

**Minutes of the Annual General Meeting of the Devonport City Council  
held on Monday, 9 November 2020, in the convention centre, level 3, paranaple centre,  
137 Rooke Street Devonport, and live streamed from 5:30pm**

**PRESENT:**

**Councillors:**

Cr A Rockliff (Mayor)  
Cr A Jarman (Deputy Mayor)  
Cr J Alexiou  
Cr G Enniss  
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 Skirving  
Executive Coordinator, J Surtees  
Community Services Manager, K Hampton

**Electors:**

Steve Martin	Malcolm Gardam	Rodney Russell	Eric Mobbs
Robert Vellacott	Graham Jones	Chris Murfett	Anne Murfett
Prue Febey	Robert Foulkes	Rod Bramich	Lyn Johnson
Peter Jordan	Sue Jordan	Janette Lander	Bill Lander
Jan Grey	Robyn Glen	Paul Fielding	Louise Leslie
Ian McLeod	Faye Foster	Grant Goodwin	Robyn Carey
Peter Stegmann	Trevor Smith	Mark Bakowski	Jennie Claire
Don Willing	Graeme Nevin	Lindy Nevin	Alana Jackson
Greg Marshall	Margaret Faye	Sally Easter	Gary Easter
Pauline Gardam	Bruce Gowan	John Blyth	Sylvia Sayers
Claire Jordan	Kylie Lunson	Michael Williams	

**Other:**

Dave Race	Geoff Dobson	Joshua Jackson	Peter Tuson
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## **WELCOME AND INTRODUCTIONS**

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

The Mayor introduced the Councillors and staff in attendance and thanked everyone for coming and complying with Council's COVID safe requirements.

## **1 ANNUAL GENERAL MEETING GUIDELINES**

The Mayor outlined the Annual General Meeting Guidelines as published in the Agenda.

Mr Graeme Nevin raised a point of order, suggesting that the AGM procedure was out of order and that the meeting should not continue. The General Manager clarified that the meeting has been structured and arranged in accordance with section 72(b) of the Local Government Act and that the processes put in place have been done so correctly. The Mayor did not accept Mr Nevin's procedural motion.

Mr Nevin raised a point of order, asking if he was permitted to raise a motion of dissent, or if the meeting regulation rules of 2015 were applicable? The Mayor dismissed the point of order, and continued to outline the Guidelines for the meeting.

## **2 APOLOGIES**

Mr Doug Janney  
Ms Desley Blanch

## **3 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

## **4 CONFIRMATION OF MINUTES**

MOVED: Cr Murphy  
SECONDED: Cr Hollister

That the minutes of the Annual General Meeting held on 9 December 2019, as attached, be confirmed.

### **Amended Motion:**

**Mover:** Mr Vellacott  
**Seconded:** Mr Gardam

That the minutes of the annual general meeting held 9 December 2019 as circulated be confirmed provided that after the last entry has been amended so as to delete the words "There being no further business the Mayor declared the meeting closed" and that the following be inserted so the last sentence shall read - "The Mayor, contrary to the council's code of conduct, knowing that several ratepayers and

electors wished to introduce further business, and a procedural motion was being put, abruptly declared the meeting closed at 6:24pm".

FOR	14
AGAINST	32
OUTCOME	Lost

The Mayor then put the original motion:

That the minutes of the Annual General Meeting held on 9 December 2019, as attached, be confirmed.

FOR	35
AGAINST	11
OUTCOME	Carried

## **5 PRESENTATION OF ANNUAL REPORT**

The General Manager provided an overview of the 2020 Annual Report

## **6 SUBMISSIONS/QUESTIONS TO THE ANNUAL REPORT**

MOVED: Mr Goodwin

SECONDED: Ms Sayers

That submissions and questions, and the subsequent answers, on the 2019/20 Devonport City Council Annual Report, be noted.

