



*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 Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport, on Monday 22 July 2019, commencing at 5:30pm.

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

## QUALIFIED PERSONS

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

Paul West  
GENERAL MANAGER

**17 July 2019**

## AUGUST 2019

<b>Meeting</b>	<b>Date</b>	<b>Commencement Time</b>
Infrastructure, Works and Development Committee	12 August 2019	5:30pm
Council	26 August 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 22 JULY 2019 IN THE ABERDEEN ROOM, paranapple centre, 137 ROOKE  
STREET, DEVONPORT AT 5:30PM**

Item	Page No.
<b>1.0 APOLOGIES.....</b>	<b>1</b>
Cr L Laycock	
<b>2.0 DECLARATIONS OF INTEREST .....</b>	<b>1</b>
<b>3.0 PROCEDURAL.....</b>	<b>2</b>
<b>3.1 CONFIRMATION OF MINUTES .....</b>	<b>2</b>
3.1.1 Council meeting - 24 June 2019 .....	2
<b>3.2 PUBLIC QUESTION TIME .....</b>	<b>3</b>
3.2.1 Responses to questions raised at prior meetings (D561277) .....	4
3.2.2 Questions on notice from the public (D561311) .....	11
3.2.3 Question without notice from the public .....	25
<b>3.3 QUESTIONS ON NOTICE FROM COUNCILLORS .....</b>	<b>25</b>
<b>3.4 NOTICES OF MOTION .....</b>	<b>26</b>
3.4.1 Installation of "Pump Track" - East Devonport - Notice of Motion - Cr J Alexiou (D590946) .....	26
<b>4.0 PLANNING AUTHORITY MATTERS .....</b>	<b>27</b>
4.1 AM2019.02 Rezone from the General Industrial and Community Purpose Zones to the General Residential Zone - 117 Tasman Street Devonport (D592288) .....	28
4.2 Updated Delegations - Land Use Planning and Approvals Act 1993 (D591413) .....	31
<b>5.0 REPORTS .....</b>	<b>46</b>
5.1 Electric Vehicle Charging Station (D522324).....	46
5.2 Tender Report Contract CT0246-01 Supply, Delivery & Placement of Hotmix Asphalt (D590619) .....	51
5.3 Tender Report Contract CT0246-02 Supply, Delivery & Placement of Sprayed Bituminous Surfacing (D590914) .....	55
5.4 Melaleuca Aged Care - Expansion of Facility (D591095) .....	59
5.5 City of Devonport Brass Band - Partnership Agreement (D590461) .....	66
5.6 Devonport Gymnastics Club (D592038) .....	73
5.7 Special Interest/Working Groups - Appointment of Members (D592100) .....	84
5.8 Levelling the Playing Field Funding Requests (D592287) .....	98
5.9 FIFA Women's World Cup Bid 2023 - Devonport City Soccer Centre (D592289) .....	101
5.10 World Series Para Triathlon event - Cradle Coast Sports and Events request for funding support (D592300).....	180
5.11 Christmas Parade and New Year's Eve events 2019 (D592760) .....	183
<b>6.0 INFORMATION .....</b>	<b>186</b>
6.1 Workshops and Briefing Sessions Held Since the Last Council Meeting (D561337) .....	186
6.2 Mayor's Monthly Report (D563537).....	187
6.3 General Manager's Report - July 2019 (D561418) .....	188
6.4 Unconfirmed Minutes - Shared Audit Panel - 3 June 2019 (D592115) .....	210
<b>7.0 SECTION 23 COMMITTEES .....</b>	<b>217</b>

7.1 Planning Authority Committee Meeting - 1 July 2019 (D591143)..... 217

7.2 Governance, Finance & Community Service Committee Meeting - 15 July 2019  
(D592772) ..... 222

**8.0 CLOSED SESSION - CONFIDENTIAL MATTERS ..... 229**

**Out Of Closed Session ..... 230**

**9.0 CLOSURE ..... 230**

**Council meeting Agenda 22 July 2019**

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Agenda of an ordinary meeting of the Devonport City Council to be held in the Aberdeen Room, paranaple centre, 137 Rooke Street, Devonport on Monday, 22 July 2019 commencing at 5:30pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chair	Cr A Rockliff (Mayor)		
	Cr A Jarman (Deputy Mayor)		
	Cr J Alexiou		
	Cr G Enniss		
	Cr P Hollister		
	Cr L Laycock		✓
	Cr S Milbourne		
	Cr L Murphy		
	Cr L 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.

Cr Laycock	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

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**3.0 PROCEDURAL**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 COUNCIL MEETING - 24 JUNE 2019**

**RECOMMENDATION**

That the minutes of the Council meeting held on 24 June 2019 as circulated be confirmed.

### 3.2 PUBLIC QUESTION TIME

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

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

### 3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

File: 35817 D561277

Responses to questions raised at prior meetings are attached.

#### ATTACHMENTS

1. GMGOV - Letter - Question Without Notice - Council Meeting 20190624 - Response to Douglas Janney
2. GMGOV - Letter - Question Without Notice - Council Meeting 20190624 - Response to Trevor Smith
3. GMGOV - Letter - Question Without Notice - Council Meeting 20190624 - Response to Bob Vellacott
4. GMGOV - Letter - Question Without Notice - Council Meeting 20190624 - Response to Malcolm Gardam
5. GMGOV - Letter - Question Without Notice - Council Meeting 20190624 - Response to Graeme Nevin

#### RECOMMENDATION

That the responses to questions from Mr Douglas Janney, Mr Trevor Smith, Mr Bob Vellacott, Mr Malcolm Gardam and Mr Graeme Nevin at the 24 June 2019 Council meeting be noted.

Author:	Paul West
Position:	General Manager



27 June 2019

*In reply please quote:*  
File 35817

Mr Douglas Janney  
23 Watkinson Street  
DEVONPORT TAS 7310

Dear Mr Janney

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 24 JUNE 2019**

I refer to your question raised at the Council meeting on Monday 24 June 2019 and provide the following response:

**Question**

At the IWDC meeting on the 8<sup>th</sup> April 2019 I asked a question that was taken on notice. I have had no notice and the front 2 sliding doors still do not have opening direction arrows.

**Response**

Your question was verbally answered by the Deputy General Manager at the meeting on Monday 8 April 2019. The Deputy General manager advised you that as far as he is aware the doors are completed and have been signed off by the Building Surveyor.

This response was noted in the minutes of the meeting, which were confirmed at the April 29<sup>th</sup> Council meeting.

Yours sincerely

Paul West  
GENERAL MANAGER





**DEVONPORT CITY COUNCIL**

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28 June 2019

**In reply please quote:**

File 35817

Trevor Smith  
7 Glen Court  
DEVONPORT TAS 7310

Dear Mr Smith

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 24 JUNE 2019**

I refer to your questions raised at the Council Meeting on Monday 24 June 2019 and provide the following responses:

**Q1.**

Recently in the media it was noted that the Wynyard Council is going to develop an Environmental plan, that will focus on issues, including Proactive Resource Management, Economic Future Proofing, Sustainability of Council Activities and Community Resilience and Adaption. This plan is foreshadowed to protect communities against the impacts of climate change. Does the Devonport Council have a similar plan in place for the outcomes of climate change, if not, when will one be implemented?

**Response**

Devonport Council has an Environment Strategy, which was adopted by Council in July 2018. Development of the Strategy involved analysis of key environmental values and threatening processes in the Devonport municipal area, community consultation in the form of an online survey and workshops, establishment of an Environment Strategy Working group comprising two elected members and four community members and development of strategic outcomes, actions, and targets in consultation with the Working Group and Council Officers.

The focus areas for the strategy are:

1. Conserving Our Biodiversity
2. Healthy Waterways and Coasts
3. Living Lightly

The Environment Strategy is available on Council's website.

**Q2.**

Will the Council fence off the hazardous foreshore edge at the old Clay Target Range? This is a potential risk to the ratepayers of Devonport and tourists who frequent this area. As a Council you have a duty of care to take action on this issue.



*The City with Spirit*

- 2 -

**Response**

A risk assessment will be undertaken to determine if action is required. This assessment will consider both the risk to people and the risk to infrastructure.

**Q3.**

What was the cost to Devonport Ratepayers to rehabilitate, and stabilise the foreshore from erosion at Don Heads recently? If these works can be done, why not fix the erosion problem at the former clay target area of Coles Beach?

**Response**

The work described was undertaken by DPIPW who are responsible for the Don Heads area west of the river. If the risk assessment described above determines that work is required, the cost of the recommended work would have to be considered in either the current or a future budget.

Council has also recently endorsed a draft Local Provisions Schedule (LPS) which will form part of the future Tasmanian Planning Scheme. The draft LPS will apply a set of standardised state-wide planning rules known as the State Planning Provisions which have previously been prepared by the State Government.

The State Planning Provisions include a standardised Coastal Erosion Hazard Code with will manage land use and development in areas identified as being subject to coastal erosion hazard. Council's draft LPS will apply the Coastal Erosion Hazard code by reference to an overlay map which is based on mapping prepared at the State level by the Office of Security and Emergency Management (under the Department of Premier and Cabinet) as part of the Mitigating Natural Hazards through Land Use Planning Project.

Following Council's recent endorsement of the draft LPS it will now be referred to the Tasmanian Planning Commission (the Commission). Before the Council seeks community input on the draft LPS, the Commission must first assess and endorse the draft LPS to proceed to the public exhibition phase. The Commission will direct Council when the public exhibition of the draft LPS will occur.

The Tasmanian Planning Scheme will come into effect for the Devonport municipal area once the draft LPS is formally approved by the Minister for Planning.

Yours sincerely



Paul West  
GENERAL MANAGER



28 June 2019

*In reply please quote:*  
File 35817

Mr Bob Vellacott  
11 Cocker Place  
DEVONPORT TAS 7310

Dear Mr Vellacott

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 24 JUNE 2019**

I refer to your question taken on notice at the Council Meeting on Monday 24 June 2019 and provide the following response:

**Question**

Mayor can you please explain how you/Council can still assert that the hotel will be built without any Council subsidy?"

**Response**

Your preamble to the question is merely stating Mr Gardam's opinion. The question has been asked by Mr Gardam in the past and Council's responses have been provided in the agendas and/or minutes accordingly. Council has nothing further to add other than what has previously been provided.

Yours sincerely

A handwritten signature in blue ink that reads 'Paul West'.

Paul West  
GENERAL MANAGER





28 June 2019

*In reply please quote:*  
File 35817

Mr Malcolm Gardam  
4 Beaumont Place  
DEVONPORT TAS 7310

Dear Mr Gardam

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 24 JUNE 2019**

I refer to your question taken on notice at the Council Meeting on Monday 24 June 2019 and provide the following response:

**Question**

Has the current Tasmanian Chip Company operator in Providore Place just closed for the winter or is it now the second operator to cease trading in around 8 months since first opening in October 2018?

**Response**

Currently the tenancy arrangement for the Tasmanian Chip Company is between Providore Place Devonport Pty Ltd and the Tasmanian Chip Company. There was an article in the Advocate Newspaper on 27 June 2019 that will answer your question.

Yours sincerely

A handwritten signature in blue ink that reads 'Paul West'.

Paul West  
GENERAL MANAGER





1 July 2019

*In reply please quote:*  
File 35817

Mr Graeme Nevin  
145 Percy Street  
DEVONPORT TAS 7310

Dear Mr Nevin

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 24 JUNE 2019**

I refer to your question taken on notice at the Council Meeting on Monday 24 June 2019 and provide the following response:

**Question**

Has the Audit Panel been provided with a copy of the Providore Place Head Lease and if so, when?

**Response**

The Providore Place Head Lease has been discussed with the Audit Panel, however the Panel has not to date asked to view a copy of the document.

Yours sincerely

A handwritten signature in blue ink that reads 'Paul West'.

Paul West  
GENERAL MANAGER



### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 28539-36 D561311

#### MR GRAHAM JONES – 2/17 VICTORIA PARADE, DEVONPORT

Questions on notice received from Mr Graham Jones on 28 June 2019 are **reproduced as attachment 1**.

#### DISCUSSION

In relation to the questions received 28 June 2019, it is proposed Mr Jones be advised the following:

- Q1.** Mayor will you support Cr Milbourne and confirm that in actual fact ratepayers subsidised only \$230,000 for fitting out the actual leased area of Charlotte Jack and if correct, make available all other costs associated from base build necessary to accommodate the premises in question?

#### Response

As stated on numerous occasions in the past the information relating to the fit-out costs associated with Providore Place have been considered by Council in Closed Session. On that basis at present the Mayor is not able to answer your question.

- Q2.** I also ask that you inform all present that my original letter to Mr Paul West and you were fair comments and not an unreasonable assessment of what has transpired in matters concerning the premises – Providore Place and its management and its on-going long-term inability to pay rental as per the lease?

#### Response

Your original letter was provided to the Councillors as requested at that time together with the General Manager's response. The Mayor has nothing to add regarding the opinions expressed by you in that correspondence.

#### MR CHRISTOPHER MILLS

A question dated 1 July 2019 received from Mr Christopher is **reproduced as attachment 2**.

#### DISCUSSION

In relation to the question dated 1 July 2019, it is proposed Mr Mills be advised the following:

- Q1.** Would Council consider a Policy which whilst encouraging free speech, would *reasonably* under the above circumstances, restrict that free speech to say 5 metres from the parade building's doorways?

#### Response

In relation to alleged harassment at the entrance to the parade centre, upon you raising concerns, the matter was discussed with those undertaking the protest and the importance of maintaining clearance to the doorway was highlighted.

The Building Manager also raised the matter with Council and reviewed the CCTV of the incident that you outline. From the footage and observations during the time the protestors were present, Council does not consider their actions were unreasonable. In the event that this type of activity was resulting in unreasonable harassment or violence, Council would contact the Tasmanian Police, being the jurisdiction with the necessary powers to control public behaviour.

Council does not consider a policy to be necessary at this time, however the situation will be monitored in the future.

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

Questions on notice received from Mr Malcolm Gardam on 15 July 2019 are **reproduced as attachment 3**.

**DISCUSSION**

In relation to the questions received 15 July 2019, it is proposed Mr Gardam be advised the following:

- Q1a.** ...it would be appreciated if you Mayor Rockliff substantiate your statement by indicating precisely where each of these questions have "*previously been answered*"?
- Q1b** Mayor Rockliff, were you aware of the absence of legal advice relating to the Providore Place head lease before Council approved it for signing?
- Q1c** If YES to Q1b then why did you not seek legal advice before approving the Providore Place head lease for signing?
- Q1d** If NO to Q1b then, do you know why legal advice was not provided to Councillors prior to Council approving the signing of the head lease?
- Q1e.** For the avoidance of doubt, when did you Mayor Rockliff first become aware of the absence of independent legal advice for Council regarding the consideration of the proposed Providore Place head lease?

**Response**

The Mayor advises that she has no intention of responding further at this time, to questions relating to the Providore Place lease and the matter of the provision of legal advice, at the time the decision was made by Council to enter the lease.

Matters relating to the Providore Place lease are currently being worked through by Council and at the appropriate time information which can be released publicly will be.

- 
- Q2a** Confirm Mr Hirst's statement is correct in that "*....there was rent paid*"?
  - Q2b** Notwithstanding the reported \$250,000 "*rent reprieve*" confirm that Devonport Council is not paying/subsidising directly or indirectly any of Mr Hirst's mentioned significant cost of running Providore Place?
  - Q2c** Without disclosing the actual amounts, did Mr Hirst's statement that there was "*rent paid*" reflect that rent was actually paid in full by Providore Place (Devonport) Pty Ltd in accord with the contractually required period?
  - Q2d** Without disclosing the actual amounts, is Providore Place (Devonport) Pty Ltd now paying its full rent in accord with the head lease agreement?
  - Q2e** Mayor Rockliff, will you now confirm that a \$250 thousand Council "*rent reprieve*" was granted as reported in *The Advocate* and that Providore Place (Devonport) Pty Ltd has now satisfied the conditions of that "*rent reprieve*"?
  - Q2f** Mayor Rockliff, will you now state whether a legal practitioner was engaged to provide "*arm's length*" legal advice to Councillors about the Providore Place Head Lease prior to Councillors considering a "*rent reprieve*" to Providore Place (Devonport) Pty Ltd around October 2018?

Report to Council meeting on 22 July 2019

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**Response**

Matters relating to the Providore Place lease are currently being worked through by Council and at the appropriate time information which can be released publicly will be.

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**Q3.** Mayor, did you rely entirely on the advice from the GM and/or DGM about the Head Lease Agreement in making a decision about the suitability of the Head Lease?

**Response**

Councillors receive information and advice in the Council agenda reports. It is up to the individual Councillor to determine their position on matters including seeking additional information or advice.

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**Proposed Waterfront Precinct Hotel**

**Q4a** Will Council give assurances that the planned 5 stage Building Permit application and approval process will comply with the land sale agreement and guarantee the proposed hotel will be fully completed?

**Response**

Yes, in relation to the building permit process. Council remains confident the hotel will be fully completed.

---

**Q4b** Will the proposed alternate proposal to build a 200 room hotel fully satisfy all the requirements of the agreed hotel concept being the basis of the Lot 1 Council land sale?

**Response**

Yes.

---

**Q4c** Considering that the next Fairbrother Quarterly Report on progress of the proposed New Waterfront Hotel is due, covering the period to the 30/6/19, will Council explain why if this Report is not included in the July 2019 meeting Agenda? [NOTE: The Quarterly Report for the period ending the 30/3/19 was included in the April 2019 ordinary meeting agenda]

**Response**

Refer attachment included in the General Manager's Report on the 22 July 2019 Council meeting agenda.

---

**Q4d** Noting from memory that only one Fairbrother Quarterly Report on progress of the proposed New Waterfront Hotel has been provided in the Ordinary Meeting Agendas to date will Council commit to including all future reports in the Agenda immediately following the end of the reporting period?

**Response**

Yes, where appropriate.

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**Q5a** Confirm if the Auditor General's review of the three councils report, or relevant section that applies to Devonport, has been received by Devonport Council?

**Response**

No.

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**Q5b** If the answer to Q5a is NO then has the Auditor General's review of the Devonport Council been completed?

**Response**

This would be a question for the Auditor General.

---

**MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

Questions on notice received from Mr Bob Vellacott on 15 July 2019 are **reproduced as attachments 4 and 5.**

**Q1** Please confirm:-

- (a) if my interpretation is correct?
- (b) that The Advocate report is factual?

**Response**

The comment included in the Council's rate pamphlet is correct.

In relation to the hotel development status refer to the Fairbrother report attached to the General Manager's Report on the 22 July 2019 Council meeting agenda.

---

**Q2** If the answer to Q1 (a) is yes please provide:-

- (a) the evidence that indeed, as per the above statement, a hotel will be built
- (b) state - if construction for the hotel did not commence as scheduled for June 2019 give the actual date that it will now commence?

**Response**

In relation to the hotel development status refer to the Fairbrother report attached to the General Manager's Report in the 22 July 2019 Council meeting agenda.

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**Q1.** Does Council agree with Mr Malcolm Gardam's above assessment and calculations that the actual cost of the Harris Scarfe section of property required for the proposed hotel cost the council about \$1,705.00 per square metre and was sold for about \$509.00 per square metre thus selling at a discount to Fairbrother of about \$750,000? A simple answer of - Yes or No will suffice.

**Q2.** If Council does not agree with Mr Gardam's assessment and calculations will you provide the evidence to prove otherwise? Again a simple answer of Yes or No will suffice.

**Q3** If your answer is no to the above question 2 - will you please state the reasons for not doing so and most importantly provide the evidence that permits you to not having to provide the evidence?

**Response**

The sale of the land to Fairbrother Pty Ltd for the development of the Waterfront Hotel was influenced by the independent valuation report obtained, negotiations with Fairbrother and legal advice. The calculations undertaken by Mr Gardam are not relevant to the Council decision.

**ATTACHMENTS**

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**Report to Council meeting on 22 July 2019**

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1. Letter - Questions on Notice - 22 July 2019 - Council Meeting - Graham Jones - Pecuniary Interests
2. Letter - Question on Notice - 22 July 2019 - Council Meeting - Christopher Mills - harassment
3. Letter - Questions on Notice - 22 July 2019 - Council Meeting - Malcolm Gardam - LIVING CITY
4. Letter - Questions on Notice - 22 July 2019 - Council Meeting - Bob Vellacott - Waterfront Hotel Commencement Date
5. Letter - Questions on Notice - 22 July 2019 - Council Meeting - Bob Vellacott - Sale of Harris Scarfe Site

**RECOMMENDATION**

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

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Paul West General Manager
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## Graham Jones

2/17 Victoria Parade  
Devonport  
Tasmania 7310

Postal Address: PO Box 100  
Devonport TAS 7310

Mobile: 0417 232 473

Email: [gatcv@yahoo.com.au](mailto:gatcv@yahoo.com.au)

Subject - Questions on notice for the Council meeting Monday 22<sup>nd</sup> July 2019

Mayor Rockliff and Councillors

My Questions -

I refer to my recent correspondence (April, June 2019) to you and General Manager Paul West and his replies of (April and June) about my concerns of Councillor Sally Milbourne's possible conflicts of interest, other issues pertaining to Providore Place and council financial matters. I believe all councillors are now aware of my original correspondence.

I have had a telephone conversation with Cr Milbourne, who challenged my comment, that the Devonport Ratepayers may have had to pay some if not all in excess of \$500,000 for the necessary building costs and fit out for the Charlotte Jack Restaurant in which I understand Cr Milbourne had a direct, if not, an indirect interest.

During the discussion Cr Milbourne informed me - That ratepayers subsidised fit out for Charlotte Jacks to the extent of only \$230, 000 not the generally accepted figure of \$500,000.

\* Mayor will you support Cr Milbourne and confirm that in actual fact ratepayers subsidised only \$230,000 for fitting out the actual leased area of Charlotte Jack and if correct, make available all other costs associated from base build necessary to accommodate the premises in question.

\* I also ask that you inform all present that my original letter to Mr Paul West and you were fair comments and not an unreasonable assessment of what has transpired in matters concerning the premises - Providore Place and its management and its on-going long-term inability to pay rental as per the lease.

Further when you will provide proof that I have made any misleading, false, unfair or incorrect statements I will be most happy to apologise to Cr Milbourne publicly. In fact, I think it would appropriate if a public statement or press release from Devonport City Council was issued clearing this matter up. I believe it is unfair to Cr Milbourne and the Milbourne family that the public perception is incorrect as to how much of ratepayer funds (\$230,000) was used in setting up of their business, the Charlotte Jack restaurant.

On a different subject during my conversation with Cr Milbourne, I am justifiably offended that she referred to me on a number of occasions as being very "negative" and if I didn't like it, I should move out of Devonport. This is a disgraceful attitude from an elected Councillor and almost hints of bullying, I hope this is not the pervading attitude to any Ratepayer who disagrees with any Council decision.

I look forward to your reply and answers on the above. Will you please circulate to all councillors and include all of the above in the July Council meeting agenda?

Yours Sincerely

*Graham Jones*

DCC  
137 Rooke St  
Devonport.

Christopher Mills  
52 Caroline St  
E.Devonport

1 July 2019

**QUESTION ON NOTICE FOR DCC MEETING 22 July 2019**

**Harassment at the Paranaple Building's Northern doorways**

*"Harassment includes any unwelcome behaviour that offends, humiliates or intimidates a person"*

Recently... I and ( and presumably) other people entering (and leaving ) the building at the northern doorways, have been vigorously verbally harassed by a squad of angry Protesters .

Protestors are taking the opportunity to harass people as they wait ( briefly) for the revolving door or the push button doors to open.

The entrance to these doors has become a favoured place for Protesters and Election Lobbyists ( who exceeded their Permits and crowded around the doorways at the Federal Election). The main entrance on the East side of the Building ( Rooke St) offers people entering the building more safety as there is Staff on duty directly inside

\*\*\*\*\*

**Free Speech :** Given that "Free Speech" is a right.....but this needs to be balanced with respect for the rights of others.....ie: people wishing to enter the Paranaple Building without running a gauntlet of Protestors.

\*\*\*\*\*

I was fortunate enough to raise the issue immediately with the Building's Manager.... an employee of Knight Frank and representing the Body Corporate. We both witnessed the behaviour of these Protestors from the large 2<sup>nd</sup> floor window. The Building Manager made it clear to me that Protests were *not allowed* inside the building.....but that the paved area adjacent ( the walkway between the Paranaple and the Tourist Centre) was Council property. I believe these protestors were politely requested to move back away from the doorways.

However, future Protestors will still station themselves on Council property close to the Building's northern doorways and obstruct ( with placards) and verbally harass people entering and leaving the Paranaple building.

\*\*\*\*\*

This is a new concern.....as the various entrances to the previous Council Offices , the Library and Service Tasmania did not provide a platform for Protestors to harass the people entering or leaving those premises,

**Question 1: Would Council consider a Policy which whilst encouraging free speech, would reasonably under the above circumstances, restrict that free speech to say 5 metres from the Paranaple Building's doorways ?**

*Christopher Mills*  
*1. July 2019*

14<sup>th</sup> July 2019

Devonport City Council  
137 Rooke Street  
DEVONPORT TAS 7310

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

**ATTENTION: MR. PAUL WEST – GENERAL MANAGER (MAYOR & COUNCILLORS)**

**RE: LIVING CITY – GOVERNANCE AND OPERATIONAL QUESTIONS ON NOTICE (Ref. File 32161)**

Dear Sir,

The following are submitted as questions on notice for the next Ordinary Meeting of Council scheduled for Monday 22<sup>nd</sup> July 2019.

**Providore Place**

**Q1.** At the 24<sup>th</sup> June 2019 Ordinary Meeting I asked the following as Question 1 without Notice. [NOTE: I have included in full to ensure full context of the preamble and questions being asked are easily understood by the reader]

“On Page 10 of the current June 2019 Meeting Agenda I asked the following for the first time as Questions 5 of Questions on Notice in relation to the Providore Place head lease agreement:

“Further to Q4. above, will the Mayor specifically respond to each of the following as separate questions and if responded to by the General Manager it will be taken as a personal response from the Mayor;

- a) **Were you Mayor**, noting your capacity as Deputy Mayor at the time, **personally made aware** prior to the decision to approve signing of the Head Lease Agreement that no appropriately qualified and experienced legal practitioner was engaged by Council in developing the lease agreement, between Providore Place (Devonport) Pty Ltd and Devonport City Council?
  
