



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, 17 Fenton Way, on Monday 28 November 2016, 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

23 November 2016

December 2016

Meeting	Date	Commencement Time
Infrastructure Works & Development	5 December 2016	5:30pm
Community Services	12 December 2016	5:30pm
Council Meeting	19 December	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 28 NOVEMBER 2016 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, 28 November 2016 commencing at 5:30pm.

PRESENT

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

ACKNOWLEDGEMENT OF COUNTRY

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

IN ATTENDANCE

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

1.0 APOLOGIES

2.0 DECLARATIONS OF INTEREST

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 24 OCTOBER 2016

RECOMMENDATION

That the minutes of the Council meeting held on 24 October 2016 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 October 2016

Reproduced below is the response dated 1 November 2016 to Mr Malcolm Gardam's question:

"Q1. Council has stated that the estimated annual income from the multi-story carpark to be \$987k. Will Council please advise how this level of income will be realised when the loss of the Best Street (127 parking spaces – Stage 3), Rooke Street (177 parking spaces – Stage 1), 11 spaces traded off with the state government concession for 50 years rent/parking free period tied to the State grant, less Council allocated spaces, leaves the net increase from the new facility needing to return annually a net car parking revenue of \$987,000 from approx. 200 (or less) extra parking spaces; without reliance on prior car parking revenue from general rate revenue towards the Stage 1 income stream?"

Response

Council does not accept your interpretation as outlined above.

The income in the funding model for the new carpark is based on the total available spaces and estimated use. The amount was to assess the project on a 'stand-alone basis'.

The calculated income from the car park under the stand-alone financial model was \$987,000. Under a conservative (worse case) scenario, which is now factored into the Council's draft Long Term Financial Plan, the income from the car park reduces by some 23 per cent to \$760,000, with a further adjustment to allow for the anticipated loss of existing car parking revenue.

The carparking account currently provides to Council a surplus of more than \$1M per annum. Any shortfall in projected income from the new carpark would potentially reduce the amount of this surplus. Equally any additional income than that projected would be accounted for within the carparking account, increasing the surplus. It is not expected that the financing of the carpark will require any contribution from the general rate account.

Q2. In determining to approve Stage 1, on what basis did Council assess the viability of the \$14.6M for the Multi-storey Carpark (ratepayer guaranteed borrowings of \$11.6M) when considering the added costs to fund demolition and replacement of the previous rent-free council chambers, allocation of \$1M for rent against the new council chambers budget to support supposed viability, and all to achieve a net increase of only approx. 200 parking spaces in the new retail precinct area?"

Response

The car park development is integral to LIVING CITY and provides for the freeing up of other land for the future stages. The objectives of LIVING CITY are much greater than just focussing on Stage 1. Stage 1 is the catalyst for further investment in line with the LIVING CITY Master Plan and on this basis Council considers its investment in the carpark entirely justified.

Q3. Can Council please advise what the "written down value" of the now demolished previous council chambers (being an asset that had not reached the end of its assessed useful life – noting industry standard is in the order of 100 years) when adjusting the Council asset register?

Response

The derecognition of the previous Council building resulted in a charge to the Statement of Profit and Loss and other Comprehensive Income of \$3.020M. This amount is part of the \$3.089M disclosed in the Financial Statements included at Section 4 of Council's Annual Report (refer page 1 with further disclosure in Note 18 on page 20)."

RECOMMENDATION

The response to questions from Mr Malcolm Gardam at the October Council meeting be noted and his correspondence dated 30 October 2016 be noted.

3.2.2 Questions on notice from the public

MR MALCOLM GARDAM – LIVING CITY – RISK REGISTER

The following letter from Mr Malcolm Gardam dated 24 October 2016 is in response to Council's letters dated 30 September and 3 October 2016.

"With reference to your letters dated 30 September 2016 and 3 October 2016, responding to my previous LIVING CITY questions dated 26 September 2016 and 2 October 2016, I note as follows for the record.

DCC Letter dated 30th September 2016

In drawing concerns with the risk assessment processes (in particular the financial risks) to a close, I must refute most of your responses. In terms of commercial risk it remains concerning to me, as a former Commercial and Risk Manager, that Council repeatedly states that the LIVING CITY project is "not without significant risk". Note that the definition of "significant risk" is defined as "High-probability risk likely to have a significant impact."

I can understand Council wishing to be open with the ratepayers but in essence it is saying we expect there is a high-probability of the project failing financially. This is even more alarming when considering that no legally binding commitments were in place to ensure the required income streams existed prior to approval of Stage 1. In my opinion, this is not an appropriate level of risk to proceed on without further mitigation of that risk by way of finding a more equitable funding model to defray the financial risk and secure assurances that the commercial reliance exists that will provide the required income streams.

I acknowledge that Council has since attempted to reduce the level of required borrowings but the danger remains that at no time prior to approving Stage 1 has any creditable evidence surrounding surety of the commercial returns been provided by Council.

You have again offered Item 10 of the P+i developed Risk Register as to where "the issue of Finance Risk is covered." I have also previously commented on this register as being deficient in that it does not include the risk of the budgeted commercial income streams not materialising and thereby become reliant on rate revenue for repayment of the debt. The control strategies, as previously pointed out, simply rely on reactive options of adjusting the loan arrangements to "limit principle repayments

to available cash". Of course if rental income does not exceed the interest then rate revenue will be required to subsidise repayment. The residual risk rating in this register is assessed as Medium (M).

You have previously put forward the government grants as some sort of proof of project due diligence and again in this letter stated "Council has had to demonstrate that the project is sound, both to the State and to its bank lenders...."

To be quite blunt, my response to this is:

- Banks tend to only assess if a lender can repay the loan and with a caveat over Devonport rates this would seem assured, regardless of fiscal pain if the income streams fail to eventuate.
- Stage Government has indeed provided property and a "grant" of sorts (being an election promise grant not subject to normal grant scrutiny plus eroded by 50 years rent free occupation of the Library/LINC premises) however to date have not provided any advice as to its level of due diligence applied to this project.

You have asserted that my preamble and subsequent questions aim to establish a narrow and inaccurate representation of Council's approach to managing risks associated with LIVING CITY. To that end I put it to you that Council is also selective in "cherry picking" its sources for responses.

DCC Letter dated 3rd October 2016

I thank you for your response regarding the LIVING CITY Reference Group composition and individual representations of the current membership. Your comprehensive advice is appreciated.

Could you please ensure this letter is included in the next Ordinary Meeting Agenda."

MR MALCOLM GARDAM – LIVING CITY STAGE 1 – QUESTIONS ON NOTICE FOR ORDINARY MEETING 28/11/16 (File 32161)

The following questions on notice were received from Mr Malcolm Gardam on 19 November 2016.

Reference to the Mayor's statements in *The Advocate* (Nov 11), confirming that a Head Lease Agreement with Providore Place Pty Ltd (an entity related to the Living City development consultant P+i) is for a 10 year term and "the projected food pavilion income meets the previously released Stage 1 Project Funding Model revenue for the site of \$400,000."

- Q1** Why is the revenue on "projected Food Pavilion income" when the lease has been signed and therefore the revenue should be known and be an actual financial annual return supporting Council's earlier statements that the Food Pavilion would not proceed until tenancies (income streams) were secured?
- Q2** Under the Head Lease Agreement the risk of returns from individual tenancies (income streams) should now have transferred to Providore Place Pty Ltd and is that the situation?
- Q3** Please confirm that the reported \$400,000 is the legally committed minimum annual return to Council for the Food Pavilion, including outgoings and rates, otherwise Council does not yet appear to have established secured returns to justify viability to proceed to construction?

In the same article the Mayor also confirmed Council has signed the head lease agreement with Providore Place Pty Ltd. Considering that this company was only

registered about three weeks prior to the announcement, and to alleviate concerns that the arrangement is not potentially a lease of convenience, will Council now please answer the following?

- Q4** Does the head lease agreement protect the Devonport ratepayers' interests as a legally binding contract for the full term without termination for convenience clauses, or similar clauses that afford Providore Place Pty Ltd a contractual exit right under a specific circumstance(s), other than normal default by the other party provisions?
- Q5** Has Council protected the Devonport ratepayers' interests by securing personal guarantees under the terms of the agreement, again noting that Providore Place Pty Ltd was only registered about 3 weeks prior to the announcement?

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

DISCUSSION

In relation to the questions received 19 November 2016 it is proposed that Mr Gardam be advised the following:

- Q1** Why is the revenue only projected Food Pavilion income when the lease has been signed and therefore the revenue should be known and be an actual financial annual return supporting Council's earlier statements that the Food Pavilion would not proceed until tenancies (income streams) were secured?
- A.** Council has entered into a head lease with Providore Place Pty Ltd. As a result Council is confident that the projected income disclosed in the funding model will be achieved.
- Q2** Under the Head Lease Agreement the risk of returns from individual tenancies (income streams) should now have transferred to Providore Place Pty Ltd and is that the situation?
- A.** Yes
- Q3** Please confirm that the reported \$400,000 is the legally committed minimum annual return to Council for the Food Pavilion, including outgoings and rates, otherwise Council does not yet appear to have established secured returns to justify viability to proceed to construction?
- A.** Council has entered into a head lease with Providore Place Pty Ltd. Council is confident that the projected income disclosed in the funding model will be achieved. As with all of Council's commercial leases the terms and conditions remain confidential.
- Q4** Does the head lease agreement protect the Devonport ratepayers' interests as a legally binding contract for the full term without termination for convenience clauses, or similar clauses that afford Providore Place Pty Ltd a contractual exit right under a specific circumstance(s), other than normal default by the other party provision?
- A.** As stated the terms of Council's lease with Providore Place Pty Ltd remain commercial in confidence. Council is however confident it has an appropriate legally binding agreement with Providore Place Pty Ltd based on sound commercial terms and consistent with Council's other commercial property leases.
-

- Q5** Has Council protected the Devonport ratepayers' interests by securing personal guarantees under the terms of the agreement, again noting that Providore Place Pty Ltd was only registered about 3 weeks prior to the announcement?
- A.** *Council is confident it has an appropriate legally binding agreement with Providore Place Pty Ltd based on sound commercial terms and consistent with Council's other commercial property leases.*

MR MALCOLM GARDAM – SOUTHERN WILD DISTILLERY – QUESTIONS ON NOTICE FOR ORDINARY MEETING 28/11/16

The following questions on notice were received from Mr Malcolm Gardam on 19 November 2016.

The pending establishment of the Southern Wild Distillery in Devonport, within the rear of the temporary Council Chambers, appears to be generating some interest and hopefully provides a positive outcome. This letter is not an objection but moreover seeks clarification from Council as to the safeguards associated with approval of the location. To that end could you please respond to the following?

- Q1** *What conditions (if any) have been applied by Council, in its capacity as Landlord, in approving this business use within its building and close proximity to its employees?*
- Q2** *In assessing the location and potential risks of a distillery, what control measures have been included to protect the public and Council employees in relation to safe use of the Council Chambers, including?*
- a) Appropriate structural separation as protection against potential fumes, fire and/or explosions resulting from the manufacturing process; and*
 - b) Modifications to Council safe work method statements, evacuation alarm arrangements and emergency procedures to ensure safety of Council employees and the public.*
- Q3** *Will Council in fulfilling its obligations to ensure a safe workplace under the Work Health and Safety Act, including obligations applying to each of the Aldermen, confirm that it is comfortable with an operating distillery being established within the same building space as the Council Chambers?*

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

DISCUSSION

In relation to the questions received 19 November 2016 is proposed that Mr Gardam be advised of the following:

- Q1** What conditions (if any) have been applied by Council, in its capacity as Landlord, in approving this business use within its building and close proximity to its employees?
- A.** *The tenancy was subject to normal planning and building control processes.*
- Q2** In assessing the location and potential risks of a distillery, what control measures have been included to protect the public and Council employees in relation to safe use of the Council Chambers, including?
- a) Appropriate structural separation as protection against potential fumes, fire and/or explosions resulting from the manufacturing process; and*

- b) Modifications to Council safe work method statements, evacuation alarm arrangements and emergency procedures to ensure safety of Council employees and the public.
- A. *All relevant permits both for the fit-out and operation (i.e. building permit, liquor licence, public health certificates) for the distillery have been issued by relevant parties. The independent building surveyor has subsequently issued the occupancy certificate. Emergency procedures in relation to the Council offices have been reviewed and remain current.*
- Q3 Will Council in fulfilling its obligations to ensure a safe workplace under the Work Health and Safety Act, including obligations applying to each of the Aldermen, confirm that it is comfortable with an operating distillery being established within the same building space as the Council Chambers?
- A. Yes

MR BOB VELLACOTT – DEVONPORT CITY COUNCIL ORDINARY MEETING – 28 NOVEMBER 2016

The following questions on notice were received from Mr Malcolm Gardam on 19 November 2016.

LIVING CITY QUESTIONS

- Q1 *How much has Council paid in total as of this date for Living City Contracts by P+i and for any other project work carried out by P+i since the calendar year 2012*
- Q2 *What is the current situation in regard to contracts with P+i*
 - (a) *Commencement date?*
 - (b) *Completion date?*
 - (c) *Total cost of contract/s?*
- Q3
 - (a) *How many commercial in confidence contracts have Council had with P+i*
 - (b) *What was the title of the contracts?*
 - (c) *How many commercial in confidence contracts does Council now have with P+i as of this date?*
 - (d) *What is the title/s of any current commercial in confidence contract with P+i?*
- Q4
 - (a) *How many commercial in confidence contracts specific to Living City with other entities(apart from P+i) has Council signed ?*
 - (b) *Who are the other entities past and present that Council has or have had commercial in confidence contracts in regard to Living City?*
 - (c) *What were the titles of the contracts?*

PROVIDORE PLACE DEVONPORT PTY LTD (PROVIDORE PLACE)

- Q1 (i) *I note in the Advocate 11/11/2016 that the income from Providore Place meets the funding model of \$400, 000 for the site.*
-

- (ii) Is it therefore correct to say, even though the Head Lease Agreement is confidential, that will be the amount paid per year by Providore Place to Council?
- (iii) Will Council guarantee that is the annual amount to be paid to Council?
- (iv) HAS THERE BEEN A CONFLICT OF INTEREST?

- Q2** Can council explain, or give good reason, why the Head Lease Agreement between Council and Providore Place would stay Confidential (As stated in the advocate 11/11 /2016)
- Q3** Can Council explain or give reason why the contract to lease the Food Pavilion per se was not put to public tender? (In effect Providore Place is providing a service to Council is it not)
- Q4** How many expressions of interests were received from local producers wishing to lease space in the 7 day a week fresh Tasmanian Produced Product Market Place?
- Q5** Will Council / Ratepayers be responsible for the cost of fitting out of the Cooking School and restaurants?
- Q6** Who will pay for the setting up of the Southern Wild Distillery still in the Food Pavilion?
- Q7** Is it commercial standard practice to have only a 10 year fixed lease for such a high outlay for the construction of premises of this magnitude?
- Q8** Has the contract been set at ten years because Council has a fixed term loan rate for 10 years and after that interest rates may sky rocket?
- Q9** Will Providore Place Pty Ltd be required to pay Council and TasWater rates?
- Q10** Will each tenancy have a power and water meter?
- Q11** Who will be responsible for the installation and maintenance of the grease and vegetable traps?
- Q12** Who will be responsible for the day to day cleaning of the immediate surrounds of the Food Pavilion? (Will there be a defined boundary?)
- Q13** Council had to renew the kitchen floor in DRIFT (only a few years old) at the Mersey Bluff complex I understand at considerable cost to ratepayers. What is specified to ensure similar problems do not occur in the kitchens in the Food Pavilion?

Questions re Southern Wild Distillery at rear of DCC Chambers 17 Fenton Way Devonport.