FOR	35
AGAINST	0
OUTCOME	Carried

## **7 MOTIONS ON NOTICE**

### **7.1 NOTICE OF MOTION FROM MR BOB VELACOTT**

MOVED: Mr Vellacott

SECONDED: Mr Gardam

That – We the ratepayers / electors here present, noting that no apology whatsoever has so far been forthcoming, hereby request an unequivocal apology from the General Manager, Mayor and those Councillors responsible for the intolerable situation in regard to in particular the Food Pavilion now known as Providore Place, and among other things, the mismanagement and subsequent loss of revenue from Stage 1 of the Living City project, for the following reasons:-

1. THE DEVONPORT CITY COUNCIL'S ATTITUDE TO TRANSPARENCY relating to Living City decision making almost exclusively done in Closed (secret) Session and the deals done with private enterprise, has alienated large sections of the electors. This is largely due to Council's refusal in many instances to substantiate its representations and provide few real time disclosures other than those forced upon them. Unfortunately, in relation to many statements made by Council or its appointed Project Development Manager, Council never provided or provides evidence to substantiate its public representations and for over four (4) years has resorted to various tactics to avoid transparency and accountability relating to this project. From what has transpired "Transparency and therefore accountability is/ was not in abundance at the Devonport City Council".

2. THE ARGUABLY DECEITFUL CLAIMS – on 7th December 2016 the Deputy General Manager (at that time and now the General Manager) was reported as saying "we've got a 10-year lease with Providore Place to run it and we're getting a good return above the independently assessed market value," and " the revenue the council received on the food pavilion was guaranteed through the head lease arrangement and removed the council's exposure to financial risk." and "Projected food pavilion income is \$400,000 per year"

All above said and oft repeated; and when challenged to provide the evidence, the statements were never refuted by the Mayor and Councillors, who knew or should have known, that those statements were false. Members of council, with only a skerrick of business acumen, should have known that statements such as those made by the then Deputy General Manager, if made by the management of any public listed company, could have received a severe penalty imposed by ASIC for false representation to investors and/or shareholders (ratepayers in the case on Devonport Council). The Acting General Manager's information was ultimately relied upon by councillors in approving the entering into of the initial head lease agreement, which, with the passage of time, was proved, by the Auditor General, to be grossly deficient and based on misguided advice at best?

3. THE MISLEADING STATEMENTS MADE –the Development Manager In 2013 –said in relation to the then Stage 2 new retail precinct that he had "spoken to 15 national retailers and 13 were keen to come to Devonport" and "Negotiations must remain confidential, but it is expected that key announcements can take place in 2014." As the passage of time has demonstrated and eventually admitted by Council there were never any firm commitments prior to approving Stage 1. The prospect of a "new northern retail precinct" is now all but non-existent. In the extended period leading up to approval of Stage 1 and in 2016 Council represented it was "not a council-funded project" and "without relying on income from Council's existing revenue streams." At the same time it announced for the first time only some 14 days prior to

approving Stage 1 that a ratepayer contribution of \$11 million of cash reserves (later increased to \$13.3 million) and up to \$39 million of borrowings were required for Stage 1 construction alone. Also the statement "Council will not be the main financier of Living City" which in time has been proven to be a fallacy.

4. THE FARRAGO of EXAGGERATED / UNSUBSTANTIATED CLAIMS – as per the 2014/5 Living City Master Plan Fact sheet, it stated Living City will create \$250 m investment over 5-8 years, and more than 1,100 ongoing jobs will be created. This was later changed to - Living City will generate in relation to NEW on-site jobs "nearly 830 full-time operational jobs in Devonport CBD...." as well as there will be an annual \$112 million economic benefit. Also a claim was submitted that "The project is guaranteed to unlock \$270 million in private investment" all put forwarded to garner ratepayers' support and some to obtain Government funding.

5. THE DEMONSTRATED EFFORTS BY COUNCIL TO CONCEAL INFORMATION AND SUBSEQUENT ABUSE OF PRIVILEGE - at various times and in particular, at the time, the secretive waiving of Providore Place rent just prior to the 2018 council elections. When questioned the present Mayor agreed this could have had a bearing on the outcome of the election had the electors been aware of the unfolding economic mess. The Local Government Act was often, over "cherry picked" to limit the amount of information to be disclosed; no doubt, so as to conceal the mismanagement and deteriorating financial situation in regard to Providore Place.

