

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS  
ON MONDAY, 26 JUNE 2017 COMMENCING AT 5:30PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	6:58pm	1 hour 28 mins
Closed Session	6:59pm	7:06pm	0 hour 07 mins
Total			

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

**Council Officers:**

General Manager, P West  
Executive Manager Corporate, Community and Business, S Crawford  
Executive Manager Organisational Development, K Peebles  
Governance Coordinator, K Hampton  
Development Manager, B May (until 6:12pm)  
Planning Officer, M McIver (until 6:12pm)

**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 - 22 MAY 2017**

**91/17 RESOLUTION**

MOVED: Ald Goodwin  
SECONDED: Ald Matthews

That the minutes of the Council meeting held on 22 May 2017 as circulated be confirmed.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

### 3.2 PUBLIC QUESTION TIME

#### 3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

##### 92/17 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Goodwin

That Council note the responses to questions from Mr Douglas Janney, Mr Malcolm Gardam and Mr Trevor Smith at the May 2017 Council meeting.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

#### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

##### 93/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Milne

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

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

### 3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

#### TREVOR SMITH – 7 GLEN COURT, DEVONPORT

**Q1.** Could you please list the core values that the Devonport City Council stands for in Local Government, compared to the other Councils along the North West Coast?

**Response:**

Mayor responded that the Annual Plan will be adopted at this meeting and be available to the public at Customer Service. A written response will be provided.

**Q2.** I have previously asked, about the trees that were damaged or stoled from the planter stands in Best Street Devonport, at the front of The Advocate Office.

When will the trees be replaced, as it is an idela time now, in winter?

As you are trying to encourage tourists to come to Devonport's Living City, it doesn't look at all well, as it is! Can you find the finances, as soon as possible, to do this task!

**Q3.** With reference to file 31424, I asked you the question, as to why the blue metal hadn't been swept up at 243 William Street Devonport.

It has been nearly 8 weeks since the road had a seal!

My question again is; when will the blue metal be swept up? There was a hazard sign warning of stone damage to cars, so other Ratepayers have made a complaint, about this dangerous situation. The hazard sign has disappeared, so motorists aren't aware of the danger! I know your budget is stretched with the LIVING CITY, so scrape some money together and get this section of William Street, swept clean once and for all!

**Q4.** How much of Devonport Ratepayers money will be needed to fight the impending takeover of TasWater from Local Government?

It was quoted in "The Advocate, that Councils will be asked to contribute at least the equivalent of 1 per cent of annual dividends, from TasWater, for the fighting funds"!

**Response:**

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

#### MALCOLM GARDAM, 4 BEAUMONT DRIVE, MIANDETTA

The following questions are without notice to the Ordinary Meeting of the 26<sup>th</sup> June 2017, with Questions 1 and 2 directed to the Mayor.

**Q1.** With reference to the Mayor's advice of the 25<sup>th</sup> May 2017, to myself and another ratepayer, stating that *"In relation to questions surrounding the proposed retail precinct, please note that no further responses will be provided to your line of questions relating to the issue".;* accordingly, in order to not run afoul of your position on future questions, will the Mayor please clarify what he is referring to by **"your line of questions"** insofar as does it relate to;

**a.** my questions requesting the Mayor to reasonably substantiate his statements in relation to Living City, when speaking in his capacity as Mayor, and where not qualified as being his personal opinion; or

- b. my questions requiring that the Mayor elaborate and substantiate his statements inferring that Big W still has as a high priority the establishment of a new store in Devonport since personally viewing their data in 2012?; or
- c. questions simply relating to reported ongoing discussions with developers and retailers, including as recently as April 2017 and previously promoted as being "well advanced" with the choice of those words inferring at the time that some form of agreement would be forthcoming, and thereby my questioning if current discussions are "further advanced" or "less advanced" after 5 years of ongoing discussions?; or
- d. just any questioning as to the updated status of progress with developers/retailers necessary for the so called Stage 2 "retail led recovery" and thereby deriving the necessary new revenue streams to be generated from the promoted new northern retail precinct?