- Q1** Did Council advertise or give any other person or company the opportunity to use this space? If yes the details are?-
 - Q2** Was any other Council owned site or vacant building offered to Southern Wild Distillery?
 - Q3** Were all of the Aldermen advised who the shareholders are of Southern Wild Distillery?
 - Q4** Do the Aldermen know who the Shareholders are of Southern Wild Distillery?
 - Q5** HAS THERE BEEN A CONFLICT OF INTEREST?
-

Lease/Contract

- Q6 Is the contact with Southern Wild Commercial in Confidence?
- Q7 Are all Aldermen aware of the content of the Lease Contract?
- Q8 Whose names appear on the contract? :-.....
- Q9 What is the term of the lease? = Years.
- Q10 What is the annual rental for the premises? \$.....
- Q11 Who is responsible for payment of the renovations/ upgrade? :-
- Q12 If DCC what is the amount? :- \$.....?
- Q13 External: -The new aluminium door, window frames, glass and paving etc Paid by? :-
- Q14 Internal work plumbing and electrical etc. Paid by? -
- Q15 Are there separate meters for? - Waterand power. :-
- Q16 Is there separate air conditioning/ventilation? -
- Q17 Do the Southern Wild premises have toilet facilities? -
- Q18 Does that part of the building, once the distillery is in operation, comply with all OHS, building and fire regulations as well as the small print in Council's insurance policy.

Living city Construction Final Costs For stage one

- Q1 As of this date what will be the final cost of construction for each of the following:-
 - (a) Multipurpose building?
 - (b) Car park?
 - (c) Food Pavilion?
 - (d) Food Pavilion fit out?
 - (e) External market square?
 - (f) All other external work including surrounding roads footpaths, landscaping necessary to complete Stage One of the Living City Project?

DISCUSSION

In relation to the questions received 19 November 2016 it is proposed that Mr Vellacott be advised the following:

LIVING CITY QUESTIONS

- Q.1 How much has Council paid in total as of this date for Living City Contracts by P+i and for any other project work carried out by P+i since the calendar year 2012
 - A. Council is provided with a quarterly report which discloses the financial information publicly available. As the Development Management Agreement with P+i was considered by Council in Closed Session it remains confidential.
 - Q.2 What is the current situation in regard to contracts with P+i
 - (a) Commencement date?
 - (b) Completion date?
-

(c) Total cost of contract/s?

A. *The Development Management Agreement was agreed by Council in Closed Session at its meeting on 25 August 2014. The term of the Agreement was four years from execution of the document.*

Q.3 (a) How many commercial in confidence contracts have Council had with P+i?

(b) What was the title of the contracts?

(c) How many commercial in confidence contracts does Council now have with P+i) as of this date?

(d) What is the title/s of any current commercial in confidence contract with P+i?

A. *Your question cannot be answered on the basis if a contract is 'commercial in confidence' it was determined by Council in Closed Session and therefore unless specifically agreed by Council, and the other party, it remains confidential.*

Q.4 (a) How many commercial in confidence contracts specific to Living City with other entities (apart from P+i) has Council signed?

(b) Who are the other entities past and present that Council has or have had commercial in confidence contracts in regard to Living City?

(c) What were the titles of the contracts?

A. *Once again your question cannot be answered on the basis if a contract is 'commercial in confidence' it was determined by Council in Closed Session and therefore unless specifically agreed by Council, and the other party, it remains confidential. All contractual details that can be disclosed are reported in Council's Annual Report in accordance with statutory requirements.*

PROVIDORE PLACE DEVONPORT PTY LTD (PROVIDORE PLACE):-

Q.1 (i) I note in the Advocate 11/11/2016 that the income from Providore Place meets the funding model of \$400, 000 for the site.

(ii) Is it therefore correct to say, even though the Head Lease Agreement is confidential, that will be the amount paid per year by Providore Place to Council?

(iii) Will Council guarantee that is the annual amount to be paid to Council?

(iv) Has there been a conflict of interest?

A. *Council has entered into a head lease with Providore Place Pty Ltd. Council is confident that the projected income disclosed in the funding model will be achieved. The issue relating to potential conflict of interest was disclosed to Council prior to Council agreeing to enter into a separate contract with Providore Place Pty Ltd. Appropriate disclosure arrangements will continue to be recognised.*

Q.2 Can council explain, or give good reason, why the Head Lease Agreement between Council and Providore Place would stay Confidential (As stated in the advocate 11/11 /2016)

- A.** *Contracts of this nature are usually kept confidential to ensure that all parties interests are rightfully protected. The decision to enter into the head lease was made by Council in Closed Session and therefore remains confidential.*
- Q.3** Can Council explain or give reason why the contract to lease the Food Pavilion per se was not put to public tender? (In effect Providore Place is providing a service to Council is it not)
- A.** *There was a public advertising process seeking tenants for the new food pavilion. Following this process P+i provided Council with the option of it creating a new business (Providore Place Pty Ltd), to lease and operate the whole food pavilion space. There is no statutory requirement for Council to undertake a public tender process for this type of commercial lease arrangement.*
- Q.4** How many expressions of interests were received from local producers wishing to lease space in the 7 day a week fresh Tasmanian Produced Product Market Place?
- A.** *Council have entered into a head lease with Providore Place Pty Ltd to operate the facility and are therefore no longer directly involved in the leasing of specific market spaces.*
- Q.5** Will Council/Ratepayers be responsible for the cost of fitting out of the Cooking School and restaurants?
- A.** *There is no expectation that Council will contribute to the fitting out of any proposed Cooking School. As part of the funding model adopted by Council there is an allowance in the food pavilion budget towards the cost of fit-out. This allowance is consistent with normal commercial practice.*
- Q.6** Who will pay for the setting up of the Southern Wild Distillery still in the Food Pavilion?
- A.** *Southern Wild Distillery*
- Q.7** Is it commercial standard practice to have only a 10 year fixed lease for such a high outlay for the construction of premises of this magnitude?
- A.** *The lease is a standard commercial tenancy agreement. The term agreed is acceptable to both Council and Providore Place Pty Ltd.*
- Q.8** Has the contract been set at ten years because Council has a fixed term loan rate for 10 years and after that interest rates may sky rocket?
- A.** *No.*
- Q.9** Will Providore Place Pty Ltd be required to pay Council and TasWater rates?
- A.** *Yes*
- Q.10** Will each tenancy have a power and water meter?
- A.** *Yes*
- Q.11** Who will be responsible for the installation and maintenance of the grease and vegetable traps?
- A.** *The building itself will have appropriate infrastructure included as part of the base build. Any maintenance of the grease traps will be the responsibility of the head lessee.*
-

Q.12 Who will be responsible for the day to day cleaning of the immediate surrounds of the Food Pavilion? (Will there be a defined boundary?)

A. *The land adjacent to the food pavilion such as the market square is within the public realm and will be controlled and maintained by Council – no different to the current Rooke Street Mall.*

Q.13 Council had to renew the kitchen floor in DRIFT (only a few years old) at the Mersey Bluff complex I understand at considerable cost to ratepayers. What is specified to ensure similar problems do not occur in the kitchens in the Food Pavilion?

A. *The food pavilion is being constructed in accordance with the contract with Fairbrother Pty Ltd. There will be a defects liability period following completion of the build.*

Questions re Southern Wild Distillery at rear of DCC Chambers 17 Fenton Way Devonport.

Q.1 Did Council advertise or give any other person or company the opportunity to use this space? If yes the details are?

A. *The availability of the space associated with the former Harvey Norman building was actively marketed. Council has three separate tenancies in the building which are occupied by third parties. Council was approached by Southern Wild Distillery to rent that portion of the building previously identified as the former Harvey Norman loading dock.*

Q.2 Was any other Council owned site or vacant building offered to Southern Wild Distillery?

A. *Southern Wild Distillery had previously viewed other vacant properties owned by Council but these were deemed unsuitable to their needs.*

Q.3 Were all of the Aldermen advised who the shareholders are of Southern Wild Distillery?

A. Yes

Q.4 Do the Aldermen know who the Shareholders are of Southern Wild Distillery?

A. Yes

Q.5 Has there been a conflict of interest?

A. *Appropriate disclosure was made to Council prior to it making its decision.*

Lease/Contract

Q.6 Is the contact with Southern Wild Commercial in Confidence?

A. Yes

Q.7 Are all Aldermen aware of the content of the Lease Contract?

A. *Council approved the entering into of the lease including the key principles. The General Manager was responsible to finalising the lease documentation in line with standard procedure.*

Q.8 Whose names appear on the contract?

A. *Devonport Distillery Pty Ltd (trading as Southern Wild Distillery)*

Q.9 What is the term of the lease – years?

A. *Until the opening of the food pavilion or 5-years (whichever comes first).*

Q.10 What is the annual rental for the premises?

A. *Confidential – noting the rent was assessed independent of Council at market rate.*

Q.11 Who is responsible for payment of the renovations/upgrade?

A. *Southern Wild Distillery*

Q.12 If DCC what is the amount?

A. *Nil*

Q.13 External: -The new aluminium door, window frames, glass and paving etc Paid by?

A. *Southern Wild Distillery*

Q.14 Internal work plumbing and electrical etc. Paid by?

A. *Southern Wild Distillery*

Q.15 Are there separate meters for water and power?

A. *Yes*

Q.16 Is there separate air conditioning/ventilation?

A. *Yes*

Q.17 Do the Southern Wild premises have toilet facilities?

A. *Yes*

Q.18 Does that part of the building, once the distillery is in operation, comply with all OHS, building and fire regulations as well as the small print in Council's insurance policy?

A. *The occupancy has been approved by an independent building surveyor engaged by Southern Wild Distillery.*

Living City Construction Final Costs For stage one

Q.1 As of this date what will be the final cost of construction for each of the following:-

- (a) Multipurpose building?
- (b) Car park?
- (c) Food Pavilion?
- (d) Food Pavilion fit out?
- (e) External market square?

A. *The total of the Guaranteed Maximum Price (GMP) contract entered into with Fairbrother Pty Ltd is \$59,132,602. The breakdown of the various elements of the contract are:*

- *Multi-purpose Building \$31.5M*
 - *Car Park \$9.7M*
 - *Food Pavilion \$6.4M*
 - *Other costs associated with the GMP including preliminaries, contingency, provisional sums, consultants' fees \$11.5M*
-

(f) All other external work including surrounding roads footpaths, land scaping necessary to complete Stage One of the Living City Project?"

- A. *There is no provision within the contract for any further works on surrounding roads, footpaths, etc.*

RECOMMENDATION

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

3.2.3 Question without notice from the public

3.3 QUESTIONS ON NOTICE FROM ALDERMEN

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

3.3.1 Questions on notice from Aldermen

ALD TAMMY MILNE

The following questions on notice were received from Ald Tammy Milne on 11 November 2016. Council's responses are shown under each question:

“Question 1

Could you please inform Council of how many questions have been asked through the public questions section of Council and Section 23 Committee meetings since 1 July 2015?

Response

There has been a total of 271 public questions asked over the period 1 July 2015 to 23 November 2016.

Question 2

How many of these questions relate directly to LIVING CITY?

Response

Of the 271 questions, 180 specifically related to LIVING CITY. The balance 91 questions although not specifically related to LIVING CITY, a large number made reference to it in either the question or the preamble to the question.

Question 3

Of the total questions asked can you advise how many individual ratepayers were responsible for asking them?

Response

13 individuals asked questions during the period. 251 of the questions were asked by 5 of those 13. 101 of those questions were asked by 1 individual.

Question 4

Can you provide an estimate of the amount of time spent by staff responding to these questions?

Response

It would be difficult to estimate the amount of time spent by officers in responding to questions raised over the course of the year, however it would be fair to say that it has been considerable.

RECOMMENDATION

That Council in relation to the questions on notice received from Ald Milne, note the responses.

4.0 PLANNING AUTHORITY MATTERS

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

5.0 REPORTS

5.1 TENDER REPORT CONTRACT CT0186 ELIZABETH STREET RENEWAL FORBES STREET TO HILLER STREET

File: 32672 D447507

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report seeks Council's approval to award Contract CT0186, Elizabeth Street Renewal - Forbes Street to Hiller Street, to Civilscape Contracting Tasmania Pty Ltd.

BACKGROUND

This report considers tenders received for "Elizabeth Street Renewal – Forbes Street to Hiller Street" listed within the 2016/17 capital expenditure budget.

The objective of this project is renewal of road pavement and seal that is currently in poor condition.

STATUTORY REQUIREMENTS

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

DISCUSSION

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

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

TABLE 1

No.	Tender	Status	Tender Price (ex GST)	Revised Tender Price (ex GST)
1	Civilscape Contracting Tasmania Pty Ltd	Conforming	\$283,354	\$196,440
2	Kentish Construction and Engineering Company Pty Ltd (trading as Treloar Transport)	Conforming	\$323,408	\$213,965
3	Hardings Hotmix Pty Ltd	Conforming	\$327,210	N/A

As highlighted in the above table, Civilscape Contracting Tasmania Pty Ltd tender of \$196,440 is the lowest price. The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

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

- Price

The evaluation by the committee indicates that Civilscape Contracting Tasmania Pty Ltd scored highest overall against the selection criteria and therefore offers Council the best value for money.

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

The estimated cost is higher than the project budget as it was assumed that limited kerb, footpath and driveway renewal would be undertaken. However, the survey showed existing cross fall on the road needed correction which requires most of the kerb, footpath and driveways to be renewed on the eastern end of the site.

The project design was reviewed and a number of scope reductions and efficiencies were identified. All companies that submitted a tender price were invited to provide a revised tender price for the revised scope of works.

Hardings Hotmix Pty Ltd chose not to provide a revised price. Civilscape Contracting Tasmania Pty Ltd, provided the lowest revised tender price of \$196,440. The revised tender prices that were received are summarised in table 1.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 1 October 2016 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The 2016/17 capital expenditure budget includes an allocation for the "Elizabeth Street renewal – Forbes Street to Hiller Street" project of \$225,000 which includes \$200,000 of Council's allocation for Roads to Recovery funding in 2016-17.

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

TABLE 2

No.	Tender	Price (ex GST)
1	Contract CT0186 price (revised tender price)	\$196,440
2	Project management/administration	\$13,000
3	Construction contingency	\$19,600
	TOTAL	\$229,040

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

If the full construction contingency is used, a budget increase of \$4,040 will be required. Based on current forecasts it is anticipated that this amount, if required can be covered from budget savings on other transport projects within the 2016/17 capital works program.

RISK IMPLICATIONS

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

CONCLUSION

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that Civilscape Contracting Tasmania Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CT0186 Elizabeth Street Renewal - Forbes Street to Hiller Street.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CT0186 - Elizabeth Street Renewal - Forbes Street to Hiller Street:

- a) award the contract to Civilscape Contracting Tasmania Pty Ltd for the revised tendered sum of \$196,440 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$13,000 (ex GST);
- c) note that a construction contingency of \$19,600 (ex GST) is included in the budget; and
- d) note that if all of the construction contingency is expended the project will be \$4,040 over the allocated budget amount.

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

5.2 TENDER REPORT CONTRACT CT0190 VALLEY ROAD SOCCER GROUND CAR PARK

File: 32676 D447568

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report seeks Council's approval to award Contract CT0190 for the Valley Road Soccer Ground Car Park, to ATM Investments Pty Ltd (trading as ATM Civil).

BACKGROUND

This report considers tenders received for "Soccer Ground Car Park Seal" listed within the 2016/17 capital expenditure budget.

This project involves the preparation and sealing of the internal road around the main playing field at the Soccer ground, providing all weather access as a road and parking area for spectators. The complex is now attracting major soccer events due to its new synthetic surface and involvement of a team in high level competitions.

