

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY,
26 MARCH 2018 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:51pm	1 hour 21 minutes
Closed Session	6:51pm	7:56pm	1 hour 5 minutes
Total			2 hours 26 minutes

PRESENT: Ald A L Rockliff (Acting 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
Deputy General Manager, M Atkins
Executive Manager Corporate and Business, J Griffith
Executive Manager Organisational Development, K Peebles
Community Services Manager, K Hampton
Development 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

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Ald L M Perry	5.1	Financial Assistance Scheme – Round Two 2017/2018
Ald A L Rockliff	8.3	Cradle Coast Authority – Cultivate Productions

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 26 FEBRUARY 2018**37/18 RESOLUTION**

MOVED: Ald Matthews

SECONDED: Ald Milne

That the minutes of the Council meeting held on 26 February 2018 as circulated be confirmed.

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

CARRIED UNANIMOUSLY

3.1.2 APPOINTMENT OF ACTING MAYOR - ALD ANNETTE ROCKLIFF**38/18 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Laycock

That Council:

- (a) note the resignation of Mayor Steve Martin on 9 March 2018;
- (b) acknowledge that Ald Annette Rockliff has assumed the role of Acting Mayor until the next scheduled Council elections in accordance with the provisions of the *Local Government Act 1993*; and
- (c) agree that in light of the role continuing until the scheduled October 2018 Elections, it is reasonable that the prescribed allowance for the position of Mayor be paid to the Acting Mayor from 19 March 2018.

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

CARRIED UNANIMOUSLY

3.1.3 APPOINTMENT OF ACTING DEPUTY MAYOR**39/18 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That Council:

- (a) note that nominations for the position of Acting Deputy Mayor were received from Ald Milne and Ald Perry;
- (b) note that following the conduct of the ballot that Ald L M Perry was elected as Acting Deputy Mayor until the scheduled October 2018 election;

- (c) agree that in light of the role continuing until the scheduled October 2018 Elections that it is reasonable that the prescribed allowance for the position of Deputy Mayor be paid to the Acting Deputy Mayor; and
- (d) authorise that the ballot papers be destroyed.

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

40/18 RESOLUTION

MOVED: Ald Perry

SECONDED: Ald Laycock

That the responses to questions from Mr Trevor Smith, Mr Malcolm Gardam, Mr Leigh Murphy and Mr Bob Vellacott at the 26 February 2018 Council meeting be noted.

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

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

41/18 RESOLUTION

MOVED: Ald Matthews

SECONDED: Ald Milne

That Council in relation to the correspondence received from:

- Mr Trevor Pennington dated 28 February 2018 note the response provided; and
- Mr Bob Vellacott and Mr Malcolm Gardam endorse the responses proposed and authorise their release.

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

CARRIED UNANIMOUSLY

3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

The Local Government Regulation 27 title – “**Non application of the public tender process**” in Section (i) reads:-

- (i) A contract for goods or services, if the council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of –
- (ii) The unavailability of competitive or reliable tenderers.

Without tendering Council awarded the Living City Project Management contract to P+i on this basis!

Q1 Please advise exactly what factual evidence did the Council rely upon to “by absolute majority” invoke Regulation 27(i) as its justification for not tendering this project?

Response

The Acting Mayor advised that given the decision was made 3½ years ago, the question would be taken on notice and a response would be provided in writing.

RAY CHAPLIN – 55 WENVOE STREET, DEVONPORT

Council Aldermen are elected and paid by ratepayers to act in their best interests.

In accepting this responsibility they become solely accountable for the competent management of the Council and providing standards of duty of care that ensure that ratepayers are protected from outcomes detrimental to their economic and social well being.

My question to the Acting Mayor is:-

Q1 Would you please advise me the names of those Aldermen, Council Managers and Living City Project Managers P+i who have been successful in completing a **like for like** urban renewal project to that of Living City together with substantive evidence of such achievement.

I refer to a comprehensive presentation I made to the previous Mayor and the Deputy General Manager on February 3rd 2016.

This presentation included case studies, references to significant changes in the retail market and information in regards P+i which all related to the serious consequences of any failure to ignore due process in regards basic commercial due diligence and risk mitigation standards associated with the Living City project.

