

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre, 137 ROOKE STREET, DEVONPORT
ON TUESDAY, 28 JANUARY 2020 COMMENCING AT 5:30PM**

| Meeting | From | To | Time Occupied |
|----------------|-------------|-----------|----------------------|
| Open Session | 5:30pm | 6:45pm | 1 hour 15 minutes |
| Closed Session | 6:46pm | 6:57pm | 11 minutes |
| Total | | | 1 hour 26 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:

General Manager, M Atkins
Executive Manager Organisational Development, K Peebles
Convention & Art Centre Director, G Dobson
Development Services Manager, K Lunson
Planning Coordinator, S Warren
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

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 16 DECEMBER 2019

01/20 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Milbourne

That the minutes of the Council meeting held on 16 December 2019 as previously circulated be confirmed.

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

CARRIED UNANIMOUSLY

Cr Ennis took his seat at 5:32pm.

3.1.2 SPECIAL COUNCIL MEETING - 23 DECEMBER 2019

02/20 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Laycock

That the minutes of the Special Council meeting held on 23 December 2019 as previously 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

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

03/20 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Laycock

That the responses to questions from Ms Angie Poelman, Mr Douglas Janney, Mr Malcolm Gardam and Mr Peter Stegmann at the 9 December 2019 Annual General Meeting, Mr Chris Mills at the 9 December 2019 Infrastructure Works and Development Committee meeting and from Mr Trevor Smith, Mr Tony Butler, Mr Bob Vellacott, Mr Doug Janney, Mr Malcolm Gardam, Mr Peter Stegmann and Mr Chris Mills at the 16 December 2019 Council meeting be 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

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

04/20 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Alexiou

That Council in relation to the correspondence received from Mr Andrew Leary, 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 Enniss | ✓ | | Cr Murphy | ✓ | |
| Cr Hollister | ✓ | | Cr Perry | ✓ | |
| Cr Jarman | ✓ | | | | |

CARRIED UNANIMOUSLY

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

TREVOR SMITH – 7 GLEN COURT, DEVONPORT

Q1 In the Advocate on December 30, the new General Manager, Matthew Atkins stated "There were ongoing issues raised about openness and transparency, that's something the Council wants to see where it can do better".

If Council wants to see if it can do better, could you please explain why, in response to my question, "how long had the Adelaide Street job been on the Council's works schedule? A simple question in laymen's terms, your answer was. "The Adelaide Street upgrade was initially due to be completed in 2018/19 however it was carried over to 2019/20." I wish to ask you again, to have the correct answer, "How long has this job been on the Council's work schedule?"

A simple question and open to transparency, under the helm of the new General Manager?

Q2 You had a notice in the paper, stating that the warm water pool and the learn to swim pool, were to be closed from December 21 to January 20, as of last week, these pools were still closed, due to trouble with adhesives. When will these two indoor pools be opened and will these repairs be guaranteed not to fail as before?

In October last year, you hired a contractor, using a scissor lift, to repair a broken, rusty support cable, five years old and holding up the ductwork to the indoor pool, warm water pool and the indoor learn to swim pool, for young children. As of last week, the rusty support cables have not been replaced, are you playing Russian roulette with the patrons and children who use this facility?

Early last year, you said that you were going to put this job out to tender, so when is it going to be fixed, you had an ideal timeframe for repairs just gone.

The Budget shouldn't have a higher priority, over the safety of young children and the ratepayers that use this indoor pool.

Response

The Mayor stated that she took exception to the comment about the budget being a higher priority than the safety of children, however, advised that as requested by Mr Smith the rest of question would be taken on notice and a response provided in writing.

MALCOLM GARDAM – 4 BEAUMONT CRESCENT, MIANDETTA

Q1 The former General Manager stated at the Ordinary Meeting of the 23rd September 2019 that the voting by Councillors to enter into the "initial head lease agreement," in 2016 between Devonport City Council and Providore Place

(Devonport) Pty Ltd for the management of the food pavilion, was unanimous; accordingly, **will the Mayor now disclose the voting to enter into the "replacement head lease agreement"** and if not unanimous then **in terms of numbers "For – Against – Abstentions and Absentees"** in relation to the specific motion to approve the said two year Term replacement lease since terminated by Council after only three months of operation?

