



*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 19 December 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

**14 December 2016**

### January 2017

Meeting	Date	Commencement Time
Council Meeting	23 January 2017	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 19 DECEMBER 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, 19 December 2016 commencing at 5:30pm.

**PRESENT**

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

**ACKNOWLEDGEMENT OF COUNTRY**

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

**IN ATTENDANCE**

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

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald Milne	Apology
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**2.0 DECLARATIONS OF INTEREST**

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**3.0 PROCEDURAL**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 COUNCIL MEETING - 28 NOVEMBER 2016**

**RECOMMENDATION**

That the minutes of the Council meeting held on 28 November 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 28 November 2016

**Reproduced below** is the response dated 30 November 2016 to Trevor Smith's question:

"I refer to your questions raised at the 28 November 2016 Council meeting and provide the following responses:

**Q1** *With savings of design for the multi storey carpark; what are the main reasons why the staircase won't be enclosed like the multi storey carpark in Burnie?*

**Response**

The main reason for the external stairwell is the improved safety from having it open as well as the cost saving it provided. An enclosed lift provides an alternative to the stairwell.

**Q2** *Seeing that you were the owner of the recently demolished Repco building, could you tell me when it was built, also the old community building that was adjacent to the old carpark in Rooke Street?*

**Response**

The property at 13 Oldaker Street (former Repco building) was built in the late 1960's. The former residence adjacent to the Rooke Street car park was built in the early 1900's.

**Q3** *The old carpark in Rooke Street, Breast Screen Tasmania used to park their mobile screening bus. Where will the bus be located now, seeing the carpark has been demolished?*

**Response**

Council recently negotiated with BreastScreen Tasmania to locate their bus in the Recreation Centre car park (off Charles Street) for their recent visit to Devonport."

### RECOMMENDATION

That the response to questions from Mr Trevor Smith at the 28 November 2016 Council meeting be noted.

### 3.2.2 Questions on notice from the public

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

**LIVING CITY STAGE 1 - QUESTIONS WITHOUT NOTICE FOR MEETING 28/11/16 (File 32161)**

Mr Gardam provided a letter with questions without notice for the Council meeting on 28 November 2016. As Mr Gardam was not present at that meeting the questions and responses have been subsequently included on this agenda. Mr Gardam's letter stated:

"It is refreshing and at the same time disappointing on reading Alderman Milne's "Questions on Notice From Aldermen" – Section 3.3. Refreshing in seeing an Alderman actually ask questions in the open session, but disappointing in that the questions could be seen as "Dorothy Dixers'" to highlight the questions being received in relations to Living City.

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However, Alderman Milne's questions do put a number of relevant aspects into focus which deserve further clarification to add balance to the current Council responses. Firstly, it draws attention to how few questions are asked by Aldermen in open session. Secondly the raw data in itself does not indicate why so many questions are repeat questions resulting from Council's guarded approach to responding, specifically with responses that do not directly answer the question, deferred responses (leaving the question to be re-submitted at a later date if the ratepayers wish to pursue it) and the much relied on commercial-in-confidence obstacles. There are times when Council appears to overlook it is a council with fiduciary obligations to the ratepayers and not a private business.

It is noted that Council also appears to have a preference that Living City questions not occur as evidenced by an attempt to "gag" all further questions at the April 2016 Ordinary Meeting. In dismissing a 1500 signatory "Message to Aldermen" (never intended to be a formal petition), also provided to Council in April 2016, Council simply inferred that the signatories did not know what they were signing. Nothing could be further from the truth and those that have had personal contact with the "question asking ratepayers" fully support ongoing questioning of Living City.

If cost responding to ratepayers' questions, being a Council obligation to do so, is a concern for Council then it is suggested that a review of other wasted funds, including the \$8,000 spent on trying to dispel the Message to Aldermen, should be reviewed.

As considerable time has been expended on the "questions database" to produce the statistics quoted, will Council please respond to the following based on the same period from 1 July 2015 and specific to Living City?

- Q1.** How many questions relating to ratepayer concerns have been asked by Aldermen in open session, and by which Aldermen?
- Q2.** How many Council responses have been deferred answers citing not being in a position to answer at this time or similar?
- Q3.** How many Council responses have cited commercial-in-confidence as the reason for not being able to answer a question?
- Q4.** How many questions have been ratepayer repeat questions resulting from the question not being addressed when previously asked?
- Q5.** How many questions have been responded to but the thrust of the question has not been answered?

The follow-up questions below result from recent responses from Council that haven't really addressed the actual question, therefore will Council please respond to the following?

**Previously asked 19/11/16** – "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 only "projected Food Pavilion income" when the lease has been signed and therefore the revenue should be known
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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?

- 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?"

**FURTHER COMMENT** - Council responses to Questions 1 & 3 directly above do not confirm that the \$400,000 is a firm/fixed minimum annual return under the agreement and simply mimics the Mayor's statement that income remains a "projected" amount. Council's current responses, while eager to quote that it expects to make budget, does not rule out that Council is carrying lease income risk and that the quoted returns are in fact not fully locked in. Strange it is not commercial-in-confidence to promote the expected returns but not that those returns (excluding normal future rent reviews) are actually agreed or legally locked in.

**Previously asked 19/11/16** – "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?"

**FURTHER COMMENT** - Council responses to Questions 4 & 5 directly above do not address the actual question and even if one accepts that Q5 is tending towards commercial-in-confidence, in my opinion Council would be foolish not to require further security from a "shell company" before spending \$6.4M, most of which is ratepayer guaranteed borrowings. However, Q4 is quite straight forward and despite all the rhetoric in the response from Council, all the question is seeking is a confirmation that the lease is fully binding legally for the stated 10 year term. Strange it is not commercial-in-confidence to promote the term duration but not that the term is legally locked in. Accordingly, questions Q4 & Q5 above are asked again.

**In addition, and probably for about the third or fourth time this subject has been queried – Council Appointed Superintendent** - I have previously questioned as to who is the Council appointed Superintendent in accordance with the adopted AS 4300 building head contract (*Contract*). Written advice from Council on the 26th July 2016 was "Yet to be finalised." and, "Development Consultant, Projects and Infrastructure will also play a

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*key role in the contract management and an independent Superintendent will be appointed."*

Considering the building Contract has been signed and AS 4300 stipulates that *"The Principal shall ensure that at all times there is a Superintendent....."* can Council please respond to the following.

- Q1.** Who is the Council appointed Superintendent under the Contract?
- Q2.** Provide advice as to the qualifications, competencies and previous experience of those appointments in relation to projects of equivalent value and type similar to Living City Stage 1?
- Q3. NEW Q** – Names of Council personnel and any others who interviewed and subsequently appointed the chosen Superintendent?
- Q4. NEW Q** – What was the date of the formal appointment of the Superintendent?
- Q5. NEW Q** - Date the AS 4300 Design and Construct Head Contract was formally executed by both parties?

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

#### **DISCUSSION**

In relation to the question received 27 November 2016 it be noted that Mr Gardam was advised of the following:

*"I write in reply to the 'questions without notice' submitted by you by email on 27 November 2016 and advise as follows:*

- Q1.** How many questions relating to ratepayer concerns have been asked by Aldermen in open session, and by which Aldermen?
- Q2.** How many Council responses have been deferred answers citing not being in a position to answer at this time or similar?
- Q3.** How many Council responses have cited commercial-in-confidence as the reason for not being able to answer a question?
- Q4.** How many questions have been ratepayer repeat questions resulting from the question not being addressed when previously asked?
- Q5.** How many questions have been responded to but the thrust of the question has not been answered?

#### **Response**

*As one of the persons who regularly ask questions of Council through the meeting process you will no doubt have already formulated your own answers to the subjective questions now asked.*

*Minutes from all Council meetings are available on the Council website and are available to the public. Audio recordings of meetings are also available on the Council website.*

- 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?
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- 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?"
- 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?"

**Response:**

*In relation to the four questions restated above, Council disagrees with your inference that it has not adequately answered them and I refer you to those responses provided on the Council meeting agenda 28 November 2016 commencing at page 5. It is reiterated that Council is confident it has an appropriate legally binding agreement in place which is based on sound commercial terms and is consistent with Council's other commercial property leases.*

- Q1.** Who is the Council appointed Superintendent under the Contract?

**Response:**

*Refer page 67 of this meeting agenda where it is advised that Mr Glenn O'Halloran from local firm 6ty° has been appointed as the Superintendent's Representative.*

- Q2.** Provide advice as to the qualifications, competencies and previous experience of those appointments in relation to projects of equivalent value and type similar to Living City Stage 1?

**Response:**

*Council has contracted 6ty° as the Superintendent for LIVING CITY Stage 1 construction and has confidence this local firm has the necessary skills and personnel to professionally fulfil the role.*

- Q3. NEW Q –** Names of Council personnel and any others who interviewed and subsequently appointed the chosen Superintendent?

**Response:**

*Council's Deputy General Manager and representatives of P+i Group.*

- Q4. NEW Q –** What was the date of the formal appointment of the Superintendent?

**Response:**

*15 September 2016*

- Q5. NEW Q -** Date the AS 4300 Design and Construct Head Contract was formally executed by both parties?



**Response:**

25 October 2016."

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

**LIVING CITY STAGE 1 – FOLLOW UP TO DCC RESPONSES TO QUESTIONS WITHOUT NOTICE FOR MEETING 28/11/16 (File 32161)**

"Reference your letter dated 29<sup>th</sup> November 2016, responding to my LIVING CITY questions without notice dated 27<sup>th</sup> November 2016.

Unfortunately, I find it necessary to correct the following areas within your responses.

1. **Ratepayer Questions on LIVING CITY** – I totally refute your broad assertion that the questions asked are all subjective. The reality is that questions 1-4 are a matter of fact and in my opinion, if having formulated the answers as asserted; those answers are not flattering to Council. Question 4&5 would be difficult for Council to recognise the answer if the belief is that all questions have been adequately addressed, and therefore are subjective in Council's opinion.
2. **Food Pavilion Head Lease Agreement** – Again Council is opting to use the commercial-in-confidence evasion of the answer. As previously stated, despite the rhetoric in Council responses the fact remains that Council will not categorically state that the ratepayers can be comfortable that the lease is for a firm 10 year Term, return minimum \$400k/per annum (plus future increases in accord with any standard lease agreement), and return the minimum of \$4M over the Term from Providore Place Devonport Pty Ltd. Why is Council persisting with evading the questions if the answer is a simple yes in both cases and thereby dispel concern that Council is only playing with words on both aspects to give an impression of achieving the financial security required?
3. **Superintendent Appointed** – Your response re the appointed Superintendent is baffling at best. (Assuming the difference is known, I did not ask as to who the Superintendent's Representative is.) In my 48 years of review and management of construction contracts in both commercial and civil construction I have never sighted a contract that nominates a "firm" (Company) as Superintendent in the Annexure. The Superintendent is always an individual or a nominated position within a company. Accordingly, and for about the fifth time, considering the building **Contract** has been signed and AS 4300 stipulates that "*The Principal shall ensure that at all times there is a Superintendent.....*" can Council please respond to the following repeat questions.
  - Q1. Who is the Council appointed Superintendent under the **Contract**?
  - Q2 Provide advice as to the qualifications, competencies and previous experience of the appointment in relation to projects of equivalent value and type similar to LIVING CITY Stage 1?

In addition I also remind you of your earlier advice in that "As advised in my response to your letter dated 18 September, the Superintendent appointment will be confirmed upon the execution of the construction contract." Which did not happen without repeat questioning.

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- 4. Further follow up on LIVING CITY Risk Matrix and Risk Register** – After questioning the thoroughness of the P+i developed Risk Matrix and Risk Register supposedly developed specifically for LIVING CITY, our last exchange concluded that after over 6 months P+i were reviewing the Risk Register and it would be presented to Council at the December 2016 meeting. Council has also advised in response to assessment of the changed project risk profile that “On page 9 of the Risk Register, the issue of Finance Risk is covered. Council is comfortable that the risk assessment and identified risks remain current.”

**New Question** – Once accepted by Council will a copy of the current updated P+i LIVING CITY Risk Matrix and Risk Register, specifically addressing the risk assessment of the changed project risk profile resulting from the added ratepayers' \$50M cash and borrowings required and as approved by Council prior to approving Stage 1 construction, be provided?

Please provide responses in writing and ensure inclusion in full of this and previous correspondence on this matter in the next Ordinary Meeting Agenda.”

#### **DISCUSSION**

In relation to the question received 7 December 2016 it is proposed that Mr Gardam be advised of the following:

- Q1. Who is the Council appointed Superintendent under the contract?
- Q2. Provide advice as to the qualifications, competencies and previous experience of the appointment in relation to projects of equivalent value and type similar to Living City Stage 1?

#### **Response**

As advised in the General Manager's letter to you dated 29 November 2016, 6ty<sup>o</sup> has been appointed as the Superintendent under the construction contract. It is reiterated that Council has confidence that this local firm has the necessary skills and personnel to professionally fulfil the role.

Council also relied on the advice of its lawyers regarding the contractual arrangements including the appointment of the Superintendent.

New Question - Once accepted by Council will a copy of the current updated P+i Living City Risk Matrix and Risk Register, specifically addressing the risk assessment of the changed project risk profile resulting from the added ratepayers' \$50M cash and borrowings required and as approved by Council prior to approving Stage 1 construction, be provided?

#### **Response**

Your statement that there has been “the added ratepayers' \$50M cash and borrowings required” is incorrect; that is your view and is not one shared by Council (a point previously made by Council which you appear not to accept).

The Risk Matrix and Register has been included as an attachment to the LIVING CITY Quarterly Update report on the current agenda. Section 10 of the Risk Register relates to financial aspects relating to the project.

Council is confident that it has adequately addressed financial risk issues through its decision-making processes and in the development of its long term financial plan.

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

**JULIE BURGESS REPAIRS – QUESTIONS ON NOTICE FOR ORDINARY MEETING 19/12/16**

"It is my understanding that there were recent repairs undertaken to the hull of the Julie Burgess at the Devonport slip yard. Noting that a significant amount of ratepayers funds were spent on the initial refurbishment can you please advise as to the following?

- Q1** What was the scope and reason(s) that the repairs were necessary?
- Q2** Were the repairs associated with previously refurbished areas of the hull?
- Q3** What has been the cost of the current repairs?
- Q4** Considering the initial refurbishment was extensive, does Council foresee an ongoing requirement for further structural repairs?
- Q5** Was the cost of the current repairs factored into the Annual Plan 2016/17 as part of the Julie Burgess expenses noted as \$108,888 or does it represent an increase to the estimated loss of \$67,598?
- Q6** Noting that the budgeted income in the 2016/17 Annual Plan only shows an extremely disappointing increase of \$140 (0.003% expected income growth) on the previous year for such a sizeable outlay of ratepayer funds; can Council please detail the various existing income streams and how it plans to increase those returns?
- Q7** What is the nett cost of the boat attending the Australian Wooden Boat Festival in Hobart during February 2017, and has the cost been included in the Annual Plan 2016/17 budget lines for the Julie Burgess?
- Q8** What is the value of the total accumulated losses (including costs to birthing facilities) since the Julie Burgess went into service following refurbishment?
- Q9** Have the actual operational and financial aspirations which formed the basis of Council's promotion thereof and ultimate decision to proceed with the Julie Burgess project been met; and if not why not?

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

**DISCUSSION**

In relation to the question received 7 December 2016 it is proposed that Mr Gardam be advised of the following:

- 1. What was the scope and reason(s) that the repairs were necessary?**  
The Julie Burgess is required to undergo an annual survey which includes scheduled annual maintenance and any identified repairs.
  - 2. Were the repairs associated with previously refurbished areas of the hull?**  
Yes
  - 3. What has been the cost of the repairs?**  
\$32,245
  - 4. Considering the initial refurbishment was extensive, does Council foresee an ongoing requirement for the structural repairs?**  
Yes - as part of the annual condition assessment process it can be reasonably expected that repairs and maintenance will need to be performed.
-

5. **Was the cost of repairs factored into the Annual Plan 2016/2017 as part of the Julie Burgess expenses noted as \$108,888 or does it represent an increase to the estimated loss of \$67,598?**

Costs associated to the repairs and maintenance of the Julie Burgess are included in the annual operating budget. The costs incurred exceed what was budgeted and therefore may result in a higher than budgeted operating loss.

6. **Noting that the budget income in 2016/2017 Annual Plan only shows an extremely disappointing increase of \$140 (0.003% expected income growth) on previous year for such a sizeable outlay of ratepayers funds; can Council please detail the various existing income streams and how it plans to increase those returns?**

As per the 2016/2017 operational budget income streams for the Julie Burgess are sale of goods, admission charges and donations/sponsorship. Any increases on projected returns is predominantly influenced by increased sail offerings.

7. **What is the net cost of the boat attending the Australian Wooden Boat Festival in Hobart during February 2017, and has the cost been included in the Annual Plan 2016/2017 budget lines for the Julie Burgess?**

The attendance at the Australian Wooden Boat Festival 2017 is included in the 2016/2017 operational budget for the Julie Burgess. Attendance is projected to return a net profit of approximately \$10,000, subject to event attendance, weather conditions and associated passenger numbers.

8. **What is the value of the total accumulated losses (including costs to birthing (sic) facilities) since the Julie Burgess went into service following refurbishment?**

The accumulated loss for the operation of the Julie Burgess since it went into service until 30 November 2016 is \$392,456.

9. **Have the actual operational and financial aspirations which formed the basis of Council's promotion thereof and ultimate decision to proceed with the Julie Burgess project met; and if not why not?**

No - many of the assumptions have not been realised including the sailing schedule; volunteer crew instead of paid staff; insurance premiums being higher than anticipated; repairs and maintenance requirements; etc.

## RECOMMENDATION

That Council:

1. note the responses provided to Mr Malcolm Gardam's questions received 27 November 2016; and.
  2. in relation to the correspondence received from Mr Malcolm Gardam dated 7 December 2016 endorse the responses proposed and authorise their release.
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**3.2.3 Question without notice from the public**

**3.3 QUESTIONS ON NOTICE FROM ALDERMEN**

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

## **4.0 PLANNING AUTHORITY MATTERS**

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

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

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

- 4.1 PA2016.0171 Manufacturing and processing (alterations and additions) - discretion to allow a change to an existing non-conforming use - 6-8 Thomas Street East Devonport (D452181)

## **4.1 PA2016.0171 MANUFACTURING AND PROCESSING (ALTERATIONS AND ADDITIONS) - DISCRETION TO ALLOW A CHANGE TO AN EXISTING NON-CONFORMING USE - 6-8 THOMAS STREET EAST DEVONPORT**

File: 33432 D452181

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

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

### **PURPOSE**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2016.0171.

### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Ritson Building Design
Owner:	Mrs BM Arnott, Mrs W Arnott, Mr AG Arnott, Mr BJ Arnott
Proposal:	Manufacturing and processing (alterations and additions) – discretion to allow a change to an existing non-conforming use
Existing Use:	Manufacturing and processing
Zoning:	Port and Marine
Decision Due:	30/12/2016

### **SITE DESCRIPTION**

The site is identified by Certificate of Title 225942/1 and with the property address of 6-8 Thomas Street, East Devonport. The site comprises a land area of approximately 1,140m<sup>2</sup> and is designated a Port and Marine zoning under the *Devonport Interim Planning Scheme 2013* (DIPS).

The existing use and development of the site is occupied by Summit Window Systems (previously identified as Arnott Aluminium Windows) who manufacture windows and doors for residential, commercial and industrial applications. Such operations can be appropriately categorised as *manufacturing and processing* use for the purposes of provision 8.2 of the DIPS.

The site has lawfully operated for this activity since the Council granted planning and building approvals in 1981, some 35 years ago. Irrespective of the coming into effect of subsequent planning schemes since 1981, the *Land Use Planning and Approvals Act 1993* (the Act) appropriately provides for lawfully existing use and development approved under a previous planning scheme to be recognised.



Report to Council meeting on 19 December 2016



Figure 1 – Location of site 6-8 Thomas Street, East Devonport (Source: DCC Geocortex – Aerial Imagery 2015).

### APPLICATION DETAILS

The application seeks approval for the construction of a roofed shelter over the loading area of the open air yard adjacent to the existing workshop which is also utilised for the storage of materials. The proponent has advised that the purpose of the shelter is to provide weather protection to the yard area and improve security. Manufacturing works are conducted within the existing workshop and the proposed shelter extension will not be used for manufacturing.

An existing street view of the site is illustrated in Figure 2 below, whilst Figure 3 overleaf provides a 3D representation depicting the northern elevation of the proposed extension. A full reproduction of the development plans is appended as **Attachment 1**.



Figure 2 – Existing street view of 6-8 Thomas Street, East Devonport (Source: DCC – PA2016.0171).



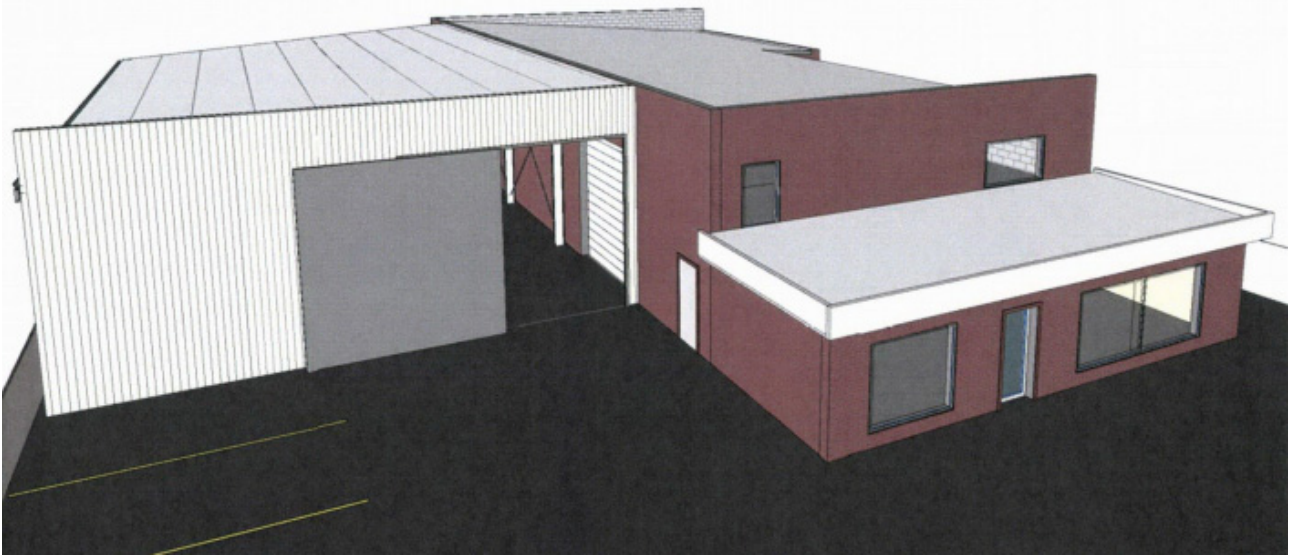


Figure 3 – 3D Representation of northern elevation of proposed extension 6-8 Thomas Street, East Devonport  
(Source: DCC – PA2016.0171).

### PLANNING ISSUES

The land is zoned Port and Marine under the DIPS. As the proposal pertains to an existing use, it is appropriate to consider the conformity of that use with the DIPS. In accordance with the requirements of the DIPS all use and development must be categorised into a prescribed use class as established under provision 8.2. As mentioned previously in this report, the existing use and development of the site is appropriately categorised as *manufacturing and processing*.

The Use Table for the Port and Marine Zone prescribes *manufacturing and processing* a permitted use status with the qualification if:

- (a) boat or ship building;
- (b) maritime and shipping equipment; or
- (c) major maintenance or repair.

No other allowances are made for *manufacturing and processing* use and accordingly the Zone Use Table would ordinarily prohibit *manufacturing and processing* that does not conform to the above qualification.

Notwithstanding that the existing use of the site does not conform to this qualification, it represents use and development lawfully in existence prior to the commencement of the DIPS and as such it assumes an existing non-conforming use<sup>1</sup> status and the proposal is a change to that non-conforming use.

The DIPS provides a suite of special provisions for certain types of use and development that are not specific to any zone, specific area plan or land to which a code applies. The operational effect of these special provisions is to apply in addition to the relevant standards of a zone, code or specific area plan, with the special provisions prevailing in the event of any conflict.

In this context provision 9.1 of the DIPS allows for the consideration of a change to an existing non-conforming use as follows:

<sup>1</sup> Pursuant to provision 4.1.3 of the *Devonport Interim Planning Scheme 2013* an existing non-conforming use means: a use which is prohibited under the planning scheme but is one to which section 20 of the *Land Use Planning and Approvals Act 1993* applies.

*Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:*

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or*
- (b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or*
- (c) for a minor development to a non-conforming use;*  
*where there is –*
  - (i) no detrimental impact on adjoining uses; or*
  - (ii) the amenity of the locality; and*
  - (iii) no substantial intensification of the use of any land, building or work.*

*In exercising its discretion the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.*

In this situation and in accordance with the above requirements the proposed development requires a discretionary planning permit application. With respect to the above requirements, as established under provision 9.1 of the DIPS, it seems rational to determine that the proposal could be reasonably considered under criteria (b) or (c) as listed above.

It follows that the proposal must then be assessed as to whether the proposed development would pose a detrimental impact on adjoining uses or the amenity of the locality and further as to whether there is a substantial intensification of the existing use and development of the site.

As previously mentioned, the existing use and development of the site has been lawfully established – it has existing rights to continue. The proposed development seeks to construct a covered shelter over the existing open air yard/loading area adjacent to the existing workshop. This area is also used for the storage of materials and finished articles. The partial enclosure of this space is intended to provide weather protection and also improved security. This space will not be used for manufacturing. Notably, provision 9.1 above includes the phrase '*no substantial intensification*' of which due import should be afforded to the term '*substantial*'. The development will not increase the use of the yard/loading area substantially beyond the current situation. Accordingly, it is considered that the proposed development will not result in a substantial intensification of the use and development of the site from that which is already occurring and lawfully entitled to.

In line with the above observations, it would seem further reasonable to conclude that the proposed development may present a more positive impact upon the locality and the streetscape as stored materials within the yard/loading area will be located behind a wall/garage door. This perhaps is a more aesthetically beneficial outcome than the current open-air storage and loading area arrangement. The proposed structure has further benefit for improved security for the site (theft prevention), which is also considered to contribute a positive influence on the amenity of the site and surrounds.

With regard to impacts on adjoining uses, and given the established nature of the existing use and development it can be reasonably assumed that there is already a level of co-existence and compatibility. The proposed development is not considered to result in a substantial change or intensification that would be of detriment to this established co-existence or unreasonably impact upon adjacent use and development.