STATUTORY REQUIREMENTS

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

DISCUSSION

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

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

TABLE 1

No.	Tender	Status	Tender Price (ex GST)
1	ATM Investments Pty Ltd (trading as ATM Civil)	Conforming	\$173,433
2	Civilscape Contracting Tasmania Pty Ltd	Conforming	\$175,929
3	Hardings Hotmix Pty Ltd	Conforming	\$200,914
4	Kentish Construction and Engineering Company Pty Ltd (trading as Treloar Transport)	Conforming	\$203,445

As highlighted in the above table, ATM Investments Pty Ltd tender of \$173,433 is the lowest price. The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

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

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The evaluation by the committee indicates that ATM Investments Pty Ltd scored highest overall against the selection criteria and therefore offers Council the best value for money.

Given Council has not previously worked with this company, a number of referee checks were undertaken with favourable feedback.

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

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 15 October 2016 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The 2016/17 capital expenditure budget includes an allocation for the "Soccer Ground Car Park Seal" project of \$190,000. The tender received from ATM Investments Pty Ltd is \$173,433.

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

TABLE 2

No.	Tender	Tender Price (ex GST)
1	Contract CT0190 price	\$173,433
2	Project management/administration	\$13,000
3	Construction contingency	\$17,300
	TOTAL	\$203,733

The contingency allowance for this project is 10% of the contract price.

The estimated cost is higher than the project budget as it was assumed that the existing gravel path around the southern and western side of the track could be retained. However, following a survey, it was determined that the existing ground level had to be lowered to allow suitable drainage from both the new sealed area and the edge of the playing surface. This meant none of the existing gravel can be retained. In addition, the underground power feeding the lighting was found to be shallow and will need to be lowered.

If the full construction contingency is used, a budget overrun of \$13,733 will result. Based on current forecasts it is anticipated that this amount, if required can be covered from budget savings on other transport projects within the 2016/17 capital works program.

RISK IMPLICATIONS

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

CONCLUSION

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that ATM Investments Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CT0190 Valley Road Soccer Ground Car Park.

ATTACHMENTS

Nil

RECOMMENDATION

That Council, in relation to Contract CT0190 - Valley Road Soccer Ground Car Park:

- a) award the contract to ATM Investments Pty Ltd for the tendered sum of \$173,433 (ex GST);
- b) note that design, project management and administration for the project are to cost \$13,000 (ex GST);
- c) note that a construction contingency of \$17,300 (ex GST) is included in the budget; and
- d) note that if all of the construction contingency is expended the project will be \$13,733 over the allocated budget amount.

Author: Position:	Shannon Eade Project Management Officer	Endorsed By: Position:	Matthew Atkins Deputy General Manager
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5.3 RESERVES, PARKS AND GARDENS BY-LAW

File: 22256 D448127

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

Due to the expiration of the current by-law relating to reserves, parks and gardens in January 2017, Council is required to confirm its intent to make a new Reserves, Parks and Gardens By-law.

BACKGROUND

Council adopted the "Reserves, Parks and Gardens By-law – No.1 of 2007" on 22 January 2007. The by-law was introduced "to regulate, control and protect Council's reserves, recreation grounds, parks and gardens owned by or under the control of the Devonport City Council".

In accordance with Section 155 of the *Local Government Act 1993* ("the Act"), a by-law "expires 10 years after the date on which it takes effect...". Given the imminent expiry of the "Reserves, Parks and Gardens By-Law – No.1 of 2007", it is recommended a new by-law in respect of its reserves, parks and gardens be drafted and adopted.

STATUTORY REQUIREMENTS

In accordance with Section 145 of *the Act*, a Council may make a by-law in respect of any Act, matter or thing for which a Council has a function or power under this or any other Act.

Section 156(1) of *the Act* requires a Council in making a new by-law, must announce publicly that it intends to make a by-law. This resolution must be made at a Council meeting and must be made by an absolute majority of Aldermen.

Furthermore, Council is guided by Part 11 of *the Act* in regards to the development, drafting and adopting of a by-law under its jurisdiction.

The process for adopting a by-law is as follows:

- Council passes a formal resolution (by absolute majority) of its intention to make a by-law (the purpose of this report);
- Council prepares a draft Regulatory Impact Statement (attached) and referral is made to the Director of Local Government for consideration;
- Upon receipt of the certificate of approval from the Director, Council gives notices of the proposed by-law and carries out public consultation;
- Copies of the RIS and the by-law are made available for public inspection and submissions are invited;
- Following the closure of the submissions, Council is required to consider all submissions and alter the by-law if necessary, by absolute majority;
- Council makes the by-law under its common seal;
- The by-law is certified by a legal practitioner and the General Manager;

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- The by-law must be published in the Tasmanian Government Gazette within 21 days of being made by Council;
- The General Manager is to make the by-law available on the Council website;
- The by-law is to be submitted to the Subordinate Legislation Committee as required within seven working days of publication in the Gazette;
- The by-law is tabled in Parliament within 10 sitting days of publication in the Gazette;
- General Manager to send a sealed copy of the by-law to the Director of Local Government, and certification under Section 162 of the Act with a statement explaining the purpose and effect of the by-law and the outcome of public consultations in respect of the by-law.

DISCUSSION

The current by-law has had no major issues with its implementation over its 10 year period. Therefore, only minor amendments are proposed in the development of the new by-law to "modernise" its terminology and to include reference to the *Monetary Penalties Enforcement Act 2005*. Edits are as shown and marked on the attached draft by-law which will require final formatting once changes have been accepted.

COMMUNITY ENGAGEMENT

As part of the adoption process for by-laws, public consultation is required. The draft by-law and RIS will be advertised for a period of 21 days, with opportunities for the public and stakeholders to make submissions.

FINANCIAL IMPLICATIONS

There will be legal costs involved in the adoption of the by-law. However, these costs are not expected to be significant, and are required due to the legislative requirements of adopting a by-law.

RISK IMPLICATIONS

- **Asset & Property Infrastructure**
The draft by-law enables Council to protect, control and regulate its reserves, parks and gardens, through regulation of acceptable and compliant use.
- **Legal Compliance**
The adoption of this draft by-law will legally enable Council to facilitate accepted behaviour and activities in its reserves, parks and gardens, through the ability to issue infringement notices for breaches of the by-law.
- **Environmental Sustainability**
The protection of Council's reserves, parks and gardens, through controlled use and approved activity, supports the sustainability and preservation of these assets.

CONCLUSION

As Council's current "Reserves, Parks and Gardens By-Law – No.1 of 2007" is due to expire at the end of January 2017, Council's approval of the intent to make a new reserves, parks and gardens by-law by absolute majority is required. This will enable the process of a new by-law to commence.

ATTACHMENTS

1. Updated By-law Reserves Parks and Gardens - tracked changes 23112016
2. Regulatory Impact Statement - Reserves Parks and Gardens - 2017

RECOMMENDATION

That Council:

- a) in accordance with Section 156 of the *Local Government Act, 1993*, approve the intent to make a by Reserves, Parks and Gardens By-law by absolute majority; and
- b) authorise the General Manager to forward the draft Regulatory Impact Statement to the Director of Local Government for consideration.

Author: Position:	Karen Hampton Governance Coordinator	Endorsed By: Position:	Paul West General Manager
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DEVONPORT CITY COUNCIL
RESERVES, PARKS AND GARDENS BY-LAW

BY-LAW NO. 1 OF 2017

A By-Law of the Devonport City Council, made under Section 145 of the *Local Government Act 1993* to regulate, control, and protect Council's reserves, recreation grounds, parks and gardens owned by or under the control of the Devonport City Council.

PART 1 - PRELIMINARY

Short Title

1. This By-Law may be cited as the "Devonport City Council Reserves, Parks and Gardens By-Law".

Interpretation

2. In this By-Law, ~~unless the context otherwise indicates:-~~

"~~a~~Authorised officer" ~~includes~~ means a Police Officer of the Tasmania Police Service, the General Manager of the Devonport City Council or ~~;~~ ~~the By-Laws Officer, the Animal Control Officer, a caretaker of a Council property and~~ any other person appointed by the General Manager as an authorised officer for the purposes of this By-Law;

"Council" means the Devonport City Council;

"~~Manager~~" ~~means the General Manager appointed as such under Section 61 of the Act or a person appointed by the General to perform the relevant function under this By-Law;~~

"parking area" means any area in or associated with a public reserve constructed or set aside by Council for parking of vehicles including all equipment, signs, access ways, fences and structures used or connected in any way with the parking area;

"parking space" means a space within a parking area indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"penalty unit" means the amount of money set under the *Penalty Units and Other Penalties Act 1987*;

"public reserve" means ~~the whole or~~ any part of a reserve, beach, coastal or river foreshore, rockery, area of bushland, natural area, planted embankment, plantation, sports ground, recreation ground, swimming pool, park or garden owned, or under the control of the Council, including:

- (1) any road, path or car parking area within any of those areas;
- (2) any structure or building erected on those areas;
- (3) the exterior grounds of any building owned, leased or otherwise under the control of the Council that is not in those areas.

PART 2 - USE OF PUBLIC RESERVES

Closure of Public Reserve

3. (1) The ~~Manager~~General Manager may close all or any part of a public reserve to members of the public.
- (2) A person must not enter or remain in any part of a public reserve that is closed to the public without written authority of the ~~Manager~~General Manager to be there.

Penalty: a fine not exceeding 5 penalty units.

~~(3) An authorised officer may issue an infringement notice for this offence.~~

- (43) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Hire of Public Reserve

4. (1) The ~~Manager~~General Manager may enter into an agreement to hire or lease a public reserve.
- (2) The ~~Manager~~General Manager may impose terms and conditions in an agreement to hire or lease a public reserve.

Non-Compliance with Hire Conditions

5. (1) A person must comply with the terms and conditions within an agreement to hire or lease a public reserve.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(2)

- ~~(3)~~ A person may avoid a prosecution by paying a fine of 1.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Sub-Lease or Sub-Hire of Public Reserve

6. (1) A person who has leased or hired a public reserve must not sub-lease or sub-hire the public reserve without the written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (32) A person may avoid a prosecution by paying a fine of 1.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Peaceable Use of Public Reserves

7. (1) A person must not in a public reserve do any act or thing which unreasonably interferes, or is likely to interfere with the peaceable use by the public of any public reserve.

Penalty: a fine not exceeding 20 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (32) A person may avoid a prosecution by paying a fine of 2 penalty units to the Council within 21 days after the issue of the infringement notice.

Creation of an Entrance to a Public Reserve

8. (1) A person who has land adjoining a public reserve may create an entrance to the public reserve only if the person has the ~~Manager~~General Manager's written authority to do so.

- (2) The ~~Manager~~General Manager may impose terms and conditions on creation and use of an entrance.

- (3) If the ~~Manager~~General Manager notifies the person in writing to close an entrance the person, must close the entrance by the method notified.

- (4) A person who receives notice to close an entrance from their land to a public reserve must close the entrance within 14 days of receiving the notice.

- (5) Council may execute any necessary work to close an entrance if:-

- (a) the person whose land it leads to is directed to close the entrance and fails to do so; or
(b) the entrance is not closed in the manner notified by the ~~Manager~~General Manager

- (6) If Council closes an entrance, the person from whose land it leads must pay Council for all of the costs that Council incurs in doing the work.

- (7) A person must not have an entrance from his or her land to a public reserve which is not approved by the ~~Manager~~General Manager.

Penalty: a fine not exceeding 10 penalty units.

~~(8) An authorised officer may issue an infringement notice for this offence.~~

- (98) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

PART 3 - DISALLOWED ACTIVITIES

NOTE: Permissions granted under part 3 of this By-Law do not constitute Council planning approval under the Land Use Planning and Approvals Act 1993 or the Devonport City Council Interim Planning Scheme 2013 or building approval under the Building Act 2000.

Erection of a structure

9. (1) A person must not erect a building or other structure in a public reserve without the written authority from the ~~Manager~~General Manager.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (32) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

- (43) ~~Council~~The General Manager may ~~remove~~authorise an employee of Council to remove any ~~an unauthorised building or~~ structure erected without written permission under Clause 9(1) and take any reasonable measures to return the public reserve to the condition it was in before the ~~building or~~ structure was erected.

- (54) A person who erects an unauthorised building or structure must pay Council for all of the costs that Council incurs in removing it.

Erection of a Sign

10. (1) A person must not erect or allow to be erected a sign, banner or billboard in a public reserve without written authority from the ~~Manager~~General Manager.

Penalty: a fine not exceeding 4 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

- (34) An authorised officer may remove an unauthorised sign and store it in a safe place until any fine imposed under this clause has been paid ~~or a period of two~~ (2) months have elapsed, whichever is the sooner.

- (4) If any unauthorised sign remains in storage for over two (2) months and the fine remains unpaid, then an authorised officer may dispose of the sign.

Sale of an Items

11. (1) A person must not sell or offer for sale, lease or hire any thing, including food or ~~drink refreshments~~ in a public reserve without prior written authority from the ~~Manager~~General Manager.

Penalty: a fine not exceeding 20 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid prosecution by paying a fine of 2 penalty units to the Council within 21 days after the issue of the infringement notice.

Distribution of an Advertisement

12. (1) A person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper, promotional article or placard in a public reserve without written authority from the ~~Manager~~General Manager.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(3) A person may avoid a prosecution by paying a fine or 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Organised Sport

13. (1) A person must not conduct or participate in an organised sport, contest or game in a public reserve without written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 20 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Organised Activities

14. (1) A person must not in a public reserve conduct any amusement or entertainment for financial reward without written authority from the ~~Manager~~General Manager.

Penalty: a fine not exceeding 20 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Playing Golf

15. (1) A person must not in a public reserve play or practice golf or permit any person to play or practice golf except where signs or notice boards indicate that it is allowed.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Use of radios and loud speakers

16. (1) A person must not in a public reserve use or operate any television receiver, radio, loudspeaker, tape recorder, compact disc player or any other method of amplifying or playing music recorded or otherwise in such a way as to annoy other users of the public reserve.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of an infringement notice.

Use of Change Room and Public Toilet

17. (1) A person over the age of six years, must not in a public reserve, without prior written authority of the ~~Manager~~General Manager, enter a change room or public toilet reserved for the use of people of the opposite sex except to assist someone who is injured, threatened or in danger, elderly or disabled.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Use of children's playground

18. (1) A person must not within 5 metres of any children's play equipment installed in a public reserve:

- (a) fail to comply with the directions of an authorised officer;
- (b) play any ball games, or
- (c) misuse or damage any of that equipment.

Penalty: a fine not exceeding 20 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Collection of Money

19. (1) A person must not take up a collection of money in a public reserve without written authority from the ~~Manager~~General Manager.

Penalty: a fine not exceeding 5 penalty units.

- (32) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Camping

20. (1) A person must not camp in a public reserve without the written permission from an authorised officer.

Penalty: a fine not exceeding 5 penalty units.

- (2) For the purposes of subclause 20(1) "camp" means to:
- (a) erect a tent, camper trailer or similar portable shelter; or
 - (b) place, park or leave a caravan, campervan, ~~mobile home,~~ motorhome or similar vehicle on the reserve between 10.00 p.m. and 6.00 a.m.; or
 - (c) sleep in the open or in any form of shelter or vehicle between 10.00 p.m. and 6.00 a.m.

~~(3) An authorised officer may issue an infringement notice for this offence.~~

- (34) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Climbing of Trees, Natural Features and Other objects

21. (1) A person must not climb a tree, shrub, building, roof, seat, cliff, escarpment or fence in a public reserve without prior written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (32) A person may avoid a prosecution by paying a find of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Animals

22. (1) A person must not in a public reserve ride any animal or permit any animal referred to in subclause (4) that is owned by them, normally kept by them or under their control to walk, exercise, stray, forage or graze in a public reserve without the written authority of the ~~Manager~~General Manager, except:-

- (a) on roads, paths or tracks or in areas provided for one of these activities; and
- (b) where signs or notice boards indicate that it is allowed.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(32) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

(43) In subclause (1), "animal" means an animal as defined in the *Dog Control Act 2000* except a dog as defined in that Act and native birds and animals.

