

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON MONDAY, 22 MAY 2017 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:26pm	54 minutes
Closed Session	6:27pm	6:57pm	30 minutes
Total			1 hour 24 minutes

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

Council Officers:

General Manager, P West
Executive Manager Corporate, Community and Business, S Crawford
Development Manager, B May

Audio Recording:

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

1.0 APOLOGIES

The following apology was received for the meeting.

Ald L M Perry	Leave of Absence
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2.0 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Ald S L Martin	5.1	Disposal of 108 Tarleton Street, East Devonport to Oak Possability
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3.0 PROCEDURAL**3.1 CONFIRMATION OF MINUTES****3.1.1 COUNCIL MEETING - 24 APRIL 2017****75/17 RESOLUTION**

MOVED: Ald Goodwin
SECONDED: Ald Matthews

That the minutes of the Council meeting held on 24 April 2017 as circulated be confirmed.

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

76/17 RESOLUTION

MOVED: Ald Milne
 SECONDED: Ald Goodwin

That Council note the response to questions from Mr Trevor Smith and Mr Malcolm Gardam at the 24 April 2017 Council meeting.

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

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

77/17 RESOLUTION

MOVED: Ald Rockliff
 SECONDED: Ald Laycock

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

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

CARRIED UNANIMOUSLY

3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

DOUGLAS JANNEY 23 WATKINSON STREET, DEVONPORT

Q1. What consideration has been given to installing a couple of charge bays for electric vehicles in the multistory car park (currently being constructed)?

Response

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

WENDY HILDITCH 41 MURRAY STREET, EAST DEVONPORT

Q1. With disposal of the ratepayer owned land such as 108 Tarleton Street, is what Council proposes to do the normal process and to follow it up should this land no be put to public tender and having read the agenda I would ask myself why would the proposed developer spend \$4.5M to house between 10 and 16 people?

Response

The Mayor responded that those items would be discussed later in the meeting.

TREVOR SMITH 7 GLEN COURT, DEVONPORT

- Q1.** Roadworks were recently completed in Elizabeth Street Devonport, when will the potholes be fixed after recent rains? Why is this happening so soon after the project completion?
- Q2.** When will the potholed road, at the front of Bob Jane Tyres be repaired? The road has been like this since Easter; surely as a shareholder of Taswater, you could get this problem sorted out by now? This problem must be having dust issues with the local business owners in the area?
- Q3.** Recently roadworks were completed at 243 William Street Devonport, why hasn't the remaining blue metal been swept up? And why is the bitumen surface starting to break up and form potholes, after the recent rains? It hasn't turned winter yet, and this is happening so soon?
- Q4.** When do you intend to fix the ongoing flood drainage problem, at the junction of the Bass Highway Off-ramp to Formby Road Devonport? This issue has been happening over many years, causing a traffic hazard to motorists travelling along this road!

You recently completed road re-alignments at the start of Mersey Main Road, so monies can be available to carry out this work!

Response

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

MALCOLM GARDAM 4 BEAUMONT DRIVE, MIANDETTA

- Q1** Do the Aldermen believe that it is a reasonable ratepayer expectation that statements, opinions and views in Council correspondence, promotional literature and the media as expressed by the Mayor, Aldermen and senior staff, in their capacity as representatives of Devonport City Council, should be factual and able to be reasonably substantiated on request?

Response

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

- Q2** In an Advocate article "*Mayor strong on city renewal*" 13th March 2017, the Mayor stated "*I've been to Melbourne and spoken with Big W and saw the report where their data identified Devonport as the place to set-up in the region.*" And on ratepayer questioning confirmed that this event took place in May 2012 and by his own admission had been making that statement for five (5) years; **does the Mayor still hold to the view and his statements implying Big W still has Devonport's Living City site as a priority location** to establish?

Response

The Mayor advised that negotiations with Big W and other entities in regard to LIVING CITY are ongoing.