Response

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

Q2. It was reported in The Advocate 23rd September 2019 that Cr Rockliff said. *"Council will be working with the sub tenants and where appropriate taking over the management of commercial leases which are in place. It has already met with some of the businesses which operate in Providore Place and will meet with the remainder in coming days,"* accordingly, will Council confirm if the leases with existing tenants Southern Wild Distillery, CharlotteJack, Redline Bus Service and Pinctada Café previously entered into with the former head lessee, Providore Place (Devonport) Pty Ltd, have been honoured to the full extent or renegotiated?

Response

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

CHRIS MILLS – 52 CAROLINE STREET, EAST DEVONPORT

Q1 I am obliged to Malcolm Gardam for raising the issue of the Staff Code of Conduct. His Question on Notice page 20 of the hard copy Agenda 22 January.

The elected members will recall that I first questioned the unavailability of this document for public viewing on 4 December. Thank you Mr Gardam for the acknowledgement and for reproducing my letter etc on page 30 of the hard copy agenda.

I understand there will be a Workshop to consider making the Staff Code of Conduct a public document.

I would like to attend that Workshop, is that possible and when exactly will it be held?

Response

The Mayor stated "No, it would be a Councillor's Workshop".

Q2 I am obliged to Jennie Claire for raising concerns about the Consultant Arborist's Report for the Waterfront Park. Minutes of Council Meeting 24 August 2019 pages 5 and 6.

To quote from that report "ENSPEC was requested by DCC to conduct a ground based Visual Tree Assessment". This was done by a qualified Arborist from ENSPEC Melbourne on 8 and 9 May, yet the report is dated 10 March, which is rather confusing.

The qualified Arborist listed the 65 trees, giving them their botanical names and English names and how many trees of each species and photos of the trees and so on. He found that most of the trees were in good health.

However, are the members here aware that Council's own Coordinator of Parks and Reserves with a TAS TAFE Diploma in Horticulture, is considered appropriately qualified to do exactly the same kind of ground based visual assessment? Council has absolute confidence that this staff member with his Diploma in

Horticulture quote..."Council considers this qualification appropriate for the work undertaken in relation to the assessment of hazardous trees". This would also include the assessment of health trees would it not?

A row of seven trees that were stabilising a declared Landslip Zone, that were considered to be in good health by the General Manager in late August 2017, were cut down on November 5 after being visibly assessed by the Coordinator of Parks and Reserves.

The entire row of trees were cut down so hastily, that no residents affected by the outcome were advised. Make of that what you will.

If Council considers that a staff member was competent enough to assess any species of tree, why then was a highly paid Consultant Arborist engaged from ENSPEC in preference to the suitably qualified Coordinator of Parks and Reserves?

Response

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

JENNIE CLAIRE – 57 GUNN STREET, DEVONPORT

Before I begin my question, I would like to thank the Mayor for inviting me to meet with her to discuss the Waterfront Park as suggested by Cr Jarman at the December Council meeting. The meeting, which I also thank the General Manager for attending, was very cordial and informative. I was able to put numerous questions and receive the answers. So, thank you to both the Mayor and the General Manager for giving me an hour of your time, it was much appreciated.

However, disappointment arose from this meeting due to the realisation that no significant changes will be made to the park.

I would like to point out that in the earlier iteration of the park there was no playground or toilet block in this position. It appeared when the Planning Application was presented in November 2018 and the application was approved after some consultation on 8 March 2019. Which is a time of actually less than four months for the community to respond to this plan.

On 23 September 2019, the Council accepted the tender for the Park from Vos constructions and it was reported that it is to be completed by the Spring of 2021. In the time since the contractor was appointed, nearly five months ago, very little work has taken place. Indeed, the two automotive businesses are yet to be demolished.

So despite all the questions we discussed the other day, I do have another one, which is, "If we are definitely going to have this park why is the work on the park proceeding so slowly? If we are to have this park why not get on and get it finished and restore the CBD to some sort of normalcy instead of having another building site for two years?"

Response

The General Manager responded that once the tender was awarded, there was a period when Vos had to gear up and get ready for the project, there were the changes that had been identified as part of the VM process that were required to be redocumented. We accept that we would have like to have seen it ramp up a little bit quicker, but it is now getting to that stage and after the Christmas break we will see the works really go ahead in the next few weeks. Formby Road was closed today and will be closed this week while they do the street crossings and Vos is still confident in being completed by the end of 2021.