- b) **Will you Mayor**, noting your capacity as Deputy Mayor at the time, **personally confirm that all Aldermen, at the time, were made aware** prior to the decision to approve signing of the Head Lease Agreement that no appropriately qualified and experienced legal practitioner was engaged by Council in developing the lease agreement, between Providore Place (Devonport) Pty Ltd and Devonport City Council? “

**Response from Meeting Agenda for DCC Ordinary Meeting 24/6/19**

*"The Mayor has confirmed that in her view the issues which you have raised have been previously answered and she has nothing further to add regarding your questions."*

These two questions had never been asked before and the answer is quite simple as to whether or not the then Deputy Mayor and some or all alderman at the time were advised as to the absence of legal advice relating to the Providore Place head lease agreement before Council approved its signing; and considering the Mayor has expressed the view that both these questions *"have previously been answered"* **will Mayor Rockliff substantiate her statement by indicating precisely where each of these questions have "previously been answered"?**

**Response from Meeting Minutes for DCC Ordinary Meeting 24/6/19**

*"The Mayor advised you have previously asked if we were aware at the time **and my response again, is that it was a part of the agenda at the time and I can't take responsibility for whether all of the other Aldermen actually read their agenda, but I certainly did.**"*

**Q1a.** - Despite personally undertaking a reasonable review of the *"agenda at the time"* being September and October 2016, I am unable to identify anywhere in the open meeting agendas or meeting minutes where it refers to the existence or otherwise of legal advice in relation to the Providore Head Lease Agreement and said questions being asked and answered; accordingly, **it would be appreciated if you Mayor Rockliff substantiate your statement by indicating precisely where each of these questions have "previously been answered"?** [NOTE: the reference to "each of these questions" refers directly to Questions 1a and 1b as presented to the Ordinary Meeting 24/6/19 in both hardcopy and Word version albeit the Minutes to that meeting simply records both under Q1]

In addition, the above sequence of responses from the Mayor is, in my opinion, misleading and evasive on a number of fronts, including:

- So far unsubstantiated reference made to prior questions which differed from that actually being asked in this instance insofar as earlier questions asked separately *"as to whether or not the then Deputy Mayor and some or all alderman at the time were advised as to the absence of legal advice relating to the Providore Place head lease agreement before Council approved its signing"* which the Mayor has avoided by offering she had read the agenda at the time but couldn't take responsibility as to whether other Aldermen had done so or not.
- The recent questions did not refer to anyone actually reading a particular document (those 3 questions without notice were directed to the Mayor on 27/5/19) but moreover asked were the Mayor and Aldermen made aware which by default would be YES even if the non-existence of independent legal advice was only referenced in a closed session *"detailed report"* or ordinary meeting *"agenda"*. Whether Aldermen read a detailed report or other agenda, or not, has no bearing on the answer which is a matter of fact. Nor does the response provide any indication as to whether the advice was provided or not and before or after the head lease agreement was approved and/or signed.

- The last response clearly states that it had previously been advised that “...**and my response again, is that it was a part of the agenda at the time** .....” At no time previously has the Mayor made reference “...**that it was a part of the agenda at the time**....”.

Despite all the time and effort expended one is still left to deduce what is being, or not being said, **which I think is that the “agenda at the time”** (be that open agenda or closed session detailed report still to be confirmed by the Mayor) **stated that no independent legal advice had been engaged** regarding the consideration of the proposed Providore Place head lease; and accordingly for the avoidance of doubt I ask Mayor Rockliff to answer each of the following as separate questions having been authorised by Council almost 4 months ago to make announcements relating to Providore Place:

**Q1b** – Mayor Rockliff, were you aware of the absence of legal advice relating to the Providore Place head lease before Council approved it for signing?

**Q1c** - If YES to Q1b then why did you not seek legal advice before approving the Providore Place head lease for signing?

**Q1d** - If NO to Q1b then, do you know why legal advice was not provided to Councillors prior to Council approving the signing of the head lease?

**Q1e** – For the avoidance of doubt, when did you Mayor Rockliff first become aware of the absence of independent legal advice for Council regarding the consideration of the proposed Providore Place head lease?

- Q2.** I refer to the following question without notice from the June 2019 Ordinary Meeting Minutes where I asked of Mayor Rockliff “Considering the Mayor was granted absolute authority to make any Providore Place announcements necessary three months ago **will the Mayor detail what guiding principles she will apply in determining when it is “necessary” and the “appropriate time”** and we can expect the Mayor to make an announcement in regards to the Council’s decision? [NOTE: it is now almost 4 months ago since that authorisation was granted by Council]

#### **Response from Meeting Minutes for DCC Ordinary Meeting 24/6/19**

*“The Mayor advised she would make announcements when she considered it the appropriate time.”*

I draw Mayor Rockliff’s attention to a statement attributed to Mr. Grant Hirst (currently the sole Director of Providore Place (Devonport) Pty Ltd, the Providore Place head lessee) in *The Advocate* article “Second operator moves on” dated 27/06/19 in that “**Asked if rent was paid to the council as the site owner, Mr Hirst said “it’s confidential” adding “but there has been rent paid.” and “He said the cost of running Providore Place was significant.”**

Having been authorised by Council to make announcements relating to Providore Place almost 4 months ago **will you Mayor Rockliff now answer each of the following as separate questions:**

**Q2a** – Confirm Mr Hirst’s statement is correct in that “...*there was rent paid*”?

**Q2b** – Notwithstanding the reported \$250,000 “rent reprieve” confirm that Devonport Council is not paying/subsidising directly or indirectly any of Mr Hirst’s mentioned significant cost of running Providore Place?

**Q2c** - Without disclosing the actual amounts, did Mr Hirst's statement that there was "rent paid" reflect that rent was actually paid in full by Providore Place (Devonport) Pty Ltd in accord with the contractually required period?

**Q2d** - Without disclosing the actual amounts, is Providore Place (Devonport) Pty Ltd now paying its full rent in accord with the head lease agreement?

**Q2e** - Mayor Rockliff, will you now confirm that a \$250 thousand Council "rent reprieve" was granted as reported in *The Advocate* and that Providore Place (Devonport) Pty Ltd has now satisfied the conditions of that "rent reprieve"?

**Q2f** - The General Manager has twice confirmed in writing that a legal practitioner was not engaged on behalf of Council (23/01/17 & 25/03/19) in developing a supposed \$4 million Providore Place head lease agreement, albeit with two different explanations offered as to the basis for failing to engage a legal practitioner. **Mayor Rockliff, will you now state whether a legal practitioner was engaged to provide "arm's length" legal advice to Councillors about the Providore Place Head Lease prior to Councillors considering a "rent reprieve" to Providore Place (Devonport) Pty Ltd around October 2018?** [Please note nothing about what occurred in Closed Sessions is requested, simply whether a legal practitioner was actually engaged to give advice to the Councillors. If yes this would have occurred before the relevant Closed Session meeting]

**Q3.** I asked the following as a question on notice for the 24<sup>th</sup> June 2019 Ordinary Meeting notated as Q4 ,being:

"At the May Ordinary Meeting the following was asked as a question without notice "Council has advised that "Council received **a detailed report** before it determined to enter the Food Pavilion head lease". Mayor, **did you rely entirely on the advice** from the GM and/or DGM about the Head Lease Agreement in making a decision about the Head Lease?"

#### **Response from Meeting Minutes for DCC Ordinary Meeting 27/5/19**

"The Mayor advised that she read all the information that she had as we have already discussed."

The Mayor has not responded to the actual question as to the level of reliance placed on the advice provided and accordingly I ask the slightly amended question again and directly to the Mayor in that **Mayor, did you rely entirely on the advice from the GM and/or DGM about the Head Lease Agreement in making a decision about the suitability of the Head Lease?"**

**NOTE:** The Agenda for the 24<sup>th</sup> June 2019 Ordinary Meeting does not show a response from the Mayor in relation to this question on notice and accordingly I repeat the question in that **Mayor, did you rely entirely on the advice from the GM and/or DGM about the Head Lease Agreement in making a decision about the suitability of the Head Lease?"**

### **Proposed Waterfront Precinct Hotel**

**Q4.** These questions refer to the Fairbrother "Quarterly Report – March 2019" (the Report) in relation to the New Waterfront Hotel as included in the April 2019 Ordinary Meeting Agenda. The following are submitted as separate questions and therefore require separate answers.

**Q4a** - The Report states that “.....a Development Permit that was issued in December 2018, followed by a Demolition Permit in January 2019, being the first stage of a planned 5 stage Building Permit process.” **Will Council give assurances that the planned 5 stage Building Permit application and approval process will comply with the land sale agreement and guarantee the proposed hotel will be fully completed?**

**Q4b** – Will the proposed alternate proposal to build a 200 room hotel fully satisfy all the requirements of the agreed hotel concept being the basis of the Lot 1 Council land sale?

**Q4c** – Considering that the next Fairbrother Quarterly Report on progress of the proposed New Waterfront Hotel is due, covering the period to the 30/6/19, will Council explain why if this Report is not included in the July 2019 meeting Agenda? [NOTE: The Quarterly Report for the period ending the 30/3/19 was included in the April 2019 ordinary meeting agenda]

**Q4d** - Noting from memory that only one Fairbrother Quarterly Report on progress of the proposed New Waterfront Hotel has been provided in the Ordinary Meeting Agendas to date will Council commit to including all future reports in the Agenda immediately following the end of the reporting period?

**Q5.**-On the 20<sup>th</sup> May 2019 I asked the following question “Reference to the Unconfirmed Audit Panel Minutes – 26 March 2019. It states in relation to the Auditor General’s review of three Councils including Devonport that “they’ve drafted the report relating to two and are currently finalising the third. The draft report will be provided to Council for comment prior to the report being tabled to Parliament. At this stage, they are looking to table the report in May.” Will Council confirm if the draft report referred to has been received? Response was “The General Manager advised, no.”

Further to that will the General Manager please confirm as separate questions

**Q5a** – Confirm if the Auditor General’s review of the three councils report, or relevant section that applies to Devonport, has been received by Devonport Council?

**Q5b** – If the answer to Q5a is NO then has the Auditor General’s review of the Devonport Council been completed?

Please acknowledge receipt and ensure inclusion in full in the July meeting Agenda.

Yours sincerely,



Malcolm Gardam

CC: Mayor & Councillors

New QON for 22 July 2019 W Front Hotel commencement date to send

BOB. VELLACOTT  
11 COCKER PLACE  
DEVONPORT 7310

QUESTIONS ON NOTICE FOR DCC MEETING 22<sup>ND</sup> JULY 2019

Subject :- Waterfront Hotel commencement date for construction

Mayor Rockliff,

I refer to the pamphlet City of Devonport Rates 2019-20 distributed with the rate demands.

In the page headed Waterfront Precinct, among other things, it stated:-

*"It includes a hotel which is being privately developed by local firm Fairbrother Pty Ltd "*

My interpretation of the above is that it states categorically a hotel as at this point in time will be built i.e. :- No ifs or buts .

I also note in a report in The Advocate newspaper 1<sup>st</sup> May 2019 it stated that "Work on the hotel will start in June " Unfortunately it did not state the year so I can only assume it was for June 2019

Question 1.

Please confirm:-

(a) if my interpretation is correct?

Yes or No will suffice.

And

(b) that The Advocate report is factual?

Yes or No will suffice.

Question 2. If the answer to Q1 (a) is yes please provide:-

(a) the evidence that indeed, as per the above statement, a hotel will be built

And:-

(b) state - if construction for the hotel did not commence as scheduled for June 2019 give the actual date that it will now commence ?

Please include all of the above and responses in the agenda for the DCC meeting 22<sup>nd</sup> July 2019 and the minutes of that meeting.

Bob. Vellacott:- 13<sup>th</sup> July 2019

New QoNotice for 22 July 2019 re Hotel Land costs. Follow up Qo. To send

ROBERT B VELLACOTT - Ratepayer  
11 COCKER PLACE  
DEVONPORT 7310

QUESTIONS ON NOTICE FOR THE DEVONPORT CITY COUNCIL MEETING 22<sup>ND</sup> JULY 2019

Preamble :-

Mayor I reiterate, in part, my preamble during Question Time at the DCC meeting on 24<sup>th</sup> June 2019.

*i.e. I note Mr Malcolm Gardam has publicly stated in the Advocate newspaper, on Cr Leon Perry's Face Book page and in the agenda of 27<sup>th</sup> May 2019 to the effect that – The Harris Scarfe site was purchased by council for about \$1,705.00 per square metre with the section required by Fairbrother sold at a cost of about \$509 per square metre.*

*IN OTHER WORDS – the estimated 630m<sup>2</sup> section of Harris Scarfe land and buildings alone, as acquired for the hotel, originally cost council some \$1,074,150 has been sold to a private company for \$320,670 in line with an independent valuation,(based on a cleared site), a difference of a minimum of \$750,000.*

I now ask the following to clarify the actual expenditure and or costs involved in the overall transaction of selling council/ ratepayer owned properties to Fairbrother Pty Ltd.

My Questions are: -

**Q1.** Does Council agree with Mr Malcolm Gardam's above assessment and calculations that the actual cost of the Harris Scarfe section of property required for the proposed hotel cost the council about \$1,705.00 per square metre and was sold for about \$509 .00 per square metre thus selling at a discount to Fairbrother of about \$750,000 - ? A simple answer of - **Yes or No** will suffice.

**Q2.** If Council does not agree with Mr Gardam's assessment and calculations **will you provide the evidence to prove otherwise?** Again a simple answer of **Yes or No** will suffice.

**Q3** - If your answer is no to the above question 2 -will you please state the reasons for not doing so and most importantly provide the evidence that permits you to not having to provide the evidence ?

Please include all of above and responses in the Agenda for July 2019 and minutes of the meeting.

*BOB. VELLACOTT* - 12<sup>th</sup> July 2019

**3.2.3 Question without notice from the public**

**3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

At the time of compilation of the agenda, no questions had been received from Councillors.

### **3.4 NOTICES OF MOTION**

#### **3.4.1 INSTALLATION OF "PUMP TRACK" - EAST DEVONPORT - NOTICE OF MOTION - CR J ALEXIOU**

File: 26403 D590946

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor J Alexiou.

#### **ATTACHMENTS**

Nil

#### **MOTION**

"That Council request that a report be provided on the options available for the construction of a sealed "pump track" in East Devonport (at a suitable location adjacent to the walking/cycle track that runs from the Torquay Ferry to Tea Tree Lane). The report to include funding estimates for construction."

#### **SUPPORT**

The provision of a "pump track" in East Devonport will undoubtedly be an asset to families and the younger generation, it also has a low level of maintenance along with a low level of risk for the participants.

It can assist in the rehabilitation, development and improvement of confidence and rider skills across a wide age group as well as adding an additional attraction and destination for visitors and residents who use the cycle ways in both East and West Devonport.

#### **OFFICER'S COMMENTS**

If the motion is accepted by Council, a detailed report will be prepared for consideration.

## **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 Items 4.1 to 4.2.**

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 items are to be dealt with at the meeting of Council in its capacity as a Planning Authority.

- 4.1 AM2019.02 Rezone from the General Industrial and Community Purpose Zones to the General Residential Zone - 117 Tasman Street Devonport (D592288)
- 4.2 Updated Delegations - Land Use Planning and Approvals Act 1993 (D591413)

**4.1 AM2019.02 REZONE FROM THE GENERAL INDUSTRIAL AND COMMUNITY PURPOSE ZONES TO THE GENERAL RESIDENTIAL ZONE - 117 TASMAN STREET DEVONPORT**

File: 36137 D592288

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

Council's Strategic Plan 2009-2030:

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

**PURPOSE**

The purpose of this report is to enable Council, acting as a Planning Authority, to consider the matters raised in any representations received during the four week public exhibition period during which representations were invited to be submitted for consideration.

The other purpose is to allow the Planning Authority to endorse the draft amendment to be provided to the Tasmanian Planning Commission for approval.

**BACKGROUND**

At its meeting on 27 May 2019, Council acting as a Planning Authority, certified a draft amendment (AM2019.02) to rezone land from General industrial and Community purpose to General residential.

The minute from that meeting is reproduced below.

**4.1 AM2019.02 REZONE FROM THE GENERAL INDUSTRIAL AND COMMUNITY PURPOSE ZONES TO THE GENERAL RESIDENTIAL ZONE – 117 TASMAN STREET (D579513)**

**18/19 RESOLUTION**

MOVED: Cr Perry  
 SECONDED: Cr Murphy

That Council:

1. in accordance with Sections 34 and 35 of the *Land Use Planning and Approvals Act 1993* agree to initiate and certify amendment AM2019.02 to rezone 117 Tasman Street from the General Industrial and Community Purpose zones to the General Residential zone; and
2. place Amendment AM 2019.02 on public exhibition for a 4 week period in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993*.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

**COMMUNITY ENGAGEMENT**

The details of the draft amendment were exhibited commencing 1 June 2019 and concluded at close of business 1 July 2019. Two advertisements were published – the first on 1 June 2019 and the second as required by the *Land Use Planning and Approvals Regulations 2014* on 8 June 2019.

This allowed opportunity under S.38 of the *Land Use Planning and Approvals Act 1993* (the Act) for representations to be submitted.

**DISCUSSION**

Following the public exhibition period, the next stage of the process requires the Planning Authority to consider the merits of any representations received before forwarding a report to the Tasmanian Planning Commission (TPC) under Section 39(2) of the Act, including in particular, its views as to:

- (i) The need for modification of the draft amendment in light of any representation; and
- (ii) The impact of any representation on the draft amendment as a whole; and

If representations are received, the TPC must conduct a Hearing and invite persons who made a representation, the applicant and the Planning Authority to that Hearing to assist them with their final determination.

However, in this instance, no representations were received so it is not anticipated that a Hearing would be conducted.

**ATTACHMENTS**

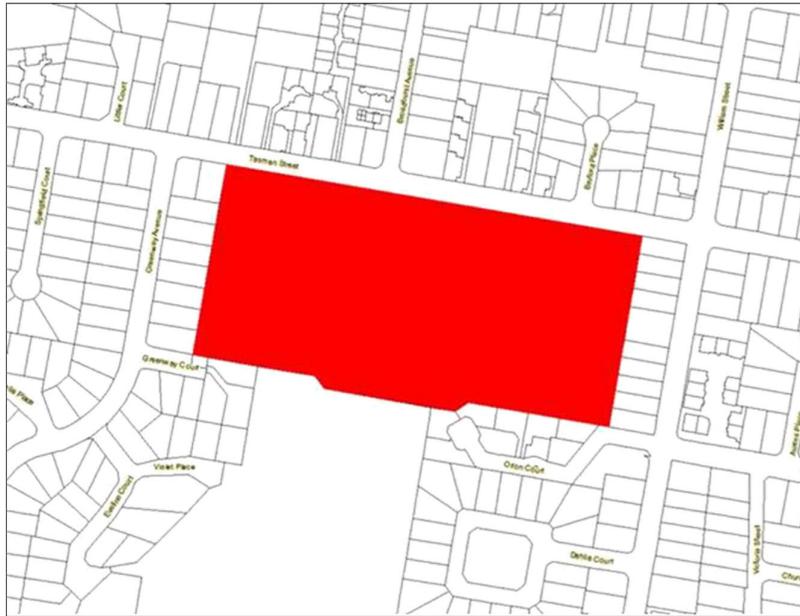
- 1. Zoning Map

**RECOMMENDATION**

That the Planning Authority, pursuant to the provisions of S.39 of the *Land Use Planning and Approvals Act 1993* (the Act), provide the Tasmanian Planning Commission with this report and a request that in relation to AM2019.02 Rezone from the General Industrial and Community Purpose Zones to the General Residential Zone – 117 Tasman Street, Devonport:

- (i) the Tasmanian Planning Commission exercise their discretion under Section 40(4) of the Act and not require a hearing; and
- (ii) grant approval to the draft amendment to allow future development to occur that accords with the General residential zone purpose.

Author:	Shane Warren	Endorsed By:	Kylie Lunson
Position:	Planning Coordinator	Position:	Development Services Manager



■ General Residential

## 4.2 UPDATED DELEGATIONS - LAND USE PLANNING AND APPROVALS ACT 1993

File: 32124 D591413

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

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

### BACKGROUND

Delegations under the LUPAA have previously been issued to prescribed staff. A recent review of the Act focused on updates encompassed in the transitional arrangements relating to the introduction of the Statewide Planning Scheme (SPS).

The overlapping application of the "original" LUPAA with the amended version of December 2015 means that two versions of the Act are essentially operating concurrently.

These transitional arrangements mean that Parts 2A and 3 of the former provisions (ie those existing prior to 17 December 2015) of LUPAA remain in force in relation to an Interim Planning Scheme that was in effect before the commencement day of the Amending Act (17 December 2015) up until a Local Provisions Schedule (LPS) (made under the Tasmanian Planning Scheme) comes into effect for a municipal area.

Updates to the Act were necessitated for the purposes of transition to the Statewide Planning Scheme during the transitional phase until the SPS provisions take full effect.

Council submitted its LPS to the Tasmanian Planning Commission (TPC) in June 2019. It will be some time before the formal process is completed through the TPC and therefore the Interim Planning Scheme will remain in force for some time yet.

### STATUTORY REQUIREMENTS

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

Section 6 of the LUPAA provides:

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

### DISCUSSION

As outlined in the Act, the Planning Authority can delegate any of its powers and functions under LUPAA. The purpose of delegations to appropriate Council employees is to ensure that planning services are delivered in a timely and efficient manner. The recent review, which focused primarily on the transitional sections of the Act, identified that modified delegations were required to ensure Council's planning obligations are functionally undertaken, and that appropriate oversight and authorisation by the General Manager and the Planning Authority is in place.

**Report to Council meeting on 22 July 2019**

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Delegations relating to the amended (transitional) sections of the Act are denoted by an asterix in the attached delegation documents.

**COMMUNITY ENGAGEMENT**

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

**FINANCIAL IMPLICATIONS**

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

**RISK IMPLICATIONS**

- Legal Compliance  
Failure to provide appropriate delegations may leave Council exposed to challenge if a Council Officer undertakes a function or makes a decision that they are not authorised to do so under delegated authority. It is imperative that delegations are issued to prescribed staff, to ensure Council's planning functions do not become time consuming, difficult and potentially unworkable from a community (applicant) perspective.

**CONCLUSION**

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

**ATTACHMENTS**

1. LUPAA - General Manager - July 2019
2. LUPAA - Deputy General Manager & Development Services Manager - July 2019
3. LUPAA - Planning Coordinator, Planning Officer & Project Officer - July 2019

**RECOMMENDATION**

That Council, acting as the Planning Authority, receive and note the report relating to the provision of planning delegations and determine in accordance with Section 6 of the *Land Use Planning and Approvals Act 1993*, that delegations are provided as outlined in the attachment to the:

- General Manager;
- Deputy General Manager and Development Services Manager;
- Planning Coordinator, Planning Officer and Project Officer;

or any person acting in those positions, with immediate effect.

Author:	Claire Jordan	Endorsed By:	Paul West
Position:	Governance Officer	Position:	General Manager

Pursuant to Section 6 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority delegates the following powers and functions to the **General Manager** or any officer acting in the capacity, unless otherwise prohibited:

Functions and powers delegated:

\*Sections from LUPAA Amending Act 17 December 2015

**Signing/Authorising**

<b>Land Use Planning and Approvals Act 1993</b>	
<b>N/A</b>	Where Council has been unable to determine an application for a permit as a result of an equality of votes and insufficient time for Council to reconsider the matter within time stipulated in the Act, determine the application
<b>N/A</b>	Consult with or obtain advice, opinion or recommendation of any authority, organisation or person/s, or request further information prior to making a recommendation or determining whether to approve or refuse an application for use or development
<b>N/A</b>	Refuse an application for use or development which fails to meet the Performance Criteria for a particular standard of the planning scheme; or fails to meet an Acceptable Solution for a particular standard of the planning scheme where there is no corresponding Performance Criteria
<b>Part 3 Generally</b>	Authority to: <ul style="list-style-type: none"> <li>a) Represent, or appoint a person to represent, the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission;</li> <li>b) at the direction of the Tasmanian Planning Commission, agree to modifications to clarify purpose or operation of a planning scheme or to correct draft errors; and</li> <li>c) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the TPC</li> </ul>
<b>Part 4 Generally</b>	Represent, or appoint a person to represent, the Planning Authority and give evidence on a planning appeal or other action, including any mediation, before RMPAT or any other body of competent jurisdiction
<b>Part 5</b>	Authority to enter into and finalise agreements for the purposes of development
<b>Schedule 6 - Transitional Arrangements</b>	In accordance with any decision made under a transitional power of the planning authority after commencement of <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i> and until such time as Tasmanian Planning Scheme is made and a LPS approved for Devonport municipal area, authority to undertake processes and tasks required to carry out responsibilities of planning authority in relation to: a) a draft planning direction made after commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; b) enforcing compliance with Devonport Interim Planning Scheme 2013 (DIPS); c) an urgent amendment of DIPS if initiated by TPC after commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; d) a draft amendment to DIPS made prior to commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; e) a draft amendment to DIPS made after commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; f) a permit application made prior to commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; g) a permit application made after commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; h) an appeal made prior to commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i> ; i)

	an appeal made after commencement of <i>Land Use Planning and Approvals (TPS) Act 2015</i>
<b>S17 Permit applications not determined before planning directive comes into effect or ceases to have effect</b>	If an application made for permit during the period before the planning directive is in effect, is not determined before the directive comes into effect, any decision must be made in accordance with planning scheme that applies to which the application relates. If application for a permit made during the period in which the planning directive is in effect is not determined before the directive ceases to have effect, any decision in relation to application is to be made in accordance with planning directive
<b>*S30C(4) Terms of reference in relation to draft amendment of the SPPs</b>	Request Minister consider preparing terms of reference in relation to draft amendment of SPPs
<b>*S30D Preparation of draft amendment of the SPPs by Minister</b>	Consult with Minister in preparing draft amendment of SPPs
<b>*S30L Representations</b>	Make a representation to Commission in relation to draft amendment of SPPs
<b>S33A Additional information</b>	Request a person to provide additional information before considering application if request received under S33(1)
<b>*S35 Draft LPS to be provided to Commission</b>	Prepare and submit draft LPS to Commission. Prepare and submit a draft LPS if directed and ensure draft meets LPS criteria. Make any modifications to the draft LPS which may be instructed by the Commission under S35(5)(b) & (c), or to make a minor modification to a draft LPS for the purpose of correcting any error, anomaly or inconsistency in a draft LPS following submission to the Commission and prior to public exhibition
<b>*S35Q Special Local Provisions Schedules</b>	Prepare draft Special LPS and submit to Commission. The draft Special LPS may be modified and then approved with agreement of Commission and Planning Authority
<b>*S35T Commission may take over responsibilities of planning authority</b>	Pay to Commission all costs incurred by Commission in assuming its responsibilities and obligations under this Part
<b>S39 Representations in respect of draft amendments</b>	Where no representations are received that object to the approval of a draft amendment and where there is no proposed modification to a draft amendment the General Manager may endorse a report to the TPC to that effect
<b>S40(2) Consideration by Commission of draft amendment and relevant representations</b>	Represent planning authority at a hearing in relation to representations received in respect of draft amendment
<b>S43 Failure to comply with provision of this Division</b>	Where fails to comply with a provision of this Division, pay to Commission all costs incurred by Commission in assuming responsibilities and obligations of the authority in relation to preparation and certification of draft amendment
<b>S43E Additional information</b>	If an application for a permit referred to in S43A is received, request applicant to provide additional information before considering application
<b>S43I(6) When does a permit referred to in S43H take effect?</b>	If a use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) further extension of period during which that use or development must be substantially commenced

