MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY, DEVONPORT ON MONDAY, 22 AUGUST 2016 COMMENCING AT 5:30PM

Meeting	From	То	Time Occupied
Open Session	5:30pm	6:10pm	40 minutes
Closed Session	6:11pm	6:38pm	27 minutes
Total			1 hour 7 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 J F Matthews 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

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 Laycock Apology

2.0 DECLARATIONS OF INTEREST

The following Declaration of Interest was advised:

Ald Matthews	5.1	Contract	1311 - Tender	- Ste	ele Street
		Building	Demolition	and	Carpark
		Construction			

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 25 JULY 2016

147/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Jarman

That the minutes of the Council meeting held on 25 July 2016 as circulated be confirmed.

Page 2 of 16

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
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

148/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Emmerton

That Council note the response to a question from Mr Trevor Smith at the July Council meeting.

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

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

149/16 RESOLUTION

MOVED: Ald Rockliff SECONDED: Ald Perry

That Council in relation to the correspondence received from Mr Bob Vellacott, Mr Ray Chaplin (Brand Focus) and Mr Malcom Gardam, note the responses proposed and authorise their release.

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

CARRIED UNANIMOUSLY

3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

TREVOR SMITH - 7 GLEN COURT, DEVONPORT

- Q1 How many motor home and caravan spaces have been provided for the tourists parking in the Devonport CBD shopping area, since the Parking Study has been completed?
- Q2 Does the Devonport Council intend to push for compulsory voting for Council elections, like Hobart City Council is aiming to do? If the Council doesn't want to go down this path, what are the many reasons not to do so? Wouldn't this prove to the Ratepayers how popular you are? If they can have State and Federal elections which are compulsory, and Councils are a form of Government, I can't see a problem with it!

- Q3 Do you still intend to rip out the date palms that were planted by your forebears, on Council land, at the back of the old Council Chambers?
- Q4 Does the Devonport Council still intend to pull out of the Cradle Coast Authority next year, or are you having second thoughts in doing so?
- Q5 Could you please explain why the number of short term parking spaces, has been reduced from 8 in the front of the old Council Chambers to 3 in the front of the new temporary Council building?

Response

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

DOUGLAS JANNEY - 23 WATKINSON STREET, DEVONPORT

Organic assets destruction

2 trees of between 75 and 100 years total growth (growth rings not counted) at the corner of Lovett Street and Lawrence Drive in the Reserve have been cut down further reducing Devonport's trees asset. The wood does not appear to be diseased. Furthermore it appears that the stumps will not be shaped into seats!

- Q1 Why have the trees been cut down?
- Q2 Was an independent Arborist's report done on the said trees health?
- Q3 What number of like tree type will be planted to help maintain the total tree asset?
- Q4 When will the activity in Q3 occur?
- Q5 Where will the planted trees be located?
- Q6 If Q1 relates to a utility service requirement what compensation is that utility providing?

Response

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

BOB VELLACOTT - 11 COCKER PLACE, DEVONPORT

Food Pavilion

Q1 As at this date are all the plans, specifications and lease arrangements on track to commence work as per the Construction Program? ie 3 October 2016 (as stated in the DCC Agenda 24 July 2016 LIVING CITY Key Milestones)

Response

The Deputy General Manager advised that Council is happy with the current status of the Food Pavilion.

Q2 When completed is it Council's intention to carry out the day to day management of the property?

Response

The Deputy General Manager advised that Council is not in a position to make any announcements on that at this stage.

Q3a Is Mr Ben Milbourne still employed as the Food Pavilion Ambassador?

Response

The Mayor advised that he is.

Q3b If yes, when does his contract expire?

Response

The Mayor advised that his contract goes through to the opening of the Food Pavilion.

Q3c Does Council intend to continue to employ a Food Pavilion Ambassador?

Response

The Mayor advised that Council has not given this matter any consideration at this stage.

Q4 Has the Food Pavilion Ambassador so far successfully achieved all the Key Performance Indicators (KPIs) that I presume would have been written in his contract?

Response

The Mayor advised that, yes he has.