Q2 I do have a second question. This question refers to the motion on the agenda tonight put forward by Cr Laycock regarding the building of a rotunda at the Joshua Slocum Park.

In support of this motion Cr Laycock states that "We have recently held two successful events at Aikenhead Point so this park will become integral to our city's events programme."

As you know the two recent events held down near the mouth of the river were the Christmas Parade and the New Year's Eve event. So I am assuming those are the events referred to. Does this motion mean that the Council may consider permanently moving these events from Roundhouse Park? After spending over \$20 million on Roundhouse Park to transform it into the new Waterfront Park shouldn't this be where all Council events are held in the future, especially the major ones which have been mentioned. It has been commented that the Waterfront Park is really the "Hotel Garden". If events are moved away from the new Waterfront Park it would seem that there may be some truth in that comment. The important events being moved further away from the CBD may also be to the detriment of businesses in the CBD.

So, my question is "Will Councillors take into account that we now have \$51 million debt, the highest debt in Tasmania, higher than the City of Hobart, nearly double and we are spending over \$20 million on the Waterfront Park which includes a rotunda. So what I am asking, is that Councillor's take that fully into consideration when they are considering this motion later tonight?"

Response

The Mayor responded, "I am guessing that you really don't want a response to that. I guess my response to that is that the comments are Cr Laycock's comments and her support of her motion that will be discussed again, obviously, it's the next item on the agenda, thank you."

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 I note in the agenda the response to Mr Malcolm Gardam's questions re the fit out costs in Providore Place were:

- | | |
|-------------------------------------------------|-------------------------------|
| * Tenancy 1 – (formerly Tas Chip, now Pinctada) | * Tenancy 2 – (CharlotteJack) |
| \$189,205 | \$221,000 |
| * Tenancy 5 – (SWD) | \$217,855 |

Will Council provide the total/real actual cost because I understand the amounts stated are only for the fixtures and fittings? The amounts so far given do not include the hundreds of thousands of dollars required for the services etc required to meet the tenant specific requirements from after the initial build and when the building was originally handed over to Council.

Response

The General Manager stated the totals as detailed in the letter are correct and there are no other costs with the fit outs of those tenancies.

Q2 Council has repeatedly stated that the proposed Waterfront hotel will be built without ratepayer subsidy.

I believe substantial evidence has been provided to Council to prove this is not so and Council has not provided figures or factual information to counter this claim and refuses to explain why concessions and expenditures have not been a form of subsidy for this project.

The land belonging to ratepayers was sold by Council to the hotel developer was according to the Auditor General valued as a green field site. However to reduce the cost to the developer the existing buildings/infrastructure were wilfully deconstructed and or demolished.

While this cost remains with the developer unless the hotel fails to proceed it in no measure reimburses the ratepayers for the cost of purchasing a developed site in Harris Scarfe and selling as a greenfield site at a loss of some \$750,000 approximately.

If Council still contends that they have not provided a subsidised site for the proposed hotel. Will you please explain in simple English what precisely the concession should be referred to as?

Response

The Mayor stated "Mr Vellacott, I'm taking that as a comment, thank you".

PATRICK JOHNSON – 672 MELROSE ROAD, MELROSE

Last year a young Devonport resident, Jack Gray requested that Devonport City Council declare a climate emergency. Leadership, even at a Local Government level requires the capacity to learn from evolving situations and review decisions. Dramatic events of this bushfire season have underlined the urgency of the situation humanity faces. Will the Devonport Council join with 85 other Australian Local Government areas, representing approximately 7.4 million Australians, rectify your failure, to date, to signal clearly to Devonport residents the urgency of the situation and now overturn your refusal to declare a climate emergency?

Its time for telling the truth, its time to act and I think its time to take it out of the political realm.

Response

The Mayor stated that Devonport Council moved a motion at the last Local Government Association Annual General Meeting, that was passed, that declared an emerging state of emergency with the Climate Change. Devonport Council led the way in the State within the Local Government Association of Tasmania.

Patrick Johnson

As far as I'm aware Devonport City Council hasn't declared a climate emergency.

Mayor

We accepted the motion from the floor from our Councillors to move that motion, so that was supported by Council.

Patrick Johnson

My question and my request is that Devonport City Council, in its own right, for the benefit of its residents who need to know what the truth is about the urgency, declare a climate emergency. That was my question.

Mayor

Thank you, I will take the rest of your question on notice, given the comment that I have already made.

RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT

Q1 I see from reports in the Advocate that Mr West accepted his share of accountability with the Providore Place food pavilion lease. My question is, as one of our new General Manager's first jobs, could he please investigate who else was responsible within Council for the shortcomings with the Providore Place food pavilion lease agreement and inform us?

Response

The Mayor stated "Mr Russell, as a member of that Council at that time, I am taking responsibility for that decision, thank you.

Q2 Victory Avenue kerb renewal. You have on the plan on page 281 numbers 1 to 5. Number 5 is, no stopping close to the intersection. How do you plan on marking that, or implementing that particular item number?

Response

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

WENDY HILDITCH – 41 MURRAY STREET, EAST DEVONPORT

I would like to ask a couple of questions I would like to ask.

Q1 The first question I would like to ask is, going back two to three years ago, the Devonport Council gave away some land in Tarleton Street, East Devonport to a disability group called Possability. Would you please advise me if that has been passed over to that particular group?

Response

The Mayor advised, no, not at this point.

Wendy Hilditch

Where therefore do we stand with that land, is it going to go over there? It is still vacant, its probably the most valuable piece of land in East Devonport in its position. 2.8 acres in the middle of a shopping complex and I honestly feel that with the new boats that are going to be due, the Council are going to have to be looking at somewhere to get those cars off the road. So my main question was, has it been passed over, secondly if it hasn't I prefer that the Council, or ask the Council to look into maybe retaining it.

Response

The General Manager advised that Council has entered into an MOU with Oak Possability in regard to that land and there was a number of conditions and obligations on that organisation, that they had to get in place before a formal land sale contract went through. The most pressing one was to get a development application submitted and lodged and at this point of time, we are yet to receive anything.

Wendy Hilditch

From my memory to, they were given twelve months, you are talking close on three years now, since that was decided.

General Manager

I believe we gave them an extension and I will come back to you in writing on this, but I believe it expires in April this year.

Q2 My second question, it's a question but it pertains to the development of the backpackers accommodation at the end of Brooke Street. I don't know whether any of you Councillors have been out and seen this project, or this development. At the moment, this development, if you haven't seen it has open channels for waterflow all over it, no channel and kerbing at the front. There is an area there for cooking and so forth that has no windows, or air conditioning. There's no parking for buses. One of the buses when over in the ditch just prior to Christmas. I personally think that is probably one of the worst developments that I have seen.

My question to you is it possible for the Council or the Councillors to go and have a look at that property? The neighbours that have houses on the market that are going to be reduced in value. The noise that is coming out of it is being heard all

over the place up to 11 o'clock at night, with 160 people living there. I would just ask that the Council arrange for somebody to go and have a look, to see whether or not all the conditions have been met and do something about it, because it is a disgrace.

Response

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

3.3 QUESTIONS FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

3.4.1 ROTUNDA AND INTERPRETIVE SIGN - JOSHUA SLOCUM PARK - NOTICE OF MOTION - CR LYNN LAYCOCK

05/20 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Hollister

MOTION

That the Council consider in a workshop, building a rotunda at Joshua Slocum Park and erect an interpretive sign with the name Joshua Slocum Park for the enjoyment of residents and tourists who visit this area.

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

CARRIED

4.0 PLANNING AUTHORITY MATTERS

4.1 PA2019.0216 VISITOR ACCOMMODATION (HOTEL) - 2-18 BEST STREET & 20-26 BEST STREET, DEVONPORT

06/20 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Laycock

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 PA2019.0216 and grant a Permit to use and develop land identified as 2-18 Best Street, Devonport & 20-26 Best Street, Devonport for the following purposes:

- Visitor Accommodation (Hotel)

Subject to the following conditions:

1. The use and development is to be undertaken generally in accordance with the details and recommendations of the submitted plans and documentation referenced as:

