

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON MONDAY, 23 OCTOBER 2017 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:35pm	1 hour 35 minutes
Closed Session	6:37pm	6:57pm	20 minutes
Total			1 hour 55 minutes

PRESENT: Ald S L Martin (Mayor)
Ald A L Rockliff (Deputy Mayor)
Ald C D Emmerton (from 5:37pm)
Ald G F Goodwin
Ald A J Jarman
Ald L M Laycock
Ald J F Matthews
Ald T M Milne
Ald L M Perry

Council Officers:

General Manager, P West
Deputy General Manager, M Atkins
Executive Manager Corporate, Community and Business, S Crawford
Executive Manager Organisational Development, K Peebles
Governance Coordinator, K Hampton
Media & Communication Officer, J Phillips

Audio Recording:

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

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 25 SEPTEMBER 2017

201/17 RESOLUTION

MOVED: Ald Goodwin
SECONDED: Ald Matthews

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

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

CARRIED UNANIMOUSLY

3.1.2 SPECIAL COUNCIL MEETING - 2 OCTOBER 2017

202/17 RESOLUTION

MOVED: Ald Matthews

SECONDED: Ald Milne

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

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

203/17 RESOLUTION

MOVED: Ald Rockliff

SECONDED: Ald Laycock

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

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

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

204/17 RESOLUTION

MOVED: Ald Rockliff

SECONDED: Ald Matthews

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

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

CARRIED UNANIMOUSLY

3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC**TREVOR SMITH – 7 GLEN COURT, DEVONPORT**

Q1 The footpath reinstatement, opposite 55 Hillcrest Road Devonport, hasn't been completed in over 8 weeks. I have taken photos of this issue as the weeks have passed by. What are the reasons for this delay, could it be one of these options...

- It has been too wet to do the job, No!
- Needs more staff to complete the job, not when there are well over 165 employed plus casuals.
- Needs the Mayor and the General Manager to the job, when no one else is interested...
- Needs more money from the bank, to plug the hole from the LIVING CITY. I think the last option seems appropriate for waiting so long...

Q2 With regards to question 2, from last month's Council meeting, File 26729 states 'When will the Ratepayers of Devonport expect to receive the Report from the General Manager? Will this happen soon as the Ratepayers have already asked this question on previous occasions.' Why do you have to use weasel words, as you have done in the past, with replies to my questions? Why are you trying to follow in the footsteps of State and Federal Politics, and not giving the Ratepayers of Devonport straight answers?

This is happening far too often, with a disregard to the people in this community! A Report was provided to the Council via the Community Services Committee agenda, for its meeting on 19th June 2017.

The questions that I asked are not too hard to answer - unless you are trying to hid some financial mess, from the Ratepayers of Devonport, who contributed to well of 27 million dollars to go towards your Budget for 2017-2018!

This issue won't go away, until the Report is provided to the Ratepayers, so I expect a copy soon!

Response

The Mayor advised that the questions would be taken on notice and a response provided in writing.

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

The land in the Agenda Item 5.3 p38 is the only open space of the Council's in the western end of the residential area within the boundary of Watkinson, Steele, William and James Streets. There are 3 other open spaces in the middle and at the eastern end of the bounded area.

The said ground has 3 substantial trees and 3 lesser trees.

Q1 Who of the Aldermen have eyeballed the said ground since the consideration of this matter?

Response

The Mayor advised that the question would be taken on notice as it is to be considered later in the meeting.

- Q2** What has the Council put in place to replace the 100 years of trees and where would the replacement trees be planted should the Council give the go ahead to flog off the ground?

Response

The Mayor advised that Item 5.3 is open for discussion by Aldermen later in the meeting.

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

The following questions are without notice to the Ordinary Meeting of the 23rd October 2017, and are directed to the Mayor and General Manager.

- Q1** Council has repeatedly refused to disclose how many formal expressions of interest (EOI's) were received from developers and how many from operators for the proposed hotel development. Can Council please explain why this aspect is "confidential" and any different to publicly announcing the supposed total number of EOI's received, because to do so would not be naming individual respondents and would provide community confidence that Council can substantiate its representations to ratepayers?

- Q2** Given that Council own the land on which the proposed hotel will be built for what reason does Council claim that the "availability of land" is an inhibiting factor in the long delay given that it has previously been categorically stated that Harris Scarfe will relocate to the old Harvey Norman site?

