

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, 29 JANUARY 2018
COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:02pm	32 minutes
Closed Session	6:03pm	6:20pm	17 minutes
Total			49 minutes

PRESENT: Ald S L Martin (Mayor)
Ald A L Rockliff (Deputy Mayor)
Ald C D Emmerton
Ald G F Goodwin (from 5:37pm)
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
Community Services Manager, K Hampton
Media & Communication Officer, J Phillips
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 C D Emmerton	4.1	PA2017.0146 Community Meeting and Entertainment (Alterations and Additions) - Assessment against Performance Criteria for General Residential Provisions 10.3.1, 10.3.2, 10.4.11 and Traffic Generating Use and Parking Code (fewer parking spaces than required) and Water and Waterways Code (carpark proximity to Watercourse) - 84-120 Don Road Devonport
Ald S L Martin	3.4.1	Lobby for Legislation - Poker Machines
Ald L M Perry	3.4.1	Lobby for Legislation - Poker Machines

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 18 DECEMBER 2017**01/18 RESOLUTION**

MOVED: Ald Matthews
 SECONDED: Ald Laycock

That the minutes of the Council meeting held on 18 December 2017 as circulated be confirmed.

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME**3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS****02/18 RESOLUTION**

MOVED: Ald Emmerton
 SECONDED: Ald Milne

That the responses to questions from Mr Bob Vellacott, Mr Trevor Smith, Mr Malcolm Gardam and Mr Tony Butler at the 18 December 2017 Council meeting be noted.

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

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**03/18 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Laycock

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

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

CARRIED UNANIMOUSLY

3.2.3 Questions without notice from the public

Ald Goodwin attended the meeting at 5:37pm

TREVOR SMITH – 7 GLEN COURT, DEVONPORT

- Q1(a)** With regards to file 31424, "Lid Raisings" in the Devonport Municipality, could you supply me locations where the first lot of lid raisings will occur, in the next 2-3 months, as you stated in your reply?
- (b)** Also could you provide me with the locations of the remaining sites for the 2018-19 Financial Year, that are on your list to be completed?
- Q2(a)** With regards to File 31424, part2, you mentioned that the Contractor (Council) has a few minor defects to rectify. I have taken three photos of Ronald Street where the roadworks have been completed to an unsatisfactory standard! As these images show, the standard is well below what is required for the City of Devonport, I presume you employ engineers to check out these works or is it up to the Ratepayers to tell you about your poor workmanship?
- (b)** When will these repairs be undertaken to an acceptable standard and will this be included in the budget, that you have allocated for this project?

No weasel words please.

Response

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

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

- Q1** With reference to budgets identified under heading of "Parking" on page 29 of the Annual Plan 2017, and in consideration of the following, will Council please respond to the statements and questions as follows:
- (a)** From the numbers stated Council is surprisingly expecting an income reduction of \$252,900 (down from \$2,692,500 in 2017 to \$2,439,600 in 2018) and an increase in expenses of \$159,678 (up from \$1,468,684 in 2017 to \$1,627,684 in 2018) please provide individual budgeted amounts for comparison between the stated elements being:
- Provision and management of parking meters;
 - Monitoring and enforcement of parking time zones;
 - Provision and management of car parks; and
 - Animal licencing; plus
 - Carve out of budget amounts in both years separately for each of parking fees and parking fines?
- (b)** Noting that the living City funding model produced by P+i and endorsed by Aldermen, Stated *"The model assumes year 1 net rental from the food pavilion and multi-purpose building totalling \$576,000 **along with net car parking revenue of \$987,000. Of the three main revenue sources within the model, car parking revenue is considered most predictable, as it is based on a long history of usage and data from adjacent sites.**"* On ratepayer questioning the Deputy General Manager advised that this figure represented the total parking budget and not just for the new carpark and had been reduced to \$760,000 with further reduction possible; accordingly, **why such a negative reduced budget approach amounting to less parking**

at a higher cost to manage previously described as the “most predictable” budget item, along with Council representing to ratepayers that visitations will increase parking as a result of Living City with the new carpark supposedly providing an attractive ease of parking for the existing CBD and supported by DCCI statement that the carpark has been needed for 20 years?

- Q2** Noting that the Devonport Australia Day Awards and Citizenship Ceremony was staged in Providore Place last Thursday evening 25th January, instead of the more regularly used DEC, and as Council has repeatedly stated that Providore Place (Devonport) Pty Ltd is contracted under a head lease agreement to manage the complex, **will Council confirm that no form of remuneration, monetary or in kind under contract or otherwise, has or is to be made to the head lessee associated with the event?**

Response

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

BOB VELLACOTT – 11 COCKER PLACE DEVONPORT

I refer to my Questions on Notice of the 27th November 2017.

