devonport Municipality – Notice of Motion – Ald L M Laycock</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	53/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Governance Coordinator
<b>Officers Comments:</b>	Listed for July workshop
<b>Resolution Title:</b>	<b>Southern Rooke Street Upgrade – Notice of Motion – Ald L M Laycock</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	54/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Being considered at budget workshops
<b>Resolution Title:</b>	<b>Local Government Association of Tasmania – Nomination for General Management Committee</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	55/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Governance Coordinator
<b>Officers Comments:</b>	Nomination submitted to LGAT
<b>Resolution Title:</b>	<b>Torquay Ferry – Partnership Agreement with Council – Amendment to Agreement</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	56/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Governance Coordinator
<b>Officers Comments:</b>	Amended Partnership Agreement sent to J & G Bingley and signed by both parties
<b>Resolution Title:</b>	<b>Revised Committee Structure and Membership</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	57/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Governance Coordinator
<b>Officers Comments:</b>	Noted – effective 1/7/2017



<b>Resolution Title:</b>	<b>Shared Audit Panel – Appointment of Chairperson</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	58/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Governance Coordinator
<b>Officers Comments:</b>	Letter sent to R W Atkinson advising of appointment
<b>Resolution Title:</b>	<b>Devonport Surf Life Saving Club – Heads of Agreement</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	59/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Governance Coordinator
<b>Officers Comments:</b>	Heads of Agreement sent to DSLSC for signing
<b>Resolution Title:</b>	<b>Local Government (Targeted Review) Amendment Bill 2017</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	60/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Comments forwarded to Local Government Division and Local Government Association of Tasmania
<b>Resolution Title:</b>	<b>Tender Report Contract CT0176 Tarleton Street &amp; Wright Street Safety Improvements</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	61/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Contractor has been engaged
<b>Resolution Title:</b>	<b>Petition – Pay As You Leave (PAYL) Parking - Fourways</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	62/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business
<b>Officers Comments:</b>	Noted – no further action required.

<b>Resolution Title:</b>	<b>Payment Options</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	63/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business
<b>Officers Comments:</b>	Agreement with Service Tasmania currently being drafted.
<b>Resolution Title:</b>	<b>Victoria Parade Boat Ramp Area Improvements (IWC 10/17 - 10 April 2017)</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	68/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Carry forward project has been included in 2017/18 proposed CAPEX budget
<b>Resolution Title:</b>	<b>Ambulant Disability Facilities (IWC 11/17 - 10 April 2017)</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	68/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Noted
<b>Resolution Title:</b>	<b>Street Lighting Assessment – Crash Locations (IWC 12/17 - 10 April 2017)</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	68/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Noted
<b>Resolution Title:</b>	<b>Permanent Art Collection Acquisition (CSC 05/17 – 10 April 2017)</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	69/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business
<b>Officers Comments:</b>	Purchase order has been raised and approved, tax invoice received.

<b>Resolution Title:</b>	<b>Sports Carnivals Association of Tasmania – Application for Funding (CSC 06/17 – 10 April 2017)</b>
<b>Date:</b>	24 April 2017
<b>Minute No.:</b>	69/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business
<b>Officers Comments:</b>	Report to be presented to the June Community Services Meeting.

#### Previous Resolutions Still Being Actioned

<b>Resolution Title:</b>	<b>Local Government Association of Tasmania and Australian Local Government Association – Call for Motions</b>
<b>Date:</b>	27 March 2017
<b>Minute No.:</b>	45/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Motions prepared and forwarded to LGAT
<b>Resolution Title:</b>	<b>Promotional Signage Horsehead Creek Roadside</b>
<b>Date:</b>	27 February 2017
<b>Minute No.:</b>	17/17
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Written confirmation of agreement received from lessees and updated Agreement provided for signing
<b>Resolution Title:</b>	<b>Harbourmaster's Café – Erection of Commercial Umbrellas</b>
<b>Date:</b>	27 February 2017
<b>Minute No.:</b>	20/17
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Crown Lands Services approval sought 1 March 2017. Awaiting response.
<b>Resolution Title:</b>	<b>Agree to review Pioneer Park Master Plan in 2017/18 (Community Services Committee – 12 December 2016)</b>
<b>Date:</b>	19 December 2016
<b>Minute No.:</b>	238/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	The Pioneer Park Master Plan review will commence 2017-2018 – has been included as an Annual Plan item for 2017/18