**Q2.** With further reference to the Mayor's advice of the 25<sup>th</sup> May 2017 regarding the statement that "*The numbers quoted of 830 full time equivalent jobs, and \$270 million of private investment, were provided as a guide of what could be achieved by LIVING CITY.*" And noting that the Hill PDA estimated on-site full-time jobs to be created **included 159 existing jobs within the council chambers, Library/LINC, gallery and courthouse relocations;** would the Mayor please:

- a. provide evidence of where Council has previously publicly stated that these representations were just a guide; and
- b. what are Council's current revised numbers for on-site full time CBD jobs and economic output annually from the completion of Stage 1 thru to the completion of all stages of the Master Plan?

**Q3.** Assuming Council does not directly employ a dedicated Development Manager, can Council please advise which of its Aldermen or employees are sufficiently qualified to safeguard the interests of the ratepayers in undertaking a development project, the size and complexity of Living City requiring significant commercial acumen, **particularly where Council is the Project Sponsor?**

**Q4.** With reference to the Living City will Council please advise **which budget line item** the \$500,000 to \$600,000 annual fee paid to its Development manager (Projects + Infrastructure) is accounted to?

Please ensure questions and responses are included in full in the next Ordinary Meeting minutes.

**Response:**

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

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

Aldermen – I received the following correspondence addressed to me by post and so as I cannot be accused to coin an oft used phrase used in this place of "cherry picking" I shall read directly from the original copy it is not marked confidential.

Note: the letter was read out to the meeting.

**Q1.** Are all Aldermen aware of this letter and gave authority for the Commercial in Confidence aka secret document to be shown to me? I did not take up the offer to view the document.

- Q2.** Mayor if you saw fit to allow me an exclusive sighting of a Council Commercial in Confidence report what reasonable excuse can you give for not allowing others the same privilege who wish to see it and another report that directly concerns them?

There certainly is inconsistency in who sees what in regard to Council's Commercial in Confidence reports. For instance the proprietor/manager of the Barclay Motor Inn has been denied the opportunity to see another secret document/restricted business case that its existence was tried to be kept "under wraps" by Council so that ratepayers in general would not be aware of, reeks of hypocrisy.

**Response:**

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

**PETER STEGMAN, 118 RIVER ROAD, EAST DEVONPORT**

- Q1.** I note the parking restrictions in Oldaker Street, south of Gunn Street are to be introduced in a 4 hourly increment. I note that west of Gunn Street it is currently a 2 hour restriction. Could someone enlighten why the area east is 4 hours and not 2 hours?

**Response:**

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

- Q2.** Sometime ago I asked the question what was happening with Curr Street, with the parking outside Hill Street (grocers). It is a very narrow street and there is parking on both sides of the street. From memory I was told that Council were negotiating with Hill Street, has any progress been made on that at all as it has nearly been made a one way street even though it is two way?

**Response:**

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

- Q3.** Parking in Oldaker Street east of Gunn Street with the increased traffic flow has made it difficult for businesses and traffic to come out as a lot of people park very close to the exits and entries. I am just wondering if when Council look at the traffic restrictions there, can they look at giving people a wider berth and some visibility when they are coming out from these businesses.

**Response:**

The General Manager advised that by timing parking in this area will result in actual bays being marked on the road so some of those issues with people parking closer to the driveways will be addressed.

**TONY BUTLER, 2 DREW STREET, EAST DEVONPORT**

Pioneer Park has had a lot of work done on it but the Pioneer Park sign you couldn't read if you were sitting on it. It is very dishevelled and in front of all the history that people have left there and around the graves. It is awful and no Alderman could tell me that they spend any time in that park after dark because if they did they would think they were in Vietnam in the war. It is awful, it is shocking as there were kids running around there the other night lighting fires and trying to burn down the amenities block. Nothing is done and you daren't ring a policeman, so what will happen is that people will get hurt. The bike track is beautiful, lovely, but have a look at it after 8pm of a night. Motorbikes on the skatepark, young girls having sex in the skatepark!

**Q1.** We should be doing something about it and it should be somewhere for someone to look after dark, police etc, it shouldn't be left to the locals to put up with it?