- Devonport Waterfront Hotel by Lyons Architects Job No DL04 as revised; and
 - Devonport Living City – Waterfront Precinct Traffic Impact Assessment by Pitt and Sherry dated 19 December 2019
2. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008.
 3. The proposed new driveways are to be generally designed and constructed in accordance with the IPWEA Tasmanian Standard Drawings and to a suitable size and location for the proposed development of the site. Detailed design drawings, including turning path movements for all vehicles proposed to access the site, are to be submitted to the City Engineer for approval prior to inclusion in any subsequent building permit applications.
 4. Any existing redundant driveway and associated infrastructure is to be demolished and reinstated to concrete footpaths, barrier kerb and/or nature strip to match the adjoining infrastructure and otherwise in accordance with the relevant Tasmanian Standard Drawings.
 5. The proposed development is to have a suitably sized stormwater connection generally in accordance with the Tasmanian Standard Drawings. The size and location of the proposed stormwater connection is to be designed by a suitably qualified hydraulic engineer and is to be clearly indicated on the plans, as well as any overland flow discharge points for extreme weather events. Detailed design, including relevant calculations for a range of storm events up to 100 year Average Recurrence Interval (ARI), is to be submitted to the city engineer for approval prior to inclusion in any subsequent building permit applications.

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 public health, building and plumbing approvals and provide the required notifications as required by the *Building Act 2016*.

During the construction of this development all measures are to be taken to prevent nuisance such as air, noise and water pollution from occurring. This includes ensuring that:

- (a) Noise emitted from portable apparatus and hours of operation are within the scope indicated by the Environmental Management and Pollution Control (Noise) Regulations 2016; and
- (b) That all stormwater run-off is managed in accordance with the Environment Protection Authority's "Soil & Water Management on Large (greater than 250m² of ground disturbance) Building & Construction Sites" recommendations.

Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards and if required a 'Permit to work within the road reserve' must be sought and granted prior to any works being undertaken.

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

CARRIED

Shane Warren left the meeting at 6:33pm.

5.0 REPORTS

5.1 TENDER REPORT CONTRACT CT0260 VICTORY AVENUE KERB RENEWAL

07/20 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Jarman

That Council, in relation to Contract CT0260 Victory Avenue Kerb Renewal:

- award the contract to Civilscape Contracting for the tendered sum of \$175,221 (ex GST);
- note design, project management and administration for the project are estimated to cost \$18,000 (ex GST);
- utility related costs are estimated to be \$8,090 (ex GST); and
- contingency allowance of \$26,283 (ex GST).

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

CARRIED UNANIMOUSLY

5.2 REQUEST FOR COMMEMORATIVE SEAT - DEVONPORT GENERAL CEMETERY - LAWRENCE DRIVE

08/20 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Jarman

That Council receive the application from Soroptimist International of Devonport for the placement of a commemorative seat in the Devonport General Cemetery at Lawrence Drive and advise the applicant that, subject to final determination of the placement of the seat, the request is approved.

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

CARRIED UNANIMOUSLY

5.3 SEA FM AND 7AD FIRE RELIEF CONCERT**09/20 RESOLUTION**

MOVED: Cr Laycock
 SECONDED: Cr Jarman

That Council reallocates funding previously committed to the Taste of The Harvest Festival to support the Sea FM and 7AD Fire Relief Concert through the provision of necessary facilities, equipment and staffing.

| | 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**

There were no Workshops or Briefing Sessions held since the last Council meeting.

6.2 MAYOR'S MONTHLY REPORT**10/20 RESOLUTION**

MOVED: Cr Milbourne
 SECONDED: Cr Jarman

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

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

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - JANUARY 2020**11/20 RESOLUTION**

MOVED: Cr Jarman
 SECONDED: Cr Perry

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

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

CARRIED UNANIMOUSLY

6.4 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING - 28 NOVEMBER 2019

12/20 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Milbourne

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 28 November 2019 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

7.0 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING - 20 JANUARY 2020

13/20 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Alexiou

That the minutes of the Planning Authority Committee meeting held on Monday, 20 January 2020 be received and the recommendations contained therein be noted.

PAC 01/20 Planning Applications approved under Delegated Authority 21 November 2019 - 31 December 2019

PAC 02/20 PA2018.0196 Residential (Residential Aged Care Facility & Retirement Village) - 131-135 Stony Rise Road, Stony Rise

PAC 03/20 PA2019.0187 Visitor Accommodation - 3/1-3 Walpole Place Devonport

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

CARRIED UNANIMOUSLY

DELEGATED DECISIONS OF THE PLANNING AUTHORITY NOTED BY COUNCIL

PAC 01/20 Planning Applications approved under Delegated Authority 21 November 2019 - 31 December 2019

That the list of delegated approvals be received.