<b>Resolution Title:</b>	<b>Reservation – area in Pioneer Park – future memorial garden (Community Services Committee – 12 December 2016)</b>
<b>Date:</b>	19 December 2016
<b>Minute No.:</b>	238/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	The Pioneer Park Master Plan review will commence 2017/2018
<b>Resolution Title:</b>	<b>Feasibility Study – development mobile phone app (Community Services Committee – 12 December 2016)</b>
<b>Date:</b>	19 December 2016
<b>Minute No.:</b>	238/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Development of a Devonport Information Mobile application is an action of the Digital Strategy, with a medium priority to be completed in 3-5 years only if external funds can be sourced.
<b>Resolution Title:</b>	<b>Beach Volleyball Courts (Community Services Committee– 12 December 2016)</b>
<b>Date:</b>	19 December 2016
<b>Minute No.:</b>	238/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Meeting held with DVA 9/3/17. DVA currently do not wish to involve themselves with relocation but wish for existing site to be demolished. Report will be provided to next Community Services Committee meeting.
<b>Resolution Title:</b>	<b>Investigation – Staging – Tasmanian Masters Games (Community Services Committee – 17 October 2016)</b>
<b>Date:</b>	24 October 2016
<b>Minute No.:</b>	197/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Preliminary investigation and actions commenced
<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Discussions have commenced with National Trust of Australia. National Trust to coordinate meeting in May.

<b>Resolution Title:</b>	<b>Pay by Phone Parking Technology – Review (Governance &amp; Finance committee – 19 September 2016)</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	181/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Documentation prepared for release at appropriate time.

## 6.4 UNCONFIRMED MINUTES - CRADLE COAST WASTE MANAGEMENT GROUP - 10 APRIL 2017

File: 29119 D471825

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

To provide Council with the unconfirmed Minutes of the Cradle Coast Waste Management Group (CCWMG) meeting which was held on 10 April 2017.

### BACKGROUND

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

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 10 April 2017 are attached for consideration.

### COMMUNITY ENGAGEMENT

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

### FINANCIAL IMPLICATIONS

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

### RISK IMPLICATIONS

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

### CONCLUSION

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 10 April 2017 are presented for information.

### ATTACHMENTS

- [1.](#) Unconfirmed Minutes - Cradle Coast Waste Management Group - CCWMG -  
10 April 2017

### RECOMMENDATION

That the unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 10 April 2017 be received and noted.

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

CRADLE COAST WASTE MANAGEMENT MEETING  
10 APRIL 2017

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MEETING HIGHLIGHTS

CCWMG Strategic Plan 2017-22 workshop scheduled for May 2012.

Transfer Station Waste Composition Audit complete and final report will be provided at the end of April.

DRAFT

CRADLE COAST WASTE MANAGEMENT GROUP

**UNCONFIRMED MINUTES**

Meeting held Monday, 10 April 2017 at 10.30 am  
Cradle Coast Authority, 1-3 Spring Street, Burnie



**1. WELCOME**

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The Chair, Ms. Sandra Ayton, opened the meeting at 10:32 am and welcomed attendees.