Use of skates and cycles

23. (1) A person must not in a public reserve ride, drive or use an unmotorised wheeled recreational vehicle, device or toy except;

(a) on roads, paths or tracks where signs or notice boards indicate that use of that vehicle, device or toy is allowed; or

(b) with written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Projectiles

24. (1) A person must not in a public reserve fire a firearm, throw a stone or other object, or use a slingshot, catapult, bow or arrow or a similar device without prior written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 20 penalty units

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Deposit of Refuse

25. (1) A person must not, without lawful authority, deposit any refuse in a public reserve.

Penalty: a fine not exceeding 20 penalty units

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1.5 penalty units to Council within 21 days after the issue of an infringement notice.

(34) A person is to be regarded as having deposited refuse in a public reserve with lawful authority:-

- (a) (i) in a receptacle provided by the Council for the depositing of refuse; and
 - (ii) in accordance with any conditions specified by the Council by means of a notice displayed on or in the vicinity of the receptacle, in relation to the depositing of refuse in the receptacle; or
 - (b) if the person has placed a receptacle containing the refuse in that place for the purpose of the refuse being removed in the course of a refuse removal service provided by the Council; or
 - (c) if the person has deposited the refuse in that place:-
 - (i) pursuant to an invitation contained in a notice published by the Council; and
 - (ii) in accordance with any conditions specified in the notice in relation to the depositing of refuse in that place; or
 - (d) if the person has deposited refuse in that place with the consent of the ~~Manager~~General Manager; or
 - (e) if the person has deposited the refuse in that place pursuant to an authority conferred by or under any statute.
- (45) For the purposes of this clause, refuse includes rubbish of all descriptions, cut or uprooted vegetation, soil and building materials except those placed there by the Council's employees, contractors or authorised volunteers for the purposes of maintaining or improving the public reserve.

Breaking of glass

26. (1) A person must not in a public reserve break any glass.
- Penalty: a fine not exceeding 20 penalty units.
- (2) It is a defence to the offence created by clause 26(1) if the person:
- (a) did not intentionally break the glass; and
 - (b) took reasonable care to avoid the glass being broken; and
 - (c) acted promptly to clean up all the broken glass and deposit it in accordance with clause 25(5).
- ~~(3) An authorised officer may issue an infringement notice for this offence.~~
- (34) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Disorderly conduct

27. (1) A person must not in a public reserve:-

- (a) be under the influence of alcohol, another drug or a combination of drugs (other than drugs prescribed for that person and used by them as prescribed); or
- (b) use threatening, intimidating, abusive or offensive language or behaviour; or
- (c) act in a disorderly or indecent manner.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Abuse of an authorised officer and/or an employee of Council

28. (1) A person must not threaten, intimidate, or use abusive language to an authorised officer **and/or an employee of Council** acting in the course of their employment in relation to or in connection with any matter relating to a public reserve.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (3) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Alcohol Free Areas

29. (1) The areas identified in Schedule 24 are alcohol free areas at all times **unless written authority from the General Manager has been given.**
- (2) The Council may by resolution declare any other area in a public reserve to be an alcohol free area:
- (a) during any specified hours or periods or both; or
 - (b) at all times.
- (3) The Council may by resolution revoke or amend any resolution under subclause (2), whether or not any specified period has expired.
- (4) For the purposes of subclause (5) an area of a public reserve is an alcohol free area if it is identified in Schedule 1, or:
- (a) has been declared an alcohol free area under subclause (2); and
 - (b) the area is identified as being an alcohol free area by a sign within it or in its close proximity; and
 - (c) the sign indicates that the possession or consumption of alcohol is prohibited within that area: and

- (d) if the Council's resolution provides that the area is alcohol free only during specified hours or periods:
- (i) the sign states those hours or period; and
 - (ii) the action occurs during those hours or period.
- (5) ~~A person must not~~ In an alcohol free area without the written authority of the ~~Manager~~General Manager: ~~unless it is in an area identified in accordance with a written authority of the Manager within which alcohol may be consumed:~~
- (a) ~~a person must not consume liquor; or have any alcoholic beverage in their possession or control; or~~
 - (b) ~~A person must not, without reasonable excuse (proof of which lies on the person), have in his or her possession an opened or unsealed container of liquor. consume any alcoholic beverage.~~

Penalty: a fine not exceeding 10 penalty units.

- ~~(6) An authorised officer may issue an infringement notice for this offence.~~
- ~~(76)~~ A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.
- ~~(87)~~ In this clause "alcoholic beverage" means a beverage (other than a medicine) that:
- (a) is intended for human consumption; and
 - (b) has an alcoholic content greater than 0.5% by volume when at a temperature of 20° Celsius.

PART 4 - DAMAGE TO PROPERTY

Damage to Council property

30. (1) A person must not in a public reserve remove or damage Council property.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- ~~(32)~~ A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Planting or Tending Vegetation

31. (1) A person must not in a public reserve plant any vegetation without the written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(32) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

(34) The provisions of sub clause (1) do not apply to any employee, contractor or authorised volunteer of or engaged by the Council to plant vegetation in that public reserve who plants vegetation of the nature they are engaged by the Council to plant.

(45) For the purposes of this clause, "plant" includes:

- (a) any method of placing vegetation in or on the ground in a way that is likely to allow or induce the vegetation to survive or grow; and
- (b) propagating, husbanding, watering or otherwise tending to vegetation.

Interference with Items

32. (1) A person must not in a public reserve, without the written authority of the ~~Manager~~General Manager, move, remove, tamper with or damage:-

- (a) a tree, shrub, plant, flower, or garden bed; or
- (b) any sod, turf, loam, sand, gravel, stone or any other similar material; or
- (c) a water-pipe, tap, sprinkler, or hose; or
- (d) a pond or fountain or the water in it except to drink from a drinking fountain; or
- (e) any sign or public notice erected by or authorised by the Council.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

(34) The provisions of sub clause (1) do not apply to any employee, contractor or authorised volunteer of or engaged by the Council who does anything reasonably required in the course of that engagement.

Protection of wildlife

33. (1) A person must not in a public reserve without written authority of the ~~Manager~~General Manager:-

- (a) take from the public reserve or have in his or her possession any wildlife or products of wildlife from that public reserve; or
- (b) use or have in his or her possession any hunting equipment; or
- (c) lay or set any trap or snare or deposit any poisonous or chemical substance; or
- (d) interfere with the nest, breeding place or habitation of any wildlife; or
- (e) intentionally rouse or disturb any wildlife.

Penalty: a fine not exceeding 20 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Fire

34. (1) A person must not in a public reserve light a fire other than in a fireplace or designated place provided by Council for public use, without written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(3) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Graffiti

35. (1) A person must not in a public reserve mark, write on or in any other way deface Council property without written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

(23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Wood

36. (1) A person must not in a public reserve collect or remove any wood or timber without written authority of the ~~Manager~~General Manager.

Penalty: a fine not exceeding 10 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

PART 5 - VEHICLES

Parking of a Vehicle

37. (1) A person must not in a public reserve park a vehicle:-
- (a) in a parking area where parking spaces are marked unless it is parked wholly within a parking space; or
 - (b) parked otherwise than as directed by an authorised officer or by signs and notice boards erected by the Council; or
 - (c) in a position where it obstructs the entry or exit of a vehicle to another parking space or parking area.

Penalty: a fine not exceeding 1.5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine to Council of:-
- (a) ~~\$12.00~~ 5 penalty units within 14 days after the issue of the infringement notice; or
 - (b) ~~\$25.00~~ 27 penalty units - 14 days or more days after the issue of the infringement notice but before the filing of a complaint; or
 - (c) ~~\$50.00~~ 55 penalty units after the filing of a complaint but before 48 hours before the Court hearing date.

Driving of a Vehicle

38. (1) A person must not drive ride or use a motorised vehicle in a public reserve or bring a motorised vehicle into a public reserve except:-
- (a) on or in a road, path, track or parking area where signs or notice boards indicate that the type of vehicle is permitted; and
 - (b) in compliance with any direction indicated on the sign or notice board; and
 - (c) at less than twenty-five kilometres an hour and at a safe speed.

Penalty: a fine not exceeding 5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

- (34) The provisions of subclause (1) do not apply to:
- (a) any employee, contractor or authorised volunteer of or engaged by Council to undertake any activity in the public reserve and who is using the vehicle for the purpose of that activity; or
 - (b) police, ambulance, fire or other emergency services using the vehicle in the performance of their duties; or
 - (c) with respect to any road that appears from its design and construction to be a road open to public vehicles during any period during which it is open to public vehicles and in compliance with any signs with respect to the use of that road.

Parking when Reserve is Closed

39. (1) The ~~Manager~~General Manager may close a public reserve or any part of a public reserve to vehicular traffic.
- (2) When a public reserve is closed to vehicular traffic a person must:-
- (a) not enter the public reserve with a vehicle; or
 - (b) remove his or her vehicle placed there by him or her.

Penalty: a fine not exceeding 5 penalty units.

~~(3) An authorised officer may issue an infringement notice for this offence.~~

- (34) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Entry and Exit of Parking Area

40. (1) A person driving a vehicle in a public reserve must enter or leave a parking area in a public reserve by a proper access point provided by Council.

Penalty: a fine not exceeding 1.5 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine to Council of;-
- (a) ~~.5 penalty units \$12.00~~ to the Council within 14 days after the issue of the infringement notice; or
 - (b) ~~\$25.00~~27 penalty units - 14 days or more days after the issue of the infringement notice but before the filing of a complaint; or
 - (c) ~~\$50.00~~55 penalty units after the filing of a complaint but before 48 hours before the Court hearing date.

Reserved Space

41. (1) The ~~Manager~~General Manager may in a public reserve determine;

- (a) the location of reserved parking spaces or parking areas; and
 - (b) the conditions that apply to reserved parking spaces or parking areas.
- (2) A person must not park or leave a vehicle in a parking space or area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 2.5 penalty units.

~~(3) An authorised officer may issue an infringement notice for this offence.~~

- (34) A person may avoid a prosecution by paying 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Washing, Dismantling and Repair of Vehicle

42. (1) A person must not in a public reserve dismantle paint, wash, service or repair a vehicle without written authority of the ~~Manager~~General Manager unless it is necessary to enable the vehicle to be moved from the reserve.

Penalty: a fine not exceeding 2 penalty units.

~~(2) An authorised officer may issue an infringement notice for this offence.~~

- (23) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

PART 6 - MISCELLANEOUS

Regulation of Activities

43. (1) An authorised officer may give reasonable directions to any person playing or engaging in a game, sport or activity in a public reserve:-
- (a) to regulate the playing or engaging in game, sport or activity; or
 - (b) to avoid inconvenience or risk of danger to any person in the public reserve.
- (2) A person must obey a reasonable direction from an authorised officer.

Penalty: a fine not exceeding 2 penalty units.

~~(3) An authorised officer may issue an infringement notice for this offence.~~

- (34) A person may avoid a prosecution by paying a fine of 0.25 penalty units to the Council within 21 days after the issue of the infringement notice.

Removal from area

44. An ~~police officer or~~ authorised officer may remove any person from a public reserve who that officer reasonably believes is offending against this By-Law.

Removal of Articles

45. (1) An ~~police officer~~ authorised officer may remove anything which is on or in a public reserve which is on that land contrary to this By-law.
- (2) The ~~police officer~~, authorised officer or Council may keep anything removed under clause 45(1) in a safe place until the reasonable expenses of its removal and storage have been paid.

Supply of name and address

46. A person must supply their correct and full name and present permanent or temporary address if requested by an authorised officer or by a police officer if the officer reasonably believes that the person is offending or has offended against the By-Law.

Penalty: a fine not exceeding 5 penalty units.

A person may avoid a prosecution by paying a fine to the Council of 1 penalty unit within 14 days after the issue of an infringement notice.

Arrest of Offenders by the Police

47. (1) A police officer may arrest a person who is on a public reserve and whom the police officer reasonably believes is offending against this By-law if:
- (a) the person refuses to leave the public reserve as required by an authorised person or a public officer under clause 44; or
 - (b) the person does not supply the information requested by an authorised person or a police officer under clause 46.
- (2) Clause 47(1) does not apply to offences against clauses 5, 6 or 8.

Infringement notice

48. (1) An "Aauthorised officer" may issue an infringement for any offence.:-
- (2) S.149 of the *Local Government Act 1993* (The Act) states that by-laws may provide that an authorised officer:
- (a) may issue an infringement notice to a person in respect of offences specified in this By-Law; and
 - (b) may issue one infringement notice in respect of more than one offence; and
 - (c) may impose a fine for an offence in respect of which an infringement notice is issued in accordance with the fines specified in this By-Law.
- (3) S.149 of the *Local Government Act 1993* (The Act) provides that a by-law which provides for the issue of an infringement notice and monetary penalty is to specify:
- The amount of the monetary penalty;
 - The person who may issue a notice of infringement;

- The person to whom payment of the monetary penalty is to be paid in order to avoid the infringement notice bring referred to the Director of the Monetary Penalty Enforcement Service.
-
- (24) A fine is a penalty payable to the Council as an alternative to prosecution and any penalty that may be imposed as a result of the prosecution.
- (53) A fine specified in an infringement notice is:-
- (a) payable to the cashier, at the ~~registered City Offices of the Devonport City Council -44-48 Best Street, Devonport;~~ or
 - (b) if payment is not made in person, payable by a cheque or money order made out to the Council and posted to the Devonport City Council at P.O. Box 604, Devonport. 7310.
- (64) An infringement notice is to be substantially in the form provided in Schedule 2.
- (5) An infringement notice may be served:-
- (a) by personally serving the notice upon the alleged offender; or
 - (b) by sending the notice by certified mail addressed to the alleged offender at their last known place of residence or business.
- (7) S.149(4) of the *Local Government Act 1993* states that an infringement notice is to be in accordance with S.14 of the *Monetary Penalties Enforcement Act (MPEA)*. S.14 of the MPEA requires that an infringement notice is to:
- Specify the offence or offences in respect of which it is served;
 - Specify the prescribed penalty or penalties that are applicable;
 - Specify the total amount payable if the notice relates to more than one offence;
 - Specify the payment procedures available;
 - Specify any other details prescribed under the MPEA or the Act that creates the offence.
 - Inform the person on whom it is served that if he or she wishes to have any of the offences heard and determined by a court, he or she must lodge (with the Council) a notice of election in accordance with the MPEA within 28 days of the service of the infringement notice.
 - Inform the person on whom it is served that if he or she does not lodge a notice of election within 28 days of the service of the infringement notice and the infringement notice is not withdrawn, he or she will be taken to be convicted of the offence or offences set out in the infringement notice and the monetary penalty set out in the infringement notice may be enforced under the MPEA.
- (86) If at any time after an infringement notice is issued, the ~~Manager~~**General Manager** decides that the infringement notice should be withdrawn, the ~~Manager~~**General Manager** may withdraw an infringement notice.
- (97) The withdrawal of an infringement notice does not prevent Council from prosecuting the person to whom the notice was issued for breach of this By-Law.

- (108) The Council may not prosecute a person to whom it has issued an infringement notice with respect to the offence referred to in it unless:
- (a) the ~~Manager~~General Manager has withdrawn the infringement notice; or
 - (b) the fine imposed by the infringement notice has not been paid by the time required in the infringement notice.
- (11) All monies payable to the Council or General Manager in respect of an infringement notice are a debt due to the Council and recoverable at law.