**Report to Council meeting on 19 December 2016**

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With respect to the provisions for the Port and Marine zone, the DIPS prescribes a relatively limited scope of development standards which primarily relate to lot suitability (lot size, frontage and road access, water supply, sewerage and stormwater disposal) – against which the development appropriately complies. Notably the zone prescribes no development standards for matters such as building size or building setbacks.

Furthermore, and consistent with the previous commentary, the addition of a covered structure to a business enterprise that has lawfully operated from the site for approximately 35 years is not considered contrary to the purpose of the Port and Marine zone.

In support of the development, the applicant has provided legal advice detailing how the proposal appropriately complies against the requirements of the DIPS criteria for a change to an existing non-conforming use (this documentation is included within **Attachment 1**).

**COMMUNITY ENGAGEMENT**

On 18/11/2016, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 23/11/2016;
- (b) Making a copy of the proposal available in Council Offices from the 23/11/2016;
- (c) Notifying adjoining property owners by mail on 21/11/2016; and
- (d) Erecting a Site Notice for display from the 22/11/2016.

The period for representations to be received by Council closed on 08/12/2016.

**REPRESENTATIONS**

One representation was received within the prescribed 14-day public notification period required by the *Land Use Planning and Approvals Act 1993*.

The issues raised in the representation can be generally summarised into the following points. The representation is reproduced in full as **Attachment 2**.

*Summary of issues*

- objecting to the continued operation of the business as a “non-conforming use”, and the perception that the proposed development “seems to intensify, expand and prolong the life of a non-conforming use factory”;
- Industrial zoned areas are more appropriate for such use and development; and
- expressing the opinion that the visual impacts of the existing building are unaesthetically pleasing and detract from the amenity of the site and its locality with respect to the Spirit of Tasmania ferry terminal.

**DISCUSSION**

The matters raised in the representation essentially reflect the previous commentary provided in the assessment of application against the requirements prescribed for the consideration of a change to an existing non-conforming use. They do not raise issues that should cause a refusal of the proposed development.

This report has provided an assessment of the proposal against the requirements of the DIPS and in particular those matters where the exercise of discretion has been sought. Consistent with that assessment, the applicant has provided comprehensive legal advice

as to how the proposal appropriately complies against the requirements of the DIPS criteria for a change to an existing non-conforming use.

As part of the normal assessment procedure the application was internally referred to the various Council departments with an interest in development applications. The requirements/comments of these referrals have been incorporated into this assessment and the permit documentation as appropriate.

### **FINANCIAL IMPLICATIONS**

No financial implications are predicted unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal (RMPAT). In such instance legal counsel may be required to represent Council. The opportunity for an appeal exists as a result of the Council determining to either approve or refuse the application.

### **RISK IMPLICATIONS**

No risk implications are associated with a determination of this planning permit application.

### **CONCLUSION**

The application seeks approval for a change to an existing non-conforming use which may be considered at the discretion of the Council. The development relates to a manufacturing business that has lawfully operated in the same location for the past 35 years. The application has been assessed to appropriately comply with the requirements of the *Devonport Interim Planning Scheme 2013* that make allowances for such non-conforming uses. It follows that the discretion to allow the development is deemed to have merit and can be supported. The application is recommended for approval.

### **ATTACHMENTS**

1. Application - PA2016.0171 - 6-8 Thomas Street East Devonport
2. Representation - Brian Richards - PA2016.0171 - 6-8 Thomas Street East Devonport

### **RECOMMENDATION**

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 PA2016.0171 and grant a Permit to use and develop land identified as 6-8 Thomas Street, East Devonport for the following purposes:

- Manufacturing and processing (alterations and additions) – discretion to allow a change to an existing non-conforming use

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans prepared by Ritson Building Design and referenced as Summit Windows – New Roofed Shelter 6–8 Thomas Street, East Devonport Project No. 16.027 (Drawing Nos. A01-A09). Copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. The space comprising the new enclosed area is to be used for loading and storage related purposes only. No manufacturing is to occur within this area.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING PERMIT 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.

The existing property service connection for the disposal of stormwater is to be used for the proposed development.

The developer is to confirm the location of the existing private internal stormwater service lines. This detail is to be provided on the relevant plans forming part of the building/plumbing permit application.

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

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

No burning of waste is to be undertaken on site. Rubbish and waste materials are to be removed from site and disposed of at a licensed refuse disposal facility.

Author:	Mark McIver	Endorsed By:	Brian May
Position:	Planning Officer	Position:	Development Manager

Office use
Application no. <u>PA2016-0171</u>
Date received: <u>14/11/2016</u>
Fee: _____
Permitted/ <u>Discretionary</u>

**Devonport City Council**

Land Use Planning and Approvals Act 1993

Devonport Interim Planning Scheme 2013

**Application for Planning Permit****Use or Development Site**

Street Address: 6-8 THOMAS ST.  
EAST DEVONPORT.

Certificate of Title Reference No.: 225-942/1

**Applicant's Details**

Full Name/Company Name: RITSON BUILDING DESIGN

Postal Address: 49 CURRAGHMORE AVE.  
BURNIE. 7320

Telephone: 0418 142 854

Email: ron@ritsonbuildingdesign.com.au

**Owner's Details (if more than one owner, all names must be provided)**

Full Name/Company Name: WENDY JO-ANNE ARNOTT  
ANDREW GEOFFREY ARNOTT, BARBARA MARY  
ARNOTT, BENJAMIN JOHN ARNOTT.

Postal Address: 6-8 THOMAS ST. EAST DEVONPORT

Telephone: 0448 900 620

Email: andrew@arnottgroup.com.au



ABN 47 411 490 016  
 PO Box 604 Devonport  
 44-48 Best Street  
 Devonport  
 TAS 7310  
 Telephone 03 6424 0511  
 Facsimile 03 6424 9649  
 Email  
 council@devonport.tas.gov.au  
 Web  
 www.devonport.tas.gov.au

Sufficient information must be provided with an application to demonstrate compliance with all applicable standards, purpose statements in applicable zones, codes and specific area plans, any relevant local area objectives or desired future character statements.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?: TO ROOF OVER & PART ENCLOSE LOADING AREA OF YARDS ADJACENT TO EXISTING WORKSHOP

Description of how the use will operate: THERE WILL BE NO CHANGE TO HOW THE USE CURRENTLY OPERATES

ZONING - PORT & MARINE

USE WINDOW & DOOR MANUFACTURE.

BUSINESS STATES THAT IN THE PAST (& HOPEFULLY IN THE FUTURE) THEY HAVE ENGAGED IN WINDOW & DOOR MAINTENANCE ON SPIRIT OF TAS. FERRIES.

AS THE CURRENT USE PREDATES BOTH CURRENT & PREVIOUS PLANNING SCHEMES AND THE USE IS NOT CHANGING THEN WE APPLY FOR A DISCRETIONARY PERMIT TO ROOF OVER A PORTION OF THE OUTSIDE YARD

Use Class (Office use only):

DISCRETION TO ALLOW A CHANGE TO AN EXISTING - NON-CONFORMING USE.

Applications may be lodged by email to Council - [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au) The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

<b>Application fee</b>	
<b>Completed Council application form</b>	
<b>Copy of certificate of title, including title plan and schedule of easements</b>	
<b>Demonstration of compliance with performance criteria and relevant codes</b>	
<b>A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:</b>	
<ul style="list-style-type: none"> <li>• The existing and proposed use(s) on the site</li> <li>• The boundaries and dimensions of the site</li> <li>• Typography including contours showing AHD levels and major site features</li> <li>• Natural drainage lines, watercourses and wetlands on or adjacent to the site</li> <li>• Soil type</li> <li>• Vegetation types and distribution, and trees and vegetation to be removed</li> <li>• The location and capacity of any existing services or easements on the site or connected to the site</li> <li>• Existing pedestrian and vehicle access to the site</li> <li>• The location of existing adjoining properties, adjacent buildings and their uses</li> <li>• Any natural hazards that may affect use or development on the site</li> <li>• Proposed roads, driveways, car parking areas and footpaths within the site</li> <li>• Any proposed open space, communal space, or facilities on the site</li> <li>• Main utility service connection points and easements</li> <li>• Proposed subdivision lot boundaries, where applicable</li> <li>• Details of any proposed fencing</li> </ul>	
<b>Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:</b>	
<ul style="list-style-type: none"> <li>• The internal layout of each building on the site</li> <li>• The private open space for each dwelling</li> <li>• External storage spaces</li> <li>• Car parking space location and layout</li> <li>• Major elevations of every building to be erected</li> <li>• The relationship of the elevations to natural ground level, showing any proposed cut or fill</li> <li>• Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites</li> <li>• Materials and colours to be used on roofs and external walls</li> </ul>	
<b>A plan of the proposed landscaping including:</b>	
<ul style="list-style-type: none"> <li>• Planting concept</li> <li>• Paving materials and drainage treatments and lighting for vehicle areas and footpaths</li> <li>• Plantings proposed for screening from adjacent sites or public spaces</li> </ul>	
<b>Details of any signage proposed</b>	

If all of the above information is not provided to Council at the time of lodgement the application will not be accepted.



Value of use and/or development

\$ 52,000 - 00

Notification of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993)

If land is not in applicant's ownership

I, Ron Ritson declare that the owner /each of the owners of the land has been notified/will be notified within 7 days from date of making this permit application.

Applicant's signature: [Signature] Date: 24-06-2016

If the application involves land owned or administered by the Devonport City Council Devonport City Council consents to the making this permit application.

General Manager's signature: Date:

If the application involves land owned or administered by the Crown Consent must be included with the application.

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected;
• more information may be requested within 21 days of lodgement; and
• The application may take 42 days to determine.

PUBLIC ACCESS TO PLANNING DOCUMENTS

I, the undersigned understand that all documentation included with this application will be made available for inspection by the public. Copies of submitted documentation, with the exception of plans which will be made available for display only, may be provided to members of the public, if requested.

Applicant's signature: [Signature] Date: 24-06-2016

\* In receipt of additional information - accepted on 14/11/2016

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options - Please pay fee when lodging your completed application form

Table with 3 rows: Payment in Person, Payment by Mail, Credit Card Payment by Phone. Each row includes an icon and detailed instructions.



WALSH DAY JAMES MIHAL  
BARRISTERS AND SOLICITORS

Enquiries to: *Sarah Joubert*

Our Ref: RTS/160347

24 October 2016

Mr Ronald Ritson  
By email: ron@ritsonbuildingdesign.com.au

Dear Sir

**Planning approval for 6 - 8 Thomas Street, East Devonport**

Thank you for instructing me to provide you with advice in relation to your client's proposed development at 6 – 8 Thomas Street, East Devonport.

You instructed me that:

- i) The owners of 6 – 8 Thomas St (the 'Premises') presently run a business Summit Window Systems ('The Company') from the Premises. The Company has been operating from the Premises for over 35 years.
- ii) ~~The Company constructs windows and doors for residential, commercial and industrial uses. The Company does not presently manufacture, or undertake maintenance or repairs on marine windows or doors however the company has previously undertaken that work for the Spirit of Tasmania and is hopeful of obtaining contracts to do so again in future.~~
- iii) The Company wishes to construct a roof and semi-enclose part of the loading area of the yard adjacent to existing workshop ('the Development'). The Development is intended to provide weatherproofing and improve security.

18 King Edward Street | PO Box 199 | Ulverstone Tasmania 7315 | DX 70509  
Telephone: (03) 6425 2077 | Facsimile: (03) 6425 5910 | Email: mail@walshday.com.au  
Walsh Day James Mihal Pty ABN 12 088 438 519

Directors  
ELEANOR ESME JAMES B.A., LL.B.

ANTHONY PHILLIP MIHAL B.A. (HONS), LL.B. (HONS)

Associates  
RAFAEL THOMAS OSIK SZUMER LL.B., (HONS)

ALEXANDER JAMES TATE B.A., LL.B.

Conveyancing Clerks  
KERRIE-ANNE GRAHAM  
TERRI BARAN  
Probate Clerk  
KRISTI HUBBLE

- iv) In addition to loading and unloading, the loading area is presently used by the Company for storage of materials and finished products. The Company does not use the loading area for manufacturing.
- v) The Development will not change or increase the use of the yard and the Company does not intend to undertake manufacturing in the area enclosed by the Development.

You provided me with the plans prepared by you and a number of photographs; copies of which are annexed to this advice.

You instructed me to advise you as to the following:

1. Is the proposed development a permitted development or use under the *Devonport Interim Planning Scheme 2013*?
2. If the proposed development is permitted, does the Devonport City Council ('the Planning Authority') have discretion to refuse or approve the development?
3. If the Planning Authority has the discretion to refuse or approve the development, what are the considerations that must be taken in account?
4. Is it likely that the proposed development would be approved by the Planning Authority?

#### **Devonport Interim Planning Scheme 2013**

Under the *Devonport Interim Planning Scheme 2013* ('the Planning Scheme') the Premises are zoned as Port and Marine.

---

The Port and Marine zoning allows manufacturing and processing if it relates to:

- (a) Boat or ship building;
- (b) Maritime and shipping equipment; or
- (c) Major maintenance or repair.

As the use of Premises for the manufacture of non-marine window and doors precedes the Interim Planning Scheme and does not conform to permitted uses for the Port and Marine Zone, the current use of the Premises by the Company is characterised as an **existing non-conforming use**.

When considering an application for a change to an existing non-conforming use, the Planning Authority must apply section 9.1 of the Planning Scheme.

**9.1 Changes to an Existing Non-conforming Use**

9.1.1 Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or
- (b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or
- (c) for a minor development to a non-conforming use,

where there is -

- (a) no detrimental impact on adjoining uses; or
- (b) the amenity of the locality; and
- (c) no substantial intensification of the use of any land, building or work.

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

If the Planning Authority is satisfied that the Development is consistent with section 9.1, the Planning Authority then has the discretion to either approve or refuse the development.

**Does the proposed development satisfy the section 9.1 criteria?**

The first part of the section 9.1 criteria is satisfied as the Development is easily characterised as either an extension of the non-conforming use and associated development from one part of the site to another part of the site, or alternatively, as a minor development to a non-conforming use.

The main question then arises as to whether the Development would have a detrimental impact on adjoining uses or the amenity of the locality, and whether it will lead to a substantial intensification of the use of the loading yard.

On your instructions the Development will not have a detrimental impact on adjoining uses and will actually improve the amenity of the area. As can be seen from the annexed photographs, the Company presently stores materials and finished products in the loading area. While the nature of the Premises means that such storage is unlikely to be seen as out of place, the Development would significantly improve the streetscape by placing the storage of the materials behind a wall and garage door. The additional security provided by a wall and a garage door on the street side of the Development will also help prevent theft of materials and other anti-social behaviour.

On your instructions the Company intends to continue to use the loading area for loading and unloading, and to store materials and manufactured products and the Company does not expect any increase in volume of traffic or orders as a result of the proposed Development. As set out above, the proposed roof and partial enclosure is intended to provide weather protection and to provide additional security for the storage of materials. On that basis, the Development will not lead to a substantial intensification of the use of the area.

As a result of the above, the proposed Development clearly satisfies the section 9.1 criteria for a change to an existing non-conforming use.

**Would a development application pursuant to section 9.1 of the Planning Scheme be successful?**

In my view, an application for a change to an existing non-conforming use in accordance with the annexed plans would be likely to be approved by the Planning Authority as it clearly satisfies the relevant criteria set out in section 9.1 of the Planning Scheme.

While not a consideration under section 9.1, it is also relevant that the Development will not prevent or limit the Premises being used in accordance with the Port and Marine zoning in future. Indeed I note that the Company has previously manufactured and repaired windows and doors on the Spirit of Tasmania and is hopeful of obtaining contracts to do so again in future. I also note your advice that the Company would like to expand its operations into manufacturing marine products as part of its day-to-day business.

The Devonport City Council, being the Planning Authority is also likely to be supportive of a local longstanding business in East Devonport. While a common-sense approach means that similar developments are rarely refused or appealed, one similar case decided some time ago upheld the Planning Authority's decision to approve the application for a change in a non-conforming use.

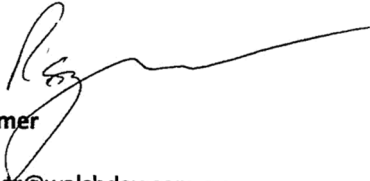
In the case of *P Gallagher v Devonport City Council and RL and GL Langworth* [1996] TASRMPAT 233 the applicants sought planning approval for an additional coolstore, to be erected and used in the existing coolstore complex on the site. The proposed coolstore was 25 metres long by 22.8 metres wide and was to be placed on a part of the land that had not previously had a building on it.

In that case the Planning Authority approved the proposal and held that such a development would be likely to have a positive impact on adjoining uses. The Tribunal subsequently held that that the Council's approval of the proposed change to the existing non-conforming use was correct and the case is good authority for a development similar to the one proposed by the Company being approved by the Planning Authority.

In the unlikely event that the Planning Authority refused the development, I would advise the Company to strongly consider an appeal to the Tribunal. Should that be necessary, I suggest that you instruct us to brief either Don Armstrong or Ken Stanton to prepare the appeal and appear on your behalf at the hearing.

At this stage I will wait to hear whether the application is successful prior to undertaking further work.

Yours faithfully  
WALSH DAY JAMES MIHAL



**Rafael Szumer**  
Associate  
rafaelszumer@walshday.com.au

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 225942	FOLIO 1
EDITION 5	DATE OF ISSUE 15-Dec-2008

SEARCH DATE : 07-Dec-2016

SEARCH TIME : 12.54 PM

DESCRIPTION OF LAND

City of DEVONPORT  
 Lot 1 on Plan 225942  
 Derivation : Part of Lot 1 Section D Gtd to A F Rooke  
 Prior CT 2882/9

SCHEDULE 1

M208703 TRANSFER to WENDY JO-ANNE ARNOTT, ANDREW GEOFFREY ARNOTT, BARBARA MARY ARNOTT and BENJAMIN JOHN ARNOTT (jointly as between themselves) of forty undivided 1/100 shares and BARBARA MARY ARNOTT of sixty undivided 1/100 shares as tenants in common  
 Registered 15-Dec-2008 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469
TASMANIA
REAL PROPERTY ACT, 1862, as amended
NOTE—REGISTERED FOR OFFICE
CONVENIENCE TO REPLACE



CERTIFICATE OF TITLE

Register Book
Vol. Fol.
2882 9

Cert. of Title Vol.990 Fol.39

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Handwritten signature of Recorder of Titles



DESCRIPTION OF LAND

TOWN OF DEVONPORT
ONEROOD FIVE PERCHES on the Plan hereon

FIRST SCHEDULE (continued overleaf)

CHARLES WILLIAM LEWIS WOOD of Devonport, Storekeeper and
SHEILA MARY WOOD his wife

SECOND SCHEDULE (continued overleaf)

MORTGAGE NO. A262743 to The National Bank Savings DISCHARGED A459821
Bank Limited (9.8.1974)
Registered 3rd March, 1967 at 12.2p.m.
(Sgd.) T.E.HUTCHINSON
Recorder of Titles.

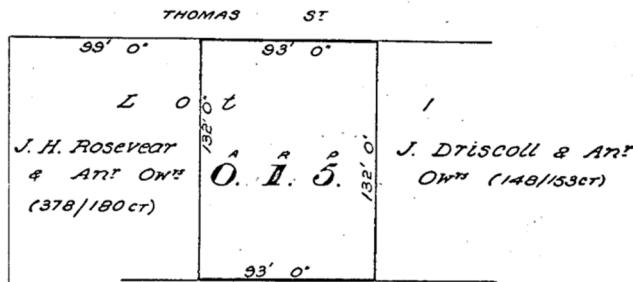
Handwritten signature of Recorder of Titles

NOTE.—ENTRIES CANCELLED UNDER SIGNATURE OF THE RECORDER OF TITLES ARE NO LONGER SUBSISTING.

Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

REGISTERED NUMBER
225942

EXPLANADE



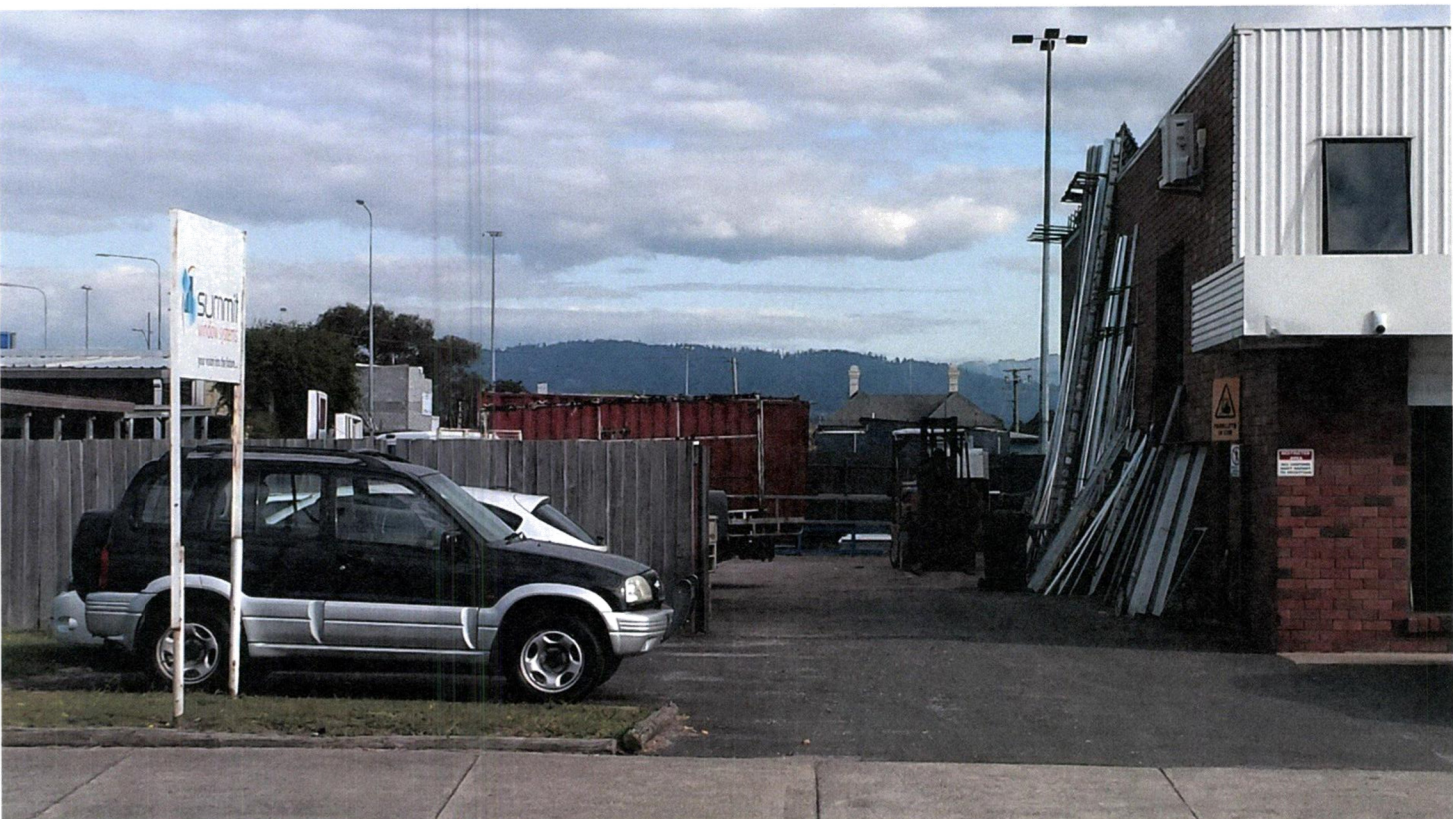
Lot 3 R.H. Douglas Pur.