Present at the meeting were:

- |                     |                     |                        |
|---------------------|---------------------|------------------------|
| • Ms. Mel Pearce    | Committee Member    | Dulverton Waste        |
| • Mr. Mat Greskie   | Committee Member    | Dulverton Waste        |
| • Mr. Rowan Sharman | Committee Member    | Burnie City Council    |
| • Mr. Brett Smith   | Committee Member    | Cradle Coast Authority |
| • Ms. Lauren Clarke | Minutes Secretariat | Cradle Coast Authority |

**2. APOLOGIES**

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Apologies were received from:

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

**3. GOVERNANCE**

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**3.1. Confirmation of Minutes**

The Unconfirmed Minutes of the 13 February meeting were presented at Item 3.1 of the Agenda.

**MOTION**

That the CCWMG **CONFIRM** and **ACCEPT** the Unconfirmed Minutes of the meeting of 13 February 2017 as a true and correct record.

Moved: Brett Smith / Seconded: Mat Greskie / **CARRIED**

**3.2. Business Arising from Minutes**

Sandra Ayton asked how the school battery collection is progressing. Mel Pearce advised that the school received the battery containers in February and are eager to implement them.

Brett Smith advised the group that he has offered to be a mentor for Spreyton Primary School. Mel Pearce offered to give Brett the school toolkit for waste.

**ACTION** – Lauren Clarke to create an actions list to reflect arising tasks from each committee meeting. This is updated as actions are completed and submitted at each meeting, this is in addition to the project task list.



**4. FOR DECISION**

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**4.1. FINANCIAL REPORT**

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

**ACTION** – Reduce the 'FOGO Contractor Media Campaign Contributions' Forecast to zero.  
**ACTION** – Under comprehensive result, can it be noted that it excludes the carried forward amount.

The group **NOTE** the financial report.

**5. FOR DISCUSSION**

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**5.1. FOGO UPDATE**

Sandra Ayton advised that at the last meeting of the CC GM's it was concluded that if FOGO was to proceed it would commence in July 2018.

The group agreed on the importance of developing a detailed communication strategy if FOGO proceeds.

**6. FOR NOTING**

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**6.1. DRAFT CCWMG STRATEGIC PLAN 2017-22 (feedback to be taken to workshop on 12 May)**

Sandra Ayton suggested that we should ensure that strategic plan links with the MRA Waste and Resource Management Strategy developed for LGAT and that actions would also link with it.

**6.2. TRANSFER STATION COMPOSITION AUDIT – SUMMARY REPORT (Note: final report to be provided mid-April 2017)**

Mel Pearce mentioned that this report was a brief summary and that it will feed into the comprehensive report.

The group discussed the report.

The group **NOTE** the report.

**6.3. LGAT WASTE & RESOURCE MANAGEMENT STRATEGY**

The LGAT waste and resource management strategy is being presented to the EPA today.

**6.4. CCWMG PROJECT TASK LIST**

Mel Pearce gave a brief update on the project list.

The bin audits finish on Thursday 13<sup>th</sup> of April 2017. Mel Pearce met with the education officer who noticed that people are really getting involved and hopefully the data shows that they are taking the feedback it on board.

**7. GENERAL BUSINESS**

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Nil.

**8. Next Meeting and Meeting Close**

The next meeting will be held on Monday 12 June 2017 at the Cradle Coast Authority Offices. Meeting closed at 11:53 am.

DRAFT

## 7.0 SECTION 23 COMMITTEES

### 7.1 PLANNING AUTHORITY COMMITTEE MEETING - 8 MAY 2017

File: 29133 D471932

#### 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 note the decisions of the Planning Authority Committee meeting held on Monday, 8 May 2017.

#### ATTACHMENTS

[1.](#) Minutes - Planning Authority Committee - 2017/05/08

#### RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 8 May 2017 be received and the decisions contained therein be noted.

