

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

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	7:02pm	1 hour 32 minutes
Closed Session	7:03pm	7:35pm	32 minutes
Total			2 hours 4 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 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  
Development Services Manager, B May  
Planning Coordinator, S Warren

**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 Matthews	Apology
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**2.0 DECLARATIONS OF INTEREST**

The following Declarations of Interest were advised:

Ald Milne	3.4.1	Support for Helipad – Mersey Community Hospital
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**3.0 PROCEDURAL**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 COUNCIL MEETING - 24 JULY 2017****145/17 RESOLUTION**

MOVED: Ald Laycock

SECONDED: Ald Milne

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

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

CARRIED UNANIMOUSLY

**3.1.2 SPECIAL COUNCIL MEETING - 7 AUGUST 2017****146 /17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Rockliff

That the minutes of the Special Council meeting held on 7 August 2017 as circulated be confirmed.

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

CARRIED UNANIMOUSLY

**3.2 PUBLIC QUESTION TIME****3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS****147/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Rockliff

That Council note the responses to questions from Mr Trevor Smith and Mr Malcolm Gardam at the 24 July 2017 Council meeting and from Mr Douglas Janney at the 14 August 2017 Infrastructure Works & Development Committee meeting.

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

CARRIED UNANIMOUSLY

**3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC****148/17 RESOLUTION**

MOVED: Ald Rockliff  
 SECONDED: Ald Emmerton

That Council in relation to the correspondence received from Mr Bob 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 Laycock	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

**3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC****MR TONY BUTLER – 2 DREW STREET, EAST DEVONPORT**

**Q1** What I would like to ask is that as a Council, what does dispensation mean? If you take over land, the carpet factory got a dispensation order, but if you go around, anyone looking into the area etc it comes up that it is still under residential. Is it residential still, or does dispensation apply to whenever they move?

**Response**

The Development Manager replied that the word dispensation is a technical term which appears in the *Land Use Planning and Approvals Act 1993* and what happened on the site that you are referring too was not a Council decision it was a Tasmanian Planning Commission decision. The owner of that property made an application to carry on a business which was not a permitted use in the General Residential Zone at this stage. After going through the processes that the Act requires which included advertising, getting public representations, making a report to Council, it was then referred to the TPC and they have used the technical term "dispensation" to allow that owner, and that owner only, to operate the business of processing and packing potatoes at that site.

**Q2** In Brooke Street there was a place there for years and I think it could have had something to do with vegetables or potatoes and that is zoned as Residential, but in the last three weeks a trucking operation has taken over. If you go over there, its not real good. I don't know how many acres it would be but there is three or four and they bring the logs in and they are stripping down trucks and its Residential and they should not be there?

**Response**

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

**Q3** This is from 10 June 2014 for mobility steps to be put down in Wheeler Street. From what I know nothing has been done about it but it says that when Council has the funds they would do something. Surely it wouldn't take three years to put a couple of ramps on either side of the steps, so that mobility scooters are able to go up?

**Response**

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

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

- Q1** The Julie Burgess was dry docked for maintenance last month, could you inform me of the full cost of repairs plus slippage fees as well? Is this an annual cost to the ratepayers of Devonport?
- Q2** Could you please tell me why the Council owned land, which is for sale, at 2-12 Murray Street, East Devonport wasn't advertised in the Advocate, under the highest tender? This seems to be the norm lately, with the Council not initially advertising the Parkland for sale at 108 Tarleton Street, East Devonport. The Council finally advertised the land for sale, with pressure from the ratepayers of Devonport.