CANCELLED
10 FEB 1995
Handwritten signature of Recorder of Titles
RECORDER OF TITLES
NEW TITLE ISSUED

Part of Lot 1 Section D. Gtd. to A.F.Rooke. Meas. are in ft. and ins
FIRST. Edition. Registered
Derived from C.T.Vol. 990 Fol. 39 - Transfer A262742 W.A.Kostiuk & anr. RU























# SUMMIT WINDOWS NEW ROOFED SHELTER 6-8 THOMAS STREET EAST DEVONPORT 7310

PROJECT NO. 16.027  
PROJECT DATE 09-06-2016  
TITLE FOLIO NO. 1  
VOLUME NO. 225942

SITE CLASSIFICATION Unknown  
WIND CLASSIFICATION Assumed N2  
BAL CLASSIFICATION LOW  
CLIMATE ZONE 7

## FLOOR AREAS

Existing building 418 m/2  
Proposed covered area 279 m/2  
TOTAL AREA 697 m/2  
SITE AREA 1140.5 m/2

CORROSION SCALE HIGH  
(LOSS OF ZINC IN EXPOSED GALVANISED STEEL  
AS KG P/M2 OVER TEN YEARS) 2.100

## ISSUED FOR BUILDING APPROVAL

DATE 09-06-2016  
REVISION 0

Sheet Number	Drawing List Sheet Name
A 00	TITLE
A 01	SITE and DRAINAGE PLAN
A 02	GROUND FLOOR PLAN
A 03	ROOF PLAN
A 04	ELEVATIONS 1
A 05	ELEVATIONS 2
A 06	SECTIONS
A 07	FRAMING 3 D
A 08	3D VIEWS 1
A 09	NCC SPECIFICATIONS
S 01	STEEL DETAILS
S 02	STRUCTURAL NOTES

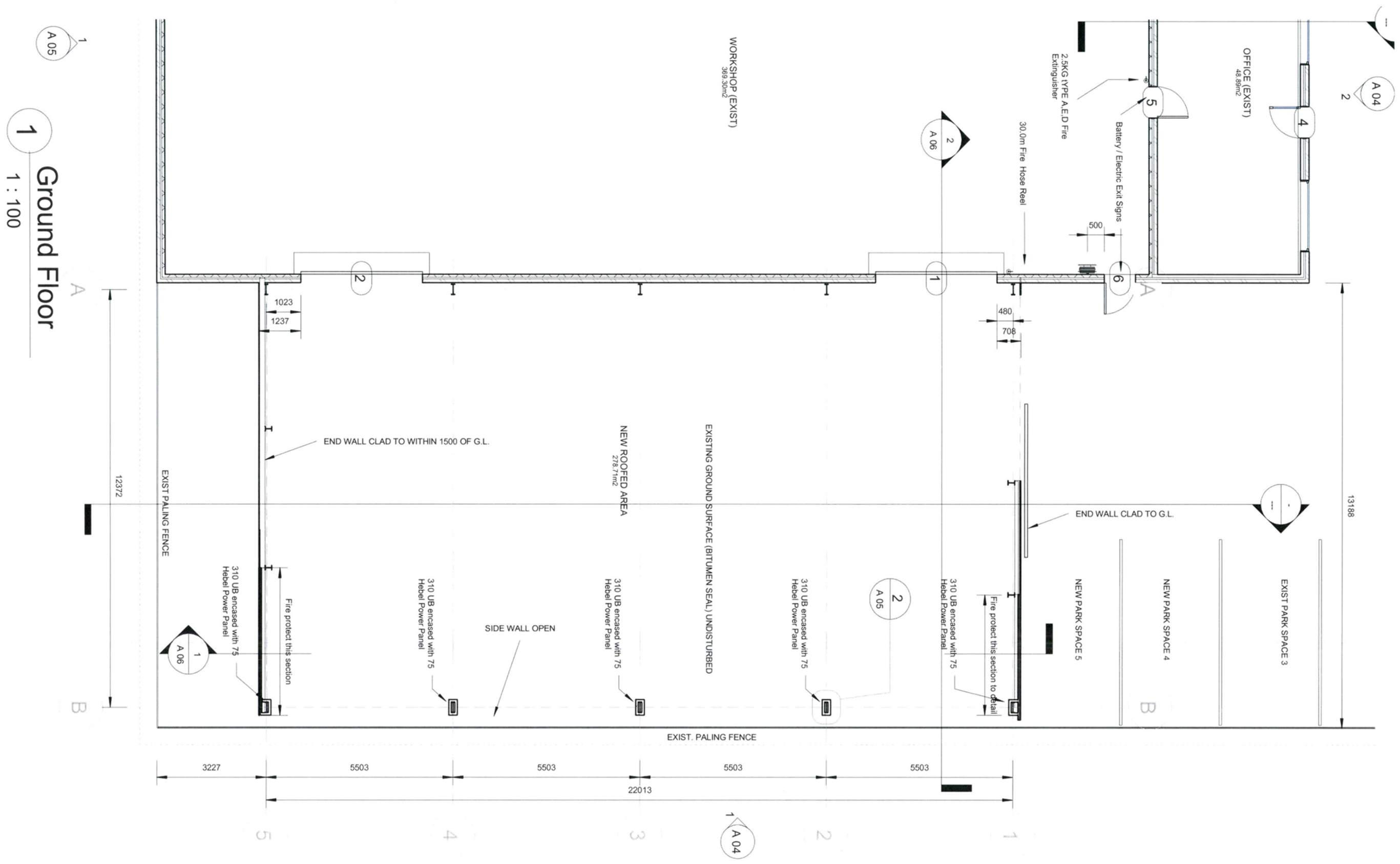


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TCC No. 530L

MEMBER  
  
Building Designers  
Association Victoria







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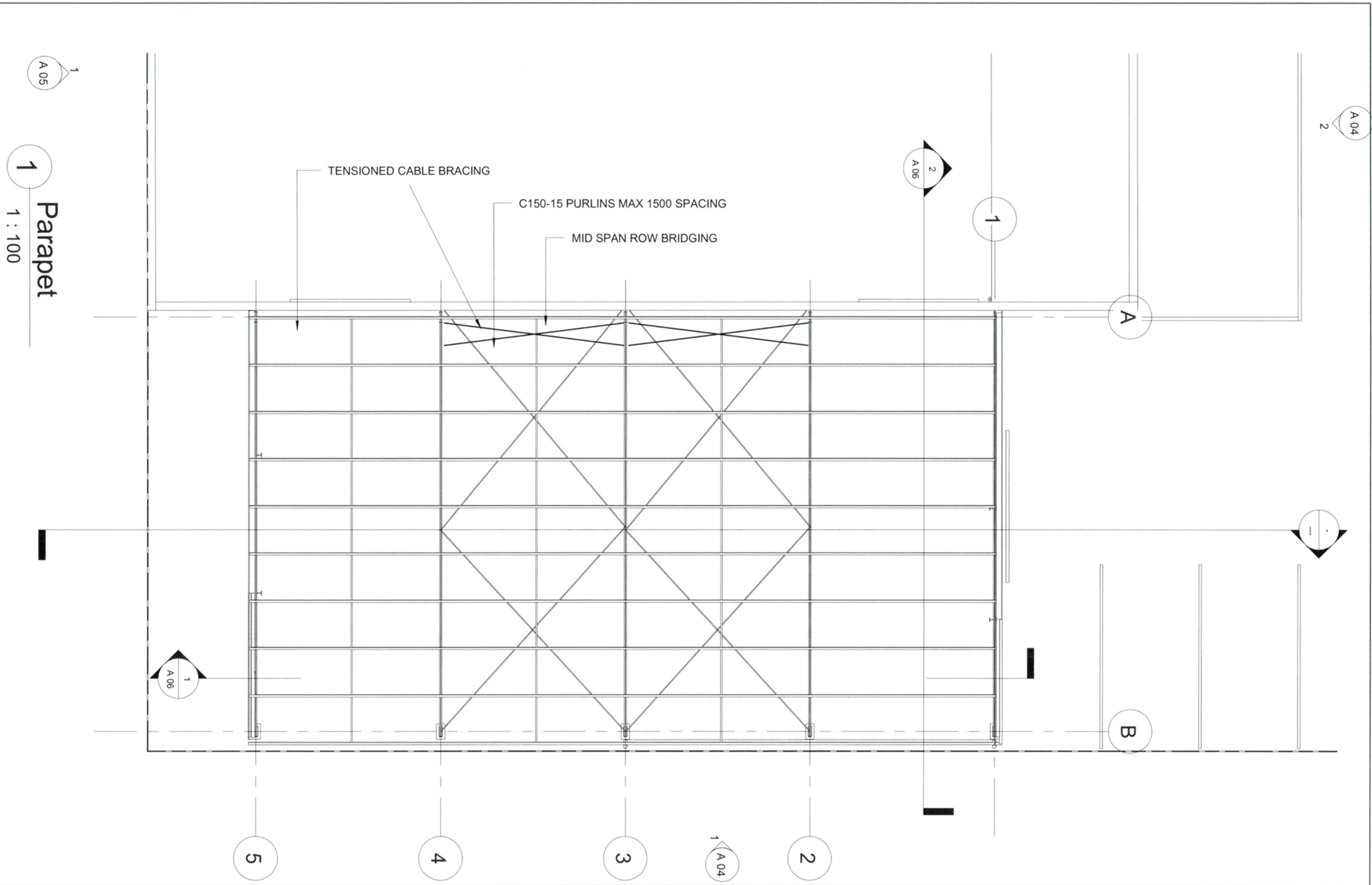
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SUMMIT WINDOWS  
 NEW ROOFED SHELTER  
 6-8 THOMAS STREET  
 EAST DEVONPORT 7310

GROUND FLOOR PLAN		A 02	
Project number	16.027	Scale	1 : 100
Date	09-06-2016		
Drawn by	R.R.	Checked by	J.B.

9102/90/01

**Ground Floor**  
 1 : 100



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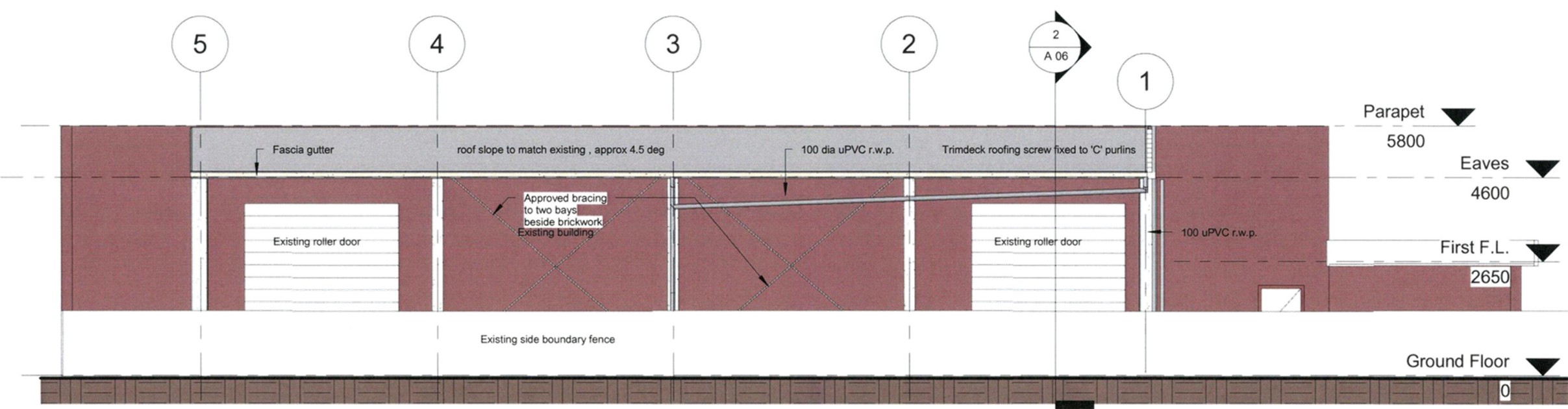
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 NEW ROOFED SHELTER  
 6-8 THOMAS STREET  
 EAST DEVONPORT 7310**

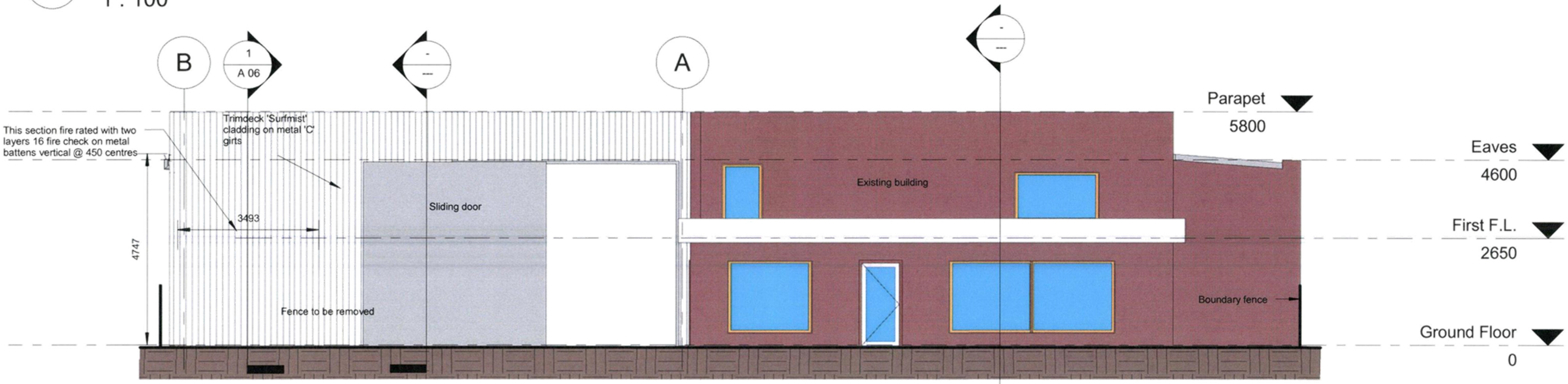
ROOF PLAN		A 03	
Project number	16.027		
Date	09-06-2016		
Drawn by	R.R.	Checked by	M.V.
		Scale	1 : 100

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1 Elevation East  
1 : 100



2 Elevation North  
1 : 100

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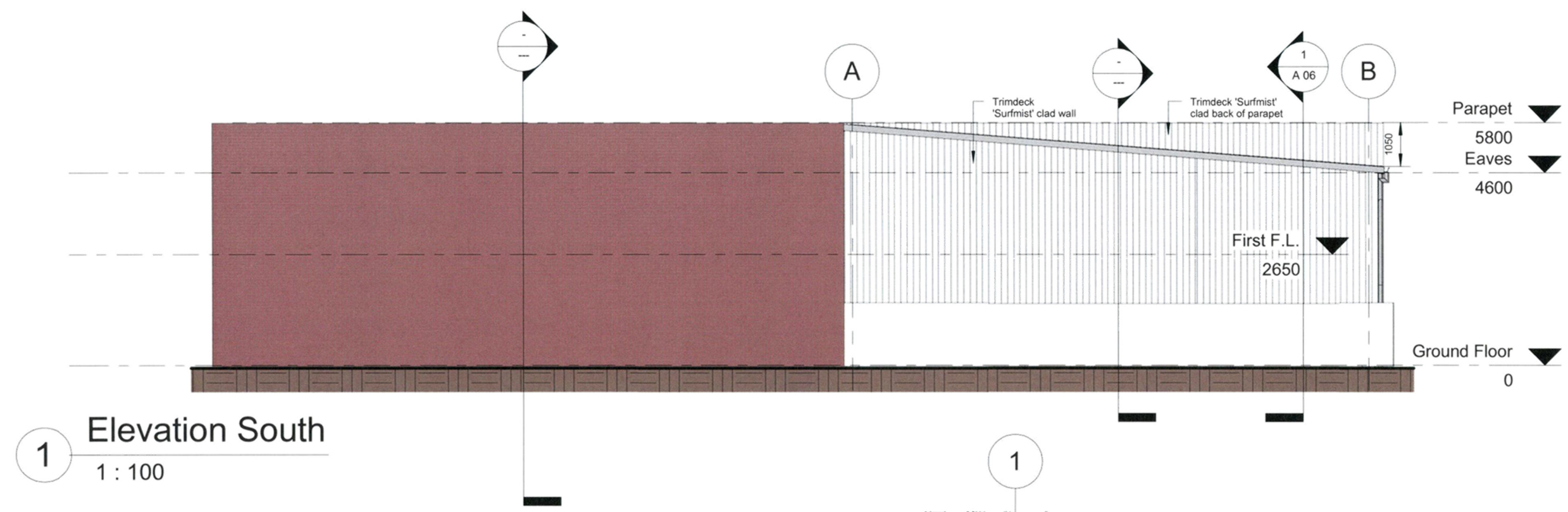
No.	Description	Date

SUMMIT WINDOWS  
NEW ROOFED SHELTER  
6-8 THOMAS STREET  
EAST DEVONPORT 7310

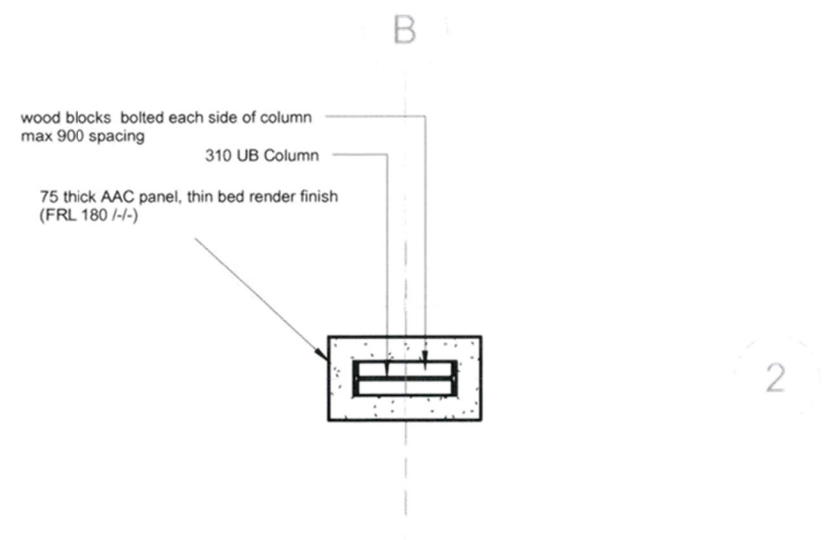
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Project number	16.027
Date	09-06-2016
Drawn by	Author
Checked by	Checker
A 04	
Scale 1 : 100	

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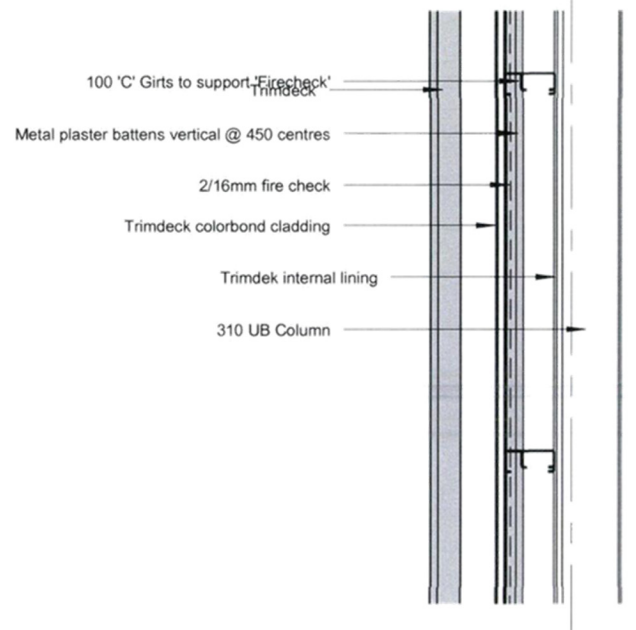




1 Elevation South  
1 : 100



2 Detail of Encased Column  
1 : 20



3 Detail of Section 1  
1 : 20

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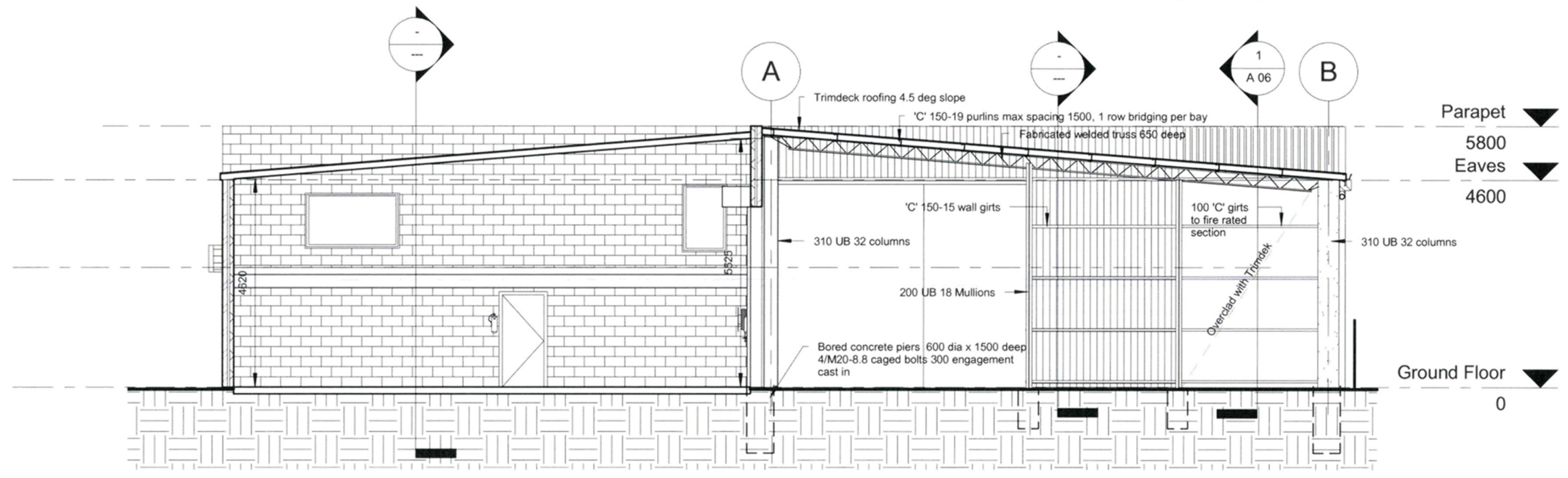
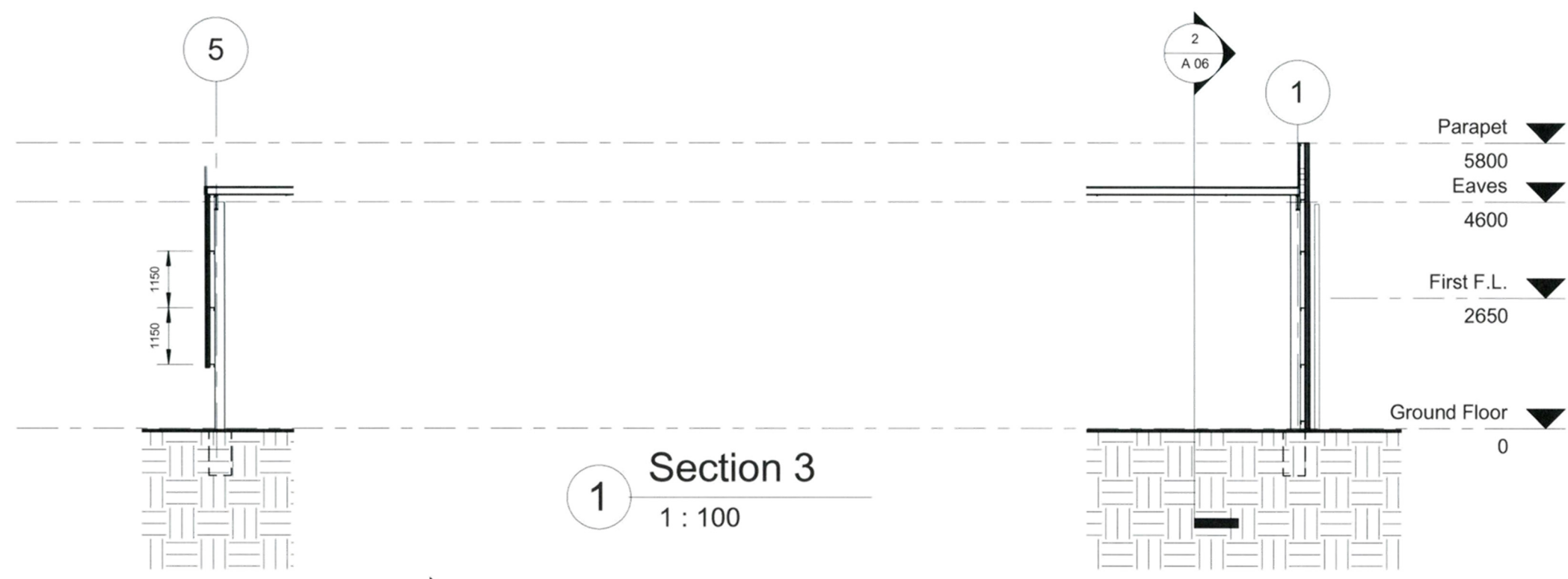
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SUMMIT WINDOWS  
NEW ROOFED SHELTER  
6-8 THOMAS STREET  
EAST DEVONPORT 7310

ELEVATIONS 2	
Project number	16.027
Date	09-06-2016
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Scale As indicated	

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**2** Section 2  
1 : 100

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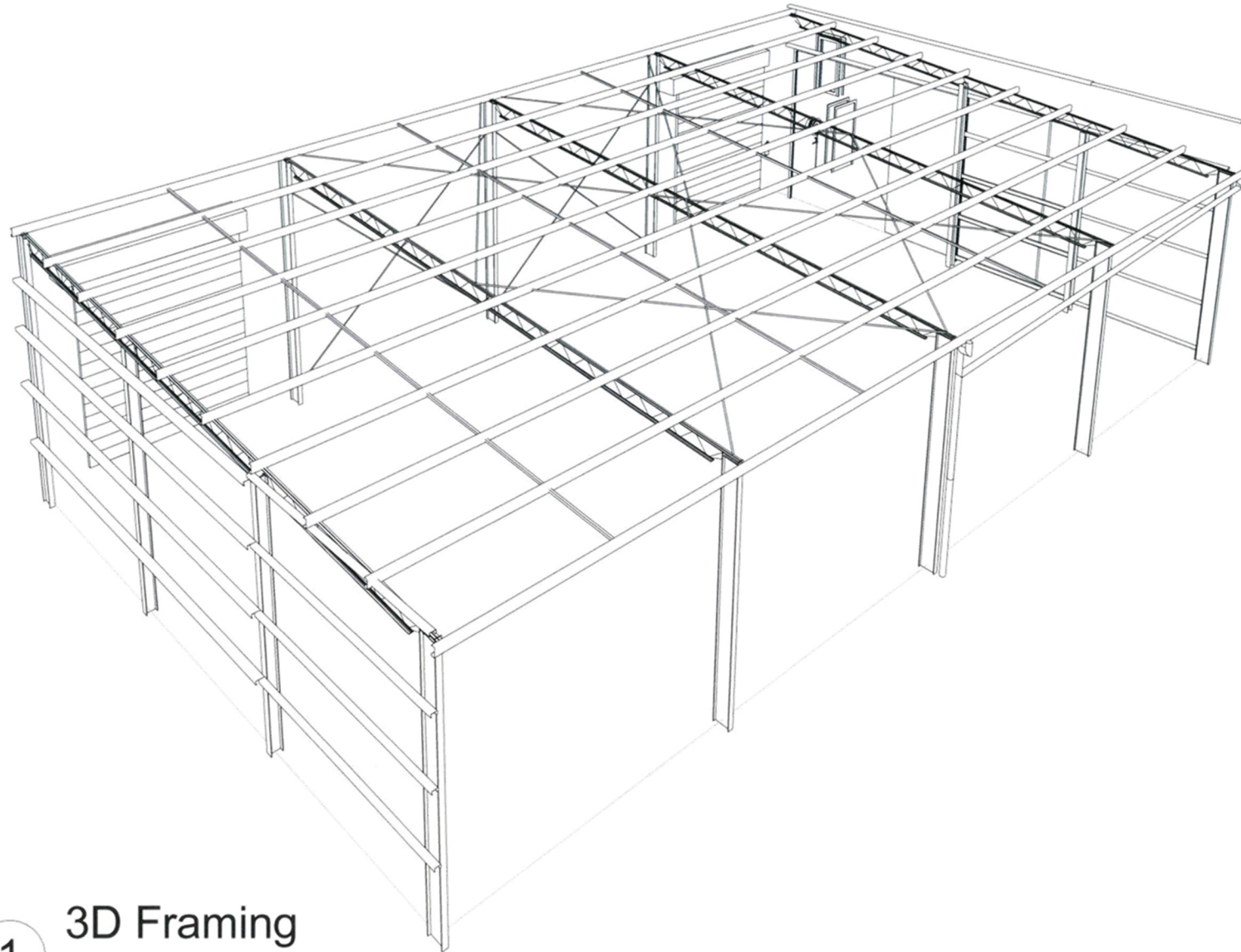
No.	Description	Date

SUMMIT WINDOWS  
NEW ROOFED SHELTER  
6-8 THOMAS STREET  
EAST DEVONPORT 7310

SECTIONS	
Project number 16.027	A 06
Date 09-06-2016	Scale 1 : 100
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1 3D Framing