6. THE MANY NON and/or EVASIVE ANSWERS GIVEN TO QUESTIONS ASKED AT MEETINGS - Council repeatedly refused to confirm any firm or formal commitments, from individual tenant leases, existed prior to approving construction of the food pavilion (Providore Place) despite a written commitment by Council not to start construction as stated in the "Stage 1 Funding Implications" report to Council dated February 2016; being "It is accepted that work will not start on the Food Pavilion until Council has the necessary level of certainty in the form of secured tenant commitments." This assurance was also proved to be incorrect by the Auditor General. Since then we have learnt that council did not seek legal advice and no rent was paid by the head lessee under the initial head lease. The "Head Lease Agreement" "was actually not a fully commercial based lease but moreover a "cooperative shared arrangement".

7. THE FAILURE OF COUNCIL TO UNDERTAKE THE REQUIRED DUE DILIGENCE in regard to the comprehensive business case studies as required by consultants HillPDA so as to validate their estimates of 830 new CBD ongoing full-time direct jobs and significantly more indirect jobs and \$112 million of economic output annually despite repeatedly and unambiguously communicating to ratepayers that these outcomes justified the appropriation of approximately \$50 million in ratepayer cash reserves and additional borrowings for Stage 1 of the Living City Project.

\* Council's failure to tender the LIVING CITY project management contract and the appointment of a Company and project director not necessarily the most proven in delivering urban renewal projects of the equivalent size, scale and complexity to that of Living City.

\* Also Council should not have, to ensure ratepayer interests were fully protected, entered into a non-tendered confidential 10 year \$4 million food pavilion head lease with connections of the lead project consultant without Council having any knowledge of the fact that the issued paid up capital of the lessee Company was a minimal \$20,000 (0.5%) of the contract value thereby placing ratepayers at significant risk in the case of default. Council has refused to release the head lease document making it impossible to know whether adequate default clauses existed.

8. THE WAIVING OF RENT of some known, \$357,480 in revenue, as well as other unknown amounts for legal and council staff costs etc, due to an unenforceable agreement. This was because of Council's failure to insist on a director guarantee(s) for the so called Head Lease Agreement. Thus the secrecy about this and the costly extravagant fit outs of some \$651,000 excl. GST plus estimated equivalent amount for tenant-specific base-build requirements all constituted subsidisation of the tenancies in Providore Place that were and or will be in direct competition to other businesses in the city. Consequently, because of the secrecy, it has put them at an unfair advantage in not being able to know the full extent of the subsidisations.

9. The Conflicts of Interest - The Auditor General's Report stated - "Evidence obtained by us indicated the head lease was primarily drafted by P+i and appeared to be missing a number of standard lease clauses " and "DCC did not obtain independent legal advice on the lease agreement before being signed. DCC entered into the head lease agreement with PPD knowing: potential conflicts in future decision making could arise given P+i's development management role" and "The relationship risk between DCC and P+i in entering into the head lease arrangement, although acknowledged, was not adequately managed" and "DCC had not met good governance principles relating to transparency, equity, participation and inclusion and effective and efficient decision making." This and other areas within Living City where potential conflicts of interest could also arise was pointed out and questioned on many occasions by concerned ratepayers but was ignored by council.

10. THE COUNCIL'S FARCICAL ACTION IN NEGOTIATING A REPLACEMENT HEAD LEASE FOR PROVIDORE PLACE- Despite non-payment of rent due, as per the initial head lease agreement, and after Council received from the Auditor General a damning report, Council entered with the same entity, while some \$200,000 remained owing to Council, a 2 year term replacement head lease agreement that was subsequently terminated within 3 months of commencement.

We the Electors wish to also make it known of our extreme disappointment to you the now General Manager, the now Mayor and those Councillors who at the time were complicit in the ongoing mismanagement and concealment of information; also in regard to the cavalier conduct and contempt shown, on many occasions, towards those who questioned and/or expressed concern about the project.

Further - That the apology be given within one (1) month of this AGM and recorded in a meeting Agenda and the minutes. "To you the electors here present I ask for your unequivocal support for this motion by voting in the affirmative.