**Response**

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

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

- Q1.** In response to my **Q2.** dated 24<sup>th</sup> July 2017, regarding council funded fit-out of tenancies within the Food Pavilion, council stated *“Provision of \$850,000 was included in the budget approved by Council for fit-out and allows for work such as floor finishes, partition walls, ceilings and **equipment fit for purpose**, and as such be agreed with tenants.”*; will council please expand on what **“equipment fit for purpose”** is and does it extend to concessions or otherwise including equipment such as kitchen equipment and fixtures?
- Q2.** In response to my **Q3.** dated 21<sup>st</sup> August 2017, asking if Council could please advise who are the owners/shareholders and directors of Southern Wild Distillery Pty Ltd (SWD) and Providore Place Devonport Pty Ltd (Providore Place), both lease holders with the Devonport City Council, Council responded *“This is not information Council maintains. Company information can be sourced through a search with the Australian Securities and Investment Commission (ASIC).”*; accordingly, can Council please confirm the following:
- a) Is Council aware of a 50% change in ownership of Providore Place Devonport Pty Ltd with the substitution of Forager Holdings Pty Ltd in lieu of previous 50% owner Pollination Partners Pty Ltd?
  - b) Can Council advise as to the reason for the 50% change in ownership; and
  - c) Has the change of ownership been approved by Council (as is a normal requirement of contracts) and has the Head Lease Agreement with Providore Place Devonport Pty Ltd been amended and re-signed to capture the change and any associated securities within of the contract?

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 response provided in writing.

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

During discussions at the LINC/Library Living Room Meeting on the 4<sup>th</sup> August 2017 a meeting which Jeremy Rockliff MHA the Deputy Premier & Minister for Education and Training, you Mayor and others also attended, I made several comments and asked some questions about the State Government's involvement in the LIVING CITY Project.

The Minister admitted, in words to the effect, that he has repeatedly stated LIVING CITY is a project that will be of benefit for the entire North West Coast.

Also he admitted that the Government originally had a contract to part fund the construction of the new LINC/Library and lease/rent it back at \$1 dollar per year for 50 years and had recently decided to change the original contract from a grant of \$10 million and change it to a Strata Title purchase.

I then mentioned was that to save ONE dollar a year in rent?

When it was put to him that as Devonport already had a LINC/Library owned by the State that in reality the Government any real additional benefit he did not dispute that fact.

My reply: Minister – in other words having encouraged Devonport Council to borrow approx \$40 million an amount ratepayers, to coin an old phrase, will be left with “holding the baby”, they will now be repaying for years to come and thus providing benefit to others in the N W region at Devonport's expense. As a consequence of this Devonport will have the largest debt of any Council in Tasmania. This comment was not disputed.

The Deputy Premier was then asked why he agreed to allow almost the entire cost of stage one of approximately \$50 million to be financed by Devonport ratepayers from their cash reserves and borrowings.

The response to that question, in my opinion, was that no straight forward or logical answer was given.

**Q1** I now ask: will you Mayor and Aldermen on behalf of the ratepayers make proper representation to the State Government requesting that they give financial assistance in the form of a special grant to relieve ratepayers of this debt they, the State Government, was complicit with Council in imposing on present and future ratepayers for many years to come?

Please include comments, questions and responses in the DCC 25<sup>th</sup> September meeting Agenda.

**Response**

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

**PETER STEGMANN – 118 RIVER ROAD, EAST DEVONPORT**

**Q1** I would just like to follow on from a discussion that took place here some months ago, I think from memory, when the Council seemed to be a little bit keen to get the Fire Brigade and the Ambulance Centre moved from its present location. Have we progressed with that at all or come to a stalemate, is there any progress at all?

**Response**

The General Manager advised that Council has been in communication with both Ambulance Tasmania and the Fire Brigade and has also spoken with the Premier and the Minister for Emergency Services in relation to the matter and they understand the issues, particularly around the size of the building, but also access to and from the

highway. However, it is not high on their list of priorities at this stage, but they have certainly taken it under advisement.

**Q2** Will Council pursue that issue on a regular basis trying to get some conclusion here, better than what we have got so far?

**Response**

The Mayor gave an undertaking that it is certainly on Council's desk and will be followed up with the Ministers involved.

**3.3 QUESTIONS FROM ALDERMEN**

Nil

**3.4 NOTICES OF MOTION**

The Mayor vacated the Chair and the Deputy Mayor assumed the chair at 5:46pm for the following item.

Ald Milne having declared an interest in the item left the meeting at 5:46pm.