Rectification Notice

49. (1) An authorised officer may give notice to a person who has done anything in contravention of this By-Law which is capable of being rectified by any work or thing, requiring that person to do the work or thing that the authorised officer considers is reasonably required to rectify the consequences of that contravention.
- (2) A notice under sub clause (1):
- (a) is to be in writing, signed by the authorised officer; and
 - (b) is to be given to the person who contravened this By-Law; and
 - (c) is to identify the contravention of this By-Law; and
 - (d) is to state the work or thing to be done that is required to rectify the contravention; and
 - (e) is to state the time by which the work or thing is to be completed; and
 - (f) may state the time by which the work or thing is to be commenced or any timetable for the commencement or completion of any part of the work or thing to be done; and
 - (g) may require that the work or thing be done only by a person who has appropriate qualifications reasonably required to do that work or thing and may state the qualifications that are so required.
- (3) A person must not fail to comply with a notice given under sub clause (1).
Penalty: a fine not exceeding 10 penalty units.
- ~~(4) An authorised officer may issue an infringement notice for this offence.~~
- (54) A person may avoid a prosecution by paying a fine to the Council of 1 penalty unit within 21 days after the issue of the infringement notice.
- (65) The Council may do any work or thing required by a notice under sub clause (1) that is not done in accordance with that notice.

Recovery of Council's Expenses

50. (1) Any expense reasonably incurred by the Council in rectifying or remedying the consequences of any contravention of this By-Law is recoverable by the Council as a debt payable by the person whose act or default constituted that contravention.
- (2) The expenses referred to in sub clause (1) include the Council's expenses incurred under clauses ~~49(5), 46(2) and 49(6)~~.

SCHEDULE 1

Infringement Notice Offences

Clause	Specified Offence	Penalty to be applied if paid within 21 days	Maximum Penalty (Penalty units)
3	Closure of public reserve	0.5	5
5	Non-compliance with hire conditions	1.5	10
6	Sub-lease or Sub-Hire of Public Reserve	1.5	10
7	Peaceable use of public reserves	2	20
8	Creation of an entrance to a public reserve	0.5	10
9	Erection of a structure	0.5	5
10	Erection of a sign	0.5	4
11	Sale of an item	2	20
12	Distribution of an advertisement	0.5	5
13	Organised Sport	1	20
14	Organised Activities	1	20
15	Playing Golf	0.5	5
16	Use of radios and loud speakers	0.5	5
17	Use of change room and public toilet	0.5	5
18	Use of Children's Playground	1	20
19	Collection of money	0.5	5
20	Camping	0.5	5
21	Climbing of trees, natural features & other objects	0.5	5
22	Animals	0.5	5
23	Use of skates and cycles	0.5	5
24	Projectiles	1	20
25	Deposit of refuse	1.5	20
26	Breaking of glass	1	20
27	Disorderly conduct	0.5	5
28	Abuse of an authorised officer	1	5
29	Alcohol Free areas	1	10
30	Damage to Council property	1	10
31	Planting or tending vegetation	1	10
32	Interference with items	10	1
33	Protection of Wildlife	20	1
34	Fire	1	10
35	Graffiti	1	10
36	Wood	1	10
37	Parking of a vehicle	0.55	1.5
38	Driving of a vehicle	1	5
39	Parking when Reserve is closed	1	5
40	Entry and exit of parking area	0.55	1.5
41	Reserved space	0.5	2.5
42	Washing, dismantling and repair of vehicle	0.5	2
43	Regulation of activities	0.25	2
46	Supply of name and address		5

SCHEDULE 12**Alcohol Free Areas**

- Devonport Oval playing surface
- Meercroft Park playing surface
- Byard Park playing surface
- Girdlestone Park playing surface
- Soccer Centre (Lovett Street) playing surface
- Don Recreation Ground playing surfaces
- Maidstone Park playing surfaces
- ~~Devonport Olympic Swimming Pool (Devonport Aquatic Centre)~~

~~SCHEDULE 2~~
~~SCHEDULE 3~~

Infringement Notices

An infringement notice will reflect the requirements of the *Monetary Penalties Enforcement Act 2005* - Section 14 Form of infringement notices.

1. In this clause – “specified offence” means an offence against the clause specified in Column 1 of Schedule 1.
2. An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
3. An authorised officer may –
 - a. issue an infringement notice to a person whom the authorised officer has reason to believe is guilty of a specified offence
 - b. issue one infringement notice in respect of more than one specified offence.
4. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
5. In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
6. Payment of an infringement notice issued under this by-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, MPES.

The Schedule setting out the offences and infringement notice penalties can be found in Schedule 1.

~~DEVONPORT CITY COUNCIL~~

~~INFRINGEMENT NOTICE~~
~~under~~

~~RESERVES, PARKS & GARDENS BY-LAW~~

Infringement Notice No.: Issue Date:/...../.....

Issued to (Full Names):

Address:

.....

It is alleged that at am/pm approximately on day, the

day of 20..... at

you were in breach of the Council's Reserves, Parks & Gardens By-law, namely:

Particulars of Offence

.....

.....

Name of Council Reserve:

By-law clause:

Maximum Penalty Units: 1 Penalty Unit is worth \$

Name of Issuing Council Officer Signature

..... Position in Council

Note:

A person may avoid prosecution in connection with this offence by paying a fine of \$ to the Council within 14 days after the issue of the infringement notice.

PROCEDURE FOR PAYMENT OF PENALTY

A fine may be paid by cash, cheque, money order or credit card:

(a) to the cashier, at the Council Chambers, 44-48 Best Street Devonport or

(b) by post to Devonport City Council, P.O. Box 604, Devonport, 7310 or

(c) by phone on (03) 6424 5000 (credit card only).

Hours of Payment: 9.00am to 4.30pm Monday to Friday.

Certified that the provisions of the By-Law are in accordance with the law by

.....
Legal Practitioner

Dated this day of 2017

Certified that the By-Law is made in accordance with the *Local Government Act 1993* and the Common Seal of the DEVONPORT CITY COUNCIL was hereunto affixed in the presence of:

.....
General Manager

Dated this day of 2017
at 17 Fenton Way, Devonport in Tasmania.

REGULATORY IMPACT STATEMENT
DEVONPORT CITY COUNCIL
PROPOSED RESERVES, PARKS AND GARDENS BY-LAW
NO. 1 OF 2017

1. PURPOSE OF REGULATORY IMPACT STATEMENT (RIS)

The *Local Government Act 1993* ("the Act") requires that a Regulatory Impact Statement (RIS) is prepared when a Council seeks to make a by-law. The preparation of an RIS is a rigorous process aimed at analysing the most efficient and effective options available to address a particular issue and avoiding unnecessary regulation.

The RIS is to identify whether the benefits of the regulation outweigh the costs of a restriction on competition or impact on business imposed by the by-law. The RIS will also assess the direct and indirect economic, social and environmental impacts of the by-law.

Once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet, for assessment. Once the Director is satisfied that the RIS meets the statutory requirements, a certificate will be issued and the Council may then commence the public consultation process.

2. BACKGROUND

Devonport City Council currently administers a by-law which regulates, controls and protects Council's reserves, recreation grounds, parks and gardens owned by or under the control of Devonport City Council.

That by-law is the Reserves, Parks and Gardens By-Law No. 1 of 2007 ("current by-law").

In accordance with Section 155 of the Act, a by-law expires 10 years after the date on which it first took effect. The current by-law is due to expire on 22 January, 2017.

Council has passed a resolution in accordance with Section 156(1) of the Act of Council's intention to make the proposed Reserves Parks and Gardens By-Law No. 1 of 2017 ("proposed by-law") to replace the current by-law in order to provide for the continued regulation, control and protection of Council's reserves, recreation grounds, parks and gardens.

In preparing the proposed by-law, due regard has been given to whether there is existing relevant legislation to ensure that the proposed by-law does not duplicate or conflict with those statutory provisions. There is no existing State legislation that effectively enables the regulation and control of activities on Council's reserves, parks and gardens. The by-law provides for the General Manager to give consent and/or prevent circumstances as outlined in this document whilst not impeding the public's access to reserves, parks and gardens.

3. THE OBJECTIVES OF THE BY-LAW Section 156A(2)(a) *Local Government Act 1993*

The objective of the proposed by-law is to provide Council with the authority to regulate, control and protect Council's reserves, recreation grounds, parks and gardens owned by or under its control.

The following table summarises the various issues addressed by the by-law, what the by-law will do to address these issues (the objectives) and how the by-law will achieve these objectives.

Issue	Objective	Means to Achieve Objective
Closure of a public reserve or part of a public park generally for an organised event	Legal right to close a public reserve or part of a public park	Includes a provision which allows the General Manager to close a public reserve or a part of the reserve to the public
Large functions, parties or receptions on or on part of a reserve will need Council consent	Regulation of large functions, parties or receptions on or on part of a reserve	Includes a provision which requires a person who wishes to conduct or arrange a large function, party or reception at which 50 people or more are likely to be present on a

		public reserve to get written permission from the General Manager
Control the creation or use of private entrances onto public reserves	Legal right to regulate the establishment and use of private entrances onto public reserves	Includes a provision to regulate the establishment and use of private entrances onto public reserves
Control the erection of signs on a public reserve	Regulate the erection of signs on a public reserve	Includes a provision requiring a person to obtain written permission from the General Manager for the erection of signs on a public reserve
Control the erection of structures on a public reserve	Regulate the erection of buildings, booths, tents or other structures on a public reserve	Includes a provision requiring a person to obtain written permission from the General Manager for the erection of structures on a public reserve
Control the sale of goods on a public reserve	Regulate the use of public reserves as venues for the sale of goods	Includes a provision requiring a person to obtain written permission from the General Manager for the use of a reserve as a venue for the sale of goods
Control the distribution of notices or advertising on a public reserve	Regulate the use of public reserves as venues for the distribution of notices or advertising	Includes a provision requiring a person to obtain written permission from the General Manager to distribute notices or advertising on a public reserve
Control the conduct of organised sport or activities in a public reserve	Regulate and monitor the use of public reserves for group activities	Includes a provision requiring a person to obtain written permission from the General Manager to conduct organised group activities
Control the collection of monies on a public reserve	Regulate the use of public reserves as venues for the collection of monies	Includes a provision requiring a person to obtain written permission from the General Manager to collect monies on a public reserve
Control camping in a public reserve	Regulate the use of public reserves for camping	Includes a provision requiring a person to obtain written permission from the General Manager to camp in public reserves
Control the use of skates and cycles in public reserves	Regulate the use of skates and cycles in public reserves	Includes a provision requiring a person to obtain written permission from the General Manager to use skates or cycles in a public reserve except on roads, paths or tracks where signs or notice boards indicate that use of that vehicle, device or toy is allowed
Control the use of projectiles in public reserves	Regulate the use of projectiles in public reserves	Includes a provision requiring a person to obtain written permission from the General Manager to fire a firearm, throw stones, use a slingshot or catapult, bow or arrow or similar device
Control the deposit of refuse in public reserves	Regulate the disposal of refuse in public reserves	Includes a provision that refuse must not be deposited in any public reserve
Control the consumption of alcohol on public reserves	Regulate the consumption of alcohol within designated areas	Includes a provision requiring written consent of the General Manager for approval to consume alcohol in a public reserve
Regulate the planting or tending of vegetation in a public reserve	Regulate the planting of vegetation on public reserves	Includes a provision requiring written permission from the General Manager to plant or tend to vegetation on public reserves
Penalise the intentional lighting of fires other than in a fireplace on a public reserve	Penalise the intentional lighting of fires that are not within designated areas	Includes a penalty provision for the intentional lighting of fires other than in a fireplace on a public reserve
Penalise the intentional felling or removing wood or timber from a public reserve	Penalise the intentional felling or removing wood or timber from a public reserve	Includes a penalty provision for the intentional felling or removing wood or timber from a public reserve
Penalise the use and parking of motor vehicles in public reserves	Penalise the use of motor vehicles in public reserves,	Includes a penalty provision for unlawful use of motor vehicles in public reserves, including parking of motor vehicles

	including parking of motor vehicles	
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4. NATURE OF ANY RESTRICTION ON COMPETITION Section 156A(2)(b) *Local Government Act 1993*

The proposed by-law assumes that Council's reserves, parks and gardens should be primarily reserved for the use of the general public and commercial activities should, in principle, be discouraged. However, the by-law does provide for the controlled commercial use of Council's reserves, parks and gardens and these could therefore have an impact on competition. Such commercial activities are only to occur if the public are not excessively impeded from accessing any reserve, park or garden.

Commercial access to Council's reserves, parks or gardens cannot occur without some constraints. Some instances will require restriction or prevention of commercial access. Consent will also include conditions that restrict competitive conduct – such as the hours of operation, advertising or specifying which part of a reserve, park or garden is able to be accessed.

5. COSTS AND BENEFITS OF ANY RESTRICTION ON COMPETITION Section 156A(2)(c)(i) *Local Government Act 1993*

The various issues that are addressed within the by-law will involve the following costs and benefits in relation to potential restrictions on competition or any impact on the conduct of business.

Issue	Costs	Benefits
Closure of a public reserve or part of a public park generally for an organised event	Restricts the general public from accessing and using public reserves generally for an organised event	Closure of a public reserve or part of a public park for commercial uses will ensure that a safe and pleasant experience is able to be enjoyed by both customers and the general public
Large functions, parties or receptions on or on part of a reserve will require Council consent	Restricts the general public from accessing and using a public park or part of a park	Closure of a public reserve or part of a public park for commercial or private uses will ensure that a safe and pleasant experience is able to be enjoyed by both customers and the general public
Control the creation or use of private entrances onto public reserves	Restricts the right of owners of adjacent land to establish private entrances onto public reserves. Restricts private vehicles from utilising public reserves as accesses to private property	Maintains amenity and safety of public reserves
Control the erection of structures on a public reserve	Restricts the unauthorized erection of structures and tents on a public reserve	Maintains public access, amenity and safety of public reserves
Control the sale of goods on a public reserve	Restricts the commercial use of public reserves	Maintains public access and amenity of public reserves
Control the distribution of notices or advertising on a public reserve	Restricts the commercial use of public reserves	Maintains the amenity of public reserves
Control camping in a public reserve	Regulates camping in a public reserve	Maintains the amenity of public reserves
Control the collection of money on a public reserve	Restricts the use of public reserves	Maintains the amenity of public reserves
Control the consumption of alcohol in public reserves	Restricts the commercial use of public reserves	Maintains the amenity and safety of public reserves
Control the lighting of fires on a public reserve	Restricts the unauthorised lighting of fires on a public reserve	Maintains public access, amenity and safety of public reserves
Control the felling, collection or removal of wood or timber from a public reserve	Restricts the unauthorised felling, collection or removal of	Maintains public access, amenity and safety of public reserves

	wood or timber from a public reserve	
Control motor vehicles on public reserves	Restricts motor vehicles on a public reserve	Maintains public access, amenity and safety of public reserves
Control animals on a public reserve	Restricts animals on a public reserve	Maintains public access, amenity and safety of public reserves

The above costs and benefits have not been quantified as it is difficult to determine the exact nature of the potential impacts. Most reserves, parks and gardens are not used for regular commercial purposes. The potential costs and benefits cannot be generalised in any quantified form.

Nevertheless, an analysis of the abovementioned costs and benefits indicate that the benefits outweigh the costs associated with restrictions on competition. There will be restrictions on the commercial use of Council's reserves, parks and gardens, but these restrictions will result in the protection of public access, amenity and safety, together with a more orderly and efficient use of Council's reserves, parks and gardens for commercial purposes.

Any restriction to competition can be justified in the public interest.

6. **ALTERNATIVE OPTIONS CONSIDERED BY COUNCIL** Section 156A(2)(d) *Local Government Act 1993*
The current by-law has been in force for 10 years and has operated effectively and achieved the objectives of the by-law. Renewing the current by-law by implementing the proposed by-law is considered to be the most effective method of maintaining the status quo. The proposed by-law adopts an identical approach to the previous by-law.

