

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY, DEVONPORT
ON MONDAY, 25 JULY 2016 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	5:58pm	28 minutes
Closed Session	5:59pm	6:38pm	39 minutes
Total			1 hour 17 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 J T Keay
Ald L M Laycock
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
Development Services Manager, B May
Planning & Environmental Health Coordinator, S Warren (until 5:40pm)
Governance Coordinator, K Hampton

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 J F Matthews	Apology
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2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 27 JUNE 2016

129/16 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the minutes of the Council meeting held on 27 June 2016 as circulated be confirmed.

	For	Against		For	Against
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

130/16 RESOLUTION

MOVED: Ald Goodwin

SECONDED: Ald Rockliff

That Council note the responses to questions taken on notice at the June Council meeting.

	For	Against		For	Against
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

131/16 RESOLUTION

MOVED: Ald Rockliff

SECONDED: Ald Goodwin

That Council in relation to the correspondence received from Mr Malcolm Gardam, Mr Matt Smith and Mr Ray Chaplin (Brand Focus), note the responses proposed outlined in the agenda report and authorise their release.

	For	Against		For	Against
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 TREVOR SMITH - 7 GLEN COURT, DEVONPORT

- Q1** After the last Ordinary Council Meeting, on Monday the 27th of June, I made a complaint to your front of house phone number. The complaint was about the low audio levels in the public gallery of the Council Chambers. Has this complaint been rectified, if not why not, as you have spent over \$209,000 on the relocation. The volume of the speakers should be a lot more than what they are at present. This is not too much to ask, from this Council?

Response

The General Manager advised that the audio was reviewed and the understanding was that it had been improved, but if it is felt that it is still not sufficient, it will be reviewed further.

Q2 How many short term parking spaces were there in front of the old Council Chamber buildings, before you shifted to your present site?

Q3 Seeing there are only 17 disabled car parking spaces on street or in Council Carparks, will you be increasing these numbers for a city with a population of 25,000 people? I'm sure the Devonport City Council could provide more spaces than this for the disabled? Even if it were another 10 it wouldn't break your bank.

Q4 What was the outcome of the Governance and Finance Committee meeting, held on the 15th of March 2016? In relation to the printing of Ordinary Council meeting dates, to be included in the Rates notice for 2016-17. The file number that I received from you was 27122.

I personally don't think this is too hard a task to complete, as there is sufficient space in the central area provided, and to use the same font size for the Council meeting dates. Of course this information would be placed at the bottom of the rating details.

Response

The Mayor advised that questions 2, 3 and 4 would be taken on notice and a response provided in writing.

MR MALCOLM GARDAM - 4 BEAUMONT DRIVE, MIANDETTA

On looking at the responses in the minutes of my questions of 29 June 2016. I understand what you are saying about the Food Pavilion and I can understand not wanting to divulge whether you are going well with tenants or you are not going well with tenants. What I would ask if you could put my question 3 back on the record again to check in a month's time as to how the tenancies are going down there?

Question 3 was:

Provide an update as to how many contracted commercial commitments the Food Ambassador has secured to date, and if any, what percentage of the floor space uptake required for the Food Pavilion to proceed as a financially viable entity?

Response

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

3.3 QUESTIONS FROM ALDERMEN

Nil

3.4 NOTICES OF MOTION

Nil

4.0 PLANNING AUTHORITY MATTERS

4.1 AM2016.02 REZONING FROM GENERAL RESIDENTIAL TO CENTRAL BUSINESS - 83 STEWART STREET DEVONPORT AND PA2016.0009 - VEHICLE FUEL SALES AND SERVICE (SERVICE STATION REDEVELOPMENT) - 83 STEWART STREET, 114-116 WILLIAM STREET AND 118 WILLIAM STREET DEVONPORT (D428828)

132/16 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Rockliff

That Council:

- agree to certify AM2016.02 to Rezone 83 Stewart Street, Devonport (CT 216837/1) from General Residential to Central Business;
- place AM2016.02 on public exhibition in accordance with the provisions of the *Land Use Planning and Approvals Act, 1993*; and
- approve development application PA2016.0009 for Vehicle Fuel Sales and Service (Service Station redevelopment – including demolition) – Assessment against Performance Criteria under clause 22.3.1, 22.4.2, 22.4.5 & Sign Code (E7) in accordance with the *Land Use Planning and Approvals Act 1993*, subject to the following conditions:
 1. Unless altered by subsequent conditions of this permit the service station redevelopment is to be generally developed in accordance with the submitted plans and documentation referenced as:
 - Development Plans referenced as: *Project Devonport – TAS, 114-118 William Street, CNR Stewart Street* (Project No. 66158) by Richmond + Ross Pty Ltd; and
 - Planning Submission by GHD obo IASM investments Pty Ltd dated May 2016 (including Traffic Impact Assessment & Noise Assessment)
 2. The developer is to comply with Council's In-Principle Agreement for Roads and Stormwater dated 24/06/2016.
 3. Prior to or at the time of lodgement of the building application, the height of the acoustic fence is to be ratified by a suitably qualified acoustic engineer (refer to Advice section below).
 4. The acoustic fence on the eastern side boundary is to be designed with architectural relief design methods. Details regarding this are to be submitted prior to or at the time of the building application being lodged (refer to Advice section below).
 5. 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*.

Advice: The following is provided for information purposes.

Prior to the lodgement of the building application, the height of the acoustic fence is to be ratified by a suitably qualified acoustic engineer. The current plans indicate a 2.5m high acoustic fence, however, the noise assessment which was completed as part of the planning application considered the

acoustic fence to be 300mm above the eave level of the adjoining property to the east (multiple dwellings at 81 Stewart Street). Taking into account the eave line of the neighbouring property the fence will need to be in excess of 3m in height. In addition, the acoustic engineer will need to take into account the design of the fence with architectural relief design methods.

The developer is to take all reasonable steps during construction works and use of the premises to minimise off site environmental effects occurring that might result in a nuisance. This includes air and noise pollution and does not allow for burning of any waste materials.

The developer is to dispose of any asbestos found during demolition in accordance with the Workplace Tasmania "Guidelines for Safe Disposal of Asbestos".

If the existing underground fuel tank/s are to be decommissioned, it is to be done in accordance with the *Environmental Management & Pollution Control (Underground Petroleum Storage Systems) Regulations 2010*. Soil sampling is to be undertaken around the tanks to ensure there has been no further contamination and a decommissioning report is to be provided to Council in accordance with the Regulations. If the existing tanks are to remain then all care is to be taken to alleviate any potential damage to the tanks and its surrounds. If any breach occurs then the developer is to contact Worksafe Tasmania and the Environmental Health Department of Council.

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

CARRIED UNANIMOUSLY

5.0 REPORTS

5.1 TENDER - LIVING CITY - WATERFRONT PRECINCT MASTERPLAN (D419491)

133/16 RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Goodwin

That Council receive and note the report regarding the master planning and concept design for the LIVING CITY Waterfront Precinct and engage Lyons Architects to undertake phase 1 design works for a contract sum of \$210,500 (ex GST) plus out of pocket expenses.

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

CARRIED UNANIMOUSLY

5.2 LIVING CITY STAGE 1 CONSTRUCTION CONTRACT AND FINANCIAL CLOSE (D419638)

134/16 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Rockliff

That Council receive the report regarding financial close on LIVING CITY Stage 1 and:

1. authorise the General Manager to execute a modified AS4300 design and construct contract document with Fairbrother Pty Ltd based on a guaranteed maximum price contract sum of no more than \$59,440,000 (ex GST);
2. adopt the Value Management design revisions as per the attached design drawings;
3. note the current status of the State Government funding agreement; and
4. note that final executed documents are anticipated to result in an improved financial outcome from that predicted in Council's adopted Stage 1 funding model, with details to be released publically once confirmed.