**3.4.1 SUPPORT FOR HELIPAD - MERSEY COMMUNITY HOSPITAL - NOTICE OF MOTION - ALD G F GOODWIN (D486687)**

**RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the Devonport City Council support the construction and implementation of a Helipad at the Mersey Community Hospital Latrobe as proposed by the State Government.

**AMENDED MOTION**

MOVED: Ald Martin

SECONDED: Ald Emmerton

That the Devonport City Council support the construction and implementation of a Helipad at the Mersey Community Hospital Latrobe as proposed by the State Government conditional on the State Government guaranteeing that essential, critical care, lifesaving services, will be maintained at the minimal Emergency Department level, of a 16 hour per day coverage, plus on-call, by an emergency specialist, that of a Fellow of Australian College of Emergency Medicine (FACEM)."

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

LOST

**149/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the Devonport City Council support the construction and implementation of a Helipad at the Mersey Community Hospital Latrobe as proposed by the State Government.

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

CARRIED UNANIMOUSLY

Ald Milne returned to the meeting at 6:24pm.

The Mayor resumed the Chair at 6:24pm.

#### 4.0 PLANNING AUTHORITY MATTERS

##### 4.1 AM2017.01 REZONING FROM GENERAL RESIDENTIAL TO COMMERCIAL AND PA2017.0062 TRANSPORT DEPOT AND DISTRIBUTION & STORAGE - 26 NORTH CAROLINE STREET EAST DEVONPORT (D485987)

###### 150/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That Council forward a copy of this report to the Tasmanian Planning Commission in accordance with the requirements of Section 39(2) of the *Land Use Planning and Approvals Act 1993*.

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

CARRIED UNANIMOUSLY

##### 4.2 AM2017.02 & PA2017.0101 REZONING FROM PORT AND MARINE ZONE TO LOCAL BUSINESS ZONE TO ALLOW THE DEVELOPMENT OF A RETAIL COMPLEX - 2-12 MURRAY STREET, EAST DEVONPORT (D487893)

###### 151/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the Planning Authority:

- A. Agree to certify AM2017.02 to rezone land from Port and Marine to Local Business; and
- B. Under Section 43A of the *Land Use Planning and Approvals Act 1993* approve PA2017.0101 for the development of a Retail Complex and consolidation of land identified as 2 – 12 Murray Street, East Devonport subject to the following conditions:
  1. Unless requiring modification by subsequent conditions on this permit the use and development is to proceed and be undertaken generally in accordance with the submitted plans referenced as Project No 13.159 issue date 13.07.17 by 6ty<sup>o</sup> Pty Ltd and the Traffic Impact Assessment by Midson Traffic Pty Ltd dated May 2017, copies of which are attached and endorsed as documents

forming part of this Planning Permit.

2. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.
3. The developer is to take all reasonable steps during demolition and construction to prevent environmental effects occurring that might result in a nuisance. This includes no immediate off-site storage of associated building equipment and materials on public land and the pollutant effects of noise and water as well as air pollution from the result of any burning of waste.
4. The development will be required to limit stormwater discharge to that equivalent to 50% of the development site being impervious. Calculations and design drawings will need to be provided and approved to satisfy this before work commences. The on-site detention design can include surface storage in the carpark area.
5. The developer is to install a single stormwater service connection only servicing the proposed development. Any redundant stormwater service connections are to be located and capped off in accordance with the industry standard.
6. The development is to be located clear of the existing 'Gateway' tree, surround and road markings in Murray Street. In this regard the proposed entrance should be located slightly to the west.
7. The developer is to provide details on their plans of the suitable treatments for the relocation and reinstatement of the existing streetscape features including exposed aggregate concrete, street trees, surrounds, street light standards, stamped concrete footpath panels and road markings along the Murray Street frontage.
8. The developer is to design a suitable pit grate and surround to replace the existing stormwater side entry pit at the heavy vehicle entrance off Norton Way.

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 and provide the necessary building and plumbing approvals and notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

The developer is to obtain approval from Council's Environmental Health Department before any works commence on the food preparation/handling areas. As part of this a building surveyor is to submit a Form 42 and associated paperwork, details of the nature of the foods intended to be prepared, types of manufacturing and preparation intended to be undertaken on the premises, and any relevant drawings, specifications and documents that relate to that work.