**Response:**

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

**Q2.** Why is it that everybody that says something isn't good enough for Ald Emmerton or are third rate people?

**Response:**

The Mayor responded that everyone has an opinion on what is said including the public.

**3.3 QUESTIONS FROM ALDERMEN**

Nil

**3.4 NOTICES OF MOTION**

**3.4.1 EXTRA DISABILITY PARKING BAY IN CMAX CARPARK - ALD A J JARMAN (D476646)**

**94/17 RESOLUTION**

MOVED: Ald Jarman  
 SECONDED: Ald Matthews

**MOTION**

"That Council request a staff report on the options which may be available for providing additional disabled car parking in the CMAX car park (Formby Road) be provided."

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

CARRIED UNANIMOUSLY

**4.0 PLANNING AUTHORITY MATTERS**

**4.1 AM2017.01 REZONING FROM GENERAL RESIDENTIAL TO COMMERCIAL AND PA2017.0062 TRANSPORT DEPOT AND DISTRIBUTION AND STORAGE - 26 NORTH CAROLINE STREET EAST DEVONPORT (D476553)**

**95/17 RESOLUTION**

MOVED: Ald Goodwin  
 SECONDED: Ald Rockliff

That Council agree to certify AM2017.01 to Rezone 26 North Caroline Street, East Devonport (CT 123612/1) from General Residential to Commercial with the following Site Specific Qualifications to be inserted into the 23.2 Use Table of the Commercial zone after the following uses as follows –

<b>Permitted</b>	
Bulky Goods Sales	If not on CT 123612/1
Equipment and machinery sales and hire	If not on CT 123612/1
Food Services	If not on CT 123612/1
Service industry	If not on CT 123612/1
Tourist operation	If not on CT 123612/1
Vehicle fuel sales and service	If not on CT 123612/1
Vehicle parking	If not on CT 123612/1
<b>Discretionary</b>	
Bulky goods sales	If not on CT 123612/1

and

- place AM2017.01 on public exhibition in accordance with the provisions of the *Land Use Planning and Approvals Act, 1993*; and
- approve a draft development application PA2017.0062 for Transport Depot and Distribution and Storage in accordance with the *Land Use Planning and Approvals Act 1993*, subject to the following conditions:
  1. Unless altered by subsequent conditions of this permit the Transport Depot and Distribution and Storage uses are to be undertaken in accordance with the submitted plan and supporting documentation referenced as:
    - Request for Amendment to Planning Scheme, 26 North Caroline Street East Devonport by CBM Sustainable Design dated May 2017.
  2. Vehicle movements to and from the site must generally be completed within the hours of 7am to 6pm, Monday to Saturday. Where vehicle movements occur outside these hours they will be confined to vans and light trucks arriving at or departing the site only in a forward direction.
  3. All dirt, dust, mud or foreign material tracked onto the road from vehicles entering/exiting the premises must be completely cleaned and/or removed as soon as possible.
  4. The stormwater system is to be kept free of oil, grease, diesel or petrol-based products, or any substance or material that is not stormwater.
  5. The amenity of the area must not be detrimentally affected by the use or development through the:
    - a) Transport of materials, goods or commodities to or from the land;
    - b) Appearance of any building works or materials;
    - c) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, waste water or any waste products.
  6. Fixed equipment must not be operated:
    - a) from 7.00am until 10.00pm, if the fixed equipment, when so operated, emits noise greater than 45dB(A); or
    - b) from 10.00pm until 7.00am, if the fixed equipment, when so operated, emits noise that is greater than 40dB(A).