<b>S43J Correction of mistake in permits referred to S43H</b>	Correct permit referred to in S43H if permit contains clerical mistake or accidental omission or evident material miscalculation of figures or evident material mistake in the description of any person, thing or property referred to in permit
<b>S43K Minor amendment of permits referred to in S43H</b>	Receive requests to amend permit and amend if satisfied amendment is not an amendment of a condition or restriction specified in permit that is required, imposed or amended by Commission or Appeal Tribunal; and does not change the effect of condition or restriction, specified in permit that is required, imposed or amended by Commission or Appeal Tribunal; and will not cause an increase in detriment to any person; and does not change use or development for which permit was issued other than minor change to description of use or development. If permit is amended, by notice in writing, serve on person who requested permit to be amended; and if that person is not the owner of the land, the owner; and the owner or occupier of any property which adjoins the land; and any person who made a representation in relation to the application, notify them of amendments made to permit. If permit amended contains a condition or restriction which EPA Board has required, by notice in writing serve on Board notification of amendments made to permit. If permit is amended in respect of which Commission has modified, deleted or added conditions or restrictions, by notice in writing, notify Commission of amendments to permit. If permit is amended and it contains a condition or restriction which Heritage Council required, by notice in writing, notify them of amendment
<b>S48 Enforcement of observance of planning schemes</b>	Observe and enforce observance of planning scheme
<b>S48AA Enforcement of special permits</b>	Enforce observance of any condition or restrictions to which a special permit is subject
<b>S48A Notice to remove signs</b>	Signs erected without a permit (for which the issue of a permit is required) may be directed to cease erecting or placing sign; remove the sign; restore the land or any building to the condition it was in before the sign was erected or placed and take all necessary action to remove the sign and recover costs for any action undertaken to remove
<b>S51 Permits</b>	Accept a valid application for permit and in determining application, consider items listed in S51(2). Subject permit to conditions or restrictions
<b>S51(1AB) Permits</b>	Refuse to accept a valid application for a permit, if application does not include a declaration applicant has notified the owner of intention to make application; or obtained written permission of owner under S52
<b>S51(1AC) Permits</b>	Determine if an application is valid
<b>S51(3A) Permits</b>	Subject a permit to conditions or restrictions
<b>S51(4) Permits</b>	A permit to which S58 applies may be granted subject to conditions or restrictions with respect to any matter specified in the relevant planning scheme
<b>S52(1G) What if applicant is not the owner?</b>	Delegate to employee of Council functions under subsection(1B)
<b>S53(5A) When does a permit take effect?</b>	If use or development in respect of which permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) extension of period during which that use or development must be substantially commenced
<b>S53(5B) When does permit take effect?</b>	If use or development in respect of which permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise

	lapse, grant (once only) further extension of period during which use or development must be substantially commenced
<b>S54 Additional Information</b>	Require applicant for a permit provide additional information before considering application
<b>S55 Correction of mistakes</b>	Correct permit granted if it contains clerical mistake or error arising from any accidental slip or omission; or evident material miscalculation of figures or evident material mistake in description of any person, thing or property referred to in approval
<b>S56 Minor amendments of permits issued by a planning authority</b>	Amend permit if satisfied the amendment does not amend a condition or restriction, specified in permit, that is required, imposed or amended by Appeal Tribunal; and does not change effect of condition or restriction, specified in permit, that is required, imposed or amended by Appeal Tribunal; and will not cause increase in detriment to any person; and does not change use or development for which permit was issued other than minor change to description of use or development. If amending permit, by notice in writing served on person who requested permit to be amended; and if that person is not the owner of the land, the owner; and in the case of permit granted under S57, the owner or occupier of any property which adjoins the land; and any person who made a representation under S57(5) in relation to the application for the permit, notify those persons of the amendments made to the permit. If amending a permit containing a condition or restriction required by Board of EPA under S25(5) of <i>Environmental Management &amp; Pollution Control Act 1994</i> , must, by notice in writing served on Board, notify it of amendments made to permit
<b>S57(2) Applications for discretionary permits</b>	Refuse to grant a discretionary permit
<b>S57(6) Applications for discretionary permits</b>	Grant or refuse to grant a permit, subject to conditions. Permit may be issued by General Manager, Deputy General Manager or Development Services Manager where recommendation is for approval and no representations are received which object to the granting of the permit; Permit to be determined by Council where the recommendation is for refusal; or one or more representations are received which object to the granting of the permit; or the General Manager determines to refer the application to Council
<b>S57(6)(b) Applications for discretionary permits</b>	Request extra time to consider an application
<b>S57(7) Applications for discretionary permits</b>	Grant or refuse to grant permit and serve notice on applicant and any persons who made representations (if any received)
<b>S57A Mediation</b>	Participate in mediation
<b>S58(2) Application for other permits</b>	If an application for a permit meets requirements of planning scheme, grant permit unconditionally or subject to conditions
<b>S58A Permits requiring entering into of agreements</b>	Grant a permit with a condition that an agreement be entered into in respect of a use or development
<b>S59 Failure to determine an application for a permit</b>	Where failure to determine an application for a permit within required timeframe is deemed to constitute a decision to grant a permit, on conditions to be determined by the Appeal Tribunal, represent the planning authority
<b>S59(7) Failure to determine an application for a permit</b>	Make decision on application for permit to which S57 or S58 applies at any time before lodging of an application to the Appeal Tribunal

<b>S60C Projects eligible to be declared projects of regional significance</b>	Provide consent for a project to be declared project of regional significance, if all or part of land is owned, occupied or administered by Council
<b>S60D Proposals that projects be declared projects of regional significance</b>	By notice in writing to Minister, propose Minister declare project a project of regional significance. Only propose project if project consists in whole or in part of a use or development that is wholly or partly within municipal area. If making a proposal in relation to an area of land, give notice in writing of the making of the proposal to the proponent; and the owner/s, of the land; and if part of the land is situated within the municipality of another planning authority, that other planning authority
<b>S60E Effect of proposal on applications for ordinary permits</b>	If this section applies to an application for an ordinary permit, not to determine the application unless and until a decision is made under S60G(1)(b) to refuse to declare the project to be project of regional significance
<b>S60F Statement of intent and other information</b>	A proposal under S60D(2) is to be accompanied by information in its possession, as would be required to be provided by the proponent in a statement of intent, if the proposal were made by the proponent under S60D(1). A proponent or planning authority to which a request is made must take all reasonable steps to provide Minister, with information requested
<b>S60H Effect of declaration of project of regional significance</b>	If a project is declared project of regional significance, as soon as practicable, refund to applicant half of any fees the applicant has paid in respect of the application
<b>S60M Development Assessment Panel to be established for assessment of project</b>	Nominate a person with appropriate qualifications and experience to the Development Assessment Panel when a project of regional significance is declared within municipal area
<b>S60N Panel to determine guidelines for how assessment is to be made</b>	Consult with Development Assessment Panel in regard to assessment guidelines
<b>S60P Panel may request information to be provided</b>	Provide further information on request to Development Assessment Panel
<b>S60Q Notification and exhibition of project</b>	After Panel gives notice, arrange public exhibition of assessment guidelines in respect of project; and project impact statement, at the place and during the period specified in the notice
<b>S60Q(8) Notification and exhibition of project</b>	Issue a fine if a person obscures or removes a notice that is displayed on land to which the notice relates
<b>S60Y Amendment of planning schemes</b>	Consult with Commission in respect of special permit granted in relation to a project, and amend planning scheme if required
<b>S63 Obstruction of sealed schemes</b>	If carrying out work a person is required under court order to undertake, and they fail to undertake or undertake within specified period, recoup reasonable costs incurred by carrying out work
<b>S63A Enforcing compliance with planning schemes</b>	Take all reasonable steps to ensure planning scheme is complied with
<b>S63B(3) Notice of suspected contravention may be given</b>	If notice is received in relation to a contravention or failure or likely contravention or failure, issue notice in writing to the person that it has determined that charges are or are not to be laid, or an infringement or enforcement notice is or is not to be issued and served or charges are to be laid or an infringement or enforcement notice is issued and served

<b>S64 Civil enforcement proceedings</b>	Represent planning authority in civil enforcement proceedings if directed by the applicant in an application made under this section
<b>S64(8) Civil enforcement proceedings</b>	Where Appeal Tribunal makes an order and respondent fails to comply with the order specified by Appeal Tribunal, by leave of Appeal Tribunal, cause any work contemplated by the order to be carried out, and recover costs of that work, as a debt, from the respondent
<b>*S65A Infringement Notices</b>	Issue an infringement notice and serve it on a person if it is reasonably believed that the person has committed an infringement offence
<b>S65B(1) Notice of intention to issue enforcement notice</b>	If it is believed a person has committed, is committing, or is about to commit, an offence against S57(4A), S63(3) or S64(7) issue a notice (notice of intention to issue an enforcement notice) in relation to the offence and serve it on the person
<b>S65B(5) Notice of intention to issue enforcement notice</b>	Notify in writing on owner of land, in relation to which a notice of intention to issue an enforcement notice is served, if the person on whom the notice is served is not the owner of the land
<b>S65C Enforcement notices</b>	Issue an enforcement notice in relation to an offence
<b>S65C(5) Enforcement notices</b>	Notify in writing an owner of land, in relation to which an enforcement notice is served, if the person on whom the enforcement notice is served is not the owner of the land
<b>S65C(7) Enforcement notices</b>	By notice served on a person on whom an enforcement notice has been served, withdraw enforcement notice
<b>S65E(5) Offences and penalties in relation to enforcement notices</b>	Carry out work if a court has ordered a person to carry out work within a specified period and the person has not carried out the work
<b>S65F Notice of intention to cancel a permit to be issued before permit cancelled</b>	If there are grounds on which a permit in force in relation to land may be cancelled under S65G, issue notice (notice of intention to cancel permit) and serve on owner of land; or on occupier of land and the owner of the land, if the grounds relate to the use or development of the land by the occupier
<b>S65G Cancellation of permits</b>	Cancel a permit, subject to conditions, and serve notice of cancellation on the person
<b>S65I(2) Authorised officers</b>	Authorise a person to be, for the purposes of this Act, an authorised officer in respect of the municipal area of the council
<b>S65I(3) Authorised officers</b>	An Authorised Officer for the purposes of this Act in respect of the municipal area of the Council
<b>S65K Entry and search warrants</b>	Apply to a magistrate for warrant authorising entry to land or premises, verified by affidavit. In executing warrant, obtain necessary and reasonable assistance. As soon as practicable after executing warrant, prepare a notice containing officer's name and statement they are an authorised officer; and name of magistrate who issued the warrant and date and time issued; and description of the place to which the warrant relates and of authority conferred by the warrant; and give the notice to the occupier or person apparently in charge of the land to which the warrant relates or leave it, on a prominent place on the land, for the occupier or person

<b>S67 Power to withdraw or modify planning scheme or interim order after compensation determined</b>	At any time within one month after determining compensation payable under S66, give notice to claimant of intention to withdraw or modify all or any of the provisions of the planning scheme which gave rise to claim for compensation. Not later than 3 months after giving notice, where the notice relates to planning scheme, submit for approval of Commission, an amendment of the planning scheme, prepared in accordance with Part 3B, carrying into effect the withdrawal or modification
<b>S69 Indemnification of planning authorities for liability to pay compensation</b>	Recover as a debt due in any court of competent jurisdiction any sum to which an authority is entitled to
<b>S71 Planning authority may enter into agreements</b>	Enter into an agreement with an owner of land or with a person in anticipation of becoming the owner
<b>S72 Forms and contents of agreement</b>	Seal an agreement under Part 5
<b>S73 Bonds and guarantees</b>	Include in an agreement, a condition the owner is to deposit a sum of money fixed by or determined in accordance with the agreement; or an undertaking to pay that sum together with security in a form determined by or in accordance with the agreement
<b>S73A Payments and contributions for infrastructure</b>	Include in an agreement a provision for payment or other contribution for infrastructure to be made by any party to the agreement
<b>S74(3) Duration of agreement</b>	End an agreement with approval of Commission or by agreement by all parties bound by any covenant in the agreement
<b>S75 Amendment of agreements</b>	Amend an agreement
<b>S80 Application to Appeal Tribunal</b>	Represent planning authority if owner of land applies to the Appeal Tribunal for an amendment to a proposed agreement, subject to conditions
<b>*S80P(1) Offences</b>	Issue infringement notice if a person falsely includes in a document, that purports to be a copy of an authorised version of an electronic planning instrument or of an electronic policy instrument; or selected provisions of such an authorised version - a certificate that purports to be a certificate under S80N
<b>*S80P(2) Offences</b>	Issue infringement notice if a person falsely represents that a document is a copy of an authorised version of an electronic planning instrument; or an authorised version of an electronic policy instrument that has been produced by Commission under S80N
<b>*S80P(3) Offences</b>	Issue infringement notice if a person falsely represents that a document is a copy of an authorised version of an electronic planning instrument; or an authorised version of an electronic policy instrument

Pursuant to Section 6 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority delegates the following powers and functions to the **Deputy General Manager and Development Services Manager** or any officer acting in the capacity, unless otherwise prohibited:

Functions and powers delegated:

\*Sections from LUPAA Amending Act – 17 December 2015

#### Signing/Authorising

<b>Land Use Planning and Approvals Act 1993</b>	
<b>S17 Permit applications not determined before planning directive comes into or ceases to have effect</b>	If an application made for permit during the period before the planning directive is in effect, is not determined before the directive comes into effect, any decision must be made in accordance with planning scheme that applies to which the application relates. If application for a permit made during the period in which the planning directive is in effect is not determined before the directive ceases to have effect, any decision in relation to application is to be made in accordance with planning directive
<b>S33A Additional information</b>	Request a person to provide additional information before considering application if request received under S33(1)
<b>S40(2) Consideration by Commission of draft amendment and relevant representations</b>	Represent planning authority at a hearing in relation to representations received in respect of draft amendment
<b>S43E Additional information</b>	If an application for a permit referred to in S43A is received, request applicant to provide additional information before considering application
<b>S43I(6) When does a permit referred to in S43H take effect?</b>	If a use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) further extension of period during which that use or development must be substantially commenced
<b>S43J Correction of mistake in permits referred to S43H</b>	Correct permit referred to in S43H if permit contains clerical mistake or accidental omission or evident material miscalculation of figures or evident material mistake in the description of any person, thing or property referred to in permit
<b>S43K Minor amendment of permits referred to in S43H</b>	Receive requests to amend permit and amend if satisfied amendment is not an amendment of a condition or restriction specified in permit that is required, imposed or amended by Commission or Appeal Tribunal; and does not change the effect of condition or restriction, specified in permit that is required, imposed or amended by Commission or Appeal Tribunal; and will not cause an increase in detriment to any person; and does not change use or development for which permit was issued other than minor change to description of use or development. If permit is amended, by notice in writing, serve on person who requested permit to be amended; and if that person is not the owner of the land, the owner; and the owner or occupier of any property which adjoins the land; and any person who made a representation in relation to the application, notify them of amendments made to permit. If permit amended contains a condition or restriction which EPA Board has required, by notice in writing serve on Board notification of amendments made to permit. If permit is amended in respect of which Commission has modified, deleted or added conditions or restrictions, by notice in writing, notify Commission of amendments to permit. If permit is amended and it contains a condition

	or restriction which Heritage Council required, by notice in writing, notify them of amendment
<b>S48 Enforcement of observance of planning schemes</b>	Observe and enforce observance of planning scheme
<b>S48AA Enforcement of special permits</b>	Enforce observance of any condition or restrictions to which a special permit is subject
<b>S48A Notice to remove signs</b>	Signs erected without a permit (for which the issue of a permit is required) may be directed to cease erecting or placing sign; remove the sign; restore the land or any building to the condition it was in before the sign was erected or placed and take all necessary action to remove the sign and recover costs for any action undertaken to remove
<b>S51 Permits</b>	Accept a valid application for permit and in determining application, consider items listed in S51(2). Subject permit to conditions or restrictions
<b>S51(1AB) Permits</b>	Refuse to accept a valid application for a permit, if application does not include a declaration applicant has notified the owner of intention to make application; or obtained written permission of owner under S52
<b>S51(1AC) Permits</b>	Determine if an application is valid
<b>S51(3A) Permits</b>	Subject a permit to conditions or restrictions
<b>S51(4) Permits</b>	A permit to which S58 applies may be granted subject to conditions or restrictions with respect to any matter specified in the relevant planning scheme
<b>S53(5A) When does a permit take effect?</b>	If use or development in respect of which permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) extension of period during which that use or development must be substantially commenced
<b>S53(5B) When does permit take effect?</b>	If use or development in respect of which permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) further extension of period during which use or development must be substantially commenced
<b>S54 Additional Information</b>	Require applicant for a permit provide additional information before considering application
<b>S55 Correction of mistakes</b>	Correct permit granted if it contains clerical mistake or error arising from any accidental slip or omission; or evident material miscalculation of figures or evident material mistake in description of any person, thing or property referred to in approval
<b>S56 Minor amendments of permits issued by a planning authority</b>	Amend permit if satisfied the amendment does not amend a condition or restriction, specified in permit, that is required, imposed or amended by Appeal Tribunal; and does not change effect of condition or restriction, specified in permit, that is required, imposed or amended by Appeal Tribunal; and will not cause increase in detriment to any person; and does not change use or development for which permit was issued other than minor change to description of use or development. If amending permit, by notice in writing served on person who requested permit to be amended; and if that person is not the owner of the land, the owner; and in the case of permit granted under S57, the owner or occupier of any property which adjoins the land; and any person who made a representation under S57(5) in relation to the application for the permit, notify those persons of the amendments made to the permit. If amending a permit containing a condition or restriction required by Board of EPA under S25(5) of <i>Environmental Management &amp; Pollution Control Act 1994</i> , must, by notice in writing served on Board, notify it of amendments made to permit

<b>S57(2) Applications for discretionary permits</b>	Refuse to grant a discretionary permit
<b>S57(6) Applications for discretionary permits</b>	Grant or refuse to grant a permit, subject to conditions. Permit may be issued by General Manager, Deputy General Manager or Development Services Manager where recommendation is for approval and no representations are received which object to the granting of the permit; Permit to be determined by Council where the recommendation is for refusal; or one or more representations are received which object to the granting of the permit; or the General Manager determines to refer the application to Council
<b>S57(6)(b) Applications for discretionary permits</b>	Request extra time to consider an application
<b>S57(7) Applications for discretionary permits</b>	Grant or refuse to grant permit and serve notice on applicant and any persons who made representations (if any received)
<b>S57A Mediation</b>	Participate in mediation
<b>S58(2) Application for other permits</b>	If an application for a permit meets requirements of planning scheme, grant permit unconditionally or subject to conditions
<b>S58A Permits requiring entering into of agreements</b>	Grant a permit with a condition that an agreement be entered into in respect of a use or development
<b>S59 Failure to determine an application for a permit</b>	Where failure to determine an application for a permit within required timeframe is deemed to constitute a decision to grant a permit, on conditions to be determined by the Appeal Tribunal, represent the planning authority
<b>S60P Panel may request information to be provided</b>	Provide further information on request to Development Assessment Panel
<b>S60Q(8) Notification and exhibition of project</b>	Issue a fine if a person obscures or removes a notice that is displayed on land to which the notice relates
<b>S60Y Amendment of planning schemes</b>	Consult with Commission in respect of special permit granted in relation to a project, and amend planning scheme if required
<b>S63A Enforcing compliance with planning schemes</b>	Take all reasonable steps to ensure planning scheme is complied with
<b>S63B(3) Notice of suspected contravention may be given</b>	If notice is received in relation to a contravention or failure or likely contravention or failure, issue notice in writing to the person that it has determined that charges are or are not to be laid, or an infringement or enforcement notice is or is not to be issued and served or charges are to be laid or an infringement or enforcement notice is issued and served
<b>S64 Civil enforcement proceedings</b>	Represent planning authority in civil enforcement proceedings if directed by the applicant in an application made under this section
<b>S65C Enforcement notices</b>	Issue an enforcement notice in relation to an offence
<b>S65C(5) Enforcement notices</b>	Notify in writing an owner of land, in relation to which an enforcement notice is served, if the person on whom the enforcement notice is served is not the owner of the land
<b>S65C(7) Enforcement notices</b>	By notice served on a person on whom an enforcement notice has been served, withdraw enforcement notice
<b>S65I Authorised Officers</b>	An Authorised Officer for the purposes of this Act in respect of the municipal area of the council
<b>S65G Cancellation of permits</b>	Cancel a permit, subject to conditions, and serve notice of cancellation on the person

<b>S65K Entry and search warrants</b>	Apply to a magistrate for warrant authorising entry to land or premises, verified by affidavit. In executing warrant, may obtain necessary and reasonable assistance. As soon as practicable after executing warrant, prepare a notice in prescribed form containing officer's name and statement they are an authorised officer; and name of magistrate who issued the warrant and date and time issued; and a description of the place to which the warrant relates and of authority conferred by the warrant; and give the notice to the occupier or person apparently in charge of the land to which the warrant relates or leave it, on a prominent place on the land, for the occupier or person
<b>S71 Planning authority may enter into agreements</b>	Enter into an agreement with an owner of land or with a person in anticipation of becoming the owner
<b>S74(3) Duration of agreement</b>	End an agreement with approval of Commission or by agreement by all parties bound by any covenant in the agreement
<b>S75 Amendment of agreements</b>	Amend an agreement
<b>S80 Application to Appeal Tribunal</b>	Represent the planning authority if an owner of land applies to the Appeal Tribunal for an amendment to a proposed agreement, subject to conditions
<b>*S80P(2) Offences</b>	Issue infringement notice if a person falsely represents that a document is a copy of an authorised version of an electronic planning instrument; or an authorised version of an electronic policy instrument that has been produced by Commission under S80N
<b>*S80P(3) Offences</b>	Issue infringement notice if a person falsely represents that a document is a copy of an authorised version of an electronic planning instrument; or an authorised version of an electronic policy instrument

Pursuant to Section 6 of the *Land Use Planning and Approvals Act 1993*, the Planning Authority delegates the following powers and functions to the **Planning Coordinator, Planning Officer and Project Officer** or any officer acting in the capacity, unless otherwise prohibited:

Functions and powers delegated:

\*Sections from updated LUPAA Amending Act 17 December 2015

#### Signing/Authorising

<b>Land Use Planning and Approvals Act 1993</b>	
<b>S33A Additional information</b>	Require person provide additional information before considering application if request received under S33(1)
<b>S40(2) Consideration by Commission of draft amendment and relevant representations</b>	Represent planning authority at a hearing in relation to representations received in respect of draft amendment.
<b>S43E Additional information</b>	If an application for a permit referred to in S43A is received, require applicant to provide additional information before considering application
<b>S43I(6) When does a permit referred to in S43H take effect?</b>	If a use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) further extension of period during which that use or development must be substantially commenced
<b>S43J Correction of mistake in permits referred to S43H</b>	Correct permit referred to in S43H if permit contains clerical mistake or accidental omission or evident material miscalculation of figures or evident material mistake in the description of any person, thing or property referred to in permit
<b>S43K Minor amendment of S43H permits</b>	FYI I have delegation for S56 minor amendments
<b>S48A Notice to remove signs</b>	Signs erected without a permit (for which the issue of a permit is required) may be directed to cease erecting or placing sign; remove the sign; restore the land or any building to the condition it was in before the sign was erected or placed and take all necessary action to remove the sign and recover costs for any action undertaken to remove
<b>S51 Permits</b>	Accept a valid application for permit and in determining application, consider items listed in S51(2). Subject permit to conditions or restrictions
<b>S51(1AB) Permits</b>	Refuse to accept a valid application for a permit, if application does not include a declaration applicant has notified the owner of intention to make application; or obtained written permission of owner under S52
<b>S51(1AC) Permits</b>	Determine if an application is valid
<b>S53(5A) When does a permit take effect?</b>	If use or development in respect of which permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) extension of period during which that use or development must be substantially commenced
<b>S53(5B) When does permit take effect?</b>	If use or development in respect of which permit was granted is not, or is unlikely to be, substantially commenced before permit would otherwise lapse, grant (once only) further extension of period during which use or development must be substantially commenced
<b>S54 Additional Information</b>	Require applicant for a permit provide additional information before considering application

<b>S55 Correction of mistakes</b>	Correct permit granted if it contains clerical mistake or error arising from any accidental slip or omission; or evident material miscalculation of figures or evident material mistake in description of any person, thing or property referred to in approval
<b>S56 Minor amendments of permits issued by a planning authority</b>	Amend permit if satisfied the amendment does not amend a condition or restriction, specified in permit, that is required, imposed or amended by Appeal Tribunal; and does not change effect of condition or restriction, specified in permit, that is required, imposed or amended by Appeal Tribunal; and will not cause increase in detriment to any person; and does not change use or development for which permit was issued other than minor change to description of use or development. If amending permit, by notice in writing served on person who requested permit to be amended; and if that person is not the owner of the land, the owner; and in the case of permit granted under S57, the owner or occupier of any property which adjoins the land; and any person who made a representation under S57(5) in relation to the application for the permit, notify those persons of the amendments made to the permit. If amending a permit containing a condition or restriction required by Board of EPA under S25(5) of <i>Environmental Management &amp; Pollution Control Act 1994</i> , must, by notice in writing served on Board, notify it of amendments made to permit
<b>S57(6)(b) Applications for discretionary permits</b>	Request extra time to consider an application
<b>S61 Appeals against planning decisions</b>	Represent and give evidence before RMPAT in respect of any appeal against a decision on a planning permit, including any mediation

## 5.0 REPORTS

### 5.1 ELECTRIC VEHICLE CHARGING STATION

File: 33753 D522324

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

Council's Strategic Plan 2009-2030:

- Strategy 1.1.1 Lead and actively promote the adoption of practices that support the sustainable use of energy and other natural resources by Council, businesses and the community

#### SUMMARY

This report aims to determine Council's position regarding installation of an electric vehicle (EV) rapid charging station in Devonport and for Council to allocate capital funds in the 2020-21 budget to support installation.

#### BACKGROUND

Council has been lobbied since May 2016 by the Australian Electric Vehicle Association Tasmanian Branch to install an EV rapid charging station in the Devonport CBD. EVs are increasingly being used throughout the world. In Tasmania, there are in excess of 150 EVs.

An EV rapid charge network is essential for the practical use of electric vehicles, and without it, their uptake will continue to be limited. Without some initial support or market intervention, it is not viable for a network to extend across the State.

Under *Climate Action 21: Tasmania's Climate Change Action Plan 2017-2021*, the Tasmanian Government is committed to developing a coordinated approach to support the uptake of electric vehicles in Tasmania. This includes supporting the rollout of a statewide electric vehicle charging network consistent with market trends. The State Government has committed \$250,000 over three years to support this work.

Council has recently been successful with a grant of \$50,000 under the Tasmania Government's *Electric Vehicle ChargeSmart Grants – Fast Charging* towards the upfront cost of purchasing and installing a Direct Current (DC) electric vehicle charging station in Devonport for use by the public. A further \$50,000 is required to install a station.

#### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

#### DISCUSSION

EVs offer several advantages over conventional petrol or diesel engines. They are cheaper to run, quieter and smoother to drive, and have zero emissions when powered from renewable electricity sources. Powering cars from locally-generated electricity instead of imported petrol also presents economic benefits.

Most charging takes place at home or at a fleet base. EVs can travel only as far as their battery range allows without charging. For longer journeys, recharging is necessary. Slow charging takes many hours, fast or rapid charging can be as short as 20 minutes.

#### EV Demand

There are currently 27 EV models available or soon to be available in Australia with five of these priced under \$65,000 (EV Fact Sheet, Australian Electric Vehicle Association). It is

**Report to Council meeting on 22 July 2019**

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predicted that electric vehicles will reach cost parity with normal internal combustion engine vehicles by 2025.

There were 2,284 electric vehicles sold in Australia in 2017, representing a 67 per cent increase from the previous year. (*The State of Electric Vehicles in Australia* report, Climate Works, June 2018). The Australian Energy Market Operator predicts that by 2037 half the cars in Australia will be electric, approximately 10 million vehicles.

**EVs in Tasmania**

Tasmania is ideally situated, and uniquely placed, to benefit from a growing electric vehicle market due to the State's:

- growing visitor economy;
- compact geography;
- clean and green image;
- high percentage of renewable energy generation;
- shorter average car commuting distances;
- significant reliance on imported fossil liquid fuels; and
- high-emitting transport subsector, which offers a significant opportunity for emissions reduction.

Other benefits of EVs:

- lower operating and service costs;
- improved public health through pollution reduction;
- potential to diversify economy with new products and services.