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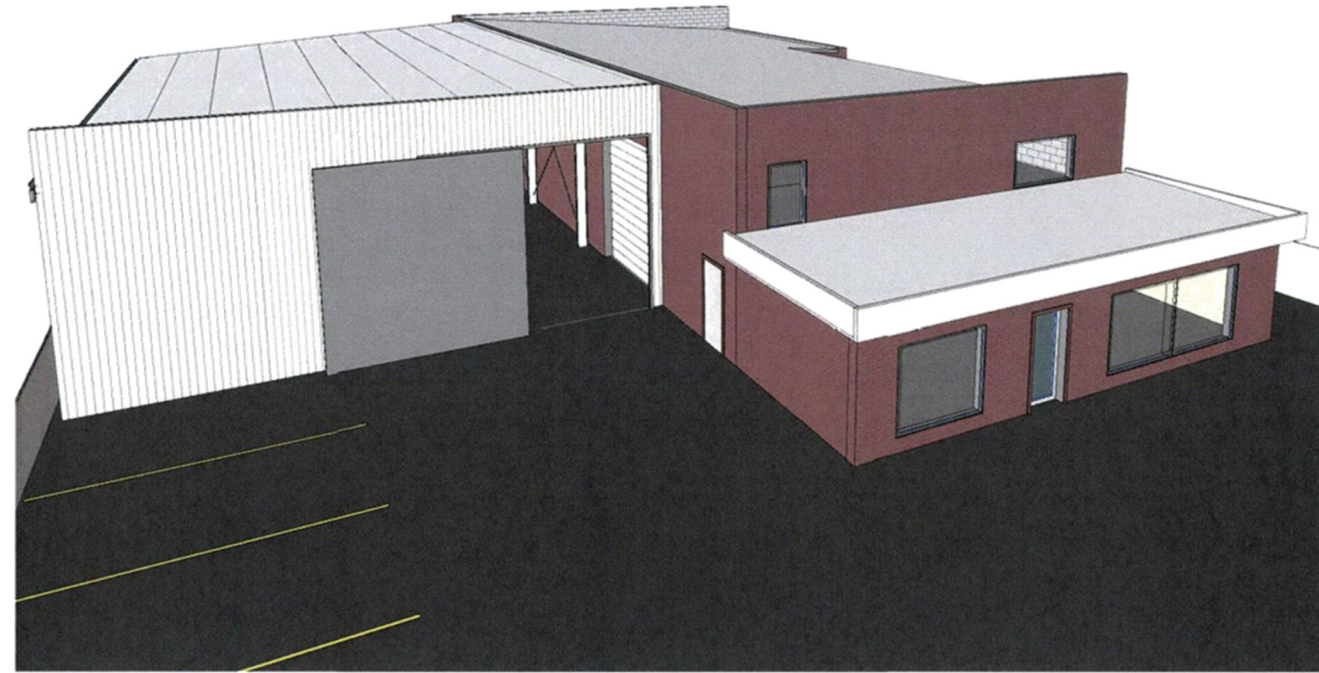
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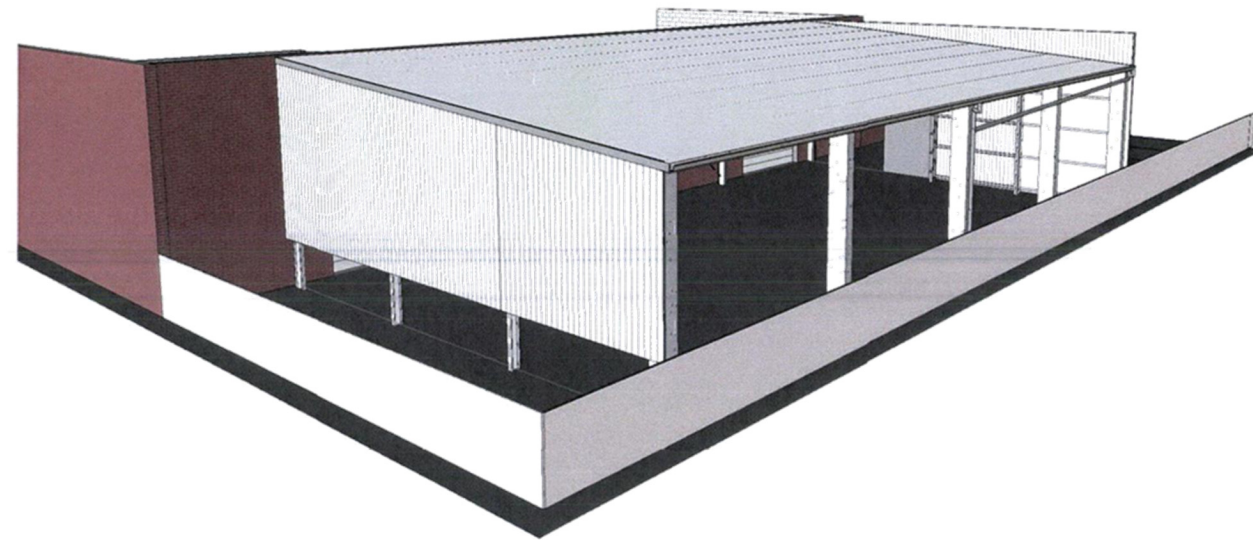
SUMMIT WINDOWS  
 NEW ROOFED SHELTER  
 6-8 THOMAS STREET  
 EAST DEVONPORT 7310

FRAMING 3 D	
Project number	16.027
Date	09-06-2016
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A 07	
Scale	

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2 3D View 1



1 3D View 2

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No.	Description	Date

SUMMIT WINDOWS  
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 6-8 THOMAS STREET  
 EAST DEVONPORT 7310

3D VIEWS 1	
Project number	16.027
Date	09-06-2016
Drawn by	Author
Checked by	Checker
Scale	
<b>A 08</b>	

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# NCC COMPLIANCE NOTES

## SITWORKS

Excavation and filling of site to be in accordance with BCA Part 3.1 and AS 2870.  
 Drainage works to be in accordance with BCA Part 3.1. & AS/NZS 3500.3.2.  
 Surface drainage - finished ground to fall away from building 50mm in 1000mm.  
 Finished slab level to be  
 - 150 above finished ground.  
 - 50 above paved surfaces.  
 Prevent ponding of water under suspended floors.

## FOOTINGS AND SLABS

Generally to be in accordance with AS 2870.  
 Preparation for placement of concrete and reinforcement to be to AS 2870.  
 Concrete & steel reinforcement to be in accordance with AS 2870 & AS 3500.  
 The site classification to be in accordance with AS 2870.  
 Alternatively footings & slabs to be in accordance with Structural Engineers design & specification.

## MASONRY

Generally masonry walls to be constructed in accordance with BCA 3.3 & AS 3700.  
 Un-reinforced masonry to BCA 3.3.1.  
 reinforced masonry to BCA 3.3.2.  
 masonry accessories to BCA 3.3.3.  
 weatherproofing of masonry to 3.3.4.

## FRAMING

Timber framing to be in accordance with AS 1684.  
 Manufactured timber members to be in accordance with prescribed framing manual.  
 Sub floor ventilation in accordance with BCA 3.4.1. Sub floor area to be clear of organic materials & rubbish. Provide vent openings in substructure walls at a rate of 7300mm<sup>2</sup>/m of wall length, with vents not more than 600 mm from corners.  
 150 mm clearance required to underside of floor framing members unless specified otherwise by flooring material specification.  
 Tie down and bracing of frame to be in accordance with AS 1684 & AS 4055.  
 Structural steel framing to be in accordance with BCA 3.4.4, AS 1250, AS 4100 & structural engineers design & specification.

## ROOF AND WALL CLADDING

Generally to be in accordance with BCA 3.5.  
 Roof cladding to be in accordance with BCA 3.5.1. and ;  
 Roof tiles AS 2049 & AS 2050.  
 Metal sheet roofing AS 1562.1  
 Plastic sheet roofing AS /NZS 4256.1,2,3 & 5 & AS 1562.3  
 Gutters and downpipes, generally to be in accordance with BCA 3.5.2 & AS/NZS 3500.3.2 & Tasmanian Plumbing Code.  
 Eaves, internal and vally guttering to have cross sectional area of 6500 mm<sup>2</sup>.  
 Downpipes to be 90 dia or 100\*50 rectangular section at max 12000 crs and to be within 1000 internal/valley gutter.  
 Wall cladding to be installed in accordance with BCA 3.5.3. & Manufacturers specification.  
 Flashings to BCA 3.5.3.6.

## GLAZING

Generally glazing to be in accordance with AS 1288.  
 Refer to window legend for sizes and type.

## FIRE SAFETY

Generally to be in accordance with BCA 3.7.  
 Fire separation to be in accordance with BCA 3.7.1.  
 External walls and gable ends constructed within 900 of boundary are to extend to underside of non combustible roofing/eaves & are to be constructed of a masonry skin 90 thick with an FRL of 60/60/60.  
 Sarking to have a flammability index less than 5.  
 Roof lights not to be placed closer than 900 from boundary.  
 Smoke alarm installation to be in accordance with BCA 3.7.2. Locations indicated on floor plan.  
 Installation locations  
 Ceiling - 300 mm away from wall junction.  
 Cathedral ceiling - 500 mm down from apex.  
 Walls - 300 mm down from ceiling junction.  
 Heating appliances generally to be in compliance with BCA 3.7.3 & as 2918.  
 Fireplace - extend hearth 150 mm to side of opening.  
 300mm in front of opening  
 Freestanding - extend hearth 400 mm beyond unit.  
 Freestanding appliance to be 1200 mm from combustible wall surface. 50 mm from masonry wall. Heat shield - 90 masonry with 25 mm air gap to combustible wall, extend 600 mm as above unit.  
 Flue installation to BCA 3.7.3.4.  
 Top of chimney/flue to terminate 300 mm above horizontal plane 3600 mm away from roof. Construction in bush fire area to be in accordance with BCA 3.7.4 & AS 3959.

## HEALTH AND AMENITY

Generally wet area waterproofing to be in accordance with AS 3740 and BCA 3.8.1.  
 Waterproofing of surfaces adjacent to open shower, including shower over bath, to extend 1.5 from a vertical line projected from shower rose to a height 1.8 above finished floor. Wall surfaces adjacent to plumbing fixtures, bath etc, to be protected to a height of 150 above fixture.  
 Ceiling heights to be in accordance with BCA 3.8.2.  
 Refer to drawing.

## FACILITIES

Generally to be in accordance with BCA 3.8.3  
 Required facilities in accordance with 3.8.3.2. Refer to plan for locations.  
 Sanitary compartment to be in accordance with BCA 3.8.3.3.  
 Refer to plan for detail.  
 Provision of natural light to be in accordance with 3.8.4.2.  
 Windows/rooftlights to provide light transmission area equal to 10 % of floor area of room.  
 Ventilation to be in accordance with BCA 3.8.5. or AS 1668.2 for mechanical ventilation.  
 Exhaust fan from bathroom/wc to be vented to outside steel roof and to roof space for tile roof.  
 Natural ventilation to be provided at a rate of 5% of room floor area, in accordance with BCA 3.8.5.2.

## STAIR CONSTRUCTION

Generally to be in accordance with 3.9.1.  
 stairs.  
 Maximum of 18 risers to each flight.  
 Riser opening to be less than 125.  
 Treads to have non slip surface or nosing.  
 Riser - min. 115, max. 190.  
 Tread - min 240, max 355.  
 Balustrade.  
 Generally in accordance with BCA 3.9.2.  
 Balustrade required where area is not bounded by a wall or where level exceeds 1000 above floor level or ground level.  
 865 on stairs, measured from line of stair nosing.  
 1000 high above floor or landing.  
 Openings between balusters/infill members to be constructed so as not to allow 125 sphere to pass between members. Where floor level exceeds 4000 above lower level, infill members between 150 and 760 above floor level, to be constructed so as to restrict climbing.

## SWIMMING POOLS

Generally swimming pools and safety fences to be constructed in accordance with BCA 3.9.3. and AS 1926.1.

## ENERGY EFFICIENCY

Generally in accordance with BCA 3.12  
 Climate Zone 7 applicable to Tasmania (Zone 8 applicable to Alpine areas)

## BUILDING FABRIC

Generally in accordance with 3.12.1  
**BUILDING FABRIC INSULATION**  
 Insulation to be fitted to form continuous barrier to roof/ceiling, walls and floors.  
**REFLECTIVE BUILDING MEMBRANE**  
 Installed to form 20 mm airspace between reflective face and external lining/cladding, fitted closely up to penetrations/openings adequately supported and joints to be lapped min 150.  
**BULK INSULATION**  
 To maintain thickness and position after installation  
 Continuous cover without voids except around services and fittings.  
**ROOF INSULATION**  
 Roof construction to achieve minimum Total R Value of R3.8  
 Roof lights to comply with 3.12.1.3  
**EXTERNAL WALLS**  
 External wall construction to achieve minimum Total R Value of R1.9  
 Wall and surface density minimum - 220kg/m<sup>2</sup>  
**FLOORS**  
 Generally in accordance with 3.12.1.5  
 Suspended floor with an unenclosed perimeter required to achieve a minimum Total R Value of R1.0  
 Concrete slab on ground with an in slab heating system to be insulated to R1.0 around vertical edge of slab perimeter.  
**ATTACHED CLASS 10a BUILDING**  
 External wall or separating wall between class 1 building required to achieve minimum Total R Value of 1.9.

## EXTERNAL GLAZING

Generally in accordance with 3.12.2

## BUILDING SEALING

Generally in accordance with 3.12.3  
 Chimneys or flues to be fitted with sealing damper or flap.  
 Roof lights to habitable rooms to be fitted with operable or permanent seal to minimize air leakage.  
 External windows and doors to habitable rooms/conditioned spaces to be fitted with air seal to restrict air infiltration.  
 Exhaust fans to habitable rooms/conditioned spaces to be fitted with self closing damper or filter.  
 Building envelope to be constructed to minimize air leakage.  
 Construction joints and junctions of adjoining surfaces to be tight fitting and sealed by caulking, skirting, architrave's and cornices.

## AIR MOVEMENT

Generally in accordance with 3.12.4.

## SERVICES

Generally in accordance with 3.12.5  
 Hot water supply system designed and installed in accordance with AS/NZS 3500.

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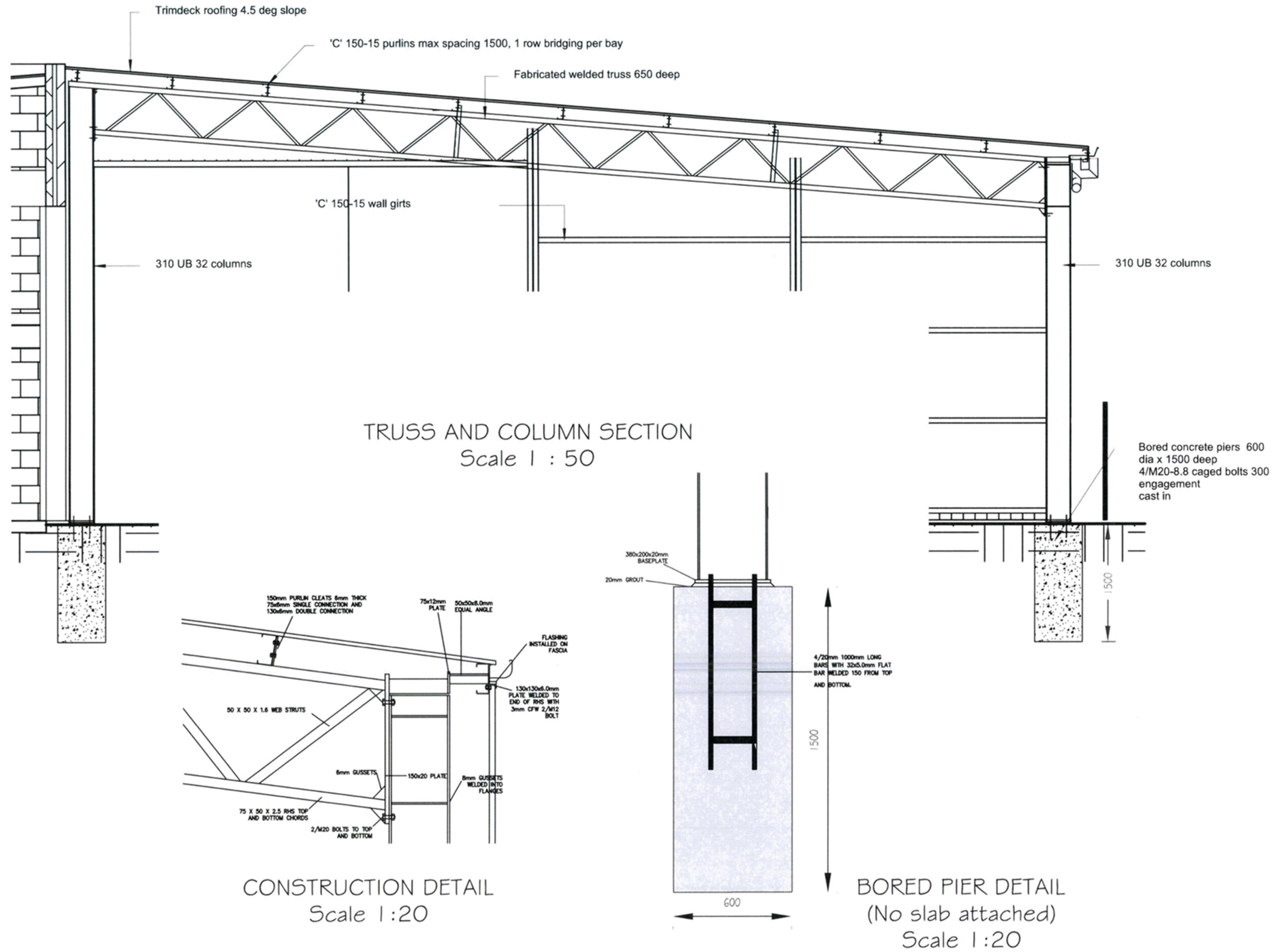
**SUMMIT WINDOWS**  
**NEW ROOFED SHELTER**  
**6-6 THOMAS STREET**  
**EAST DEVONPORT 7310**

NCC NOTES	
Project number	16.027
Date	09-06-2016
Drawn by	R.R. Checked by M.V.
<b>A 09</b>	
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Description	Date

**SUMMIT WINDOWS**  
 NEW ROOFED SHELTER  
 6-6 THOMAS STREET  
 EAST DEVONPORT 7310

STEEL DETAILS	
Project number	16.027
Date	09-06-2016
Drawn by	R.R. Checked by M.V. Scale Various @ A3
<b>S 01</b>	

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**GENERAL NOTES:**

ALL DIMENSIONS IN MILLIMETRES  
 DIMENSIONS TAKE PREFERENCE TO SCALE AND ARE TO STRUCTURE NOT FINISH.  
 WALLS SHOWN AS STUD COMPONENT WITHOUT CLADDINGS.  
 CHECK AND VERIFY DIMENSIONS AND CONFIRM ANY EXISTING DIMENSIONS ON SITE.  
 ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARDS.  
 MANUFACTURERS SPECIFICATIONS MEANS A CURRENT APPROVED SPECIFICATION FOR USE UNDER APPLICABLE  
 CONDITION.  
 ENGINEERS SPECIFICATIONS TAKE PRECEDENT OVER DRAWING NOTES.

**SITE WORKS**

SITE TO BE PREPARED IN ACCORDANCE WITH ENGINEERS OR SURVEYORS REPORT IF APPLICABLE.  
 SITE TO BE EXCAVATED OR FILLED TO INDICATED LEVELS.  
 CONSTRUCTION AREA TO BE CLEARED OF VEGETATION, ALL TOP SOIL AND ORGANIC MATTER.  
 FOOTINGS TO BE FOUNDED AS PER ENGINEERS SPECIFICATIONS.  
 GROUND SURFACE TO BE SLOPED AWAY FROM BUILDING FOR A MIN DISTANCE OF 1000 AT 1: 20 MIN. AND TO A  
 POINT WHERE PONDING WILL NOT OCCUR.  
 DRAINS TO BE PROVIDED TO FACILITATE DRAINAGE AWAY FROM BUILDING AND FOUNDATIONS.

**FALL PREVENTION**

WHERE A PERSON IS EXPOSED TO THE HAZARD OF FALLING FROM A STRUCTURE DURING CONSTRUCTION, CLEANING  
 OR MAINTENANCE WORK THE BUILDER SHALL PROVIDE;  
 (A) A WORK SYSTEM DESIGNED TO PREVENT SUCH A FALL  
 (B) WHERE SAFETY BELT ANCHORAGE POINTS ARE USED THEY MUST BE POSITIONED SUCH THAT THE SAFETY LINE  
 CAN BE ATTACHED BEFORE PROCEEDING TO THE AREA WHERE A FALL IS POSSIBLE  
 (C) ANCHORAGE POINTS MUST COMPLY WITH AS2626 AND BE ABLE TO WITHSTAND A FORCE OF 1500KG  
 (D) INFORM THE OWNER PRIOR TO OCCUPANCY THE NATURE OF THE FALL ARREST SYSTEM AND USE ACCORDING TO  
 AS2626.

**MATERIALS AND CONSTRUCTION**

AS APPLICABLE, REFER TO THE DRAWINGS FOR MATERIALS USED, STRUCTURAL NOTES BY ENGINEER TAKE  
 PRECEDENCE.

**MATERIALS GENERALLY**

ALL MATERIALS SHALL BE NEW.  
 RE USED MATERIALS TO BE CHECKED FOR SOUNDNESS PRIOR TO USE.

**REINFORCED CONCRETE**

CONCRETE TO BE IN ACCORDANCE WITH CURRENT EDITIONS OF THE FOLLOWING CODES;  
 AS3600 CONCRETE STRUCTURES.  
 AS1379 READY MIXED CONCRETE.  
 SLABS AND FOOTINGS IN ACCORDANCE WITH AS2870  
 CONCRETE STRENGTH AS PER ENGINEER SPECIFICATION.  
 CONCRETE PLACED AS PER ENGINEER SPECIFICATIONS.

**STEELWORK**

FABRICATE AND ERECT IN ACCORDANCE WITH  
 AS4100 – STEEL STRUCTURES AND AS1554 –  
 WELDING IN BUILDING.  
 ALL STRUCTURAL STEEL OF THICKNESS EQUAL TO  
 OR GREATER THEN 3mm BUT EXCLUDING HOLLOW  
 SECTION SHALL BE GRADE 250 STEEL TO AS3678  
 & AS3679 UNLESS NOTED OTHERWISE  
 ALL CHS, RHS & SHS SHALL BE COLD FORMED  
 GRADE 350  
 ALL STEEL INCLUDING NUTS, BOLTS AND WASHERS  
 IN EXPOSED CONDITIONS TO BE GALVANISED OR  
 PROPRIETARY GALVANISED PRODUCT.  
 APPROPRIATE WASHERS SHALL BE PLACED UNDER  
 NUT OR HEAD OF ALL BOLTS WHERE OVERSIZED  
 OR SLOTTED HOLES ARE SPECIFIED A FURTHER  
 WASHER OF APPROPRIATELY LARGER SIZE IS  
 REQUIRED BETWEEN THE BOLT AND HOLES.  
 ALL BOLTS STEEL / STEEL TO BE M16, MIN OF 2  
 PER CONNECTION.  
 UNLESS NOTED ALL WELDS TO BE 6mm CFW,  
 BUTT WELDS TO BE FULL PENETRATION.  
 WELDED SURFACES TO BE CLEANED AND PREPARED  
 AS PER AS1627 PART 4, THEN COATED WITH TWO  
 COATS OF COLD GALVANISING PAINT.  
 PURLINS AND GIRTS INSTALLED AS PER  
 MANUFACTURERS SPECIFICATIONS, MINIMUM LAP TO  
 BE 500mm.  
 TEMPORARY BRACING OF STRUCTURE WILL BE  
 PROVIDED TO ENSURE STABILITY OF THE  
 STRUCTURE DURING CONSTRUCTION.



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Description	Date

**SUMMIT WINDOWS**  
**NEW ROOFED SHELTER**  
**6-6 THOMAS STREET**  
**EAST DEVONPORT 7310**

GENERAL STRUCTURAL NOTES	
Project number	16.027
Date	09-06-2016
Drawn by	R.R. Checked by M.V. Scale
<b>S 02</b>	

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Brian E. Richards  
5 Wheeler Street  
East Devonport 7310  
30 Nov. 2016

To the Manager,

I would like to object to the planning permit PA20100171 - 6-8 Thomas Street, East Devonport. Manufacturing and processing (alterations and additions) discretion to allow to change to an existing non-conforming use.

The following reasons for my objection that, this seems to intensify, expand and prolong the life of a non conforming use factory. This factory, borders the gate-way to Tasmanian ferry terminal, on one side and the other side is the Anglican church. The adjoining area towards the tourist hotel is a disgrace the un made street and non-conforming building are an eyesore. This should be a show case being the first sight of people arriving in the spirit of Tasmania before disembarking at the terminal.

There are areas set aside for the said application called industrial zone.

Respectfully yours,  
B.E. Richards

## 5.0 REPORTS

### 5.1 TENDER REPORT CONTRACT - CT0177 SAWDUST BRIDGE REPLACEMENT

File: 32663 D451199

#### 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 CT0177, Sawdust Bridge Renewal Don Reserve, to AJR Construct Pty Ltd.

#### BACKGROUND

This report considers tenders received for "Don Reserve – Sawdust Bridge Replacement" listed within the 2016/17 capital expenditure budget.

This bridge was constructed in 1989. Council owned bridges are inspected annually by AusSpan to review structural integrity. As a result, this bridge has been identified as being at the end of its life and requires replacement.

The bridge is located on Crown Land and Council is currently seeking approval for the proposed works.

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

**TABLE 1**

No.	Tender	Status	Tender Price (ex GST)
1	AJR Construct Pty Ltd	Conforming	\$252,548.00
2	BridgePro Engineering Pty Ltd	Conforming	\$310,752.00
3	Civilscape Contracting Tasmania	Conforming	\$479,702.50
4	VEC Civil Engineering	Conforming	\$570,731.00
5	Tas Span Pty Ltd	Conforming	\$653,699.21

As highlighted in the above table, ARJ Construct Pty Ltd tender of \$252,548.00 is the lowest price. The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

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

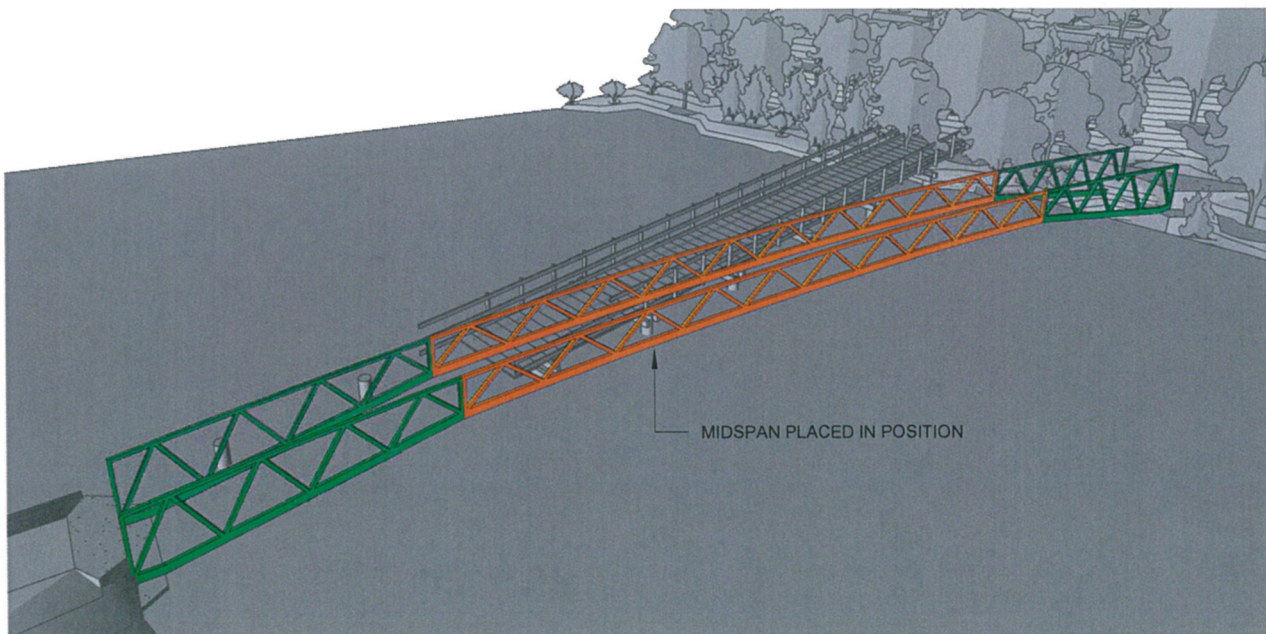
The evaluation by the committee indicates that AJR Construct Pty Ltd scored highest overall against the selection criteria and therefore offers Council the best value for money.