- PAC 07/17 Planning Applications approved under Delegated Authority 13 March 2017-28 April 2017
- PAC 09/17 PA2017.0038 Community Meeting and Entertainment (Church and Car Park Extension) – Assessment Against the Use Standards – 20-22 Nicholls Street Devonport (D471044)
- PAC 11/17 PA2017.0040 Residential (Outbuilding) – Assessment Against Performance Criteria for Setbacks and Building Envelope – 17 Leary Avenue Stony Rise (D470476)

Author: Position:	Robyn Woolsey Administration Officer	Endorsed By: Position:	Paul West General Manager
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**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY,  
8 MAY 2017 COMMENCING AT 5:15PM**

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

**Aldermen in Attendance:**

Ald A J Jarman (from 5:26pm)  
Ald L M Laycock  
Ald T M Milne  
Ald A L Rockliff

**Council Officers:**

General Manager, P West  
Deputy General Manager, M Atkins  
Manager Development and Health Services, B May  
Planning and Environmental Health Coordinator, S Warren  
Cadet Planner, A Mountney

**Audio Recording:**

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

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 13 MARCH 2017-28 APRIL 2017 (D470496)**

**PAC 07/17 RESOLUTION**

MOVED: Ald Perry  
SECONDED: Ald Matthews

That the list of delegated approvals be received.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Perry	✓	
Ald Goodwin	✓				

CARRIED UNANIMOUSLY

**4.0 DEVELOPMENT REPORTS**

**4.1 PA2017.0040 RESIDENTIAL (OUTBUILDING) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE - 17 LEARY AVENUE STONY RISE (D470476)**

MOVED: Ald Goodwin  
 SECONDED: Ald Emmerton

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0040 and grant a Permit to use and retrospectively develop land identified as 17 Leary Avenue, Stony Rise for the following purposes:

- Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope

Subject to the following conditions:

1. The use and development is to proceed generally in accordance with the submitted plans drawn by Andrew Best dated 20/03/2017 copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to take all reasonable steps during construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and doesn't allow for burning of any waste materials.
3. The developer is to utilise the existing stormwater service connection and driveway and kerb crossover for the purposes of this development.

Note: The following is provided for information purposes.

- A THIS IS NOT A BUILDING OR PLUMBING PERMIT. Prior to commencing any building or plumbing work you are required to contact a Tasmanian Registered Building Surveyor to determine the category of building approval required, and secondly to contact the Council Permit Authority to determine the category of plumbing approval required.
- B In regard to condition 2 this includes ensuring that noise emitted from portable apparatus and hours of operation of those devices are within the scope indicated by the Environmental Management and Pollution Control (Noise) Regulations 2016.
- C In regard to condition 3 the applicant should contact Council's Engineering Department with any enquiries.
- D The permitted development is to be used only for activities associated with the General residential zoning of the land.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews		✓
Ald Emmerton	✓		Ald Perry		✓
Ald Goodwin		✓			

LOST

**PAC 08/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Perry

That further consideration of Item 4.1 be deferred to the end of the agenda.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Perry	✓	
Ald Goodwin	✓				

CARRIED UNANIMOUSLY

**4.2 PA2017.0038 COMMUNITY MEETING AND ENTERTAINMENT (CHURCH AND CAR PARK EXTENSION) - ASSESSMENT AGAINST THE USE STANDARDS - 20-22 NICHOLLS STREET DEVONPORT (D471044)**

**PAC 09/17 RESOLUTION**

MOVED: Ald Perry

SECONDED: Ald Goodwin

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0038 and grant a Permit to use and develop land identified as 20-22 Nicholls Street, Devonport for the following purposes:

- Community Building and Entertainment (Church and car park extension) – assessment against the Use Standards

Subject to the following conditions:

1. Unless requiring modification by subsequent conditions of this permit the Use and Development is to proceed and be undertaken generally in accordance with:
  - (a) The submitted plans referenced as Alterations and Extensions for Pathway to Life Church, Project 1511 by Milton Smith building design dated January 2017 copies of which are attached and endorsed as documents forming part of this Planning Permit.
  - (b) The In-principle Agreement for Road and Stormwater submitted with the application dated 20 March 2017.
  - (c) The Lighting Design Report, project 6475 dated 23 March 2017 by Southern Lighting and Distribution.
2. Vehicular accesses to the site are to be identified by suitable located unobtrusive directional signs and regular conveying of the matter to users of the site.
3. The lighting design and devices for the Allanbrae Place access point is to be reassessed and designed to a lower illumination due to consideration of this access only being used as an entrance to the site.