One key barrier to electric vehicle uptake is the lack of public charging infrastructure to support longer distance drives. While the primary charging site for most electric vehicle owners is at home, public charging is needed to support extended journeys, including to facilitate electric vehicle tourism.

There are 88 electric vehicle charging stations in Tasmania, with 16 of these public, 2 of which are fast charge - Mood Food at Kempton and Paterson Street East car park in Launceston CBD ([plugshare.com](http://plugshare.com)).

A further 12 fast charge stations (listed below) are to be installed across the state by August 2020, funded under the Tasmanian Government *ChargeSmart Fast Charging* grant program.

- Bennetts Petroleum Supplies Pty Ltd (New Norfolk)
- City of Hobart
- Huon Valley Council
- Evie Networks (Campbell Town)
- Evie Networks (Elizabeth Town)
- Electric Highway Tasmania (Swansea)
- Electric Highway Tasmania (St Helens)
- Energy ROI (Scottsdale)
- Electric Highway Tasmania (Burnie)

**Report to Council meeting on 22 July 2019**

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- Electric Highway Tasmania (Derwent Bridge)
- Electric Highway Tasmania (Queenstown)

A draft grant deed has been received for the project, which is required to be executed by the end of July.

**Considerations for Devonport**

The proposed establishment of a rapid charge station in Devonport may attract EV tourism; firstly, as a gateway for electric vehicles arriving via the Spirit of Tasmania, and secondly enabling movement of electric vehicles to and along the North West coast.

There are three main types of charging station options:

1. Electric Vehicle Supply Equipment (EVSE) - A cable with an integral adaptor, called the electric vehicle supply equipment or "EVSE", is used to connect the electric vehicle into a power point.

There are two local EVSE charging stations, one in East Devonport and one in West Devonport according to the My Electric Car web site. <https://myelectriccar.com.au/charge-stations-in-australia/>

2. AC Charger or Destination Charger - A permanently wired charger, which provides a slow to medium rate of charge.

Currently the only close by destination charger station is located at House of Anvers Chocolate Factory in Latrobe.

3. DC Rapid Charge or DC Fast Charge - A permanently wired charger which provides a high rate of charge between 50kW and 150kW. The recharge time varies depending on the charger and vehicle but is typically between 30 and 90 minutes.

Three-phase 400V AC supply is required for a charge of this type. The charger converts this to DC. Possible charge rates vary depending on the charger, models exceeding 400kW are being developed.

Should Council accept the grant funds to install a fast charge station, additional work is required to determine an appropriate location based on convenience for the customer, and proximity to a substation with sufficient capacity to support a load charge. Council have several CBD car parks with substations that could be locations for consideration. Further discussion is required with TasNetworks. It should be noted however, that investigations were undertaken as part of the construction of the CBD multi-level carpark and it was found that a significant substation upgrade would be required to install a charger within this facility.



An example of an EV charging station

**COMMUNITY ENGAGEMENT**

Should Council support the project, key stakeholders will be engaged including the Australian Electric Vehicle Association Tasmanian Branch to ensure the proposed site and details of the stations are suitable.

**FINANCIAL IMPLICATIONS**

The cost of a rapid charger station is approximately \$30,000 to \$35,000 per charger. Installation costs varies depending on the charging station location in relation to a suitable substation.

If Council cannot find a suitable underutilised substation, the installation of a rapid charging station is likely to be cost prohibitive to progress at this time.

A breakdown of the proposed budget is summarised below.

Item	Budget (ex GST)
Charging unit	\$ 35,000
Electrical services on site	\$ 25,000
Civil works	\$ 25,000
Signage on site and off site	\$ 5,000
Landscaping	\$ 5,000
Contingency	\$ 5,000
<b>TOTAL</b>	<b>\$100,000</b>

Considering the grant funding of \$50,000, Council would need to commit an additional \$50,000 in capital funds in the 2020-21 budget to install a station.

Should Council pursue the project, more consideration will be required to determine the appropriate customer billing system and fees charged for use of the station.

**RISK IMPLICATIONS**

- Financial  
The demand on any charger is likely to be low to begin with and therefore may not deliver a return on investment over the short term.

Report to Council meeting on 22 July 2019

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- Asset & Property Infrastructure  
Vandalism is always a risk to consider with an installation of this nature. Good visual amenity and possible CCTV surveillance may be required.

**CONCLUSION**

With the market for electric vehicles expanding, strategically placed charging infrastructure is required to fulfil the changing needs of the Tasmanian community and the tourism industry.

Council has secured a \$50,000 grant under the Tasmanian Government *ChargeSmart Fast Charging grant* program towards the installation of a fast charge charging station. A further \$50,000 would be required in the 2020-21 capital budget to complete installation.

If Council is not supportive of the recommendation provided an alternative motion that may be considered is as follows:

*That Council in relation to the installation of an electric vehicle rapid charging station in Devonport determine to:*

- a) *not proceed with any capital investment at this stage and advise the Tasmanian Government ChargeSmart Fast Charging program accordingly;*
- b) *continue to monitor the rollout of EV charging stations in other areas of the State; and*
- c) *consider EV charging stations within future DCC developments.*

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council in relation to the installation of an electric vehicle rapid charging station in Devonport determine to:

- (a) accept the Tasmanian Government *ChargeSmart Fast Charging* grant of \$50,000; and
- (b) commit to an allocation of \$50,000 in the 2020-21 capital works budget as Council's matching contribution for the installation of a rapid EV charging station, subject to the identification of a suitable location.

Author:	Jamie Goodwin	Endorsed By:	Matthew Atkins
Position:	Project Manager	Position:	Deputy General Manager

## **5.2 TENDER REPORT CONTRACT CT0246-01 SUPPLY, DELIVERY & PLACEMENT OF HOTMIX ASPHALT**

File: 36217 D590619

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

Council's Strategic Plan 2009-2030:

Strategy 2.3.2 Provide and maintain roads, bridges, paths and car parks to appropriate standards

### **SUMMARY**

This report seeks Council's approval to award Contract CT0246-01 for the supply, delivery and placement of hotmix asphalt sealing to Hardings Hotmix.

### **BACKGROUND**

This contract relates to the hotmix asphalt component within the "Reseal Program 2019-2020" listed in the capital works program and the reseal preparation work which has an operational budget allocation. These budget allocations are required to deliver both Contracts CT0246-01 and CT0246-02.

Sites were selected by considering the condition of the seal asset and the underlying pavement asset, the rate of deterioration, the recent maintenance history, general traffic volume and heavy vehicle traffic volume.

Tenderers were asked to submit prices for the following prioritised list of roads requiring resealing:

- Don Road and Steele Street intersection
- Curr Street threshold – southern end
- William Street: Parker Street to Oldaker Street
- Wright Street and Brooke Street roundabout
- Watkinson Street cul-de-sac
- Sycamore Place Head

The reseal preparation work includes pavement repairs, small kerb repairs and adjustment of manhole lids on the roads to be resealed to ensure that the useful life of the new seal is maximised. This is the first time Council has included the reseal preparation work in the reseal contracts as it is likely to result in positive outcomes for Council, the contractor and the public. One contractor has control over the delivery of both components of the work and can schedule the work to ensure the best quality and least disruption.

Tenderers were also asked to provide rates for supply only of asphalt materials, supply and placement of asphalt materials and also milling and road edge treatments associated with hotmix sealing work that can be accessed on other Council projects throughout the year.

Additional to the identified list of Council roads, an allowance is required to contribute to the reseal of Council's seal assets on Sheffield Road, north of Clayton Drive, where the responsibility is divided between both the State Government and Council. The Department of State Growth has engaged a contractor for their component, so it is logical for Council to engage the same contractor for its component, providing the best opportunity for good value and high quality work. Similar arrangements have been successful in recent years.

**STATUTORY REQUIREMENTS**

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

**DISCUSSION**

A Tender Planning and Evaluation Committee was formed to evaluate all tenders received. The Tender Planning and Evaluation Committee minutes are available for viewing by Councillors upon request.

Tenders were received from four companies. Three tenders received were conforming tenders. Zafa Contracting was non conforming due to no submission for reseal preparation. All tenders are summarised in table 1 below:

**Table 1**

	Hardings Hotmix P/L		Roadways P/L		Crossroads P/L		Zafa Contracting P/L	
	Reseal	Prep	Reseal	Prep	Reseal	Prep	Reseal	Prep
	\$193,580	\$24,730	\$201,866	\$23,851	\$197,152	\$29,189	\$310,219	\$0
<b>Tendered Price</b>	\$218,310		\$225,717		\$226,341		\$310,219	

As highlighted in table 1, Hardings Hotmix (\$218,310) is the lowest tender. The Tender Planning and Evaluation Committee has considered each of the selection criteria and Hardings Hotmix has ranked highest overall and therefore offers Council best value for money.

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 15 June 2019 and tenders were also advertised on Council's web site.

**FINANCIAL IMPLICATIONS**

The available capital and operational budget allocations for reseal preparation and reseals is required to deliver contracts CT0246-01 and CT0246-02. The budget allocations are shown in table 2 below.

**TABLE 2**

No.	Description	Budget (ex GST)
1	Reseal work (capital budget)	\$700,000
2	Reseal preparation (operational budget)	\$120,000

The forecast capital expenditure is shown in table 3 below.

**TABLE 3**

No.	Description	Forecast (ex GST)
1	Contract CT0246-01	\$193,580
2	Project management costs (estimated)	\$9,000
3	Sheffield Road (estimated)	\$140,000
4	Construction contingency (10%)	\$33,000
	<b>TOTAL</b>	<b>\$375,580</b>

The forecast capital expenditure of \$375,580 leaves \$324,420 available for the delivery of the capital expenditure component of Contract CT0246-02 sprayed bituminous surfacing.

Additional reseal sites may be added to the scope of work based on the accepted schedule of rates up to the capital budget allocation.

The forecast operational expenditure is shown in table 4 below.

**TABLE 4**

No.	Description	Forecast (ex GST)
1	Contract CT0246-01	\$24,730
2	Construction contingency (30%)	\$4,946
	<b>TOTAL</b>	<b>\$32,149</b>

The forecast operational expenditure of \$32,149 leaves \$87,851 available for the delivery of the operational expenditure component of Contract CT0246-02 sprayed bituminous surfacing.

### **RISK IMPLICATIONS**

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

The tender specification makes provision for rise and fall adjustments in the contract rates. This inclusion to the contract lessens the risk to both Council and the Contractor during periods of oil and bitumen price volatility.

A contingency of 10% has been included on the capital expenditure component as the risk of unforeseen variations is low.

A contingency of 30% has been included on the operational expenditure component as the risk of unforeseen variations is significant. On previous reseal preparation work packages, there has been scope increases as assets approaching the end of life can deteriorate quickly.

### **CONCLUSION**

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Hardings Hotmix has achieved the highest total score and is therefore most likely to offer "best value" in relation to Contract CT0246-01.

Report to Council meeting on 22 July 2019

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Engaging the same contractor as the Department of State Growth for work on Sheffield Road will provide good value and high-quality work.

The forecast cost of the capital and operational components of the work leave some of the original budgets available for the delivery of Contract CT0246-02.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council, in relation to Contract CT0246-01 – Supply, Delivery and Placement of Hotmix Asphalt Sealing Service:

- a) award the contract to Hardings Hotmix, noting that additional roads may be added to the scope of work up to the capital expenditure budget allocation;
- b) note that design and project management for the contract will be incurred; and
- c) endorse the engagement of the Department of State Growth's contractor for proposed works on Sheffield Road.

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

### **5.3 TENDER REPORT CONTRACT CT0246-02 SUPPLY, DELIVERY & PLACEMENT OF SPRAYED BITUMINOUS SURFACING**

File: 36217 D590914

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

Council's Strategic Plan 2009-2030:

Strategy 2.3.2 Provide and maintain roads, bridges, paths and car parks to appropriate standards

#### **SUMMARY**

This report seeks Council's approval to award Contract CT0246-02 for the supply, delivery and placement of sprayed bituminous surfacing to Hardings Hotmix.

#### **BACKGROUND**

This contract relates to the spray seal component within the "Reseal Program 2019-2020" listed in the 2019/20 capital works program and the reseal preparation work which has an operational budget allocation. These budget allocations are required to deliver both Contracts CT0246-01 and CT0246-02.

Sites were selected by considering the condition of the seal asset and the underlying pavement asset, the rate of deterioration, the recent maintenance history, general traffic volume and heavy vehicle traffic volume.

Tenderers were asked to submit prices for the following prioritised list of roads requiring resealing:

- Allanbrae Place
- Brooke Street: Wright Street to David Street
- Byard Park carpark
- George Street: Ronald Street to William Street
- Horsehead Creek carpark
- Lovett Street: Lawrence Drive to Don Road
- Madden Street: Percy Street to Ronald Street
- McBride Street: Watkinson Street to Nixon Street
- Melrose Road Kelcey Tier Road to Don River bridge
- North Fenton Street: Madden Street to Parker Street
- North Fenton Street: No. 101 to George Street
- Parker Street: Surrey to Watkinson Street
- Sumberg Street: Steele Street to Tasman Street
- Surrey Street: Parker Street to Madden Street
- Sycamore Place
- Symbister Street: Sumberg Street to Forbes Street
- Tasman Street: Lovett Street to Greenway Avenue
- Tasman Street: William Street to Forbes Street

**Report to Council meeting on 22 July 2019**

- Turton Street: Wenvoe Street to Formby Road
- Watkinson Street: Parker Street to Oldaker Street
- Wenvoe Street: No. 29 to Turton Street

The reseal preparation work includes pavement repairs, small kerb repairs and adjustment of manhole lids on the roads to be resealed to ensure that the useful life of the new seal is maximised. This is the first time Council has included the reseal preparation work in the reseal contracts as it is likely to result in positive outcomes for Council, the contractor and the public. One contractor has control over the delivery of both components of the work and can schedule the work to ensure the best quality and least disruption.

**STATUTORY REQUIREMENTS**

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

**DISCUSSION**

The Tender Planning and Evaluation Committee minutes are available for viewing by Councillors upon request.

Tenders were received from three companies. All tenders received were conforming.

**TABLE 1**

	Hardings Hotmix		Crossroads Civil Contracting Pty Ltd		Roadways Pty Ltd	
	Reseal	Prep	Reseal	Prep	Reseal	Prep
	\$283,155	\$81,090	\$301,485	\$72,948	\$430,304	\$90,052
<b>Tendered Price</b>	\$364,245		\$380,626		\$520,356	

As highlighted in table 1, Hardings Hotmix (\$364,245) is the lowest tender. The Tender Planning and Evaluation Committee have considered each of the selection criteria and Hardings Hotmix has ranked highest overall and therefore offer Council best value for money.

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 15 June 2019 and tenders were also advertised on Council's web site.

**FINANCIAL IMPLICATIONS**

The available capital and operational budget allocations for reseal preparation and reseals is required to deliver contracts CT0246-01 and CT0246-02. A portion of these allocations is required to deliver Contract CT0246-01. This is discussed in a separate report.

The remaining budget allocations for Contract CT0246 are shown in table 2 below.

**TABLE 2**

No.	Description	Remaining Budget (ex GST)
1	Reseal work (capital budget)	\$324,420
2	Reseal preparation (operational budget)	\$87,851

The forecast capital expenditure is shown in table 3 below.

**TABLE 3**

No.	Description	Forecast (ex GST)
1	Contract CT0246-02	\$283,155
2	Project management costs (estimated)	\$9,000
3	Construction contingency (10%)	\$28,300
	<b>TOTAL</b>	<b>\$320,455</b>

The capital expenditure component of the project can be accommodated within the available budget.

Additional reseal sites may be added to the scope of work based on the accepted schedule of rates up to the capital budget allocation.

The forecast operational expenditure is shown in table 4 below.

**TABLE 4**

No.	Description	Forecast (ex GST)
1	Contract CT0246-02	\$81,090
2	Construction contingency (30%)	\$24,327
	<b>TOTAL</b>	<b>\$105,417</b>

The operational expenditure component of the project exceeds the available budget by \$17,566 if the full 30% contingency is required.

If required, this over expenditure will have to be offset by savings in the operational budget which will have to be identified throughout the year. This is the preferred option rather than reducing the scope as a reduction in the scope of reseal preparation work may result in reduced useful lives for the new seals. Alternatively, deferring the reseal will likely result in a greater amount of preparation work being required next year.

#### **RISK IMPLICATIONS**

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

The tender specification also makes provision for rise and fall adjustments in the contract rate. This is a sensible inclusion to the contract to lessen the risk to both Council and the Contractor during periods of oil and bitumen price volatility.

A contingency of 10% has been included on the capital expenditure component as the risk of unforeseen variations is low. However, on previous reseal contracts, there have been scope increases.

A contingency of 30% has been included on the operational expenditure component as the risk of unforeseen variations is significant. On previous reseal preparation work packages, there has been scope increases as assets approaching the end of life can deteriorate quickly.

**CONCLUSION**

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Hardings Hotmix has achieved the highest total score and is therefore most likely to offer "best value" in relation to Contract CT0246-02.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council, in relation to Contract CT0246-02 – Supply, Delivery and Placement of Sprayed Bituminous Surfacing Services:

- a) award the contract to Hardings Hotmix noting that additional roads may be added to the scope of work up to the capital expenditure budget allocation; and
- b) note that design and project management for the contract will be incurred.

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

## 5.4 MELALEUCA AGED CARE - EXPANSION OF FACILITY

File: 7705 D591095

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.6.4 Develop partnerships between all levels of government, the private and not for profit sectors that deliver innovative solutions

### SUMMARY

This report is provided to assist the Council in considering a proposal from Melaleuca Home for the Aged Inc to acquire additional land at Mary Street, East Devonport for the expansion of the facility to incorporate Independent Living Units on site.

### BACKGROUND

Melaleuca Home for the Aged Inc is a not for profit community-based organisation that has been operating since 1982. The aged care facility is located at Mary Street, East Devonport on land which was donated to them by the Council for the nominal fee of \$1.

Currently the facility has 48 single ensuite residential rooms and the provision of a specialised palliative care room. The Board of Melaleuca has determined that to secure the future of its residential care services, and to reflect current Government Policy of encouraging aging individuals to stay in their homes longer, to commence planning for the development of independent living units.

The proposal by Melaleuca is to acquire the balance and/or control of the land known as Mary Binks Wetlands and to incorporate it into their existing title.

An aerial photo of the area is shown below:



**STATUTORY REQUIREMENTS**

Any decision by Council relating to the proposal would need to be considered in the context of the *Local Government Act 1993* as the Mary Binks Wetlands area is identified as Public Land and is listed on Council's Public Lands List in accordance with Section 177A of the Act.

Section 178 of the Act outlines the process Council needs to follow if it determines to sell public land:

**178. Sale, exchange and disposal of public land**

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

**DISCUSSION**

Representatives of Melaleuca Home for the Aged Inc attended a recent Council Workshop to discuss their plans for the future expansion of their services at East Devonport. The proposal by Melaleuca is to expand services by providing independent living units on the

**Report to Council meeting on 22 July 2019**

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site and also on the adjacent Council owned land to the south of the existing Mary Binks Wetlands.

Following the Workshop, correspondence from Melaleuca (copy attached) provided further clarification around the proposal as follows:

- *Melaleuca will construct six independent living units on our existing property as stage one. We anticipate completion of stage one within the next two years.*
- *We are seeking an arrangement/agreement with Council for the use of the open space to the south of the Mary Binks Wetlands for the potential development of eleven independent living units as part of stage two. We would ensure the units are constructed in a way that compliments and is in keeping with the wetlands area. We are seeking this land on the basis of a nominal fee.*
- *Melaleuca concur with Council that Devonport City Rates be applicable to any development on Council land.*
- *Should the proposal develop, Melaleuca would offer to maintain the Wetlands Area to offset Council maintenance costs.*
- *We acknowledge that it has recently been discovered that part of the Mary Binks wetland is actually on Melaleuca land as shown in the plans presented. We do not intend to interfere with the wetlands and therefore would not build on this part of our property.*
- *Public access to the Wetlands area would not be inhibited by the Melaleuca proposal.*

The following schematic provides an indication of the proposal:

**COMMUNITY ENGAGEMENT**

At present, community engagement in relation to the proposal has not been undertaken. Melaleuca approached Council and prior to proceeding further the matter is listed for consideration.

If Council agrees to further explore the proposal with in-principle support, it would be necessary for the formal statutory process as outlined earlier in this report to be undertaken. This would essentially be part of the community engagement process.

**FINANCIAL IMPLICATIONS**

At present the land is included on the Council's Public Lands List.



The area which Melaleuca is seeking for its Stage 2 development is primarily Lots 1 & 2 on PID 6367743 as shown above.

The proposal by Melaleuca is for the land to be transferred to it at a nominal fee.

If Council were to further consider the request, there will be costs incurred relating to the public notification process. A condition of any future transfer of the land could include that Melaleuca are to reimburse Council for any costs it incurs in pursuing the matter.

### RISK IMPLICATIONS

There are matters which could be classified as risks in relation to this request. The main risk at this stage would be related to objections from the community should Council agree to proceed with the proposal. Equally if Council dismisses the matter and determines not to proceed there could be community concerns on behalf of Melaleuca.

### CONCLUSION

At this time, the proposal by Melaleuca would appear on the surface to have some merit. It would allow for the expansion of aged care services in East Devonport at a time when the population is aging, and more affordable and accessible aged care options are required.

Significantly more discussion and information would be required prior to Council transferring the property to Melaleuca to clearly understand what is proposed. This could be by way of negotiating a Memorandum of Understanding, however prior to undertaking any further negotiations at this stage, Council should seek the community views through the formal process as outlined in the *Local Government Act 1993*.

Report to Council meeting on 22 July 2019

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If Council accepts the recommendation as provided, it would be intended that following the public notification period Council would further consider the proposal before commencing any detailed discussions and/or preparation of a Memorandum of Understanding.

**ATTACHMENTS**

1. Melaleuca Home for the Aged Inc - 4 July 2019

**RECOMMENDATION**

That Council in relation to the request from Melaleuca Home for the Aged Inc determine:

- (a) to receive and note the report;
- (b) provide 'in-principle' support for the proposal to transfer public land to Melaleuca for the purpose of expanding their services into independent living units;
- (c) in accordance with the *Local Government Act 1993* publicly advertise the Council's intention seeking community feedback on the potential proposed disposal of public land;
- (d) depending on the outcome of the community feedback further consider the development of an acceptable Memorandum of Understanding to progress the potential transfer.

Author:	Paul West
Position:	General Manager



4 July, 2019

Mayor Annette Rockliff  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

Dear Mayor Rockliff,

**Council Workshop**

We would like to thank Council for the opportunity to discuss our proposed plan in relation to the development of independent living units and the possibility of using the surrounding land of the Mary Binks Wetlands to achieve this.

To summarise our intended proposal:

- Melaleuca will construct six independent living units on our existing property as stage one. We anticipate completion of stage one within the next two years.
- We are seeking an arrangement/ agreement with Council for the use of the open space to the south of the Mary Binks Wetlands for the potential development of eleven independent living units as part of stage two. We would ensure the units are constructed in a way that compliments and is in keeping with the wetlands area. We are seeking this land on the basis of a nominal fee.
- Melaleuca concur with Council that Devonport City Rates be applicable to any development on Council land.
- Should the proposal develop, Melaleuca would offer to maintain the Wetlands Area to offset Council maintenance costs.

We acknowledge that it has recently been discovered that part of the Mary Binks wetland is actually on Melaleuca land as shown in the plans presented. We do not intend to interfere with the wetlands and therefore would not build on this part of our property.

Public access to the Wetlands area would not be inhibited by the Melaleuca proposal as advised at the Workshop.

Melaleuca provide a 48 bed residential care service which is totally reliant on government funding, which is currently under the CPI and has been for some time. We are seeking to build independent living units to secure the long term sustainability of our Facility and for the benefit of the wider East Devonport community.

73 Mary Street  
East Devonport  
Tasmania 7310

Ph.: 03 6427 9131  
Fax: 03 6427 0929  
Email: admin@melaleuka.org

We hope Council looks favourably on our proposal and we look forward to further discussion with Council and are more than happy to answer any additional questions that you may have.

Once again, thank you for your time.

Yours sincerely



Peter Vertigan  
Chairman of the Board

Ph: 0417 598 995



Ken Michell  
Chairman Building Sub-Committee  
Ph: 0417 245 327

## 5.5 CITY OF DEVONPORT BRASS BAND - PARTNERSHIP AGREEMENT

File: 13497 D590461

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.2.1 Encourage community participation initiatives that supports two-way communication and consultation which results in increased engagement

### SUMMARY

This report is provided to assist Council in considering the renewal of a partnership agreement with City of Devonport Brass Band for a further three-year period.

### BACKGROUND

Council has had a partnership agreement with the City of Devonport Brass Band (CDBB) for the past six years which provides financial assistance towards the Band's ongoing sustainability. In return, the CDBB performs at two civic events and four Council community events per annum.

### STATUTORY REQUIREMENTS

Details relating to the financial impacts of the agreement will be included in Council's Annual Report each year in accordance with Section 77 of the *Local Government Act 1993*.

### DISCUSSION

Council currently provides funds of \$10,000 per annum to the CDBB. A review of the CDBB's financial statements indicate that the funding from Council is a key income source for the Band.

A draft of the reviewed partnership agreement is attached. The terms are consistent with previous agreements between the parties.

The CDBB have advised that with the recent sale of the Devonport Show Grounds to developers, they will be looking to purchase the land which their building is currently on, in 2021. They have indicated that this will require the support of State and Local Government to assist them to identify funding sources.

### COMMUNITY ENGAGEMENT

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

### FINANCIAL IMPLICATIONS

Council has included an allocation in its Community Partnerships budget for partnership agreements in the 2019/20 operational budget.

### RISK IMPLICATIONS

Partnership agreements allow Council to ensure services and events are delivered with minimum direct involvement from Council resources. Council's risk exposure is reduced through partnership agreements.

**CONCLUSION**

The partnership agreement between City of Devonport Brass Band and Council has been successful to date. There is a genuine benefit to both Council and the community for the continuation of this partnership agreement.

**ATTACHMENTS**

1. Draft Brass Band Partnership Agreement 2019

**RECOMMENDATION**

That Council receive and note the report and authorise the General Manager to finalise a new partnership agreement with the City of Devonport Brass Band for a further period of three years.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager



**PARTNERSHIP AGREEMENT BETWEEN  
CITY OF DEVONPORT BRASS BAND  
AND DEVONPORT CITY COUNCIL**



### 1.0 PURPOSE

This Agreement establishes a set of principles and obligations in relation to funding arrangements and activities between the Devonport City Council (the Council) and the City of Devonport Brass Band (Brass Band) to assist with the ongoing sustainability of the City's Brass Band.

### 2.0 TIMEFRAME

This Agreement is for a period of three (3) years from the date of signing and is to be reviewed every twelve (12) months.

### 3.0 THE PARTIES

#### 3.1 City of Devonport Brass Band

The Brass Band was established in 1875 to play at ship launching ceremonies from Torquay (East Devonport). Today it provides an avenue for brass and percussion musicians throughout the Devonport municipality to play in a friendly, social environment.

The Band has had a long history within the Devonport community, playing music at many community functions and celebrations over the years. As the local region has developed, so too has the Bands name changed to reflect this: from Torquay Brass Band, to Devonport Municipal Band, to the current City of Devonport Brass. As part of our annual community "door knock" fundraising the band walks the streets of Devonport each December spreading seasonal cheer with Christmas carols.