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

The project was tendered as a design and construct contract. The evaluation considered the design concepts and construction methods of each of the tenders received. The evaluation considered design lives and maintenance requirements of each of the design concepts.

The AJR Construct Pty Ltd tender is for a single span aluminium framed bridge with timber balustrading as detailed below. The illustration also highlights the proposed new bridge alignment in comparison to the existing bridge location. The single span construction which will see the bridge helicoptered into place once the abutments are constructed.

AJR Construct Pty Ltd have undertaken number of building projects for Council and have previous experience working in isolated locations throughout Tasmania utilising helicopters to place built structures.



### COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 28 October 2016 and tenders were also advertised on Council's website.

### FINANCIAL IMPLICATIONS

The 2016/17 capital expenditure budget includes an allocation for the "Don Reserve – Sawdust Bridge Replacement" project of \$262,000.00.

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

TABLE 2

No.	Tender	Price (ex GST)
1	Contract CT0177 price	\$252,548
2	Project management/administration	\$ 5,000
3	Construction contingency	\$ 25,250
	<b>TOTAL</b>	<b>\$282,798</b>

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 \$20,798 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 expenditure budget.

### 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 AJR Construct Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CT0177 Sawdust Bridge Renewal Don Reserve.

### ATTACHMENTS

Nil

### RECOMMENDATION

That Council, in relation to Contract CT0177 - Sawdust Bridge Renewal Don Reserve:

- a) subject to receiving Crown Land approval, award the contract to AJR Construct Pty Ltd for the revised tendered sum of \$252,548 (ex GST);
- b) note that project management and administration for the project are estimated to cost \$5000 (ex GST);
- c) note that a construction contingency of \$25,250 (ex GST) is included in the budget; and
- d) note that if all the construction contingency is expended the project will be \$20,798 over the allocated budget amount.

Author:	Michael Mouat	Endorsed By:	Matthew Atkins
Position:	Technical Officer	Position:	Deputy General Manager

**5.2 PERMIT AUTHORITY REQUIREMENTS UNDER THE BUILDING ACT 2016**

File: 24068 D451534

**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 the report is to obtain a resolution of Council to satisfy the requirements of the *Occupational Licensing Act 2016 (the Licensing Act)* and the *Building Act 2016 (the Building Act)* in relation to the licensing of a Permit Authority, delegations of authority to the General Manager and Permit Authority Officers, and the creation of fees to encompass new services and responsibilities for which the General Manager and the Permit Authority will be responsible with effect from 1 January 2017.

**BACKGROUND**

Council has previously been provided with advice about new building and plumbing regulations that will be introduced as part of a package of new and/or significantly amended legislation that will come into effect on 1 January 2017.

The *Building Act 2016* will replace the *Building Act 2000* and the *Building Regulations 2016* will replace the *Building Regulations 2014*.

The remainder of the legislative package encompasses the *Occupational Licensing Act 2016* and the *Residential Building Work Contract and Dispute Resolution Act 2016*.

The key features of the new Tasmanian Building Framework, as set out in the *Guide to the Building Act (the Guide)* released by the Department of Justice on 29 November 2016 are:

- *The National Construction Code is the minimum standard for building and plumbing work in Tasmania.*
- *A risk-based approach to approvals and oversight.*
- *Defined approval pathways for building, plumbing and demolition work.*
- *Multiple approval pathways based on the assessment of risk of the work being undertaken - risk categories are:*
  - *low risk work (split into owner work and licensed practitioner work);*
  - *notifiable work (medium risk); and*
  - *permit work (high risk).*
- *Emphasis on rectification of defective work and responsibility for higher standards by responsible builders and plumbers.*
- *A permit authority or building surveyor may serve Notices and Orders where illegal works have been performed, or a building is no longer fit for occupation.*
- *A requirement to create a schedule for maintenance of essential building services. The essential building services must then be maintained in accordance with the approved schedule.*
- *Building Surveyor control over temporary occupancy, with approvals available for up to 3 years and across multiple sites when appropriate.*

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A copy of the Guide has been circulated to Aldermen under separate cover.

The issues that Council must address as a result of the new framework of legislation are:

1. licensing of a Council Permit Authority;
2. licensing of persons who will form the Permit Authority;
3. providing appropriate delegations for the General Manager and Permit Authority Officers to discharge their responsibilities; and
4. setting appropriate fees for new document recording and services that will now be provided by the Permit Authority.

**STATUTORY REQUIREMENTS**

If Council is to operate as a Permit Authority, it must comply with relevant requirements of both the *Building Act 2016* and the *Occupational Licensing Act 2016*.

**DISCUSSION**

**Licensing of a Permit Authority And "Persons" to Work in the Permit Authority**

The Licensing Act at section 22A provides that a person must not manage, carry out, or enter into a contract or carry out any **building services** work unless they hold an appropriate licence.

**Building services** is defined to include all of the statutory activities carried out by a Permit Authority.

Section 37C of the Licensing Act provides that "certain organisations may apply for a building services licence". A "municipal council" is included as an organisation that may apply for such a licence (section 37C(1)(c)).

In order to make that application Council must nominate a person (or persons) to be the licensed person of the licensed entity (section 37C(2)(c)).

Council may only nominate the person (or persons) to be the licensed person for the organisation if they are employed or engaged by Council (section 37C(3)(c)).

The Guide states that "A permit authority must hold a license under the *Occupational Licensing Act 2005*, however persons who were a permit authority under the *Building Act 2000* are taken to hold the license for 2 years from 1 January 2017, but must then obtain the license."

This is at odds with training provided by the Department of Justice indicating a licence was required on and from 1 January 2017, but that the persons nominated as the licensed persons for the Permit Authority were allowed two years to obtain the mandatory qualifications.

As that uncertainty has not yet been resolved, and since the new regulations will commence within two weeks of the date of this meeting, it is considered prudent for Council to formally resolve to apply for a "building services" licence as soon as that is required.

The following "persons" should be nominated as the "licensed persons" for the entity.

- The Development Manager;
- The Permit Authority Coordinator;
- The Permit Authority Administration Officer; and
- The Planning Administration Officer.



Fees will be payable as part of the applications by Council and the nominees. The quantum of those fees has not yet been confirmed by the Department.

### **Delegations**

Building and plumbing applications made under the existing regulations will not be transitioned to the new regulations. Council will continue to deal with those matters for some time and the existing delegations held by the General Manager and Council officers will remain in place and be subject to the usual review.

The *Building Act 2016* creates a number of new obligations for the Permit Authority, for example the requirement to scrutinise and record building surveyor notifications for what will now be known as "notifiable works".

Section 8 of the Building Act lists those who may delegate its powers and functions. Included among those persons are:

- "A council" (section 8(3); and
- "A general manager" (section 8(4)).

It has not yet been possible with any certainty to examine the *Building Act* and determine exactly which powers and functions will be required by the Permit Authority to discharge its statutory functions.

Rather than risk having no delegations for a particular power or function, it is submitted that Council should resolve to delegate all of the powers and functions of the *Building Act 2016* which will come into effect on 1 January 2017 to the General Manager.

The General Manager can then delegate to officers as the requirements become more clear.

### **Fees and Charges**

The Building Act will create an extensive list of new functions for the Permit Authority.

The functions for which a permit authority is responsible include:

- *Assessing building, plumbing and demolition permit applications and issuing or refusing permits*
- *Obtaining information relating to a fire upgrading report*
- *Issuing or refusing a permit of substantial compliance for building work performed without a permit*
- *Imposing conditions on a permit of substantial compliance*
- *Issuing plumbing notices and serving plumbing orders*
- *Collecting the building administration fee, retaining a specified percentage, and forwarding the remainder to the Director of Building Control*
- *Recovering reasonable costs and expenses from a person served with a notice or order*

These are functions the permit authority may undertake:

- *Cancelling occupancy permits*
- *Cancelling temporary occupancy permits*
- *Issuing building notices*
- *Performing the duties of a building surveyor if the building surveyor resigns, dies or becomes incapable*

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- *Inspecting a building or temporary structure believed to be a fire hazard*
- *Issuing a fire upgrading notice*
- *Serving a building order*
- *Revoking a dilapidated building notice issued by the General Manager*
- *Revoking a plumbing notice*
- *Adding, varying or revoking conditions on a permit of substantial compliance*

The permit authority also has the following general functions:

- *To make the public aware of the building and plumbing requirements under the Building Act 2016*
- *To ensure compliance with this Act*
- *To keep records of notifiable building, plumbing and demolition work*
- *To keep records of occupancy permits*
- *To keep records of building orders issued by the permit authority or by a building surveyor*

Council was largely unaware what specific responsibilities would be placed on it under the new building regulatory framework when it developed building and plumbing fees and charges for 2016/17.

Council was aware that there would be a category of work known as “notifiable work” and it included a fee of \$100 for the receipt and recording of such notifications from building surveyors. In the light of the now published Act, Regulations and the Guide this fee requires revision, and needs to be supplemented by other fees that recognise new document recording and service obligations for which Council will now be responsible.

It is anticipated that there will be a significant decrease in the amount of building and plumbing work that will require a permit issued by Council through its Permit Authority. The existing fees and charges for such work are already in place and can be reviewed as part of the budget process for 2017/18.

There are, however, an extensive range of new functions for which Council currently has no fee. Some sections of the Building Act, notably sections 147, 153, 173, 178, 197, 203 and 256 stipulate that a person applying to the Permit Authority for an approval must ensure the application is to:

- (a) be in an approved form; and
- (b) include such information as is determined by the Director of Building Control; and
- (c) be accompanied by such documentation as is required by the Director of Building Control and the permit authority; and
- (d) be accompanied by the prescribed fee, if any.

The sections quoted above relate to extensions of time and/or completion certificates for building work, plumbing work and demolition work.

There is no express provision in the *Building Act 2016* for Council, the General Manager or the Permit Authority to set a fee for a service.

At present no fee for these services has been “prescribed” in the Building Regulations 2016 and therefore although Council will be required to deliver the service it cannot charge for that service.

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This has been brought to the attention of LGAT and it is hoped that this omission will be rectified as soon as possible.

Other new services requiring the establishment of a fee can be dealt with under the provisions of section 205 of the *Local Government Act 1993*. This provides that a Council may impose a fee or charge for services supplied at a person's request for an application, or in respect of any licence, permit, registration or authorisation that is to be granted by Council.

The Cradle Coast Councils have been liaising in relation to all aspects of the new building regulations with a view to introducing as much commonality as possible across municipal boundaries.

Despite that, the necessity to obtain a Council resolution at December meetings of all nine Councils has frustrated attempts to produce the same fee schedule for all Councils, although it appears they will be very similar.

It is hoped that greater commonality in fees, service descriptions and set out might be achieved by further consultation before the schedule of fees for 2017/18 is determined.

In the meantime, it is suggested that the schedule of new fees included in this report be adopted until all building and plumbing fees are consolidated as part of the 2017/18 budget process.

The majority of these fees are self-explanatory. Three of those fees, those for "planning certification", "agreements and consents" and those involving "protection work" may require some explanation.

Category 1, or low risk work, such as building a deck or a shed under the new Regulations can be carried out by an owner, a licenced contractor or a competent person. No notification of these works is required to Council. There is a risk, however, that these works may be constructed in breach of planning provisions such as boundary clearances or height.

Rather than having to deal with such matters after the event it is preferable to offer a service whereby proposed plans can be examined and if appropriate a certificate issued stating that they conform with planning requirements. Council already offers this service informally by providing advice to counter inquiries whereas other Councils such as Central Coast offer a formal certificate as a fee for service.

Section 70 of the Building Act allows an application to be made to the General Manager to build on land that is classified as "contaminated" or "undrainable". Clearly this would require significant investigations by Council staff or external consultants, and possibly notification to neighbouring owners before the General Manager could make an objective determination the matter.

A fee of \$400.00 is proposed to cover those costs. The second fee of \$200.00 is to cover the costs of inspection or investigation to ensure any works required as a condition of the General Manager's approval to make the land suitable for building, have been carried out.

The other fees in this section are also likely to also require investigation and site inspections by Council officers before the General Manager would be in a position to make a determination. The proposed fee of \$200.00 is intended to meet at least some of those costs.

Section 76 of the *Building Act* requires that before building, plumbing or demolition work is commenced an owner, builder, plumber or person engaged to manage the work must carry out any work necessary to protect adjoining premises, persons at the work premises or adjoining premises and members of the public that may be on or near the work premises.

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Before carrying out the protection work the person responsible must notify all adjoining owners, if it is demolition work notify the building surveyor and if plumbing work is involved notify the Permit Authority.

If Council receives such a notification it is required to process and register the notification for which a fee of \$50.00 is suggested in the table below.

An adjoining owner is entitled to object to a proposed plan for protection work. If that work involves plumbing work the owner of the work premises must refer that portion of the objection to the Permit Authority.

The Permit Authority may request further documentation, provide a copy of that documentation to the owner of the work premises and the adjoining owner, and then make a written determination about how, and what type of protection work is to be performed.

Again, a fee of \$50.00 is proposed, although given the potential work involved including the possible need to engage expert consultants, this may prove inadequate to cover Council's costs. This will be monitored and may require review during the formulation of 2017/18 fees.

The last component of this particular fee is that section 87 of the *Building Act* requires the owner of the work premises, on completion of the protection work, to serve a complete set of drawings and specifications to a range of parties.

If plumbing work is involved a copy of those plans must be served on the Permit Authority and if demolition work is involved a copy of those plans must be served on the building surveyor, who in turn is required to serve them on the Permit Authority. There will be a cost in receiving and recording such plans and the \$50.00 nominated fee may not adequately cover those costs. This will be monitored.

Application/Service	Head of Power	Fee
<b>Copies of Records</b>		
Fee for providing copies of records – search for record type, including digital copy per email	Building Act S.27(4)	\$25.00 plus \$2.00 per sheet for hard copies
<b>Planning certification for non-permit work</b>		
Provide certification non-permit work will not trigger consideration of planning issues such as boundary setbacks, height etc.	Not legislated	\$50.00
<b>Approvals and Consents (GM Approval)</b>		
Consent to build on land	Building Act S.70	\$400.00
Statement of satisfaction for contaminated land	Regulations 14 and 58(4)	\$200.00
Consent to build over or near a drain	Building Act S.73	\$200.00
Consent to occupy a non-dwelling building	Building Act S.308	\$200.00
Consent to fence off unbuilt land	Building Act S.309	\$200.00

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<b>Receipt of Documents</b>		
Receipt and registration of any statutory document required to be provided to the Permit Authority under the provisions of the Building Act 2016 and Building Regulations 2016	Various sections of the Building Act 2016 and Building Regulations 2016	\$50.00 per notification
Registration of on-site backflow prevention devices	Building Act S.27 Building Regulations 17(4), 21,38	\$50.00 per notification
Advice of intention to perform protection works OR advice of disagreement in relation to protection works OR lodgement of plans for protection works	Building Act S.77, 81(1),87	\$50.00 per notification
<b>Notifiable Works (Building and Plumbing)</b>		
Notice of notifiable works	Building Act S.98, 110, 121 Building Regulations 28,29,33	\$50.00 per notification
Notice of extension of time (building work)	Building Act S.99	\$50.00 per notification
Notice of completion of notifiable work	Building Act S.104,113	\$50.00 per notification
Approval by Permit Authority for extension of time to complete notifiable plumbing work	Building Act S.110 (4)	\$50.00 per application
Inspection of notifiable plumbing work	Building Act S.111	\$100.00 per inspection
Permit Authority certificate of completion of notifiable plumbing work	Building Act S.115	\$50.00 per certificate
<b>Permit Works (Building, Plumbing and Demolition)</b>		
Assessment and Issue of building and plumbing permits	Building Act S.139,165, 190	As per existing fee schedule
Assessment and issue of Certificate of Likely Compliance (plumbing)	Building Act S.156	As per existing fee schedule

**COMMUNITY ENGAGEMENT**

Community engagement about the new Building Regulations has been a State responsibility. It has released discussion papers, explanatory notes and conducted training and information sessions across the State.

**FINANCIAL IMPLICATIONS**

It is likely that building and plumbing permit income will drop as a result of the significant reduction of work that will be required to obtain a formal permit. On the other hand there

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has been an increase in the number of “notifications” required to be provided to a permit authority. It remains to be seen whether building surveyors and plumbing contractors comply with these requirements and that will determine Council income from the provision of these registration services.

There will also be an as yet unknown cost for the licensing of Council as a Permit Authority “entity” and for the four “licensed persons” nominated to form the Permit Authority.

**RISK IMPLICATIONS**

No particular risks attach to Council's administration of the new Building Regulations.

**CONCLUSION**

The introduction of a new Building Regulatory Framework from 1 January 2017 will require Council to comply with Permit Authority licensing arrangements as set out in the *Occupational Licensing Act 2016*.

It will also need to ensure Permit Authority (and other Council officers) hold the appropriate delegations under the provisions of the *Building Act 2016*.

Lastly it will be necessary to introduce new fees for additional document recording and services set out in the new *Building Act 2016*.

The discussion in the report has explained the new requirements and has proposed actions whereby Council and the Permit Authority can meet their new obligations.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council receive and note the report relating to the Permit Authority requirements under the *Building Act 2016* and:

- (a) apply to licence the Permit Authority as a building services provider; and
- (b) pursuant to the provisions of section 37C of the *Occupational Licensing Act 2016* apply to licence the following persons as “licensed persons” of the Permit Authority holding a building services licence (or persons acting in their positions):
  - Brian May – Development and Health Services Manager
  - Peter Gillam – Permit Authority Coordinator
  - Raquel Yallup – Permit Authority Administration Officer
  - Jennifer Broomhall – Planning Administration Officer; and
- (c) delegate all of the powers and functions of the *Building Act 2016* (which will come into effect on 1 January 2017) to the General Manager pursuant to the provisions of section 8(3) of said Act; and
- (d) in accordance with section 205 of the *Local Government Act 1993* adopt the proposed fees and charges set out in the report as an interim measure to provide for the costs associated with the delivery of new document recording and service requirements set out in various sections of the *Building Act 2016*.

Author:	Brian May	Endorsed By:	Matthew Atkins
Position:	Development Manager	Position:	Deputy General Manager

## 5.3 CRADLE COAST AUTHORITY - MEMBERSHIP

File: 31710 D451852

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

Following a recent decision at a meeting of the Representatives Group at the Cradle Coast Authority, this report is provided to assist Council in further considering its ongoing membership of the Cradle Coast Authority (CCA).

### BACKGROUND

Council gave notice of its intention to withdraw from the CCA in June 2014. The withdrawal period is effective from 30 June 2017 unless Council determines otherwise.

Council's most recent decision in relation to the request from the CCA for Council to reconsider its decision was made at the 26 September 2016 meeting (Min 174/16 refers):

*That the report relating to membership of Cradle Coast Authority be received and noted and Council:*

- (a) *request the Authority to amend its Rule No 55 to reduce the period of Notice of Withdrawal from the current '24 months prior to the commencement of the financial year at the end of which it wishes to withdraw' to 12 months (ie one full financial year).*
- (b) *providing agreement to the Rule change is confirmed by the Authority in writing, will withdraw its Notice of Withdrawal.*

### STATUTORY REQUIREMENTS

The CCA is a Joint Authority created under the provisions of Section 30 of the *Local Government Act 1993*. The Authority is governed by its Rules which were last reviewed and updated in November 2011.

### DISCUSSION

The CCA has commenced a detailed review of the governance arrangements for the Authority. This has resulted in recent changes to the composition of the Board with the appointment of a Mayor (Mayor Dow, Burnie City Council) and a General Manager (Michael Stretton, Waratah-Wynyard Council) being appointed to the Board.

The make-up of the Representatives Group has also altered to reflect that in most circumstances the Mayor and General Manager from participating councils represent their councils. Where a Mayor or General Manager is a member of the Board alternative appointments are made to the Representatives Group.

At the Representatives Meeting on 24 November 2016 the issue of the Governance Review and the decision by Devonport City Council to withdraw from the CCA were further discussed.

Following a lengthy discussion, the following decision was reached:

*That the Representatives NOTE the Report and APPROVE the:*

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1. *Governance Review Working Group (Representative's sub-committee) be appointed and reconvened to oversee the Rules review. The sub-committee comprising the Chief and Deputy Representatives and two General Managers (Andrew Wardlaw and Sandra Ayton);*
2. *Governance Review Working Group oversee the review of the Board composition and Director recruitment process;*
3. *A budget of \$10,000 to obtain necessary legal and other expert advice in relation to Rules and Board Review;*
4. *In relation to the Directors whose terms are to expire on 31 December:*
  - a. *They be offered an extension until 30 June 2017; and*
  - b. *That the number of Directors on the Board be no less than five (5) for the period to 30 June 2017.*
5. **Representatives request Devonport City Council to extend their notice to withdraw by a further 12 months to allow time for item 1, 2, 3 & 4 to be undertaken, with the Governance Review to be completed by June 2017.**

Technically the Representatives do not have the authority to provide the agreement sought by Council relating to the Rule change. There is a defined process under the *Local Government Act 1993* relating to Joint Authority Rules including agreement by member councils (refer Sections 31 & 32).

Subsequent to the CCA meeting the Chief Executive Officer, Mr Brett Smith has formally written to Council outlining the Representatives decision and seeking advice as to whether Council is prepared to extend its notice by 12 months or alternatively proceed with its withdrawal.

The decision before Council is to determine whether it accepts the offer or rejects it and proceeds to withdraw from the CCA effective 30 June 2017.

The proposed extension is not considered to be unreasonable as the changing of Rules under the Act will take some considerable time.

### COMMUNITY ENGAGEMENT

There has not been any community engagement undertaken in relation to this report.

There has been some community interest in the matter, primarily raised through the local media, since Council determined to provide the CCA with its Notice of Withdrawal.

### FINANCIAL IMPLICATIONS

As previously advised, Council's contribution to the CCA for the current and previous two financial years were as follows:

Year	2014/15	2015/16	2016/17
Amount	\$211,309	\$200,744	\$190,706

There has been a reduction in subscription fees, partly due to a re-structure of the organisation and other identified cost saving measures.

There is also an existing loan debt with TasCorp, taken out by the CCA a number of years ago, to fund the upgrading of its current offices in Burnie. Council would be liable for approximately 23% of the face value of the TasCorp loan at the time of its withdrawal (30 June 2017). This equates to around \$80,000.



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By withdrawing from the Authority on 30 June 2017, Council would save approximately \$190,000 per annum but would need to provide its own resources (staff/consultants) to undertake some of the projects/activities that are currently the responsibility of the CCA. Therefore, the real financial benefit, is likely to be less than the annual subscription amount paid to the CCA.

**RISK IMPLICATIONS**

Devonport accounts for approximately 23 per cent of the population of the region.

Council's withdrawal from CCA would fragment the region and impact on projects which Council are involved in (eg shared services, coastal pathway, Masters Games, etc.).

Regional advocacy on education, health, freight and transport issues could be potentially undermined without the largest City as a member.

Consultants have been engaged by CCA to develop a feasibility study into strategic resource sharing opportunities. CCA is the host of this project and depending of the outcome of the review may be an option presented for the future coordination of shared services in the region.

**CONCLUSION**

The offer to extend the withdrawal notice period by an additional 12 months is an outcome that was previously discussed by Council as an option.

The informal feedback received from the CCA indicated that this request was unlikely to be accepted by the majority of the Representatives, although when formally considered it actually received majority support.

Now that the CCA have formally agreed to extend the notice period it needs to be considered by Council, noting that the extension is provided to allow the Governance Review and the Rules Review to be completed.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council in relation to the offer by the Cradle Coast Authority to extend its 'notice of withdrawal' period by a further 12 months to 30 June 2018 advise the Authority that it accepts the offer and looks forward to the finalisation of the governance review process and the Rules review which will assist Council in determining its longer-term membership.

Endorsed By:	Paul West
Position:	General Manager

## 5.4 LIVING CITY QUARTERLY REPORT - DECEMBER 2016

File: 32161 D452052

### 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 quarterly report provides an update to Aldermen and the community on the current status of LIVING CITY.

### BACKGROUND

LIVING CITY is an urban renewal project that will transform Devonport and revitalise Tasmania's North West region. Council adopted the LIVING CITY Master Plan in September 2014.

The Plan is underpinned by key principles which involve creating the following distinct precincts within the CBD:

1. Retail Precinct linking the existing shopping centres and preventing further fragmentation;
2. Business and Professional Services Precinct giving purpose to the Southern CBD; and
3. Cultural Waterfront Precinct opening the City up to the river and creating a new City heart.

An independent study has identified that implementation of the LIVING CITY Master Plan will result in significant economic, social and community benefits for the North West Region of Tasmania.

With the planning phases complete, the focus has now moved to implementation of the plan. Implementation will be multi-faceted, with sub-projects progressively rolling out over the next decade and beyond.

Council has entered into a four year agreement with Projects and Infrastructure (P+i) to act as Development Managers and assist with the implementation.

Quarterly reports are provided to Council to keep Aldermen and the community updated on progress.

### STATUTORY REQUIREMENTS

The predominant legislation to which Council must comply in undertaking LIVING CITY is the *Local Government Act 1993*.

### DISCUSSION

Key activities in recent months have concentrated on construction of Stage 1, building a car park in the Southern CBD, finalising a development agreement with the State Government, securing a head lessee for the food pavilion and developing concept plans for the Waterfront.

