

MINUTES OF THE OPEN SESSION OF THE ORDINARY COUNCIL MEETING OF THE DEVONPORT CITY COUNCIL, HELD IN THE ABERDEEN ROOM, LEVEL 2, paranable centre, 137 ROOKE STREET, DEVONPORT ON MONDAY 26 OCTOBER 2020 COMMENCING AT 5:30PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:30pm	1 hour
Closed Session	6:34pm	6:37pm	3 minutes
Total			1 hour and 3 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
 Deputy General Manager, J Griffith
 Executive Manager People & Finance, K Peebles
 Executive Manager City Growth, M Skirling
 Executive Officer, J Surtees
 Community Services Manager, K Hampton
 Convention & Art Centre Director, G Dobson
 Development Services Manager, K Lunson

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 digital recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1 APOLOGIES

There were no apologies received.

2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor	Item No	Reason
Cr Jarman	5.4	Financial Assistance Scheme - Round One 2020/2021
Cr Milbourne	5.4	Financial Assistance Scheme - Round One 2020/2021
Cr Perry	5.4	Financial Assistance Scheme - Round One 2020/2021

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 28 SEPTEMBER 2020

20/110 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Laycock

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

20/111 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Milbourne

That the responses to questions from Mr Graeme Nevin, asked at the September 2020 Council meeting, be noted.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

20/112 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Laycock

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Ms Jennie Claire – Devonport

- Q1.** Is it correct that the Council refused to rent the Old Gallery to a rent paying, up market, fashion and interior design retail business called Urban Wall for \$36,000 pa? Why?
- Q2.** Did the Council offer the Old Gallery with 12 months rent free to any other organisations by an open and well advertised process?
- Q3.** If not, by what process and for what reasons did the Council choose to offer the Old Gallery with 12 months rent free to RANT?

Response

The Mayor advised that the matter has been listed on the agenda and will be dealt with as part of this meeting.

Mr Rodney Russell – 225 Steele Street, Devonport

- Q1.** Who is paying the \$486,000 for the new bus stop infrastructure, Devonport City Council or State Government?

Response

The General Manager advised that the bus stop infrastructure that is being put in is being fully funded through a grant from the State Government.

- Q2.** Sorell Street, opposite 111 and 113 – the vegetation is overgrowing the road. Who is responsible for its removal? Just this afternoon I noted that it had been cut back neatly, but I'm actually referring to having it cut back beyond the kerb, which it isn't at the moment. In other words, off the road surface totally.

Response

The General Manager advised that an inspection of the aerial photography makes it a little unclear where the trees are, and on whose land they sit so first of all we will need to investigate whether they are on the land belong to St Brendan Shaw College, or whether they are actually in the road reserve. If they are within the road reserve, it will be Council's responsibility to maintain the vegetation and the trees and we will do an inspection and any necessary work will be carried out. If the trees are causing a concern for the road reserve and they are actually originating from St Brendan Shaw College land, then Council will contact the school.

- Q3.** Holyman Street reconstruction. I see the new footpath has been extended around one pole, which was difficult. Who did the work and who is paying for the work to be done?

Response

The General Manager advised that Council's civil works crew undertook that project on the 19th October and Council is obviously paying for the cost.

Mr Douglas Janney – 23 Watkinson Street, Devonport

Q1. Disposal of Assets. Item 6.6, page 65 of this agenda. For some years there has been a loss on the disposal of assets. When is the Council going to stop selling of assets at a loss?

Response

The General Manager advised that the loss on disposal that is listed in the Financial Statements rarely relates to the sale of an asset, typically it is to do with the disposal of writing off the value of assets that have been replaced prior to the end of their useful life, or theoretical life, when it has been driven by other factors. A practical example of that is the Meercroft Park Clubrooms, which Council are currently replacing – Council made a decision to replace those clubrooms even though there was still some written down value in the existing clubrooms, however they were demolished, so therefore Council carry that as a loss. Typically, when you see the total for loss on disposal, it is relating to assets that have been replaced prior to the end of their theoretical life. Council will make decisions on other factors other than just the life of the asset.

Mr Janney – that still hasn't answered the question, you're not doing it in other words, is that what you're saying?

Response

The General Manager advised there will continue to be loss on disposal as the result of assets being demolished when they've still got some value left in them. It's not being driven by selling assets for less than what they are worth.

