

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL  
HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT  
ON MONDAY, 23 SEPTEMBER 2019 COMMENCING AT 5:30PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	6:58pm	1 hour 28 minutes
Closed Session	7:05pm	8:12pm	1 hour 7 minutes
Total			2 hours 35 minutes

**PRESENT:** Cr A Rockliff (Mayor)  
Cr A Jarman (Deputy Mayor)  
Cr J Alexiou  
Cr G Ennis  
Cr L Laycock  
Cr S Milbourne  
Cr L Murphy  
Cr L Perry

**Council Officers:**

General Manager, P West  
Deputy General Manager, M Atkins  
Executive Manager Corporate Services, J Griffith  
Executive Manager Organisational Development, K Peebles  
Community Services Manager, K Hampton  
Convention & Art Centre Director, G Dobson  
Executive Officer, J Surtees

**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.

Cr P Hollister	Leave of Absence
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**2.0 DECLARATIONS OF INTEREST**

The following Declarations of Interest were advised:

Cr L Murphy	Items 3.2.1, 3.2.2 & 5.1	Responses to Questions Raised at Prior Meetings, Questions on Notice from the Public and Tender Report CB0082 Waterfront Park Construction
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**3.0 PROCEDURAL**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 COUNCIL MEETING - 26 AUGUST 2019****186/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That the minutes of the Council meeting held on 26 August 2019 as previously circulated be confirmed.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**3.1.2 SPECIAL COUNCIL MEETING - 9 SEPTEMBER 2019****187/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Ennis

That the minutes of the special Council meeting held on 9 September 2019 as previously circulated be confirmed.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

In accordance with Regulation 38 of the *Local Government (Meeting Procedures) Regulations 2015* the Mayor advised that the General Manager had requested an opportunity to make a statement.

The General Manager read his statement.

Following his statement the General Manager left the meeting at 5:54pm.

The Mayor adjourned the meeting at 5:54pm.

The Mayor resumed the meeting at 6:00pm.

Cr Murphy having declared an interest in items 3.2.1 and 3.2.2 left the meeting at 6:00pm.

**3.2 PUBLIC QUESTION TIME****3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS****188/19 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Laycock

That the responses to questions from Mr Douglas Janney, Mr Trevor Smith and Mr Malcolm Gardam at the 26 August 2019 Council meeting and Mr Douglas

Janney at the 16 September 2019 Governance Finance and Community Services meeting be noted.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

#### 189/19 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Enniss

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

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

Cr Murphy returned to the meeting at 6:02pm.

### 3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

#### MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

**Q1.** At the Governance, Finance & Community Committee Meeting held 16/9/19, the General Manager stated, and I quote from the Audio Recording (Not the Minutes) in response to Bob Vellacott's new head lease question "I don't have knowledge of exactly what is in the lease at this stage having only just returned to work so perhaps I think for the benefit of this meeting it be best to take that on notice and I'll provide a written response."

As the General Manager has stated no knowledge of what is in the new lease agreement will the Mayor advise specifically which councillors and specifically which senior staff negotiated the "new lease agreement" with Providore Place (Devonport) Pty Ltd?"

#### Response

The Mayor advised that the question would be taken on notice and a response provided in writing, however the agreement was a unanimous decision of Council.

#### Malcolm Gardam

My question was, who negotiated the lease in the absence of the General Manager?

#### Mayor Rockliff

Myself and Cr Perry.

**Q2.** It was reported in The Advocate on the 13/9/19 that Council had entered a new lease arrangement with Providore Place (Devonport) Pty Ltd to manage the Providore Place food pavilion with the initial agreement actually being

disclosed as a “partnering arrangement.” This revelation came despite Council stating for nearly 3 years that it was a risk transferring Head Lease agreement to attract, retain and manage tenants while refusing to disclose any specific details on the basis of firstly confidentiality then more recently Closed Session discussions.