PAC 02/20 PA2018.0196 Residential (Residential Aged Care Facility & Retirement Village) - 131-135 Stony Rise Road, 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

PA2018.0196 and grant a Permit to use and develop land identified as 131-135 Stony Rise Road, Stony Rise for the following purposes:

- Residential (Residential Aged Care Facility & Retirement Village)

Subject to the following conditions:

1. Unless altered by subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans referenced as:
 - A. Stony Rise Aged Care, 18.309, DA01-DA18 & DA20-DA21, Rev 1, dated 5/3/19, DA19, Rev 3, dated 2/10/19 and SK01, dated 24/10/19;
 - B. Traffic Impact Assessment by Midson Traffic Pty Ltd, dated November 2018; and
 - C. Bushfire Hazard Management Report by Livingston Natural Resource Services, dated 21 March 2019;copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The proposed pathways shown to the north and south of the subject site are to be removed from the plans as their construction is not permitted.
3. The plans are to be amended to show a channelised right hand turning lane (short) (CHR(S)) on Stony Rise Road, and approved by the Department of State Growth, prior to any work commencing on-site.
4. The channelised right hand turning lane (short) (CHR(S)) on Stony Rise Road is to be constructed prior to occupation of the site.
5. Any concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
6. Stormwater discharge from the proposed development is to be 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 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 site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events.
7. Subject to the above and prior to commencing works on site the developer is to submit for approval detailed design calculations and drawings prepared by a suitably qualified engineer, detailing that the proposed downstream

stormwater reticulation design compliance with current Tasmanian Standard Drawings, Tasmanian Subdivisional Guidelines and *Urban Drainage Act 2013*. In this regard details must be provided for:

- The proposed impervious areas and extent on the development site;
 - Development catchment and internal reticulation systems;
 - On site detention systems and discharge controls;
 - Methods of downstream stormwater control and discharge to existing stormwater reticulation system or natural watercourse, from the proposed development;
 - Plans and long sections of all proposed stormwater mains downstream of the development site;
8. The developer is to ensure that there are adequate measures in place to ensure that the quality of stormwater discharged into the downstream drainage systems is free from deleterious materials and hydrocarbons throughout the construction and maintenance periods.
 9. All approved stormwater reticulation works must be undertaken by a suitably qualified civil works contractor engaged by the developer.
 10. The developer is to provide Works As Executed drawings in an electronic format at the completion off the works, detailing stormwater assets, invert levels and finished surface levels.
 11. The developer is to provide CCTV camera footage and condition report to WSA05- 2013 v 3.1 standard, for all stormwater mains to be handed over to Council, for approval by the City Engineer.
 12. The developer is to submit a design drawing of the proposed car parking and associated hardstand area as part of subsequent building permit applications or commencing works on site. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized.
 13. Any existing redundant driveway and associated infrastructure is to be demolished and reinstated to match adjoining infrastructure and generally in accordance with the relevant IPWEA Tasmanian Standard Drawings.
 14. Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.
 15. The developer is to comply with the conditions 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. A copy of the Submission is appended to the report as **Attachment 2**.

16. No burning of any waste materials is to be undertaken on site. Any such waste material is to be removed and disposed of at a licensed refuse waste disposal facility.
17. During construction the developer is to ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's "Soil & Water Management on Large (greater than 250m² of ground disturbance) Building & Construction Sites" recommendations.
18. The developer is to manage any asbestos found during demolition in accordance with the How to Safely Remove Asbestos Code of Practice issued by Safe Work Australian (October 2018).
19. The applicant must seek approval from the Councils' Environmental Health Department before any works commence. As part of this the Building Surveyor is to submit a Form 42 and its associated paperwork (including proposed menu type) as part of the Building and Plumbing application process.
20. The developer is to ensure that food preparation and food storage areas comply with the National Construction Code of Australia Tas H102 and AS4676:2004 Design, Construction and Fit-out of a food Premises.

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.

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*.

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

In regard to condition 15 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 5-14 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 03/20 PA2019.0187 Visitor Accommodation - 3/1-3 Walpole Place 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 PA2019.0187 and grant a Permit to use land identified as 3/1-3 Walpole Place, Devonport for the following purposes:

- Visitor Accommodation

Subject to the following condition:

1. The Use is not to cause any unreasonable loss of residential amenity having regard to:
 - (a) the privacy of residents;
 - (b) any likely increase in noise;
 - (c) the residential function of the strata scheme;
 - (d) the location and layout of lots;
 - (e) the extent and nature of any other non-residential uses; and
 - (f) any impact on shared access and common property.