General Question for Stage 1:

Q1 How much has been budgeted for, or will be paid in architect fees to amend the plans and specifications for Stage 1 during negotiations to finalise a construction contract?

Response

The Deputy General Manager advised that it was previously reported that the value management process that Council went through saved about \$12M and there was obviously some extra costs, and some savings. That included the extra for the architects but with the savings the nett gains was in the order of about \$12M.

MALCOM GARDAM - 4 BEAUMONT DRIVE, MIANDETTA

In response to questions dated 29 June 2016, resubmitted 25 July 2016 and new questions 3 and 4 dated 14 August 2016 relating to the Food Pavilion, Council has responded that "Council is not yet in a position to provide any further information than what has been previously advised in regard to this question." It is noted that the Mayor has publicly pledged that rates will not rise as a result of LIVING CITY in order to afford comfort to the ratepayers. Will the Mayor now pledge that the following shall apply to commercial arrangements relating to the Food Pavilion?

- Q1 That Council shall ensure legally binding agreements are formalised in advance to establish a position of certainty of tenants (...in the form of secured tenant commitments.") to justify proceeding with construction of the Food Pavilion as stated by Council.
- Q2 That Council shall ensure Food Pavilion lease arrnagements include personal guarantees where a corporate entity is entering into the agreement plus a realistic term of say 10 years to support a period of known returns.
- Q3 That Council shall secure the stated Food Pavilion commercial income streams, as per the publically released budget, and protection necessary to support LIVING CITY Stage 1 being financially viable in its own right as stated by Council.

I just reiterate my former email invitation to Aldermen to brief me on how they are comfortable with LIVING CITY in its current format and are quite happy. That invitation still stands as I've had no responses.

Response

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

3.3 QUESTIONS FROM ALDERMEN

Nil

3.4 NOTICES OF MOTION

3.4.1 FUNDING AND ASSISTANCE - HOME HILL - NOTICE OF MOTION - ALD L M LAYCOCK (D434303)

The motion lapsed due to the late apology of Ald Laycock.

4.0 PLANNING AUTHORITY MATTERS

There were no items to consider as a Planning Authority.

5.0 REPORTS

Ald Matthews left the meeting at 5:44pm.

5.1 CONTRACT 1311 - TENDER - STEELE STREET BUILDING DEMOLITION AND CARPARK CONSTRUCTION (D429964)

150/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Emmerton

That Council in relation to Contract 1311 for the Steele Street Building Demolition and Car Park Construction:

- a) award the contract to Oliver Kelly Construction for the tendered sum of \$532,973 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$48,000 (ex GST); and
- c) note that a construction contingency of \$53,973 (ex GST) is included in the budget.

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

CARRIED

Ald Matthews returned to the meeting at 5:49pm.

5.2 DULVERTON REGIONAL WASTE MANAGEMENT AUTHORITY - FORMAL ADOPTION OF RULES (D431995)

151/16 RESOLUTION

MOVED: Ald Rockliff SECONDED: Ald Milne

That Council formally approve the amended Dulverton Regional Waste Management Authority Rules.

Page 6 of 16

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

CARRIED UNANIMOUSLY

5.3 RESPONSE TO THE TASMANIAN GOVERNMENT DRAFT TRANSPORT ACCESS STRATEGY (D433178)

152/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Matthews

That the report of the Executive Officer Community Services relating to the Tasmanian Government draft Transport Access Strategy be received and noted and that Council provide a response to the Local Government Association of Tasmania in line with the contents of this report.

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

CARRIED UNANIMOUSLY

5.4 FLOODING - DON RIVER - JOANNA & JOHN GAIR (D434095) 153/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Rockliff

That the report relating to the impact of flooding on the property at 15 Waverley Road, Don be received and it be noted that the comments by Mr and Mrs Gair have been referred to the review processes underway.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	\	
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 (D430793)

154/16 RESOLUTION

MOVED: Ald Jarman SECONDED: Ald Rockliff

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

Page 7 of 16

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

CARRIED UNANIMOUSLY

6.2 MAYOR'S MONTHLY REPORT (D432154)

155/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Matthews

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	✓	

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - AUGUST 2016 (D408095)

156/16 RESOLUTION

MOVED: Ald Jarman SECONDED: Ald Rockliff

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	✓	

CARRIED UNANIMOUSLY

6.4 UNCONFIRMED MINUTES - CRADLE COAST WASTE MANAGEMENT GROUP - 11 JULY 2016 (D431213)

157/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Emmerton

That the unconfirmed minutes of the Cradle Coast Waste Management Group meeting which was held on 11 July 2016 be received and noted.