Council has now opted, or felt obliged, to enter another lease agreement with the same entity; despite:

- No public expressions of interest being advertised similar to the first agreement.
- Reliance again on a Head Lessee company that apparently acknowledged no experience in managing a food pavilion not long after the initial agreement was signed.
- Rent not being paid for far too long resulting in the loss of hundreds of thousands of dollars, notwithstanding tenancies operating and other activities being undertaken as confirmed in Council reports and newspaper articles.
- The new lease effectively reduces the Head Lessee's initial 10 year Term and financial exposure to Council from \$2.8 million to \$230,000 for a 2 year Term, more than likely paid monthly in advance. So much for achieving the earlier Council promoted long-term guaranteed rent revenue.

My question is - With all the previous assurances and representations made by Council to the community and the now irrefutable fact that the initial lease arrangements were fatally flawed, and noting the Auditor General's severe criticism of Council's governance of the initial lease arrangements, after conducting a review within the limited scope of the Auditor General's role, will all Councillors and not just a few take their responsibility to the people of Devonport seriously and insist on a full external investigation including rent write-off and the new lease?

### **Response**

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

### **BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

**Q1** Providore Place Devonport Pty Ltd Head Lease Agreement. This has never been referred to publicly as a non- traditional co-operative arrangement. This Head Lease agreement has turned out to be an unmitigated disaster, resulting in significant loss of revenue to Council and ratepayers. Council has advised:

1. The Head Lease was not prepared by Council Lawyers;
2. Council did not receive any advice about the content of the Head Lease, I believe;
3. The Head Lease has now been demonstrated as being grossly defective because Council has written off hundreds of thousands of dollars of rent revenue.

Who will be held accountable and will they be required to pay for the loss instead of the ratepayers?

### **Response**

The Mayor advised that the Councillors will be held responsible as was always the case.

**GRAEME NEVIN – 145 PERCY STREET, DEVONPORT**

**Q1** Given what has transpired with the Providore Place Head Lease, the big loss resulting and the Auditor General's severe criticism of Council's governance, many people in Devonport want to know whether our Councillors and Senior Management have acted in good faith and in the best interests of the community regarding Providore Place and in particular the Head Lease.

My question is:

Will this Council release copies of all of the reports and advice Councillors received regarding the Providore Place Head Lease, so that Devonport residents can assess for themselves whether Council and Senior Management did indeed act in good faith and in the best interests of the community regarding the Providore Place Head Lease?

**Response**

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

**Q2** Councillors if you believe that you have acted in good faith and in the best interests of the community, then you have nothing to fear by moving a motion and voting to make full disclosure regarding all that has happened with Providore Place.

This is entirely consistent with the important characteristic of good governance, namely, transparency, which is sorely lacking in this Council's handling of the Providore Place Head Lease and roundly criticised by the Auditor General as being absent from this Council's decisions.

Transparency in governance means people should be able to follow and understand the decision making process. In summary the people of Devonport should be able to clearly see, how and why a decision was made and what information and advice that Council considered.

My question is:

Given the assurances and representations made by Council spokespersons and senior management since 2016 regarding the Providore Place Head Lease, which have turned out to be incorrect or exaggerated, why should the people of Devonport blindly accept Councillors' assertions now, that they have acted in the best interests of the community, without being able to check the information?

**Response**

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

**JENNIE CLAIRE, 57 GUNN STREET, DEVONPORT**

Recently, we have learnt that the Providore Place rent has been waived and reduced. Also, with the publishing of the Auditor General's report, we learn that the Living City Project has been mismanaged and derailed by poor governance from our Council. This has left us in a dire financial situation. We have the biggest debt of any council in Tasmania and little revenue is coming in to cover that debt. Instead it is ratepayers who are footing the bill. What should our Council do in this situation? Call a halt to the progress of the Living City Project and consider what is happening, or forge ahead regardless? It is tonight that we will get the answer to this question when our Councillors vote on the Park Tender.

For those of us who don't like the park and the walkway a vote to continue with this Park will be devastating. But even many of those who like the park are concerned about the cost. To justify the cost we need to be sure of outcomes. We need to be sure that spending money we can ill afford to obtain a grant, to make a nice park into a different park, actually will provide substantial benefit to Devonport.