Surprisingly neither gentleman requested either a copy of my presentation or for same to be presented to the Council Alderman.

The General Manager advised on November 28th 2017 that at no time did Mayor Martin or the Deputy General Manager provide a comprehensive debrief of this presentation to the Council's Aldermen.

Given that the contents of this presentation may have influenced the decision of the Aldermen to approve further ratepayer borrowings of approximately \$39 million for what Council deemed a high risk project my question to Acting Mayor is.

Q2 Why did Mayor Martin and the Deputy General Manager withhold important due diligence and risk mitigation information provided to them that may have influenced the following decisions taken by the majority of the Aldermen?

Please include these questions and your response in the minutes of this meeting.

Response

The Acting Mayor advised that as a written response was requested the questions would be taken on notice.

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q1. In response to a question relating to the 2016-17 payment of \$1,993,626 to Projects + Infrastructure (council appointed Development Manager) the October 2017 AGM minutes record that *“The Mayor advised that as part of Council’s contract with P+i some of the Stage 1 development fees were not payable until the commencement of Stage 1 works.”* and accordingly **will the Acting Mayor confirm if commencement of the food pavilion was integral to meeting the requirement of “...commencement of Stage 1 works.”** having been repeatedly represented as a part of Stage 1?

Response

The General Manager responded – No it was not a requirement of commencement of Stage 1 works.

Q2. Council has previously offered problems with glass supply and inclement weather as reasons for construction delays on the Food Pavilion which supposedly was causing the delays with the individual tenancy fitouts, and not the finalising of individual lease agreements. **My question relates to tenancy fitouts and in responding the Acting Mayor is specifically asked to respond to the following aspects:**

- a) Considering the building has been fully enclosed for months now, **will the Acting Mayor please advise why fitout for the so called “secured tenants” in Southern Wild Distillery and the Cultivate Group Pty Ltd (Ben Milbourne restaurant) has stalled, in particular the Ben Milbourne restaurant which commenced and then ceased weeks ago; and**
- b) Will the Acting Mayor confirm that Southern Wild Distillery and The Cultivate Group Pty Ltd (Ben Milbourne) are secured tenants with formalised lease agreements and when signed?

Please ensure questions and responses are provided in writing and also included in full in the next Meeting Agenda.

Response

The Deputy General Manager responded that he could confirm like the press has reported, that there were some delays due to weather and construction and things that impacted on the start of the fit-out for the Food Pavilion tenancies. Since that time there has certainly been some further delays with the tenants working through their costs versus design and trying to get costs back within their budgets and that has taken longer than was hoped, but it is progressing and I understand that it is getting close. Certainly tenancy 2, the Milbourne tenancy I understand works will be commencing soon.

Question

Does Council have any direct negotiations with the individual tenants?

Response

We have previously stated that Council has a Head Lease with Providore Place Pty Ltd and it is their responsibility to deal with the tenants, however as expected there is a level of interest and where possible we pass on information. Certainly the contractual agreement of the tenancies is between the Head Lessee and those tenants.

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

I direct my question to the General Manager –

I refer to the former Mayor's written offer to allow me to view a Strictly Confidential document and the General Manager's response to my questions in regard to the Mayor's offer.

The Mayor wrote –

“As advised, the Waterfront architectural brief was prepared for Council and issued as a confidential document and not for public distribution even randomly. However, to demonstrate Council have nothing to hide ‘as a one off, you are welcome to come and view a copy at the Council Offices.” (I declined the offer because I considered it blatantly unethical and also was not going to be party to favouritism.)

In response to a question on notice for the Council meeting of the 24 July 2017 I asked as to whether or not if the Mayor's offer was a breach of Council's Code of Conduct and was the General Manager aware of the Mayor's offer. The General Manager in a written reply said and I quote (ref DCC File 32575) – **“Not that I can recall, I do not believe the provision of the offer for you to view the document was a breach of the Code of Conduct.”**

Q1 General Manager seeing as you said more or less that it was OK for the former Mayor to allow me to view a **strictly confidential document** would you still believe **it would not be** a breach of Council's Code of Conduct and would you have no objection if the Acting Mayor or any other Alderman extended the same courtesy to me in regard to other commercial in confidence documents relevant to the Living City; in particular the contract with P+i that details the payment of \$1,993,626 from ratepayer's funds?