- Has Council signed a contract with Harris Scarfe in regard to them relocating to the Former Harvey Norman building in Fenton Way? (Ref. Q2)

Response from the General Manager was:-

“The Council is in the final stages of finalising negotiations with Harris Scarfe to relocate from their current location into the property at 17 Fenton Way, Devonport.”

My questions Mayor:-

- Q1** Did Council employ P+i the Living City Development Manager to negotiate on your behalf? And – as of this date; have the finalising negotiations now been finalised? And if they have not when is it expected the negotiations will be finalised?
- Q2** Am I correct in saying as of this date Council is still in the position of not being able to give a definite answer that Harris Scarfe will continue to trade in Devonport?

If you cannot give a definite answer: then apparently the author of the Horwath Living City Hotel Report was given incorrect information because the report categorically states on page 8 *”The existing Harris Scarfe store is relocating into the retail precinct, releasing the land for Stage 3.” (Incidentally Stage 3 has become phase 2 ie the site for the proposed Waterfront Hotel.) AND

Who gave the information to Horwath that Harris Scarfe is (and I emphasise the word “IS”) relocating into the retail precinct?

Response

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

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

At the commencement of a Council meeting and the Council Committee meetings there is a **Welcome to Country** however there are no words about the **Nation Australia**.

Q Why the omission about the **Nation Australia** and when will this omission be rectified?

Response

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

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q3 Regarding the Southern Wild Distillery advertising in the Best Street – Fenton Way front window of the Council Chambers can Council please advise as to the following:

- (a)** Is this part of a Council initiative to provide advertising space for local businesses and if so where was it advertised/promoted; and
- (b)** What was the selection criteria and who determined the successful business(es); and
- (c)** Is it paid space or ultimate mates rates for new or just businesses involved in the ratepayer-funded Living City Stage 1 commercial adventure; and
- (d)** Can we expect to see access to this space continue with other businesses such as southern Rooke Street's Verona (Coffee Bar & Roasting House) and Express Craft Beer (Bar & Beer Store) from the Hill Street complex?

Response

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

BOB VELLACOTT – 11 COCKER PLACE DEVONPORT

Q3 From documentation and response given so far, the ongoing negotiations with Harris Scarfe in regard to their possible purchase or leasing of the former Harvey Norman premises, resulting from the contract with Fairbrother Pty Ltd to possibly purchase the Best Street site and construct an hotel, it appears **not** to have been carried out in, among other things, a prudent and businesslike manner so as to ensure – (a) Harris Scarfe will continue trading in Devonport and in a way to ensure the best possible outcome for the sale or lease of the Fenton Way property. And (b) the sale of the land required for the Waterfront Hotel.

Would Council agree the overall negotiation so far should have been carried out in a more professional manner?

Response

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

3.3 QUESTIONS FROM ALDERMEN

Nil

Ald Martin and Ald Perry declared an interest in the following item and left the meeting at 5:45pm and the Deputy Mayor assumed the Chair.

3.4 NOTICES OF MOTION

3.4.1 LOBBY FOR LEGISLATION - POKER MACHINES (D510831)

04/18 RESOLUTION

MOVED: Ald Goodwin
 SECONDED: Ald Milne

That Council in relation to the Notice of Motion 'Lobby for Legislation – Poker Machines' deferred at the Council meeting on 18 December 2017, determine that based on the subsequent release of the policies of both the major parties in the lead-up to the March 2018 State Election, that no further consideration of the issue needs to occur at this time.

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

CARRIED UNANIMOUSLY

Ald Martin and Ald Perry returned to the meeting at 5:48pm and the Mayor resumed the Chair.

Ald Emmerton declared an interest in the following item and left the meeting at 5:48pm.

4.0 PLANNING AUTHORITY MATTERS

4.1 PA2017.0146 COMMUNITY MEETING AND ENTERTAINMENT (ALTERATIONS AND ADDITIONS) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR GENERAL RESIDENTIAL PROVISIONS 10.3.1, 10.3.2, 10.4.11 AND TRAFFIC GENERATING USE AND PARKING CODE (FEWER PARKING SPACES THAN REQUIRED) AND WATER AND WATERWAYS CODE (CARPARK PROXIMITY TO WATERCOURSE) - 84-120 DON ROAD DEVONPORT (D510516)

05/18 RESOLUTION

MOVED: Ald Goodwin
 SECONDED: Ald Matthews

That Council, 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 PA2017.0146 and grant a Permit to use and develop land identified as 84-120 Don Road, Devonport for the following purposes:

- Community meeting and entertainment (alterations and additions) - assessment against performance criteria for General Residential provisions 10.3.1, 10.3.2, 10.4.11 and Traffic Generating Use and Parking Code (fewer parking spaces than required) and Water and Waterways Code (car park proximity to watercourse)

Subject to the following conditions:

Planning & Environmental Conditions

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the endorsed plans and supporting submission referenced as Additions & Alterations -

Gateway Church Complex by Andrew Smith Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. Prior to the applicable building and plumbing permit documentation being lodged, a screening plan of appropriate plantings and materials is to be submitted demonstrating how the visual appearance of parking areas is minimised along the Don Road frontage. The screening is to be implemented as part of the development (refer to note).
3. The developer is to incorporate appropriate acoustic materials and finishes into the building specifications.
4. The developer is to provide documentation for consideration on the mitigation measures proposed to the south-west of the site to prevent the ingress of sediment and building litter. This information should be submitted prior to or at the time of the building and plumbing permit applications (refer to note).
5. Any external site lighting proposed as part of the development is to be directed to avoid any light spillage that may cause a loss of amenity to neighbouring residential properties (refer to note).

Engineering Conditions

6. The developer is to engage a suitably qualified engineer to design the stormwater management for the site to be submitted for approval by the City Engineer prior to submitting any subsequent building and plumbing permit applications. As part of the design stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed 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 and control peak discharge flows. In addition, the engineer is to identify the proposed discharge location(s) and methodology, and submit their detailed design and calculations for approval by the City Engineer prior to installation.
7. Concentrated stormwater is to be collected and discharged in accordance with the current National Construction Code.
8. The proposed extension to the existing sealed carparking is to have an all-weather surface and be generally constructed in accordance with the submitted drawings.
9. Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.
10. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

TasWater Condition

11. 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**.

Note: The following is provided for information purposes.

In relation to condition 2, screening is required to satisfy the Performance Criteria for 10.4.11.1 (P4) – *Location and configuration of development*.

In relation to condition 4, the developer should consider the recommendations in the Wetlands and Waterways Works Manual by the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

In relation to condition 5, examples include directional signage and any external lighting for car parking areas.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

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

CARRIED UNANIMOUSLY

Ald Emmerton returned to the meeting at 5:53pm.

Shane Warren left the meeting at 5:53pm.

5.0 REPORTS

5.1 ANNUAL PLAN PROGRESS REPORT - JULY-DECEMBER 2017 (D504282)

06/18 RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Rockliff

That the 2017/18 Annual Plan Progress Report for the period ended 31 December 2017 be received and noted.

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

CARRIED UNANIMOUSLY

5.2 TENDER REPORT CONTRACT CT0207 SALEYARD ROAD RENEWAL (D508895)

07/18 RESOLUTION

MOVED: Ald Matthews

SECONDED: Ald Goodwin

That in relation to Contract CT0207 Saleyard Road Renewal Council:

- a) award the contract to Hardings Hotmix Pty Ltd for the tendered sum of \$202,423 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$36,000 (ex GST);

- c) note that the service relocation works for the project are estimated to cost \$13,000 (ex GST);
- d) note a construction contingency allocation of \$20,240 (ex GST).

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

CARRIED UNANIMOUSLY

5.3 CRADLE COAST AUTHORITY - REPRESENTATIVE APPOINTMENT (D508906)

08/18 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Laycock

That Council determine that due to the appointment of Mayor Martin as a Director on the Cradle Coast Authority Board that the Deputy Mayor, Ald Rockliff be formally appointed as a Representative to the Authority.

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

CARRIED UNANIMOUSLY

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D509515)

09/18 RESOLUTION

MOVED: Ald Perry

SECONDED: Ald Jarman

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

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

CARRIED UNANIMOUSLY

6.2 MAYOR'S MONTHLY REPORT (D498979)**10/18 RESOLUTION**

MOVED: Ald Laycock
 SECONDED: Ald Rockliff

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

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

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - JANUARY 2018 (D498955)**11/18 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Jarman

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

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

CARRIED UNANIMOUSLY

7.0 SECTION 23 COMMITTEES

Nil

8.0 CLOSED SESSION**12/18 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Laycock

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)(i)
8.2	Unconfirmed Minutes – Joint Authorities	15(2)(g)
8.3	Bass Strait Maritime Centre Café Lease	15(2)(c)

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

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 6:02pm to reconvene in Closed Session at 6:03pm.

The Council moved out Closed Session at 6:20pm.

Council resumed in open session at 6:20pm

CLOSURE

There being no further business on the agenda the closed session was declared closed at 6:20pm.

Confirmed

Chairman