

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre, 137 ROOKE STREET, DEVONPORT
ON MONDAY, 28 OCTOBER 2019 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:28pm	58 minutes
Closed Session	6:33pm	7:12pm	29 minutes
Total			1 hour 27 minutes

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

Council Officers:

Acting General Manager, M Atkins
Executive Manager Corporate Services, J Griffith
Executive Manager Organisational Development, K Peebles
Community Services Manager, K Hampton
Development Services Manager, K Lunson
Convention & Art Centre Director, G Dobson
Executive Officer, J Surtees
Media & Communication Officer, N Tapp

Audio Recording:

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Digital Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

The following Declaration of Interest was advised:

Cr Milbourne	3.2.1 & 8.3	Responses to Questions Raised at Prior Meetings and Providore Place Head Lease Documentation – Availability for Inspection – Notice of Motion – Cr A Jarman
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3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 23 SEPTEMBER 2019**215/19 RESOLUTION**

MOVED: Cr Perry
 SECONDED: Cr Laycock

That the minutes of the Council meeting held on 23 September 2019, as circulated, be confirmed.

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

CARRIED UNANIMOUSLY

3.1.2 SPECIAL COUNCIL MEETING - 21 OCTOBER 2019**216/19 RESOLUTION**

MOVED: Cr Perry
 SECONDED: Cr Murphy

That the minutes of the Special Council meeting held on 21 October 2019, as circulated, be confirmed.

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME

Cr Milbourne having declared an interest in the following item left the meeting at 5:33pm.

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS**217/19 RESOLUTION**

MOVED: Cr Hollister
 SECONDED: Cr Perry

That the responses to questions from Mr Malcolm Gardam, Mr Graeme Nevin, Mr Kees Kuys and Ms Jennie Claire, at the 23 September 2019 Council meeting, be noted.

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

CARRIED UNANIMOUSLY

Cr Milbourne returned to the meeting at 5:34pm.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

218/19 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Ennis

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

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

CARRIED UNANIMOUSLY

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

MR TREVOR SMITH – 7 GLEN COURT, DEVONPORT

I wish to submit these questions in relation to File 35817.

Q1 Reply Response to Question 2a. In your reply, you infer that this system of the Choir staging, is safe and foolproof, for the elderly ratepayers on Devonport, if it is totally safe to use, why did you have to have two casuals assisting the elderly patrons onto and off the different levels of the stage? There was no standard height step, from floor level to the first riser, which should have been 220mm high, not a piece of 50mm aluminium, less than the Australian Standard height, to step up and onto the platform. If this Council can afford to write off between \$200,000-\$300,000 from Providore Place, surely you could spend less than that, to have a proper stage, where the elderly patrons of Devonport, could easily walk onto. As I said before, with this question, if they can do it at the Don Centre Church, where the Gospel Song was held in previous years, without help, onto the stage, it should be able to happen here. Spend the money on the safety of the ratepayers of Devonport, instead of wasting money elsewhere in the Living City. You also mentioned, in your reply that this setup was at the request of the hirer? Who is the hirer of the Gospel Song Event/Jazz Festival that uses ratepayer funding?

Response

The Mayor advised that as requested by Mr Smith the question would be taken on notice and a response provided in writing.

Q2 Could you please explain why you didn't invite the Advocate reporter to last month's ordinary Council Meeting on 23 September 2019? You have had the Advocate reporter attend the last six or so agenda meetings here, where was your media advisor as well, who is paid by the ratepayers of Devonport?

Response

The Mayor responded, "Mr Smith, the Advocate and all media are welcome to come to any Council meeting, that it is their decision. Our media advisor is paid and our media advisor is entitled to leave, the same as every other staff member. Thank you."

MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q1. The following was submitted as separate questions on notice for this meeting.

- a) What is the capital expenditure write-down value for the Waterfront Precinct hotel Lot 1 land sale to Fairbrother?
- b) What is the capital expenditure write-down value for the new Waterfront Park Lot 2 area?

DCC Response

"To enable the waterfront stage of the LIVING CITY Masterplan to progress, in 2018/19 Council demolished the building located at 20-26 Best Street, and decommissioned the adjacent carpark, resulting in a loss on derecognition of \$2.9M."