(Fixed equipment includes, but is not limited to domestic heating equipment, systems for the production of hot water, air conditioners, evaporative coolers, pumps, generators or wind turbines, that are affixed at the location at which they are in use)

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

B. May and M. McIver left the meeting at 6:12pm

## **5.0 REPORTS**

### **5.1 RATES AND CHARGES POLICY (D473420)**

#### **96/17 RESOLUTION**

MOVED: Ald Goodwin  
SECONDED: Ald Emmerton

That Council adopt the Rates and Charges Policy with immediate effect.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

### **5.2 FINANCIAL MANAGEMENT STRATEGY (D477480)**

#### **97/17 RESOLUTION**

MOVED: Ald Rockliff  
SECONDED: Ald Emmerton

That Council adopt the attached Financial Management Strategy with immediate effect.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY



### 5.3 ANNUAL PLAN AND BUDGET ESTIMATES - 2018 (D458225)

#### 98/17 RESOLUTION

MOVED: Ald Rockliff

SECONDED: Ald Perry

#### A. ANNUAL PLAN

That in accordance with Section 71 of the *Local Government Act 1993* (as amended) Council adopts the Annual Plan for the financial year ending 30 June 2018 and instructs the General Manager to:

- (a) make a copy of it available for public inspection at the Council's Offices and on the website; and
- (b) provide a copy of it to the Director of Local Government and to the Director of Public Health.

#### B. ANNUAL ESTIMATES (REVENUE AND EXPENDITURE)

That:

- (a) in accordance with Section 82 of the *Local Government Act 1993* the Council by absolute majority adopts the estimates of revenue and expenditure (excluding estimated capital works) for the 2017/2018 financial year as detailed in the Annual Plan;
- (b) in accordance with section 82(6) of the *Act* the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$50,000 to any individual estimate item as he deems necessary during the 2017/2018 financial year provided that the total of the Estimates remains unaltered.

#### C. RATES AND CHARGES 2017/18

That Council makes the following General Rate, Service Rates and Service Charges under the provisions of the *Local Government Act 1993*, and the *Fire Services Act 1979* for the financial year 1 July 2017 to 30 June 2018 in respect to land in the municipal area which is separately valued under the *Valuation of Land Act 2001*.

##### **Definitions and Interpretations**

Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act 1993* have the same meaning as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meaning set out below:

**"Act"** means the *Local Government Act 1993*;

**"AAV"** means the assessed annual value as determined by the Valuer-General under the *Valuation of Land Act 2001*;

**"land"** means a parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*;

**"land used for primary production"** means all land used or predominantly used for primary production and includes all land coded "L" in the valuation list;

**"land used for residential purposes"** means all land used or

predominately used for residential purposes and includes all land coded "R" in the valuation list;

**"municipal area"** means the municipal area of Devonport;

**"non-used land"** means all land coded "V" in the valuation list;

**"supplementary valuation"** means a supplementary valuation made under the *Valuation of Lands Act 2001*.

**"Tenancy"** means a portion of land which the Valuer-General has determined is capable of separate occupation and so has separately determined the AAV of that portion, pursuant to Section 11(3)(c) of the *Valuation of Land Act 2001*; and

**"valuation list"** means, in respect of the financial year, the valuation list, supplementary valuation list or particulars provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*.

**1. RATES RESOLUTION- PART 1 (A)**

Pursuant Sections 90 and 91 of the *Local Government Act 1993* the Council makes a General Rate ("the General Rate") in respect of all rateable land (except land which is exempt pursuant to Section 87 of the *Local Government Act 1993*) consisting of two components being:

- (a) 11.6215 cents in the dollar of assessed annual value (the AAV component);
- (b) A fixed charge of \$300 on all land or tenancy.

**2. RATES RESOLUTION – PART 1(B)**

Pursuant to Section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for primary production to 6.7688 cents in the dollar of assessed annual value of such rateable land.

**3. RATES RESOLUTION – PART 1(C)**

3.1. Pursuant to Section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is separately assessed and is predominantly used for residential purposes to 7.0854 cents in the dollar of assessed annual value of such rateable land, subject to 3.2.

3.2. Pursuant to Section 88A of the Act, the Council, by absolute majority, determines:-

- (a) The maximum percentage increase in the General Rate (as previously made and varied by 3.1 above) for land separately assessed and predominantly used for residential purposes is capped at 10% above the amount which was payable in respect of that land in the 2016/2017 financial year, and
- (b) To qualify for the maximum increase cap in subparagraph (a), the rateable land must not have

been subjected to a supplementary valuation by the Valuer-General during the period 1 July 2016 – 30 June 2017.