- Q3.** Does the Mayor or any Alderman know, or been made aware of by the Project Development Manager (P+i) and/or any senior staff member managing Living City, and specifically prior to approving Stage 1 construction of Living City in March 2016, the outcome of the 2014 Big W Store Network Strategic Review? (which amongst other factors analysed were)
- A review of the existing store network including performance, store location and identification of key drivers for successful stores.

- An analysis of the population required for Big W stores in capital cities, grown areas and regional locations.
- An overview of the current and future competitive environment, specifically including Kmart, Target and mini-major tenants.
- Identification of the ideal store network for Big W including ranking the possible future opportunities.

Response

The Mayor advised that discussions with Big W and other entities in regard to LIVING CITY are ongoing.

- Q4.** If the answer is "No" and with Big W being the initial driver and cornerstone for the Living City retail led concept in its current location and as presented to ratepayers, why were the Mayor and Aldermen not made aware of a Big W review commenced almost two (2) years prior to the Council decision to approve Stage 1 construction in March 2016?

Response

The Mayor advised that discussions with Big W and other entities in regard to LIVING CITY are ongoing.

- Q5.** As it has been **stated by the Mayor that discussions are still taking place** and statements such as "...and what that may be we are working through with the big players – such as Target and **Big W...**" (Advocate 13/03/17); will the Mayor please confirm that following the 2014 Big W Store Network Strategic Review that Big W still has Devonport as a high priority, within its ranking of possible future opportunities, to establish within Living City, as has been implied by the Mayor?

On page 28 (last dot point of item 5.1) and page 52 (State Government Agreement) of the March 2017 Ordinary Meeting Agenda, it advises of the conversion of the previous State Government "election promise grant" to a \$13,000,000 contribution towards replacement and ownership of the new LINC/Service Tasmania premises.

Response

The Mayor advised that discussions with Big W and other entities such as Target are ongoing.

- Q6.** Will council representatives now cease referring to, or implying that, there is a current State Government grant associated with Living City and adjust its existing and future promotional statements accordingly?

Response

The Mayor advised "we have done"

- Q7.** What is the value of any concessions or fees payable to operate Council's Service Counter operations from the new State owned LINC/Service Tasmania premises currently under construction?

Response

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

- Q8.** Council has sought to make much of the previous State Government "election promise grant," in terms of somehow justifying a level of due diligence of the Living City project by the State Government and an additional \$1,000,000 funding of the LINC/Service Tasmania area of the Multi-purpose Building, all with the full knowledge since at least December 2016 that it was no longer grant money; accordingly will Council confirm that it will immediately cease/rectify any misleading promotion of these aspects of State Government involvement?

Response

The Mayor advised that Council have not made any misleading statements with the information at hand and will continually update information as Council progresses.

Q9. Will Council **please confirm** that the **State Government contribution of \$13,000,000** to cover construction and ownership, **fully fund the LINC/Service Tasmania building, administrative overhead and fitout costs** as part of the Multi-purpose Building construction?

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

Response

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

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 What is the situation at this point in time regarding the future of Harris Scarfe. Does Council still have a binding agreement, that they will in fact remain in the city when they are required to move if/when the proposed hotel development eventuates?

Response

The Mayor responded that Council are currently in negotiations with Harris Scarfe in regard to them wanting to stay in the City and relocation at an appropriate time.

Q1a Are we sure they are staying?

Mayor responded that Harris Scarfe have passed on their intention that they want to stay. Council are in negotiations with them at the moment to find and set them up in an appropriate building.

Q2 Mayor and Aldermen, I hope I am not accused of cherry picking when I say, from my reading of the Horwath HTL Living City Hotel Report, it clearly states on page 8 that "The existing Harris Scarfe store is relocating into the retail precinct, releasing the land for Stage 3".

I note and I emphase the words **THE Harris Scarfe store IS relocating**, there are no ifs or buts and you must surely agree that the statement is categorical, so:

Does that mean:

- A. The author of the Horwath Report knows more than Council what the future situation of Harris Scarfe is in Devonport or:
- B The author was only surmising that Harris Scarfe would relocate into the retail precinct?