We need to know that this park will deliver benefits to our city commensurate with the cost. What hard evidence do we have that this park will help make Devonport into a vibrant city or a tourist destination?

In trying to gather our confidence about embarking on this huge expense we might look at the progress of Living City so far and see whether various other aspects of the project have lived up to expectations. What we find is not encouraging. We are about to have a school where the retail precinct was to be, we have a bus depot where there was to be a seven days a week food market and we have a paraple centre which cites the numbers of people entering the building at its claim to fame on its first birthday and, as mentioned before, we have Providore Place failing to provide the forecast revenue.

But it is not too late to alter course. Only a few trees have been removed from Roundhouse Park. The severe reputational damage to Council and some of the severe damage to the prosperity of Devonport caused by excessive spending can still be averted. Decisions made tonight are decisions that this Council, not the previous Council, not the staff, but this Council right here tonight in September 2019 will be responsible for and remembered for.

So, my first question tonight is:

"What hard evidence do we have that building this park for over \$17 million will provide benefits to Devonport commensurate with the cost?"

**Response**

The Mayor advised that as this item is on the agenda I can't really add anything more to that at this point Ms Claire.

**KEES KUY – 20 COOMERA CRESCENT, MIANDETTA**

**Q1** Will you please tell me who will be responsible to make up the reported \$500,000 loss as reported in the Advocate on 13 September 2019, due to unpaid rent by Providore Place Devonport Pty Ltd?

**Response**

The Mayor advised that the question would be taken on notice and a response provided in writing as I have already indicated on questions around Providore Place.

**MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA**

**Q3.** The Council and its appointed Development Manager have been making representations as reported to the community and State Government about Living City since 2013; including

In 2013 – The Development Manager had "*spoken to 15 national retailers and 13 were keen to come to Devonport*" and "*Negotiations must remain confidential, but it is expected that key announcements can take place in 2014.*" As the passage of time has demonstrated there have never been any firm commitments.

In 2015 we were told "*We've been out in the market on the four restaurant sites in the food pavilion and we've got strong interest coming from local operators as well as from other parts of Tasmania and from the mainland.*" and "*If we're*

*going to bring change to Devonport, there's no point in putting in average operators, we've got to bring a new standard in."*

In 2016 the deputy general manager was reported as saying we've got a 10-year lease with Providore Place to run it and we're getting a good return above the independently assessed market value," and "... *the revenue the council received on the food pavilion was guaranteed through the head lease arrangement and removed the council's exposure to financial risk.*"

In 2016 Stage 1 was "*not a council-funded project*" and "*without relying on income from Council's existing revenue streams.*"

*In 2016 former Mayor Steve Martin was still representing that "We have serious interest from national retailers who have identified Devonport as the regional centre to set up - Big W and Target."* and "*I have personally met with national retailers and have viewed their data that supports coming to Devonport. Stage 1 is the catalyst for providing the footprint needed to secure such a national retailer.*" When challenged in 2017 he had to admit that meeting was in May 2012.

In 2019 Council has told us the Waterfront Precinct is without debt despite the Harris Scarfe acquisition still carrying a loan of \$4 million and that the hotel development is "without any council subsidy" while the ratepayers will drop \$750,000 on just the sale of the section of the Harris Scarfe site to Fairbrother.

In 2019 we have no prospect of a "new northern retail precinct" and a food pavilion with two tenants from the initial head lease agreement and if another Chip Shop operator can be found it will be the third operator in 12 months. In addition about 20 local businesses, despite earlier statements saying they were not up to the standard required, have been approached (some several times) to establish in Providore Place but to date all have declined.

My question is Madam Chair, based on what I consider to be reckless, if not false representations; my question to all Councillors is why should the people of Devonport believe anything this council and its senior staff tell us about Living City?

The Mayor advised Mr Gardam that his time was up.

**JENNIE CLAIRE, 57 GUNN STREET, DEVONPORT**

This is the question that followed from the previous preamble:

**Q2** Will you or any one of our Councillors make time for a review of the Living City Project by moving a motion tonight to apply for an extension of time for the Federal Grant and defer accepting a tender for the Waterfront Park?

