

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE ABERDEEN ROOM, LEVEL 2, paranable centre, 137 ROOKE STREET, DEVONPORT
ON MONDAY, 24 FEBRUARY 2020 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:29	59 minutes
Closed Session	6:32pm	6:34pm	2 minutes
Total			1 hour 1 minute

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
Deputy General Manager, J Griffith
Executive Manager People & Finance, K Peebles
Community Services Manager, K Hampton
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 Declarations of Interest were advised:

Cr S Milbourne	3.2.1	Responses to Questions Raised at Prior Meetings
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3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 28 JANUARY 2020

20/20 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Jarman

That the minutes of the Council meeting held on 28 January 2020 as previously circulated be confirmed.

	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 PUBLIC QUESTION TIME

Cr Milbourne declared an interest in this item and left the meeting at 5:32pm.

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

21/20 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Murphy

That the responses to questions from Mr Malcolm Gardam, Mr Bob Vellacott and Mr Rodney Russell at the Governance, Finance and Community Services Committee meeting held 20 January 2020, Mr Malcolm Gardam, Mr Patrick Johnson, Mr Rodney Russell, Ms Wendy Hilditch, Mr Chris Mills and Mr Trevor Smith at the Council meeting held 28 January 2020 and Mr Chris Mills at the Infrastructure Works and Development Committee meeting held 10 February 2020 be noted.

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

CARRIED UNANIMOUSLY

Cr Milbourne returned to the meeting at 5:33pm.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

22/20 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Alexiou

That Council in relation to the correspondence received from Mr Malcolm Gardam, Mr Christopher Mills 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 QUESTION WITHOUT NOTICE FROM THE PUBLIC

TREVOR SMITH – 7 GLEN COURT, DEVONPORT

Q1 Last year you had tree contractors cut down a fallen tree, at your reserve, along from the Coles Beach Carpark. This reserve is frequented by locals and tourists that walk this area. The tree was cut up in the month of December, with jagged remains left since then, you even have Council workers mowing around this hazard, this isn't the workers responsibility to report it, just leave it as it's not his problem, which is a good attitude to take! Even the local ratepayers have reported this issue to no avail, too hard to fix, no managers to check standards that the ratepayers pay for, in the Living City.

Response

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

Q2 With your reply to questions asked about the support cables holding up the ductwork, above the warm water pool and the learn to swim pool for young children. In your reply, you state "That the cable was replaced, the rust that has accumulated on the wire is surface rust, which is unfortunately inevitable, due to the highly corrosive environment, Council is confident that the cables are structurally sound and no risk to users."

If these rusty cables are structurally sound and rusty, why did you have to replace a broken cable? These cables were installed over five years ago and as you point out in your reply, "that the cables are in a highly corrosive environment". At the beginning of 2019, you said that you were going to get a tender to replace these rusty cables? What year is this tender to be provided? Could I, as a ratepayer, have an external structural report, by an Engineer, as to the structural condition of these cables, supporting the ductwork, of the indoor pool. Could I have a cost estimate, to renew the existing cables to 316G stainless steel wires that don't rust out like the existing ones?

Response

The Mayor said that the question has been previously asked and answered.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q1 To date when it comes to questions applicable to Providore Place rent, or more accurately unpaid rent, the General Manager has among other statements advised that "Mr Atkins said the Council previously waived the rent it was owed on Providore Place by the head lessee up until February 1 2019" and that the amount waived was \$163,333, rather a decision was made by the Council at the time to defer the commencement of rent from 1 July 2018 until February 2019."

With reference to "OTHER BENEFITS" on page 55 of the Annual Report 2019, being Community Grants & Events Sponsorship, it states "Rent" under "DESCRIPTION" and a value of \$163,333 under "AMOUNT FUNDED".

Will the Mayor now please personally clarify just what this is all about and does it amount to anything less than a contra approach to write-off rent otherwise due and owing to Council by Providore Place Devonport Pty Ltd?

Response

The Mayor said that the question has been asked and answered several times and I am not going to accept it again.

Q2 As questions on notice No 10 for this meeting I asked a very simple question which the General Manager did not specifically respond to. The question related to payment of "success fee elements", the existence of which was disclosed by the Auditor-General on page 14 of his Report No 1 of 2019-20, despite Council refusing to confirm the existence of same for over two years and in particular in relation to the near \$2 million payment in the 2016-17 financial year. I repeat Q10(a) in that:

The Annual Reports declare further payments to Projects & Infrastructure Group Pty Ltd (P+i) of \$1,063,777 in 2017-18 financial year and \$875,710 in the 2018-19 financial year.