FOR	13
AGAINST	35
OUTCOME	Lost

## 7.2 NOTICE OF MOTION FROM MR GRAEME NEVIN

MOVED: Mr Nevin

SECONDED: Mr Gardam

That the Devonport City Council:

1. commission an enquiry and report;
2. independent of council;
3. with the report made public (apart from item A below)

Regarding what has happened with Providore Place including reference to the following:

- A) Whether the DCC has any potential claim against any person or entity (other than the head lessee) concerning recovery of the Providore Place losses suffered by DCC?
- B) Whether the 2016 councillors acted in good faith when granting the head lease in relation to Providore Place?
- C) Why Council granted a head lease with clauses protecting Council's position absent?
- D) Why did Council not want any legal advice on the head lease?

Cr Jarman declared an interest and left the room at 6:47pm

FOR	17
AGAINST	29
OUTCOME	Lost

Cr Jarman returned to the meeting at 6:56pm

## 7.3 NOTICE OF MOTION FROM MR DOUG JANNEY

MOVED: Mr Mobbs

SECONDED: Cr Jarman

That council, at the next meeting, consider providing all ratepayers of 50 years or more with parking vouchers as provided to pensioners.

FOR	39
AGAINST	3
OUTCOME	Carried

## **8 GENERAL BUSINESS**

### **Rodney Russell – 225 Steele Street, Devonport**

**Q1.** Page 16 Workforce profile – male, female. As there is 90 male and 37 female full time employees, can you give us some insight as to why there is 22 part-time female compared to 7 male and 14 casual female compared to 6 male?

#### **Response**

The Mayor advised the nature of the work and the fact that part-time does suit, or casual does suit, women perhaps more than males and the nature of the work. I would love to see it 50/50 but that is not necessarily going to happen overnight, but it is the nature of the work that we offer.

**Q2.** Bus stop infrastructure. State Government grant \$430,000 – Infrastructure contract works \$368,000. Where will the balance money be spent?

#### **Response**

The General Manager advised that the amount quoted by Mr Russell is the amount that was awarded to the contractor, and there would be some other associated costs such as project management, design costs, I don't have them all on hand but there would be some other costs that would make up that total budget of \$430,000.

**Q3.** Page 58 waivers relating to COVID-19. Commercial properties – rent relief \$84,000. What percentage of monthly rent was waived for the tenants?

#### **Response**

The General Manager advised it varied significantly from tenant to tenant, for some it was zero and for others there was short periods where it was 100%. The percentage ranged from 0 to 100, the most common was 50%, but there was a range of 0 to 100.

**Q4.** Financial report page 3. Why was the print for the sentence at the bottom of the page so very small when there was space for it to be larger?

#### **Response**

The Mayor noted Mr Russell's feedback.

### **Jennie Claire - Ratepayer, Devonport**

**Q1.** My question relates to procedures. At last year's Annual General Meeting the Mayor stated that motions put to the meeting by the public which were passed, would be considered at the next ordinary meeting of Council. There were four such motions last year, and my question tonight concerns what happened to those four motions at the next Council meeting. The words must be considered at the next council meeting, surely means that discussions of the motions by councillors would take place at that meeting, and indeed, one of the councillors at the time felt that and stated the same. Yet the resolution in question, says that Council had already considered the four motions, that was the wording of the resolution, thereby ignoring the requirements of the Local Government Act. Further, the resolution excluded two of the motions, and required councillors to vote only on the other two, and to vote on the other two as a package. To meet the requirements of the Act, shouldn't all of the motions have been presented and dealt with individually, and voted on individually? Councillors were in effect restricted by the wording of the resolution, yet it is councillors, not staff, who the people of Devonport have voted in to make decisions on their behalf. So my question is, will Council take steps to ensure that, as required by the Local Government Act, motions that pass at this meeting, and this is a moot point now, will be discussed by Councillors at, not prior to, the next Council meeting, with each motion being discussed and voted on separately?



## **Response**

The Mayor noted that we do have the opportunity to discuss items at a workshop, but the decisions are made at Council.

**Ms Claire** – noted that the Act says, the items have to be considered at the Council meeting, and the resolution said, this is a direct quote, "The motions have already been considered". Already been considered.