The General Manager clarified the loss on disposal in the financial statements this year, is all to do with writing off demolished assets.

Mr Robert Vellacott – 11 Cocker Place, Devonport

Q1. In regard to the General Manager's public notice in the Advocate, 24 October, that any motion from the floor will not be accepted at the Devonport City Council's 2020 AGM, will the General Manager please inform why this is not unlawful, in other words, which Tasmanian Local Government Act or regulations empowers him to decree that any motion from the floor at the 2020 AGM will not be accepted, and I add to that, including by implication, procedural motions.

Response

The General Manger advised that Council introduced a policy around good governance during the year, all in the interests of improving openness and transparency and part of that is taking the view that if motions are going to be debated at the AGM that the community and the public have a right to know what those motions are and to attend and participate, so it was on that basis that we made the decision that motions, not questions, but motions, need to be provided in writing so they can be added to the agenda, so that the community are aware of what is being discussed. It is certainly a practice that some other councils follow and it's a practice that the Director of Local Government is comfortable with. In regard to procedural motions, the guidelines which will be coming out as part of the AGM agenda, will clarify that procedural motions and the like will still be allowed.

Q2. Did the General Manager obtain legal advice regarding the unusual contents of the 2020 AGM notice before publishing it?

Response

The General Manager advised we did not get legal advice to write the notice, we are more than comfortable with the decision.

Q3. Mayor and Councillors, have you considered the Code of Conduct implications, as well as Council's obligation to act lawfully and in particular, the precarious position of the chair of the AGM regarding the 2020 AGM requirements published by the General Manger?

Response

The Mayor responded we have sought advice from the Local Government Division, and we are comfortable with the position.

Mr Malcolm Gardam – 4 Beaumont Drive, Miandetta

Q1. With reference to the Notice of Annual General Meeting, published Saturday 24/10/20, containing substantial changes to meeting process; namely, all attendees must preregister despite it previously being common practice for all in attendance to record their name and address on the night; all motions must be on notice with no motions from the floor being accepted despite this not being supported by legislation or the AGM Good Practice Guidelines; plus, what appears to be an 8 day limit (from the day hardcopies are made publicly available) in lieu of Council's stipulated 14 days for submissions on the Annual Report; I think we went from 28 days back to 14 and considering I think the Annual Reports were available in hard copy as of today on request, that's 8 days to submit, I ask, did the General Manager provide an assurance to councillors at the time that the substantial changes to meeting process within the Notice of Annual General Meeting was provided by a person who has the qualifications or experience necessary to give such advice, information or recommendation pursuant to Section 65 of the Local Government Act? You said you're quite comfortable and other councils do it, I've checked half the questions today and you might be surprised just how few actually do have notices on motion, but I'll complete that exercise. Was that provided by a person with the experience or qualifications to provide that advice to Council?

Mayor Rockliff asked for clarification as to what advice specifically Mr Gardam was referring to. Mr Gardam confirmed he was referring to the content of the notice of Annual General Meeting, which are substantial changes to what is the norm with most Councils in this state and has been the norm in the past. You mentioned the policy, which apparently is still to be released.

Response

The General Manger said he was struggling to work out what the question is.

Mr Gardam confirmed the question is, did an appropriately qualified and experienced person give that advice to Council?

Response

The General Manger advised the answer to that is, yes. We see it as an important step in continuing to be more open and transparent, that is a goal of Council that we have been focused on this year.

Q2. On Page 9 of the October 2020 Agenda in response to my Q4, Council has advised that the hotel owner has not requested a connection between the hotel and the elevated walkway. Accordingly, will the General Manager confirm if any consideration has or is being given to architectural and or structural changes to the elevated walkway, and if so, why after such a protracted period of planning, design and consultation? Are there any changes to the walkway in the wind being considered?

Response

The General Manager advised, nothing that will affect the looks or aesthetics or any intention of the walkway, obviously there is the normal design clarifications and modifications that get made from time to time. The walkway is being constructed as per the original documents.

Malcolm Gardam – so something has been done, but nothing that will affect the looks, the aesthetics or the intent of the walkway, sounds to me like no changes.