There are no disabled parking spaces indicated in the proposed parking layout. This will need to be included.

It is not clear that the proposed heavy vehicle/RV exit onto Norton Way is wide enough for the required left-hand turn for the intended vehicle sizes.



Consideration should be given to widening or aligning the access to suit the required turning paths.

The one-way connection between Murray Street and Norton Way is not on a road reserve and cannot be relied on.

The proposed Light/Heavy vehicle exit onto Murray Street appears to adversely impact the existing traffic management treatment enabling access into the Ferry terminal. The submitted TIA does not address this feature and it should be noted due to the existing use of this facility this traffic management feature is not relocatable without consent between the Road Authority and TasPorts.

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

CARRIED UNANIMOUSLY

The Planning Coordinator, Shane Warren left the meeting at 6:32pm.

## **5.0 REPORTS**

### **5.1 TENDER REPORT CONTRACT CT0175 VICTORIA PARADE CARPARK RECONSTRUCTION (D484744)**

#### **152/17 RESOLUTION**

MOVED: Ald Rockliff  
SECONDED: Ald Goodwin

That Council, in relation to Contract CT0175 Victoria Parade Carpark Reconstruction:

- a) award the contract to ATM Civil Contracting for the tendered sum of \$376,232.00 (exc GST);
- b) note that other project costs are estimated to total \$89,420.00 (ex GST); and
- c) approve a commencement date of 4 September 2017, subject to the site being suitably cleared from any construction activity and made available for the opening ceremony for the Masters Games on 21 October 2017.

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

CARRIED UNANIMOUSLY

## 5.2 TENDER REPORT - CONTRACT CB0080 DEVONPORT ENTERTAINMENT AND CONVENTION CENTRE/ART GALLERY INTEGRATION PROJECT (D486391)

### 153/17 RESOLUTION

MOVED: Ald Rockliff  
 SECONDED: Ald Emmerton

That Council, in relation to Contract CB0080 - Devonport Entertainment and Convention Centre/Art Gallery Integration Project:

- a) award the contract to Fairbrother Pty Ltd for a revised tender sum of \$2,330,370 (ex GST); and
- b) note that other project costs are estimated to total \$778,580 (ex GST).

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

CARRIED UNANIMOUSLY

## 5.3 CROWN LAND TRANSACTIONS FOR LIVING CITY (D486467)

### 154/17 RESOLUTION

MOVED: Ald Goodwin  
 SECONDED: Ald Emmerton

That Council note the report regarding LIVING CITY Stage 1 title adjustments and:

1. endorse the General Managers execution of the Best Street encroachment agreement; and
2. authorise the General Manager to:
  - remove the covenant from the rear of the Town Hall title to facilitate the food pavilion, art gallery and market square by surrendering the title and accepting its regranteeing in two separate titles; and
  - agree to purchase the old LINC site for \$1 as per agreement in attachment 3.

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

CARRIED UNANIMOUSLY

**5.4 DEVONPORT MENS SHED INC - PARTNERSHIP AGREEMENT (D487543)****155/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Milne

That Council approve the partnership agreement with the Devonport Men's Shed Inc.

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

CARRIED UNANIMOUSLY

**5.5 TASWATER - STATE GOVERNMENT TAKEOVER (D483897)****156/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Rockliff

That Council in relation to the Legislative Council Select Committee Inquiry determine that the best avenue at this time is for the Local Government Association of Tasmania (LGAT) to provide a sectoral submission to the Inquiry.

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

CARRIED UNANIMOUSLY

**5.6 80-82 RIVER ROAD, EAST DEVONPORT - OBJECTIONS TO DISPOSAL (D485176)****157/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Emmerton

That Council receive the report in relation to disposal of the property at 80-82 River Road, Ambleside and:

- (a) that objectors be advised that Council has considered their objections and it intends to proceed with the disposal; and
- (b) note that objectors may not have a formal appeal process through the Resource Management and Planning Appeal Tribunal.