Response

The General Manager responded; that in relation to that particular response I would obviously need to review exactly what the question was and my answer. However, the other aspect of this is that we are now talking about a contract which is confidential, which was considered by Council in Closed Session and it is a breach of the Local Government Act for any Alderman to release information from a Closed Session meeting without the express permission of the Council. Therefore, to answer your question directly, yes, I believe that in that case not only would it potentially be a breach of the Code of Conduct it would also be a breach under the Local Government Act.

I refer to the Agenda page 20 in regard to the response to my question on notice about the report in the Advocate Weekender 17th March “The winning developer for the \$40 million waterfront site was announced last year and was Fairbrother which will finance and build the hotel and appoint an operator.” (I now emphasize that the report said the word WILL)

My Question on Notice was –

Q2 General Manager did you in fact state the above and if it is true that Fairbrother will indeed finance and build the hotel and appoint an operator. Also will you confirm as reported – it will have up to 200 rooms?

The Response as per the Agenda 26th March 2018.

“Whilst the points you raised were not statements or quoted by myself but rather reporting from the newspaper they reflect the current situation in regard to the hotel”.

From the response given it appears the General Manager is implying, without any qualification/or ifs and buts, that Fairbrother will definitely be financing and building the hotel and appointing an operator. (And yet again I emphasis the word WILL.)

This appears I believe contrary to all the information given in the Agenda 23 October 2017 on page 14. That Fairbrother has an exclusive agreement for two years to obtain finance and building and appoint an operator and **there is no binding guarantee given that a hotel was definitely going to be built.**

To clarify will the GM now state when did Fairbrother inform Council that he now has the finance and will build the hotel?

Or is your response to my question on notice as per the Agenda 26 March 2018 misleading?

Please include all of the above in the minutes of this meeting.

Response

The General Manager responded my response in the agenda provided to Council is the current situation as it is known at this stage. I would suggest that what you are trying to do here is to essentially twist that around so that you can get a response that will give something to come back at later. On that basis, all I will say is that the actual responses in the agenda is the current situation as it is known at this stage.

MR PETER MILLER – 4 GILBERT STREET, FORTH

On behalf of the residents of Forth may I respectfully enquire when will Council initiate the removal of illegally dumped remains of the Devonport Maternity Hospital on a property on Forth Main Road and the Melrose turn-off.

The concrete dumped on this property contains steel, and probably asbestos. It has been dumped in a watercourse that flows into the Forth River and presents an ecological hazard. Our health is at risk.

Response

The General Manager responded that the situation with the fill that was dumped on the property at Forth from the Council's perspective was a contract with the demolition contractor to dispose of the material. Once Council became aware that the material was going to an area that was not licensed for that purpose the contractor was requested to cease. Since that time as the property is actually located in the Central Coast Council area, the Central Coast Council and the Environment Protection Authority have been dealing with the matter and continue to do so and they will be the appropriate authorities that will direct what is or what is not to occur with the fill that is currently on the property.

MR TREVOR PENNINGTON – 15 WIENA CRESCENT, MIANDETTA

In relation to parking over or near a driveway I sent you a letter on 28 February 2018 – under the *Road Rules Act 2009* Section 198 you must not stop on or access your own driveway or another person's driveway or so close to obstruct a vehicle from driving in or out. You can't park in a way to impede a vehicle from entering, exiting, or turning into a driveway. I supplied photos of vehicles parked right on my driveway and across the road and on discussion with Mr William's his suggestion to me was, as I own a 4WD, that I buy a smaller vehicle. I rang the Transport Department and was advised that as it was a Council owned road, it was a Council responsibility to provide me with a safe access in and out of my driveway.

Q1 Is Council going to supply me with a safe access to my driveway? The Road Act states that I cannot be impeded or obstructed from getting in and out of my driveway.