4. The developer is to take all reasonable steps during demolition and construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and doesn't allow for burning of any waste materials.
5. The applicant is to contact Council's Environmental Health Department to ascertain and confirm the food business aspects of the proposal. The outcome of this may impose an obligation for the Building Surveyor to submit the required details as provided by the applicant for the identified food preparation and handling areas.
6. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.

Note: The following is provided for information purposes.

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

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

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

In regard to condition 1(b) the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

Note: In regard to condition 4 this includes ensuring that noise emitted from portable apparatus and hours of operation are within the scope indicated by the Environmental Management and Pollution Control (Noise) Regulations 2016.

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

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Perry	✓	
Ald Goodwin	✓				

CARRIED UNANIMOUSLY

### PAC 10/17 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Perry

That the meeting be adjourned.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Perry	✓	
Ald Goodwin	✓				

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 5:43pm.

The Mayor reconvened the meeting at 5:57pm.

**4.1 PA2017.0040 RESIDENTIAL (OUTBUILDING) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE - 17 LEARY AVENUE STONY RISE (D470476)**

**PAC 11/17 RESOLUTION**

MOVED: Ald Perry

SECONDED: Ald Goodwin

That the Planning Authority, pursuant to the provisions of the Devonport Interim Planning Scheme 2013, and Section 57 of the *Land Use Planning and Approvals Act 1993*, **refuse** application PA2017.0040 to retrospectively develop land at 17 Leary Avenue, Stony Rise, for the following reason:

- The Planning Authority is not satisfied that the application has demonstrated that it meets the performance criteria in relation to the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot in accordance with the requirements of Clause 10.4.2, Performance Criteria 3 of the Devonport Interim Planning Scheme 2013.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin		✓	Ald Matthews	✓	
Ald Emmerton		✓	Ald Perry	✓	
Ald Goodwin	✓				

CARRIED

**With no further business on the agenda the Chairman declared the meeting closed at 5:59pm.**

Confirmed

Chairman



## 7.2 GOVERNANCE AND FINANCE COMMITTEE MEETING - 15 MAY 2017

File: 29468 D473019

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Governance and Finance Committee meeting held on Monday, 15 May 2017.

### ATTACHMENTS

[1.](#) Minutes - Governance and Finance Committee - 2017/05/15

### RECOMMENDATION

That the minutes of the Governance and Finance Committee meeting held on Monday, 15 May 2017 be received and the recommendations contained therein be adopted.

GFC 62/17 Annual Plan Progress Report - July 2016 - April 2017

GFC 63/17 Elected Members' Expenditure Report - March 2017-April 2017

GFC 64/17 Council Committees Policy Review

GFC 65/17 Finance Report for April 2017

GFC 66/17 Governance & Finance Report

Author:	April Nelson	Endorsed By:	Paul West
Position:	Executive Assistant - Governance	Position:	General Manager

**MINUTES OF A GOVERNANCE AND FINANCE COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE COUNCIL CHAMBERS  
ON MONDAY, 15 MAY 2017 COMMENCING AT 5:30PM**

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

**Aldermen in Attendance:**

Ald A J Jarman  
Ald L M Laycock

**Council Officers:**

General Manager, P West  
Executive Manager Corporate, Community & Business, S Crawford  
Executive Manager Organisational Performance, K Peebles  
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**

The following apology was received for the meeting.