The Band welcomes new players from all members of the community – beginners or experienced musicians, young or mature – and provides one-to-one tutoring, instrument and uniform. Playing members are also encouraged to compete in local, state and national brass band competitions, either as a solo, or as part of a small ensemble, Junior or Senior Band.

The Band hopes to continue its worthwhile contribution to the local community promoting the various learning opportunities available (reading music and playing a brass instrument helps develop good breath control, lip muscle strength, hearing and visual acuity and sense of rhythm and timing) as well as playing traditional and modern music at various events to provide audiences with enhanced musical literacy and greater cultural enrichment.

#### 3.2 Devonport City Council

The Devonport City Council is committed to excellence in Local Government through the responsive, cost effective and equitable provision of services to the City and the enhancement of the quality of life of its residents.

#### 4. DEVONPORT STRATEGIC PLAN 2009-2030

This Agreement supports the following priorities of the Devonport Strategic Plan 2009-2030.

Strategy 4.2.2 Cultural facilities and programs are well planned and promoted to increase accessibility and sustainability

Strategy 4.7.1 Develop and implement community development opportunities which strengthen community capacity

Strategy 4.7.3 Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes

Strategy 5.1.3 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure that balance the needs of industry, business, community, government and the environment.

#### 5. OBLIGATIONS OF THE PARTIES

The Council and Brass Band agree to:

- Engage in timely, cooperative and meaningful consultation and negotiation regarding activities which affect this Agreement
- Relate to the other party in a manner that is coordinated and consistent.
- Subject to privacy legislation and policies, share relevant data and information to inform strategic planning and service delivery.
- Develop processes to promote a common understanding of mutual priority needs.
- Meet once per year to review the effectiveness of this Agreement.

#### 6. STATEMENT OF RESPONSIBILITIES

##### The City of Devonport Brass Band

The City of Devonport Brass Band will:

- Perform free of charge at two Council delivered civic events per year, with presence negotiated depending on programming.
  - In addition, perform at a minimum of 4 Council community events per year (noting the band are willing to do more)
  - Strive to attract additional members, resources and partnerships to ensure ongoing sustainability of the Brass Band.
  - Manage the Brass Band volunteers, including ensuring new volunteers complete relevant registration & induction. Committee members are encouraged to undertake a police check and relevant members will be required to undertake working with vulnerable people checks in accordance with legislation.
  - Welcome new players from all members of the Community-beginners or experienced musicians young or mature – and provides one-to-one tutoring, instrument and uniform. Playing members are also encouraged to compete in local, state and national brass band competitions, either as a solo or as part of a small ensemble, junior or senior band.
-

- As part of Council's Live and Learn Strategy, promote the various learning opportunities available (reading music and playing a brass instrument helps develop good breath control, lip muscle strength, hearing and visual activity and sense of rhythm and timing.)
- Provide relevant data to support Council's strategic planning and reporting.
- Promote Council support to members, the broader community and the media in a positive manner.
- Include Council's branding in relevant promotional material.
- Provide an annual report to Council of activities undertaken in relation to the Agreement.
- Take proactive measures to ensure the financial sustainability of the Band including relevant grant submissions.

#### The Devonport City Council

The Devonport City Council will:

- Actively negotiate the Brass Band's involvement in civic events, depending on programming
- Assist in the marketing and promotion of the City of Devonport Brass Band events through Council's communication mediums
- Make a payment of \$10,000 per annum for the term of the 3-year agreement to the Devonport Brass Band to assist in the ongoing operations of the Group.
- Provide assistance in the preparation of grants.

#### 7. PERFORMANCE INDICATORS

The following indicators will assist in measuring the effectiveness of The Agreement.

Indicator	Provided By	Frequency
Number of members	Brass Band	Annually
Number of civic events	Brass Band	Annually
Financial Performance	Brass Band	Annually
Number of Brass Band activities promoted	Council	Annually

#### 8.0 KEY MILESTONES

Description	Provided By	Target Date
Payment 1 (\$10,000)	Council	31 July 2019
Annual report – Year 1	Brass Band	30 Aug 2019
Payment 2 (\$10,000)	Council	31 July 2020
Annual report – Year 2	Brass Band	30 Aug 2020
Payment 3 (\$10,000)	Council	31 July 2021
Annual Report – Year 3	Brass Band	30 Aug 2021
Agreement reviewed	Council/Brass Band	30 June 2021

**9.0 RELATIONSHIP OF THIS AGREEMENT TO OTHER DOCUMENTS**

This Agreement is not intended to supersede or alter existing contractual or other agreements between Council and the Brass Band.

**10.0 MANAGING DIFFERENCE, EVALUATION AND REVIEW**

The parties agree to work constructively to honour the terms of the Agreement.

The parties agree that in the event of a party stating that one or more undertakings in the Agreement is not being fulfilled that the parties will use best endeavours to ensure that the undertaking is satisfied or that an alternative solution is agreed.

If the Brass Band otherwise fail to comply with the terms of The Agreement after having been given 30 days' notice to rectify then the Council may terminate this Agreement. The Brass Band may terminate the Agreement at any time providing Council with reasoning and 30 days' notice. If the Agreement is terminated the Brass Band will refund a proportion of monies paid in the given financial year.

The parties agree to monitor the implementation of the Agreement and evaluate its effectiveness on an annual basis; however, The Agreement can be amended with the agreement of both parties at any time.

Two-way feedback and monitoring will be through the Brass Band President and Council's delegate Officer.

**11.0 SIGNATORIES OF THE PARTIES**

Executed as an Agreement

**Signed for and on behalf of the Devonport City Council**

Name: Paul West  
Position: General Manager

Signature:.....

Date: 2019

**Signed for and on behalf of the City of Devonport Brass Band**

Name: Crystal Attrill  
Position: President

Signature:.....

Date: 2019

## 5.6 DEVONPORT GYMNASTICS CLUB

File: 32109 D592038

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report is provided to present a request from the Devonport Gymnastics Club (DGC) for a further financial contribution towards their proposed facility to be constructed at Maidstone Park.

### BACKGROUND

When discussions were first commenced with DGC, a site in Bay Drive had been identified, however the Club determined this site was unsuitable due to the extra construction costs involved to build on the reclaimed landfill area.

Subsequent discussions then identified a piece of vacant land at Maidstone Park which could be a potential site and the Club had a design produced for this site. A preliminary planning assessment identified that due to the increased height of the new facility over what had previously been identified, it would overshadow the property to the south during the winter months which would not meet the requirements of the Planning Scheme and so could not be supported.

At about this time, Council became aware that there was a possibility for the Spreyton Bowls Club (SBC) to move earlier than first anticipated, which would allow the existing bowls green area to be redeveloped.

Council subsequently determined at its meeting held February 25, 2019 (Min No 29/19 refers):

*"That Council receive and note the report regarding the proposed facility for the Devonport Gymnastics Club at Maidstone Park and approve the new location situated on the current bowls greens for the development."*

As a result, the bowls green area was cleared back to a level construction site with all costs borne by Council. All relevant planning and building applications were then submitted by the DGC for the former bowls green site.

### STATUTORY REQUIREMENTS

Appropriate planning and building legislation is applicable. Any direct financial contributions provided to the DGC will need to be recorded in the Council's Annual Report.

### DISCUSSION

The option of the vacant site adjacent to the bowls greens was identified due in part to the bowls green site not being available for up to two years from when discussions commenced. This was based on the approximate timing of the completion of the Devonport Country Club, to which the Spreyton Bowls Club (SBC) would relocate.

As a result of the time that lapsed between Council resolving to provide the land to DGC, SBC indicated they could vacate earlier than planned (originally January 2020) to enable the DGC to use the site that would be left unused by their departure from Maidstone Park.

**Report to Council meeting on 22 July 2019**

---

The size of the bowling green site was sufficient to accommodate the Gymnastic Centre and also allowed for improved car parking.

DGC applied for a planning permit on the bowls green site. The proposed use was assessed as permitted within the assigned Recreation zone of the *Devonport Interim Planning Scheme 2013*, however a development application was required to assess a discretionary component relating to the requirement for parking.

A letter has been received from Vos Construction, on behalf of DGC, (attached) advising that as a result of changes to the site, their client has incurred costs relating to investigation of the site, design work and TasWater requirements. Vos Construction have advised that the additional costs incurred are \$64,572. It is noted however, that the additional incurred costs are considerably less than what the additional costs would have been if the Club were to progress with construction on the original site at Bay Drive.

Risks including unforeseen ground conditions, underground services and planning issues can add cost to developments. However, they are quite common risks and perhaps should have been considered in the DGC's budget for the development.

The Vos letter details additional costs incurred as a result of redesign. Council cannot take responsibility for the Club deciding to progress design work prior to having an approved planning permit as that is a risk for any developer.

The planning permit for the development requires a 27-space car park plus an area for loading and unloading passengers. The DGC had originally proposed that the car park be constructed in stages, but this is not possible given the size and shape of the space and the planning requirements. Staging construction is not preferable as it will leave an undeveloped area in the middle of the Maidstone Park car park for Council to manage and/or construct the second stage of the car park.

The design of the car park now includes 37 spaces and 4 drop off spaces which is in excess of the planning requirements but occupies the whole site. The DGC has estimated the cost of the car park at \$239,377.

In October 2017, Council resolved to "*Commit \$150,000 in the 2018/2019 Capital Works Program as a contribution towards car parking and a pathway to the existing Netball Centre car park;*" (Min 120/17 refers). This allocation will be carried forward to the 2019/20 capital works budget. DGC request Council consideration of an additional sum to finalise the car park (approximately \$90,000). Based on an engineering assessment it is concluded that Council agreeing to the additional car park expense would be a prudent decision.

A formal lease agreement will be developed with DGC, clearly outlining ownership of the facility and ongoing maintenance expectations as well as a Loan Deed for their loan from Council of \$300,000 (previously approved at the Council meeting on 23 October 2017).

**COMMUNITY ENGAGEMENT**

Community engagement was not undertaken in relation to this report. Council has been working with the executive of the DGC to facilitate their project at Maidstone Park. Council was also instrumental in negotiating the early exit of the SBC from their former location.

### FINANCIAL IMPLICATIONS

In summary, DGC have confirmed funding for the project is as follows:

State Government	\$ 750,000 (secured)
Federal Government	\$ 500,000 (secured)
Federal Government	\$ 250,000 (secured)
Council Loan	\$ 300,000 (secured)
DGC savings	\$ 88,000 (secured)
Council capital contribution towards car park	<u>\$ 150,000</u>

**Total Project Funds Available** **\$2,038,000**

Based on the Vos letter, it appears that the DGC is short of funding by approximately \$154,000, made up of around \$64,000 of additional redesign costs and \$90,000 for the carpark construction.

In addition to the above funding commitments, Council is also providing the land for the project for free and has agreed to waive development fees.

DGC currently utilise space at the Devonport Recreation Centre for their activities. This space has been rent free for a number of years to enable the Club to be in a position to save for their contribution towards a new facility.

In addition, the cost of clearing the former Bowls Club site/greens was met by Council at a total cost of \$48,733.20 (exc GST). This was an unbudgeted expense incurred in 2018-19 by Council to facilitate the development on the preferred site.

### RISK IMPLICATIONS

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

### CONCLUSION

Council's consideration as to whether it wishes to invest further funds to this project is now sought by the Devonport Gymnastics Club.

### ATTACHMENTS

1. VOS Devonport Gymnastics proposed new Gymnastic/MPF Facility - Maidstone Park - Main road Spreyton - Variations due to site relocation

### RECOMMENDATION

#### Option A

That Council in relation to the request for additional support by the Devonport Gymnastics Club for the construction of their new facility at Maidstone Park determine to:

- (a) provide an additional \$90,000 to the car park in 2019/20 as part of the finalisation of carry forward projects from the 2018/19 financial year, making the total contribution \$240,000; and
- (b) advise the Club it does not accept that the additional costs which they have incurred for the design of the facility is the responsibility of Council and therefore will not be providing any additional funding for this component.

**Option B**

That Council in relation to the request for additional support by the Devonport Gymnastics Club for the construction of their new facility at Maidstone Park determine to:

- (a) provide an additional \$90,000 to the car park in 2019/20 as part of the finalisation of carry forward projects from the 2018/19 financial year, making the total contribution \$240,000; and
- (b) advise the Club while it does not accept that the additional costs incurred are the responsibility of Council, it offers to increase the amount of the Council loan to the Club by an additional \$65,000 if required.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager



12<sup>th</sup> June 2018  
MS: MS: TD16042g

Devonport Gymnastics Club Inc.  
Corner Charles and Forbes Street  
**Devonport 7310**

**Attention: Leanne and Tracy**  
**Refer Enquiries to Mark Smith**

**Re: Devonport Gymnastics Proposed New Gymnastic / MPF facility - Maidstone Park –  
Main Road Spreyton – Variations due to site relocation**

Dear Madam

Further to your direction to relocated your development to the site of the Spreyton Bowls club this has brought about additional costs for Vos and 6ty° design team

Previous to the site proposed in Bay Drive Vos and 6ty° went to considerable cost to complete an on-site investigation open hole excavation and employed Geoton to inspect and report on the findings. We also complete a detailed site survey and service locations to find the site was not suitable or cost effected to build on what was found to be a landfill site

Council offered the Spreyton bowls club but was not available to sometime in 2020 after they moved to a new site that did not meet your time line

The 2<sup>nd</sup> alternative site offered by council was the current baseball diamond, we completed further open hole excavations to find part of the site was on the edge of the original landfill tip site that had issue and was proposed to be in the way of future site developments.

The above cost have been absorbed by Vos and 6ty° in the interest of yourself the client and the great relationship we had work together on this project

We were then directed to the 3<sup>rd</sup> site south of the bowls club with Council direction to build as close to the Main Road and to the bowls club's south fence line. We progress with the preliminary design to suit this site and reach an agreement with council and yourself that was approved in principal along with the approval to build over the storm water mains

The only issue we had after consultation with Devonport council planning was the parking requirements under the planning scheme requiring 98 spaces that would be discretionary to be reduce.

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

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

**MAKING A POSITIVE DIFFERENCE**



We received your approval to proceed with the DA documentation and work through the carparking issue based on the day to day requirements of the Gymnastic clubs operations and parking requirements

We progressed with the DA and sort your approval at the same time proceeding with the full BA and issued for construction documentation to expedite the program to work towards a commencement on site before the winter of 2019

We complete the along with the majority of the DA and BA design documentation as detailed below

At the time of your direction to change to the Spreyton Bowls Club site we had complete the following DA and BA documentation and site investigations

- DA submission 100%
- Architectural design 100%
- Structural design 90%
- Civil carpark pavement design 80% (for separate carpark funding)
- Building Services 70%
- Site service investigation consultation with service Authorities 100%
- Onsite service locations 100%
- Soil test holes 100%
- Site survey 100%

The new design on the bowling green site required the drawings to be mirror transposed and reworked to suit the entrance now on the North-West corner, we were able to salvage the initial design work competed on the Architectural, Structural and Building services apart from extra costs to rework to suit the mirror image redesign that were extensive due to the change in site orientation

The Civil works carpark and site services design had to be redesigned to suit the new locations that is currently funded at \$150,000 plus GST by the Council

We complete a new site survey, existing site service investigation, service locations, consultation with the Council and Taswater to work through the services in the way of the new development

The current AC water main servicing Maidstone Park and 225mm stormwater both under the building with the storm water in the way of the 2m deep foam pit, these services had to be relocated and modified to meet the requirements of the Council that also required a new Taswater 100mm meter on the current 100mm supply on site the new service required a separation of the fire and irrigation water from the domestic supply to the current cricket and football club rooms to meet Taswater and Council requirements

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**Cost variation breakdown****Design documentation and site investigations**

- DA submission resubmitted
- Architectural design rework
- Structural design rework
- Civil carpark design rework (refer carpark for design costs)
- Building Services rework
- Site service investigation consultation with service Authorities
- Onsite service locations / Site survey
- Soil test hole preliminary under building

<b>6ty° costs excluding GST (Net cost)</b>	<b>\$14,500.00</b>
<b>6ty° costs excluding GST (Net cost) less carpark rework cost</b>	<b>-3,500.00</b>
<b>Vos Construction and Joinery costs excluding GST (Net cost)</b>	<b>\$2,640.00</b>
<b>Total excluding GST</b>	<b>\$13,640.00</b>

**Service relocations refer BA drawings and mark up attached site plan**

- Stormwater 225mm mains relocation and one new manhole \$9,950.00
- Grout fill abandon 225mm stormwater mains \$2,000.00
- Manhole make good 225mm
  - Incl infill cut in and re-bench base of manhole \$250.00
- Relocate water main incl, make good hotmix \$23,920.00
- Liquid fill abandon AC water mains \$1,950.00
- TasWater new 100mm water meter \$TBC
  - incl remove redundant water meters TBC if required

<b>Total net excluding GST</b>	<b>\$38,070.00</b>
<b>Builders overheads and margins 12%</b>	<b>\$4,568.40</b>
<b>Total excluding GST</b>	<b>\$42,638.40</b>
<b>TasWater costs</b>	<b>TBC</b>

**Option E/O cost if required by Council currently part of BA approval**

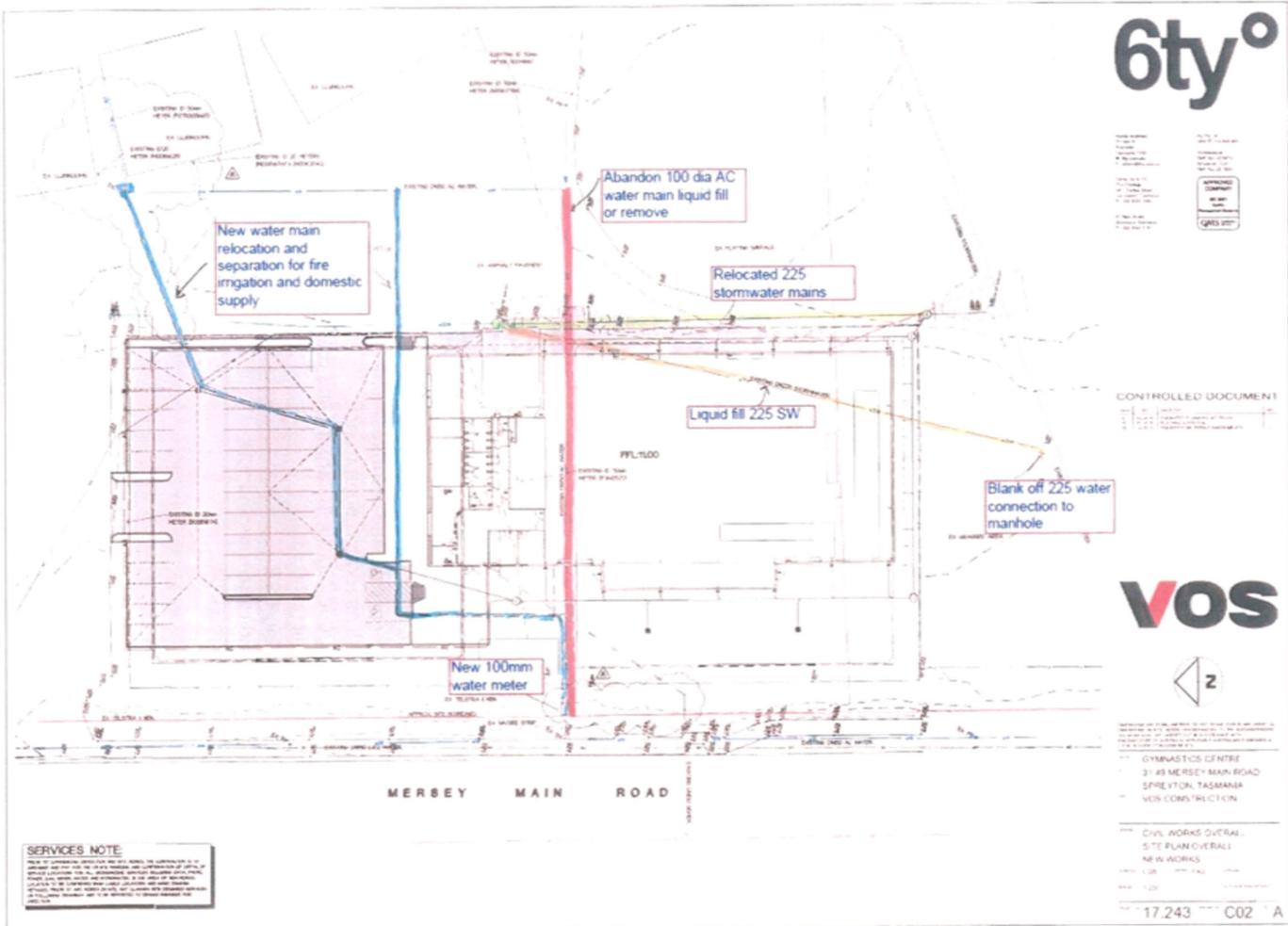
- Remove abandon AC water mains \$9,355.00
  - Excavate to expose AC mains
  - Exome AC pipe and dispose of site
  - Back fill as require open trench
  - Make good hotmix in carpark and grass in Baseball area
- Credit liquid fill to AC main -\$1,950.00

<b>Total net excluding GST</b>	<b>\$7,405.00</b>
<b>Builders overheads and margins 12%</b>	<b>\$888.60</b>
<b>Total E/O excluding GST</b>	<b>\$8,293.60</b>

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MAKING A POSITIVE DIFFERENCE





**Carpark and associated pavements 38 parking and 4 drop off bays**  
**Refer to BA drawings and attached part plans for changes for DA approval**

- Complete the carpark as designed complete with
  - Design and documentation plus 3.5k rework design cost
  - Bulk excavation
  - 300mm gravel pavement design / 30mm hotmix
  - Stormwater and pits / Ag drain / BK kerbs
  - Line marking and disabled parking motives / Bollard x1
  - Directional arrows on hotmix 4no for one way traffic
  - Signage ENTRY/ NO EXIT / EXIT / NO ENTRY / DROP OFF PICKUP ZONE NO PARKING
  - Hotmix cross overs at entry exit / Concrete pavements
  - Pram crossings x2
  - Carpark lighting x4 to code
  - Make good grass to the west of the site

<b>Total net cost excluding GST</b>	<b>\$213,730.00</b>
<b>Builders overheads and margins 12%</b>	<b>\$25,647.60</b>
<b>Total excluding GST</b>	<b>\$239,377.60</b>

**Design concern with current 300mm pavement and suitability current subgrade material that is subject to further site investigation and engineers report**

- Subgrade bearing improvement beyond current design and costings TBC
  - Extra 100mm bulk excavation and 100mm increase subgrade import pavement depth over 1,256m<sup>2</sup> (Order of cost \$19,000 .00 excluding GST TBC)

**Car parking Excludes**

- Landscape zone between new carpark and existing carpark on the north side
- Wheel stops to new or existing carpark / Line marking to existing car parking bays
- Subgrade improvements beyond current 300mm pavement design

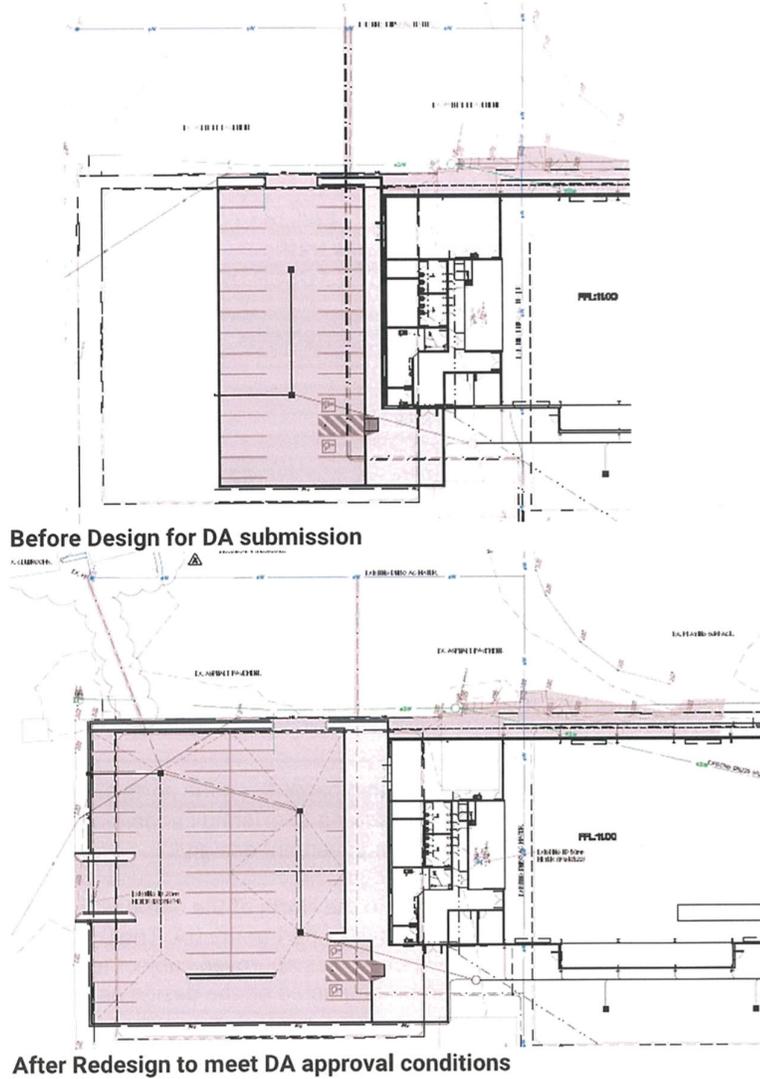
The carpark total development design within the zone to the North of the Gymnastic building is for a total of 38 parking bays and +4 drop off pick bays as part of the DA. The DA only required 27 parking bays to service this development that was approved subject to providing a drop off and pick bays +4 added this DA requirement impacted on the design as identified as before and after layouts (refer below)

This drop off zone required a re-design of the carpark to make to most of the total area to maximize the future carpark spaces and provide separate entry / exit to maintain a one way flow of the carpark to comply with the drop off pick up zone. This change made it difficult to develop the carpark as a stage one minimum 27 spaces and , had to redesign to complete in one stage 38 parking bays + 4 drop off pick up bays including wide concrete pavements to service this zone and one way traffic flow

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**MAKING A POSITIVE DIFFERENCE**



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**MAKING A POSITIVE DIFFERENCE**



We understand the Council's contribution to the carpark is currently limited to the \$150,000 excluding GST that is short \$89,377.60 of the \$239,377.60 to complete the total 38 +4 carpark bays as designed plus the pending engineering review and extra cost of the current subgrade and possible increase in pavement design depth

We seek your direction on how you would like to proceed with the carpark pavements works under the current limited funding as well as the cost associated with the site relocation and service relocations currently under the building

We are happy to meet with yourself and with council to work through the above at time that suits all parties

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

Yours faithfully

**VOS CONSTRUCTION & JOINERY PTY LTD**

Mark Smith  
CHIEF ESTIMATOR

LAUNCESTON 03 6398 8300 | 3 HUDSON FYSH DR, WESTERN JUNCTION TAS 7212  
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**MAKING A POSITIVE DIFFERENCE**

## 5.7 SPECIAL INTEREST/WORKING GROUPS - APPOINTMENT OF MEMBERS

File: 22992 D592100

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.4 Ensure effective administration and operation of Council's committees

### SUMMARY

This report is provided to present for Council's formal consideration appointments to Special Interest and Working Groups.

### BACKGROUND

In June/July 2017, Council reviewed its Special Interest Groups and Working Groups. This included a review of membership and Terms of Reference. It was determined that Groups and their membership would then be reviewed on a two-yearly cycle.