**PROCEDURAL MOTION**

MOVED: Ald Goodwin

That the matter be deferred and returned to a Workshop session.

The Mayor refused to accept the procedural motion on the basis that it had nothing to do with the recommendation before Council. Where Council got the land from has no effect on the motion before Council at the moment.

The motion was then put and

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

CARRIED

## 5.7 PROPOSED SALE OF LAND - 24-26 TRITON ROAD EAST DEVONPORT (D485382) 158/17 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Perry

That Council authorise the General Manager in relation to property owned by it at 24-26 Triton Road, East Devonport to:

- obtain an independent valuation of the individual titles;
- seek expressions of interest from local real estate agents to market and sell the property;
- based on the principle of 'best value' appoint an agent to act on behalf of Council in the sale process; and
- in consultation with the appointed agent determine the price for each title taking into account the independent valuations received.

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

CARRIED UNANIMOUSLY

## 5.8 PUBLIC QUESTION TIME POLICY (D486805)

### 159/17 RESOLUTION

MOVED: Ald Rockliff

SECONDED: Ald Milne

That the report relating to the Public Question Time Policy be received and noted and Council:

- adopt the Public Question Time Policy; and
- make it effective to all relevant Council and Section 23 Committee meetings from 1 September 2017.

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

CARRIED UNANIMOUSLY

**5.9 ANNUAL GENERAL MEETING (D487267)****160/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That the 2017 Annual General Meeting be held in the Council Chambers on Monday 30 October 2017 at 5:30pm.

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

CARRIED UNANIMOUSLY

**6.0 INFORMATION****6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D454193)****161/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Perry

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

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

CARRIED UNANIMOUSLY

**6.2 MAYOR'S MONTHLY REPORT (D454205)****162/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Laycock

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

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

CARRIED UNANIMOUSLY

**6.3 GENERAL MANAGER'S REPORT - AUGUST 2017 (D462037)****163/17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Perry

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

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

CARRIED UNANIMOUSLY

**7.0 SECTION 23 COMMITTEES****7.1 PLANNING AUTHORITY COMMITTEE MEETING - 31 JULY 2017 (D484843)****164/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Rockliff

That the minutes of the Planning Authority Committee meeting held on Monday, 31 July 2017 be received and the decisions determined be noted.

PAC 19/17 Planning Applications approved under Delegated Authority 10 July 2017 - 20 July 2017

PAC 20/17 PA2017.0073 Two Lot Subdivision (House Excision) - 94 Cutts Road Don

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

CARRIED UNANIMOUSLY

**DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL****PAC 19/07 Planning Applications approved under Delegated Authority 10 July-20 July 2017**

That the list of delegated approvals be received.

**PAC 20/17 PA2017.0073 Two Lot Subdivision (House Excision) – 94 Cutts Road Don**

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 PA2017.0073 and grant a Permit to subdivide land identified as 94 Cutts Road, Don for the following purposes:

- Two lot subdivision (house excision)

Subject to the following conditions:

1. The subdivision is to be configured substantially in accordance with the submitted plan referenced as Drawing No D15114 dated 22/05/17 by Lester Franks a copy of which is attached and endorsed as a document forming part of this Planning Permit.
2. Prior to or at the time of sealing the Final Plan the subdivider is to submit a Part 5 Agreement under Section 71 of the Land Use Planning & Approvals Act 1993 to exist between Council and the owner of the balance lot. The scope of the Agreement is to:
  - (a) prohibit any form of Residential use or development that otherwise may have a permit pathway on the balance lot under the planning instrument in place, and
  - (b) Afford protection for the existing row of macracarpa species along Cutts Road in that removal is not to be considered unless justification to do so is submitted that indicates that heritage values can no longer be substantiated or otherwise due for reasons of safety. Any such consideration should be accompanied by the advice of a heritage consultant and arborist respectively.

## **7.2 PLANNING AUTHORITY COMMITTEE MEETING - 14 AUGUST 2017 (D487317)**

### **165/17 RESOLUTION**

MOVED: Ald Perry  
SECONDED: Ald Jarman

That the minutes of the Planning Authority Committee meeting held on Monday, 14 August 2017 be received and the decisions determined be noted.