Response

The Mayor advised that the questions would be taken on notice and a response provided in writing.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

My question is in regard to Council's Contracts with Providore Place and Projects and Infrastructure.

- Q1** Does Council think they can substantiate their reliance on 4 EXEMPTIONS (i), (i) and (iii) of the Code for contracts and tenders in not going to expressions of interest or tender?

I refer Aldermen to page 79 of the Council agenda.

Response

The Mayor advised that the question would be taken on notice and a response provided in writing.

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

- Q3** Since the ground in discussion has been vested in the Council to now what is the percentage (increase or decrease) change in Council open space in the bounded area?

Response

The Mayor advised that the question would be taken on notice and a response provided in writing.

SHAYNE ALLISON – 65 WILMOT STREET, PORT SORELL

I am here in regards to a matter, the demolition of the Maternity Hospital and a proposal that I put forward to the Council on the 29th August for a \$20M six storey art hotel.

I was advised by return letter from the Council dated 6 September that at tonight's meeting the approved tender would be made available.

I just have a couple of questions to ask the Council in regards to their decision on this matter.

Q1 When the Council performed their costs versus benefit exercise regarding the old Maternity Hospital and either investigating the proposal for a six storey \$20M hotel, with views of the North West coast for this controversial site, against the proposal to demolish the building.

- (a) What were the costs versus benefits for the ratepayers and the savings for the community as a whole?
- (b) What are the overall benefits to the Devonport municipality in the demolition of this structurally sound building with 4,000m² of floor space, ready to be utilised with some imagination and political support?

Further on to the development Fairbrother has been announced and have been given two years to propose a \$40M hotel development on the foreshore in regards to LIVING CITY. I have asked for two months, which would have been up at the end of next week to put a proposal to the Council on this and then asked for another six months to obtain a DA.

Q2 When Council made its decision not to investigate what possibilities may be in the six storey \$20M art hotel for the city. Were Councillors making their decisions based on the best interests of ratepayers and the whole municipality, business owners and the community as a whole or were the decisions based on benefit to other parties and/or organisations?

Response

The Mayor advised that prior to Mr Allison lodging that application the decision had already been made by Council. So it was after the fact and Council had made the decision that they were going to demolish the old Maternity Hospital. The decision tonight is about the tender process, the tenderer for the demolition of the building. So the decision had already been made in regards to the demolition of the Maternity Hospital.

Mr Allison further requested if he could have a letter to say the dates of that process?

The Mayor advised Mr Allison that all his questions would be responded to in writing.

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

The following question is to do with the Victoria Parade boat ramp, parking area update. I'd just like to firstly say that I think that the contractor down there (ATM Civil) are doing a stirring job. It's a top notch looking product that they are turning out and I think that they are doing very well. However, my question is:

Q3 In relation to the Victoria Parade boat ramp parking alterations will Council please confirm who was responsible/engaged regarding the following:

- (a) Design of road alignment changes including traffic flows (pedestrian & vehicular), turning circles particularly for larger rigs, all reversing manoeuvres for boat launch and vehicle parking required to be

commenced on the "blind side" and general configuration for new parking spaces;

Response

The Mayor advised that it was designed in house.

- (b) Specific stakeholders who were directly consulted by Council, including boat owner organisations/representatives;

Response

The Mayor advised that he believed so, yes, but he did not have that information in front of him and therefore an answer will be provided in writing.

- (c) Authorisation that the realigned south bound vehicle travel path approaching the railway crossing has not created an illegal left hand turn from Parker Street north onto Victoria Parade?

Response

The Mayor advised that the question would be taken on notice and a response provided in writing.

3.3 QUESTIONS FROM ALDERMEN

Nil

3.4 NOTICES OF MOTION

Nil

4.0 PLANNING AUTHORITY MATTERS

There were no items to consider as a Planning Authority.

5.0 REPORTS

5.1 DEVONPORT GYMNASTICS CLUB (D491694)

205/17 RESOLUTION

MOVED: Ald Perry
SECONDED: Ald Goodwin

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

1. Provide a loan of up to \$300,000 to the Club, with a fixed 3.8% interest rate and ten-year term conditional upon secured funding verified in writing from the Federal Government of \$500,000 and the State Government of \$750,000;
2. Commit \$150,000 in the 2018/2019 Capital Works Program as a contribution towards car parking and a pathway to the existing Netball Centre car park;
3. Waive all Council Development Fees for the project; and
4. Confirm the exact location of the facility is in Bay Drive as per the land lease agreement between Council and the Devonport Gymnastics Club.