Response

The Acting Mayor advised that Council had received quite a lot of correspondence and have seen copies of photos in relation to this matter and as a result I will ask the General Manager if there is anything else that he would like to add.

The General Manager advised that there are responses on the agenda. Based on Mr Pennington's question if it is taken on notice, what I will do is make an opportunity to review what has previously been advised to him and contact him again with an answer.

Accordingly the Acting Mayor took the question on notice with a response to be provided in writing.

Illegal parking in street under the Road Act – SR 209 number 1 and 2 division 1, section 12 – a road is an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles. The *shoulder* of the road includes any part of the road that is not designed to be used by motor vehicles in travelling along the road, and includes – (a) for a kerbed road – any part of the kerb. In the Road Act it states that you must park 3 metres clear from the edge of your vehicle to the kerb, not the outside of the kerb. So if you are legally parked in Wiena Crescent the distance there is less than 3 metres.

Q2 Why is parking being illegally allowed as there is not 3 metres clearance?

Response

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

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

The former Mayor of Devonport, at the 2017 Annual General Meeting, when questioned by Mr Peter Stegmann in that ***“Will the Mayor please tell rate payers precisely how many expressions of interest were received from hotel developers and if Council can provide any guarantee that the selected developer will actually build the hotel?”***

Response

The Mayor advised that there were six expressions of interest received by Council. Council has appointed Fairbrother with exclusive right to develop a team for that development to be built for a two year period.”

My question relates to the EOI process and awarding Fairbrother Pty Ltd (Fairbrother) a two year exclusivity period to attempt to deliver a hotel development, and to which the Acting Mayor is specifically asked to respond to the following aspects:

Q3. Will you reaffirm that there were six (6) expressions of interest received from hotel developers?

Please ensure questions and responses are provided in writing and also included in full in the next Meeting Agenda.

Response

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

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

I refer to the Agenda page 18 in regard to the response to my question on notice about respectfully requesting you or other qualified person to on behalf of ratepayers to negotiate the release of details about the payment to Projects and Infrastructure P/L of \$1,993,626 (approx \$2M) of ratepayers' funds.

In brief the response given was **“Council has no intention to disclose specific contract details”**.

My request was specific to you Acting Mayor and it appears that the General Manager has answered for you.

The request related to demonstrating transparency and accountability and considering Council's position, I amend the request to enable the various components and values making up the payment to be released and not the contractual details underpinning those payments.

The amended question is.

Q3 I respectfully request, on behalf of concerned ratepayers of Devonport, that you and or another qualified person/s, negotiate with the principal of P+i to seek permission to release details of the various components and values making up the Council payment of \$1,993,626 from ratepayers funds during 2016/2017?

Response

The Acting Mayor advised that the question has already been asked and answered. It is a contractual arrangement between Council and Fairbrother, dealt with in Closed Session and she has no intention of requesting it be released.

3.3 QUESTIONS FROM ALDERMEN

Nil

3.4 NOTICES OF MOTION

Nil

4.0 PLANNING AUTHORITY MATTERS

4.1 PA2018.0001 6 LOT SUBDIVISION - DISCRETIONARY MATTERS RELATE TO LOT CONFIGURATION (INTERNAL LOT) AND OVERHEAD POWER - 56 CAROLINE STREET EAST DEVONPORT (D517935)

42/18 RESOLUTION

MOVED: Ald Goodwin
SECONDED: Ald Matthews

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 PA2018.0001 and grant a Permit to use and develop land identified as 56 Caroline Street, East Devonport for the following purposes:

- 6 lot subdivision - discretionary matters relate to lot configuration (internal lot) and overhead power

Subject to the following conditions:

Planning Conditions

1. The subdivision is to proceed generally in accordance with the submitted subdivision plan referenced as Drawing: 217142 dated 21/11/17 by Mitchell Hodgetts & Associates Pty Ltd and supporting application information by EnviroPlan & CSE Tasmania Pty Ltd, copies of which are

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

2. The developer is to cover all costs associated with the transfer of road title to Council.
3. The developer 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.
4. The developer is to pay to the Council a sum equivalent to 5% of the unimproved site value of lots 1-6 inclusive in lieu of providing public open space. This payment is to be made before a final plan can be sealed. The subdivider is to provide Council with a registered valuer's report to enable the 5% to be calculated.
5. The developer is to provide street names for the future roadways for the consideration of Council prior to submitting the Final Plan.