- PAC 21/17 Planning Applications approved under Delegated Authority - 21 July 2017-4 August 2017
- PAC 22/17 PA2017.0056 Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code - 3 Jabez Drive, Devonport
- PAC 23/17 PA2017.0057 Residential (multiple dwellings x 2) with assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code - 4 Jabez Drive, Devonport
- PAC 24/17 PA2017.0091 Sign - Assessment against Performance Criteria under Sign Code and Local Heritage Code - 10363 Bass Highway Lilloo
- PAC 25/17 PA2017.0082 Permitted: Business and Professional Services (Medical Centre)  
Discretionary: Alterations and Additions to Existing Building - Assessment against Performance Criteria under Clause 15.4.3 - Location and Configuration of Development - 48-54 Oldaker

Street, Devonport

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

CARRIED UNANIMOUSLY

**DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL****PAC 21/07 Planning Applications approved under Delegated Authority - 21 July-4 August 2017**

That the list of delegated approvals be received.

**PAC 22/17 PA2017.0056 Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code - 3 Jabez Drive, Devonport**

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 PA2017.0056 and grant a Permit to use and develop land identified as 3 Jabez Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - Project No. 161121 A.01 Rev C, A.02 Rev E, A.03 Rev A, A.04 Rev A, A.05 Rev C, A.06 Rev B, A.07 Rev D, A.08 Rev D, A.09 Rev D, A.10 Rev D and A.11 Rev F by Dock 4 Architects,
  - Engineering Assessment S2811-01 infolet, dated 5 June, 2017 by Donal S. Anderson,

copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions specified 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. A copy of this notice is attached.
3. The existing stormwater service connection is to be used for the purposes of this development.
4. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their



design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of the building and plumbing permit application.

5. The proposed driveway crossover is to be generally constructed to Tasmanian Standard Drawing TSD-R09v.
6. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized as designed, is to be demonstrated.

**PAC 23/17 PA2017.0057 Residential (multiple dwellings x 2) with assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code - 4 Jabez Drive, Devonport**

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 PA2017.0057 and grant a Permit to use and develop land identified as 4 Jabez Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - Project No. 161121 A.01 Rev C, A.02 Rev E, A.03 Rev A, A.04 Rev A, A.05 Rev C, A.06 Rev B, A.07 Rev D, A.08 Rev D, A.09 Rev D, A.10 Rev D and A.11 Rev F by Dock 4 Architects,
  - Landslide Risk Appraisal and Site Classification, Reference GL17123Aa, dated 13 April 2017 by Geoton Pty Ltd, and
  - Engineering Assessment S2811-01 infolet, dated 5 June, 2017 by Donal S. Anderson,

copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. The developer is to comply with the conditions specified 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. A copy of this notice is attached.

3. The existing stormwater service connection is to be used for the purposes of this development.
4. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of the building and plumbing permit application.
5. The proposed driveway crossover is to be generally constructed to Tasmanian Standard Drawing TSD-R09v.
6. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized as designed, is to be demonstrated.

**PAC 24/17 PA2017.0091 Sign - Assessment against Performance Criteria under Sign Code and Local Heritage Code - 10363 Bass Highway Lillico**

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 PA2017.0091 to develop a sign on land identified as 10363 Bass Highway, Lillico for the following reason:

- The application fails to satisfy the Performance Criteria of Clause E7.6 P1 of the Sign Code of the Devonport Interim Planning Scheme 2013.

**PAC 25/17 PA2017.0082 Permitted: Business and Professional Services (Medical Centre)**

**Discretionary: Alterations and Additions to Existing Building - Assessment against Performance Criteria under Clause 15.4.3 - Location and Configuration of Development – 48-54 Oldaker Street, Devonport**

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 PA2017.0082 and grant a Permit to use and develop land identified as 48-54 Oldaker Street, Devonport for the following purposes:

- Permitted: Business and professional services (medical centre)
- Discretionary: Alterations and additions to existing building - assessment against performance criteria under clause 15.4.3 – Location and configuration of development

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:
  - Proposed Alterations & Additions at 48-54 Oldaker Street – Project No. 17054, dated 03/07/2017 by Michael R Cooper & Assoc Pty Limited; and
  - Traffic Impact Assessment by Midson Traffic Pty Ltd, dated 03/07/2016.
2. The developer is to take all reasonable steps during the use of these facilities to prevent environmental nuisance such as air, noise and water pollution. Failure to do so may result in Council taking enforcement proceedings under the *Environmental Pollution and Control Act 1994*.