In March 2019, the former Public Art Advisory Special Interest Group and the Devonport Regional Gallery Advisory Board were amalgamated to form the new paranaple arts centre Special Advisory Committee and new terms of reference were adopted. It was determined at time, new committee members would be appointed in July 2019, in accordance with the biennial review of membership of committees.

At its meeting held 27 May 2019, Council determined (Min No 97/19 refers):

*"That it be recommended to Council that an Expression of Interest process be undertaken for community member appointments to the following Council Special Interest/Working Groups:*

- *East Devonport Special Interest Group*
- *Liveable Communities Special Interest Group*
- *Active City Special Interest Group*
- *Devonport Food and Wine Working Group*
- *Devonport Jazz Working Group*
- *paranaple arts centre Special Advisory Group*
- *Devonport Maritime and Heritage Special Interest Group"*

Council Committees are reviewed every two years, including their Terms of Reference and membership. As a result, a call for Expressions of Interest was recently undertaken.

It is proposed that there be no changes to the Terms of Reference for the East Devonport and paranaple arts centre Special Interest Groups and Devonport Food and Wine Working Group.

It is however recommended that the Active City Special Interest Group and the Liveable Communities Special Interest Group be altered to be a more strategic focussed and only be called together on an as needs basis when there are specific projects requiring input and direction rather than regular bi-monthly meetings. This will require a change to the Group's Terms of Reference relating to 'Meeting Frequency and Meeting Place'.

Further, it is recommended that due to only one nomination being received for the Devonport Jazz Working Group, that this group be disbanded, and the Jazz Taskforce continue to assist with the planning and running of the Devonport Jazz Festival. The Taskforce has around 20 volunteers and has been operating successfully since 2004.

**Report to Council meeting on 22 July 2019**

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The role of the Taskforce is to assist with the delivery of Devonport Jazz, both in the lead up (where appropriate) and during the festival. Members are the ambassadors of the festival. They attend monthly meetings from May – July to discuss the program and to develop a roster for the festival weekend. They also have final debrief meeting in early August, when they can give feedback on the artists, venues, activities and challenges associated with the conduct of the festival.

**STATUTORY REQUIREMENTS**

The *Local Government Act 1993* outlines the Statutory requirements relating to the appointment and functions of Committees under Section 24 as follows:

**24. Special committees**

- (1) *A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) *A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) *The council is to determine the procedures relating to meetings of a special committee.*

**DISCUSSION**

Through the expression of interest process, Council received forty-eight (48) applications from thirty-eight (38) individuals.

Community members were asked to submit an application in which they identified their skills in line with selection criteria from the relevant Terms of Reference for the Committee/s they were interested in being appointed too. Council at a Workshop on 15 July 2019 worked through the applications and identified the preferred appointments. A list of all nominees is provided as a confidential attachment.

The East Devonport Special Interest Group received seven (7) nominations for six (6) positions. At the Council workshop it was indicated that the preference was that all applicants be appointed and the Terms of Reference be altered to reflect seven (7) community members rather than the previous six (6).

The paranaple art centre Special Advisory Committee received twenty (20) applications for 8 community positions. At the Workshop the Council indicated the number of community representatives should be increased from eight (8) to twelve (12).

There remain vacancies on the Active City, Liveable City and Maritime and Heritage Special Interest Group. Therefore the recommendation is that all applicants be appointed.

Following discussion at the Council Workshop the following appointments are recommended to the Special Interest and Working Groups:

Report to Council meeting on 22 July 2019

<b>Active City Special Interest Group</b>	
<b>No. of Community Members</b>	8
<b>Membership Expression of Interest</b>	Andrew Towns
	Janene Wilczynski
	Kurt Bramich
	Jodie Clark
	Rhonda Wilson
<b>Membership Vacancies Remaining</b>	3

<b>East Devonport Special Interest Group</b>	
<b>No. of Community Members</b>	7
<b>Membership Expression of Interest</b>	Tracey Carter
	Frances Wilson
	Maureen Clarke
	Jenny Mountney
	Dave mangenner Gough
	Scott Newman
	Janene Wilczynski
<b>Membership Vacancies Remaining</b>	Nil

<b>Liveable City Special Interest Group</b>	
<b>No. of Community Members</b>	10
<b>Membership Expression of Interest</b>	Rod Taylor
	Jodie Clark
	Kurt Bramich
	Sylvia Sayers
	Jodhi Wilkinson
	Rene Buckley
	Janene Wilczynski
	*Scott Whiley
<b>Membership Vacancies Remaining</b>	Two

\*Application received after the close date.

<b>Maritime and Heritage Special Interest Group</b>	
<b>No. of Community Members</b>	4
<b>No. Industry Experts</b>	4
<b>Membership Expression of Interest</b>	Frances Wilson
	Graham Kent
	Niels Brun
<b>Membership Vacancies Remaining</b>	5

<b>paranaple arts centre Special Advisory Committee</b>	
<b>No. of Community Members</b>	12
<b>Membership Expression of Interest</b>	Luke Viney
	Sid Sidebottom
	Lee Dixon
	Marilyn Raw
	Bronwen Dickerson
	Annette Frewin
	Viv Breheney

Report to Council meeting on 22 July 2019

<b>paranaple arts centre Special Advisory Committee</b>	
	Deb Conroy
	Scott Newman
	Jen Frost
	Josephine Kelly
	Dave mangenner Gough
<b>Membership Vacancies Remaining</b>	Nil

<b>Devonport Food and Wine Working Group</b>	
<b>Membership Expression of Interest</b>	Tracey Bruce
	Pat Kent
	Sylvia Sayers
	Sam Higgs
	Paul Fielding

It is noted that no Councillor representatives were appointed to the Liveable Cities Special Interest Group in November 2018 as it was deemed that this Committee's focus would change to more strategic. With the appointment of community members now complete, it is appropriate that Councillor representation be confirmed. As the Committee is to have a strategic focus and only meet when required it is recommended that the Mayor and Deputy Mayor be appointed to the Group.

Other Committees are represented as follows:

- Cr Alexiou, Cr Ennis and Cr Milbourne - Active City Special Committee;
- Cr Jarman and Cr Laycock - Devonport Food and Wine Festival, with Cr Milbourne the designated proxy;
- Cr Alexiou, Cr Hollister and Cr Jarman - Devonport Jazz Committee (proposed to be disbanded);
- Cr Hollister and Cr Jarman - paranaple art centre Committee;
- Cr Alexiou, Cr Murphy and Cr Jarman - East Devonport Special Interest Group;
- Cr Laycock and Cr Murphy - Maritime and Heritage Committee.

### **COMMUNITY ENGAGEMENT**

A four-week media campaign featuring media releases and comments and Facebook Posts, along with email notification to previous Special Interest Group members and community networks, seeking expressions of interest for community members.

### **FINANCIAL IMPLICATIONS**

There is minimal financial impact as a result of this report. Any administrative costs relating to the Committees is covered within the Council's normal operational budget.

### **RISK IMPLICATIONS**

- Workplace Health and Safety  
To minimise any potential workplace health and safety risks, all committee members will complete Council's volunteer induction to ensure they understand their obligations under the *Workplace Health and Safety Act 2012*.
- Consultation and/or Communication  
Adhering to terms of reference and the development of agendas reduces the risk of special interest and working groups not achieving set objectives of Council.

**CONCLUSION**

The report identifies community members for appointment as members of Council's Special Interest and Working Groups.

Where vacancies remain on any committee, Council officers will continue to identify suitable community members for inclusion.

**ATTACHMENTS**

1. Expressions of Interest 2019 Special Interest Groups and Committees Confidential

**RECOMMENDATION**

That Council in relation to the Special Interest and Working Group call for membership:

- (a) receive and note the report;
- (b) appoint Mayor Rockliff and Deputy Mayor Jarman as the Councillor representatives to the Liveable City Special Interest Group;
- (c) increase the community membership of the paranaple arts centre Special Advisory Committee to 12 members;
- (d) increase the community membership on the East Devonport Special Interest Group to 7 members;
- (e) disband the Jazz Working Group, noting that the Jazz Taskforce will continue to assist in the planning and running of the Devonport Jazz Festival;
- (f) amend the Terms of Reference for the Liveable City Special Interest Group and the Active City Special Interest Group to reflect the future strategic nature of the committees and that they will only meet on an as needs basis; and
- (g) make the following community appointments:

<b>Special Interest/Working Group</b>	<b>Community Member</b>
Active City	Andrew Towns
	Janene Wilczynski
	Kurt Bramich
	Jodie Clark
	Rhonda Wilson
East Devonport	Tracey Carter
	Frances Wilson
	Maureen Clarke
	Jenny Mountney
	Dave mangenner Gough
	Scott Newman
	Janene Wilczynski
Liveable City	Rod Taylor
	Jodie Clark
	Kurt Bramich
	Sylvia Sayers
	Jodhi Wilkinson
	Rene Buckley
Janene Wilczynski	

Report to Council meeting on 22 July 2019

	Scott Whiley
Maritime and Heritage	Frances Wilson
	Graham Kent
	Niels Brun
paranaple arts centre	Luke Viney
	Sid Sidebottom
	Lee Dixon
	Marilyn Raw
	Bronwen Dickerson
	Annette Frewin
	Viv Breheney
	Deb Conroy
	Scott Newman
	Jen Frost
	Josephine Kelly
	Dave mangenner Gough
Devonport Food & Wine	Tracey Bruce
	Pat Kent
	Sylvia Sayers
	Sam Higgs
	Paul Fielding

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## 5.8 LEVELLING THE PLAYING FIELD FUNDING REQUESTS

File: 32179 D592287

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.1 Provide and manage accessible sport, recreation and leisure facilities and programs

### SUMMARY

This report is provided to update Council on the State Government's Levelling the Playing Field funding opportunities and allow for consideration of support for three projects in Devonport.

### BACKGROUND

The State Government's Levelling the Playing Field Grant Program is aimed at increasing women and girls' participation in sport. The Program offers financial assistance to provide functional and inclusive change rooms and facilities to boost female participation. Higher priority is given to projects that have matching dollar-for-dollar funding and/or funding commitment from the relevant State Sporting Organisation.

The second round of the program has recently closed and three sporting organisations in Devonport were invited to progress to Stage 2 with a more detailed application submission including:

- Devonport Football Club – changeroom facility development at Devonport Oval
- East Devonport Football Club – standalone changeroom facility at Girdlestone Park
- Meercroft Park Development Committee – new facility at Meercroft Park

Stage 2 applications close 29 July with funding outcomes to be advised in October 2019 with funding distributed from November 2019. As such, not all figures have been finalised and funds that have been confirmed as committed are noted in the discussion.

The State Government has confirmed that all applications for the next round must be lodged in the name of Council as property owner and that Council will be required to receive any funding and project manage any works. This can be considered as Council's in-kind contribution to projects.

### STATUTORY REQUIREMENTS

Council will be required to account for and acquit any grant funding received.

### DISCUSSION

Set out below are details relating to each of the projects.

#### **Devonport Football Club (DFC) – Upgrade to Change Room Facilities**

The changeroom building is owned by Council and leased to the DFC. It is located under the grandstand at the Devonport Oval.

The project has been developed by the DFC and the estimated cost is \$818,000 for the refurbishment of both the home and visitor change room facilities. The Federal Government has made a commitment towards the project. The estimated project costs are proposed by DFC to be covered as follows:

Federal Government	\$418,000 CONFIRMED
AFL Tasmania	\$ 40,000 CONFIRMED

**Report to Council meeting on 22 July 2019**

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Levelling the Playing Field Grant	\$310,000 UNCONFIRMED
Devonport City Council	\$ 50,000 UNCONFIRMED

As the Federal Government funds have been committed, DFC has advised they will undertake a lesser refurbishment of the changerooms if the Levelling the Playing Field (State Government) grant is not secured.

The upgrade to the facilities was recently identified by AFL Tasmania's audit and prioritised at the commencement of AFL Tasmania's Women's competition in 2017. The project will provide gender neutral changeroom facilities that cater for both female and male players and match officials.

**East Devonport Football Club (EDFC) - Changeroom**

The funding application is for the purposes of building a standalone facility that will provide full changeroom capacity for home and visiting female teams and for the extension of the umpires changeroom to accommodate females. East Devonport Football Club recently received a \$300,000 grant from the Federal Government to use for lighting and changeroom modifications.

Their revised project, to build a standalone facility, is estimated to cost approximately \$500,000 of which a portion of the Federal funds will be used. The other commitments to the project are as follows:

AFL Tasmania	\$50,000 CONFIRMED
Playing the Levelling Field Grant	*balance required to finalise the project
Devonport City Council	\$50,000 UNCONFIRMED

\*(Yet to be determined, waiting on quotations for a standalone facility)

AFL Tasmania has identified Girdlestone Park as a possible venue for future AFLW games as the venue does not have a cricket pitch in the middle of the ground.

**Meercroft Park Development Committee – New facility at Meercroft Park**

This project has \$1,000,000 committed from the Federal Government's Community Development Grants Program and a funding deed is currently being negotiated with the Government. The facility to be built will include changerooms and showers for female football (soccer), female touch football, grid iron as well as distance runners/sprinters. The facility will also include a meeting room/canteen.

The total project cost is \$2,090,000 with a request for \$1,000,000 from Levelling the Playing Field submitted. A sum of \$10,000 has been committed from Football Federation Tasmania as well as \$40,000 from the Devonport Junior Soccer Association Inc. Council has committed \$40,000 of in-kind assistance to the project, being grant and project management in accordance with the Federal Government's requirements.

No other funding is requested from Council for this project.

**COMMUNITY ENGAGEMENT**

Community consultation was not undertaken in the development of this report.

**FINANCIAL IMPLICATIONS**

There is an allocation of \$150,000 in the Council's 2019-20 capital budget for funding requests to Council under the Levelling the Playing Field Grant Program. If Council determine to allocate \$50,000 to both EDFC and DFC, there will be a balance of \$50,000 remaining for any future funding requests from other sporting organisations.

**Report to Council meeting on 22 July 2019**

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The in-kind contribution will primarily be in the form of staff costs associated with project management of any works. These costs will be covered through normal operating accounts.

**RISK IMPLICATIONS**

- Reputational risk  
As other sporting clubs have not had an opportunity to submit a request for funding in the 2019-20 budget, Council may be criticised for not running a competitive grants program for the \$150,000 allocation.

**CONCLUSION**

The allocation of funds and in-kind support to the three projects proposed to be submitted under the Levelling the Playing Field Grant Program would enable significant improvements to three of Council's sporting facilities.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council in relation to the Levelling the Playing Field competitive grants program:

- (a) receive and note the report;
- (b) allocate \$50,000 from the capital budget line item as Council's contribution to the project proposed by the Devonport Football Club at the Devonport Oval;
- (c) allocate \$50,000 from the capital budget line item as Council's contribution to the project proposed by the East Devonport Football Club at Girdlestone Park;
- (d) acknowledge that Council will be the grant recipient if any of the projects are successful and will project manage any works in consultation with the Clubs involved.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## **5.9 FIFA WOMEN'S WORLD CUP BID 2023 - DEVONPORT CITY SOCCER CENTRE**

File: 28947 D592289

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

Council's Strategic Plan 2009-2030:

Strategy 4.1.1 Provide and manage accessible sport, recreation and leisure facilities and programs

### **SUMMARY**

This report is provided to seek Council's consideration for support of the Devonport City Soccer Centre (Valley Road) to be a training site for the FIFA Women's World Cup 2023, should the Australian bid be successful.

### **BACKGROUND**

Football Federation Australia Limited (FFA) are currently preparing a bid to host the FIFA Women's World Cup 2023. As part of this bid, FFA are negotiating with all States to identify and commit 36 base training camps across Australia in which to host a participating team.

FFA has sought Devonport's interest in submitting a bid and asked for further information regarding Devonport's Valley Road Soccer Centre. As a result, a formal request has been received from FFA together with a Training Site Agreement for consideration by Council.

### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to this report.

### **DISCUSSION**

The Women's World Cup will be held in 2023, with the exact months yet to be determined but likely to be July/August. FFA will be advised in March 2020 if their bid to host has been successful, with all training sites then confirmed by June 2021.

The Training Site Agreement is provided as a confidential attachment as FFA has requested that it remain confidential at this stage in accordance with Clause 16.10 of the Agreement.

The opportunity to have a team in Devonport for 6-8 weeks would likely provide economic benefits to Devonport as well as potential worldwide media coverage. FFA has confirmed that any infrastructure requirements for the Valley Road site would be borne by them in partnership with the State Government however, these are unknown at the present time.

FFA are keen to receive a response to their offer as soon as possible as they are in the process of finalising their bid. Any delay in considering the matter may result in Devonport being removed from consideration.

### **COMMUNITY ENGAGEMENT**

No community consultation has been undertaken as a result of this report. Discussions have been held with members of the Devonport City Soccer Club Board.

### **FINANCIAL IMPLICATIONS**

The financial implications of Devonport being awarded a base training site is unknown. A rental amount is required to be inserted into the Training Site Agreement and discussions have been held with the Devonport City Soccer Club's Board regarding this. Any rental

**Report to Council meeting on 22 July 2019**

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amount is designed to cover all operational costs for the determined period, ground maintenance, line marking, and an overall rental of the facility.

If Council determines that it would be appropriate for independent legal advice to be obtained prior to determining to proceed with the bid, this will come at a cost. The Training Site Agreement is 77 pages together with a background document of a further 186 pages.

**RISK IMPLICATIONS**

The Training Site Agreement is an extensive legal document prepared by FFA. At present, no independent legal advice has been sought on the Agreement. Council may determine to seek legal advice prior to determining whether to proceed with submitting the Training Site Agreement bid.

The total financial implications are as yet unknown and may impact on future budgets. It would be anticipated however that there would be significant lead time to confirm any required expenditure into future budgets.

**CONCLUSION**

Council's consideration of FFA's request is sought. Having a base training camp in Devonport would bring significant economic benefits to the region as well as profiling the Soccer Centre facilities.

**ATTACHMENTS**

- 1. FIFA - DRAFT TRAINING SITE AGREEMENT Confidential

**RECOMMENDATION**

**OPTION 1**

That Council authorise the signing of the FIFA Women's World Cup 2023 Training Site Agreement for the Devonport City Soccer Centre.

OR

**OPTION 2**

That Council determine not to lodge a bid for the FIFA Women's World Cup 2023 Training site for the Devonport City Soccer Centre.

OR

**OPTION 3**

That Council seek independent legal advice regarding the Training Site Agreement prior to determining whether to execute the document; and the matter be further considered at the 26 August 2019 Council meeting.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## **5.10 WORLD SERIES PARA TRIATHLON EVENT - CRADLE COAST SPORTS AND EVENTS REQUEST FOR FUNDING SUPPORT**

File: 33665-35 D592300

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

Council's Strategic Plan 2009-2030:

Strategy 4.1.4 Build capacity of the sport and recreation sector

### **SUMMARY**

This report is provided to assist Council in considering contributing funds to enable Cradle Coast Sports and Events to host a World Series Para Triathlon event as part of the Devonport Triathlon in 2020, 2021 and 2022.

### **BACKGROUND**

The Devonport Triathlon was first held in 1985. Since then the Devonport Triathlon has hosted 3 Australian Age Group National Championships, multiple Elite National Championships, 4 Oceania Championships, multiple Junior National Championships, 1 Youth National Championship, 1 para triathlon and 2 para triathlon world cups.

These events have attracted competitors of varying capability and capacity to Devonport from around the world and they are held in the Bluff precinct area in February of each year.

The Devonport Triathlon is now managed and run by Michael Bonney, trading as Cradle Coast Sports and Events. Mr Bonney has indicated that he has had discussions with Triathlon Australia and Triathlon Tasmania to host a World Series Para Triathlon event in 2020, 2021 and 2022. Mr Bonney and other representatives of the sport attended a Council Workshop in July to outline their plans and request.

### **STATUTORY REQUIREMENTS**

Section 77 of the *Local Government Act 1993* applies which requires any grants or benefits provided to be listed in the Council's Annual Report each year.

### **DISCUSSION**

Cradle Coast Sports and Events recently presented at a Council workshop regarding their bid to host a World Series Para Triathlon in Devonport as part of the annual Devonport Triathlon event. The overall cost of the event is estimated at \$150,000 and funding has been committed by Events Tasmania and Triathlon Australia. Council has included, in the 2019/20 budget, a cash contribution of \$20,000 towards the Devonport Triathlon.

Local businesses also sponsor the event and service clubs provide assistance during the event.

As other para triathlon events have been held in Devonport previously, indicates there are enough services and amenities in the area to cater for all abilities.

An indicative budget has been provided by Cradle Coast Sports and Events outlining expenditure required to elevate the Devonport Triathlon's events to a World Series Para Triathlon.

## Report to Council meeting on 22 July 2019

<i>Income - Event Revenue</i>	TOTAL INCOME	\$148,120.00	Under current arrangements
<i>Salary and Wages</i>		\$ 27,650.00	
<i>Advertising and Marketing</i>		\$ 35,150.00	Includes Live stream
<i>Rent - Hire fees</i>		\$ 8,700.00	
<i>Sanctioning and Insurance</i>		\$ 36,018.00	Includes drug testing
<i>Professional Services</i>		\$ 19,650.00	
<i>Repairs and Maintenance</i>		\$ 500.00	
<i>Travel and Accommodation</i>		\$ 16,800.00	
<i>Prizes and Awards</i>		\$ 10,500.00	
<i>Food and Functions</i>		\$ 9,150.00	
<i>Event Signage and Branding</i>		\$ 1,500.00	
<i>Course Specific</i>		\$ 700.00	
<i>Athlete event specific</i>		\$ 7,450.00	
<i>Event Hardware</i>		\$ 600.00	
<i>Uniforms and other clothing</i>	Staff Uniforms	\$ 500.00	
	TOTAL EXPENSES	\$ 174,868.00	
	<b>NET PROFIT</b>	<b>-\$ 26,748.00</b>	

**COMMUNITY ENGAGEMENT**

There has been no community consultation undertaken as a result of this report. Discussions have been held by Council with representatives from Triathlon Australia, Triathlon Tasmania and Events Tasmania.

**FINANCIAL IMPLICATIONS**

Council has a partnership agreement with Cradle Coast Sports and Events to host the Devonport Triathlon and associated events which currently commits \$20,000 towards the event as well as in-kind (road closures, street sweeping etc).

As there are no additional funds budgeted in the 2019/20 budget, Council may determine to reduce the Community Financial Assistance Grants to increase support for the World Series Para Triathlon. If Council agreed to support the event for the requested three-year period, an additional allocation could then be included under Sport and Recreation sponsorship allocation in future budget allocations.

Hosting a World Series Para Triathlon in Devonport would increase the economic benefits to the City to a greater degree than what has been realised by the Devonport Triathlon.

**RISK IMPLICATIONS**

There is a risk that Council could suffer reputational risk if the event does not meet participant's expectations however this is assessed as low risk given the amount of events held previously, which have all resulted in positive feedback and reviews.

**CONCLUSION**

Should the bid to host the World Series Para Triathlon in Devonport in 2020, 2021 and 2022 be successful, it would bring significant economic benefit to Devonport and the broader region. There would be world-wide exposure via social media platforms and live streaming.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**OPTION A**

That Council support the Cradle Coast Sports and Events bid to attract a World Series Para Triathlon event to Devonport in 2020, 2021 and 2022 by committing to if the bid is successful:

1. contribute an additional \$10,000 from the Community Financial Assistance Grants allocation for major grants in addition to the \$20,000 already committed through the Partnership Agreement; and
2. increase the Sport and Recreation sponsorship allocation from \$20,000 to \$30,000 in the 2020/21 and 2021/22 financial years.

OR

**OPTION B**

That Council determine not to provide additional funds to the Cradle Coast Sports and Events for the World Series Para Triathlon event over and above the \$20,000 already provided through the Partnership Agreement.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## 5.11 CHRISTMAS PARADE AND NEW YEAR'S EVE EVENTS 2019

File: 35022 D592760

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.2.5 Support festivals, events and attractions that add value to the City's economy

### SUMMARY

This report is submitted for Council to consider altering the Christmas Parade route and New Year's Eve event location as a result of proposed works at Roundhouse Park and the former Best Street car park.

### BACKGROUND

Due to the development of Roundhouse Park and closure of the former Best Street car park, there is a need for Council to determine a revised Christmas Parade route and New Year's Eve event venue for 2019.

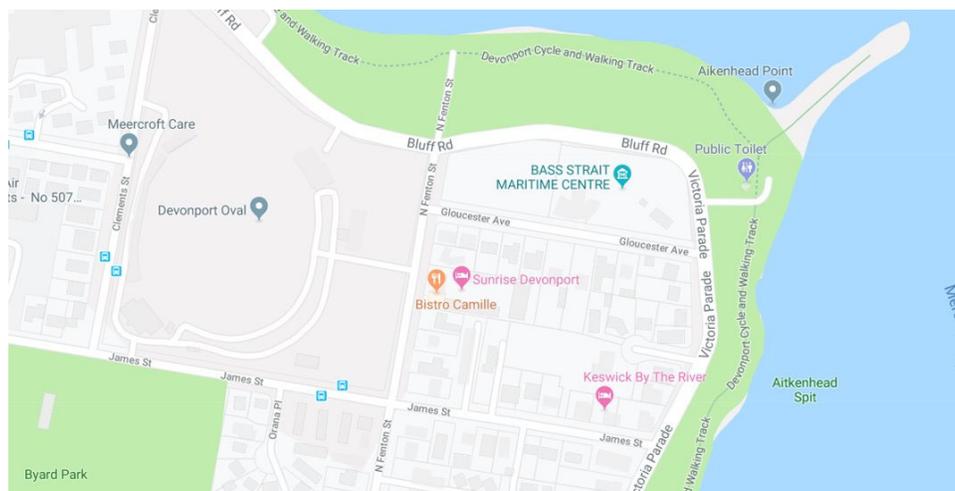
### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report. Road closures as a result of either event will be managed by Council's event management processes and legislative requirements as deemed necessary.

### DISCUSSION

#### New Year's Eve event

Council has held a New Year's Eve event at Roundhouse Park since 2011. With the imminent development of the Park, a new location is to be determined by Council. At Council's Workshop on 15 July 2019, four options were presented for discussion. As a result, it was indicated the preferred location was at Aitkenhead Point together with the land surrounding Bass Strait Maritime Centre as shown on the plan below.



Note: it is proposed that Victoria Parade/Bluff Road would be closed from Gloucester Avenue to North Fenton Street which would not directly impact any residences.

### Christmas Parade route

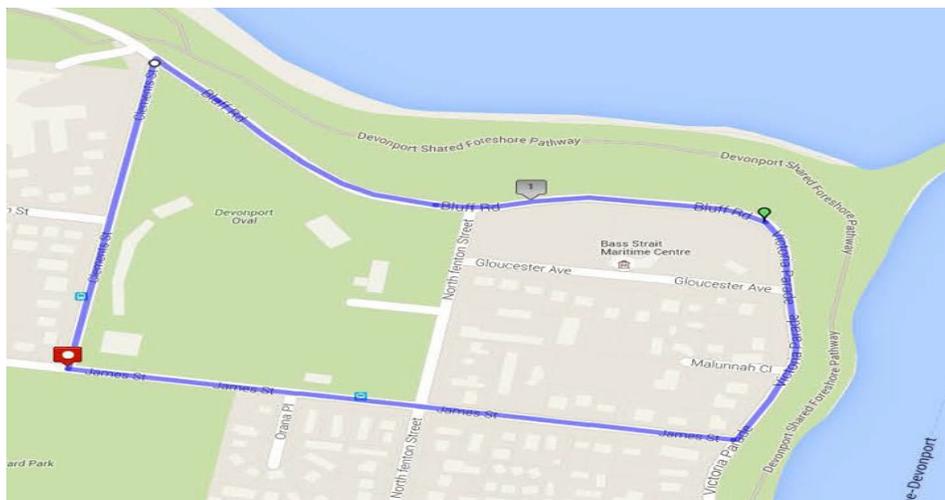
An important aspect of the Christmas Parade is the marshalling of floats prior to commencement. This has previously been undertaken at the former Best Street car park.