In other words, please don't do it tonight, lets have more time to try and find out what's the direction of Living City.

During this morning's radio interview, Leon Compton played for our Mayor the tape from last week where Cr Murphy states that in excess of \$300,000 has been written off the Providore Place rent and that no rent has been paid since 1 November 2017. The Mayor responded by saying "That's not true."

However, later in the interview the Mayor states that in September last year Council made the decision to waive the rent till 1 February 2019. As the forecast rent was \$400,000 per year and the time in question is more than a year this would suggest that the amount of rent that was waived was even more than Cr Murphy stated.

Also, on the program the question was raised as to what will happen to the rent owing from 1 February 2019 which our Mayor said was \$179,000. Our Mayor stated that no

decision has been made about this rent amount and the plan is to wait for 3 to 5 months into the new rental agreement which is towards the end of this calendar year to make a decision.

**Q3.** My question is "Mayor, leaving out the \$179,000 which is still in question, can you tell us the exact amount of Providore Place rent that has been waived so far?"

**Response**

The Mayor advised that the question would be taken on notice and a response provided in writing as I have agreed to do with other questions about Providore Place.

**BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

**Q2.** Did the current announcements by Council in relation to the new Providore Place Head Lease agreement and writing off of the unpaid rent payments form part of the Auditor General's report?

**Response**

The Mayor advised that was part of his review. The Deputy General Manager stated that the scope of the Auditor General's report included keeping an eye on what decisions Council was making up until, the date at which his investigation finished. So up until that time he certainly investigated the decisions Council were making around Providore Place.

**3.3 QUESTIONS FROM COUNCILLORS**

Nil

**3.4 NOTICES OF MOTION**

Nil

**4.0 PLANNING AUTHORITY MATTERS**

There were no items to consider as a Planning Authority.

**5.0 REPORTS**

Cr Murphy having declared an interest in Item 5.1 left the meeting at 6:23pm.

**5.1 TENDER REPORT CB0082 WATERFRONT PARK CONSTRUCTION (D612472)**

**190/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That Council, in relation to Contract CB0082 Waterfront Park Construction:

- a) award a modified AS4000 construction contract to Vos Construction & Joinery Pty Ltd for the revised tendered sum of \$16,811,297(ex GST); and
- b) noting a contingency allowance of \$368,000 (ex GST) is provided.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

Cr Murphy returned to the meeting at 6:31pm.

## 5.2 TENDER REPORT CONTRACT CT0252 BERRIGAN ROAD & LYONS AVENUE ROADWORKS (D614034)

### 191/19 RESOLUTION

MOVED: Cr Perry  
SECONDED: Cr Murphy

That Council, in relation to Contract CT0252 Berrigan Road and Lyons Avenue Roadworks:

- a) award the contract to ATM Civil for the tendered sum of \$294,162(ex GST);
- b) note that utility services costs are an additional \$79,804 (ex GST);
- c) note that plant purchases are an additional \$2,000 (ex GST);
- d) note that project management cost for the project are estimated at \$35,000 (ex GST); and
- e) note a construction contingency of \$47,500 (ex GST) has been allowed.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

## 5.3 TENDER REPORT CF0026 SUPPLY & DELIVERY OF SIDE LOAD GARBAGE TRUCK (D614616)

### 192/19 RESOLUTION

MOVED: Cr Milbourne  
SECONDED: Cr Laycock

That Council, in relation to Contract CF0026 supply & delivery side load garbage truck award the tender to:

1. award the tender to Webster Trucks for the tendered sum of \$390,896 (ex GST) for a Bucher/Isuzu FXR165-350 (tender 4); and
2. determine that the existing truck is to be retained in Council's fleet.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

## 5.4 DOG MANAGEMENT POLICY - FINAL (D614703)

### 193/19 RESOLUTION

MOVED: Cr Jarman  
SECONDED: Cr Murphy

That Council receive and note the report regarding the draft Dog Management Policy and:

1. note the representations received in relation to the draft Policy; and
2. adopt the Dog Management Policy as attached with immediate effect.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