Engineering Conditions

6. The developer is to submit detailed design drawings prepared by a suitably qualified engineer detailing road design compliance with current Municipal Standard Drawings and Tasmanian Subdivisional Guidelines, in this regard compliance must be demonstrated with:
 - a) Adequate road pavement design and reserve width;
 - b) Methods of stormwater control and discharge to approved stormwater reticulation systems from the proposed road and lots;
 - c) Each proposed lot is to be adequately serviced to permit future development in accordance with the relevant authorities;
 - d) Appropriate road longitudinal and cross-sectional grades;
 - e) Appropriate intersection design;
 - f) Appropriate footpath alignments and grades including ramps; and
 - g) Turning ability within cul-de-sac heads.
7. The developer is to ensure that there are adequate measures in place to ensure that the quality of stormwater discharged into the downstream drainage systems is free from deleterious materials and hydrocarbons.
8. The developer is to provide each lot with a concrete vehicular access from the proposed new road in accordance with current Municipal Standard Drawings and Tasmanian Subdivisional Guidelines.
9. The developer is responsible for installing all street regulatory, warning and name signs associated with the subdivision.
10. The developer must, prior to commencement of works on site, submit construction issue drawings to Council's Infrastructure and Works Department for approval and endorsement. Fees associated with this assessment will be in accordance with Council's current fee structure and all civil works associated with the subdivision will be subject to scheduled inspections by Council Officers.
11. In accordance with the Tasmanian Subdivision Guidelines, the developer is to appoint a supervising engineer to arrange for joint audit inspections and to certify the works at practical completion.
12. The developer is to acknowledge that at satisfactory completion of the works all infrastructure intended to become a council asset will be placed

on a minimum 6 month defect liability period and that there will be a bond charged to govern this period in accordance with Council's Subdivision Maintenance Bond Policy.

13. The developer is to provide Works As Executed drawings in an electronic format at the completion of the works, detailing final road alignments, stormwater assets, invert levels and finished surface levels.

TasWater Condition

14. 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 2**.

Note: The following is provided for information purposes.

Council is the street numbering authority. All street numbers will be allocated upon confirmation of the street name.

Noise emitted from portable apparatus and hours of operation must be within the scope indicated by the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

The developer is to negotiate with Council a right of way through the plan of subdivision to allow Council access to maintain the Public Open Space to the north of the subdivision at 54 Caroline Street, East Devonport.

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

CARRIED UNANIMOUSLY

5.0 REPORTS

Shane Warren left the meeting at 6:16pm

Ald Perry declared an interest and left the meeting at 6:16pm.

5.1 FINANCIAL ASSISTANCE SCHEME - ROUND TWO 2017/2018 (D514927)

43/18 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That the report regarding the Financial Assistance Scheme be received and noted, and Council approve the Major and Minor Grants for Round Two of the 2017/2018 Community Financial Assistance budget allocations as follows:

Major Grants

- Mersey Valley Devonport Cycling Club \$21,250.00
- City of Devonport Eisteddfod 2018 \$10,000.00
- Coastal FM \$ 2,318.00
- Meercroft Park Development Committee \$25,000.00
- Devonport Surf Life Saving Club \$ 2,318.00
- Bapcare Karingal Community \$ 5,000.00
- Mersey Yacht Club \$ 7,193.18
- Devonport Football Club \$12,500.00

Minor Grants

• Belgravia Foundation	\$ 1,500.00
• Sing Australia Devonport	\$ 295.00
• Melrose Memorial Hall Controlling Auth	\$ 1,500.00
• Rotary Club of South East Devonport	\$ 3,000.00
• Devonport & Districts Junior Football	\$ 1,169.50
• East Devonport Football Club	\$ 2,350.00
• City of Devonport Scout Group	\$ 1,069.07
• The Fairy Godmothers	\$ 1,000.00
• Tasmanian Wildlife Rehabilitation Council	\$ 1,000.00
• St Johns Ambulance Australia	\$ 2,991.40
• Devonport Tennis Club	\$ 6,500.00
• Palliative Care Tasmania	In-kind assistance
• Playgroup Tasmania	\$ 1,000.00 plus in kind assistance

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

CARRIED UNANIMOUSLY

Ald Perry returned to the meeting at 6:21pm.