	For	Against		For	Against
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 (D426619)

135/16 RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Perry

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

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

CARRIED UNANIMOUSLY

6.2 ACTING MAYOR'S MONTHLY REPORT (D428486)**136/16 RESOLUTION**

MOVED: Ald Goodwin
 SECONDED: Ald Laycock

That the Acting Mayor's monthly report 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

6.3 GENERAL MANAGER'S REPORT - JULY 2016 (D408094)**137/16 RESOLUTION**

MOVED: Ald Goodwin
 SECONDED: Ald Jarman

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

	For	Against		For	Against
Ald Martin	✓		Ald 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 - 18 JULY 2016 (D429157)****138/16 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Laycock

That the minutes of the Planning Authority Committee meeting held on Monday, 18 July 2016 be received and the recommendations contained therein be noted.

PAC 07/16 Planning Applications approved under Delegated Authority 1 June 2016 - 30 June 2016

PAC 08/16 PA2016.0081 Residential (single dwelling and outbuilding) - assessment against performance criteria under Clause 13.4.1, 13.4.2 and 13.4.3 - 4 Mangana Drive Tugrah (**approved under delegated authority**)

	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 07/16 Planning Applications approved under Delegated Authority - 1 June 2016 - 30 June 2016

That the list of delegated approvals be received.

PAC 08/16 PA2016.0081 Residential (single dwelling and outbuilding) assessment against performance criteria under Clause 13.4.1, 13.4.2 and 13.4.3 - 4 Mangana Drive Tugrah

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 PA2016.0081 and grant a Permit to use and develop land identified as 4 Mangana Drive, Tugrah for the following purposes:

- Residential (single dwelling and outbuilding) - assessment against performance criteria under clause 13.4.1, 13.4.2 and 13.4.3

Subject to the following conditions:

1. The use and development is to proceed generally in accordance with the submitted plans referenced as Proposed Timber Clad Residence, Drawing No 216051 dated March 2016 by Yaxley Design and Drafting copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to take all reasonable steps during construction to prevent environmental effects occurring that might result in a nuisance. This includes the pollutant effects of noise and water as well as air pollution from the result of any burning of waste.
3. The developer is to submit the design report (including the site and soil evaluation in accordance with AS/NZS1547:2012) as well as the Special Plumbing Application for the onsite waste water system. This can be submitted with the Building and Plumbing Permit Application.

7.2 GOVERNANCE AND FINANCE COMMITTEE MEETING - 18 JULY 2016 (D429443)

139/16 RESOLUTION

MOVED: Ald Jarman

SECONDED: Ald Rockliff

That the minutes of the Governance and Finance Committee meeting held on Monday, 18 July 2016 be received and the recommendations contained therein be adopted.

GFC 21/16 Annual Plan Progress Report - March-June 2016

GFC 22/16 Local Government Association of Tasmania - Annual General Meeting and General Meeting - 20 July 2016

GFC 23/16 Elected Members' Expenditure Report - May/June 2016

GFC 24/16 Governance & Finance 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 GOVERNANCE AND FINANCE COMMITTEE CONFIRMED BY COUNCIL

GFC 21/16 Annual Plan Progress Report - March-June 2016

That the 2015/16 Annual Plan Progress Report for the period 1 March to 30 June 2016 be received and noted.

GFC 22/16 Local Government Association of Tasmania - Annual General Meeting and General Meeting - 20 July 2016

That the agendas for the Local Government Association of Tasmania Annual General Meeting and General Meeting to be held on 20 July 2016 be received and noted.

GFC 23/16 Elected Members' Expenditure Report - May/June 2016

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

GFC 24/16 Governance & Finance Report

That the Governance and Finance report be received and noted.

8.0 CLOSED SESSION

140/16 RESOLUTION

MOVED: Ald Laycock

SECONDED: Ald Jarman

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	LIVING CITY Food Pavilion Operations	15(2)(b)
8.4	Possability - Intentional Community Proposal	15(2)(f)
8.5	Closed Session - Governance and Finance Committee Meeting - 18 July 2016	15(2)(f)
8.6	LIVING CITY Stage 1 Financial Close	15(2)(g)

	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 5:58pm to reconvene in Closed Session at 5:59pm.

The Council moved out Closed Session at 6:38pm.

Council resumed in open session at 6:38pm.

CLOSURE

There being no further business on the agenda the closed session was declared closed at 6:38pm.

Confirmed

Chairman