I find the response sufficiently ambiguous and does not respond separately to each question as requested. However, based on the above response referring to the Harris Scarfe building (20-26 Best Street) does Council agree that the proportion of the write-down value specifically applying to just the section of the Harris Scarfe site sold to Fairbrother (approx 630m²) as part of Lot 1 would equate to an over \$700,000 write-down value in its own right; and if not then provide a copy of Council's calculations?

Response

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

Q2. Subsequent to the Auditor-General exposing the existence of a "success fee" applying to the Development Manager and Council only just now confirming an amount of \$1.3 million was paid in the 2016-17 FY as part of a near \$2 million payment to P+i, was commencement of the Food Pavilion construction a condition precedent to payment of the said "lease fee"?

Response

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

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 Employment of a Public Relations Consultant. I note in the agenda 28 October 2019 Item 3.2.2 page 11 the response to Mr Malcolm Gardam's question, if Council had received specialist advice re the Providore Place Head Lease Agreement. The written response was and I quote "Council did receive some assistance from an external public relations consultant in preparing release information".

This seems strange, because if the project is as good as Council is continually reminding ratepayers, then surely a public relations consultant would not have been needed.

My question, will the Mayor please enlighten us all, to just why Council felt it necessary to engage a public relations consultant at ratepayers' cost to assist Council in disclosing matters that are no more than a belated offering, having been sprung by the Auditor-General to comply with its obligations under the Code of Conduct and the Local Government Act in being transparent and accountable?

Response

The Mayor advised that was at her request and at her expense.

MR DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Recently there have been a number of zebra crossings installed in Devonport. A zebra crossing is there so that the pedestrians may cross the road safely.

Q1 My research shows that zebra crossings apply to roads not footpaths, however there are three instances of zebra crossings installed on footpaths. When driving into or out of a driveway, you must give way to pedestrians on the footpath.

Please advise the regulations, standards and codes that apply to the use of zebra crossings on footpaths and in the instance of standards and codes please provide the text and document name.

Response

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

Q2 Part of the CBD has no pay parking spaces. Getting a handicapped person into and out of the SmartClinics in Wenvoe and William Streets is not easy.

When is the Council going to provide two non pay parking spaces outside these and other doctors clinics?

Response

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

MS JENNIE CLAIRE – 57 GUNN STREET, DEVONPORT

Q1 What hard evidence does our Council have that the expenditure of \$17 million on the Waterfront Park will deliver benefits to our city commensurate with the cost?

Response

The Mayor stated that question has been asked and answered on several occasions.

Ms Claire

I asked this question at the last meeting, but it wasn't answered.

Mayor

I will follow that through and I'll get back to you.

Q2 In Devonport we have a Mall that is home to 56 large, green poles. As always, we can't be sure of what people think, but anecdotal evidence suggests that the people of Devonport are not too keen on these poles. In fact, I would suggest that I am not alone in having a deep dislike of these poles and the fact that they are now chipped and faded is not improving the situation.

Those who have looked at the Waterfront Plan in detail will have noticed that not only does it have a toilet block adjacent to a BBQ right beside the water with picnic tables a few metres from the toilet doors it has a feature of poles! These poles lead into the water and are apparently a nod from the architect to the maritime history of Devonport and intended to be reminiscent of a jetty.

Does our Council really intend to inflict more poles on the people of Devonport or are they merely part of the artist's impression which may be omitted?

Response

The Acting General Manager confirmed that those poles were removed as part of value management process, so they won't be constructed.

MR TONY BUTLER – 2 DREW STREET, EAST DEVONPORT

I have brought up Bass Street for twenty years. What was going to happen to it and whatever. Nothing has really happened to it apart from it is cleaner, thanks to my lawnmower and we now still have people working and spraying cars in there of a daytime, not all day and all night. I rang the Council and a Mrs Stone or Ms Stone said they'd get back to me. That was about three weeks ago. Not even a flying stone has come past.

So, it either needs a sign put there "No Parking", or "No Work to be taken out on Cars".

Response

The Mayor advised that the matter would be followed up.

Mr Butler

Derelict houses. I live next to one that if you walked outside, you could nearly smell it now. So how do I get onto who does something about it? You can't find the owner, anyone can go in there and live, as long as the bank gets their money, it is putrid! Rats, dog faeces, dirt, it is unoccupied and it shouldn't be like it is. Somebody should be at least cleaning the yard, but the smell is coming out of the house.

Response

The Mayor stated "Thank you Mr Butler, we would follow up with you get the address and see what steps we can take as I'm sure you understand, these sorts of things are a process, but we will get back to you and follow up on that address, thank you.