Accordingly, my question is were there further "success fee elements' payments to P+i in the 2018-19 and/or 2017-18 financial years?

Response

The Mayor said the question has previously been asked and answered and as already stated all was revealed in the audited reports that you have access to.

DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT

Today, ship loading was occurring on the east side of the river. Wright Street, the west cyclepath was occupied by semi-trailers going into the wharf area. That's not legal, that's from the Police department and they suggest that the Council talk to Tasport re the issue.

Q1 What is Council going to do to resolve the problem?

Response

The General Manager advised that Council is certainly aware of the issue and it is listed as a Workshop item, next Monday night following which we will be having some further discussion with TasPorts in regard to the issue.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 Since Council took over the management of Providore Place at the beginning of January this year (2020) will Council confirm that other than rent from TasTAFE has any cash payments for rent been received from all of the other tenants?

Response

The Mayor said yes

Q2 It was disclosed on page 55 of the Annual Report 2019 that \$163,333 was funded to Providore Place Devonport Pty Ltd will Council please confirm the actual Council meeting and date thereof that the \$163,333 amount funded (benefit) to Providore Place Devonport Pty Ltd described as rent was approved by Councillors?

Response

The General Manager said that as previously advised, Council chose to waive the rent through the period from 1 July 2018 until February 2019 and under the Act that is regarded as a benefit and Council is obliged to report that in its Annual Report, which it did so. Hence the note in the report.

CHRISTOPHER MILLS – 52 CAROLINE STREET, EAST DEVONPORT

I am aware of Public Question Time Policy Section 13.

The Coordinator of Parks and Reserves in an internal email to you, the elected members, admitted that he knew that by cutting down a row of seven trees he would

risk destabilising a landslip zone and in so doing he completely disregarded the views of two rather more experienced and rather more qualified Managers.

Mayor

Mr Mills, I would remind you that I won't take any questions around staffing, if you have a question then I would like you to ask it now please. If you have an issue with our staff I request you talk to the General Manager about that.

Christopher Mills

Q1 In view of the above, that I haven't really been able to outline to you, the evidence is firm. The total disregard of the advise of more experienced and qualified Managers and the recent intentional or unintentional misinformation given to you, ...

Mayor

Again, Mr Mills, I would ask you to ask your question without casting an aspersion on staff, thank you.

Christopher Mills

It would be appropriate now, would it not, to determine if this staff member has breached that internal management policy...

Mayor

Again, that's a discussion I would ask you to have with the General Manager thank you Mr Mills.

RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT

Q1 At the last Council meeting I asked as one of our 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?

The Mayor said, she accepted responsibility. My question is, were you accepting responsibility for other employees who were involved also.

Response

The Mayor said "for clarification, I was accepting responsibility for my part of the decision that was made, thank you".

Q2 Now that you have completed the new kerb and channel in Adelaide Street when will you reinstate the small white marks on the kerb, ten metres from the corner with Best or Oldaker Streets, placed to assist Council's Parking Attendants?

Response

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

TONY BUTLER – 2 DREW STREET, EAST DEVONPORT

Many times I have asked about Bass Street in East Devonport and I am very doubtful if any of you know where it is. If you had been over there and had a look, how long has it been a recycling street?

There are people up one end of the street that have spent multiple, multiple thousands of dollars trying to beautify the street and then you have someone that has opened a scrap yard there on the street and he has been told that it's okay.

Response

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

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q3 At the risk of repeating myself, The "Rent" under "OTHER BENEFITS" on Page 55 of the Annual Report 2019 also includes a \$25,000 amount to the Mersey Bluff Caravan Park Lessee but it states "*The Lessee at the Mersey Bluff Caravan Park is undertaking capital improvements at the park, in lieu of paying rent....*" Will the Mayor now please personally advise ratepayers in the absence of any explanation in the Annual Report just what Providore Place Devonport Pty Ltd provided in tangible assets for its \$163,333 and I might add I would again ask for a supplementary clarification, was a payment actually made to Providore Place Devonport Pty Ltd?

Response

The General Manager said it is the value of the rent that was considered a benefit, in the fact that Council chose to forego it. Under reporting requirements we needed to put it in the Annual Report and it has been fully disclosed. It wasn't another \$163,000 on top of rent, that is the value of the rent.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q3 On the 13th September 2019 it was reported in the Advocate in relation to unpaid rent from Providore Place Devonport Pty Ltd that Council was still to determine the approach to the current \$179,000 in unpaid rent for the period from February 2019 until August 2019.