5.2 APPOINTMENT TO COMMITTEES (D516513)**44/18 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Matthews

That Council make the following appointments replacing former Mayor Martin:

Section 23 Committees	Appointment
Planning Authority Committee	Acting Mayor Rockliff (Chair)
Governance, Finance & Community Services Committee (Member)	Ald Laycock
Governance, Finance & Community Services Committee (Chair)	Acting Mayor Rockliff
Section 24 Special Committee	
Liveable Communities	Ald Jarman
General Managers Performance Review Committee	Acting Deputy Mayor Ald Perry and Ald Jarman
Other	
Financial Assistance Working Group	Acting Mayor Rockliff
Dame Enid Lyons Trust	Acting Mayor Rockliff Acting Deputy Mayor Perry

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

CARRIED UNANIMOUSLY

5.3 TENDER REPORT CONTRACT CT0213 JAMES STREET RENEWAL - CLEMENTS STREET TO NORTH FENTON STREET (D516704)

45/18 RESOLUTION

MOVED: Ald Jarman
 SECONDED: Ald Laycock

That Council, in relation to Contract CT0213 James Street Renewal - Clements Street to North Fenton Street:

- a) award the contract to ATM Construction Pty Ltd for the tendered sum of \$180,082 (ex GST);
- b) award additional kerb replacement work to the contract for the tendered sum of \$49,909 (ex GST);
- c) note that design, project management and administration for the project are estimated to cost \$20,000 (ex GST); and
- d) note a construction contingency of \$34,500 (ex GST) has been included.

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

CARRIED UNANIMOUSLY

5.4 LIVING CITY QUARTERLY UPDATE - MARCH 2018 (D517032)

46/18 RESOLUTION

MOVED: Ald Perry
 SECONDED: Ald Goodwin

That Council receive the LIVING CITY Quarterly Update.

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

CARRIED UNANIMOUSLY

5.5 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY - REPRESENTATIVES MEETING - 22 FEBRUARY 2018 (D517957)

47/18 RESOLUTION

MOVED: Ald Milne
 SECONDED: Ald Laycock

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 22 February 2018 be received and noted.

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

CARRIED UNANIMOUSLY

5.6 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (NGA) - CANBERRA - AUSTRALIAN LOCAL GOVERNMENT - ALD LYNN LAYCOCK (D518247)

Ald Laycock prior to the meeting withdrew her request to attend the National General Assembly.

5.7 169 STEELE STREET, DEVONPORT (D517087)

48/18 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Laycock

That Council authorise the General Manager in relation to property at 169 Steele Street, Devonport to:

- (a) list the property for sale with Michael Burr Real Estate; and
- (b) provide the General Manager with delegation to approve the sale of the land at or above the independent valuation.

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

CARRIED UNANIMOUSLY

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D498999)

49/18 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 Rockliff	✓		Ald Laycock	✓	
Ald Emmerton	✓		Ald Matthews	✓	
Ald Goodwin	✓		Ald Milne	✓	
Ald Jarman	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

6.2 MAYOR'S MONTHLY REPORT (D498981)

50/18 RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Goodwin

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

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

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - MARCH 2018 (D498957)**51/18 RESOLUTION**

MOVED: Ald Jarman
 SECONDED: Ald Emmerton

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

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

CARRIED UNANIMOUSLY

7.0 SECTION 23 COMMITTEES**7.1 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 19 MARCH 2018 (D518412)****52/18 RESOLUTION**

MOVED: Ald Emmerton
 SECONDED: Ald Jarman

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 19 March 2018 be received and the recommendations contained therein be adopted.