MR GRANT GOODWIN – 149 WINSPEARS ROAD, EAST DEVONPORT

Q1 The question will be to you Mayor and there is quite a bit of preamble to start with. Did any person in Council in so far as you know and this is not so much the current Council but the previous one have any knowledge, this is the Mayor of the day, the Deputy Mayor and any of the Aldermen of the day, have any knowledge whatsoever of the decision making of the Woolworths' Board in relation to the sustainability and the future roll out of the Big W stores throughout Australia?

Much has been said in this hallowed place by the gentleman on the left here about the failure of the Living City project to attract these big developments and of course, much has been made of it. But in all fairness I doubt anybody had any knowledge whatsoever of the Big W Board and what they were thinking, not so much the Big W Board, but the Woolworths' Board in the roll out.

Mayor did anyone know?

Response

The Mayor stated "Not to my knowledge Mr Goodwin, I certainly know that we had lots of conversations with them about encouraging them when they intended to expand that we wanted it to be here. As far as I guess, a Board of Directors of a company like that, they would play their cards fairly close to their chests, I would assume.

Q2 This is in relation to the current situation with the General Manager. What's the cost going to amount to in relation to the replacement of the General Manager? The process involved, have you got a cost on that Mayor?

Response

The Mayor advised "I don't have a direct cost at this point. There obviously will be a cost involved with the cost being borne by those of us who pay our rates."

MR TREVOR SMITH – 7 GLEN COURT, DEVONPORT

Response to question 2, in regards the revolving door. Why did the Council decide to use a revolving door, when the use of self-opening doors have a quicker flow of patrons

entering a building and leaving a building, like Coles and K-mart in Devonport? Why was a revolving door not installed at the Rooke Street Entrance to the paranable building, if they are so efficient? At the old Council Chambers building in Best Street, you had ordinary automatic doors there, from when the building was built. One of the non-revolving doors is only to use as an exit, from the inside, why isn't there a green button on the outer eastern side door, for patrons to use for access into the building, like the western side door?

Response

The Mayor advised that as there were several questions there, they would be taken on notice and a response provided in writing.

MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q3 In reference to Council's response to my question 1 on notice for this meeting to Mr Hirst's statement in the Advocate of 15 October that and I quote "The original lease with Council specifically stated rent to be paid from operational profits" and I also refer to my question 3 on notice about the Project and Infrastructure's Manager Mr Woolf's response in the Auditor General's report of September 2019 that stated "he advised Council against a Head Lease Agreement". Council's responses as per the agenda of tonight, that is 28 October 2019, they, the Council had a different interpretation of the Head Lease Agreement to Mr Hirst and the response provided by Mr Woolf, included in the Auditor General's report does not concur with Council's recollections of discussions.

Mayor, Council's responses to the issues raises serious questions. Who do we believe and importantly was the Head Lease Agreement so poorly and ambiguously drafted so that clear determination as to the rental conditions prevailing could not be ascertained and the primary reason for engaging legal advice to protect ratepayers interests.

Response

The Mayor advised that she would take that as a comment.

MS JENNIE CLAIRE – 57 GUNN STREET, DEVONPORT

Q3 At the start of the Living City Project it was stated that it would be funded by private investment. So, when the people of Devonport gave their support to this project it was on that basis. We now find ourselves with a debt of over \$50 million. It is difficult to see how our Council ever had a mandate from Devonport ratepayers to engage in that level of spending.

The Council has an opportunity now to reduce that debt figure by not continuing with the Waterfront Park in it's present form. It could be modified to reduce the cost. It is said that only a small minority of people oppose the park but in reality we don't know what the numbers are and whether our Council now has a mandate to go ahead or not.

So my question Mayor, tonight is, will our Council hold another survey and after having ensured that respondents are aware of the debt and the details of the design of the park ask the question, "Do you want your Council to build the Waterfront Park"?

Response

The Mayor advised that Council has consulted widely and that there is no intention to enter into anymore debt for the Waterfront Park and that has been made quite clear. We have a \$10 million Federal Government grant as part of that expenditure. I take your first comment around the fact that you suggest that Council has suggested that it will always be all private investment that was never the understanding, it was always

that most of it would be and any further development would be, but that Council, State and Federal Government would be doing their part of the beginning of the project and that's what has happened.

Ms Claire

Following some discussion Ms Claire sought clarification on the debt associated with LIVING CITY.

