

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, 17 FENTON WAY
ON MONDAY, 28 NOVEMBER 2016 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	5:59pm	29 minutes
Closed Session	6:00pm	6:26pm	26 minutes
Total			55 minutes

PRESENT: Ald S L Martin (Mayor)
Ald A L Rockliff (Deputy Mayor)
Ald C D Emmerton
Ald G F Goodwin
Ald A J Jarman
Ald L M Laycock
Ald 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, 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

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 24 OCTOBER 2016

204/16 RESOLUTION

MOVED: Ald Goodwin
SECONDED: Ald Matthews

That the minutes of the Council meeting held on 24 October 2016 as circulated be confirmed.

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

205/16 RESOLUTION

MOVED: Ald Emmerton

SECONDED: Ald Goodwin

That the response to questions from Mr Malcolm Gardam at the October Council meeting be noted and his correspondence dated 24 October 2016 be 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

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

206/16 RESOLUTION

MOVED: Ald Matthews

SECONDED: Ald Rockliff

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 Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

MR TREVOR SMITH – 7 GLEN COURT, DEVONPORT

- Q1** With savings of design for the multi storey carpark; what are the main reasons why the staircase won't be enclosed like the multi storey carpark in Burnie?
- Q2** Seeing that you were the owner of the recently demolished Repco building, could you tell me when it was built, also the old community building that was adjacent to the old carpark in Rooke Street?

Q3 The old carpark in Rooke Street, Breast Screen Tasmania used to park their mobile screening bus. Where will the bus be located now, seeing the carpark has been demolished?

Response

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

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Agenda Item 5.1 page 19. Contract CT0186

Table 1 has 2 columns of Tender Prices which are all said to be confirming.

Q1 Does N/A for No 3 mean that No 3 did not submit a Revised Tender Price?

Response

The Mayor advised that is correct.

If that being the case then No 1 is the lower not the lowest and only two tenders were received and considered.

Q2 Were the Tender Prices so far beyond the budgeted amount that the decision was taken to request a revised quote on the basis of a reduced content of work?

Response

The Deputy General Manager responded that was certainly one of the considerations.

Q3 What financial contribution if any did the Council make to the Tenders in order to obtain the Revised Tender Price?

Response

The Deputy General Manager responded that Council does not pay for tenderers to do their pricing.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

My questions tonight refer to page 15 in the agenda and my Question on Notice number 18 about Southern Wild Distillery.

I note your answer in part: "The occupancy has been approved by an independent building surveyor" and also on page 9 the answer to Mr Malcolm Gardam's Q2. "The independent building survey has subsequently issued the occupancy certificate."

Q1 (a) How is it then, according to your answer to my Q17 you say Southern Wild has toilets?

(b) Are they the portable toilets deposited in the car park that are (as of the date the agenda was issued ie 22 November 2016) not connected to the sewer?

Response

The Mayor responded that the toilets are to be connected to the sewer and will be for the use of the clientele of Southern Wild Distillery.

Q2 So they will be staying there for the five years, or whatever the contract is?

Response

Yes.

Q3 Is Council comfortable with that arrangement?

- Q4** Would you allow, encourage, or permit any other private business to set up this sort of lean to garden shed, like temporary toilet facilities, so that they can start a business in the back sections of the buildings that has a boundary onto other Council carparks, or private carparks? Is that the norm in Town Planning these days?

Response

In response to questions 3 and 4 the Mayor responded that each case is be judged on its individual merits.

3.3 QUESTIONS ON NOTICE FROM ALDERMEN

3.3.1 QUESTIONS ON NOTICE FROM ALDERMEN

207/16 RESOLUTION

MOVED: Ald Rockliff
 SECONDED: Ald Emmerton

That Council in relation to the questions on notice received from Ald Tammy Milne, note the responses.

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

CARRIED UNANIMOUSLY

3.4 NOTICES OF MOTION

Nil

4.0 PLANNING AUTHORITY MATTERS

There were no items to consider as a Planning Authority.