- GFC 41/18 Information Disclosure & Right to Information Policy
- GFC 42/18 General Manager's Delegations
- GFC 43/18 Land Use Planning and Approvals Act 1993 - Delegations
- GFC 44/18 Annual General Meetings
- GFC 45/18 Annual Plan Progress Report - July 2017 - February 2018
- GFC 46/18 Parking Strategy Review
- GFC 47/18 Finance Report for February 2018
- GFC 48/18 Corporate Climate Change Adaptation Plan
- GFC 49/18 Tasmanian Masters Games
- GFC 50/18 Budget Consultation 2018-19
- GFC 51/18 Elected Members' Expenditure Report February 2018
- GFC 52/18 Minutes of Council's Special Interest Groups and Advisory boards
- GFC 53/18 Community Services, Arts and Culture Report - March 2018

GFC 54/18 Governance & Finance Report

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

CARRIED UNANIMOUSLY

EFFECTIVE DECISIONS OF THE GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE CONFIRMED BY COUNCIL**GFC 41/18 Information Disclosure & Right to Information Policy**

That the Information Disclosure & Right to Information Policy be adopted with immediate effect.

GFC 42/18 General Manager's Delegations

That:

1. pursuant to Section 22(1) of the *Local Government Act 1993*, Council delegate its functions and powers as outlined in the attached document to the General Manager (or an officer acting in that capacity); and
2. permit the sub-delegation of those powers and functions by the General Manager to appropriately qualified and/or experienced Council employees, pursuant to Section 64 of the *Act*.

GFC 43/18 Land Use Planning and Approvals Act 1993 - Delegations

That the report relating to the provision of planning delegations be received, and that Council as Planning Authority, confers in accordance with Section 6 of the *Land Use Planning and Approvals Act 1993*, that the attached sections of the *Act* be delegated to the Deputy General Manager and Development Manager (or any person acting in those positions), with immediate effect.

GFC 44/18 Annual General Meetings

That Council continues to conduct its Annual General Meetings generally in accordance with the *Local Government (Meeting Procedure) Regulations 2015*.

GFC 45/18 Annual Plan Progress Report - July 2017 - February 2018

That the 2017/18 Annual Plan Progress Report for the period ended 28 February 2018 be received and noted.

GFC 46/18 Parking Strategy Review

That Council receive and note the status of actions listed in the Devonport City Council Parking Strategy Action Plan.

GFC 47/18 Finance Report for February 2018

That the Finance Report for February 2018 be received and noted.

GFC 48/18 Corporate Climate Change Adaptation Plan

That the Corporate Climate Change Adaptation Plan 2018-2023 be noted.

GFC 49/18 Tasmanian Masters Games

That in relation to the proposed Tasmanian Masters Games, Council:

- (a) determine that the Games not proceed in October 2018; and
- (b) further consider its approach to the staging of the Games in the future subject to a commitment of funding support from the State Government and/or through external sponsorship.

GFC 50/18 Budget Consultation 2018-19

That Council receive and note the Budget Consultation 2018-19 report and refer submissions to budget deliberations.

GFC 51/18 Elected Members' Expenditure Report February 2018

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

GFC 52/18 Minutes of Council's Special Interest Groups and Advisory boards

That the minutes of the Devonport Regional Gallery Advisory Board and East Devonport Special Interest Group be received and noted.

GFC 53/18 Community Services, Arts and Culture Report - March 2018

That the Community Services, Arts and Culture report be received and noted.

GFC 54/18 Governance & Finance Report

That the Governance and Finance report be received and noted.

8.0 CLOSED SESSION

53/18 RESOLUTION

MOVED: Ald Laycock

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:

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Application for Leave of Absence	15(2)(j)
8.2	Unconfirmed Minutes – Joint Authorities	15(2)(g)
8.3	Cradle Coast Authority – Cultivate Productions	
8.4	Tender Report Contract 1317 – Management and Operation of Splash Aquatic and Leisure Centre	15(2)(b),(d)

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

CARRIED UNANIMOUSLY

The Acting Mayor adjourned the meeting at 6:50pm to reconvene in Closed Session at 6:51pm.

The Council moved out Closed Session at 7:56pm.

Council resumed in open session at 7:56pm.

CLOSURE

There being no further business on the agenda the closed session was declared closed at 7:56pm.

Confirmed

Chairman