## 5.5 FINANCIAL ASSISTANCE SCHEME - ROUND ONE 2019/2020 (D614710)

### 194/19 RESOLUTION

MOVED: Cr Perry  
 SECONDED: Cr Alexiou

That the report regarding the Financial Assistance Scheme be received and noted, and Council approve the Major and Minor Grants for Round One of the 2019/2020 Community Financial Assistance budget allocations as follows:

#### Major Grants

Cradle Coast Sports and Events	\$10,000
Devonport Bulls Rugby Union Club - Don Cricket Club	\$20,000
Melrose Memorial Hall Controlling Authority	\$ 4,125
East Devonport Bowls Sporting and Recreation Club Inc	\$ 7,300
Devonport Surf Life Saving Club Inc	\$ 3,028
Mersey Pony Club	\$ 7,390
Devonport Tennis Club	\$ 5,000

#### Minor Grants

507 Squadron	\$ 149
Live Well Tasmania	\$ 170
Cradle Coast Triathlon & Multisport Club Inc	\$ 1,691

#### Rate Remissions

Don River Railway	\$9,574.17
Mersey Rowing Club Inc	\$1,617.91
Mersey Community Care Association Inc	\$3,082.25
1st Spreyton Scouts. Scout Association of Australia	\$1,105.39
East Devonport Tennis Club	\$1,154.20
Devonport Girl Guides	\$1,447.07
Cancer Council Tasmania	\$3,482.88
Scouts Australia Tasmanian Branch Mersey District	\$3,472.74

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**5.6 DIGITAL RECORDING POLICY (D614928)****195/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Murphy

That Council adopt the 'Digital Recording Policy' with immediate effect.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**5.7 DISPOSAL OF PUBLIC LAND AT 93-95 MARY STREET EAST DEVONPORT TO MELALEUCA HOME FOR THE AGED INC (D615112)**

MOVED: Cr Laycock

SECONDED: Cr Milbourne

That Council in relation to the proposal for the disposal of public land at 93-95 Mary Street, East Devonport:

- (a) receive and note the report;
- (b) notify Melaleuca Home for the Aged Inc that as a result of the public opposition to the proposal Council is not prepared to further consider their request for the transfer of the public land to assist them in the future development of their facility, however Council is prepared to further discuss potential other options in the vicinity of their current facility which may assist with their expansion plans; and
- (c) notify the representors accordingly of the decision not to proceed with the disposal of the land.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou		✓	Cr Milbourne	✓	
Cr Enniss		✓	Cr Murphy		✓
Cr Jarman		✓	Cr Perry		✓

LOST

**196/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Perry

That Council in relation to the proposal for disposal of public land at 93-95 Mary Street East Devonport:

- (a) receive and note the report;
- (b) attend a site visit;
- (c) defer any decision on the matter until the objections received through the public advertising process have been discussed with Melaleuca Home for the Aged Inc;

- (d) note that a further report will be provided to Council to finalise its position in relation to the request in due course; and
- (e) advise the objectors accordingly.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

## 6.0 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING (D561339)

#### 197/19 RESOLUTION

MOVED: Cr Perry  
 SECONDED: Cr Murphy

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

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

### 6.2 MAYOR'S MONTHLY REPORT (D563541)

#### 198/19 RESOLUTION

MOVED: Cr Perry  
 SECONDED: Cr Ennis

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

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

### 6.3 GENERAL MANAGER'S REPORT - SEPTEMBER 2019 (D561421)

#### 199/19 RESOLUTION

MOVED: Cr Laycock  
 SECONDED: Cr Perry

That the report of the General Manager be received and noted and that Council express its confidence in the General Manager and the Executive Management team.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

#### **6.4 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING - 22 AUGUST 2019 (D614925)**

##### **200/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Ennis

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 22 August 2019 be received and noted.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

#### **6.5 DEVONPORT JAZZ 2019 (D614851)**

##### **201/19 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Milbourne

That Council:

- a) receive and note the report relating to Devonport Jazz 2019; and
- b) note that planning has commenced for Devonport Jazz 2020 to be held 23-26 July 2020.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

## **7.0 SECTION 23 COMMITTEES**

#### **7.1 PLANNING AUTHORITY COMMITTEE MEETING - 9 SEPTEMBER 2019 (D614880)**

##### **202/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Perry

That the minutes of the Planning Authority Committee meeting held on Monday, 9 September 2019 be received and the recommendations contained therein be noted.