**4. RATES RESOLUTION – PART 1(D)**

Pursuant to Section 129(4) of the *Local Government Act 1993*, the Council determines by absolute majority to grant a remission of \$100 to each member of the class of ratepayers who are liable to pay rates in respect of non-used land within the municipal area.

**5. RATES RESOLUTION – PART 2**

5.1. Pursuant to Sections 94 and 95 of the *Local Government Act 1993*, the Council makes the following service rates and service charges for land within the municipal area (including land which is otherwise exempt from rates pursuant to Section 87, but excluding land owned by the Crown to which Council does not supply any of the following services) for the period 1 July 2017 to 30 June 2018:

(a) A waste management service charge of \$260 upon all land or tenancy to which Council supplies or makes available a kerbside collection service

5.2. Pursuant to Section 107 of the Act the Council, by absolute majority declares that the service charge for waste management is varied by reference to the use or predominant use of land as follows:

(a) For all land which is predominately used for any purpose other than residential or primary production to which Council supplies and makes available a kerbside collection service the service charge is varied to \$780, subject to 5.3 below; and

(b) For all land which is non-used land the service charge is varied to \$0.00

5.3. Pursuant to Section 88A of the Act the Council by absolute majority determines:-

(a) That the maximum percentage increase of the varied service charge for waste management (as previously made and varied by 5.1 and 5.2 above) is capped at 10% above the amount which was payable in respect of the waste management rate charged in the 2016/2017 financial year and;

(b) To qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2016 to 30 June 2017.

**6. RATES RESOLUTION – PART 3**

Pursuant to Section 93A of the *Local Government Act 1993* and the provisions of the *Fire Service Act 1979* (as amended), the Council makes the following rates for land within the municipal area for the period 1 July 2017 to 30 June 2018:

- (a) a Devonport Urban Fire District Rate of 1.3759 cents in the dollar of assessed annual value, subject to a minimum amount of \$39 in respect of all rateable land within the Devonport Urban Fire District.
- (b) a Forth/Leith Fire District Rate of 0.4675 cents in the dollar of assessed annual value, subject to a minimum amount of \$39 in respect of all rateable land within Forth/Leith Fire District.
- (c) a General Land Fire Rate of 0.3596 cents in the dollar of assessed annual value, subject to a minimum amount of \$39 in respect of all rateable land within the municipal area, which is not within the Devonport Urban Fire District, or the Forth/Leith Fire District.

**7. SEPARATE LAND**

In relation to all rates and charges for the 2017/2018 year, as previously made, for the purpose of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

**8. ADJUSTED VALUES**

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the *Local Government Act 1993*.

**9. PAYMENT OF RATES AND CHARGES**

Pursuant to Section 124 of the *Local Government Act 1993* the rates for 2017/2018 shall be payable in four instalments, the dates by which the rates are due to be paid are:

First Instalment	31 August 2017
Second Instalment	31 October 2017
Third Instalment	28 February 2018
Fourth Instalment	30 April 2018

Where a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

**Penalties**

Pursuant to Section 128 of the *Local Government Act 1993* if any rate or instalment is not paid on or before the date it falls due, a penalty of 5% of the unpaid instalment or part thereof, shall be applied except:

- (a) where the ratepayer has adhered to an approved payment arrangement plan and the total rates are paid in full by 30 April 2018; and
- (b) where the ratepayer has authorised an approved bank direct debit payment arrangement.

**Supplementary Rates**

- (a) Pursuant with Sections 89A, 92 and 109N of the *Local Government Act 1993* if a supplementary valuation is made

of any land prior to 30 June 2018, the General Manager may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and

- (b) If a rates notice is issued by the General Manager under sub-clause (a), the amount shown as payable on that notice is due to be paid within 30 days of the date on which that notice is issued.

**D. CAPITAL WORKS PROGRAM**

That Council:

- (a) pursuant to Section 82 of the *Local Government Act 1993* adopts the Capital Works Program for the 2017/2018 financial year as detailed in the Annual Plan
- (b) notes the draft Capital Works programs proposed for financial years 2018/19, 2019/20, 2020/21 and 2021/22 as detailed in the Annual Plan, which remain subject to change depending on other priorities being identified and financial resources which may be available at the time.