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

CARRIED UNANIMOUSLY

5.2 FOOD ORGANICS AND GARDEN ORGANICS COLLECTION SERVICE (D488999)

MOVED: Ald Milne

SECONDED: Ald Rockliff

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

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

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

LOST

206/17 RESOLUTION

MOVED: Ald Jarman

SECONDED: Ald Matthews

That the report relating to Food Organics and Garden Organics Collection Service be received and noted and that Council advise the Cradle Coast Waste Management Group that it does not support the introduction of a new regional kerbside food organics and garden organics collection service at this point in time.

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

CARRIED

5.3 PROPOSED SALE OF PUBLIC LAND - MCCABE AVENUE, DEVONPORT (D492316)**207/17 RESOLUTION**

MOVED: Ald Goodwin
 SECONDED: Ald Jarman

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

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

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

CARRIED UNANIMOUSLY

5.4 CODE FOR TENDERS AND CONTRACTS (D495737)**208/17 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Goodwin

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

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

CARRIED UNANIMOUSLY

5.5 TENDER REPORT - DEMOLITION OF FORMER MATERNITY HOSPITAL 169 STEELE STREET (D496487)**209/17 RESOLUTION**

MOVED: Ald Goodwin
 SECONDED: Ald Laycock

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

- a) award the contract to Mendelssohn Construction Pty Ltd for the tendered sum of \$519,070.70 (ex GST);
- b) include an allowance based on tendered rates of \$215,712 (ex GST) for additional ground floor asbestos removal;
- c) note a provisional sum allowance of \$20,000 (ex GST) for a commemorative feature;

- d) note design, project management and administration is estimated to cost \$40,000 (ex GST); and
- e) note a construction contingency of \$150,000 (ex GST) has been included.

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

CARRIED UNANIMOUSLY

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D454195)

210/17 RESOLUTION

MOVED: Ald Laycock
 SECONDED: Ald Jarman

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

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

CARRIED UNANIMOUSLY

6.2 MAYOR'S MONTHLY REPORT (D454207)

211/17 RESOLUTION

MOVED: Ald Emmerton
 SECONDED: Ald Perry

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

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

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - OCTOBER 2017 (D462048)**212/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Milne

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

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

CARRIED UNANIMOUSLY

7.0 SECTION 23 COMMITTEES**7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 9 OCTOBER 2017 (D496365)****213/17 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Rockliff

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

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

IWC 35/17 Mersey Bluff Cemetery

IWC 36/17 Chalmers Lane - Traffic and Parking

IWC 37/17 Street Lighting Bulk Changeover

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

IWC 39/17 Infrastructure and Works Report

IWC 40/17 Development and Health Services Report

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

CARRIED UNANIMOUSLY

EFFECTIVE DECISIONS OF THE INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE CONFIRMED BY COUNCIL**IWC 34/17 Tender Report Contract CT0212 Devonport Road Renewal (Bay Drive to Mersey Road) – approved under delegated authority**

That the Infrastructure, Works and Development Committee in relation to Contract CT0212 Devonport Road Renewal (Bay Drive

to Mersey Road) and in accordance with the delegated authority provided to it by Council under Minute 198/15:

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

IWC 35/17 Mersey Bluff Cemetery

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

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

IWC 36/17 Chalmers Lane - Traffic and Parking

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

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

IWC 37/17 Street Lighting Bulk Changeover

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

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

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

IWC 39/17 Infrastructure and Works Report

That the Infrastructure and Works report be received and noted.

IWC 40/17 Development and Health Services Report

That the Development and Health Services Report be received and noted.

8.0 CLOSED SESSION**214/17 RESOLUTION**

MOVED: Ald Perry
 SECONDED: Ald Jarman

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

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Application for Leave of Absence	15(2)(h)
8.2	Unconfirmed Minutes – Joint Authorities	15(2)(g)
8.3	Closed Session – Infrastructure Works and Development Committee Meeting – 9 October 2017	15(2)(f)
8.4	Mersey Bluff Caravan Park Lease	15(2)(b)
8.5	Multi-Purpose and Arts Centre - Branding	15(2)(c)

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

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 6:35pm to reconvene in Closed Session at 6:37pm.

The Council moved out Closed Session at 6:57pm.

Council resumed in open session at 6:57pm.

CLOSURE

There being no further business on the agenda the closed session was declared closed at 6:57pm.

Confirmed

Chairman