- PAC 16/19 Planning Applications approved under Delegated Authority 9 August 2019 - 31 August 2019  
**(Approved under delegated authority)**
- PAC 17/19 PA2019.0113 Residential (detached dwelling extension) - 5 Henry Street Devonport  
**(Approved under delegated authority)**
- PAC 18/19 PA2018.0182 Residential (multiple dwellings) - 21 The Lee Devonport  
**(Approved under delegated authority)**

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

#### DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL

**PAC 16/19 Planning Applications approved under Delegated Authority 9 August 2019 – 31 August 2019**

That the list of delegated approvals be received.

**PAC 17/19 PA2019.0113 Residential (Detached Dwelling Extension) – 5 Henry Street Devonport (D614331)**

That the Planning Authority, 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 PA2019.0113 and grant a Permit to use and develop land identified as 5 Henry Street, Devonport for the following purposes:

- Residential (detached dwelling addition)

Subject to the following conditions:

#### Planning Conditions

1. The use and development is to proceed in accordance with the submitted and endorsed plans referenced as Proposed Garage - Project No P19025 (Revision No A, dated 30/09/19) by n+b, a copy of which is attached and endorsed as documents forming part of this Planning Permit.

#### Infrastructure & Works Conditions

2. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code and the *Urban Drainage Act 2013*. In this regard the developer is to engage a suitably qualified engineer to determine the best methodology for concentrated stormwater discharge to meet these requirements and for inclusion in any subsequent building and plumbing permit application(s).
3. As part of the developer's design stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, 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 peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development lot being impervious. There is to be no overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to acceptance of building and plumbing permit application(s).

4. The existing driveway access crossover is to be used for the purposes of the proposed development.
5. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
6. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Note: The following is provided for information purposes.

If in the future the owner wishes to explore the opportunity of utilising the detached dwelling extension for a unit or visitor accommodation purposes, the owner will need to discuss with Council's Planning Department the applicable planning permit pathway.

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.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

No burning of any waste materials is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

In regard to conditions 2-6 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions and notes can be directed to Council's Development Services Department – Ph 6424 0511.

**PAC 18/19 PA2018.0182 – Residential (Multiple Dwellings) – 21 The Lee Devonport**

That the Planning Authority, 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 PA2018.0182 and grant a Permit to use and develop land identified as 21 The Lee, Devonport for the following purposes:

- Residential (multiple dwellings)

Subject to the following conditions:

1. Unless requiring alteration as a result of subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans by C McNulty, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The proposed widened driveway/extra driveway parking shown on the plans is to be removed from the application.
3. The private open space areas shown on the plans is not to be used for vehicle parking.
4. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
5. The existing driveway access crossover is to be used for the purposes of this development.

Note: The following is provided for information purposes.

If in the future the owner wishes to explore the opportunity of utilising the multiple dwellings for visitor accommodation purposes, the owner will need to discuss with Council's Planning Department the applicable planning permit pathway.

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.

Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

No burning of any waste materials is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

The developer is to manage any asbestos found during works in accordance with the *How to Safely Remove Asbestos Code of Practice* issued by Safe Work Australia (October 2018).

In regard to conditions 4 & 5 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

**7.2 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 16 SEPTEMBER 2019 (D615313)**

**203/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Alexiou

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 16 September 2019 be received and the recommendations contained therein be adopted.