**E. FEES AND CHARGES**

That in accordance with Section 205 of the *Local Government Act 1993* Council adopts the Fees and Charges Schedule for the 2017/2018 financial year as detailed in the Annual Plan.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

**5.4 LIVING CITY QUARTERLY REPORT - JUNE 2017 (D474351)**

**99/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Matthews

That the quarterly LIVING CITY progress report be received.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

**5.5 TASWATER - TAKEOVER - LGAT CAMPAIGN (D476771)****100/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That Council in relation to the request from the Local Government Association of Tasmania for funding assistance to support the campaign against the takeover of TasWater by the Tasmanian Government determine to advise the Association that whilst Council's position is that it does not support the takeover of TasWater by the State Government, it does not believe that it should be providing ratepayer money to fund a campaign of this nature.

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

CARRIED

**5.6 MONEY IN SPORT CONFERENCE - MAYOR MARTIN (D477465)****101/17 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Rockliff

That Council authorise the attendance of Mayor Steve Martin at the "Money in Sport" conference in Brisbane in accordance with the "Payment of Aldermen's Allowances, Expenses and Provisions of Facilities" policy.

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

CARRIED UNANIMOUSLY

**5.7 UNCONFIRMED MINUTES - SHARED AUDIT PANEL - 5 JUNE 2017 (D472079)****102/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Emmerton

That the unconfirmed minutes of the Audit Panel meeting held on 5 June 2017 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

<b>6.0 INFORMATION</b>
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**6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D454191)**

**103/17 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 (D454203)**

**104/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Rockliff

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 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY - REPRESENTATIVES MEETING - 25 MAY 2017 (D477926)**

**105/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Milne

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 25 May 2017 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

**6.4 GENERAL MANAGER'S REPORT - JUNE 2017 (D462034)****106/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

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 - 13 JUNE 2017 (D477205)****107/17 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Milne

That the minutes of the Infrastructure Works and Development Committee meeting held on Tuesday, 13 June 2017 be received and the recommendations contained therein be adopted.

IWC 20/17	Tender Report Contract 1314 Supply & Delivery of Pre-Mixed Concrete
IWC 21/17	Stormwater connection policy
IWC 22/17	Public Lighting Strategy - Year 3 Status
IWC 23/17	Waste Management Review
IWC 24/17	Request for Commemorative Seat - Mersey Vale Memorial Park
IWC 25/17	Infrastructure and Works Report
IWC 26/17	Development and Health Services Report

**EFFECTIVE DECISIONS OF THE INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE CONFIRMED BY COUNCIL****IWC 20/17 Tender Report Contract 1314 Supply & Delivery of Pre-Mixed Concrete**

That in relation to Contract 1314 for Supply & Delivery of Pre-Mixed Concrete and in accordance with the delegated authority provided to it by Council under Minute 198/15, award the contract to Boral Construction Materials Pty Ltd based on their submitted schedule of rates.



**IWC 21/17 Stormwater connection policy**

That the report of the City Engineer regarding the Stormwater Connection Policy be received and noted and that Council:

- 1) adopt the Stormwater Connection Policy with immediate effect; and
- 2) accept that the adoption of this Policy redefines the meaning of "reasonable" under Section 19 (1) of the *Urban Drainage Act 2013*.

**IWC 22/17 Public Lighting Strategy - Year 3 Status**

That the report of the City Engineer be received and Council note the status of actions listed in the Devonport City Council Public Lighting Strategy.

**IWC 23/17 Waste Management Review**

That the report of the Infrastructure and Works Manager regarding commercial waste management review be noted and that Council endorse the proposed changes as outlined in the report.

**IWC 24/17 Request for Commemorative Seat - Mersey Vale Memorial Park**

That the application from Anne Lowe for the placement of a commemorative seat at Mersey Vale Cemetery be received and Council advise the applicant that, subject to final determination of the placement of the seat, her request is approved.