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

CARRIED UNANIMOUSLY

6.5 UNCONFIRMED MINUTES OF MEETING - AUDIT PANEL - 8 AUGUST 2016 (D434052)

158/16 RESOLUTION

MOVED: Ald Emmerton SECONDED: Ald Rockliff

That the unconfirmed minutes of the Audit Panel meeting held on 8 August 2016 be received and noted.

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

CARRIED UNANIMOUSLY

7.0 SECTION 23 COMMITTEES

7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 8 AUGUST 2016 (D433602)

159/16 RESOLUTION

MOVED: Ald Goodwin SECONDED: Ald Jarman

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 8 August 2016 be received and the recommendations contained therein be adopted.

IWC 25/16 Contract CT0167-01 - Supply, Delivery and Placement of Hotmix

(approved under delegation)

IWC 26/16 Contract CT0167-02 - Supply, Delivery and Placement of

Sprayed Bituminous Surfacing (approved under delegation)

IWC 27/16 Sports Ground Grass Lengths

IWC 28/16 Pedestrian Strategy 2016-2021

IWC 29/16 Master Builders Tasmania Park Seat Request

IWC 30/16 Development and Health Services Report

IWC 31/16 Infrastructure and Works Report

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
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 25/16 Contract CT0167-01 - Supply, Delivery and Placement of Hotmix (approved under delegation)

That the Infrastructure, Works and Development Committee, in relation to Contract CT0167-01 – Supply, Delivery and Placement of Hotmix Asphalt Sealing Service and in accordance with the delegated authority provided to it by Council under Minute 198/15:

- a) award the contract to Roadways Pty Ltd based on their tendered schedule of rates; and
- b) note that design and project management for the total reseal project is estimated at \$23,000 (ex GST).

IWC 26/16 Contract CT0167-02 - Supply, Delivery and Placement of Sprayed Bituminous Surfacing (approved under delegation)

That the Infrastructure, Works and Development Committee, in relation to Contract CT0167-02 – Supply, Delivery and Placement of Sprayed Bituminous Surfacing Services and in accordance with the delegated authority provided to it by Council under Minute 198/15:

a) award the contract to Venarchie Contracting Pty Ltd based on their tendered schedule of rates.

IWC 27/16 Sports ground Grass Lengths

That the report from the Infrastructure and Works Manager regarding the sports ground grass lengths be received and that Council note:

- additional maintenance will be carried out as planned at Devonport Oval in the coming weeks in an attempt to increase the outfield speed for the upcoming cricket season; and
- 2. further discussions will be held with the governing body to address the concerns relating to reduced grass height.

IWC 28/16 Pedestrian Strategy 2016-2021

That the report of the City Engineer relating to the Draft Pedestrian Strategy 2016-2021be received and noted and Council endorse the release of the strategy for a 30 day public consultation period.

IWC 29/16 Master Builders Tasmania Park Seat Request

That the offer from Master Builders Tasmania to donate and install a seat and plaque along Victoria Parade to mark their 125th year celebrations be accepted.

IWC 30/16 Development and Health Services Report

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

IWC 31/16 Infrastructure and Works Report

That the Infrastructure and Works report be received and noted.

7.2 PLANNING AUTHORITY COMMITTEE MEETING - 15 AUGUST 2016 (D434418) 160/16 RESOLUTION

MOVED: Ald Matthews SECONDED: Ald Emmerton

That the minutes of the Planning Authority Committee meeting held on Monday, 15 August 2016 be received and the recommendations contained therein be noted.