- GFC 51/19 Elected Members Expenditure Report July and August 2019
- GFC 52/19 Annual Plan Progress Report to 31 August 2019
- GFC 53/19 Unconfirmed Minutes - Shared Audit Panel - 14 August 2019
- GFC 54/19 Local Government Act Review
- GFC 55/19 Capital Projects Funding - Carried Forwards 1 July 2019
- GFC 56/19 Finance Report to 31 August 2019
- GFC 57/19 Environment Strategy - Year One Status
- GFC 58/19 Devonport Community House - Partnership Agreement
- GFC 59/19 Community Services Report - July and August 2019
- GFC 60/19 Arts and Convention Report - July and August 2019
- GFC 61/19 Governance and Finance Report - July and August 2019
- GFC 62/19 Minutes of Council's Special Interest Groups and Advisory boards

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**EFFECTIVE DECISIONS OF THE GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE CONFIRMED BY COUNCIL**

**GFC 51/19 Elected Members Expenditure Report July and August 2019**

That the bi-monthly report advising of Councillor allowances and expenses be received and noted.

- GFC 52/19 Annual Plan Progress Report to 31 August 2019**  
That the 2019/20 Annual Plan Progress Report for the period ended 31 August 2019 be received and noted.
- GFC 53/19 Unconfirmed Minutes - Shared Audit Panel - 14 August 2019**  
That the unconfirmed minutes of the Audit Panel meeting held on 14 August 2019 be received and noted.
- GFC 54/19 Local Government Act Review**  
That a submission be made in regard to the Local Government Act review in accordance with the comments outlined in this report.
- GFC 55/19 Capital Projects Funding - Carried Forwards 1 July 2019**  
That the report relating to the carried forward capital works for the year commencing 1 July 2019 be received and that Council in accordance with Section 82(4) of the *Local Government Act 1993* by absolute majority:
1. amend the 2019/20 estimates to adjust the carried forward capital works projects budget as listed in this report to the value of \$15,268,603; and
  2. note this amendment results in a revised capital expenditure budget for 2019/20 of \$24,421,603.
- GFC 56/19 Finance Report to 31 August 2019**  
That the Finance Report as of 31 August 2019 be received and noted.
- GFC 57/19 Environment Strategy - Year One Status**  
That the report of the Executive Officer Community Services be received and the status of actions listed in the Environment Strategy 2019-2024 be noted.
- GFC 58/19 Devonport Community House - Partnership Agreement**  
That the report be received and noted and that Council authorise the General Manager to finalise a new partnership agreement with the Devonport Community House for a further period of three years, based on a financial contribution of \$18,000 per annum.
- GFC 59/19 Community Services Report - July and August 2019**  
That the Community Services report be received and noted.
- GFC 60/19 Arts and Convention Report - July and August 2019**  
That the Arts and Convention report be received and noted.
- GFC 61/19 Governance and Finance Report - July and August 2019**  
That the Governance and Finance report be received and noted.
- GFC 62/19 Minutes of Council's Special Interest Groups and Advisory boards**  
That the minutes of the Devonport Maritime and Heritage Special Interest Group, and paranaple arts centre Special Advisory Committee be received and noted.

**8.0 CLOSED SESSION****204/19 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Laycock

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

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
8.1	Confirmation of Closed Minutes – Council Meeting – 26 August 2019 and Special Council Meeting – 9 September 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Unconfirmed Minutes – Joint Authorities	15(2)(g)

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Jarman	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**The Mayor adjourned the meeting at 6:58pm to reconvene in Closed Session at 7:05pm.**

**The Council moved out Closed Session at 8:12pm.**

**Council resumed in open session at 8:12pm.**

The Closed Session of Council having met and dealt with its business resolved to report that it had determined the following:

<b>Item No</b>	<b>Matter</b>	<b>Outcome</b>
8.1	Confirmation of Closed Minutes - Council Meeting – 26 August 2019 and Special Council Meeting – 9 September 2019	Confirmed
8.2	Application for Leave of Absence	
8.3	Unconfirmed Minutes – Joint Authorities	Noted
8.4	General Manager's statement	Council convey to the General Manager that he has its full support and authorise the Mayor to take appropriate action.

**CLOSURE**

**There being no further business on the agenda the Mayor declared the meeting closed at 8:12pm.**

Confirmed

Chairman