**IWC 25/17 Infrastructure and Works Report**

That the Infrastructure and Works report be received and noted.

**IWC 26/17 Development and Health Services Report**

That the Development and Health Services 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

**7.2 PLANNING AUTHORITY COMMITTEE MEETING - 19 JUNE 2017 (D477905)****108/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Laycock

That the minutes of the Planning Authority Committee meeting held on Monday, 19 June 2017 be received and the delegated decisions contained therein be noted.

PAC 13/17 Planning Applications approved/refused under Delegated Authority 1 May 2017 - 9 June 2017

PAC 14/17 PA2017.0017 Two lot subdivision and assessment under Historic Cultural Heritage Act 1995 - 36 Cutts Road, Don

**DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL**

**PAC 13/17 Planning Applications approved/refused under Delegated Authority 1 May 2017 - 9 June 2017**

That the list of delegated approvals be received

**PAC 14/17 PA2017.0017 Two lot subdivision and assessment under Historic Cultural Heritage Act 1995 - 36 Cutts Road, Don**

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013*, Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0017 and grant a Permit to develop land identified as 36 Cutts Road, Don as follows:-

1. Two lot subdivision – assessment against *Historic Cultural Heritage Act 1995*

Subject to the following conditions:

2. The subdivision is to be developed and configured generally in accordance with the following submitted plans and documents, copies of which are attached and endorsed as documents forming part of this Planning Permit:
  - a. Plan of subdivision – Drawing no. D14734-P03 rev 01 by Lester Franks, dated 28/03/17;
  - b. Landslide Risk Assessment – Proposed 2 lot subdivision – 36 Cutts Road, Don – Document Reference TG14077/1 – 01report, by Tasman Geotechnics, dated 27/6/14;
  - c. Letter (Building Area on Proposed New Lot) – Reference TG14077/1 – 02letter by Tasman Geotechnics, dated 4/8/14;
  - d. Letter (Response to Council Request for Clarification) – Reference TG17005/1 – 02letter by Tasman Geotechnics, dated 10 May 2017
3. The developer is to comply with the conditions contained in the 'In-principle agreement for Roads and Stormwater' issued by the Devonport City Council on the 16 May 2017 (copy attached).
4. A building envelope is to be placed on the Final Plan to indicate the suitable location of a future dwelling in accordance with Tasman Geotechnics' recommendation.
5. The Final Plan is to be endorsed as follows:

On-site sewage and sullage disposal:

Lot 1 is suitable for the installation of a septic tank with evapotranspiration beds or an aerated on-site wastewater management system.'

6. The subdivider is to enter into an agreement in accordance with Part 5 of the *Land Use Planning and Approvals Act 1993* to ensure the report prepared by Tasman Geotechnics in regard to geotechnical and onsite wastewater disposal considerations is available to all subsequent owners.
7. The easements on the existing sealed plan in regard to water and access rights are to be removed in accordance with section 103 of the *Local Government (Building and Miscellaneous Provisions Act) 1993* at the time of, or prior to, submission of the final plan of subdivision.
8. The subdivider is not to include any covenants within the Schedule of Easements that by their intended purpose are inconsistent with the relevant zone and code standards of the *Devonport Interim Planning Scheme 2013*.
9. The developer is to either identify the location of the land application disposal system for existing septic tank 1; or submit to Council a design report, including a site and soil evaluation in accordance with AS/NZS1547:2012 and the Director's Guidelines for On-site Wastewater Management Systems, as well as an application for a plumbing permit, for a land application disposal system. As part of this, the report is to assess whether the existing septic tank is suitable for use with regard to its general condition and wastewater loadings.
10. All existing onsite wastewater treatment systems, including land application areas, are to be confined within the boundary of the property they are servicing.
11. The developer is to comply with the conditions specified in the Notice of Heritage Decision which the Tasmanian Heritage Council has required to be included in the planning permit pursuant to section 39 of the *Historic Cultural Heritage Act 1995* (copy attached).
12. The person responsible for the activity must comply with the conditions contained in the *Submission to Planning Authority Notice* which the regulated entity (trading as TasWater) has required the Planning Authority to include in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008* (copy attached).