PAC 09/16 Planning Applications approved under Delegated Authority - 1 July 2016-31 July 2016

PAC 10/16 PA2016.0098 - Storage (Building Extension incorporating Ancillary Offices and Amenities) - Assessment against Performance Criteria under Clause 26.4.2 (Front Setback Variation) - 211 & 246 Brooke Street East Devonport (approved under delegated authority)

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

CARRIED UNANIMOUSLY

DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL

PAC 09/16 Planning Applications approved under Delegated Authority - 1 July 2016-31 July 2016

That the list of delegated approvals be received.

PAC 10/16 PA2016.0098 - Storage (Building Extension incorporating Ancillary Offices and Amenities) - Assessment against Performance Criteria under Clause 26.4.2 (Front Setback Variation) - 211 & 246 Brooke Street East Devonport

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 PA2016.0098 and grant a Permit to use and develop land identified as 211 & 246 Brooke Street, East Devonport for the following purposes:

• Storage (building extension incorporating ancillary offices and amenities) – assessment against performance criteria under clause 26.4.2 (front setback variation)

Subject to the following conditions:

- The Use and Development is to proceed generally in accordance with the submitted plans referenced as Costa Group – Packing & Distribution Centre Facility Expansion -Drawing No. 8409 (180-187), dated 7/07/16 by Tasmanian Consulting Service, 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 no immediate

off site storage of associated building equipment and materials on public land and the pollutant effects of noise, water and air pollution as the result of any burning of waste.

3. Due to the generation of additional waste water loadings, the existing on-site waste water management system must be reassessed and a new on-site waste water report must be completed by a suitably qualified person and submitted prior to or at the time of lodgement of the Building and Plumbing Permit Application.

7.3 COMMUNITY SERVICES COMMITTEE MEETING - 15 AUGUST 2016 (D434420) 161/16 RESOLUTION

MOVED: Ald Jarman SECONDED: Ald Rockliff

That the minutes of the Community Services Committee meeting held on Monday, 15 August 2016 be received and the recommendations contained therein be adopted.

CSC 40/16 Minutes of the Sport and Recreation Strategic Special Committee Meeting - August 2016

CSC 41/16 Minutes of the Community Development Strategic Special Committee Meeting

CSC 42/16 Eastside Village Branding Proposal

CSC 43/16 Don Reserve Environmental Management Plan - Year One Status

CSC 44/16 Community Services Report - August 2016

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

CARRIED UNANIMOUSLY

EFFECTIVE DECISIONS OF THE COMMUNITY SERVICES COMMITTEE CONFIRMED BY COUNCIL

CSC 40/16 Minutes of the Sport and Recreation Strategic Special Committee Meeting - August 2016

That the minutes of the Sport and Recreation Strategic Special Committee meeting held on 3 August 2016 be received and noted.

CSC 41/16 Minutes of the Community Development Strategic Special Committee Meeting

That:

- 1. The minutes of the Community Development Strategic Special Committee meeting of 26 July 2016 be received and be noted;
- 2. Council endorse the Living + Learning Brand Logo and Associated Brand Book;

3. Council approve an interpretation panel being designed and installed in proximity of the avenue of Cherry Blossoms planted on Formby Road to commemorate the 20th Anniversary of the Sister City relationship with Minamata.

CSC 42/16 Eastside Village Branding Proposal

That the report of the Community and Cultural Development Manager regarding rebranding of the East Devonport retail precinct be received and noted and that Council supports the Eastside Village rebranding proposal and undertakes the rebranding of signage during 2016/2017.

CSC 43/16 Don Reserve Environmental Management Plan - Year One Status
That the report of the Executive Officer Community Services be received and the status of actions listed in the Don Reserve Environmental Management Plan 2015-2020 be noted.

CSC 44/16 Community Services Report - August 2016

That the Community Services report be received and noted.

8.0 CLOSED SESSION

162/16 RESOLUTION

MOVED: Ald Rockliff SECONDED: Ald Emmerton

That in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the following items be dealt with in Closed Session:

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Application for Leave of Absence	15(2)(h)
8.2	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.3	160B Sheffield Road Drainage	15(2)(i)
8.4	Closed Session - Community Services Committee Meeting - 15 August 2016	15(2)(f)

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

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 6:10pm to reconvene in Closed Session at 6:11pm. 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