7. **ASSESSMENT OF GREATEST NET BENEFIT OR LEAST NET COST TO THE COMMUNITY** Section 156A(2)(e) *Local Government Act 1993*

The Devonport community benefits from this by-law as it provides the necessary regulatory safeguards to ensure that people can access Council's reserves, parks and gardens in a relatively safe and unimpeded manner.

The by-law seeks to protect Council's reserve assets and to provide for improved public safety. It provides a means whereby Council can control inappropriate behaviour and protect public amenity and enjoyment. Council's reserves, parks and gardens are maintained utilising public funds and there are clear public benefits in ensuring they are not being damaged by inappropriate activities. Maintenance and replacement costs are minimised if such activities are able to be regulated. Without such regulation, there is an increased likelihood of damage taking place. Regulation is the most feasible option to achieve the by-law's objectives and by renewing the current by-law will ensure that it imposes a minimal regulatory burden on the community.

8. **ASSESSMENT OF DIRECT AND INDIRECT ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACT** Section 156A(2)(f) *Local Government Act 1993*

The following table assesses the economic, environmental and social impacts of the by-law.

		Direct Impacts	Indirect Impacts
Environmental	Benefits	<ul style="list-style-type: none"> Fresh air A place to be outdoors Protection and preservation of natural and cultural values Eco-system preservation 	<ul style="list-style-type: none"> Nature Visual appeal
	Costs	Nil	Nil
Social	Benefits	<ul style="list-style-type: none"> Encourage recreational use and physical activity Group participation 	<ul style="list-style-type: none"> Helps prevent social problems Connects and builds strong communities

		<ul style="list-style-type: none"> • Enhance social cohesion and inclusion • Civic pride • A place to go 	
	Costs	Nil	Nil
Economic	Benefits	<ul style="list-style-type: none"> • Provides for commercial use in an orderly manner • Affordability 	<ul style="list-style-type: none"> • Increased tourism • Increases property values • Economic flow on from visitation to the City
	Costs	<ul style="list-style-type: none"> • May limit some commercial users if permission is not granted 	<ul style="list-style-type: none"> • Increased enforcement costs for Council in following up complaints and responding to higher community expectations

The proposed by-law will complement Council's Public Open Space Strategy and Don Reserve Environmental Management Plan. These documents provide direction to Council and the community in protecting the natural and cultural values of the parklands whilst encouraging recreational use. The proposed by-law clearly defines the negative impacts that inappropriate/illegal activities have on reserves and parklands.

9. **PROPOSED PUBLIC CONSULTATION PROCESS** Section 156A(2)(g) *Local Government Act 1993*

The public consultation process will consist of:

- (a) In accordance with Section 157 of the Act public notice of the proposed by-law will be given in the prescribed manner and submissions will be invited from the public.
Any person wishing to comment on the proposed by-law may do so in writing addressed to the General Manager, within 21 days from the date of publication of the initial notice in The Advocate newspaper. Council will take into consideration all submissions properly made to it during the public comment period.
- (b) Copies of the proposed by-law will be sent to relevant State Government Departments for their review – Department of Police and Emergency Management and Crown Land Services.
- (c) Copies of the proposed by-law and Regulatory Impact Statement will be made available from the Devonport City Council office at 17 Fenton Way, Devonport (PO Box 604), and on the Council's website.
- (d) Reference will be made to the proposed by-law in media articles, press releases and the Mayor's Message in The Advocate newspaper.
- (e) Further information regarding the proposed by-law can be accessed by visiting the Devonport City Council at 17 Fenton Way, Devonport and can post their inquiries to PO Box 604, Devonport (phone 6424 0511) or email Council at council@devonport.tas.gov.au.

Dated this day of , 20

Paul West
GENERAL MANAGER

5.4 MINUTES - ANNUAL GENERAL MEETING - 24 OCTOBER 2016

File: 27391 D449460

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

To provide Council with the unconfirmed minutes from the Annual General Meeting (AGM) held on 24 October 2016.

STATUTORY REQUIREMENTS

The requirement for Council to prepare an Annual Report and to conduct an Annual General Meeting is prescribed under the *Local Government Act 1993*.

In accordance with Section 72(2)(d) and (3) of the Act, Council placed advertisements in the Advocate on Saturday, 1 October and Saturday, 8 October 2016 notifying of the conduct of the Annual General Meeting on Monday, 24 October 2016 and invited submissions from the community on the Annual Report.

Council is required under the Act to consider any motions passed at the AGM at its next available meeting.

DISCUSSION

Council received one (1) submission on its Annual Report from Mr Douglas Janney. Council's response to the submission was included in the agenda for the AGM.

COMMUNITY ENGAGEMENT

The Council's AGM is an opportunity for the community to be engaged. Six (6) members of the public attended the meeting.

FINANCIAL IMPLICATIONS

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

CONCLUSION

This report includes the minutes of the AGM for Council consideration.

ATTACHMENTS

Nil

RECOMMENDATION

That Council accept the minutes of the Annual General Meeting held on Monday, 24 October 2016.

Endorsed By:	Paul West
Position:	General Manager

**MINUTES OF DEVONPORT CITY COUNCIL'S ANNUAL GENERAL MEETING
HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY, DEVONPORT
ON MONDAY, 24 OCTOBER 2016 COMMENCING AT 5:00PM**

PRESENT: Ald S L Martin (Mayor)
Ald A L Rockliff (Deputy Mayor)
Ald C D Emmerton
Ald G F Goodwin (from 5:23pm)
Ald A J Jarman
Ald L M Laycock
Ald J F Matthews
Ald T M Milne
Ald L M Perry

Council Officers:

General Manager, P West
Deputy General Manager, M Atkins
Executive Manager Corporate, Community and Business, S Crawford
Executive Manager Organisational Development, K Peebles
Development Manager, B May
Governance Coordinator, K Hampton
Governance Officer, C Jordan
Infrastructure and Works Manager, K Lunson
Marketing Tourism and Recreation Manager, S Jones
Cultural and Community Development Manager, B de Jong
Media & Communications Officer, K Moore
Works Supervisor, P Tuson
Risk and Compliance Coordinator, K Stone

Public: Doug Janney
Peter Stegmann
Malcolm Gardam
John Howard
Rodney Russell
Kate Beer

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.

10.0 APOLOGIES

Nil

11.0 CONFIRMATION OF MINUTES

**11.1 ANNUAL GENERAL MEETING - 28 OCTOBER 2015
RESOLUTION**

MOVED: Ald Rockliff
SECONDED: Ald Jarman

That the minutes of the Annual General Meeting held on 28 October 2015 as circulated be confirmed.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Jarman	✓		Ald Perry	✓	
Ald Laycock	✓		Ald Rockliff	✓	
	✓				

CARRIED UNANIMOUSLY

12.0 RECEIPT OF ANNUAL REPORT

3.1 ANNUAL REPORT 2016 (D442253) RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Rockliff

That the 2016 Devonport City Council Annual Report be received and adopted.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Jarman	✓		Ald Perry	✓	
Ald Laycock	✓		Ald Rockliff	✓	
	✓				

CARRIED UNANIMOUSLY

13.0 NOTICES OF MOTION

Nil

14.0 PUBLIC QUESTIONS/COMMENTS

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

The Independent Auditor's Report was signed off on the 26th August 2016.

Q What are the impediments that need to be removed to hold the AGM at say 4 weeks after the sign off by the Independent Auditor?

Response

The General Manager responded that the AGM has been conducted as early as possible considering Council has to wait for the Auditor's Statement to be finalised before finalising the Annual Report. A lot of the work is already done, but obviously there is a lot of the financial information that is actually compiled after the audit is completed. Council then have to go through a process of reviewing the document, advertising on two occasions the availability of the Report, receiving submissions on the Report and preparing the agenda for the conduct of the meeting. Devonport's Annual General Meeting is early in comparison to most other councils who will conduct theirs in November and even into December. In Council's view, it holds its AGM as soon as possible and will endeavour to continue to do that.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Just before I get to a few questions I would like to thank all the Aldermen and the Council staff. I have become involved with the LIVING CITY and I have also read a lot of the other minutes and the documentation and have an appreciation of the

bulk of work that actually goes through Council over the course of twelve months. So to that as a ratepayer I would thank you all.

Elected positions, having sat on Boards and not for profit organisations over twenty years, they can be a thankless position. It is a position of trust that comes with all those positions that shouldn't be taken lightly, but again as I say, thank you, some grief that comes with it. I have an issue with LIVING CITY mainly in that I believe it is a bit of a flawed concept in establishing surety of its success and I think a somewhat disastrous funding model as of March 2016. That aside many of the questions that I ask and you will get more questions along the way, there is nothing personal, they are purely professional. Asking questions that I would like to seek answers for, so again thank you for your work during the year and you will hear from me in the new year no doubt.

Considering that this is an AGM and approval for LIVING CITY – Stage 1 has occurred, and therefore the basis of Council's decision to proceed is now a matter of fact, it is expected that verbal answers should be forthcoming at this meeting from those charged with managing our municipality.

Q1 Noting the statement in the General Manager's Report on Page 29 (Item 2.4 of Ordinary Council Meeting Agenda 24/10/16) that "the Food Pavilion Head Lease Agreement" is being finalised; will Council in terms of prior commitments regarding the Food Pavilion, please confirm the following:

- a)** Has the need for a Food Pavilion Head Lease Agreement been necessitated by delays in securing the number of individual tenants to fulfil a condition of precedent for Council approval to commence construction?

Response

The Mayor responded – No.

- b)** Having approved commencement of Stage 1 without any legally binding tenancy/usage contracts in place, will Council guarantee the assumed year 1 net rental from the Food Pavilion and Multi-Purpose building income stream of \$576,000 be established as minimum returns prior to signing construction contracts, thereby underpinning the stated Council claim of financial viability in its own right?

Response

The Deputy General Manager commented that as previously advised Mr Gardam that Council will be making some announcements on the Food Pavilion very shortly and that position hasn't changed.

Mr Gardam responded that the question was will you guarantee that you will as a minimum pursue the income streams that makes it viable?

The Mayor advised that the question has been answered and there will be more detail at a later date.

Q2 Council regularly reports on LIVING CITY costs that it is required to report on – contract values etc. However, these are not inclusive of associated costs and accordingly will Council please confirm?

- a)** The existence or otherwise of a consolidated/itemised costing for LIVING CITY, updated commensurate with progress and including DCC administrative and separate non-reported expenditures on all aspects of

LIVING CITY, so that the financial status can be defined and tracked against viability claims to gauge achievement of the financial assertions stated to the community?

Response

The General Manager advised that there is a report that is provide to Council through the Governance and Finance Committee or direct to Council that has all the costs involved with LIVING CITY. In relation to the additional administrative type costs, basically the staff who are allocated to that project are actually costed in there and that information is included in those figures. Obviously, as an example the time that the General Manager is spending on LIVING CITY at the present time is not, including answering your questions, therefore those administrative costs are not actually included.

Mr Gardam

So, what I am hearing then is that there is a consolidated costing for LIVING CITY, which is monitored progressively to assess the overall targets and achievements in accordance with the financial assertions?

The General Manager advised in accordance with the funding model, yes.

- b)** If such a consolidated costing exists will Council make access available to Devonport ratepayers, not less than bi-monthly, to demonstrate financial transparency and if not, why not?

Response

The General Manager advised that presently information is provided to Council on a quarterly basis - that is the instruction that has currently been determined by Council. If Council chooses requires more regular report (i.e. on a bi-monthly basis), that is a decision for Council. At present reporting is on a quarterly basis, and will continue to be so unless otherwise directed by Council.

In addition to the request for a verbal response at this meeting, it is also requested that a written response be promptly provided and included in full in the subsequent meeting minutes.

There being no further business the Mayor declared the meeting closed at 5:27pm.

Confirmed

Chairman

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
14/11/16	DCCI – Marketing Our Mainstreet	The DCCI made a request for funding from Council to assist in engaging a consultant to develop a Mainstreet program in Devonport. Council at its October meeting determined not to support the application for a grant. Further discussion on opportunities for Council to assist retail promotion to be pursued with DCCI.
	Bluff Parking	Following a deputation from the Bluff Precinct restaurant operators, the Caravan Park lessee and Surf Club relating to parking at the Bluff precinct the matter was further discussed. A report will be prepared for Council consideration through the Infrastructure, Works and Development Committee.
	Mersey Bluff Caravan Park Lease	An update on the lease of the Caravan Park.
	Meercroft Park Development Committee	An update on further discussions with the Meercroft Park Development Committee relating to their lease agreement with Council.
	Beach Volleyball	The Devonport Volleyball Association (DVA) have written to Council stating they can no longer maintain the Beach Volleyball courts located at the East Devonport Recreation Centre and wish to hand them back to Council.
	Cradle Coast Authority Membership	The Representatives Meeting is scheduled for 24 November and therefore it was timely for Council to discuss its position in relation to membership of the CCA.
	Committee Membership (Section 23 Committees)	In appointing the Section 23 Committees in November 2014, following the Council Election, it was determined that membership would be reviewed in December 2016.

Report to Council meeting on 28 November 2016

14/11/16	Accelerated Local Government Capital Program	Information relating to the program provided to Council. With the level of works currently underway and the criteria surrounding the program it has been determined not to apply at this time.
21/11/16	LIVING CITY Update	Consultants engaged to develop the concept plans for the Waterfront Precinct, including the proposed hotel provided an outline of the draft concepts.

RECOMMENDATION

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

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

File: 22947 D446641

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 October 2016.

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 of October 2016:

- Resident meetings
- Sea FM Leigh & Jess
- Community Safety Special Interest Group
- Devonport Soccer Club video
- Get Hooked – Mussel Rock
- Council visit by student Dimity Cox
- ABC Radio interview
- Aldermen's Workshop
- East Devonport Child & Family Health Centre
- Mayor's Thwaites, Freshney & Bonde meeting re Mersey Hospital
- Learning Communities Special Interest Group
- Building Families Special Interest Group "Year of Literacy" Launch
- Radio 7AD interviews
- Spirit of Tasmania 2016 Tour of Tasmania - Stage 2 & Stage 3
- Advocate interviews
- Devonport City Soccer Club Annual Dinner
- Deputy Mayor Annette Rockliff
- Susan Law & Sam Robinson Leadership & Culture Consultants
- Senior's Week 50 year + Rate Payer Luncheon
- Stacey Sheehan, President DCCI
- Planning Authority Committee
- Infrastructure, Works & Development Committee
- Senior's Week, Grandparents, parents & Children's morning tea
- Senior's Week, A Taste of the House – Eastern Shore Community House
- Scott Wade, Australian Master's Games
- Ride to Work Day Breakfast – Bass Strait Maritime Centre
- Youth Family Community Connection Working Together to Make a Difference Forum – Burnie
- Senior's Week - North West Film Society movie night "Sweat Bean"

Report to Council meeting on 28 November 2016

- Tim Cox, Devonport TAS Tafe
- Mayor's Charitable Trust Fund Committee
- John Thompson, Principal Don College
- Lion Club, City of Devonport, Citizen of the Year Dinner
- "Fit for the Future" – Senior's Week program
- Devonport High School Centenary Events including Cocktail Celebration & Centenary Assembly
- Minister Michael Ferguson, Mayor Thwaites, Mayor Freshney & Mayor Bonde – Mersey Community Hospital
- 40th Year Celebrations Tiagarra
- 100th Year Celebration Home Hill
- Two Day workshop "Shared Services" Cradle Coast Councils
- Community Services Committee
- Hosted Hillcrest Primary School 2/3 Class
- Cameron McLeod, NMFC
- Youth Family & Community Connection facility tour
- Australian Masters Games Breakfast
- Sea Road Welcome Committee
- "Design Object" College display
- Internal "Huddle" meeting
- Ald Matthews
- Devonport Council Annual General Meeting
- Fairbrothers Contract signing
- Cradle Coast Sports & Events
- Katrina McNab, Devonport Christian Primary School
- Ted Richey, SE Rotary
- Child & Family Health Centre East Devonport "On the Couch"
- Devonport Christian School STEM Class, DM Annette Rockliff, GM Paul West & DCCI President Stacey Sheehan
- DCCI luncheon – Digitalisation
- Devonport Senior Citizen's Club – birthday celebrations
- Maureen Clarke
- 2016 Festival of Learning debrief
- Legal Aid of Tasmania function
- Peaks Bicycle Challenge welcome
- Mem Fox presentation – Child & Family Centre East Devonport
- Mersey Community Hospital – Maternity closure
- Planning Authority Committee

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - NOVEMBER 2016

File: 29092 D408099

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, 18 October to 20 November 2016. 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 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 a number of internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Attended both a special meeting and scheduled meeting of the Council's Audit Panel.
- 1.4. Attended the Council's Annual General Meeting. The AGM was this year held at 5:00pm on 24 October 2016 prior to the Ordinary Council meeting. Minutes from the meeting are provided on this agenda.