Ald L M Perry	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL**

**3.1 PUBLIC QUESTION TIME**

**3.1.1 QUESTIONS ON NOTICE FROM THE PUBLIC**

Nil

**3.1.2 QUESTION WITHOUT NOTICE FROM THE PUBLIC**

**DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT**

The Capital Works Income and Expenditure Report from March p57 to April p44 shows that the "Forecast" has reduced by some \$3,051,637. Furthermore there are no words in the report. The graph of tonight's Agenda p40 – Capital Expenditure, further suggests that to the end of June 2017 the "Actual" probably will not reach \$30m a shortfall of some \$6m on the April forecast. Further back in January the Forecast was \$42.294m; a savage reduction in 3 months to \$36m!!!

**Q** What has been going on when it looks to me that the Council will not even achieve \$30m for the 2017 year?

**Response**

The General Manager responded that the issue is a combination of LIVING CITY payment being less than expected and in relation to other projects there are a number of contracts that have been awarded by Council but will be carried forward because the contractors are not available to start the works until the new financial year. The projects are therefore carried forward and the forecast is adjusted accordingly. To outline what the specific projects were, Council would need to take the question on notice and provide a response in writing.

Mr Janney advised that the General Managers response covered his question and no further response was required.

**3.2 QUESTIONS FROM ALDERMEN**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 GOVERNANCE REPORTS****4.1 ANNUAL PLAN PROGRESS REPORT - JULY 2016 - APRIL 2017 (D469119)****GFC 62/17 RESOLUTION**

MOVED: Ald Martin  
SECONDED: Ald Emmerton

That it be recommended to Council that the 2016/17 Annual Plan Progress Report for the period ended 30 April 2017 be received and noted.

	For	Against		For	Against
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Rockliff	✓	
Ald Martin	✓				

CARRIED UNANIMOUSLY

**4.2 ELECTED MEMBERS' EXPENDITURE REPORT - MARCH 2017-APRIL 2017 (D471095)****GFC 63/17 RESOLUTION**

MOVED: Ald Milne  
SECONDED: Ald Rockliff

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

	For	Against		For	Against
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Rockliff	✓	
Ald Martin	✓				

CARRIED UNANIMOUSLY

**4.3 COUNCIL COMMITTEES POLICY REVIEW (D471142)****GFC 64/17 RESOLUTION**

MOVED: Ald Martin  
 SECONDED: Ald Rockliff

That it be recommended to Council that it adopt the revised Council Committees Policy, effective 1 July 2017.

	For	Against		For	Against
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Rockliff	✓	
Ald Martin	✓				

CARRIED UNANIMOUSLY

**4.4 FINANCE REPORT FOR APRIL 2017 (D471385)****GFC 65/17 RESOLUTION**

MOVED: Ald Emmerton  
 SECONDED: Ald Rockliff

That it be recommended to Council that the Finance Report for April 2017 be received and noted.

	For	Against		For	Against
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Rockliff	✓	
Ald Martin	✓				

CARRIED UNANIMOUSLY

**4.5 GOVERNANCE & FINANCE REPORT (D470523)****GFC 66/17 RESOLUTION**

MOVED: Ald Rockliff  
 SECONDED: Ald Milne

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

	For	Against		For	Against
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Rockliff	✓	
Ald Martin	✓				

CARRIED UNANIMOUSLY

**5.0 CLOSED**

There being no further business on the agenda the Chairman declared the meeting closed at 5:46pm.

Confirmed

Chairman

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

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

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
8.1	Application for Leave of Absence	15(2)(h)
8.2	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.3	80-82 River Road, East Devonport - Expression of Interest to purchase	15(2)(f)
8.4	Art Gallery Relocation	15(2)(d)

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**OUT OF CLOSED SESSION**

**RECOMMENDATION**

That Council:

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

<b>Item No</b>	<b>Matter</b>	<b>Outcome</b>
8.1	Application for Leave of Absence	
8.2	Unconfirmed Minutes - Joint Authorities	Noted
8.3	80-82 River Road, East Devonport - Expression of Interest to purchase	
8.4	Art Gallery Relocation	

**9.0 CLOSURE**

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

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