Almost six months on what has been Council's determination as to the treatment of the \$179,000 which was described at the time as rent still being owed to Council?

Response

The Mayor advised that it is still part of our ongoing planning around Providore Place, no decision has been made as yet.

RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT

Q3 The Queen Mary Rest Park, when will we see it's name sign?

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

Nil

4.0 PLANNING AUTHORITY MATTERS

There were no items to consider as a Planning Authority.

5.0 REPORTS**5.1 DISABILITY INCLUSION PLAN****23/20 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Hollister

That Council adopt the Disability Inclusion Plan 2020-2025.

	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 TENDER - DESIGN AND PROJECT MANAGEMENT - STATE VEHICLE ENTRY POINT PROJECT**24/20 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Alexiou

That Council:

- a) agree to undertake the necessary design work and costings required to execute a grant deed with the Federal Government for the State Vehicle Entry Point Project;
- b) award the contract for Design and Project Management – State Vehicle Entry Point Project to GHD Woodhouse for the sum \$225,000; and
- c) note that although a specific budget allocation does not exist within the 2019/20 capital budget for this project, there will be sufficient allocation within the program to fund the works, until the grant monies are received in the 2020/21 financial year.

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

CARRIED

5.3 DEVON NETBALL ASSOCIATION - PROPOSED MULTI-FUNCTION FACILITY**25/20 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Jarman

That Council provide in-principle support to the Devon Netball Association for preliminary investigations into a proposed multi-function facility at Spreyton Netball Centre.

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

CARRIED

5.4 AUSTRALIAN CITIZENSHIP CEREMONIES CODE - REQUIREMENT FOR COUNCILS TO ADOPT A DRESS CODE

26/20 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Hollister

That Council adopt the draft Citizenship Ceremony Dress Code in accordance with the Australian Citizenship Ceremonies Code.

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

CARRIED

5.5 STANDING DELEGATION - ACTING GENERAL MANAGER

27/20 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

That Council determine that when circumstances exist that requires the appointment of an Acting General Manager that the Deputy General Manager, Mr Jeffrey Griffith fulfil the role and that full delegations of the position be conferred upon him during these periods.

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

CARRIED UNANIMOUSLY

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

28/20 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Jarman

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**29/20 RESOLUTION**

MOVED: Cr Hollister
 SECONDED: Cr Milbourne

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 - FEBRUARY 2020**30/20 RESOLUTION**

MOVED: Cr Laycock
 SECONDED: Cr Jarman

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

7.0 SECTION 23 COMMITTEES**7.1 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 10 FEBRUARY 2020****31/20 RESOLUTION**

MOVED: Cr Murphy
 SECONDED: Cr Alexiou

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 10 February 2020 be received and the recommendations contained therein be adopted.

IWC 01/20 Cradle Coast Waste Management - Annual Report 2018/19

- IWC 02/20 Unconfirmed minutes of the Mersey-Leven Emergency Management Committee
- IWC 03/20 Signage Strategy 2017-2022 Year 3 Status Update
- IWC 04/20 Woodrising - Infrastructure Review
- IWC 05/20 Development and Health Services Report
- IWC 06/20 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 01/20 Cradle Coast Waste Management - Annual Report 2018/19**
That the 2018/19 Cradle Coast Waste Management Group Annual Report be received and noted.
- IWC 02/20 Unconfirmed minutes of the Mersey-Leven Emergency Management Committee**
That the unconfirmed minutes of the Mersey Leven Emergency Management Committee meeting which was held 11 December 2019 be received and noted.
- IWC 03/20 Signage Strategy 2017-2022 Year 3 Status Update**
That the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Signage Strategy 2017-2022.
- IWC 04/20 Woodrising - Infrastructure Review**
That the report of the Infrastructure and Works Manager be noted and that the sale of 16 Woodrising Avenue not proceed at this point of time.
- IWC 05/20 Development and Health Services Report**
That the Development and Health Services Report be received and noted.
- IWC 06/20 Infrastructure and Works Report**
That the Infrastructure and Works report be received and noted.

8.0 CLOSED SESSION

32/20 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 – 28 January 2020	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)

	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 6:29pm to reconvene in Closed Session at 6:32pm.

The Council moved out Closed Session at 6:34pm.

Council resumed in open session at 6:34pm.

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 – 28 January 2020	Confirmed
8.2	Application for Leave of Absence	Approved

CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:34pm.

Confirmed

Chairperson