## **Response**

The General Manager brought the motion up on Council's website and noted that it wasn't those words, it said, "Having considered the four motions" Council then went on to resolve two steps in regards to two of the motions. We are comfortable that the correct process was followed; the 2019 AGM was held early December, the requirement is that any motions passed are then tabled for consideration at the next available Council meeting, that occurred at the December meeting and the report is there on the website. I'm confident the report met the requirements of the Local Government Act and provided all motions for Council's consideration.

**Q2.** At the March meeting, Council provided additional delegation to the General Manager to ensure continuity of business during the COVID pandemic. This included the ability to approve planning applications which otherwise would have gone to the Planning Authority Committee, or perhaps to a Council meeting. There were six applications approved under this delegation, including the Stony Rise Road Friend Street application. It is the Stony Rise Friend Street DA which is of concern for a couple of reasons. One is, that the General Manager has informed me that there was no environmental assessment done of the land, although it is thought to have endangered vegetation and wildlife present. Another is that the passing of the DA in this manner means that the details of the DA are not available in the minutes of a Council meeting, as they would be if it was passed at a meeting. The public cannot view it unless they are prepared to put in an RTI request to Council. There was one representation regarding this development which would normally mean that the DA would be required to go to a Council meeting. However, this requirement was waived due to the State of Emergency caused by the pandemic. When asked if the Council could add this detail to a Council meeting agenda so it would be available to the public who might want to have a look at a big development, the answer was no. With the technology available, our councillors, to their credit, did not miss a single Council meeting, yet the Planning Authority Committee, apparently was unable to meet its obligations in regard to meetings and to deal with at least the Stony Rise Friend Street DA, which was large, contentious and had attracted one representation. So my question tonight is, in the interests of transparency and good governance, will the Council undertake in future to ensure that all large DAs are put before the Council or the Planning Authority Committee, unless of course there was some extremely drastic situation?

## **Response**

The General Manager advised that future delegations from the Council to the General Manager will obviously be a call for Council at the appropriate time, but in reference to the application that Ms Claire mentions, Council made the decision during COVID to allow business to continue as much as possible and provided those additional delegations so there wasn't delays in approving development applications. It is fair to say that the delegation provided was hardly extreme. The DA was advertised, it was advertised for a fourteen-day period, it received one representation, some councils delegate that to Officers, others have a Planning Committee. This Council in the past, in years gone by, previously allowed applications with up to three representations to be decided by Officers, so certainly the delegation that Council provided wasn't extreme and was done in a period

when Council felt it was important to progress developments as quickly as possible and not to cause unnecessary delay.

**Ms Claire** – why would there have been a delay if the Planning Authority Committee had done it?

**Response**

The General Manager advised that Council quickly put those delegations in place, they felt that was an easier way and a quicker way to do that with the restrictions and the moving beast that was COVID at the time. We were still waiting on the Government to bring in regulations to actually allow Council to meet remotely, that required changes to the Local Government Act and in the interests of allowing business to continue, made that decision.

**Q3.** This question relates to the way that some questions that have been put to the Mayor at Council meetings, have received an answer such as the following, 'The Mayor advised that there is a report later in the meeting where we will deal with that thank you'. So what I'm saying here is that when a question is asked, sometimes that is the answer, its going to be part of a motion later in the meeting, or a recommendation, and it will be dealt with then. That was the response at the December 16, 2019 Council meeting, to a question of mine. As it happened, my question was not discussed, let alone answered at that agenda item, because that was the item where the four motions of only two were even included that I mentioned in the first question. And I've seen numerous other questions which have been asked by the public side stepped in this manner. So my question tonight is this, does everyone understand what I'm talking about, that is the answer to the question that it will be answered later in the meeting when that item is discussed, and then when the item comes along and is discussed, it isn't answered, because quite often there is very little discussion. So the question is, on occasions, where it is said a question will be answered when the relevant item arises during the meeting, can steps be taken to ensure that it is answered, and if it's not answered, can that question be automatically placed as a question without notice on the agenda of the next Council meeting, and not be counted as part of that person's three questions for the next meeting?