Response

The General Manager said we know you're a stickler for detail Mr Gardam so I need to be careful with that, there's been some pad footings changes and some tweaks to the design, but nothing that would change the overall appearance of the walkway.

Q3. Does Council have a firm date that the Providore Place Sunday markets will recommence?

Response

The Mayor responded, that is still in discussion.

Mr Christopher Mills – 52 Caroline Street, East Devonport

Q1. The first question concerns this Council's duty of care. Could the General Manager please confirm that this Council recognises and accepts that the Department of Premier and Cabinet (Tasmanian Government) have identified that my home, the land directly west of my home, and the land immediately south of my home are all in a quote, 'Bush Fire Impact Area – Risk Present'?

Response

The Mayor responded that the question would be taken on notice.

Q2. Question 2 concerns an answer given by the General Manager at the last meeting, 28 September. I asked a question about the 'trade based' qualifications that staff possessed in arboriculture. The General Manager responded by saying that, 'Employees have a whole range of qualifications, and he didn't intend to provide details on all these.' Respectfully, that was not what I asked. I asked specifically about accredited and formally recognised qualifications in Arboriculture. The question is, are there any staff with an accredited qualification in arboriculture, that is formally recognised by the Tasmanian Government or a university authority, and what is the exact title of that qualification and from what institution?

Response

The Mayor responded that the question would be taken on notice.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time of compilation of the agenda, no questions had been received from Councillors.

4 PLANNING AUTHORITY MATTERS

Nil

5 REPORTS

5.1 TENDER REPORT CONTRACT CT0279 BRIDGE ROAD PAVEMENT RENEWAL

20/113 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Milbourne

That Council in relation to Contract CT0279 Bridge Road Pavement Renewal:

- a) award the contract to Walters Contracting Pty Ltd for the tendered sum of \$269,031 (ex GST);
- b) note project design, management and administration costs for the project are estimated at \$31,000 (ex GST);
- c) note utility and other costs for the project are \$11,485 (ex GST); and
- d) note a construction contingency of \$53,807 (ex GST) is included.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

5.2 TENDER REPORT CONTRACT CT0271 MERSEY BLUFF TRAFFIC IMPROVEMENTS

20/114 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Milbourne

That Council in relation to Contract CT0271 Mersey Bluff Traffic Improvements:

- a) award the contract to Hardings Hotmix Pty Ltd for the tendered sum of \$276,870 (ex GST);
- b) note project design, management and administration costs are estimated at \$14,000
- c) note utility and other costs are estimated at \$26,020
- d) note a contingency of \$27,687; and
- e) note identified savings to be agreed are estimated at \$30,000

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

5.3 PUBLIC LIGHTING STRATEGY 2021-26 - DRAFT FOR CONSULTATION

20/115 RESOLUTION

MOVED: Cr Jarman
 SECONDED: Cr Alexiou

That the report relating to the draft Public Lighting Strategy 2021-26 be received and noted, and the release of the Strategy for a 30-day public consultation period be endorsed.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry, Cr Rockliff
 AGAINST: nil

CARRIED 9 / 0

5.4 FINANCIAL ASSISTANCE SCHEME - ROUND ONE 2020/2021

Cr Jarman left the meeting at 06:01 pm.
 Cr Milbourne left the meeting at 06:01 pm.
 Cr Perry left the meeting at 06:01 pm.

20/116 RESOLUTION

MOVED: Cr Murphy
 SECONDED: Cr Laycock

That Council receive and note the Financial Assistance Scheme report and approve the Major and Minor Grants for Round One of the 2020/2021 Community Financial Assistance program as follows:

Major Grants

East Devonport Football Club	\$12,500
Devonport Judo Club	\$15,000

Minor Grants

Devonport Scout Group	\$2,000
Working it Out	\$600
Mersey Rowing Club	\$593
Devonport Volleyball Association	\$2,200

Rate Remissions

Mersey Community Care Association Inc	\$3,082.25
Don River Railway	\$9,574.17
East Devonport Tennis Club	\$1,154.20
Mersey Rowing Club Inc	\$1,617.91
Cancer Council Tasmania	\$3,481.38
Lifeline Tasmania	\$2,901.65
Scouts Australia Tasmanian Branch Mersey District	\$3,472.74
1st Spreyton Scouts. Scout Association of Australia	\$1,105.39
Devonport Girl Guides	\$1,447.07