#### Infrastructure Conditions

3. The developer is to ensure concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
4. The existing access driveways are to be used for the purposes of this proposed development.
5. The existing eastern access off Oldaker Street is to be modified with a centreline and minor widening as outlined in the submitted Traffic Impact Assessment Report by Midson Traffic Pty Ltd dated 3 July 2017.
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 – **refer to Attachment 3**.

### **7.3 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 14 AUGUST 2017 (D487319)**

#### **166/17 RESOLUTION**

MOVED: Ald Rockliff  
SECONDED: Ald Laycock

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 14 August 2017 be received and the recommendations contained therein be adopted.

IWC 27/17 Tender Report Contract CT0189 Buster Road Renewal

IWC 28/17 Road Network Strategy - Year 2 Status

IWC 29/17 Cradle Coast Waste Management Group 2016/17 Recycling Bin

## Education &amp; Assessments Report

- IWC 30/17 Cradle Coast Waste Management Group Strategic Plan 2017-2022
- IWC 31/17 Cradle Coast Waste Management Group 2017/18 Annual plan & Budget
- IWC 32/17 Infrastructure and Works Report
- IWC 33/17 Development and Health Services Report

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

CARRIED UNANIMOUSLY

**EFFECTIVE DECISIONS OF THE INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE CONFIRMED BY COUNCIL**

- IWC 27/17 Tender Report Contract CT0189 Buster Road Renewal**  
That in relation to Contract CT0189 Buster Road Renewal:
- award the contract to Kentish Construction & Engineering Company Pty Ltd for the tendered sum of \$683,130 (ex GST);
  - note that design, project management and administration for the project are estimated to cost \$40,000 (ex GST);
  - note that a construction contingency of \$68,310 (ex GST).
- IWC 28/17 Road Network Strategy - Year 2 Status**  
That the report of the City Engineer be received and that the status of actions listed in the Road Network Strategy 2016 be noted.
- IWC 29/17 Cradle Coast Waste Management Group 2016/17 Recycling Bin Education & Assessments Report**  
That the Cradle Coast Waste Management Group's 2016/17 Recycling Bin Education & Assessments Report be received and noted.
- IWC 30/17 Cradle Coast Waste Management Group Strategic Plan 2017-2022**  
That the report of the Infrastructure & Works Manager be received and noted and that Council:
- endorse the Cradle Coast Waste Management Group Strategic Plan 2017-2022; and
  - agree that the Cradle Coast Waste Management Group implement the Strategic Plan.
- IWC 31/17 Cradle Coast Waste Management Group 2017/18 Annual plan & Budget**  
That the Cradle Coast Waste Management Group 2017/18 Annual Plan & Budget be received and noted.
- IWC 32/17 Infrastructure and Works Report**

That the Infrastructure and Works report be received and noted.

**IWC 33/17 Development and Health Services Report**

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

**8.0 CLOSED SESSION**

**167/17 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Perry

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	Proposed Sale of Public Land	15(2)(f)
8.4	LIVING CITY Waterfront Hotel	15(2)(c),(f)
8.5	Julie Burgess Maintenance Update	15(2)(d),(i)
8.6	Masters Games	15(2)(b)

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

CARRIED UNANIMOUSLY

**The Mayor adjourned the meeting at 7:02pm to reconvene in Closed Session at 7:03pm.**

**The Council moved out Closed Session at 7:35pm.**

**Council resumed in open session at 7:35pm.**

**CLOSURE**

**There being no further business on the agenda the closed session was declared closed at 7:35pm.**

Confirmed

Chairman