*For your information the relevant statement is appended. *(my highlighting)*

REF: Horwath LC Hotel Report Page 8 – Harris Scarfe relocation to the retail precinct

Stage 1 – comprises the Multi-Purpose Building, multi-storey car park and Food Pavilion. The relocation of Council offices, LINC and Magistrates Court will then free up the land required for the proposed new retail precinct (Stage 2).

Stage 2 – incorporates a new retail precinct potentially featuring major retailers, a discount department store, a new supermarket and additional specialty stores, located between Oldaker Street and Best Street, including the former Harvey Norman building. *The existing Harris Scarfe store **is** relocating into the retail precinct, releasing the land for Stage 3.

(Note the word >IS<)

Please include all the above, questions, and DCC responses in writing in the next ordinary meeting agenda.

Response

The Mayor responded to all questions by advising that Council are in negotiations with Harris Scarfe in regard to remaining in the Devonport precinct and relocation at an appropriate time.

3.3 QUESTIONS FROM ALDERMEN

Nil

3.4 NOTICES OF MOTION

Nil

4.0 PLANNING AUTHORITY MATTERS

4.1 LAND USE PLANNING AND APPROVALS ACT 1993 - DELEGATIONS - (D461538)

On the advice of the General Manager the item relating to *Land Use Planning and Approvals Act 1993 – Delegations* was withdrawn from the agenda.

5.0 REPORTS

Ald Martin having declared an interest in the next item left the meeting at 5:48pm.

The Deputy Mayor, Ald Rockliff assumed the Chair

5.1 DISPOSAL OF 108 TARLETON STREET, EAST DEVONPORT TO OAK POSSIBILITY (D467357)

78/17 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Milne

That Council receive and note the report in relation to disposal of the property at 108 Tarleton Street, East Devonport and the objectors be advised that Council:

- (a) has considered their objections; and
- (b) intends to proceed with the transfer to OAK Possability in accordance with Section 178(6) of the *Local Government Act 1993*.

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

CARRIED

Ald Martin returned to the meeting at 6:05pm and resumed the Chair.

.5.2 TASWATER - STATE GOVERNMENT TAKEOVER (D471928)**79/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That the report of the General Manager relating to TasWater be received and noted and that Council confirm its position that it does not support the proposed takeover by the State Government of the Corporation as it is not convinced that such action would be in the best interest of its community.

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

CARRIED UNANIMOUSLY

6.0 INFORMATION**6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D454190)****80/17 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Laycock

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 Laycock	✓	
Ald Emmerton	✓		Ald Matthews	✓	
Ald Goodwin	✓		Ald Milne	✓	
Ald Jarman	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

6.2 MAYOR'S MONTHLY REPORT (D454202)**81/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Emmerton

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

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

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - MAY 2017 (D462033)**82/17 RESOLUTION**

MOVED: Ald Jarman
 SECONDED: Ald Goodwin

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

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

CARRIED UNANIMOUSLY

6.4 UNCONFIRMED MINUTES - CRADLE COAST WASTE MANAGEMENT GROUP - 10 APRIL 2017 (D471825)**83/17 RESOLUTION**

MOVED: Ald Matthews
 SECONDED: Ald Rockliff

That the unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 10 April 2017 be received and noted.

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

CARRIED UNANIMOUSLY

7.0 SECTION 23 COMMITTEES**7.1 PLANNING AUTHORITY COMMITTEE MEETING - 8 MAY 2017 (D471932)****84/17 RESOLUTION**

MOVED: Ald Goodwin
 SECONDED: Ald Jarman

That the minutes of the Planning Authority Committee meeting held on Monday, 8 May 2017 be received and the decisions contained therein be noted.

- PAC 07/17 Planning Applications approved under Delegated Authority 13 March 2017-28 April 2017
- PAC 09/17 PA2017.0038 Community Meeting and Entertainment (Church and Car Park Extension) – Assessment Against the Use Standards – 20-22 Nicholls Street Devonport (D471044)
- PAC 11/17 PA2017.0040 Residential (Outbuilding) – Assessment Against Performance Criteria for Setbacks and Building Envelope – 17 Leary Avenue Stony Rise (D470476)

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

CARRIED UNANIMOUSLY

DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL

PAC 07/17 Planning Applications approved under Delegated Authority 13 March 2017-28 April 2017

That the list of delegated approvals be received.