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

### 7.3 COMMUNITY SERVICES COMMITTEE MEETING - 19 JUNE 2017 (D477906)

#### 109/17 RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Rockliff

That the minutes of the Community Services Committee meeting held on Monday, 19 June 2017 be received and the recommendations contained therein be adopted.

CSC 09/17 Beach Volleyball Courts

CSC 10/17 Minutes of the Sport and Recreation Strategic Special Committee Meeting - May 2017

CSC 11/17 Sporting Precinct Master Plan

CSC 12/17 Devonport Gymnastics Club

CSC 13/17 Terms of Reference Council Special Interest Groups, Working Groups and Advisory Boards

CSC 14/17 Community Financial Assistance - Review 2016/2017

CSC 15/17 Julie Burgess performance 2016/2017 and business plan 2017/2018

CSC 16/17 Community Services Report - June 2017

#### EFFECTIVE DECISIONS OF THE COMMUNITY SERVICES COMMITTEE CONFIRMED BY COUNCIL

##### CSC 09/17 Beach Volleyball Courts

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

1. Note the outcomes of the discussions with the Devonport Volleyball Association;
2. Ensure the proposal for a new beach volleyball court is considered as part of the Bluff Precinct Master Planning process;
3. Conduct further community engagement regarding a suitable site for the project prior to any further development; and
4. Remove existing infrastructure at the EDR&FC in 2017/18 and reinstate the area with grass.

##### CSC 10/17 Minutes of the Sport and Recreation Strategic Special Committee Meeting - May 2017

That the minutes of the Sport and Recreation Strategic Special Committee meeting held on Wednesday 31 May 2017 be received and noted.

##### CSC 11/17 Sporting Precinct Master Plan

That the Sporting Precinct Master Plan be endorsed.

##### CSC 12/17 Devonport Gymnastics Club

That the report relating to a new Gymnastics facility be received and noted that Council advise the Devonport Gymnastics Club

that:

1. It is willing to act as guarantor for a loan of no more than \$300,000 specifically to be used for a new Gymnastics facility at Maidstone Park subject to confirmation of funding from State and Federal Government and the entering into of a formal agreement; and
2. Ongoing discussions regarding the exact location of the facility are continuing

**CSC 13/17 Terms of Reference Council Special Interest Groups, Working Groups and Advisory Boards**

That the report of the Community and Cultural Development Manager relating to the terms of reference for Interest Groups, Working Groups and Advisory Boards be received and noted and that Council adopts the:

- (a) Active City Special Interest Group Terms of Reference
- (b) East Devonport Special Interest Group Terms of Reference
- (c) Liveable Communities Special Interest Group Terms of Reference
- (d) Public Art Special Interest Group Terms of Reference
- (e) Devonport Regional Gallery Advisory Board Terms of Reference
- (f) Devonport Food and Wine Working Group Terms of Reference
- (g) Devonport Jazz Working Group Terms of Reference
- (h) Tidal Festival Working Group Terms of Reference

**CSC 14/17 Community Financial Assistance - Review 2016/2017**

That the report of the Community and Cultural Development Manager outlining community financial assistance outcomes be received and noted.

**CSC 15/17 Julie Burgess performance 2016/2017 and business plan 2017/2018**

That the Julie Burgess Year to Date Performance and 2017/2018 Business Plan Report be received and noted.

**CSC 16/17 Community Services Report - June 2017**

That the Community Services report be received and noted.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

**8.0 CLOSED SESSION****110/17 RESOLUTION**

MOVED: Ald Emmerton

SECONDED: Ald Milne

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

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
8.1	Application for Leave of Absence	15(2)(h)
8.2	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.3	Local Government Association of Tasmania - Election of President - General Management Committee15	15(2)(g)
8.4	Fenton Villas	15(2)(c).(f)

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
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 6:58pm to reconvene in Closed Session at 6:59pm.**

**The Council moved out Closed Session at 7:06pm**

**Council resumed in open session at 7:07pm**

**CLOSURE**

**There being no further business on the agenda the closed session was declared closed at 7:07pm**

Confirmed

Chairman