**Response**

The Mayor advised it could certainly be a question without notice however I'll just clarify that usually it is practice that we do not discuss in question time, items on the agenda. I don't think I say that the question will be answered, I think that the item will be discussed, and if I've said that, that's obviously not quite correct. The item will be discussed later in the meeting and it's general practice that we don't take questions around items that will be on the Agenda at that meeting.

**Ms Claire** – so the result of that then is that the question doesn't get answered.

**Mayor** – that's true.

**Ms Claire** – and is that in the interest of good governance and transparency?

**Mayor** – there is the opportunity to put a question on notice, or a question in writing, but given there is an item for discussion that Council has to rule on, generally it is accepted that we don't make comment about that in question time.

**Ms Claire** – the wording is, we will deal with that.

**Mayor** – I understand where you're coming from. Thank you.

**Malcom Gardam, 4 Beaumont Drive Miandetta**

I wish to comment on the Annual General Meeting Guidelines first disclosed publicly in full on Page 4 of tonight's Agenda.

When questioned about the Notice of AGM dated 24/10/20 inclusion of the statement that "motions from the floor will not be accepted" the General Manager stated "it is certainly a practice that some other councils follow and it's a practice that the Director of Local Government is comfortable with."

When questioned in the current AGM Agenda as to "Will Council provide a list of "other councils" that enforce the practice of not allowing motions from the floor at AGM's?" and "Will Council provide evidence that the Director of Local Government, at the time the decision was made, was comfortable with the practice?" the GM response recorded in the Agenda is "Council has not done extensive review of the practices of other councils, however we are aware of some councils which follow a similar approach."

The General Manager's earlier statement was also reported in today's Advocate.

**Q1.** I ask the General Manager again, through you Madam Chair, which are the "some councils that follow a similar approach" that you stated you were aware of?

**Response**

The General Manager advised he sought advice from the Local Government Division and part of that reply said that it's a practice that some councils follow, and they referred us to the website of one particular council, but regardless of what other councils do, we're comfortable with the approach and felt that it gave the community the opportunity to see what was on the agenda and what the motions were that were to be debated at this AGM.

**Q2.** You said that you were directed to a council's website, I now ask the General Manager, again through you Madam Chair, as to which councils you contacted to validate the statement that "it is certainly a practice that some other councils follow"?

**Response**

The Mayor advised that question had been asked and answered and asked Mr Gardam to move on.

**Mr Gardam** - Well Madam Chair, you said you didn't do extensive research or review, well I did. I rang 28 councils, and as of today's date, 26 have responded that they accept motions from the floor.

**Mayor** – thank you Mr Gardam, we appreciate your diligence.

**Mr Gardam** - When asked about that, it was undertaken through consultation with the Mayor. In summary, and on Council's pretext of openness and transparency, the GM and Mayor took it upon themselves to:

1. Introduce mandatory rules under the guise of "guidelines" which are never mandatory but in this case include words such as "must be" and "will not be accepted".
2. Undertake no community consultation whatsoever prior to disclosing said guidelines in tonight's Agenda.
3. Make false or misleading representations as to being aware that no motions from the floor are accepted as a requirement of some other councils.
4. In enforcing this ad hoc (last minute disclosure) denied electors the opportunity to review, comment and question the whole of the guidelines in advance of

tonight.....with the mandated deadline for AGM motions having passed by the time the disclosure of the full content surfaced.

5. Even if the requirements prove to be technically lawful they are certainly not in the "spirit" of the Act and trashes an elector's democratic right to freely participate in an AGM.

It must be remembered that the GM and Mayor are the same duo that tried to defend the Mayor's premature closure of last year's AGM by offering no less than 7 reasons that the Mayor had authority to close that meeting, where as Chair, the Mayor refused to take a previously flagged ratepayer motion from the floor and a subsequent procedural motion.

The Code of Conduct Panel reduced the 9 reasons offered for closing the meeting, over and around a ratepayer who had the attention of the Mayor at the time and was trying to speak to a status of excuses and that the Mayor likely closed the meeting to avoid, in her mind, perceived personal embarrassment.

I put it to the meeting that banning motions without notice from the floor appears to be an extension of the same motivation.