Acting General Manager

Just to clarify, Ms Claire said debt for Living City was \$50 million which is incorrect. The total debt for Stage 1 ended up at \$33 million, \$6 million under what Council originally forecast. There was also a number of properties that Council purchased and borrowed against and I think the debt on that was around \$11 million. So that's the total debt that's been borrowed for Living City. The remainder of Council's debt relates to a number of other projects, including the Surf Club, Formby Road and the Splash redevelopment.

MR DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

I notice that the Annual Financial Report is in tonight's Agenda.

I understand the Annual Report will be presented on the 9th December this year. This will be the second year that the Council presents the Annual Report in December,

The previous four years, 2014 through to 2017 the occasion was from early to late October. So, the Council's performance in this matter has slipped!

Q3 What are the causes for such late presentation?

Response

The Mayor suggested that most of it is due to the fact that we have only just received the audited reports, but I will take it on board and I will check if the Acting General Manager has any further comment.

Acting General Manager stated that the intention is on 9 November the Annual Report will be made public and submissions will be received up until a couple of weeks before the meeting and the Annual General Meeting will be held 9 December 2019.

3.3 QUESTIONS FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

3.4.1 WORKSHOP - TOURISM - TRANSPORT BETWEEN PRIME TOURIST ACTIVITIES AND VENUES - NOTICE OF MOTION - CR G ENNISS

219/19 RESOLUTION

MOVED: Cr Enniss
 SECONDED: Cr Laycock

That Council have a Workshop to explore the opportunities for family/tourist friendly public transport between our prime tourist activities/spots.

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

CARRIED UNANIMOUSLY

4.0 PLANNING AUTHORITY MATTERS

There were no items to consider as a Planning Authority.

5.0 REPORTS**5.1 AUDITOR-GENERAL'S REPORT****220/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Jarman

That Council in relation to the 'Report of the Auditor-General No. 1 of 2019-20 – Procurement in Local Government' receive and note the report and that Council:

1. review internal processes and procedures to ensure future compliance with annual reporting requirements in relation to tenders and contracts;
2. agree that in future it will document its assessment of the reasonableness of amounts payable under any contract entered into;
3. update its policies to provide guidance relating to property lease transaction;
4. amend its policies to clarify when independent legal advice should be obtained in connection with property leases.
5. review its measures to mitigate risk arising from contracts entered into where potential conflicts of interest may arise.

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

CARRIED UNANIMOUSLY

5.2 ANNUAL FINANCIAL REPORT - 30 JUNE 2019**221/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Perry

That the report of the General Manager relating to the Annual Financial Report for the year ended 30 June 2019 be received and Council note that it will be included as an Appendix in the 2019 Annual Report.

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

CARRIED UNANIMOUSLY

5.3 TENDER REPORT CONTRACT CT0261 STEWART STREET RENEWAL**222/19 RESOLUTION**

MOVED: Cr Perry
 SECONDED: Cr Enniss

That Council, in relation to Contract CT0261 Stewart Street Renewal William Street to Gunn Street:

- a) award the contract to Civilscape Contracting Tasmania for the tendered sum of \$261,146 (ex GST);
- b) note that tree and plant costs for the project are estimated at \$5,950 (ex GST);
- c) project management costs for the project are estimated at \$17,000 (ex GST);
- d) note a contingency allowance of \$39,172 (ex GST) and
- e) note an allowance of \$20,00 (ex GST) for footpath work.

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

CARRIED UNANIMOUSLY

5.4 TENDER REPORT CONTRACT CT0269 WINSPEARS ROAD RENEWAL STAGE 2**223/19 RESOLUTION**

MOVED: Cr Jarman
 SECONDED: Cr Alexiou

That Council, in relation to in relation to Contract CT0269 Winspears Road Renewal Stage 2:

- a) award the contract to Walters Contracting for the schedule of rates sum of \$218,981 (ex GST);
- b) project management costs for the project are estimated at \$15,000 (ex GST); and
- c) a construction contingency of \$43,796 is included (ex GST).
- d) note that no allocation is required in the 2020/21 Capital Works Program for Winspears Road renewal - stage 3.