5.0 REPORTS

5.1 TENDER REPORT CONTRACT CT0186 ELIZABETH STREET RENEWAL FORBES STREET TO HILLER STREET (D447507)

208/16 RESOLUTION

MOVED: Ald Goodwin
 SECONDED: Ald Laycock

That Council, in relation to Contract CT0186 - Elizabeth Street Renewal - Forbes Street to Hiller Street:

- a) award the contract to Civilscape Contracting Tasmania Pty Ltd for the revised tendered sum of \$196,440 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$13,000 (ex GST);
- c) note that a construction contingency of \$19,600 (ex GST) is included in the budget; and

- d) note that if all of the construction contingency is expended the project will be \$4,040 over the allocated budget amount.

	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 CT0190 VALLEY ROAD SOCCER GROUND CAR PARK (D447568)

209/16 RESOLUTION

MOVED: Ald Jarman

SECONDED: Ald Rockliff

That Council, in relation to Contract CT0190 - Valley Road Soccer Ground Car Park:

- award the contract to ATM Investments Pty Ltd for the tendered sum of \$173,433 (ex GST);
- note that design, project management and administration for the project are to cost \$13,000 (ex GST);
- note that a construction contingency of \$17,300 (ex GST) is included in the budget; and
- note that if all of the construction contingency is expended the project will be \$13,733 over the allocated budget amount.

	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 RESERVES, PARKS AND GARDENS BY-LAW (D448127)

210/16 RESOLUTION

MOVED: Ald Matthews

SECONDED: Ald Goodwin

That Council:

- in accordance with Section 156 of the *Local Government Act, 1993*, approve the intent to make a by Reserves, Parks and Gardens By-law by absolute majority; and
- authorise the General Manager to forward the draft Regulatory Impact Statement to the Director of Local Government for consideration.

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

CARRIED UNANIMOUSLY

5.4 MINUTES - ANNUAL GENERAL MEETING - 24 OCTOBER 2016 (D449460)**211/16 RESOLUTION**

MOVED: Ald Rockliff
 SECONDED: Ald Jarman

That Council accept the minutes of the Annual General Meeting held on Monday, 24 October 2016.

	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 (D446682)****212/16 RESOLUTION**

MOVED: Ald Milne
 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 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 (D446641)**213/16 RESOLUTION**

MOVED: Ald Goodwin
 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 - NOVEMBER 2016 (D408099)**214/16 RESOLUTION**

MOVED: Ald Laycock

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	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

6.4 LIVING CITY REFERENCE GROUP MINUTES (D447369)**215/16 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Laycock

That the minutes of the LIVING CITY Reference Group 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**7.1 PLANNING AUTHORITY COMMITTEE MEETING - 31 OCTOBER 2016 (D446629)****216/16 RESOLUTION**

MOVED: Ald Jarman

SECONDED: Ald Goodwin

That the minutes of the Planning Authority Committee meeting held on Monday, 31 October 2016 be received and the recommendations contained therein be noted.

PAC 13/16 Planning Applications approved under Delegated Authority 1 October 2016 - 23 October 2016

PAC 14/16 PA2016.0140 Residential (single dwelling) - Assessment against performance criteria for building envelope and setbacks and privacy - 35 Leary Avenue Stony Rise **(approved under delegated 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

DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL

PAC 13/16 Planning Applications approved under Delegated Authority - 1 October 2016 to 23 October 2016

That the list of delegated approvals be received.

PAC 14/16 PA2016.0140 Residential (single dwelling) – Assessment against performance criteria for building envelope and setbacks and privacy – 35 Leary Avenue Stony Rise

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 PA2016.0140 and grant a Permit to use and develop land identified as 35 Leary Avenue, Stony Rise for the following purposes:

- Residential (single dwelling) - assessment against performance criteria for building envelope and setbacks and privacy

Subject to the following conditions:

1. Unless otherwise specified by a condition of this permit, the use and development is to proceed generally in accordance with the submitted plans referenced as New Residence – Drawing 8469-001 (01-07), dated 07/09/16 by Tasmanian Consulting Service, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Prior to or at the time of the building application being submitted, the applicant is to provide details of the 1m privacy screen on the east elevation of the second storey deck. The screen is to be to the satisfaction of the Planning Authority (refer note).
3. The developer is to comply with the conditions contained in the 'In-Principle Agreement for Roads and Stormwater' issued by the Devonport City Council on the 29/08/16 (agreement attached).

Note: The following is provided for information purposes.

In regard to condition 2, the screen is to be opaque and have a maximum transparency of 25%.