2. LIVING CITY

- 2.1. In line with the Council's decision at its July and October meetings, signed the construction contract with Fairbrother Pty Ltd for Stage 1 developments. The contract is a Guaranteed Maximum Price (GMP) to the value of \$59,074,852.
- 2.2. Attended a meeting of the LIVING CITY Community Reference Group. The meeting was an opportunity to update members on a number of activities associated with the project prior to the media event scheduled for 10 November.
- 2.3. Council approved borrowings associated with LIVING CITY at its meeting on 27 June 2016.

As part of the financing strategy there was a requirement to refinance borrowings previously held with TasCorp of \$20.5M. As part of Council's

decision, it was determined that at least 75 per cent of the borrowings were to be fixed for periods up to 10 years. Based on current interest rate market conditions the following fixed interest rate swaps have been implemented:

Amount	Date (commencing)	Term (Years)	Interest Rate	Line Fee & Margin	Total Rate
\$Balance	Variable		1.63%	0.85%	2.48%
\$5,000,000	31/10/16	5	2.09%	0.85%	2.94%
\$5,500,000	31/10/16	7	2.26%	0.85%	3.11%
\$5,000,000	31/10/17	7	2.41%	0.85%	3.26%

Note: the current average rate of interest being paid on borrowings is approximately 2.75 per cent. From 31 October 2017 (based on current variable rate) the approximate average interest rate will be 2.95 per cent.

- 2.4. Mr Glenn O'Halloran from local firm 6TY° has been appointed as the Superintendent's representative for the Stage 1 construction contract.
- 2.5. In line with the Council's decision signed the contract with Providore Place Pty Ltd as the head lessee of the food pavilion.
- 2.6. Attended the media launch for the pouring of the first load of concrete on site for Stage 1 of LIVING CITY. The Deputy Premier and the Mayor participated in this event. Several announcements were made relating to the Food Pavilion.

3. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 3.1. With the Mayor and Deputy Mayor attended the Devonport Christian School to view the after-school program allowing children to explore robotics. This program is open to children with an interest in the subject from all Devonport schools and appears to be well supported. The children were extremely enthusiastic about the program and were engaged in the construction of their own robots.
- 3.2. Met with a local resident regarding a drainage issue associated with his property in Devonport.
- 3.3. Met with a ratepayer to discuss a Building Order issued and his application for the building to be classified as a temporary structure.
- 3.4. Met with a local resident to discuss several matters including descriptions used in capital works budgeting compared to tender reporting to Council and quality of printing graphs in the Council agendas.

4. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 4.1. Attended the "one year out" Australian Masters Games launch breakfast. The breakfast was organised to launch the 2017 Australian Masters Games to be held in the Cradle Coast Region between 21–28 October 2017. A media release issued by the Games Advisory Board stated "in 2017 the Games will take a different format than in the past and like the tagline – 'Have a Devil of a Time in Tassie' - it will be uniquely Tasmanian. There will be sport and community event hubs across Tasmania's North West that will host events and social functions". Devonport has been confirmed as the location for the Opening Celebrations and will also host several the sporting events including

basketball, hockey, cricket, duathlon, soccer, futsal, golf, netball, racquetball, squash, table tennis, tenpin bowling, touch football.

4.2. The Deputy General Manager attended with the Mayor a General Meeting of the Local Government Association of Tasmania. Items on the agenda included:

- TasWater Update
- Keep Me Posted Campaign
- Funding for Line Marking on local government roads
- Waste Levy
- Updates on the Premier's Local Government Council, review of the Local Government Act, feasibility studies into voluntary amalgamations, rate capping, cat management, planning reform and changes to the Building Act.

A copy of the agenda, previously circulated to Aldermen can be accessed at <http://www.lgat.tas.gov.au/webdata/resources/files/AGENDA%20November%202016.pdf>

4.3. Attended a meeting of the Cradle Coast General Managers Group. Items discussed included:

- Cradle Coast Authority matters including Masters Games, Representatives Meeting agenda and Board Meeting report.
- Nominations to the Audit Panel for the Cradle Coast Authority.
- Statewide Planning Scheme including discussion on the preparation of local provisions.
- Update on the Shared Services Study being undertaken by consultants, Third Horizon.
- Waste Management Group – discussion around the governance review undertaken some time ago and not yet actioned.

5. STATE AND FEDERAL GOVERNMENT PROGRAMS

5.1. Advice has been provided that the new Director of Local Government, appointed by the State Government, is Mr Alex Tay. Mr Tay will commence in the role in early December.

6. OTHER

6.1. The Local Government Division has released information relating to the setting of allowances for mayors, deputy mayors and councillors.

Section 340A of the *Local Government Act 1993* entitles councillors to allowances as prescribed by Regulation. The Regulations specifies that allowances are to be adjusted from 1 November each year by multiplying the allowances for the previous year by the inflationary factor for the current year. There has been no increase in allowances since 1 November 2014.

The new allowances payable from 1 November are:

	Previous	New	Increase
Mayor	\$50,846	\$53,264	\$2,418
Deputy Mayor	\$15,896	\$16,652	\$ 756
Alderman	\$20,338	\$21,305	\$ 967

Note: The Mayor and Deputy Mayor Allowance in the table above are in addition to the Alderman amount prescribed.

6.2. Christmas/New Year Arrangements

- City Offices will close at 5:00pm on Friday 23 December and reopen at 8:30am on Tuesday 3 January 2017.
- Visitor Centre – Closed Christmas Day.
- Art Gallery - Closed Christmas Day.
- Bass Strait Maritime Centre – Closed Christmas Day.
- Operations Centre (Works Depot) will close 4:30pm on Friday 23 December and reopen on 3 January 2017 at 7:30am. A skeleton staff will be rostered on during this period.
- Spreyton Waste Transfer Station will be closed on Christmas Day, Boxing Day and New Year's Day. Household waste and recycling bins will continue to be collected on their regular service days during the period.

A full list of Council facility opening hours during the Christmas period will be available on Council's website and will be advertised closer to the time.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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

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

RISK IMPLICATIONS

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

CONCLUSION

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

ATTACHMENTS

1. Action Report on Council Resolutions - November 2016
2. CONFIDENTIAL - Action Report on Council Resolutions - November Confidential 2016

RECOMMENDATION

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

Author:	Paul West
Position:	General Manager

DEVONPORT CITY COUNCIL
ACTION REPORT ON COUNCIL RESOLUTIONS - NOVEMBER 2016

OPEN SESSION						
MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
October 2016	187/16	Support – Keep Me Posted Pledge – Ald S L Martin – Notice of Motion	<ol style="list-style-type: none"> 1. Sign up to Keep Me Posted Pledge for Council's communications channels; 2. Support campaign via Supporters page of Keep Me Posted website (inclusion of Council's logo); 3. Assist in raising awareness about campaign via its communications channels to residents; 4. Assist in local media promotion of Council's support and Keep Me Posted campaign; 5. Submit motion to next available Local Government Association of Tasmania General Meeting seeking support of Association for 'Keep Me Posted' campaign. 	Completed	LGAT advised of Council's support	GM
	188/16	Contract CT0166 – Formby Rd and Westport Rd Intersection Reconstruction	Award Contract CT0166 for the revised tendered sum of \$706,090 excl GST to Kentish Construction & Engineering Company Pty Ltd. Authorise additional expenditure of \$86,090 to be provided in the budget for the project.	Completed	Contract awarded.	DGM
	189/16	Contract 1313 – Durkins Road Reconstruction	Award Contract 1313 for the tendered sum of \$340,928 excl GST to CBB Contracting Pty Ltd. Noting that Council's contribution is estimated to be \$150,000, property acquisition will be additional and budget for "Buster Road renewal – West of Don River State 1" is to be reduced by \$150,000.	Completed	Contract awarded.	DGM

ITEM 6.3

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
October 2016	193/16	Unconfirmed Minutes – Cradle Coast Authority – Representatives Meeting – 22 September 2016	Receive unconfirmed minutes and note item 6.1 in the minutes is not a correct reflection of the meeting.	Completed	Noted	GM
	196/16	Infrastructure Works & Development Committee Meeting – 10 October 2016	<p>Tender Report Contract CT0165 – William Street Reconstruction (Best Street to Stewart Street) Award contract to Kentish Construction & Engineering Company Pty Ltd for the tendered sum of \$491,671 excl GST.</p> <p>Tender Report Contract CT0164 – Fenton & Steele Streets Intersection Upgrade Award contract to Civilscape Contracting Tasmania Pty Ltd for the tendered sum of \$396,451 excl GST.</p>	<p>Completed</p> <p>Completed</p>	<p>Contract awarded.</p> <p>Contract awarded.</p>	DGM
	197/16	Community Services Committee Meeting – 17 October 2016	<p>Minutes of the Sport and Recreation Strategic Special Committee Meeting – September 2016 Authorise an investigation in relation to staging of a Tasmanian Masters Games, which may be hosted in Devonport.</p> <p>Mersey Community Care – Request for Financial Assistance Provide a one off grant of \$10,000 within the 2016/17 financial year only and write to the responsible Ministers in both State and Federal Governments in support of Mersey Community Care's plight with their ageing vehicle fleet.</p> <p>Reinstate Baseball Ground at Maidstone Park A partial upgrade of Maidstone Park Baseball Field to be adequate for Australian Masters Games requiring approximately \$23,000 and AMG be informed Council's commitment is limited to providing one Baseball ground.</p>	<p>In Progress</p> <p>Completed</p> <p>In progress</p>	<p>Preliminary investigation and actions commenced,</p> <p>Letter provided to Mersey Community Care confirming grant and letter forwarded to Minister as per resolution.</p> <p>Planning now underway to schedule appropriate works.</p>	EM(CC&B)

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
October 2016	197/16 (cont.)	Community Services Committee Meeting – 17 October 2016	<p>Devonport Jazz 2016 Note 2016 event ran at a net loss of \$63,133 excl staff costs; endorse implementing operational delivery changes outlined potentially reducing future financial impact.</p> <p>Financial Assistance – Round One 2016/2017 Approve funding for Ten Days on the Island providing artwork to the value of grant be retained by Bass Strait Maritime Centre on permanent loan. Decline request for funding for Parkrun Inc on basis trail arrangement with DSLC has been established. Decline financial assistance request from DCCI pending further information regarding support or otherwise for the introduction of a retail levy.</p>	<p>Completed</p> <p>In progress</p>	<p>Contract sent to Ten Days on the Island.</p>	EM(CC&B)

Previous Council Resolutions - still being actioned						
MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
September 2016	170/16	Funding & Assistance – Home Hill – NOM – Ald Laycock	Seek to develop stronger relationship with the Australian Councils of National Trusts (ACNT)/National Trusts of Australia to explore opportunities for funding and assistance available to complete actions within the Home Hill strategic plan	In progress	Discussions have commenced with Tom Perrigo of National Trust of Australia with an aim to schedule a meeting prior to the end of the year.	EM(CC&B)
	171/16	Welcome Event – Devonport Based Sea Road Bass Strait Cargo Vessel – NOM – Ald Laycock	Acknowledge importance of new cargo vessel to regional economy and work with the DCCI and other interested parties to facilitate a welcome event.	In progress	A Working Party is planning a suitable welcome event.	EM(CC&B)
	172/16	Future Funding Arrangements – Mersey Community Hospital – NOM – Ald Martin	Authorise Mayor to travel to Canberra – meet and lobby Federal representatives re future funding arrangements for Mersey Community Hospital	Completed	Mayor attended Canberra 22-23 November	GM
	176/16	Financial Assistance – Round One 2016/2017	a) Approve Major Grants, Minor Grants, Rate Remissions and Donations through the 2016/2017 Community Financial Assistance budget as recommended.	Completed		EM(CC&B)
	181/16	Governance & Finance Committee Meeting – 19 September 2016	Pay by Phone Parking Technology - Review Undertake an expression of interest process for pay by phone technology to be maintained in Council car parks. DIGITAL DEVONPORT: Devonport City Digital Strategy 2017-2021 Endorse the release of the Devonport City Digital Strategy 2017-2021 for a 30 day public consultation period.	In progress Completed	Documentation prepared for release at appropriate time. Strategy finalised at Governance & Finance meeting 21 November 2016.	EM(CC&B)

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
August 2016	159/16	Infrastructure Works & Development Committee Meeting - 8 August 2016	Master Builders Tasmania Park Seat Request Offer of donation and installation of seat and plaque along Victoria Parade marking 125 th year celebrations be accepted.	In progress	Awaiting response from MBT.	DGM
	161/16	Community Services Committee Meeting - 15 August 2016	Minutes of the Community Development Strategic Special Committee Meeting Council endorse the Living + Learning Brand Logo and Associated Brand Book and approve an interpretation panel being designed and installed near the avenue of Cherry Blossoms planted on Formby Road commemorating 20 th Anniversary of Sister City relationship with Minamata. Eastside Village Branding Proposal Supports <i>Eastside Village</i> rebranding proposal and undertakes rebranding of signage during 2016/2017.	In progress In progress	Sister Cities Association have provided information for sign for consideration. Signage for the change to East Side Village has been ordered.	EM(CC&B)
July 2016	134/16	LIVING CITY Stage 1 Construction Contract and Financial Close	<ol style="list-style-type: none"> 1. Authorise execution of modified AS4300 with Fairbrother Pty Ltd based on a guaranteed maximum price contract sum of no more than \$59,440,000 (ex GST). 2. Adopt Value Management design revisions. 3. Note status of State Government funding agreement; and 4. Note final executed documents are anticipated to result in improved financial outcome for Stage 1 funding model, details being released publically once confirmed. 	Completed	Contract executed with Fairbrother.	DGM

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
June 2016	123/16	Community Services Committee Meeting - 20 June 2016	Minutes of the Arts Culture and Tourism Strategic Special Committee Meeting - 26 March 2016 Support Devonport Maritime and Heritage Special Interest Group submitting an Expression of Interest in being host location for Australia Maritime Museums Council bi-annual conference, either pre or post Australian Wooden Boat Festival 2019.	In progress	Letter has been written to the Australian Maritime Museum Council in relation to Devonport being the host location for 2019 Conference. No response received to date.	EM(CC&B)
			Devonport Food Connection Project Status Recommend revised Devonport Food Security Network be established to address food security challenges.	In progress	North West Coalition to be formed. First network meeting yet to be organised.	
May 2016	88/16	Land - 260 Steele Street - Application from Devonport Choral Society	Offer subjectively Devonport Choral Society Inc and Devonport Repertory Society joint occupancy of storage space located on 260 Steele Street.	In progress	Crown Lands Services approval now received. Lease being finalised.	DGM
March 2016	54/16	Governance and Finance Committee Meeting - 15 March 2016	Public Wi-Fi Expansion Agreed to proceed with provision of free Wi-Fi services to include the Fourways, East Devonport Shopping Precinct, expanded CBD area and Mersey Bluff within existing budget allocation.	In progress	Equipment received. Locations finalised. East Devonport installation partially completed.	EM(CC&B)

6.4 LIVING CITY REFERENCE GROUP MINUTES

File: 30346 D447369

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report presents the minutes of the LIVING CITY Community Reference Group meeting held on 2 November 2016.