**Stage 1 construction** – Construction work on Stage 1 is progressing on schedule. Over the past 3 months, the following has occurred:

- Bulk earth works are complete

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- Gravel base to all buildings complete
- Footings to all buildings commenced
- In ground services commenced
- Stormwater upgrade on Rooke Street complete
- Column construction for Multi-purpose building commenced.

There are currently approximately 20 workers on site each day, with the number expected to increase gradually over the following months. A number of local subcontractors have been engaged to work on the project including Hardings Hotmix, Gradco, Palmers Plumbing, Degree C, Michell Hodgetts & CSE Tasmania. A media event to celebrate the first concrete pour of Stage 1 of LIVING CITY was held on 10 November 2016.

**Stage 1 Food Pavilion Head Lease** – A head lease agreement, with Providore Place Pty Ltd to operate the food pavilion was announced on 10 November. The pavilion will be known as 'Providore Place'.

Television cook and presenter Ben Milbourne, established local salmon producer 41 Degree South Tasmania and Southern Wild Distillery, a new gin distillery, have been confirmed as the first three tenants for 'Providore Place', due to open in November 2017.

**Southern CBD** – The construction of a 96 space car park by Oliver Kelly Constructions, to be located between Steele and King Street is well advanced. Construction to date has included the demolition of existing buildings, earth works, stormwater, curb and channel works and the placement of sub base gravel. The project was delayed in its early stages with wet weather and delays associated with external works on the adjacent TasWater building. However, it is anticipated that the car park will be partially operable for the last week of pre-Christmas trading with temporary line marking. Final line marking will occur in the new year.

TasWater have opened in their new Steele Street premises on 30 November.

**Waterfront Concept Plans** - On 8 December 2016, Council released draft concept plans for the LIVING CITY Waterfront. The LIVING CITY Waterfront will feature a riverside park, hotel and apartment complex and marina in the area bounded by Rooke Street, Best Street, Mussel Rock and the Mersey River. The proposed concept plans have been developed for the purpose of community consultation which is open until 8 February 2017. A report on the community feedback will be provided to Council once the consultation period is complete.

**State Government Agreement** – The Development Agreement between Council and the State Government has been finalised and was signed on 8 December. This agreement provides for the State Government to acquire through a strata agreement the LINC and Service Tasmania sections of the new Civic Building. Council will receive \$11M from the State Government for the strata. A further \$2M will be provided by the State Government towards the fit-out costs of the building.

**Superintendent** – Council appointed 6TY<sup>o</sup> as Superintendent for the project in September 2016. Glen O'Halloran is undertaking the role of Superintendent Representative.

## COMMUNITY ENGAGEMENT

Community consultation has been a major component of LIVING CITY throughout the project.

Regular updates have also been provided to the public through media releases, eNews and website updates.

## Report to Council meeting on 19 December 2016

Significant consultation will occur over the next two months on the concept design for the LIVING CITY Waterfront. Consultation will take many forms including presentations, a community drop in session, information sessions in the Mall, as well as through digital platforms such as Speak Up Devonport and Council's website.

**FINANCIAL IMPLICATIONS**

Operational budget - Council's 2016/17 Operational Budget has an allowance for income and expenditure associated with LIVING CITY. This includes the rent, and outgoings of commercial properties purchased to facilitate the implementation of LIVING CITY. It also includes staff resources, consultants, advertising and general materials along with finance related items such as depreciation, interest charges, internal charges and land tax.

The table below shows the LIVING CITY operational budget detail indicating current year to date actual income and expenditure in comparison to the budget allocation.

<b>Devonport City Council - LIVING CITY Financial Report</b>					
YTD to November 2016	YTD Budget	YTD Actual	YTD Variance \$	YTD Variance %	Full Budget 2017
<b>INCOME</b>					
Rates & Service Charges					
Fees & Charges	262,113	266,259	4,146	1.6%	623,500
Grants					
Contributions					
Investment Revenue					
Other Income					
<b>TOTAL INCOME</b>	<b>262,113</b>	<b>266,259</b>	<b>4,146</b>	<b>1.6%</b>	<b>623,500</b>
<b>EXPENSES</b>					
Employee Benefits	141,457	141,388	69	0.0%	331,303
Materials & Services	150,375	45,693	104,682	69.6%	503,169
Depreciation	35,792	34,956	836	2.3%	85,900
Finance Costs	131,248	1,088,523	(957,275)	-729.4%	710,930
Levies & Taxes	194,316	208,383	(14,067)	-7.2%	194,316
Other Expenses	-	-	-	0.0%	0
Internal Charges	24,009	35,979	(11,970)	-49.9%	57,621
<b>TOTAL EXPENSES</b>	<b>677,197</b>	<b>1,554,922</b>	<b>(877,725)</b>	<b>-129.6%</b>	<b>1,883,239</b>
<b>NET OPERATING SURPLUS / (DEFICIT)</b>	<b>(415,084)</b>	<b>(1,288,663)</b>	<b>(873,579)</b>	<b>210.5%</b>	<b>(1,259,739)</b>

The variance in actual versus budgeted expenditure primarily relates to an interest rate market adjustment paid to the Tasmanian Public Finance Corporation (Tascorp) on the early payout of existing LIVING CITY property loans.

Capital Expenditure – Actual capital expenditure (including the acquisition of strategic properties) on LIVING CITY related items over the last five financial years is summarised below:

Year	Actual Expenditure
2012/13	\$ 7,683,282
2013/14	\$ 4,579,594
2014/15	\$ 770,268
2015/16	\$ 5,125,942
2016/17 YTD	\$ 4,153,637
<b>TOTAL:</b>	<b>\$ 22,312,723</b>

**Report to Council meeting on 19 December 2016**

Of the \$4,153,637 spent so far this year, \$3,400,035 relates specifically to Stage 1 under construction, and \$735,325 to the Steele Street Car Park (includes property purchases). The remaining funds relate to a range of projects including Council's relocation into Fenton Way, and the development of concept plans for the waterfront.

Borrowings - Council approved borrowings associated with LIVING CITY at its meeting on 27 June 2016. This included a requirement to refinance borrowings previously held with TasCorp of \$20.5M and approval to borrow up to \$39M for the Stage 1 construction phase. 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 on the refinanced borrowings:

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%. From 31 October 2017 (based on current variable rate) the approximate average interest rate will be 2.95%.

In regard to the new construction loan the following fixed interest rate swaps have been implemented:

Amount	Date (commencing)	Term (Years)	Interest Rate	Line Fee & Margin	Total Rate
\$10,000,000	01/01/18	3	2.47%	0.85%	3.32%
\$10,000,000	01/01/18	5	2.73%	0.85%	3.58%
\$10,000,000	01/01/18	7	2.92%	0.85%	3.77%

Note: the average rate of interest which will be paid on the \$30M borrowings on 31 October 2017 will be 3.55%. Until 31 October any borrowings taken up will be at the variable interest rate which applies at the time.

**RISK IMPLICATIONS**

Council has updated its LIVING CITY risk register. The risk register was presented to Council's audit panel in November and is attached to this report for information purposes.

**CONCLUSION**

LIVING CITY will create a transformed City that will revive the region. With the Master Plan now formally adopted by Council, the focus has moved from planning to implementation.

Progress on Stage 1 has been significant over the past three months, with construction now well underway. A head lessee has been secured for the food pavilion operations, and three sub tenants also announced by the operator.

The southern CBD has also been boosted by the establishment of the North West TasWater Headquarters locating into Steele Street and the construction of a 96-space car park between King and Steele Streets well advanced.

The highest priorities in coming months are continuing the construction program for Stage 1, finishing the car park in the southern CBD, and consulting on the draft Waterfront Precinct concept plan.

**ATTACHMENTS**

1. Risk Matrix and Register - LIVING CITY

**RECOMMENDATION**

That the report on the progress of LIVING CITY be received and noted and that the attached risk register be adopted.

Author: Position:	Rebecca McKenna Project Officer Economic Development	Endorsed By: Position:	Matthew Atkins Deputy General Manager
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Devonport Living City Stage 1

# *Risk Matrix and Register*

November 2016 – Supersedes version dated 10/3/16









## Introduction

LIVING CITY is a transformative urban renewal program for Devonport, which aims to revitalise the City, stimulate the local economy, and create employment, both during construction and thereafter.

Stage 1, undertaken by Devonport City Council (Council) as sponsor, with financial support of the Commonwealth and State Governments, comprises:

- Multi-purpose building;
- Food Pavilion;
- Multi-level carpark; and
- Market square.

Stages 2 and 3, complementary developments, are to be predominantly privately financed and delivered. Council's role will be to offer the sites for Stage 2 and 3 projects for sale to parties prepared to invest in delivery of new hotel and retail facilities, consistent with the LIVING CITY vision.

Accordingly, this risk register is focussed on delivery of Stage 1, as this is the element of LIVING CITY which Council is sponsoring and for which Council is providing funding. Broader LIVING CITY risks associated with future stages and the strategy in general are identified within Council's corporate risk register.

At the time of writing, early works on Stage 1 are nearing completion. As such, many of the areas of risk articulated in the pre-construction period and March 2016 register are now diminished and, in some cases, entirely resolved. However, for completeness each of the risks identified in earlier documents are still noted in this current version of the project risk register.

Please note that the risk register is a high level record of structure and strategy in relation to risk. The risk register is not risk management. Risk management is an active process which informs all of the individual activities undertaken in the areas of design, construction, financing and delivery.

Risk management is not an activity undertaken by a single party. Council is supported by a large team, including its development manager, Projects & Infrastructure (P+I). P+I has a team working across all areas of the project and beyond the development manager, Council is supported by the architectural and engineering design teams, legal advisers, construction contract superintendent, building certifier and so on.



Day-to-day development management activities are recorded in working group meetings, superintendent and builder reports, design and technical specifications and documents. There is also regular correspondence between the various parties involved in the project.

In general terms, this 2016 October Risk Register update, indicates a lower risk position than at the time of last review in March 2016. Areas where risk is lower, or now resolved include:

- State Government support;
- Design risk;
- Delivery risk;
- Probity / procurement risk;
- Cost to complete risk;
- Market risk;
- Financing risk;
- Development Application risk;
- Design shortfalls risk;
- Geotechnical risk.

Project documentation has been executed with the builder and is nearly complete with the State Government. A Head Lease over the Food Pavilion has also been agreed. Early works on site are nearing completion and the forthcoming months will see the focus of attention on risk management move to construction and delivery.



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) –Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
1	<b>Governance Risk</b> including: <b>1.</b> Change of Project Sponsor (Council) including elections that change the elected Aldermen <b>2.</b> Change of objectives midway through the Project <b>3.</b> Strategic objectives not achieved	1. As Stage One is scheduled to finish April 2018 and the next local government election is October 2018, a change in the elected Alderman is unlikely. 2. Objectives can change and develop as a project progresses. 3. Objectives may not be achieved if the governance structure is not in place to monitor and track the objectives and ensure that they are achieved through project delivery.	1. Project delays due to disagreement 2. Loss of support from public, developers, government 3. Loss of direction 4. Negative public perceptions 5. Perceived benefits for North West region reduced or not achieved.	All major aspects of Stage One have been developed by the team of highly skilled professionals engaged by Council. Council management are part of the delivery team, and are kept fully and progressively informed through formal reports and less formal communications. All major decisions are referred to Council for approval, such as entry into contracts, appointment of tenderers, terms and structure of financial arrangements. Systems are in place that ensure that appropriate governance policy applies throughout the project. Reporting structures exist to ensure Council is kept fully informed.	1	3	M	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				Governance is ensured by a multi-facetted reporting structure that delivers certainty to Council that procedures and expenditure are being appropriately dealt with.				
2	<b>Community Support Risk</b> including: 1. Change in community support for Living City due to change in perceptions	<ol style="list-style-type: none"> <li>1. Communication of status with community is not clear and consistent</li> <li>2. Inaction by Council to progress Living City forward</li> <li>3. Community perception that too much money is being spent by Council</li> <li>4. Not enough opportunities for locals</li> <li>5. Finished product is not in line with the adopted masterplan</li> </ol>	<ol style="list-style-type: none"> <li>1. Increase in negative commentary and media coverage</li> <li>2. Backlash against Council</li> <li>3. Possibility of new Aldermen being elected at next election if Community is unhappy with action of current Council,</li> <li>4. Council may be forced to delay program or reduce scope</li> <li>5. Increasing difficulty in securing government and private sector support and funding</li> </ol>	Council continues to engage actively with the community to maintain the strong level of community support. This has been achieved through public engagement with the community and providing opportunities for the community to comment on and provide feedback in relation to Living City. Some of the tools used to engage with community include: <ul style="list-style-type: none"> <li>• Community forums and workshops</li> <li>• Living City website that includes an area for comments</li> <li>• Council Facebook Page</li> </ul>	2	2	M	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				<ul style="list-style-type: none"> <li>Media – Television and Newspapers</li> </ul>				
3	<b>State Government Support Risk</b> including: 1. Change in agreed commitments to transfer of land 2. Change in agreed commitment to relocate services into Living City components 3. Change in support of Living City principles.	1. Change in Government 2. Change in objectives of current government 3. Projects of higher priority	1. Change in objectives for Living City 2. Change of design would be required 3. Living City would most likely be scaled down in size 4. Delays to Living City	This risk appears largely resolved as documentation for the State grant and for transfer of LINC and Service Tasmania to the new building has been finalised. A number of monthly meetings are held with various executives at both Department and Operational level with full support being shown by those groups.	1	4	M	A
4	<b>Design risk</b> including: 1. Major Errors in documentation. 2. Detailed documentation not adequate. 3. Design not meeting specification requirements	1. Misunderstanding of design briefs and specification. 2. Inexperience in design/projects of this type.	Variations which can cause increased cost and increased time to complete.	This risk is lower than last review. Design development is now largely concluded and has had the benefit of builder review. Managed by engaging design consultants with extensive project experience and with proven track record in design and	1	2	L	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) –Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
	of brief and tenant design specification.			delivery of similar type and scale projects as components incorporated in Living City. Development Manager/Project Manager also review design changes to ensure the key goals are met. Regular project design documentation reviews occur continuously with a fortnightly design consultants meeting held for this purpose. <b>(A)</b>				
<b>5</b>	<b>Construction Risk</b> including: 1. Contractor tendered too low. 2. Finished product is faulty. 3. Financial difficulties for construction contractor. 4. Onsite issues e.g. weather, latent conditions	1. Inexperienced builder 2. Misunderstanding of build requirements at tender stage. 3. Insufficient funds to take on project of this size. 4. Unexpected weather events. 5. Unexpected ground issues.	1. Time delays and extension of program. 2. Increased costs 3. Finished product not fit for purpose	Managed by contracting under a design and construction contract. Fairbrother Pty Ltd, a reputable and substantial Tasmanian construction contractor, with a substantial track record of achievement has been appointed. The Contractor also has a substantial financial	2	4	M	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) –Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				capacity and good access to substantial trade and technical resources, further mitigating construction risk. Time and Cost to Complete risks are allocated to the Contractor via a fixed time, fixed price contract, negotiated and documented by the Development Manager (P+i) along with expert legal advice. Documentation is now complete. In completing the contract, Council's team has focussed upon ensuring that there is no compromise on delivering the major goals of Stage One. <b>(A)</b>				
<b>6</b>	<b>Delivery Risk:</b> Projects of this nature are complex with many moving parts. There can be a failure to meet the various requirements	1. Failure to meet major tenant contractual obligations under an AFL, Government funding deed	1. Project Failure 2. Substantial project delays and extended program which can also result in lost revenue	This risk is lower than as last review, as the design is well advanced, and major contracts are resolved.	1	4	M	A





Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
	and expectations of major stakeholders if all aspects of delivery are not monitored and controlled. This could result in delays or in an extreme circumstance failure of the project.	<p>Lease and/or design specification.</p> <p>2. Failure to meet contractual obligations of loan agreement.</p> <p>3. Failure of construction contractor and /or Council to meet building contract obligations.</p>	<p>due to delayed opening.</p> <p>3. Increased project costs including damages if there is a delay to agreed opening date.</p>	<p>Acknowledging that delivery of a project of this scale can be complex and resource intensive, Council’s approach to risk management has been to contract day-to-day management of Living City to P+i. A comprehensive development and management agreement has been entered into between Council and P+i, detailing development management obligations and services to be provided. P+i enjoys a positive and successful track record of project delivery. P+i has experience working with regional councils to deliver urban renewal initiatives. P+i has a team of people working on the Project. Risk management includes engaging, at a very early stage, with each key tenant in the important aspects of the design</p>				



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				and operation of the development. (A)				
7	<b>Probity/Procurement Risk</b> – Council are required to meet strict probity requirements. There is a risk that these requirements could be breached if the process is not managed effectively.	Inexperienced team with no clear understanding of guidelines and requirements.	<ol style="list-style-type: none"> <li>1. Delays to project.</li> <li>2. Investigations into project and conduct of project team.</li> <li>3. Increased costs</li> <li>4. Requirement to re-tender all or part of project</li> <li>5. In extreme circumstance may cause project failure.</li> </ol>	This risk has primarily passed. Managed by conducting a two stage tender process for selection of consultants and contractors. Open EOI advertisement inviting submission of credentials and a short list of three builders invited to prepare detailed tenders. A strict evaluation process was followed. The identity of tenderers remained confidential until after a final recommendation and decision. Council has engaged an independent Superintendent to certify each payment to the construction contractor, as well as when practical completion occurs. In addition the Superintendent will evaluate the	1	2	L	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				reasonableness of any contractor claim for extensions of time and variations with input from P+i. (A)				
8	<b>Cost to Complete Risk</b> – Council has a fixed budget to complete Living City. The budget is adequate to deliver the required outcomes however, If events were to occur that forced increases to this budget Council may find themselves in a position where they cannot complete the Project.	<ol style="list-style-type: none"> <li>1. Cost overruns through incorrect tendering.</li> <li>2. Delays that cause increased costs.</li> <li>3. Damages in the event that delivery of a building is not on time.</li> <li>4. Extensive changes to scope.</li> <li>5. Unforeseen issues.</li> </ol>	<ol style="list-style-type: none"> <li>1. Parts of Project may not be delivered.</li> <li>2. Delays while other funds organised.</li> <li>3. Could result in project failure.</li> </ol>	<p>This risk has reduced since last review. A Guaranteed Maximum Price (GMP) has been secured and agreed with Fairbrother. This contract delivers fixed price and fixed time obligations with consultants and contractors. Construction contracts do not provide cost relief for unforeseen events other than pre-existing or latent site conditions. The Project Manager is responsible for minimising changes to scope with assistance of the consultant team.</p> <p>Within the GMP, there is a construction contingency for unforeseen events. In addition, there is also an allocation of a project contingency that is</p>	2	3	M	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				<p>separate to the construction contingency. Construction and other contingencies remain unallocated and available to meet unexpected costs should these arise.</p> <p>Substantial site investigations including geotechnical and contamination assessments were carried out.</p> <p>(A)</p>				



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) –Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
9	<b>Market Risk</b> – Leasing and sales market is competitive and is prone to unpredictable change. Key tenants, investors and developers can be lost at a moment’s notice for varying reasons.	<ol style="list-style-type: none"> <li>1. Market conditions decline.</li> <li>2. Agreements are not adequately documented.</li> <li>3. Change to organisational direction – instructions from senior management.</li> <li>4. Change in business direction.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reduced income to Council.</li> <li>2. Loan repayments are not being covered by operational income and Council required to find additional funds from external sources.</li> <li>3. Negative impact and message to the community with regards to the viability of Living City.</li> </ol>	<p>Completion of State Government negotiations, certainty of Federal funding and extremely favourable interest rates on borrowings, all reduce the level of uncertainty in relation to the project. These factors allow a more flexible approach to tenant negotiations. Low interest rates improve the ability of the project to meet its financial performance targets. Use and activity risk remains important. Management of this risk is greatly reduced by entry of Council into an operational Lease of the Food Pavilion.</p> <p>Day to day management of the Food Pavilion is now with the Pavilion operator who is obliged to employ suitable personnel to manage and promote the Pavilion.</p> <p>A number of sub-tenants have committed to long term</p>	3	2	M	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				tenancies which supports the key drivers of this aspect of the development. Council accepts that there is always uncertainty with regards to market conditions and cannot be controlled. Predicting future rental income remains a risk. Council's approach to risk management diminishes this risk. Ongoing reporting structures are in place to ensure Council is kept informed on delivery and performance.				
<b>10</b>	<b>Finance Risk –</b> 1. Project unable to commence due to unavailability of finance 2. Interest Rate Risk 3. Variations to construction contract cause additional costs that are not met by existing finance	1. Lender may not deem the Project a sound investment. 2. Change in market conditions that prompts an interest rate increase. or decrease	1. Project may be delayed or stalled if funding cannot be acquired. 2. Higher or lower repayments (depending on market variance up or down).	Availability of finance risk is now resolved. Financing has been secured at a cost lower than in the projects financial model. Development budget includes a contingency amount of 5%. Managing interest rate risk can be achieved by entry into interest rate swaps which effectively fix	1	2	L	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
	4. Financial discipline is not maintained and Council focusses on other priorities	3. Significant scope changes or unforeseen issues arise relating the construction.	3. Additional cash may be required in first years to cover repayments. 4. Longer period to reach cash neutral position for the project.	interest rates on part of the loan in the longer term the project is structured around predictable income which is likely to exceed the interest to service the debt.				
<b>11</b>	<b>Development Approval</b> 1. DA is not approved due to design/non complying use/community backlash	1. Council may not approve development due to non-complying use or community backlash	Delay to project and possible redesign. May affect grant funding	This risk is now resolved with the DA approved	1	2	L	A
<b>12</b>	<b>Design Shortfalls</b> 1. Building is not deemed to meet tenant needs	1. Misunderstood scope/parameters of the buildings use/needs by involved parties.	Delay to project for redesign and extra costs associated.	1. This risk is greatly reduced, now that the major tenants, LINC / Service Tasmania have endorsed design and Council has tested the design of the Council and convention areas of the Multi-purpose building. The overall design strategy includes: a. Design developed to reflect brief provided by key tenants and users.	2	2	M	A





Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
				b. Extensive workshops have been undertaken with all stakeholders and prospective tenants.				
13	<b>Geotechnical Risk</b>	1. Unforeseen ground conditions lead to project delays & redesign	Unforeseen ground conditions lead to project delays & redesign	1. Largely resolved as geotech investigations are concluded and completion of Early Works is expected shortly. 2. Disused tanks were discovered and removed prior to commencement of early works, thereby diminishing risk. 3. Geotechnical investigation took place, including numerous drilling tests undertaken and results are within expectations. 4. Design does not require a basement so excavation minimised where possible.	2	2	M	A



Ref	The Risk What Can Happen?	Source How can this Happen?	Impact from event happening?	Current control strategies and their effectiveness  (A) – Adequate (M) – Moderate (I) – Inadequate	Current Risk Level			Acceptability (A/U)
					Likelihood	Consequence	Current Risk Level	
14	Design does not meet BCA requirements.	1. Oversight of BCA compliance	Project delayed and potential redesign costs.	Primarily resolved during DA and continually assessed during design documentation.	2	2	M	A



## Devonport Living City Treatment & Monitoring

Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
1	<p><b>Governance Risk</b></p> <p>Governance is handled by a multi-faceted reporting structure that delivers certainty to Council that procedures and expenditure are being appropriately dealt with.</p> <p>Throughout the project, there is an open book process in place with the builder and wherever practicable, sub-trades are only appointed after a strict procedure is followed which generally includes receiving three quotes for comparison. Where this is difficult, an independent Quantity Surveyor acts as a check system on behalf of Council.</p> <p>A number of regular meeting are held relating to all aspects of the project. Meetings are attended by Council representatives (Sponsor representatives), Project Directors, Development Managers, Fairbrother, head architects, the</p>	<p>This is a part of the standard services provided by the Development Managers. Resources are required for attendance at meetings and presentations.</p> <p>The benefits include:</p> <ol style="list-style-type: none"> <li>1. Agreed shared objectives</li> <li>2. Governance team working cohesively</li> <li>3. Stronger chance that Living City objectives are delivered</li> </ol>	Y	1	3	M	Development Manager	Implementation is continuous and ongoing	Various structured management meetings, monthly status report, regular Council workshops to review performance against objectives.



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	Superintendent and other advisors. These meetings include construction meetings (held fortnightly at present), design meetings (fortnightly) and project control meetings(fortnightly). In addition, regular reporting is provided to Council that incorporates the construction report, the Superintendent's report, the head architect's report and the development managers report. As part of the Development manager's report, a summary of the financial status of the project is reported as against budget. Quarterly updates are also to be provided to Council through its meeting agendas to keep them informed on status and provide review of key objectives and benefits of Living City.								
<b>2</b>	<b>Community Support Risk</b> Council currently benefits from a strong level of community support. This has been achieved through engaging with the community and providing a number of	There is a cost in developing and maintaining the website, managing Facebook, producing Press Releases	<b>Y</b>	1	2	M	Project Sponsor	Implementation has already occurred and needs to continue throughout the	Communication plan and strategy has been developed and implemented.



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	<p>opportunities for the community to comment on and provide feedback in relation to Living City. Some of the tools used to engage with community include:</p> <ul style="list-style-type: none"> <li>• Community forums and workshops</li> <li>• Living City website that includes an area for comments</li> <li>• Council Facebook Page</li> <li>• Media – Television and Newspapers</li> </ul>	<p>and other communication materials. The benefit is an informed community that is provided the opportunity to comment. It also allows Living City objectives to be reviewed in relation to community expectation to ensure synergy between the two where possible.</p>					lifecycle of the Project. Responses are provided for community enquiries.	Ongoing	
<b>3</b>	<b>State Government Support Risk</b> State Government commitment now in place.	Documentation is being finalised. Ongoing communication with the State Government is essential to ensure further support.	Y	1	4	M	Project Sponsor Development Manager	Final document execution likely November 2016.	An executed agreement setting out all key terms and conditions clarifies the reporting obligations of Council to the State.
<b>4</b>	<b>Design risk</b>	By using experienced consultants there is a reduced risk of additional	Y	1	2	L	Project Manager and	Underway and ongoing. Design development is	Tracking of design issues, the rate of occurrences and





Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	Managed by engaging a design consultant with extensive project experience in similar size and styles of projects. Setting up good document tracking systems through a shared file where all design related documents and revisions can be accessed by team.	costs that may be required in rectifying potential mistakes. An online share file system provides a centralised location for the accessing and sharing of information. Document creation is also tracked which creates a level of responsibility and accountability for the entire team					Design Consultants	substantially complete.	the record of the resolution. A daily task of the team.
5	<b>Construction Risk</b> Managed by contracting both design and construction of the stages to experienced construction contractors, with a proven track record of successful on time on budget delivery of similar size and type of projects. The contractor also needs to demonstrate company financial position and access to substantial trade and technical resources, further mitigating construction risk. Time	The benefit is that the finished product is of a definite quality. On time delivery and delivered cost is the responsibility of the contractor.	Y	2	1	L	Construction Contractor and Development Manager	Continuous and ongoing. Construction contractor appointed. Bank superintendent and Builder independently report on progress with construction.	Successful completion of project on time and within budget.