Several concerns have previously been raised by both Tasmania Police and SES following the conduct of the Christmas Parades, which included:

- SES currently require members from two other stations to cope with all the intersections impacted;
- Access for emergency services vehicles impeded in the event of an external emergency;
- Current road closure near the Fire/Ambulance station main entrance;
- Increased presence from Police needed to man major intersections on current route. In the event of an emergency, these officers may need to leave assigned areas;
- Traffic lights affected at several intersections;
- Major intersections are left partly open to traffic while Parade is in progress, creating difficult turning for large vehicles, particularly when cars are parked near intersections;
- Traffic islands and parked vehicles along the route caused bottlenecks in several areas along the route;
- Traffic and pedestrians not associated with the Parade are still using the streets;
- Bus exchange and taxi rank affected by road closures;
- Major businesses affected by road closures – BWS, Woolworths, Coles, Kmart, Hill Street, McDonald's;
- Clearing vehicles from the marshalling area can be an issue;
- Very few retailers remain open until the beginning of the Parade;
- CBD becomes gridlocked during parade; and
- Traffic is interrupted on the main routes forcing drivers onto the minor routes that are already moving slowly.

Based on the former Best Street car park no longer being available and the concerns raised regarding the previous route, three options were presented to Councillors for discussion at the Workshop on 15 July 2019.

It was indicated at the Workshop a new route as shown below was preferred:



This route is preferred for the following reasons:

- Marshalling area at Byard Park and James Street; (Devonport Oval could also be used as a marshalling area - as suggested by the SES)
- Several free parking options;

**Report to Council meeting on 22 July 2019**

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- No major intersections impacted, only a few residential intersections impacted;
- No traffic lights;
- Only major business impacted is Meercroft Care (also allows easy access for residents to view the parade);
- Scenic views;
- Some excellent viewing areas – Devonport Oval, Bass Strait Maritime Centre, Vietnam Veterans Memorial, Victoria Parade;
- Public toilets located at Byard Park, Vietnam Veterans Memorial and The Bluff;
- Route shorter and flatter, so more manageable for walkers;
- Less staff (SES, Tas Police) needed for road closures;
- Could identify two or three places along the route suitable for coffee vendors, food trucks, ice cream vans etc.

**COMMUNITY ENGAGEMENT**

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

**FINANCIAL IMPLICATIONS**

Council has an allocation for both the New Year's Eve and the Christmas Parade in the 2019/20 operational budget. With changes to the venue of New Year's Eve, there may be additional costs incurred in relation to additional infrastructure requirements (lighting, fencing, power), however these costs are unknown until planning commences after the venue is determined by Council.

**RISK IMPLICATIONS**

Council may be criticised for running both events at locations away from the CBD retail area however it is considered that both locations are the most suitable for these events given the lack of availability of Roundhouse Park and the former Best Street car park.

**CONCLUSION**

Due to the development of Roundhouse Park and closure of the former Best Street car park, options have been considered for the Christmas Parade and New Year's Eve events for 2019.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council in relation to the 2019 Christmas Parade and Skyfire New Years Eve event:

- (a) receive and note the report;
- (b) determine to hold the Christmas Parade on the route outlined as James Street, Victoria Parade, Bluff Road and Clements Street; and
- (c) conduct the Skyfire New Year's Eve event in the vicinity of the parklands at Aitkenhead Point and the Bass Strait Maritime Centre.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## 6.0 INFORMATION

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

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

Date	Description	Purpose
01/07/2019	Cradle Coast Sports and Events	Presentation on growth/future of Devonport Triathlon.
	Melaleuca Aged Care	Briefing to Council on potential expansion of services into Independent Living Units.
	193 Melrose Road	Discussion regarding future of vacant parcel of land.
	Gibson Court, Spreyton	Information in relation to the use of public open space at Spreyton.
	Response to Show Day Survey	Discussion of survey results.
	Website	Presentation of the new look Council website.
	92 Formby Road, Devonport	Michael Burr Real Estate provided a briefing on the options for sale of the property.
08/07/2019	Providore Place	Confidential update.
15/07/2019	Fairbrother Pty Ltd	Presentation of Quarterly Report on Hotel Development.
	Special Interest Group Expressions of Interest	Discussion on expressions of interests received.
	New Year's Eve	Consideration of options for 2019 New Year's Eve event.
	Christmas Parade	Consideration of Parade route options.

## 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 Executive Assistant Management	General	Endorsed By: Position:	Paul West General Manager
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## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D563537

### 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 regularly to Council, listing the meetings and functions attended by the Mayor.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions during 20 June and 17 July 2019:

- Council meeting, various Council Committee, Special Interest Group and Working Group meetings and workshops as required.
- Internal meetings with staff
- Meetings with community members
- Media as requested - The Advocate Newspaper (x3), ABC Radio, Darren Kerrin 7AD, Martin Agatha 7AD, Rick Fontaine 7AD.
- Attended Celebration of Housing Choices achievements in the region
- Attended Children's University Committee meeting
- Chaired Tasmanian Women's Council meeting - Hobart
- Conducted Citizenship Ceremony for six new citizens
- Attended Devonport Tennis Club improvements celebration
- Attended Rotary Club of Devonport North Changeover Dinner
- Hosted visit by two Grade 4 classes from Our Lady of Lourdes
- Attended LGAT AGM and General Meeting
- Attended LGAT Annual Conference
- Attended Tasmanian Squash Open
- Chaired NW Suicide Prevention Trial Site Advisory Group meeting

### ATTACHMENTS

Nil

### RECOMMENDATION

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

## 6.3 GENERAL MANAGER'S REPORT - JULY 2019

File: 29092 D561418

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, 20 June and 17 July 2019. It also provides information on matters that may be of interest to Councillors and the community.

### BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

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

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Following the adoption of Council's Annual Plan and Budget Estimates a number of actions were implemented to finalise the matter. Rates notices were programmed to commence delivery to ratepayers in the 2<sup>nd</sup> week of July. The first instalment due date is 31 August 2019.
- 1.4. Finalised the annual performance reviews for all direct reports in line with employment arrangements.
- 1.5. Met with representatives of the Local Government Division to discuss a matter currently being reviewed by that Office.

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

- 2.1. Met with a local developer to discuss a planning matter currently being processed by Council.

#### 3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended a meeting of the Cradle Coast General Managers' Group. Items discussed included:
  - Cradle Coast Authority Update
  - Regional Employment Trials

Report to Council meeting on 22 July 2019

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- Changes to cat management legislation
  - Cradle Coast Representatives Meeting – items for inclusion on the agenda
  - Mayors Message – SeaFM proposal
  - 2019 Global Platform for Disaster Risk Reduction Conference in Geneva (attended by Gerald Monson)
  - Waste Governance Project
  - Shared Services
  - State-wide Planning Scheme Update
- 3.2. With the Deputy Mayor (as proxy for Mayor Rockliff) attended a meeting of the Dulverton Waste Management Joint Authority as the appointed Council Representatives. The main items considered at this meeting were:
- Adoption of Strategic Plan
  - Adoption of Annual Plan and Budget 2019/20

The minutes are provided to Council in Closed Session in accordance with the Rules of the Joint Authority.

A copy of the public version of the Dulverton Waste Management Joint Authority Strategic Plan is provided as an attachment.

- 3.3. With the Mayor and Councillors Jarman, Hollister and Milbourne attended the 2019 Local Government Association of Tasmania (LGAT) Annual General Meeting, General Meeting and Annual Conference. These events were held in Hobart from 3 to 5 July.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. The Local Government Division has provided its latest 'Local Government Review News' (refer attachment). Phase 2 of the project will commence in July and will include a 'Reform Directions Paper'. Consultation on the proposed reforms will commence in early July and will be open until 30 September 2019. The 'Reform Directions Paper' will be discussed at a Council Workshop prior to a formal Council response being prepared for consideration. The following information has been provided by the Local Government Division:

*"The Minister for Local Government released the Reform Directions Paper: Review of Tasmania's Local Government Legislation Framework (Phase 2 of the Review) at the LGAT AGM on 3 July 2019. The Paper can be accessed here: [http://www.dpac.tas.gov.au/data/assets/pdf\\_file/0007/468592/190132\\_DPAC\\_Local\\_Government\\_Directions\\_wcag.pdf](http://www.dpac.tas.gov.au/data/assets/pdf_file/0007/468592/190132_DPAC_Local_Government_Directions_wcag.pdf)*

*The Paper outlines the major policy reforms under consideration by the Government, particularly in response to issues raised during the Phase 1 consultation process. The Paper does not deal with every potential reform detail, but provides the key policy directions being considered. Reforms of a technical nature are not a focus of this Paper. These more detailed reforms will be publically consulted on once they have been finalised through a draft Bill in 2020.*

*The Paper seeks feedback on the level of support or otherwise for the proposed reform directions. This feedback will be taken into account by the Government in determining its final position for the drafting of the Bill.*

**Report to Council meeting on 22 July 2019**

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*Submissions are invited from the sector, the community and other interested persons on how they think councils should be governed into the future. Submissions can be made in writing or by completing an online survey via the Department of Premier and Cabinet's Local Government Legislation Review webpage at [www.dpac.tas.gov.au/LGReview](http://www.dpac.tas.gov.au/LGReview). The consultation period is open until 30 September 2019".*

Consultation sessions for the proposed reform directions are being held around the State in July and August. Separate sessions are being run for elected members, staff and the public. The sessions will be facilitated and will include the opportunity to ask questions or seek further information. The sessions in the North West will be as follows:

- Public – Wednesday 31 July – 5:30pm to 7:30pm (Ulverstone Surf Life Saving Club)
- Elected Members – Thursday 1 August – 5:30pm to 7:30pm (paranaple centre)
- Staff – Thursday 1 August (paranaple centre)

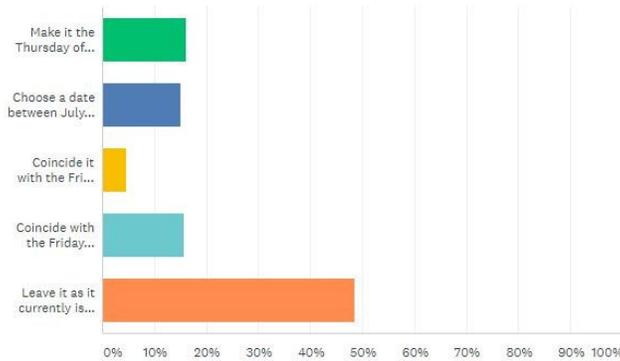
5. OTHER

- 5.1. Council at its meeting on 27 May 2019 determined to sell the property it owns at 2-12 Murray Street, East Devonport to TasPorts. Council acquired the property from TasPorts in 2009 with the intention of future development as a Visitor Centre. The property became surplus to Council requirements and a private sale was negotiated subject to rezoning of the land from the restrictive Port and Marine Zone. Following an unsuccessful rezoning application, the sale did not proceed. Council subsequently discussed with TasPorts the option for them to re-purchase the land. The sale was agreed and TasPorts became the owner of the property on 28 June 2019. The sale price was \$520,000 (ex GST).
- 5.2. Council at its meeting on 27 May 2019 considered a Notice of Motion relating to the Devonport Show Day Holiday. A Speak Up Devonport poll was conducted during June seeking feedback from the community on views around changing the date. The result of the survey was as follows:

Report to Council meeting on 22 July 2019

Which of the below options would you prefer to replace the current Devonport Show Day Public Holiday in November:

Answered: 525 Skipped: 0



ANSWER CHOICES	RESPONSES
Make it the Thursday of Agfest (the first Thursday in May)	16.19% 85
Choose a date between July and the end of September	15.05% 79
Coincide it with the Friday of the Devonport Jazz Festival	4.57% 24
Coincide with the Friday before the AFL Grand Final	15.62% 82
Leave it as it currently is (i.e. the last Friday in November)	48.57% 255
<b>TOTAL</b>	<b>525</b>

The majority view expressed through the survey was the date should not be changed and the public holiday (irrespective of whether a show is conducted or not) should continue at the end of November each year. The results will be provided to the State Government for their information.

- 5.3. As advised in the 24 June agenda report the General Manager is on long service leave for the period 19 July to 1 October 2019. During this period Matthew Atkins will be Acting General Manager.
- 5.4. Fairbrother Pty Ltd provided an update on the Waterfront Hotel development at the Council Workshop on 15 July 2019. A copy of the report is attached for information.

**COMMUNITY ENGAGEMENT**

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

**FINANCIAL IMPLICATIONS**

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

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

**RISK IMPLICATIONS**

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

**CONCLUSION**

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

**ATTACHMENTS**

1. Local Government Legislation Review News
2. Review of Tasmania's Local Government Legislation
3. Dulverton Waste Management Joint Authority - Strategic Plan
4. Current and Previous Minute Resolutions Update - July 2019
5. CONFIDENTIAL - Current and Previous Minute Resolutions Update - July 2019 Confidential
6. Fairbother Quarterly Progress Report June 2019

**RECOMMENDATION**

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

Author:	Paul West
Position:	General Manager

# Review of Tasmania's Local Government Legislation Framework

LG Review  
News



ISSUE 05 – JUNE 2019

## Reform Directions Paper to be released in July

The Government's proposed reforms for Tasmania's local government legislation framework will be outlined in a Reform Directions Paper to be released in early July 2019. This will mark the start of Phase 2 of the Review.

The Paper will outline the major policy reforms under consideration by the Government. In developing the proposed reforms, the following was taken into account:

- Feedback received through submissions during Phase 1 of the Review.
- The Reference Group's knowledge and expertise on ideas for reform and whether they are practical, achievable and in line with community expectations.
- The experiences and learnings of local governments in other jurisdictions.
- Research, evidence and best-practice approaches.

The Paper will seek feedback from the sector, the community and other interested persons on the level of support or otherwise for the proposed reform directions. This feedback will be taken into account by the Government in determining its final position

## Public Release

As a newsletter subscriber, you will be notified directly when the consultation period has commenced. Public notices will also be placed in the three Tasmanian newspapers.

The Paper and supporting information will be available on the Review webpage:  
[www.dpac.tas.gov.au/lgreview](http://www.dpac.tas.gov.au/lgreview)

## Have Your Say

Consultation will commence on the proposed reforms in early July and will be open until 30 September 2019. You can have your say by:

- Completing a multiple-choice survey (online or in hard-copy form).
- Making a written submission via email to [lgreview@dpac.tas.gov.au](mailto:lgreview@dpac.tas.gov.au) or via post to:  
GPO Box 123  
HOBART TAS 7001
- Attending a consultation session near you.
- Contacting the Project Team by email at [lgreview@dpac.tas.gov.au](mailto:lgreview@dpac.tas.gov.au) or by phone on (03) 6232 7643.

## Consultation Sessions

Face-to-face consultation sessions will be held around the State throughout August 2019.

The sessions will include presentations and you will be able to meet with the Project Team to ask questions or provide feedback.

Further information about the sessions will be made available soon.

## Spread the word

Do you know of others with an interest in local government reforms?

If so, share the link to our website – [www.dpac.tas.gov.au/lgreview](http://www.dpac.tas.gov.au/lgreview) for news and information about the Review, as well as a link to sign-up to our mailing list.



09/07/2019 D592035

**Department of Premier and Cabinet**

Executive Building 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: 1300 135 513 Fax: (03) 6233 5685  
Web: [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



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

Dear Mr. West

Paul

**Review of Tasmania's Local Government Legislation – Reform Directions Paper**

As you are aware, the Tasmanian Government is currently reviewing Tasmania's local government legislation (the Review). The outcome of this Review will be a contemporary, best-practice legislative framework that supports local government into the future.

The Government consulted on the principles that should underpin a contemporary legislative framework for local government from December 2018 to March 2019 (Phase 1 of the Review).

The Minister for Local Government released the *Reform Directions Paper: Review of Tasmania's Local Government Legislation Framework* (Phase 2 of the Review) at the Local Government Association of Tasmania's Annual General Meeting on 3 July 2019.

The Paper outlines the major policy reforms under consideration by the Government, particularly in response to issues raised during the Phase 1 consultation process. The Paper does not deal with every potential reform detail, but provides the key policy directions being considered. Reforms of a technical nature are not a focus of this Paper. These more detailed reforms will be publicly consulted on once they have been finalised through a draft Bill in 2020.

The Paper seeks feedback on the level of support or otherwise for the proposed reform directions. This feedback will be taken into account by the Government in determining its final position for the drafting of the Bill.

Submissions are invited from the sector, the community and other interested persons on how they think councils should be governed into the future. Submissions can be made in writing or by completing an online survey via the Department of Premier and Cabinet's Local Government Legislation Review webpage at [www.dpac.tas.gov.au/LGReview](http://www.dpac.tas.gov.au/LGReview). The consultation period is open until **30 September 2019**.

I would appreciate your assistance in promoting the Paper in your council's newsletter, or any other methods you use to engage with your local community. To help manage the consultation process, it would also be helpful if you could share with the Project Team how your council promoted the Paper. The Paper, online survey and further information can be found at the Review webpage: [www.dpac.tas.gov.au/LGReview](http://www.dpac.tas.gov.au/LGReview).

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2

If you have any questions in relation to the Review, please feel free to contact either myself or the Project Team on 6232 7020 or at [lgreview@dpac.tas.gov.au](mailto:lgreview@dpac.tas.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'AT', written in a cursive style.

Alex Tay  
Director of Local Government

4 July 2019

Copy to: Director of Corporate Services/ Administrative area



### Revision and Issue Status

Issue Number	Date Issued	Changes Made	Issued to	Authorised By
1	20.02.2019	Draft 1	Board	CEO
2	03.05.2019	Incorporating Owner Representatives and Board feedback from previous meetings	Board	CEO
3	27.06.2019	As directed at 03.05.2019 Board meeting.	Owner Representatives	Board
4	28.06.2019	As approved by Owner Representatives at 27.06.2019 meeting.	All	Owner Representatives and Board

### Introduction

This document presents the Strategic Plan for Dulverton waste Management (DWM) for the next 5 years.

The Strategic Plan 2019/20 – 2024/25 supersedes the *Strategic Plan 2015/16 – 2019/20* as this plan was largely accomplished.

**Contents**

Revision and Issue Status ..... 2

Introduction ..... 2

1. Strategic Context..... 4

2. Background ..... 5

3. Core Activities ..... 6

4. Vision ..... 6

5. Values..... 6

6. Structure of the Plan ..... 6

7. Major Strategic Positions..... 7

8. Strategic Directions PlanStrategic Directions Plan..... 8

Table One: DWM’s Strategic Directions Plan ..... 8

9. Reports and Resources ..... 13

## 1. Strategic Context

- 1.1 The management of waste in the Cradle Coast region of Tasmania is undertaken, to a large extent, by seven municipal Councils, all of which use the services of DWM to varying extents. The Councils act collaboratively at a strategic level through the Cradle Coast Waste Management Group (CCWVG) which has identified strategies relating to waste diversion, regional waste planning and efficiencies, partnerships and community engagement. The CCWVG has identified that grant funding, joint initiatives and partnerships with industry; waste producers and government are critical factors supporting the successful implementation of strategies to manage waste in this region.
- 1.2 CCWVG focus on reducing carbon emissions, conserving landfill space and reducing the toxicity of waste landfilled. The priority waste streams for the region include municipal organics, building and demolition waste and, hazardous and electronic waste.
- 1.3 CCWVG are reviewing the regional waste governance arrangements. At the November 2018 CCWVG meeting, the group supported the Governance Project report which included a recommendation *“That the preferred option to be adopted as the waste management governance model is an expanded Dulverton Waste Management Joint Authority.”* A material change in the governance arrangements may have an impact on the Strategic Direction.
- 1.4 Key waste management operations in the region comprise:
- a. Kerbside refuse collection
  - b. Kerbside recycling collection
  - c. The operation of:
    - i. waste transfer stations; and,
    - ii. land fills
  - d. Waste material recovery and,
  - e. Large scale composting.
- 1.5 This Strategic Plan operates in the context of a range of policies at national, state and local levels. These include:
- a. The National Waste Policy 2018 Less Waste, More Resources
  - b. 2011 Product Stewardship Act (and Regulations)
  - c. The Australian Packaging Convention
  - d. Clean Energy Act 2011 incorporating a carbon pricing mechanism
  - e. The Tasmanian Waste and Resource Management Strategy 2009
  - f. Waste Management 2020 and Beyond (The Southern Waste Strategy Authority)
  - g. The Northern Tasmanian Waste Management Group's *5 Year Strategy 2017 – 2022*
  - h. Cradle Coast Waste Management Group's *Strategic Plan 2017-2022*

1.6 There has been no clear direction given by the Government regarding the introduction of a compulsory state-wide waste levy. Historically when the matter has been raised, it has had limited support by both major political parties.

1.7 The Action Plan in the Strategic Plan 2015/16 – 2019/20 is largely delivered:

- Site safety systems, and DWM's identification and management of risk progressed substantially,
- DWM's site operations, financial reporting and long term planning is strong,
- DWM's waste knowledge and expertise increased at all levels of the organisation, and
- DWM's reputation with regulators and industry is sound.

## 2. Background

2.1 Dulverton Regional Waste Management Authority trading as Dulverton Waste Management (DWM) is owned by Central Coast, Devonport, Kentish and Latrobe Councils (Participating Councils), their equity is 36.82%, 43.45%, 8.48% and 11.25% respectively. The Authority has developed this Plan as required by the Rules (as adopted on 01<sup>st</sup> September, 2016).

2.2 This Strategic Plan has been prepared in consultation with the Representatives of its Participating Councils and works closely with the Cradle Coast Waste Management Group's *Strategic Plan 2017-2022*.

2.3 This Strategic Plan has been approved by these Councils and is operational from the 28<sup>th</sup> of June 2019.

2.4 This Strategic Plan refers to the period 2019/20 – 2024/25 and sets out the DWM's strategic position, strategies, actions and targets/performance measures to be achieved by DWM during this period.

2.5 The Strategic Plan is deliberately focused at the strategic and policy level. Within DWM other plans address issues and objectives at the operational level.

2.6 Implementation of the Strategic Plan is the responsibility of the DWM board of directors.

2.7 The Strategic Plan is designed to be implemented with actions reviewed on a four-monthly basis.

2.8 The Strategic Plan will be comprehensively reviewed annually or more frequently if directed by the Board.

### 3. Core Activities

The core activities, in accordance with the Rules of the Authority are: *the management of waste*.

### 4. Vision

Dulverton Waste Management is seen as an innovative organisation and recognised as leaders in waste management in Tasmania.

### 5. Values

- a. Maintenance of a safe operating environment at each DWM workplace.
- b. Maintenance and enhancement of relationships with our community/stakeholders that are based upon openness, trust, fairness, honesty and integrity.
- c. Adherence to and compliance with relevant and accepted ethical standards, codes of conduct and legislation in all the Authority's business dealings.
- d. Fair treatment of DWM employees and encouragement of employee initiative, teamwork and enthusiasm.
- e. Commitment to excellence and continual innovation and improvement in our business.

### 6. Structure of the Plan

Table 1 of the Strategic Plan, the Strategic Directions Plan, comprises four major components:

- a. Position – where does DWM want to be?
- b. Strategies – How DWM will achieve the position?
- c. Actions – How DWM will achieve the strategies?
- d. Targets/Performance Measures – The measure of a successful action.

## 7. Major Strategic Positions

The Strategic Plan identifies the following major strategic positions DWM intend to address during the life of the plan;

- A. DWM business as usual includes developing, maintaining and enhancing operational practices which minimise risk and maximise efficiency.
- B. DWM provide the mix of waste treatment technologies to support the communities and industries of our region and State.
- C. DWM have the resources which enable it to act with agility and maximum effectiveness and grow revenues.
- D. DWM is viewed as the first choice for sustainable waste solutions in Tasmania.

Table 1 outlines DWM's Strategic Directions Plan.

## Current and Previous Minute Resolutions Update

<b>OPEN SESSION Current Resolutions</b>	
<b>Resolution Title:</b>	<b>Cruise Ships – Devonport – Notice of Motion – Cr L Laycock (D581749)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	109/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Discussions held with Tasports, Australian Cruise Association and Tourism Tasmania representatives.
<b>Resolution Title:</b>	<b>Draft Local Provisions Schedule (D579959)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	110/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Project Officer – Mark McIver
<b>Officers Comments:</b>	Draft LPS information submitted to the Tasmanian Planning Commission for assessment on 28 June 2019.
<b>Resolution Title:</b>	<b>Rates and Charges Policy (D578833)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	111/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Updated Policy has been placed on Council's website.
<b>Resolution Title:</b>	<b>Annual Plan and Budget Estimates (D578852)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	112/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Updated Policy has been placed on Council's website & sent to Director of LG & Director of Public Health
<b>Resolution Title:</b>	<b>Financial Management Strategy 2020-2029 (D583874)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	113/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Placed on Council's website.
<b>Resolution Title:</b>	<b>Kelcey Tier Draft Master Plan (D583715)</b>

<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	115/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Master Plan being updated and to be placed on Council's website

<b>Resolution Title:</b>	<b>Devonport Men's Shed – Partnership Agreement (D583716)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	116/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Agreement signed by both parties

<b>Resolution Title:</b>	<b>Tender Report Contract 1331 Security Patrol &amp; Associated Services (IWC 21/19 – Infrastructure Works and Development Committee – 17 June 2019)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	123/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Contract awarded.

<b>Resolution Title:</b>	<b>Tender Report – Mersey Vale Memorial Park – Children's Memorial Pavilion (IWC 22/19 – Infrastructure Works and Development Committee – 17 June 2019)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	123/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Contract awarded to Vos Construction

<b>Resolution Title:</b>	<b>CBD Stormwater Catchments Risk Assessment (IWC 24/19 – Infrastructure Works and Development Committee – 17 June 2019)</b>
<b>Date:</b>	24 June 2019
<b>Minute No.:</b>	123/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Infrastructure and Works Manager
<b>Officers Comments:</b>	Proposed budget allocation included in adopted 2019-20 capital works program

<b>Previous Resolutions Still Being Actioned</b>	
<b>Resolution Title:</b>	<b>AM2019.02 Rezone from the General Industrial and Community Purpose Zones to the General Residential Zone – 117 Tasman Street (D579513)</b>
<b>Date:</b>	27 May 2019
<b>Minute No.:</b>	89/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Development Services Manager
<b>Officers Comments:</b>	Report on current agenda.
<b>Resolution Title:</b>	<b>Change of Weekend Hours Bass Strait Maritime Centre (GFC 32/19 - 20 May 2019)</b>
<b>Date:</b>	27 May 2019
<b>Minute No.:</b>	97/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Convention & Art Centre Director
<b>Officers Comments:</b>	Commenced new hours from Saturday 6 July 2019
<b>Resolution Title:</b>	<b>Surplus Property Disposal – 45-47 Stewart Street, Devonport (D551651)</b>
<b>Date:</b>	29 April 2019
<b>Minute No.:</b>	71/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Valuation obtained and property listed for lease.
<b>Resolution Title:</b>	<b>Surplus Property Disposal – 92 Formby Road, Devonport (D574554)</b>
<b>Date:</b>	29 April 2019
<b>Minute No.:</b>	72/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Superseded by resolution at June meeting
<b>Resolution Title:</b>	<b>Proposed Sale of Land – Canning Drive, East Devonport (GFC 21/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Valuations required (OVG and independent market valuation) prior to listing for sale

<b>Resolution Title:</b>	<b>Bike Route Hierarchy (IWC 4/19 – Infrastructure Works and Development Committee - 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Information being prepared for website and GIS
<b>Resolution Title:</b>	<b>Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)</b>
<b>Date:</b>	22 October 2018
<b>Minute No.:</b>	187/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Discussions commenced with TasPorts
<b>Resolution Title:</b>	<b>Disability/Equal Access and Inclusion (D491448)</b>
<b>Date:</b>	25 September 2017
<b>Minute No.:</b>	181/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Feedback received on proposed draft actions – Strategy to be finalised.
<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Convention and Arts Centre Director.
<b>Officers Comments:</b>	Following a meeting with National Trust further review of the garden plan being undertaken by the consultants appointed by National Trust.