Note: The following is provided for information purposes.

If the accommodation service will provide food to/prepare food for guests, the operator must contact the Council to confirm their requirements under the *Food Act 2003*.

It is suggested the applicant/service provider discusses with a building surveyor any building code matters that need to be satisfied under the relevant building regulations.

7.2 GOVERNANCE, FINANCE & COMMUNITY SERVICES COMMITTEE MEETING - 20 JANUARY 2020

14/20 RESOLUTION

MOVED: Cr Alexiou
SECONDED: Cr Milbourne

That the minutes of the Governance, Finance & Community Services Committee meeting held on Monday, 20 January 2020 be received and the recommendations contained therein be adopted.

- GFC 01/20 Annual Plan Progress Report to 31 December 2019
- GFC 02/20 Elected Members Expenditure Report November and December 2019
- GFC 03/20 General Manager's Delegations
- GFC 04/20 Finance Report to 31 December 2019
- GFC 05/20 HMAS Stuart - The freedom of entry to the City of Devonport
- GFC 06/20 Reconciliation Australia - National Reconciliation Walks

| | |
|-----------|------------------------------------------------------------|
| GFC 07/20 | Community Services Report - November and December 2019 |
| GFC 08/20 | Arts and Convention Report - November and December 2019 |
| GFC 09/20 | Governance and Finance Report - November and December 2019 |

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

CARRIED UNANIMOUSLY

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

GFC 01/20 Annual Plan Progress Report to 31 December 2019

That the 2019/20 Annual Plan Progress Report for the period ended 31 December 2019 be received and noted.

GFC 02/20 Elected Members Expenditure Report November and December 2019

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

GFC 03/20 General Manager's Delegations

That:

1. Pursuant to Section 22(1) of the *Local Government Act 1993* ("the Act"), Council delegate its functions and powers as outlined in the attached document to the General Manager (or an officer acting in that capacity); and
2. Permit the sub-delegation of those powers and functions by the General Manager to appropriately qualified and/or experienced employees, pursuant to Section 64 of the Act.

GFC 04/20 Finance Report to 31 December 2019

That the Finance Report as at 31 December 2019 be received and noted.

GFC 05/20 HMAS Stuart - The freedom of entry to the City of Devonport

That Devonport grant "Freedom of Entry" to the City to the HMAS *Stuart* during its visit between 28 February and 2 March 2020.

GFC 06/20 Reconciliation Australia - National Reconciliation Walks

That Council advise Reconciliation Australia and Reconciliation Tasmania that Council supports in principle the National Reconciliation Walks 2020, subject to approval of the Department of State Growth to close Victoria Bridge.

GFC 07/20 Community Services Report - November and December 2019

That the Community Services report be received and noted.

GFC 08/20 Arts and Convention Report - November and December 2019

That the Arts and Convention report be received and noted.

GFC 09/20 Governance and Finance Report - November and December 2019

That:

- a) the Governance and Finance report be received and noted; and
- b) the revised Code for Tenders and Contracts which addresses the Tasmanian Audit Office procurement report recommendation 4 be adopted.

8.0 CLOSED SESSION**15/20 RESOLUTION**

MOVED: Cr Milbourne

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:

| Item No | Matter | Local Government (Meeting Procedures) Regulations 2015 Reference |
|---------|---------------------------------------------------------------------|------------------------------------------------------------------|
| 8.1 | Confirmation of Closed Minutes - Council Meeting – 26 December 2019 | 15(2)(g) |
| 8.2 | Application for Leave of Absence | 15(2)(h) |
| 8.3 | Nomination – Land Sale 2-26 Best Street | 15(2)(f),(g) |
| 8.4 | Unconfirmed Minutes – Joint Authorities | 15(2)(g) |

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

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 6:45pm to reconvene in Closed Session at 6:46pm.

The Council moved out Closed Session at 6:57pm.

Council resumed in open session at 6:57pm.

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 – 16 December 2019 | Confirmed |
| 8.2 | Application for Leave of Absence | Not applicable |

| | | |
|-----|-----------------------------------------|---------------------|
| 8.3 | Nomination – Land Sale 2-26 Best Street | Nomination accepted |
| 8.4 | Unconfirmed Minutes – Joint Authorities | Received and Noted |

CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:57pm.

Confirmed

Chairman