BACKGROUND

The LIVING CITY Community Reference Group met on 2 November 2016. The Group was established to assist Council in the implementation of the LIVING CITY master plan and involves information sharing, advocacy, project advice and feedback.

STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report. Reference groups are not a statutory committee recognised by the *Local Government Act 1993*. They are established for information purposes and allows Council an opportunity to provide and receive information and advice regarding important projects, issues or topics.

DISCUSSION

The meeting of the LIVING CITY Community Reference Group provided members with an update on the current status of the project. Discussion was held around the importance of a thriving conference facility, adequate marketing of the mall and southern CBD and maintaining flexibility for hotel developers in the Waterfront Precinct. There was general agreeance that the project is progressing well.

COMMUNITY ENGAGEMENT

Council has appointed three community members to this Reference Group.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK IMPLICATIONS

- Political/Governance
The LIVING CITY Reference Group's role is limited to making recommendations to Council for consideration.
- Communication/Reputation
The Reference Group provides another avenue for Council to keep the community informed of its progress and minimise the risk of inaccurate communication occurring.

CONCLUSION

The minutes of the LIVING CITY Reference Group are provided for Council's information.

ATTACHMENTS

1. Minutes 2 November 2016

RECOMMENDATION

That the minutes of the LIVING CITY Reference Group be received and noted.

Author:	Rebecca McKenna		Endorsed By:	Matthew Atkins
Position:	Project Officer	Economic	Position:	Deputy General Manager
	Development			

LIVING CITY Reference Group Minutes 2 November 2016**Attendees:**

Mayor Steve Martin (Chair)
Tim Hess
Stacey Sheehan
Jodhi Wilkinson
Paul West
Matthew Atkins
Dennis Hendriks
Rebecca McKenna

Apologies:

James McKee
Ald Leon Perry
The Hon Jeremy Rockliff MP
Andrew Billing

1.0 Meeting Opened.

The Mayor opened the meeting at 9.05am and welcomed participants.

2.0 Declarations of Interest

No declarations of interest were provided.

3.0 Stage 1 Status Update

- 3.1 **Construction Tender.** Matthew Atkins confirmed that the construction contract has been signed. The contract includes completion dates for the Food Pavilion and Car Park by November 2017 and Multi-Purpose Building by April 2018.

Discussion was held regarding positive vibes in the city now that physical construction has started.

- 3.2 **State Government Negotiations** –Matthew Atkins stated that Council and the State Government have worked over the past 3-4 months to finalise the agreement. It is expected that execution of the agreement is imminent. Matthew Atkins stated that the Multi-purpose building will now include the Online Access Centre (OAC) on the 1st Floor. Jodhi Wilkinson commented that this was a good outcome for Devonport and the OAC.

Paul West stated that there are still operational issues to work through in relation to the shared facilities and services.

- 3.3 **Food Pavilion Lease** – Paul West stated that running a food pavilion is not core Council business. Council is entering into a head lease with Providore Place Pty Ltd. This head lease covers Council's exposure for the premises. Council got an independent valuation to ensure value for money is received. Stacey Sheehan replied that Council were lucky to have a lease in place even before construction had got out of the ground. Paul stated that Providore Place head lease will be announced on the 10th November together with some of the tenants. Discussion confirmed that this head lease covers off Council's previous commitment to delay construction of the food pavilion until such time as tenants are secured.

- 3.4 **Finance Update** – Paul West provided an update on the project finance for Stage 1. Council has approved a loan with ANZ and refinanced other Tascorp borrowings to enable one bank to have a charge over rates. A loan

payout of \$1.7m is expected to be recouped over 3-4 years due to the reduced interest rates currently available.

The State Treasurer has provided Council with approval to borrow up to \$40m for Stage 1 LIVING CITY. Discussion was held regarding the low interest rates currently available.

4.0 Other Stages

- 4.1 **Future Stages Update** – Matthew Atkins stated that the Council is currently focusing on the Waterfront Precinct. Council has selected a design team with the intention of releasing a concept for public comment by the end of 2016. The waterfront design includes both the public space area and the hotel. Council has commissioned and publicly released a demand study by specialist consultants for the hotel. An expressions of Interest process for developers of the hotel will take place in 2017.

A discussion took place regarding the need to balance developer flexibility for design with ensuring that key LIVING CITY principles such as retaining views from the river are maintained.

- 4.2 **Southern CBD Update** – Matthew Atkins said that TasWater are expecting to move into King Street at the end of November. The construction of the adjacent Council car park has been delayed slightly, due to issues outside of Council's control. Council is aiming to open at least some spaces prior to Christmas.

5.0 Future Progress

Paul West spoke that Council is progressing the Gallery relocation into the DECC. Council has engaged Birrelli Architects and is intending to go to tender in early 2017 for a construction contract.

6.0 General Business

- 6.1 **Communication Strategy** Rebecca McKenna stated that the next major announcements will occur at the 'First Concrete Pour' the following week. There will also be monthly updates on construction. There will be consultation on the waterfront precinct concept plans late in 2016/early 2017.

- 6.2 **Future role of the LIVING CITY Reference Group** Discussion was held about the desired frequency of meetings going forward. It was decided to meet on an as needed basis, with Council or Group Members being able to request that a meeting be held. It was agreed that email would be used to update members between meetings.

6.3 Other General Business

Stacey Sheehan mentioned that DCCI are keen to ensure that the convention centre is successful in order to maximise economic benefits for the City. Matthew advised that Council staff are currently undertaking the planning and preparation work including engagement with potential venue hirers. Final operational models are still being considered and this process has involved seeking professional industry advice. Stacey also spoke about the importance of marketing the existing town centre to ensure customers that frequent the new LIVING CITY have a reason to also visit the existing CBD areas.

Stacey Sheehan stated that the DCCI would like to see car park directional signage located on the hoardings around the Stage 1 construction site.

There was general agreeance that the project is progressing well.

The Mayor closed the meeting at 10.10am

7.0 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING - 31 OCTOBER 2016

File: 29133 D446629

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 31 October 2016.

ATTACHMENTS

1. Minutes - Planning Authority Committee - 31 October 2016

RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 31 October 2016 be received and the recommendations contained therein be noted.

PAC 13/16 Planning Applications approved under Delegated Authority 1 October 2016 - 23 October 2016

PAC 14/16 PA2016.0140 Residential (single dwelling) - Assessment against performance criteria for building envelope and setbacks and privacy - 35 Leary Avenue Stony Rise **(approved under delegated authority)**

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

**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY
COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY, 31 OCTOBER 2016
COMMENCING AT 3:30PM**

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

Council Officers:

Manager Development and Health Services, B May
Planning and Environmental Health Coordinator, S Warren
Planning Administration Officer, J Broomhall

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 1
OCTOBER 2016 - 23 OCTOBER 2016 (D445612)**

PAC 13/16 RESOLUTION

MOVED: Ald Goodwin
SECONDED: Ald Matthews

That the list of delegated approvals be received.

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

CARRIED UNANIMOUSLY

4.0 DEVELOPMENT REPORTS**4.1 PA2016.0140 RESIDENTIAL (SINGLE DWELLING) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR BUILDING ENVELOPE AND SETBACKS AND PRIVACY - 35 LEARY AVENUE STONY RISE (D445587)****PAC 14/16 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Emmerton

That Council, 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 PA2016.0140 and grant a Permit to use and develop land identified as 35 Leary Avenue, Stony Rise for the following purposes:

- Residential (single dwelling) - assessment against performance criteria for building envelope and setbacks and privacy

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans referenced as New Residence – Drawing 8469-001 (01-07), dated 07/09/16 by Tasmanian Consulting Service, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Prior to or at the time of the building application being submitted, the applicant is to provide details of the 1m privacy screen on the east elevation of the second storey deck. The screen is to be to the satisfaction of the Planning Authority (refer note).
3. The developer is to comply with the conditions contained in the 'In-Principle Agreement for Roads and Stormwater' issued by the Devonport City Council on the 29/08/16 (agreement attached).

Note: The following is provided for information purposes.

In regard to condition 2, the screen is to be opaque and have a maximum transparency of 25%.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the Building Regulations or the *Environmental Management and Pollution Control Act 1994*.

THIS IS NOT A BUILDING OR PLUMBING PERMIT.

You need to provide a copy of this planning permit to a registered Tasmanian Building Surveyor. WORK CANNOT COMMENCE UNTIL BUILDING AND PLUMBING PERMITS ARE ISSUED.

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

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

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

CARRIED UNANIMOUSLY

5.0 CLOSURE

With no further business on the agenda the Chairman declared the meeting closed at 3:33pm.

Confirmed

Chairman

7.2 GOVERNANCE AND FINANCE COMMITTEE MEETING - 21 NOVEMBER 2016

File: 29468 D449714

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, 21 November 2016.

ATTACHMENTS

1. Minutes - Governance and Finance Committee - 21 November 2016

RECOMMENDATION

That the minutes of the Governance and Finance Committee meeting held on Monday, 21 November 2016 be received and the recommendations contained therein be adopted.

- GFC 39/16 Public Land Register - Update to Register
- GFC 40/16 Annual Plan Progress Report - September-October 2016
- GFC 41/16 Commemorative Seat Policy and Procedure
- GFC 42/16 Minutes of Meetings - Audit Panel - 24 October 2016 and 14 November 2016
- GFC 43/16 Elected Members' Expenditure Report - September/October 2016
- GFC 44/16 Devonport City Digital Strategy 2017-2021
- GFC 45/16 Purchasing Policy
- GFC 46/16 Financial Management Strategy
- GFC 47/16 Finance Report for October 2016
- GFC 48/16 Section 23 Committee Appointments
- GFC 49/16 Governance & Finance Report

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

Page 1 of 7

**MINUTES OF A GOVERNANCE AND FINANCE COMMITTEE MEETING OF THE
DEVONPORT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY
ON MONDAY, 21 NOVEMBER 2016 COMMENCING AT 5:30PM**

PRESENT: Ald G F Goodwin (Chairman)
Ald T M Milne
Ald L M Perry
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 apologies were received for the meeting.

Ald Emmerton	Apology
Ald Martin	Apology

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

Pages 16 to 30 in part have black print on black back ground and the text is partly unreadable.

P172 is bordering on the unreadable and this would seem to be a mistake as it only taking up about 25% of the page-half the width and half the length. The Capital Expenditure graph is not clear!

While the foregoing may not be problems on a computer screen it is with the paper version that is black and white.

Page 2 of 7

All black print contributes to the 2 problems which are wasteful of time and resources.

The first problem section could be deleted and a note to say come to the Council Chambers or go to the Website. P172 needs to be much larger and included in the paper version of the Agenda.

Q How come the Council does not have a policy about the issuance of printed documents that are available to the public to avoid the foregoing outlined problems?

Response

The General Manager responded that page 172 was a mistake in the current agenda and that it was an error that was identified after the agenda had been produced and released.

3.2 QUESTIONS FROM ALDERMEN

Nil

3.3 NOTICES OF MOTION

Nil

4.0 GOVERNANCE AND FINANCE REPORTS

4.1 PUBLIC LAND REGISTER - UPDATE TO REGISTER (D440778)

GFC 39/16 RESOLUTION

MOVED: Ald Rockliff

SECONDED: Ald Perry

That it be recommended to Council that:

- (a) the Public Land Register be updated to include land at Kiah Place and Adina Place, East Devonport and 15 McArthur Drive, Spreyton, and
- (b) an updated copy of the Register be publicly available on Council's website and at the Council Offices.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.2 ANNUAL PLAN PROGRESS REPORT - SEPTEMBER-OCTOBER 2016 (D442137)

GFC 40/16 RESOLUTION

MOVED: Ald Milne

SECONDED: Ald Rockliff

That it be recommended to Council that the 2016/17 Annual Plan Progress Report for the period ended 31 October 2016 be received and noted.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

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4.3 COMMEMORATIVE SEAT POLICY AND PROCEDURE (D444650)**GFC 41/16 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Rockliff

That it be recommended to Council that the Commemorative Seat Policy and Procedure:

- (a) be amended to allow Council to accept merit based applications at its discretion; and
- (b) be adopted and made publicly available on Council's website and at the Council Offices.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.4 MINUTES OF MEETINGS - AUDIT PANEL - 24 OCTOBER 2016 AND 14 NOVEMBER 2016 (D446181)**GFC 42/16 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Rockliff

That it be recommended to Council that the following minutes of the Audit Panel be received and noted:

- Special Audit Panel Meeting - 24 October 2016 (confirmed)
- Devonport & Central Coast Councils Shared Audit Panel – 14 November 2016 (unconfirmed); and
- Devonport City Council Audit Panel – 14 November 2016 (unconfirmed).

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.5 ELECTED MEMBERS' EXPENDITURE REPORT - SEPTEMBER/OCTOBER 2016 (D446525)**GFC 43/16 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Milne

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

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

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4.6 DEVONPORT CITY DIGITAL STRATEGY 2017-2021 (D447768)**GFC 44/16 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Rockliff

That it be recommended to Council that in relation to the Devonport City Digital Strategy 2017-2021:

- a) it be noted that no community feedback was received; and
 b) the Strategy be adopted.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.7 PURCHASING POLICY (D447817)**GFC 45/16 RESOLUTION**

MOVED: Ald Milne
 SECONDED: Ald Rockliff

That it be recommended to Council that the Purchasing Policy:

- (a) be amended by altering Section 3 to read, "*The Purchasing Officer is to obtain two verbal quotes where it is practical to do so. If two quotes are obtained, at least one must be sought from a local business providing suitable options exist*"; and
 (b) be adopted and made publicly available on Council's website and at the Council Offices.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.8 FINANCIAL MANAGEMENT STRATEGY (D447827)**GFC 46/16 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Perry

That it be recommended to Council that it adopt the Financial Management Strategy with immediate effect.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

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4.9 FINANCE REPORT FOR OCTOBER 2016 (D448016)**GFC 47/16 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Milne

That it be recommended to Council that the Finance Report for October 2016 be received and noted.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.10 SECTION 23 COMMITTEE APPOINTMENTS (D448556)**GFC 48/16 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Rockliff

That it be recommended to Council that it note that a review of the membership of its Section 23 Committees has occurred and that no changes are to be made at this time.

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

4.11 GOVERNANCE & FINANCE REPORT (D391239)**GFC 49/16 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Perry

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

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

5.0 CLOSED SESSION**GFC 50/16 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Milne

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

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Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
5.1	Meercroft Park Development Improvements	15(2)(d)

	For	Against		For	Against
Ald Goodwin	✓		Ald Perry	✓	
Ald Milne	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

The Chairman adjourned the meeting at 6:01pm to reconvene in Closed Session at 6:02pm.

The Committee moved out Closed Session at 6:05pm.

CLOSURE

There being no further business on the agenda the meeting was declared closed at 6:05pm.

8.0 CLOSED SESSION

RECOMMENDATION

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

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Application for Leave of Absence	15(2)(h)
8.2	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.3	LIVING CITY Waterfront Concept Design	15(2)(f)
8.4	Closed Session - Governance and Finance Committee Meeting - 21 November 2016	15(2)(f)

OUT OF CLOSED SESSION

RECOMMENDATION

That Council:

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

Item No	Matter	Outcome
8.1	Application for Leave of Absence	Noted
8.2	Unconfirmed Minutes - Joint Authorities	Noted
8.3	LIVING CITY Waterfront Concept Design	
8.4	Closed Session - Governance and Finance Committee Meeting - 21 November 2016	Noted

9.0 CLOSURE

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