COVID-19 Impact Grants

Devonport Judo Club	\$2,500
East Devonport Football Club	\$2,500
Devonport Choral Society Inc	\$2,500
Devonport Athletic Club	\$2,500
Mersey Valley Pony Club	\$2,500
Spreyton Football Club Inc	\$2,500
Devonport RSL Sub-branch Inc	\$2,500
Devonport City Soccer Inc	\$2,500
Right on Cue Choir	\$2,500
Devonport Little Athletics	\$2,500
Don Cricket Club	\$1,800
Devonport Men's Shed	\$1,500
Devonport Cricket Club	\$2,500

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Laycock, Cr Murphy, Cr Rockliff
 AGAINST: nil

CARRIED 6 / 0

5.5 RANT ARTS PARTNERSHIP AGREEMENT

Cr Jarman returned to the meeting at 06:04 pm.
 Cr Milbourne returned to the meeting at 06:04 pm.
 Cr Perry returned to the meeting at 06:04 pm.

20/117 RESOLUTION

MOVED: Cr Jarman
 SECONDED: Cr Murphy

That Council

1. endorse the Partnership Agreement with RANT Arts; and
2. agree to lease 45-47 Stewart Street Devonport to RANT Arts for a period of 12 months as per the attached lease agreement.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
 Murphy, Cr Perry, Cr Rockliff
 AGAINST: nil

CARRIED 9 / 0

5.6 DECEMBER EVENTS UPDATE**20/118 RESOLUTION**

MOVED: Cr Laycock
 SECONDED: Cr Jarman

That Council receive and note the report providing an update on planned events in Devonport during the month of December.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 9 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

20/119 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 9 / 0

6.2 MAYOR'S MONTHLY REPORT

20/120 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Alexiou

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 9 / 0

6.3 GENERAL MANAGER'S REPORT - OCTOBER 2020

20/121 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Perry

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

6.4 INFRASTRUCTURE AND WORKS REPORT

20/122 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Milbourne

That Council:

1. receive and note the Infrastructure and Works report and;
2. endorse the new charge of \$20/m³ (inc. GST) for the sale of woodchips from the Spreyton Waste Transfer Station.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

6.5 DEVELOPMENT AND HEALTH SERVICES REPORT

20/123 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Perry

That Council receive and note the Development and Health Services Report.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 9 / 0

6.6 ANNUAL FINANCIAL REPORT - 30 JUNE 2020

20/124 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

That Council:

1. Receive this report relating to the Annual Financial Report for the year ended 30 June 2020 and note that it will be included as an Appendix in the 2020 Annual Report; and

2. Adopt the proposed carry forward projects totaling \$11,382,445 from the 2019/20 capital works program and amend the 2020/21 program accordingly.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 9 / 0

7 SECTION 23 COMMITTEES

No Section 23 Committee meetings have been held since the last Council meeting.

8 CLOSED SESSION

20/125 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Laycock

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

Item No	Matter	Local Government (Meeting Procedures) 2015 Reference Regulations
3.1	Confirmation of Closed Minutes – Council Meeting – 28 September 2020	15(2)(g)
3.2	Application for Leave of Absence - Nil at time of agenda compilation	15(2)(h)
4.1	Confidential Attachments - October	15(2)(g)

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 9 / 0

**The Mayor adjourned the meeting at 6:30pm to reconvene in Closed Session at 6:34pm.
The Council moved out of Closed Session at 6:37pm
Council resumed in Open Session at 6:37pm**

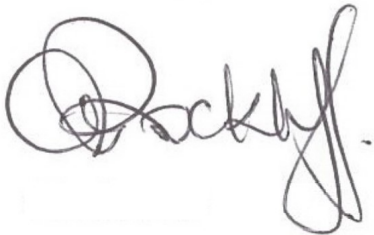
The Closed Session of Council having met and dealt with its business resolved to report that it had determined the following:

Item No	Matter	Outcome
3.1	Confirmation of Closed Minutes – Council Meeting – 28 September 2020	Confirmed
3.2	Application for Leave of Absence – Cr Perry	Approved
4.1	Confidential Attachments - October	Noted

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:37pm .

Confirmed

A handwritten signature in black ink, appearing to read "Dackly", written over a faint rectangular box.

Chairperson