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	and Cost to Complete risks are allocated to the contractor via a fixed time, fixed price contract, negotiated and document by the Development Manager (P+i).							These reports are produced monthly.	
6	<b>Delivery Risk:</b> Acknowledging that delivery of a project of this scale can be complex and resource intensive, Council's approach has been to contract day-to-day management of Living City to P+i. A comprehensive development and management agreement has been entered into between Council and P+i, detailing development management obligations and services to be provided. P+i enjoys a positive and successful track record of project delivery.	There is a cost to the Project and to Council in engaging a Development Manager instead of taking on the role internally. There are a number of aspects of a project on this nature that require a high level of experience and knowledge. Council is outsourcing to those more experienced in managing and mitigating those risks.	Y	1	3	M	Development Manager	Continuous and Ongoing	Successful delivery of project with all contractual obligations met.
7	<b>Probity/Procurement Risk</b> Managed by conducting a two stage tender process. Open advertising submission of credentials and a short list of three proponents invited to prepare detailed	There is minimal cost impact in carrying out the two stage tendering process as this is a standard Council and P+i	Y	1	1	L	Council. Project Directors, Development Manager and	Resolved	Development Manager will review Superintendent reports each



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	tenders. A strict evaluation process followed and the identity of tenderers withheld until after a final recommendation and decision made. Page Seager Lawyers provided probity sign off on the tender process. Council will engage an independent certifier to certify each payment to the builder, as well as when practical completion occurs. In addition the Independent Certifier will evaluate the reasonableness of any builder claim for extensions of time.	approach and is covered in the services provided by P+I within the DM agreement. The benefit is that Council can comfortably say that all consultants and contractors have been given the opportunity to tender for the Project. The cost of the independent certifier is minimal and is a contractual obligation of Council's loan. The benefit is that there is an external third party monitoring the process.					Independent Certifier		month and compare with internal reports to ensure consistency and accuracy. Reporting previously discussed.
<b>8</b>	<b>Cost to Complete Risk</b> The Development Management Agreement for P+I and allows planning and budgeting to be carried out around this. Fixed price,	There is a cost to the Project and to Council in engaging a Development Manager instead of taking on the role internally. Monthly	<b>Y</b>	1	3	M	Development Manager and Contractor.	Development Management Agreement is resolved and ongoing.	Tracking of program and costs throughout project to establish if targets are being met.



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	fixed time contracts are similarly in place with consultants and contractors.	contractual obligations require the Contractor to demonstrate compliance with costs to complete test.						Construction contract resolved	Finish date and final cost to complete will establish end result and effectiveness of treatment.
<b>9</b>	<b>Market Risk</b> Council accepts that current market conditions remain unpredictable. Predicting future rental income remains a risk. Council's approach to risk management is based on securing substantial and established organisations as prospective tenants and seeking their in principal approval to the Project in advance of construction commencement. Council engaged P+I with its extensive networks in the retail sector to cast the net wide seeking tenant interest in the project.	There are costs in establishing major tenants including legal costs, rent incentives and fitout contributions. The benefit is that they are reliable and once established less likely to leave.	<b>Y</b>	2	2	M	Development Manager	Ongoing – see Lease of Food Pavilion	No loss of tenants and renewal of leases at end of initial lease term.
<b>10</b>	<b>Finance Risk</b> 100% of financing required will be secured before the project commences	There is a cost in having a fixed or part fixed interest term loan. The benefit is	<b>Y</b>	1	2	L	Council and Development Manager	Finance has been secured. A hedging strategy has been	Ability of Council to meet debt repayments.



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	Development budget includes a contingency amount of 5%. Managing interest rate risk can be achieved by fixing all or part of the loan agreement with the lending bank. Council can also seek debt proposals that limit principle repayments to available cash and do not require full repayment of the loan by completion of the loan term. In this sense, provided rental income exceeds the interest service the debt profile will match the available income.	that Council is aware of what their commitment is and there is for an extended period, and this will not change. There is no risk that debt service suddenly increases with changes in the financial market.						prepared and is available as required.	
11	<b>Development Approval</b> P+i has had detailed discussions with Council and is managing the process to ensure a comprehensive submission be received for the DA process. By addressing many of the key items, as mentioned, prior to them gaining momentum we can promote a smooth DA process. Council can ensure the lines of communication and community engagement are continued as has occurred throughout the life of the project to date.	There is a cost for the ongoing production of community engagement materials and general updates to the community. There is also a cost in the completion of a comprehensive DA application. The benefit is identifying and addressing likely concerns early which	Y	1	2	L	Council and Development Manager	Resolved	DA achieved.



Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
		have potential to cause delays or amendments to the design and added project costs.							
12	<b>Design Shortfalls</b> Extensive engagement of potential tenants to mitigate this risk has been/is being undertaken.	The cost benefit is significant with suitable design and project management removing the need for variations / change orders in time.	Y	2	1	L	Council and Development Manager	Ongoing	Limiting variations and calls on contingency
13	<b>Geotechnical Risk</b> Collaboration with Pitt & Sherry (Geotechnical Consultant) on findings and strategies to minimise the risk of unidentified ground conditions.	No additional cost as geotechnical required for DA and structural design.  Benefit is that potential issues are identified early and design amendments can be made to limit impact on time and cost to construction.	Y	2	2	M	Pitt & Sherry & Development Manager	Generally under control and reported previously	Design Meetings with Pitt & Sherry in attendance and limiting calls on contingency.
14	<b>Design does not meet BCA requirements</b> Ensure compliance through review of design with Pitt & Sherry and other consultants.  Variations during construction can lead to	Building surveyor and DDA consultant is required for compliance.	Y	2	2	M	Pitt & Sherry, Lyons & Development Manager	Ongoing.	Design Meetings with Pitt & Sherry and Lyons in attendance.





Risk reference	Potential treatment options	Costs & benefits	Is the treatment to be implemented (y/n)	Target risk level			Responsible person	Timetable For implementation	Monitoring strategies to measure effectiveness of risk treatments
				Likelihood	Consequence	Target Level			
	significant additional costs, it is important to ensure full compliance of the BCA and/or deemed to satisfy solutions as approved by the relevant certifier.	The benefit is identifying potential compliance issues at a design level rather than during construction, which helps to reduce added costs and mitigate risk of variations and retrofitted solutions.							

## 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
05/12/16	Art Gallery	Concept plans developed for the consolidation of the Art Gallery into the Devonport Entertainment & Convention Centre.
	2-12 Murray Street, East Devonport	Update on the opportunity for this property to be rezoned and potential future use.
	Australia Day Arrangements	Discussion on the timing of the 2017 Australia Day event.
	Elanora Child Care Centre – 62-64 North Street, Devonport	Lease discussions.
	Partnership Agreement - Merseylink	Draft Partnership Agreement between Council and Merseylink relating to support for the Torquay Ferry was discussed.

## 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 D451515

### 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 November 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:

- Tas TAFE Melbourne Cup Luncheon
- Mem Fox & Judy Horacek "Ducks Away" book launch
- Living City Reference Group
- Dame Enid Lyons Trust Fund
- Learning Communities Special Interest Group
- LGAT Mayor Workshop
- Dame Enid Lyons Trust Fund Film Night – Light between Two Oceans
- LGAT Breakfast
- LGAT Ordinary Meeting
- Hillcrest Primary School
- St Brendan students Council visit
- Resident meetings
- Chas Kelly – New Sea Road Ship Committee meeting
- Young Leaders meeting – guest speaker
- International Cities, Towns and Communities Conference 9<sup>th</sup> – 11<sup>th</sup> November with Ald Matthews – Launceston
- 1<sup>st</sup> Concrete Pour Living City Stage 1
- Art Show – Don College
- Haus Creative Art Exhibition Official Opening
- Officially Opened Hill Street Grocers
- Youth Engagement Strategy meeting
- Presentation of Christmas Tree panels
  - Our Lady of Lourdes
  - Nixon Street Primary School
- Devonport Chamber of Commerce & Industry Executive Meeting
- Deputy Mayor Annette Rockliff
- Devonport Chamber of Commerce & Industry Luncheon
- Devonport Regional Gallery Special Interest Group
- Devonport Camera Club

Report to Council meeting on 19 December 2016

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- Briefing - Living City
- Community Safety Special Interest Group
- Mayoral delegation to Canberra re Mersey Hospital; Mayors Freshney & Thwaites
  - Senator Jacqui Lambie
  - Senators Johnathon Duniam & Eric Abetz
  - Federal Member for Sydney, The Hon. Tanya Plibersek, Deputy Leader of the Opposition; Shadow Minister for Education; Shadow Minister for Women with Federal Member for Braddon Justine Keay MP
  - Federal Member for Farrer, The Hon. Sussan Ley, Minister for Health & Age Care; Minister for Sport; with Senators Johnathon Duniam & David Bushby
  - Federal Member for Ballarat, The Hon Catherine King, Shadow Minister for Health & Medicare with Federal Member for Braddon Justine Keay MP
  - Federal Member for Whitlam, Stephen Jones MP, Federal Shadow Minister for Regional Communications; Shadow Minister for Regional Services; Shadow Minister for Territories and Local Government
  - Federal Member for Grayndler, The Hon Anthony Albanese, Shadow Minister for Infrastructure, Transport, Cities and Regional Development; Shadow Minister for Tourism
- Cradle Coast Authority AGM & General Meeting - Burnie
- White Ribbon "Walk in my Shoes" walk
- Arts, Culture and Tourism Strategic Committee
- Tidal – Meet the Judges event
- Old Woolstore Apartment Hotel Cocktail Evening - Devonport
- Official Opening Devonport Show
- Devonport Regional Gallery TIDAL Exhibition Opening & Presentation
- AGM Children's Book Council of Australia (TAS) – Hobart
- Australian Masters Games meeting with Brett Smith CCA CEO, Cheryl Bellchambers CCA Board President, Kate Sims AMG, Paul West & Stuart Jones
- Nixon Street Primary School Community Breakfast
- Community Development Strategic Special Committee
- Tim Cox, Drysdale House
- Australian Breastfeeding Association - Mersey
- Sport & Recreation Strategic Special Committee
- Sea FM – 7AD Christmas function

**ATTACHMENTS**

Nil

**RECOMMENDATION**

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

## 6.3 GENERAL MANAGER'S REPORT - DECEMBER 2016

File: 29092 D408100

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.8.2 Ensure access to Council information that meets user demands, is easy to understand, whilst complying with legislative requirements

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, 23 November to 14 December 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 several management and strategic issues currently being undertaken by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

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

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in a number of internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Met with representatives of Retail Security to discuss aspects of the contract it has with Council in relation to the collection of monies.
- 1.4. the State Government to acquire through a strata agreement the LINC and Service Tasmania sections of the new Civic Building. Council will receive \$11M from the State Government for the strata. A further \$2M will be provided by the State Government towards the fit-out costs of the building.

#### 2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. During the month attended a number of Christmas functions held within the community including the Mayor's Community Christmas Function held at the Council Offices on 1 December 2016.
- 2.2. Attended a function to meet the judges of Council's Tidal Art Prize.
- 2.3. Met with a local developer to discuss a proposed assisted living housing development in Devonport. The purpose of the meeting was to clarify a number of planning scheme requirements.
- 2.4. Met with representatives of Meercroft Home for the Aged to discuss a proposed extension of their facilities. Arrangements will be made in the New Year for a presentation to be made to Aldermen at a Workshop session.

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- 2.5. Volunteered with several Aldermen and Council staff to assist with the running of the 2016 Devonport Christmas Parade. The event was extremely successful with thousands turning out to view the parade.
- 2.6. Together with a number of Aldermen and senior staff attended the International Volunteers Day Breakfast at the Devonport Bluff. This free event was an opportunity for Council to thank the many volunteers who contribute to the social fabric of Devonport.
- 2.7. Met with a property owner to discuss the entry onto land to allow repairs to proceed on Durkins Road.
- 2.8. Attended an event to recognise the arrival of Searoad Mersey II to Devonport. The event was hosted by the Chas Kelly, Chairman of Searoad Holdings.
- 2.9. Met with the licensee of the Tapas Bar to discuss concerns around recent anti-social behaviour and vandalism of the Christmas Tree in the Rooke Street Mall. A commitment was given that security staff will be spoken to and where offenders are identified details will be passed on so the matter can be followed up with Tasmania Police.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. As a newly appointed Representative, with the Mayor and Deputy Mayor attended the Annual General Meeting (AGM) of the Cradle Coast Authority in Burnie. At the AGM the Chief Representative, Mayor Daryl Quilliam did not seek reappointment to the role. Mayor Jan Bonde from Central Coast Council was appointed to the role unopposed. In relation to the election of the Deputy Chief Representative, Mayor Peter Freshney from the Latrobe Council was elected following a ballot.
- 3.2. With the Mayor and Deputy Mayor attended a General Meeting of the Cradle Coast Authority. Minutes of the meeting have been provided under a separate report in this agenda.
- 3.3. As a Council Representative, together with the Deputy Mayor attended the Annual General Meeting of the Dulverton Waste Management Authority. At the AGM, Cr Mike McLaren was reappointed to the position of Chief Representative.
- 3.4. Attended with the Deputy Mayor a General Meeting of the Dulverton Waste Management Authority.
- 3.5. With the Mayor met representative of the Cradle Coast Authority and the Australian Masters Games to discuss arrangements relating to the booking of accommodation for games participants through the Devonport Visitor Information Centre.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Met with a representative of Department of Human Services to discuss an affordable housing proposal in Devonport.

5. OTHER

- 5.1. A reminder that the Council offices will close at 5:00pm on Friday 23 December 2016 for the Christmas/New Year break. The office will reopen at 8:30am on Tuesday 3 January 2017.



Report to Council meeting on 19 December 2016

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- 5.2. The General Manager will be on leave until Monday 16 January 2017. During this time in line with Council's previous direction Matthew Atkins will assume the role of Acting General Manager.

**COMMUNITY ENGAGEMENT**

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

**FINANCIAL IMPLICATIONS**

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

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

**RISK IMPLICATIONS**

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

**CONCLUSION**

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

**ATTACHMENTS**

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

**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 - DECEMBER 2016**

OPEN SESSION						
MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
November 2016	208/16	Tender Report Contract CT0186 Elizabeth Street Renewal Forbes Street to Hiller Street	Award contract to Civilscape Contracting Tasmania Pty Ltd for sum of \$196,440, noting that design, project management and administration for project are estimated to cost \$13,000 and a construction contingency of \$19,600 is included in the budget – all ex GST.	Completed		DGM
	209/16	Tender Report Contract CT0190 Valley Road Soccer Ground Car Park	Award contract to ATM Investments Pty Ltd for sum of \$173,433 noting that design, project management and administration for project are estimated to cost \$13,000 and a construction contingency of \$17,300 is included in the budget – all ex GST.	Completed		DGM
	210/16	Reserves, Parks and Gardens By-Law	In accordance with Section 156 of the <i>Local Government Act 1993</i> approve the intent to make a Reserves, Parks and Gardens By-Law by absolute majority; and authorise General Manager to forward draft Regulatory Impact Statement to the Director of Local Government for consideration.	In progress	Regulatory Impact Statement approved by Director of Local Government. Public consultation commenced.	GM
	217/16	Governance & Finance Committee Meeting – 21 November 2016	<p><b>Public Land Register – Update to Register</b> Update Public Land Register to include land at Kiah Place and Adina Place, East Devonport and 15 McArthur Drive, Spreyton and make available on Council's website and offices.</p> <p><b>Commemorative Seat Policy</b> Amend Commemorative Seat Policy and Procedure to allow discretionary acceptance of merit based applications and make available on Council's website and offices.</p>	Completed  Completed	On website and copies available at customer service  On website	GM

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
November 2016	217/16 (cont)	Governance & Finance Committee Meeting – 21 November 2016	<b>Purchasing Policy</b> Amend Section 3 to read, <i>“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”</i> and make available of Council's website and offices.	Completed	On website	EM(OP)

Previous Council Resolutions - still being actioned						
MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
October 2016	197/16	Community Services Committee Meeting – 17 October 2016	<p><b>Minutes of the Sport and Recreation Strategic Special Committee Meeting – September 2016</b></p> <p>Authorise an investigation in relation to staging of a Tasmanian Masters Games, which may be hosted in Devonport.</p> <p><b>Reinstate Baseball Ground at Maidstone Park</b></p> <p>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>In progress</p>	<p>Preliminary investigation and actions commenced,</p> <p>Preliminary works have commenced on preparing the playing surface.</p>	EM(CC&B)
	197/16 (cont.)	Community Services Committee Meeting – 17 October 2016	<p><b>Financial Assistance – Round One 2016/2017</b></p> <p>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.</p> <p>Decline request for funding for Parkrun Inc on basis trail arrangement with DSLC has been established.</p> <p>Decline financial assistance request from DCCI pending further information regarding support or otherwise for the introduction of a retail levy.</p>	Completed	Contract sent to Ten Days on the Island.	EM(CC&B)
September 2016	170/16	Funding & Assistance – Home Hill – NOM – Ald Laycock	Seek to develop stronger relationship with the Australian Councils of National Trusts (ACNT)/National Trusts of Australia to explore opportunities for funding and assistance available to complete actions within the Home Hill strategic plan	In progress	Discussions have commenced with Tom Perrigo of National Trust of Australia with an aim to schedule a meeting prior to the end of the year.	EM(CC&B)

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
September 2016	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.	Completed	Vessel arrived and is now in service.	EM(CC&B)
	181/16	Governance & Finance Committee Meeting – 19 September 2016	<b>Pay by Phone Parking Technology - Review</b> Undertake an expression of interest process for pay by phone technology to be maintained in Council car parks.	In progress	Documentation prepared for release at appropriate time.	EM(CC&B)
August 2016	159/16	Infrastructure Works & Development Committee Meeting - 8 August 2016	<b>Master Builders Tasmania Park Seat Request</b> Offer of donation and installation of seat and plaque along Victoria Parade marking 125 <sup>th</sup> year celebrations be accepted.	In progress	Awaiting response from MBT.	DGM
	161/16	Community Services Committee Meeting - 15 August 2016	<b>Minutes of the Community Development Strategic Special Committee Meeting</b> 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 <sup>th</sup> Anniversary of Sister City relationship with Minamata. <b>Eastside Village Branding Proposal</b> Supports <i>Eastside Village</i> rebranding proposal and undertakes rebranding of signage during 2016/2017.	In progress  Completed	Sister Cities Association have provided information for sign for consideration.  Signage for the change to East Side Village has been installed.	EM(CC&B)
June 2016	123/16	Community Services Committee Meeting - 20 June 2016	<b>Minutes of the Arts Culture and Tourism Strategic Special Committee Meeting - 26 March 2016</b> 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)

MEETING DATE	RESOLUTION NO	TOPIC	RESOLUTION/ITEM	STATUS	COMMENTS	RESPONSIBLE OFFICER
June 2016	123/16 (cont.)	Community Services Committee Meeting - 20 June 2016	<b>Devonport Food Connection Project Status</b> 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.	EM(CC&B)
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.	Completed	Groups now in occupancy of property.	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.	Completed	All areas live and operational with the exception of a small component of Mersey Bluff which requires construction of additional pole.	EM(CC&B)



## **6.4 UNCONFIRMED MINUTES - CRADLE COAST WASTE MANAGEMENT GROUP - 14 NOVEMBER 2016**

File: 29119 D451850

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

Council's Strategic Plan 2009-2030:

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

### **SUMMARY**

To provide Council with the unconfirmed Minutes of the Cradle Coast Waste Management Group (CCWMG) meeting which was held on 14 November 2016.

### **BACKGROUND**

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

### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to this report.

### **DISCUSSION**

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 14 November 2016 are attached for consideration.

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

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

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 14 November 2016 are presented for information.

### **ATTACHMENTS**

1. Unconfirmed Minutes - Cradle Coast Waste Management Group CCWMG - 14 November 2016

### **RECOMMENDATION**

That the unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 14 November 2016 be received and noted.

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

CRADLE COAST WASTE MANAGEMENT MEETING  
14 NOVEMBER 2016

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MEETING HIGHLIGHTS

**Strategic Plan Development**

With the current CCWMG Strategic Plan due to expire in 2017, Blue Environment were engaged to develop a new 5 Year Strategic Plan.

**Kerbside Food and Garden Organics Collection**

The CCWMG were advised that the tenders have been advertised and discussion was held regarding tender assessments, a performance management committee and community education funding by the contractor.

DRAFT

## CRADLE COAST WASTE MANAGEMENT GROUP

**UNCONFIRMED MINUTES**

Meeting held Monday, 14 November 2016 at 10.30 am  
Cradle Coast Authority, 1-3 Spring Street, Burnie

**1. WELCOME**

The Chair, Ms. Sandra Ayton, opened the meeting at 10:37 am and welcomed attendees.

Present at the meeting were:

- |                      |                   |                                       |
|----------------------|-------------------|---------------------------------------|
| • Mr. Matthew Atkins | Committee Member  | Devonport City Council                |
| • Mr. Bilal Akhtar   | Committee Member  | Waratah-Wynyard/Circular Head Council |
| • Ms. Mel Pearce     | Committee Member  | Dulverton Waste                       |
| • Mr. Mat Greskie    | Committee Member  | Dulverton Waste                       |
| • Ms. Jan Febey      | Committee Member  | Latrobe Council                       |
| • Ms. Bev Cumming    | Observer          | Burnie City Council                   |
| • Mr. Don Thwaites   | Observer          | Kentish Council                       |
| • Ms. Lauren Clarke  | Minutes Secretary | Cradle Coast Authority                |

**2. APOLOGIES**

Apologies were received from:

- |                     |                  |                        |
|---------------------|------------------|------------------------|
| • Mr. Brett Smith   | Committee Member | Cradle Coast Authority |
| • Mr. Rowan Sharman | Committee Member | Burnie City Council    |

**3. GOVERNANCE****3.1. Confirmation of Minutes**

The Unconfirmed Minutes of the 12 September meeting were presented at Item 3.1 of the Agenda.

**MOTION**

That the Group **CONFIRM** and **ACCEPT** the Unconfirmed Minutes of the meeting of 12 September 2016 as a true and correct record.

Moved: Matthew Atkins / Seconded: Bilal Akhtar / **CARRIED**

**3.2. Business Arising from Minutes**

Nil.

**4. FOR DECISION****4.1. CCWMG Strategic Plan development, Request For Quote (RFQ) Assessment Report**

Mel Pearce tabled the Strategic Plan Development RFQ Assessment Report for the Committee's decision. The report detailed the quote assessment process and recommended Blue Environment, who scored highest against the evaluation criteria, to develop the strategic plan.

#### MOTION

The Group engage Blue Environment Pty Ltd to undertake the strategic plan development and extend the completion until February 2017.

Moved: Bilal Akhtar / Seconded: Jan Febey / **CARRIED**

### 5. FOR DISCUSSION

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#### 5.1. FOGO Tenders

##### 5.1.1. Performance Management Committee

- Mat Greskie informed the Committee that the Bin Supply and Transport tender requires the development of a Performance Management Committee, including a representative from each Council and the Contractor. If Councils prefer DWM could provide representation on Council's behalf. This will be reconsidered should the FOGO collection proceed.

##### 5.1.2. Tender Assessment

- Tenders are due on 16 December 2016.
- Dulverton have sourced a quote from MRA Consulting (indicative pricing up to \$8K) to conduct an independent assessment for the tenders.

##### 5.1.3. Community Education

- The bin Supply and Transport tender requires that the contractor provide \$15K to each Council, to provide towards community education. Should the FOGO proceed, the Committee should advocate for each Council to commit these funds to the CCWMG for a regional approach to the communication/education campaign (this is what the CCWMG Annual Plan and Budget is predicated on)

#### MOTION

The Group **RESOLVE** MRA Consulting to provide an independent assessment of the tenders.

### 6. FOR NOTING

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#### 6.1. CCWMG Project Task List

Mel Pearce gave an update on the status of projects listed on the CCWMG project task list:

##### Item 2.5 Household Hazardous waste

An update was provided regarding the free household battery collection which is progressing well. Mel will provide further details of battery container suitability following obtaining further advice.

**Item 2.6 Communications Plan**

The Committee noted that the CCA are the coordinator of the communications plan.

**Item 2.7 Recycling Bin Education & Assessments**

The recycling bin assessments commenced on the 14 November 2016 and residents have been notified of the upcoming assessments by a small-scale education campaign. Assessments will be conducted over a 1 month period and will recommence early in 2017.

**Item 2.8 Waste Composition Audit**

RFQ's are due on 18 November 2016, these audits will examine the composition of transfer station general waste.

**Item 2.11 SORT your Load Campaign**

The Committee will be forwarded an example of the tri fold brochure which will be developed into transfer station site specific brochures for each Council.

**Item 2.12 Kerbside Waste Collection Contract**

The contract is on hold until the finalisation of the FOGO Tender.

**6.2. CCWMG Waste Levy Collection – changing from quarterly to monthly**

DWM advised that the waste levy collection will change from quarterly to monthly.

**7. General Business**

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**7.1. Meeting date proposals for 2017**

A briefing Note was presented at item 7.1 of the agenda papers.

The meeting dates proposed are on the 2<sup>nd</sup> Monday of every 2 months effective from 13 February 2017, with the change of the June meeting as it falls on a public holiday.

The following dates for the 2017 CCWMG meetings are:

- Monday 13 February
- Monday 10 April
- Monday 19 June
- Monday 14 August
- Monday 9 October

The Group propose that they hold their June meeting the week after on Monday 19 June 2017.

**MOTION**

That the Group **NOTE** and **ACCEPT** the recommended bi-monthly meeting dates for 2017.

**ACTION** – Lauren Clarke to send out calendar invites with the new meeting dates.

**7.2. Financial Report**

The September 2016 Financial Report was tabled for the CCWMG.

The CCWMG requested that a revised income statement be forwarded out of session.

The Group **NOTE** the Financial Report.

**ACTION** – An updated income statement to be provided out of session.

**8. Next Meeting and Meeting Close**

The next meeting will be held on Monday 13 February 2017 at the Cradle Coast Authority Offices.  
Meeting closed at 11:46 am.

DRAFT



## **6.5 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY - REPRESENTATIVES MEETING - 24 NOVEMBER 2016**

File: 31710 D451872

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

Council's Strategic Plan 2009-2030:

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

### **SUMMARY**

To provide Council with the unconfirmed minutes of the Cradle Coast Authority Representative's meeting which was held on 24 November 2016.

### **BACKGROUND**

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

### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to this report. Under the Authority's Rules, minutes of Representatives meetings and the Annual General meeting can be considered by Council in open session.