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

CARRIED UNANIMOUSLY

6.0 INFORMATION**6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING
224/19 RESOLUTION**

MOVED: Cr Jarman
 SECONDED: Cr Murphy

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

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

CARRIED UNANIMOUSLY

**6.2 MAYOR'S MONTHLY REPORT
225/19 RESOLUTION**

MOVED: Cr Laycock
 SECONDED: Cr Alexiou

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

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

CARRIED UNANIMOUSLY

**6.3 GENERAL MANAGER'S REPORT - OCTOBER 2019
226/19 RESOLUTION**

MOVED: Cr Perry
 SECONDED: Cr Milbourne

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

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

CARRIED UNANIMOUSLY

6.4 CODE OF CONDUCT PANEL DETERMINATION REPORT**227/19 RESOLUTION**

MOVED: Cr Hollister
 SECONDED: Cr Ennis

That Council receives and notes the Code of Conduct Panel Determination Report made on 3 October 2019, in relation to the complaint made by Ms Jennie Claire relating to Cr Peter Hollister.

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

CARRIED

7.0 SECTION 23 COMMITTEES**7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 14 OCTOBER 2019****228/19 RESOLUTION**

MOVED: Cr Murphy
 SECONDED: Cr Jarman

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 14 October 2019 be received and the recommendations contained therein be adopted.

IWC 34/19 Chinamans Creek Stormwater Catchment Risk Assessment

IWC 35/19 Pedestrian Strategy 2016-2021 - Year Three Status Update

IWC 36/19 Tasmanian Draft Waste Action Plan

IWC 37/19 Development and Health Services Report

IWC 38/19 Infrastructure and Works Report

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

CARRIED UNANIMOUSLY

EFFECTIVE DECISIONS OF THE INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE CONFIRMED BY COUNCIL**IWC 34/19 Chinamans Creek Stormwater Catchment Risk Assessment**

That the report of the Infrastructure and Works Manager regarding Chinamans Creek catchment be noted and that:

- an allocation of \$350,000 be considered for a detention basin as part of the assessment of options for the future use

of land on the corner of Lovett Street and Lawrence Drive;
and

- b) forward capital works funding currently allocated for projects in the Chinamans Creek catchment be reallocated to other high priority stormwater projects.

IWC 38/19 Infrastructure and Works Report

That the Infrastructure and Works report be received and noted.

IWC 35/19 Pedestrian Strategy 2016-2021 - Year Three Status Update

That the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Pedestrian Strategy 2016-2021.

IWC 36/19 Tasmanian Draft Waste Action Plan

That Council note the submissions on the Tasmanian Draft Waste Action Plan by Devonport City Council, Dulverton Waste Management on behalf of the Cradle Coast Waste Management Group, and the Local Government Association of Tasmania.

IWC 37/19 Development and Health Services Report

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

7.2 PLANNING AUTHORITY COMMITTEE MEETING - 21 OCTOBER 2019

229/19 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Milbourne

That the minutes of the Planning Authority Committee meeting held on Monday, 21 October 2019 be received and the recommendations contained therein be noted.

PAC 19/19 Planning Applications approved under Delegated Authority 1 September 2019 - 30 September 2019
(Approved under delegated authority)

PAC 20/19 PA2019.0137 Subdivision (2 lots) - 16 Collins Way Tugrah
(Approved under delegated authority)

PAC 21/19 PA2019.0149 Residential (multiple dwellings x 2) - 19 Leary Avenue Stony Rise
(Approved under delegated authority)

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

CARRIED

DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL

PAC 19/19 Planning Applications approved under Delegated Authority 1 September 2019 – 30 September 2019

That the list of delegated approvals be received.

PAC 20/19 PA2019.0137 Subdivision (2 Lots) – 16 Collins Way Tugrah

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 PA2019.0137 and grant a Permit to develop land identified as 16 Collins Way, Tugrah for the following purposes:

- Subdivision (2 lots)

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans and documentation, copies of which are attached and endorsed as documents forming part of this Planning Permit:
 - a. Proposed subdivision, Project No. 00066, Drawing no. A01, Rev B, dated 28.08.19 by Arplan Home Designs;
 - b. Bushfire Hazard Management Report & Bushfire Hazard Management Plan by Bruce Harpley of Environmental Service and Design Pty Ltd, dated 31 May 2019; and
 - c. S2542-01 infolet (Onsite wastewater investigation) by Donal S. Anderson – Consulting Engineer, dated 27 May 2015
2. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
3. The proposed new lot is to be serviced by a new sealed vehicular access, generally in accordance with IPWEA Tasmanian Standard Drawing TSD-R03-v1 and TSD-R04-v1. Any road side drainage is to be taken into consideration as part of the developers design as outlined in the standards.
4. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
5. The subdivider must comply with the conditions contained in the 'Submission to Planning Authority Notice' which the regulated Entity (trading as TasWater) has required the Planning Authority to include in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*.