During the construction or use of these facilities all measures are be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the Building Regulations or the *Environmental Management and Pollution Control Act 1994*.

7.2 GOVERNANCE AND FINANCE COMMITTEE MEETING - 21 NOVEMBER 2016 (D449714)

217/16 RESOLUTION

MOVED: Ald Milne
SECONDED: Ald Rockliff

That the minutes of the Governance and Finance Committee meeting held on Monday, 21 November 2016 be received and the recommendations contained therein be adopted.

- GFC 39/16 Public Land Register - Update to Register
- GFC 40/16 Annual Plan Progress Report - September-October 2016
- GFC 41/16 Commemorative Seat Policy and Procedure
- GFC 42/16 Minutes of Meetings - Audit Panel - 24 October 2016 and 14 November 2016
- GFC 43/16 Elected Members' Expenditure Report - September/October 2016
- GFC 44/16 Devonport City Digital Strategy 2017-2021
- GFC 45/16 Purchasing Policy
- GFC 46/16 Financial Management Strategy
- GFC 47/16 Finance Report for October 2016
- GFC 48/16 Section 23 Committee Appointments
- GFC 49/16 Governance & Finance Report

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

CARRIED UNANIMOUSLY

EFFECTIVE DECISIONS OF THE GOVERNANCE AND FINANCE COMMITTEE CONFIRMED BY COUNCIL

GFC 39/16 Public Land Register - Update to Register

That:

- (a) the Public Land Register be updated to include land at Kiah Place and Adina Place, East Devonport and 15 McArthur Drive, Spreyton, and
- (b) an updated copy of the Register be publicly available on Council's website and at the Council Offices.

- GFC 40/16 Annual Plan Progress Report - September-October 2016**
That the 2016/17 Annual Plan Progress Report for the period ended 31 October 2016 be received and noted.
- GFC 41/16 Commemorative Seat Policy and Procedure**
That the Commemorative Seat Policy and Procedure:
- (a) be amended to allow Council to accept merit based applications at its discretion; and
 - (b) be adopted and made publicly available on Council's website and at the Council Offices.
- GFC 42/16 Minutes of Meetings - Audit Panel - 24 October 2016 and 14 November 2016**
That the following minutes of the Audit Panel be received and noted:
- Special Audit Panel Meeting - 24 October 2016 (confirmed)
 - Devonport & Central Coast Councils Shared Audit Panel – 14 November 2016 (unconfirmed); and
 - Devonport City Council Audit Panel – 14 November 2016 (unconfirmed).
- GFC 43/16 Elected Members' Expenditure Report - September/October 2016**
That the report advising of Aldermen expenses be received and noted.
- GFC 44/16 Devonport City Digital Strategy 2017-2021**
That in relation to the Devonport City Digital Strategy 2017-2021:
- a) it be noted that no community feedback was received; and
 - b) the Strategy be adopted.
- GFC 45/16 Purchasing Policy**
That the Purchasing Policy:
- (a) be amended by altering Section 3 to read, *"The Purchasing Officer is to obtain two verbal quotes where it is practical to do so. If two quotes are obtained, at least one must be sought from a local business providing suitable options exist"*; and
 - (b) be adopted and made publicly available on Council's website and at the Council Offices.
- GFC 46/16 Financial Management Strategy**
That Council adopt the Financial Management Strategy with immediate effect.
- GFC 47/16 Finance Report for October 2016**
That the Finance Report for October 2016 be received and noted.
- GFC 48/16 Section 23 Committee Appointments**
That a review of the membership of its Section 23 Committees has occurred and that no changes are to be made at this time.

GFC 49/16 Governance & Finance Report

That the Governance and Finance report be received and noted.

8.0 CLOSED SESSION**218/16 RESOLUTION**

MOVED: Ald Emmerton

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 Waterfront Concept Design	15(2)(f)
8.4	Closed Session – Governance and Finance Committee Meeting – 21 November 2016	15(2)(f)

	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 5:59pm to reconvene in Closed Session at 6:00pm.

The Council moved out Closed Session at 6:26pm.

Council resumed in open session at 6:26pm.

CLOSURE

There being no further business on the agenda the closed session was declared closed at 6:26pm.

Confirmed

Chairman