### **DISCUSSION**

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 24 November 2016 are attached for consideration. Item 3.1 from the Representatives meeting related to Council's notice to withdraw and the following motion was carried:

#### **Motion**

That the Representatives NOTE the Report and APPROVE the:

1. Governance Review Working Group (Representative's sub-committee) be appointed and reconvened to oversee the Rules review. The sub-committee comprising the Chief and Deputy Representatives and two General Managers (Andrew Wardlaw and Sandra Ayton);
2. Governance Review Working Group oversee the review of the Board composition and Director recruitment process;
3. A budget of \$10,000 to obtain necessary legal and other expert advice in relation to Rules and Board Review;
4. In relation to the Directors whose terms are to expire on 31 December:
  - a. They be offered an extension until 30 June 2017; and
  - b. That the number of Directors on the Board be no less than five (5) for the period to 30 June 2017.
5. Representatives request Devonport City Council to extend their notice to withdraw by a further 12 months to allow time for item 1, 2, 3 & 4 to be undertaken, with the Governance Review to be completed by June 2017.

Moved: Mayor Quilliam / Seconded: Mayor Vickers / CARRIED (Against: Mayor Freshney)

A separate report regarding Council's membership of the Authority has been prepared for Council's consideration.

**COMMUNITY ENGAGEMENT**

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

**FINANCIAL IMPLICATIONS**

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

**RISK IMPLICATIONS**

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

**CONCLUSION**

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 24 November 2016 are presented.

**ATTACHMENTS**

1. Minutes - Cradle Coast Authority - Representatives Meeting - 24 November 2016

**RECOMMENDATION**

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 24 November 2016 be received and noted.

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

## MEETING MINUTES

### REPRESENTATIVES MEETING

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Date: 24 November 2016  
Time: 9:30am  
Location: Cradle Coast House, 1-3 Spring St, Burnie.

#### 1. STANDING ITEMS

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##### 1.1. Welcome / Apologies / Proxies

Chief Representative and Meeting Chair, Mayor Jan Bonde, opened the meeting at 9.46am am, welcoming attendees and observers, and noting apologies.

The Attendees, Observers and Apologies are noted at Attachment 1.

##### 1.2. Declarations

Nil

##### 1.3. Confirmation of Minutes Of 22 September 2016

Minutes of the 22 September 2016 Representatives Meeting were provided with the Agenda.

Mayor Martin requested an amendment to Option 1 of Agenda Item 6.1 to include a part B. that reads *request the Authority to consider amending its Rules to provide a universal 12 month notice period for all participating Councils.*

##### Action

EA to amend the minutes to include a part B. of Option 1 of agenda item 6.1.

##### Motion

That Representatives ENDORSE the minutes of 22 September 2016 Representatives Meeting.

Moved: Mayor Martin / Seconded: Gerald Monson / CARRIED

##### 1.4. Activity Register

A schedule of activities was presented at item 1.5 of the Agenda.

##### Motion

That the Representatives ACCEPT and NOTE the Activity Register.

Moved: Mayor Quilliam / Seconded: Sandra Ayton / CARRIED

### 1.5. Correspondence

Copies of correspondence received and sent were presented at Agenda Item 1.6.

#### **Motion**

That the Representatives NOTE the Correspondence.

Moved: Mayor Vickers / Seconded: Mayor Martin / CARRIED

## 2. CRADLE COAST AUTHORITY UPDATE

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### 2.1. Chairperson's Report

CCA Chairman, Ms Cheryl Fuller was unable to attend the meeting. The CEO provided an update on behalf of the CCA Chairman under Agenda Item 2.2.

### 2.2. Quarterly Report & Quarterly Financial Statements – September 2016

A briefing note was presented and a discussion was held at Agenda Item 2.2.

The CEO gave an update on behalf of the CCA Chairman and from the Quarterly Report provided. The Authority have provided a number of workshops that were attended by council staff. Authority managers have been visiting Council workshops and providing updates from their business units. The CEO talked about the NRM team and the ongoing work and projects they are delivering across the region. Tourism Forum and Awards was held in Ulverstone with the assistance of the Central Coast Council and was a great success. The CEO advised of the continuing work on our tourism marketing, recognising there is still opportunity for improvement with the website.

The CEO and Gerald Monson provided an update on the Cradle Mountain project and the recent meeting they attended at the Office of the Coordinator General with DPIPW, Parks and Wildlife Service, State Growth, Infrastructure Tasmania, Department of Premier and Cabinet and TICT. A Project Management Officer will be engaged to oversee the implementation of the Cradle Mountain Master Plan. At the meeting, there was acknowledgement and agreement that the Master Plan needs to align with the work to be undertaken by the State Government.

There were no questions from the Representatives relating to the Financial Statements for September 2016.

#### **Motion**

That the Representatives ACCEPT and NOTE the Quarterly Report and the Quarterly Financial Statements for September 2016.

Moved: David Laugher / Seconded: Tony Smart / CARRIED

Ms Kate Sims, Sport Operations Manager, Australian Masters Games (AMG) was welcomed to the meeting to provide an update on behalf of Mr Scott Wade, General Manager AMG.

Ms Sims advised that 44 sports has been confirmed so far with a small number of sports yet to be confirmed. Registrations for 22 sports opened earlier in the week and the remaining 22+ sports will be open in February. Opening of registrations for some sports have started earlier than previous games to allow participants to plan their travel and accommodation. Ms Sims confirmed that there had been 70 registrations received so far with archery being the favourite.

Events Tasmania and Ms Gill Minervini facilitated a session with the AMG team, Authority, representatives from Burnie and Devonport Councils and the Games Advisory Board to develop a community and games social program.

It has become very evident the need to clearly communicate how Tasmania is different and going through the process is different regarding accommodation availability, compared to main land games. AMG have partnered with Devonport Visitor Information Centre to coordinate participants' accommodation. A billeting system will also be considered to accommodate participants as best as possible.

Gerald Monson advised that discussion at the recent General Mangers meeting highlighted the need for Devonport Visitor Centre to work with the other visitor information centres asap to gauge accommodation availability across the region.

Mayor Thwaites suggested that an education program for community members who may be interested in opening up their house (or a room) and offer through an online booking system like Air BnB could be beneficial. The CEO advised that the initial intent was to provide an opportunity for our tourism industry and local providers but that other opportunities will be considered to ensure the needs of participants are best met.

Queries were raised around the swimming program being held at Launceston and whether Launceston City Council had committed to a financial contribution.

## **ACTION**

Mayor Dow requested a written update be provided to the Representatives at each meeting so they can share it with their councils.

## **3. FOR DECISION**

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### **3.1. Implementation of Governance Review**

A briefing note was presented and a discussion was held at Agenda Item 3.1.

The CEO clarified that recommendation 3 would include a cost to councils as the expenditure required was outside of the Authority 's approved budget.

Mayor Dow asked if there is commitment from Devonport City Council to continue their membership until the changes to the Rules have been implemented.

Paul West advised that there has been no discussion at Devonport City Council regarding their willingness to continue their membership if the Rules Review is not completed by the end of their notice period which is 30 June 2017.

Mayor Thwaites questioned the commitment of the Representatives to a Rules Review.

#### **Action**

Mayor Martin requested the first paragraph on page 36 of the agenda be amended to read *Rules being amended from 24 months to one full financial year.*

#### **Motion**

That the Representatives NOTE the Report and APPROVE the:

1. Governance Review Working Group (Representative's sub-committee) be appointed and reconvened to oversee the Rules review. The sub-committee comprising the Chief and Deputy Representatives and two General Managers (Andrew Wardlaw and Sandra Ayton);
2. Governance Review Working Group oversee the review of the Board composition and Director recruitment process;
3. A budget of \$10,000 to obtain necessary legal and other expert advice in relation to Rules and Board Review;
4. In relation to the Directors whose terms are to expire on 31 December:
  - a. They be offered an extension until 30 June 2017; and
  - b. That the number of Directors on the Board be no less than five (5) for the period to 30 June 2017.
5. Representatives request Devonport City Council to extend their notice to withdraw by a further 12 months to allow time for item 1, 2, 3 & 4 to be undertaken, with the Governance Review to be completed by June 2017.

Moved: Mayor Quilliam / Seconded: Mayor Vickers / CARRIED (Against: Mayor Freshney)

### **3.2. Chongming Sister City**

A briefing note was presented and a discussion was held at Agenda Item 3.2.

The CEO advised there is no precedent as to how the delegation visiting Chongming would be decided.

There was general support for a delegation to attend Chongming, however, it was identified that a process was needed to decide who will form the delegation and how.

#### **Motion**

That the Representatives NOTE the Report and the majority ENDORSE:

1. A delegation to visit Chongming for 5 days in May;
2. The Authority fund the cost of the CEO, Chief Representative and CCA Project Officer (Ms Nani Clark) from unallocated project funds and member councils be

asked to fund their own attendance and nominate representatives from their individual councils.

Moved: Paul West / Seconded: Peter Freshney / CARRIED

### 3.3. 2017 Meeting Dates

A briefing note was presented at Item 3.3 of the Agenda.

#### Motion

That the Representatives NOTE and APPROVE the recommended meeting dates for 2017:

- 2 March
- 25 May
- 24 August
- 23 November

Moved: Mayor Martin / Seconded: Mayor Freshney / CARRIED

## 4. FOR DISCUSSION

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Nil

## 5. FOR NOTING

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Nil

## 6. LOCAL GOVERNMENT UPDATE

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### 6.1. Waratah-Wynyard Council Update

A briefing note was presented at Item 6.1 of the Agenda.

Mayor Walsh provided an update on Waratah-Wynyard Council's major projects as contained within the report provided with the agenda.

## 7. GENERAL BUSINESS

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- Mayor Dow advised that at the last Burnie City Council meeting, a motion was moved to write to the Hon. Angus Taylor, Assistant Minister for Cities and Digital Transformation, regarding the Smart Cities program.

#### ACTION

The Authority extends an invitation to the Hon. Angus Taylor or his representative, to attend a forum of member councils to discuss the possibilities of technology in the region for the community and for tourism.



**8. MEETING CLOSE**

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Meeting closed at 11.16 am.

The next general meeting will be held on 2 March at Cradle Coast House.

**Confirmed:**

\_\_\_\_\_

**Chief Representative**

\_\_\_\_\_

**Date**

**Attachment 1: Attendees, Observers and Apologies****Representatives**

Deputy Mayor Alwyn Boyd	Burnie City Council
Mayor Jan Bonde	Central Coast Council – Deputy Chief Representative
Ms Sandra Ayton	Central Coast Council
Mayor Daryl Quilliam	Circular Head Council – Chief Representative
Mr Tony Smart	Circular Head Council
Mayor Steve Martin	Devonport City Council
Mr Paul West	Devonport City Council
Mayor Don Thwaites	Kentish Council
Mr Gerald Monson	Kentish and Latrobe Councils
Mr David Laughler	King Island Council
Councillor Jim Cooper	King Island Council (via Skype)
Mayor Peter Freshney	Latrobe Council
Mayor Robby Walsh	Waratah-Wynyard Council
Deputy Mayor Mary Duniam	Waratah-Wynyard Council
Mayor Phil Vickers	West Coast Council

**Cradle Coast Authority**

Mayor Anita Dow	Director
Mr Bob Calvert	Director – arrived at 9.11am
Mayor Duncan McFie	Director (via Skype)
Mr Malcolm Wells	Director
Mr Michael Stretton	Director
Mr Rod Stendrup	Director – arrived at 9.20am
Mr Brett Smith	Chief Executive Officer
Ms Sarah Cairns	Executive Assistant
Ms Claire Smith	Finance and Corporate Services Manager

**Observers**

Alderman Teeny Brumby	Burnie City Council – arrived at 10.40am
Deputy Mayor Kath Downie	Central Coast Council – arrived at 9.35am
Deputy Mayor Annette Rockliff	Devonport City Council

**Apologies**

Mr Scott Wade	Australian Masters Games
Ms Cheryl Fuller	Director
Mr Igor van Gerwen	Director
Mr Andrew Wardlaw	Burnie City Council
Deputy Mayor Tim Wilson	Kentish Council
Mr Dirk Dowling	West Coast Council

**7.0 SECTION 23 COMMITTEES****7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 5 DECEMBER 2016**

File: 29528 D451726

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

Council's Strategic Plan 2009-2030:

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

**SUMMARY**

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 5 December 2016.

**ATTACHMENTS**

- Minutes - Infrastructure Works and Development Committee - 5 December 2016

**RECOMMENDATION**

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 5 December 2016 be received and the recommendations contained therein be adopted.

- IWC 39/16 Tender Report Contract CS0051 William Street Stormwater Catchment Upgrade - Stage 6
- IWC 40/16 Signage Strategy 2017 - 2022
- IWC 41/16 Pedestrian Strategy 2016-2021
- IWC 42/16 Mersey Bluff Precinct - Future Needs
- IWC 43/16 Cradle Coast Waste Management - Annual Report 2015-2016
- IWC 44/16 Development and Health Services Report
- IWC 45/16 Infrastructure and Works Report

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

**MINUTES OF AN INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY ON MONDAY, 5 DECEMBER 2016 COMMENCING AT 5:30PM**

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

**Aldermen in Attendance:**  
 Ald S L Martin  
 Ald T M Milne  
 Ald A L Rockliff

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

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

**APPOINTMENT OF CHAIRMAN**

**IWC 38/16 RESOLUTION**

MOVED: Ald Emmerton  
 SECONDED: Ald Jarman

That Ald Goodwin be appointed as Chairman for tonight's Infrastructure Works and Development Committee meeting.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Goodwin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Jarman	✓				

CARRIED UNANIMOUSLY

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald Perry	Apology
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**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL****3.1 PUBLIC QUESTION TIME****3.1.1 QUESTIONS ON NOTICE FROM THE PUBLIC**

Nil

**3.1.2 QUESTION WITHOUT NOTICE FROM THE PUBLIC**

Nil

**3.2 QUESTIONS FROM ALDERMEN**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 TENDERS****4.1 TENDER REPORT CONTRACT CS0051 WILLIAM STREET STORMWATER CATCHMENT UPGRADE - STAGE 6 (D449046)****IWC 39/16 RESOLUTION**

MOVED: Ald Laycock

SECONDED: Ald Jarman

That the Infrastructure, Works and Development Committee in relation to Contract CS0051 William Street Stormwater Catchment Upgrade - Stage 6 and in accordance with the delegated authority provided to it by Council under Minute 198/15:

- a) award the contract to Civilscape Contracting Tasmania Pty Ltd for the revised tendered sum of \$217,867 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$14,000 (ex GST); and
- c) note that a construction contingency of \$21,790 (ex GST) is included in the budget.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Goodwin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Laycock	✓	
Ald Jarman	✓				

CARRIED UNANIMOUSLY

**5.0 INFRASTRUCTURE AND WORKS REPORTS****5.1 SIGNAGE STRATEGY 2017-2022 (D387141)****IWC 40/16 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Jarman

That it be recommended to Council that the report of the Infrastructure and Works Manager relating to the Draft Signage Strategy 2017-2022 be received and noted and Council endorse the release of the Strategy for a minimum 30-day public consultation period.

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

CARRIED UNANIMOUSLY

**5.2 PEDESTRIAN STRATEGY 2016-2021 (D447171)****IWC 41/16 RESOLUTION**

MOVED: Ald Laycock

SECONDED: Ald Jarman

That it be recommended to Council that the report of the City Engineer be noted and that the Pedestrian Strategy 2016-2021 be adopted with immediate effect.

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

CARRIED UNANIMOUSLY

**5.3 MERSEY BLUFF PRECINCT - FUTURE NEEDS (D449608)****IWC 42/16 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Laycock

That it be recommended to Council that:

- (a) options relating to the development of a precinct plan for the Mersey Bluff area be investigated; and
- (b) funding the preparation of a precinct plan be considered as part of the 2017/18 budget deliberations.

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

CARRIED UNANIMOUSLY

**5.4 CRADLE COAST WASTE MANAGEMENT - ANNUAL REPORT 2015-2016 (D450524)****IWC 43/16 RESOLUTION**

MOVED: Ald Matthews  
 SECONDED: Ald Emmerton

That it be recommended to Council that the 2015/16 Cradle Coast Waste Management Group Annual Report be received and noted.

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

CARRIED UNANIMOUSLY

**6.0 INFRASTRUCTURE AND WORKS MONTHLY UPDATE****6.1 DEVELOPMENT AND HEALTH SERVICES REPORT (D448187)****IWC 44/16 RESOLUTION**

MOVED: Ald Jarman  
 SECONDED: Ald Laycock

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

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

CARRIED UNANIMOUSLY

**6.2 INFRASTRUCTURE AND WORKS REPORT (D448020)****IWC 45/16 RESOLUTION**

MOVED: Ald Matthews  
 SECONDED: Ald Emmerton

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

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

CARRIED UNANIMOUSLY

**7.0 CLOSURE**

There being no further business on the agenda the Chairman declared the meeting closed at 6:13pm.



## 7.2 PLANNING AUTHORITY COMMITTEE MEETING - 12 DECEMBER 2016

File: 29133 D452771

### 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, 12 December 2016.

### ATTACHMENTS

1. Minutes - Planning Authority Committee - 12 December 2016

### RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 12 December 2016 be received and the recommendations contained therein be adopted.

PAC 15/16 Planning Applications approved under Delegated Authority 24 October 2016 - 30 November 2016

PAC 16/16 PA2016.0165 Permitted Use: Business and Professional Services (Physiotherapy)

Discretionary components:

1. Subdivision within a Heritage Conservation area at 67 Gunn Street and consolidation with 77 Best Street; and
2. Assessment against the Performance Criteria for setback from adjoining zone boundary – 67 Gunn Street and 77 Best Street (D451149) **(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, 12 DECEMBER 2016 COMMENCING AT 5:15PM**

**PRESENT:** Ald S L Martin (Mayor) in the Chair  
Ald G F Goodwin  
Ald J F Matthews

**Aldermen in Attendance:**

Ald A J Jarman  
Ald L M Laycock  
Ald T M Milne  
Ald A L Rockliff

**Council Officers:**

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

**Audio Recording:**

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

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald Emmerton	Apology
Ald Perry	Apology

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 24  
OCTOBER 2016 - 30 NOVEMBER 2016 (D451215)**

**PAC 15/16 RESOLUTION**

MOVED: Ald Goodwin  
SECONDED: Ald Matthews

That the list of delegated approvals be received.

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

CARRIED UNANIMOUSLY

<b>4.0 DEVELOPMENT REPORTS</b>
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**4.1 PA2016.0165 PERMITTED USE: BUSINESS AND PROFESSIONAL SERVICES (PHYSIOTHERAPY)**

**DISCRETIONARY COMPONENTS:**

1. **SUBDIVISION WITHIN A HERITAGE CONSERVATION AREA AT 67 GUNN STREET AND CONSOLIDATION WITH 77 BEST STREET; AND**
2. **ASSESSMENT AGAINST THE PERFORMANCE CRITERIA FOR SETBACK FROM ADJOINING ZONE BOUNDARY - 67 GUNN STREET AND 77 BEST STREET (D451149)**

**PAC 16/16 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That Council, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 and 58 of the *Land Use Planning and Approvals Act 1993*, approve application PA2016.0165 and grant a Permit to use and develop land identified as 67 Gunn Street and 77 Best Street, Devonport for the following purposes:

- S.58 Permitted: Business and Professional Services (Physiotherapy)
- S.57 Discretionary: Subdivision within a heritage conservation area at 67 Gunn Street and consolidation with 77 Best Street and assessment against the performance criteria for setback from zone boundary

Subject to the following conditions:

1. Unless requiring modification by other conditions of this Permit the Use and Development is to be undertaken and proceed generally in accordance with:
  - (a) the submitted plans referenced as Project 16-296 by Lachlan Walsh Design dated 30 September 2016 copies of which are attached and endorsed as documents forming part of this Planning Permit.
  - (b) The terms of the In-principle agreement with Council dated 28 November 2016. (appended as **Attachment 3**.)
2. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.
3. The developer is to take all reasonable steps during demolition and construction works to prevent environmental effects occurring that might result in a nuisance. This includes the pollutant effects of noise and water as well as air pollution from the result of any burning of waste.
4. The circulation, loading, configuration, parking and drainage of the driveway, is to be in accordance with AS/NZS 2890.1 - 2004 Parking Facilities - Off Street Car Parking.

5. The developer is to provide a new 1.8m high boundary fence along the shared boundary with 65 Gunn Street. This is to be completed prior to occupation of the carpark area.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING, PLUMBING or DEMOLITION 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 1(b) the developer should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

In regard to condition 2 the developer should contact TasWater – Ph 136 992 with any enquiries.

In regard to condition 3 the use of power tools is limited to the hours prescribed in the Environmental Management and Pollution Control (Noise) Regulations 2016

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

CARRIED UNANIMOUSLY

## 5.0 CLOSURE

**With no further business on the agenda the Chairman declared the meeting closed at 5:17pm.**

Confirmed

Chairman

**7.3 COMMUNITY SERVICES COMMITTEE MEETING - 12 DECEMBER 2016**

File: 29530 D452795

**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 Community Services Committee meeting held on Monday, 12 December 2016.

**ATTACHMENTS**

1. Minutes - Community Services Committee - 12 December 2016

**RECOMMENDATION**

That the minutes of the Community Services Committee meeting held on Monday, 12 December 2016 be received and the recommendations contained therein be adopted.

- CSC 57/16 Minutes of the Sport and Recreation Strategic Special Committee Meeting - November 2016
- CSC 58/16 Minutes of the Community Development Strategic Special Committee Meeting
- CSC 59/16 Minutes of the Arts Culture and Tourism Strategic Special Committee Meeting - 24 November 2016
- CSC 60/16 Torquay Ferry - Proposed Partnership Agreement with Council
- CSC 61/16 Beach Volleyball Courts
- CSC 62/16 Community Services Report - December 2016

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

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**MINUTES OF A COMMUNITY SERVICES COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY  
ON MONDAY, 12 DECEMBER 2016 COMMENCING AT 5:30PM**

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

**Aldermen in Attendance:**  
Ald J F Matthews

**Council Officers:**  
Executive Manager Corporate, Community & Business, S Crawford  
Community and Cultural Development Manager, B de Jong  
Marketing, Tourism and Recreation Manager, S Jones  
Governance Coordinator, K Hampton

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

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL**

**3.1 PUBLIC QUESTION TIME**

**3.1.1 QUESTIONS ON NOTICE FROM THE PUBLIC**

Nil

**3.1.2 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

Nil

**3.2 QUESTIONS FROM ALDERMEN**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 COMMUNITY SERVICES REPORTS****4.1 MINUTES OF THE SPORT AND RECREATION STRATEGIC SPECIAL COMMITTEE MEETING - NOVEMBER 2016 (D448843)****CSC 57/16 RESOLUTION**

MOVED: Ald Jarman  
 SECONDED: Ald Laycock

That it be recommended to Council that the minutes of the Sport and Recreation Strategic Special Committee meeting held on 30 November 2016 be received and noted.

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

CARRIED UNANIMOUSLY

**4.2 MINUTES OF THE COMMUNITY DEVELOPMENT STRATEGIC SPECIAL COMMITTEE MEETING (D449562)****CSC 58/16 RESOLUTION**

MOVED: Ald Martin  
 SECONDED: Ald Jarman

That it be recommended to Council that the minutes of the Community Development Strategic Special Committee meeting of 29 November 2016 be received and be noted and that:

1. Council agree to review the Pioneer Park Master Plan in 2017/18.
2. Council investigate options to provide LIVING CITY storyboards throughout the City to educate and update the community on LIVING CITY progress.

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

CARRIED UNANIMOUSLY

**4.3 MINUTES OF THE ARTS CULTURE AND TOURISM STRATEGIC SPECIAL COMMITTEE MEETING - 24 NOVEMBER 2016 (D449582)****CSC 59/16 RESOLUTION**

MOVED: Ald Laycock  
 SECONDED: Ald Jarman

That it be recommended to Council that the minutes of the Arts, Culture and Tourism Strategic Special Committee meeting held on 24 November 2016 be received and noted and that:

1. reservation of an area between the demolished toilet block and the Bowls Club in Pioneer Park for a future memorial garden be considered as part of a Pioneer Park Master Plan review, to acknowledge the pioneers and early settlers including William Holyman;



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2. A feasibility study be conducted on the development of a mobile phone application that advertises local events and visitor information.

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

CARRIED

#### 4.4 TORQUAY FERRY - PROPOSED PARTNERSHIP AGREEMENT WITH COUNCIL (D450617)

##### CSC 60/16 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That it be recommended to Council that it enter into a three year Partnership Agreement with Merseylink for the operation of the Torquay Ferry for the sum of \$25,000 per annum.

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

CARRIED UNANIMOUSLY

#### 4.5 BEACH VOLLEYBALL COURTS (D451147)

##### CSC 61/16 RESOLUTION

MOVED: Ald Martin

SECONDED: Ald Goodwin

That it be recommended to Council that the report relating to Beach Volleyball be received and Council:

1. encourages Devonport Volleyball Association to consider relocating beach volleyball to Coles Beach or a site in the Bluff Precinct;
2. agree to remove existing court infrastructure at the EDR&FC, to be replaced with grass; with fencing and sand to be recycled and used at other Council facilities; and
3. allocate funds in the 2017/18 budget to assist with relocation, establishment, marketing and promotion of a new Beach Volleyball league.

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

CARRIED UNANIMOUSLY

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**4.6 COMMUNITY SERVICES REPORT - DECEMBER 2016 (D448841)****CSC 62/16 RESOLUTION**

MOVED: Ald Milne  
 SECONDED: Ald Martin

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

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

CARRIED UNANIMOUSLY

**5.0 CLOSED SESSION****CSC 63/16 RESOLUTION**

MOVED: Ald Martin  
 SECONDED: Ald Jarman

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

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
5.1	The Huddle	15(2)(g)

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

CARRIED UNANIMOUSLY

**The Chairman adjourned the meeting at 5:51pm to reconvene in Closed Session at 5:52pm**

**The Committee moved out of Closed Session at 6:03pm.**

**There being no further business on the agenda the Chairman declared the meeting closed at 6:03pm.**

## 8.0 CLOSED SESSION

### RECOMMENDATION

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

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
8.1	Application for Leave of Absence	15(2)(h)
8.2	Citizen Awards - Australia Day 2017	15(2)(g)
8.3	2-12 Murray Street, East Devonport	15(2)(f)
8.4	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.5	Art Gallery Relocation Update	15(2)(a)
8.6	Closed Session - Community Services Committee Meeting - 12 December 2016	15(2)(f)

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## OUT OF CLOSED SESSION

### RECOMMENDATION

That Council:

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

Item No	Matter	Outcome
8.1	Application for Leave of Absence	Granted
8.2	Citizen Awards - Australia Day 2017	
8.3	2-12 Murray Street, East Devonport	
8.4	Unconfirmed Minutes - Joint Authorities	Noted
8.5	Art Gallery Relocation Update	
8.6	Closed Session - Community Services Committee Meeting - 12 December 2016	Noted

## 9.0 CLOSURE

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