PAC 09/17 PA2017.0038 Community Meeting and Entertainment (Church and Car Park Extension) – Assessment Against the Use Standards – 20-22 Nicholls Street Devonport (D471044)

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 PA2017.0038 and grant a Permit to use and develop land identified as 20-22 Nicholls Street, Devonport for the following purposes:

Community Building and Entertainment (Church and car park extension) – assessment against the Use Standards

Subject to the following conditions:

1. Unless requiring modification by subsequent conditions of this permit the Use and Development is to proceed and be undertaken generally in accordance with:
 - (a) The submitted plans referenced as Alterations and Extensions for Pathway to Life Church, Project 1511 by Milton Smith building design dated January 2017 copies of which are attached and endorsed as documents forming part of this Planning Permit.
 - (b) The In-principle Agreement for Road and Stormwater submitted with the application dated 20 March 2017.
 - (c) The Lighting Design Report, project 6475 dated 23 March 2017 by Southern Lighting and Distribution.
2. Vehicular accesses to the site are to be identified by suitable located unobtrusive directional signs and regular conveying of the matter to users of the site.
3. The lighting design and devices for the Allanbrae Place access point is to be reassessed and designed to a lower illumination due to consideration of this access only being used as an entrance to the site.
4. The developer is to take all reasonable steps during demolition and construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and doesn't allow for burning of any waste materials.

5. The applicant is to contact Council's Environmental Health Department to ascertain and confirm the food business aspects of the proposal. The outcome of this may impose an obligation for the Building Surveyor to submit the required details as provided by the applicant for the identified food preparation and handling areas.
6. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.

PAC 11/17 PA2017.0040 Residential (Outbuilding) – Assessment Against Performance Criteria for Setbacks and Building Envelope – 17 Leary Avenue Stony Rise (D470476

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*, **refuse** application PA2017.0040 to retrospectively develop land at 17 Leary Avenue, Stony Rise, for the following reason:

- The Planning Authority is not satisfied that the application has demonstrated that it meets the performance criteria in relation to the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot in accordance with the requirements of Clause 10.4.2, Performance Criteria 3 of the Devonport Interim Planning Scheme 2013.

**7.2 GOVERNANCE AND FINANCE COMMITTEE MEETING - 15 MAY 2017 (D473019)
85/17 RESOLUTION**

MOVED: Ald Rockliff
SECONDED: Ald Laycock

That the minutes of the Governance and Finance Committee meeting held on Monday, 15 May 2017 be received and the recommendations contained therein be adopted.

- GFC 62/17 Annual Plan Progress Report - July 2016 - April 2017
GFC 63/17 Elected Members' Expenditure Report - March 2017-April 2017
GFC 64/17 Council Committees Policy Review
GFC 65/17 Finance Report for April 2017
GFC 66/17 Governance & Finance Report

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

CARRIED UNANIMOUSLY

**EFFECTIVE DECISIONS OF THE GOVERNANCE AND FINANCE COMMITTEE
CONFIRMED BY COUNCIL**

GFC 62/17 Annual Plan Progress Report - July 2016 - April 2017

That the 2016/17 Annual Plan Progress Report for the period ended 30 April 2017 be received and noted.

GFC 63/17 Elected Members' Expenditure Report - March 2017-April 2017

That the report advising of Aldermen expenses be received and noted.

GFC 64/17 Council Committees Policy Review

That Council adopt the revised Council Committees Policy, effective 1 July 2017.

GFC 65/17 Finance Report for April 2017

That the Finance Report for April 2017 be received and noted.

GFC 66/17 Governance & Finance Report

That the Governance and Finance report be received and noted.

8.0 CLOSED SESSION

86/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Emmerton

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	80-82 River Road, East Devonport - Expression of Interest to purchase	15(2)(f)
8.4	Art Gallery Relocation	15(2)(d)

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

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 6:26pm to reconvene in Closed Session at 6:27pm.

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