Note: The following is provided for information purposes.

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.

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

The proposal is for a 2 lot subdivision. Lot 1 contains the existing dwelling. In order to comply with AS/NZS 4819.2011 Rural and urban addressing which states 5.4.4 Address numbers sequential - Address numbering shall be sequential, ranging from lowest to highest, it will be necessary to renumber the existing dwelling from 16 Collins Way to 16A Collins Way and apply the existing number of 16 Collins Way to Lot 2 on the proposal plan.

In regard to condition 5 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to condition 2-4 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.

PAC 21/19 PA2019.0149 – Residential (Multiple Dwellings) – 19 Leary Avenue, Stony Rise

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 PA2019.0149 and grant a Permit to use and develop land identified as 19 Leary Avenue, Stony Rise for the following purposes:

- Residential (multiple dwellings x 2)

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 prepared by Lachlan Walsh Design and referenced as Proposed Unit Development – 19 Leary Avenue, Stony Rise Project No. 18-444 (Drawings Set: DA Set) and dated 30 August 2019. Copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions (and have regard to any further information) specified 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*. A copy of this notice is attached.

NOTES FOR INFORMATION:

- A. 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 (or recommencing) building or plumbing work.
- B. In regard to Condition 3 and the requirements/information specified in the TasWater Submission to Planning Authority

Notice, the applicant/developer should contact TasWater (Ph 136 992) with any enquiries.

- C. With respect to street numbering of the units, Council makes the following suggestions in accordance with *AS/NZS Rural and Urban Addressing 4819.2011*:
- i. Unit 1 shown on the approved plan be numbered as 1, 19 Leary Avenue; and
 - ii. Unit 2 shown on the approved plan be numbered as 2, 19 Leary Avenue.
- D. Enquiries regarding the following notes can be directed to Council's City Infrastructure Department. Given the already commenced nature of this development some of these matters may have already been addressed, however it is the developer's responsibility make sure of these requirements.
- i. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
 - ii. Subject to the above, a new 150mm diameter stormwater service connection may be required to be installed by the developers contractor and at the developers expense, generally in accordance with the IPWEA Tasmanian Standard Drawings.
 - iii. 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 commencing construction on site.
 - iv. The existing driveway crossover is to be used for the purposes of this development.
 - v. Any existing Council infrastructure impacted by the development works is to be reinstated in accordance with the relevant standards.
 - vi. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

- E. Hours of construction must be: Monday to Friday between 7am - 6pm, Saturday between 9am - 6pm and Sunday/statutory public holidays 10am - 6pm.
- F. During the construction and subsequent use of the development all reasonable measures are to be taken to minimise or prevent environment effects that may result in a nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* and the *Environmental Management and Pollution Control Act 1994*. This includes ensuring noise emitted from portable apparatus and hours of operation are within the scope indicated by the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

8.0 CLOSED SESSION

230/19 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Milbourne

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	Confirmation of Closed Minutes - Council Meeting - 23 September 2019 and Special Council Meeting - 21 October 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Providore Place Head Lease Documentation – Availability for Inspection – Notice of Motion – Cr A Jarman	15(2)(i)
8.4	92 Formby Road, Devonport – Recommendation to Revise Marketed Sale Price	15(2)(f)
8.5	Recruitment – General Manager	15(2)(b),(d)

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

CARRIED

The Mayor adjourned the meeting at 6:28pm to reconvene in Closed Session at 6:33pm.

The Council moved out Closed Session at 7:12pm.

Council resumed in open session at 7:12pm.

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

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 23 September 2019 and Special Council Meeting - 21 October 2019	Confirmed
8.2	Application for Leave of Absence	Not applicable
8.3	Providore Place Head Lease Documentation – Availability for Inspection – Notice of Motion – Cr A Jarman	A detailed report (which is to include legal advice) to be provided to the next ordinary meeting.
8.4	92 Formby Road, Devonport – Recommendation to Revise Marketed Sale Price	Agreed to reduce sale price.
8.5	Recruitment – General Manager	Engaged the services of McArthur to assist in the process.

CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 7:12pm.

Confirmed

Chairman