LIVING CITY - New Waterfront Hotel



## Quarterly Report – June 2019

This report is prepared for the Devonport City Council in accordance with the Terms Agreement for the development of the Waterfront Hotel and Apartments project.

Key activities currently underway and progress achieved as at June 2019 are as follows:

### 1. Project Design

Our design focus over this past 3 month period has seen us developing and refining an alternative scheme for the hotel interior. This has included changing Levels 4 and 5 to hotel rooms, along with progressing the design to front and back of house areas.

In particular all 3 lifts are now proposed to be centralised adjacent to the main reception area that has warranted a rework of the structural solution from ground floor through to level five.

Room data sheets have been developed for all key areas. Design of the mechanical and electrical services has progressed to now show the type of systems, number of and brands of fittings throughout the building.

This level of detail has been developed to allow us to progress and fully explore our options with a preferred hotel operator.

Through this process the building exterior largely remains unchanged from the current DA documentation.

The other area of design development has been the appointment of a façade engineer to work up the window, glazing and building enclosure elements that in turn allows the architectural design details to be developed.

### 2. Securing of Finance

There has been no change from the March report on the two scenarios for how the development is likely to proceed.

Both scenarios, be it a freehold model or management arrangement remain sound options for us to progress under and ultimately deliver the project.

A freehold model remains our preference being where our primary focus has been, with the alternative also running in parallel, should that eventuate.

### 3. Hotel Operators

We have continued to work with our preferred operator in progressing the design and providing the level of detail necessary to allow a due and proper evaluation of the opportunity to occur.

This has and continues to take longer than we anticipated, however we remain confident that this process will be concluded by the end of August 2019.

LIVING CITY - New Waterfront Hotel



#### 4. Marina

As previously reported, the development of the marina remains feasible, albeit marginal and subject to certain foreshore realignment works being undertaken as part of the waterfront parkland works.

With that work now seemingly unlikely to occur, no further work has occurred in relation to the marina.

#### 5. Feasibility

There has been no change in this aspect from the March Report. We remain optimistic of a freehold outcome and have a sound alternative under a management arrangement should this eventuate, that leads us to remain highly confident in the development proceeding.

#### 6. Summary

Much of our focus since the last report has been around developing a new scheme for the hotel and providing the level of detail for a due and proper evaluation of this opportunity.

Our key targets have moved out by 3 months as a result of following this lead and exploring the development of hotel rooms across Levels Four and Five.

This is too good an opportunity not to consider and it is our view the time lost is far outweighed by the benefits that a hotel of this scale could bring to Devonport and the broader region.

We are expecting to meet with our preferred hotel operator towards the end of July / early August and with this occurring we will be much better positioned to know the direction that the project is likely to proceed in.

#### Key Targets

- |  |               |
|--|---------------|
| • Determine project delivery model         | August 2019   |
| • Stage 2 Building Permit issued           | October 2019  |
| • Project ready to proceed to construction | November 2019 |

## **6.4 UNCONFIRMED MINUTES - SHARED AUDIT PANEL - 3 JUNE 2019**

File: 30196 D592115

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

Council's Strategic Plan 2009-2030:

Strategy 5.6.3 Provide internal and external audit functions to review Council's performance

### **SUMMARY**

To report the unconfirmed minutes of the Audit Panel meeting held on 3 June 2019.

### **BACKGROUND**

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

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

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

At the February 2019 Council meeting, it was determined that each audit panel should continue to meet independently, and that the Shared Audit Panel would only meet on an as required basis (Min No 36/19 refers).

### **STATUTORY REQUIREMENTS**

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

### **DISCUSSION**

The unconfirmed minutes of the Devonport City Council Audit Panel meeting held on 3 June 2019 are attached for information.

Items of note discussed at the meeting include:

- Draft budget update
- Long Term Financial Plan
- Reviewed the Purchasing Policy & Code for Tenders & Contracts
- Reviewed the April Financial Report
- Waterfront Park update
- Audit Panel work program

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

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

**RISK IMPLICATIONS**

- Political/Governance  
The Audit Panel plays a key oversight role in Council's Risk Management activities providing elected members with an extra level of comfort that the systems in place are adequate. Within its charter, the primary objectives of the Audit Panel are to consider whether:
  - the annual financial statements of the Council accurately represent the state of affairs of the Council;
  - the Strategic Plan, Annual Plan, long-term financial management plan and long-term strategic asset management plans of the Council are integrated and the processes by which, and assumptions under which, those plans were prepared are sound and justified;
  - the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position are appropriate;
  - the Council is complying with the provisions of the Act and any other relevant legislation;
  - all strategic and business risks affecting the Council are identified and assessed, and the effectiveness of mitigation controls evaluated; and
  - the Council has taken any action in relation to previous recommendations provided by the Audit Panel to the Council.

**CONCLUSION**

The information contained in the report and the minutes of the Audit Panel meeting held on 3 June 2019 are presented to Council as per the recommendation below.

**ATTACHMENTS**

1. Unconfirmed Audit Panel Minutes 3 June 2019

**RECOMMENDATION**

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 3 June 2019.

Author:	Jacqui Surtees	Endorsed By:	Matthew Atkins
Position:	Executive Officer	Position:	Deputy General Manager

**DEVONPORT CITY COUNCIL****AUDIT PANEL**

Unconfirmed minutes of meeting held Monday 3 June 2019  
at Central Coast Council commencing at 11:00am

**1. Attendance/Apologies**

Members – Robert Atkinson (Chair), Tom Hughes, Cr Leigh Murphy, Cr Leon Perry

Officers – Paul West (General Manager), Kym Peebles (Executive Manager Organisational Performance), Jeffrey Griffith (Executive Manager Corporate Services), Joshua Jackson (Finance Manager), Jacqui Surtees (Executive Officer)

**2. Declarations of Interest**

Cr Leigh Murphy declared an interest in item 5.3 LIVING CITY Waterfront Park.

**3. Confirmation of Minutes****3.1 Confirmation of Shared Audit Panel Meeting held 26 March 2019**

The Panel resolved to accept the minutes as a correct record of the meeting held 26 March 2019.

**3.2 Business Arising**

The panel noted the action sheet provided with the agenda and the Chair requested it be maintained as a rolling document. KP noted that item 6.4 on the action sheet relating to Risk Management KPIs will be carried forward to the August meeting.

Jeff Griffith suggested that the action sheet include a column to allocate items to a responsible officer and a column to note the completion date/status.  
**(action)**

**4. Reports for Discussion****4.1 Draft Budget Update**

Paul West gave an overview of the information provided to Councillors as part of the budget development process. A series of Workshops was held with Councillors to work through the budget pack. Changes identified were outlined to Councillors at subsequent workshops with an updated operating statement.

Council has an extensive capital program developed for 19/20; these details were provided to Councillors as part of the budget process. Some changes have been made based on assessment of projects, or changes requested by Councillors, (e.g. at the May Council meeting, it was determined to defer two

projects to 20/21 and include the construction of toilets in the Miandetta Park Playground in 19/20 capital program after receiving a petition).

PW advised that Council is in the process of finalising the Annual Plan. He noted that there will be a proposed rate increase for the majority of residential properties of between 1.3-1.6%.

The Waste Management charge is proposed to increase by \$10 to \$270, and Council will be continuing the implementation of the commercial waste changes commenced in 2017/18.

The Chair asked the Councillors if they were satisfied with the process that had occurred. Cr Perry noted that the rate increase last year was less than CPI and previously there had been no increase for four years; rates have increased between only 2-3% over 6 years. Cr Perry said that he is proud of this effort and it needs to be conveyed to ratepayers, especially with the construction of LIVING CITY and the reduction in dividends received from TasWater. Cr Murphy agreed with Cr Perry.

The following questions were raised by the Chair, and responded to by staff accordingly:

- What is driving the expenditure in the IT area? Jeff Griffith advised that Council is putting more emphasis and resources into TechOne, Council's core business system, and developing use of the platform to drive efficiency. Council is also repositioning older, obsolete legacy software, for example the records management software and the consolidation of Council websites will have ongoing annual savings. Council is now using a single telecommunication provider and in 19/20 all Council facilities will have remote access to the same systems.
- Share of profits from Associates are not reflected in recurrent income – noted.
- What makes up the body corporate? – PW noted that there are 3 lots in the paranapple centre, and Knight Frank is the building manager on behalf of all tenants. There are several common areas that require cleaning, repairs and maintenance, window washing etc, and Council is required to pay its share of body corporate charges.
- There doesn't appear to be any rent revenue budgeted for Providore Place? Council has budgeted for the net amount of rent revenue received less associated expenses.
- What does the depreciation of regional parks & gardens relate to? PW advised that this relates to depreciation of monuments, bbqs,

pathways, walkways etc in the major parks, for example, Roundhouse Park.

PW noted that a final summary will be provided to the Councillors at the workshop tonight, and a community information session will be held for members of the public on June 12 prior to the budget being presented to the Council for adoption at its meeting on 24 June 2019.

The Chair noted that the Audit Panel has an obligation to satisfy that the budget process has given adequate opportunity for Council to inform, and provide opportunity for questions etc. He said he is impressed with the process undertaken; the timeline, documents, tracking of changes and consultation, and is confident about the process and that there has been full disclosure. The documents have been thoroughly prepared and open to the scrutiny that it deserves.

The Chair noted that there does not appear to be documentation tying the budget to the Strategic Plan. PW noted that the Annual Plan clearly ties the budget to the strategic plan and outlines the goals and associated actions for the next 12 months. The Chair suggested looking at the Strategic Plan at the next Audit Panel meeting. **(action)**

#### **4.2 Long Term Financial Plan**

KP gave an overview of the Draft LTFMP and noted that the version provided did not reflect the most recent change to the capital budget. KP outlined what Council looks at when preparing the plan and noted that rates from the new developments have been factored in, as has the Waterfront Park development. It was also noted that debt management will be assessed on an ongoing basis, for example, there are some properties that may be sold over the coming years and the revenue from these sales may be used to reduce debt.

PW confirmed that the draft LTFMP was provided to Councillors as part of the consolidated budget pack.

There was some discussion around the forecasted underlying surpluses and whether they are sufficient, and also forecasted asset renewals. The Chair noted that the Audit Panel is required to look at long term risks and the ratios are important to provoke discussion. PW noted that the plan is to grow cash reserves as noted in the LTFMP and that the thought process regarding using cash to either pay down debt or build up reserves has been undertaken.

The Chair suggested undertaking 'What If' scenarios, for example, increase rates by 1% every year, or be comfortable with a small surplus.

#### **4.3 Asset Revaluation Paper**

Noted.

#### 4.4 Purchasing Policy & Code for Tenders & Contracts

The Chair noted he has no fundamental issues with the policy, however there are some inconsistencies with the definitions versus the terminology throughout the Policy, and there is also a change in style of language throughout some of the clauses. There is also inconsistency with the definition of 'Tender' in the Code for Tenders & Contracts, and how it is used in the document. Staff will review and make changes as required **(action)**.

Kym explained that the current process requires all purchases over \$100K to go through the tender process and for the tender to be approved by Council. The biggest change is that the policy will now allow for the General Manager to award contracts up to \$250K, where the items have previously been approved through Council. Anything that is over budget, or not previously approved would still be required to go through the full Council approval process.

#### 4.5 Audit Panel Workpaper Discussion Paper

Tom Hughes gave an overview of the paper that he had prepared. Topics should be covered on a risk-based approach, with some topics reviewed annually, and others every few years. Tom suggested that a topic be picked for next meeting and the panel looks at the processes and controls accordingly.

The Chair noted the paper contains some valid points, and that he was comfortable that the panel covers the major issues. Tom and the Chair will discuss the most important items to be covered and correlate with the current work program and advise prior to the next meeting **(action)**.

### 5. Reports for Information

#### 5.1 Risk Management

Kym gave an overview of the current workers compensation claims, and an update on the long-term claim, and also outlined potential claims that may be submitted.

#### 5.2 April Financial Report

The Chair reviewed the April Financial Report and there was some discussion around capitalisation of LIVING CITY infrastructure. Josh advised that the Assets team has the information required to capitalise Providore Place and the paranple centre before 30 June, however the titles are yet to be issued.

There was also discussion around parking fines; the EasyPark app makes it easier for people to pay for their parking and reduces the capacity for fines. The Chair noted that there appears to be some inconsistency between superannuation and employee payments – this may just be a timing issue, but staff will look into it **(action)** and the telephone account appears over budget - staff will also look into that **(action)**.

The Chair noted that overall the report shows Council is tracking for a surplus better than budget.

The Chair suggested proceeding with item 6.1 on the agenda

**6.1 Audit Panel Assessment Report**

The Chair advised that he has received feedback from all panel members and senior staff for 2018. Since the evaluations were completed the Audit Panel has evolved into its current format which is working better and appears less confusing. From the feedback received, ratings suggest that members and staff were satisfied with the panel's performance. A report will be prepared and sent to Kym or Paul for presentation to Council (**action**).

Cr Murphy left the room

**5.3 LIVING CITY – Waterfront Park**

Paul advised that the architects are currently finalising plans ready for tender. The tender is a two-stage process and of the four contractors who initially lodged a request, all will be provided with the details to submit to stage two. A workshop is planned for next Wednesday night with Councillors which will include information about which trees will need to be removed in accordance with a report obtained by the architects. After the workshop, the contractors will be supplied with the documents and it is intended to go to Council at the July meeting.

Cr Murphy returned to the room.

**6. General Business**

No General Business was discussed.

**Meeting closed:** 12:45pm

**Next Meeting:** Monday 12 August 2019 at Devonport City Council.

**7.0 SECTION 23 COMMITTEES****7.1 PLANNING AUTHORITY COMMITTEE MEETING - 1 JULY 2019**

File: 29133 D591143

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

Council's Strategic Plan 2009-2030:

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

**SUMMARY**

The purpose of this report is to receive the minutes and note the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 1 July 2019.

**ATTACHMENTS**

1. Minutes - Planning Authority Committee - 1 July 2019

**RECOMMENDATION**

That the minutes of the Planning Authority Committee meeting held on Monday, 1 July 2019 be received and the recommendations contained therein be noted.

PAC 11/19 Planning Applications approved under Delegated Authority 22 May 2019 - 23 June 2019

**(Approved under delegated authority)**

PAC 12/19 PA2019.0072 Residential (Single Dwelling), Visitor Accommodation (2 Cabins) - 80 Nielsens Road Tugrah

**(Approved under delegated authority)**

PAC 13/19 PA2019.0067 Bulky Goods Sales (Trade Store) - 19-23 Don Road Devonport

**(Approved under delegated authority)**

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Executive Assistant Management	Position:	General Manager

**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 1 JULY 2019 COMMENCING AT 5:15PM**

**PRESENT:** Cr A Rockliff (Mayor) in the Chair  
 Cr J Alexiou (from 5:19pm)  
 Cr P Hollister  
 Cr S Milbourne  
 Cr L Murphy

**Councillors in Attendance:**  
 Cr A Jarman

**Council Officers:**

General Manager, P West  
 Deputy General Manager, M Atkins  
 Executive Manager Corporate Services, J Griffith  
 Executive Manager Organisational Performance, K Peebles  
 Development Services Manager, K Lunson  
 Planning Coordinator, S Warren  
 Planning Officer, 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.

Cr L Perry	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 22 MAY 2019 - 23 JUNE 2019 (D589415)**

**PAC 11/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Murphy

That the list of delegated approvals be received.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

<b>4.0 DEVELOPMENT REPORTS</b>
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**4.1 PA2019.0072 RESIDENTIAL (SINGLE DWELLING), VISITOR ACCOMMODATION (2 CABINS) - 80 NIELSENS ROAD TUGRAH (D584411)**

**PAC 12/19 RESOLUTION**

MOVED: Cr Hollister  
 SECONDED: Cr Milbourne

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0072 and grant a Permit to use and develop land identified as 80 Nielsens Road, Tugrah for the following purposes:

- Residential (Single dwelling), Visitor accommodation (2 cabins)

Subject to the following conditions:

1. The Use and Development is to be undertaken and proceed generally in accordance with the submitted plans, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to submit a Plumbing Permit Application, along with supporting documentation as required under Schedule 2 of the Director's Determination - Director's Specified List v1.2 (Building Act 2016), for the on-site wastewater disposal system as part of the Building and Plumbing application process.
3. Advertising signage for the visitor accommodation activity is to conform to the requirements of the Tasmanian Visitor Information Signage and the Acceptable Solutions of the Sign Code of the *Devonport Interim Planning Scheme 2013*.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building, plumbing and environmental approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

The developer is to take all reasonable steps during construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and does not allow for burning of any waste materials.

If any food products are supplied, prepared and/or cooked for guests, the business operator must contact the Council prior to the opening of the business to confirm their requirements under the *Food Act 2003*.

If water from a private source is to be provided for human consumption by guests, the business operator must contact the Council prior to the opening of the business to confirm their requirements under the *Public Health Act 1997*.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**4.2 PA2019.0067 BULKY GOODS SALES (TRADE STORE) - 19-23 DON ROAD DEVONPORT (D589966)****PAC 13/19 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Milbourne

Cr Alexiou attended the meeting at 5:19pm.

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0067 and grant a Permit to use and develop land identified as 19-23 Don Road, Devonport for the following purposes:

- Bulky Goods Sales (Trade Store)

Subject to the following conditions:

**Planning Conditions**

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as New Trade Shed & Additions - Project No 190426 (Drawings A00-A03), dated 9/5/19 by Starbox Architecture. Copies are attached and endorsed as documents forming part of this planning permit.
2. No operational activities are permitted to occur between the trade store and the southern rear boundary. This includes the storage of goods, external lighting and the provision of vehicle parking and unloading.
3. During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

**City Infrastructure & Works Conditions**

4. Concentrated stormwater is to be discharged in accordance with the National Construction Code.
5. Subject to the above and the Developer's design, concentrated stormwater from the proposed development is to either connect to the existing kerb in Don Road or to any existing internal stormwater reticulation. New stormwater infrastructure located within the road reservation is to be constructed generally in accordance with the relevant Tasmanian Standard Drawings. The developer is to engage a suitably qualified civil works contractor to undertake any proposed stormwater works. All costs associated with establishing a stormwater connection, associated reticulation and reinstatement work, is to be at the expense of the Developer.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

The existing access arrangements are to be used for the purposes of this development.

Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

In regard to condition 3 this includes ensuring that noise emitted from portable apparatus and hours of operation are within the scope indicated by the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

In regard to conditions 4-5 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

	For	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓				

CARRIED UNANIMOUSLY

**With no further business on the agenda the Chairperson declared the meeting closed at 5:20pm.**

Confirmed

Chairperson

## 7.2 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 15 JULY 2019

File: 33784 D592772

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Governance, Finance & Community Service Committee meeting held on Monday, 15 July 2019.

### ATTACHMENTS

1. Open Minutes - Governance Finance and Community Services - 15 July 2019

### RECOMMENDATION

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 15 July 2019 be received and the recommendations contained therein be adopted.

- GFC 38/19 Council Policies - Biennial Review
- GFC 39/19 Purchasing Policy and Code for Tenders and Contracts
- GFC 40/19 Devonport Regional Gallery Acquisition and Collection Policy
- GFC 41/19 193 Melrose Road Aberdeen - Surrender of Land to the Crown
- GFC 42/19 Elected Members' Expenditure Report May and June 2019
- GFC 43/19 Minutes of Council's Special Interest Groups and Advisory boards
- GFC 44/19 Community Services Report - May/June 2019
- GFC 45/19 Arts and Culture Report - May/June 2019
- GFC 46/19 Governance and Finance Report

Author:	Jacqui Surtees	Endorsed By:	Paul West
Position:	Executive Officer	Position:	General Manager

Page 1 of 8

**MINUTES OF A GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 15 JULY 2019 COMMENCING AT 5:30PM**

**PRESENT:** Cr A Jarman (Chairman)  
Cr J Alexiou  
Cr G Ennis  
Cr S Milbourne  
Cr A Rockliff

**Councillors in Attendance:**  
Cr P Hollister  
Cr L Murphy  
Cr L Pery

**Council Officers:**  
General Manager, P West  
Deputy General Manager, M Atkins  
Executive Manager Corporate Services, J Griffith  
Community Services Manager, K Hampton  
Convention and Arts Centre Manager, G Dobson

**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.

<b>1.0 APOLOGIES</b>
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The following apology was received for the meeting.

Cr Laycock	Leave of Absence
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<b>2.0 DECLARATIONS OF INTEREST</b>
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The following Declarations of Interest were advised:

Cr Ennis	8.1	Outstanding Debtors – 90 Days and Over Report
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<b>3.0 PROCEDURAL</b>
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**3.1 PUBLIC QUESTION TIME**

Nil

**3.2 QUESTIONS FROM COUNCILLORS**

Nil

**3.3 NOTICES OF MOTION**

Nil

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Minutes of Governance, Finance & Community Service Committee meeting held 15 July 2019

**4.0 GOVERNANCE REPORTS****4.1 COUNCIL POLICIES - BIENNIAL REVIEW (D576074)****GFC 38/19 RESOLUTION**

MOVED: Cr Rockliff  
SECONDED: Cr Milbourne

That it be recommended to Council that the following reviewed Council policies be adopted with immediate effect:

1. Audio Recording Policy
2. Boundary Fencing Policy
3. Commemorative Seat Policy and Procedure
4. Community, Childcare & Commercial Lease Policy
5. Community Engagement Policy
6. Complaint Handling Policy
7. Council Committees Policy
8. Credit Card Policy
9. Customer Service Charter
10. Dealing with Difficult Customers Policy
11. Dilapidated Buildings Policy
12. Driveway Policy
13. Equal Employment Opportunity (EEO) & Diversity Policy
14. Financial Assistance Policy
15. Fitness for Work Policy & Procedure
16. Gifts & Donations Policy
17. Harassment, Bullying & Anti-Discrimination Policy
18. Information Disclosure & Right to Information Policy
19. Investment Policy
20. Personal Information Protection Policy
21. Public Question Time Policy
22. Recruitment & Selection Policy
23. Related Parties Disclosure Policy
24. Rooke Street Mall & Market Square Policy
25. Sponsorship Policy
26. Sport & Recreation Groups Lease Policy
27. Stormwater Connection Policy
28. Street Trading Policy
29. Subdivision Maintenance Bond Policy
30. Subdivision Outstanding Works Bond Policy

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Minutes of Governance, Finance & Community Service Committee meeting held 15 July 2019

Page 3 of 8

## 31. Tree Policy

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

**4.2 PURCHASING POLICY AND CODE FOR TENDERS AND CONTRACTS (D591123)****GFC 39/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

That it be recommended to Council that the reviewed Purchasing Policy and the Code for Tenders and Contracts be adopted and be made publicly available on Council's website.

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

**4.3 DEVONPORT REGIONAL GALLERY ACQUISITION AND COLLECTION POLICY (D591584)****GFC 40/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that it adopt the revised Devonport Regional Gallery Acquisition and Collection Policy with immediate effect.

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

**4.4 193 MELROSE ROAD ABERDEEN - SURRENDER OF LAND TO THE CROWN (D590959)****GFC 41/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Enniss

That it be recommended to Council that it write to the Crown requesting that the vacant parcel of public land located at 193 Melrose Road, Aberdeen, be returned to the Crown by way of a Deed of Surrender.

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

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 Minutes of Governance, Finance & Community Service Committee meeting held 15 July 2019

Page 4 of 8

**4.5 ELECTED MEMBERS' EXPENDITURE REPORT MAY AND JUNE 2019 (D591587)****GFC 42/19 RESOLUTION**

MOVED: Cr Alexiou

SECONDED: Cr Enniss

That it be recommended to Council that the bi-monthly report advising of Councillor allowances and expenses be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

**5.0 FINANCE REPORTS**

Nil

**6.0 COMMUNITY SERVICES REPORTS**

Nil

**7.0 INFORMATION REPORTS****7.1 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS (D580524)****GFC 43/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Rockliff

That it be recommended to Council that the minutes of the Devonport Maritime and Heritage Special Interest Group, Devonport Regional Gallery Advisory Board and East Devonport Special Interest Group be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

**7.2 COMMUNITY SERVICES REPORT - MAY/JUNE 2019 (D580528)****GFC 44/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Milbourne

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

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Enniss	✓				

CARRIED UNANIMOUSLY

Minutes of Governance, Finance &amp; Community Service Committee meeting held 15 July 2019

Page 5 of 8

**7.3 ARTS AND CULTURE REPORT - MAY/JUNE 2019 (D580540)****GFC 45/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that the Arts and Culture report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Ennis	✓				

CARRIED UNANIMOUSLY

**7.4 GOVERNANCE AND FINANCE REPORT (D589817)****GFC 46/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

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

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Ennis	✓				

CARRIED UNANIMOUSLY

**8.0 CLOSED SESSION****GFC 47/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

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

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Outstanding Debtors – 90 Days and Over Report	15(2) (j)
8.2	Outstanding Rates Debtors – Three Years and Over	15(2) (j)

	For	Against		For	Against
Cr Jarman	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Rockliff	✓	
Cr Ennis	✓				

CARRIED UNANIMOUSLY

Minutes of Governance, Finance &amp; Community Service Committee meeting held 15 July 2019

Page 6 of 8

The Chairman adjourned the meeting at 5:42pm to reconvene in Closed Session at 5:43pm.

The Council moved out Closed Session at 5:57pm.

Council resumed in open session at 5:57pm.

**CLOSURE**

There being no further business on the agenda the closed session was declared closed at 5:57pm.

**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	1 Confirmation of Closed Minutes - Council Meeting - 24 June 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.4	21 Oldaker Street - Offer to Lease Property	15(2)(f)
8.5	Stewart Street Retaining Wall	15(2)(b),(i)
8.6	Providore Place	15(2)(c),(i)
8.7	Release of Information	15(2)(g)
8.8	Closed Session - Governance, Finance & Community Service Committee Meeting - 15 July 2019	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	Confirmation of Closed Minutes - Council Meeting - 24 June 2019	Approved
8.2	Application for Leave of Absence	
8.3	Unconfirmed Minutes - Joint Authorities	
8.4	21 Oldaker Street - Offer to Lease Property	
8.5	Stewart Street Retaining Wall	
8.6	Providore Place	
8.7	Release of Information	
8.8	Closed Session - Governance, Finance & Community Service Committee Meeting - 15 July 2019	Approved

## 9.0 CLOSURE

There being no further business the Mayor declared the meeting closed at <insert time> pm.

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