- Q3.** The Code of Conduct Report included in relation to last year's AGM that "The Panel heard that the Mayor considered that the meeting was getting a bit out of control, and it was one of her reasons for closing it quickly." but then stated "The Panel finds that on this count the decision to refuse any more motions was not made objectively considering the merit of the way in which the members of the public were conducting themselves at the meeting." Accordingly I ask for the benefit of many here tonight that attended last year, a question the Mayor has refused to answer previously in that, Mayor just who or what in your mind was "getting a bit out of control"?

#### **Response**

The Mayor said, Mr Gardam I have already gone through an extensive code of conduct panel hearing, I have apologised for my decision that I made last year and I have nothing else to add, thank you.

**Mr Gardam** - the behaviour of the public gallery last year was

**Point of Order raised by Councillor Milbourne** - that Mr Gardam was engaging in bullying and harassment behaviour.

**Mr Gardam** - the behaviour of the public gallery last year was exemplary considering your actions as Chairperson

**Point of Order raised by Councillor Milbourne** – it has been asked and answered.

**Mr Gardam** - so in the absence of

**Point of Order raised by Councillor Milbourne** – this is not ok and is bullying and harassment.

**Mr Gardam** – I commend the gallery last year for their behaviour.

**Mayor** – Mr Gardam I'm giving you a lot of latitude here.

**Mr Gardam** – I have a couple of questions here, they're quite easy these ones, thank you Madam Chair for that latitude, I appreciate that. It's not always easy but sometimes there are questions to be asked, people want them asked and people want them answered.

- Q4.** Why were the items within the attachment to the Agenda tonight, not included in the Agenda handout as such, surely the page count was not greater than that that we hand out for ordinary meetings during the whole of the year. The attachments were not part of the handout?

## **Response**

The General Manager advised the Agenda was run in the same way as the last Council meeting agenda was, there is the document that includes the agenda and then the attachments are a separate document. Both of those documents are available on the website and were available for this meeting.

**Q5.** In this Agenda, I previously asked, "Will Council please provide the individual "fair value" book entries on the asset register for the following Living City premises", I'll read them out in a minute. The response was "This information is not readily available in the requested format. These properties include multiple individual assets across several asset classes and it would require resources that are currently unavailable to calculate the answers requested."

Accordingly, I now ask will Council please provide the individual "fair value" book entries for, each of the following properties, for the combined land and buildings for these items listed below. And the properties that I would like to know, what is the carrying value for the land and the property and the buildings, are for:

- 6-10 Steele Street (former Webster building)
- 17 Fenton Way (current Harris Scarfe Site)
- 21 Oldaker Street (former State LINC/ Library Site)
- 137 Rooke Street (paranaple centre)
- 17 Oldaker Street (Providore Place)
- 40-48 Best Street (multi-level carpark)

## **Response**

The General Manager clarified that submissions and questions for the Annual Report, I think the last one was received at about 1:00am Wednesday morning, or late Tuesday night. There were 41 questions in total that were all answered on Tuesday and Wednesday to allow the Agenda to be put out that Wednesday night. The one question that you said hasn't been answered, it was simply due to the resources required to follow that up, and that's to do with the asset values. And to correct that for the record, there has been a lot of talk about the asset values incorrectly referencing the value of Providore Place against the asset values and saying that is somehow a loss. That book asset value, Council is required to carry the building at that amount under the Australian Accounting Standards, whether we agree with it or not, we had to follow those standards, and that's what is in the financial statements and that is what we have been audited on.

**Mr Gardam** - That does bring to one other question that has been raised, and that is the timing factor. Council had so little time from releasing the notice and the deadline for submissions. Last year at the AGM there was a motion put by Mr Janney and it was successful and it was we would take the time for submissions from 28 days back to 14 days, and this year, for some reason we had a bit of an unhealthy haste and I think we ended up with about 8 days from the time you could get your hands on a hard copy of the Annual Report to make a submission, so I feel for you in having to answer 41 questions, but it was your decision, that you'd only give us until tonight and effectively about 8 days to make submissions, when you could have had it this next Monday night, and you would have given yourself time, and also the people to put submissions in.

## **Response**

The Mayor thanked Mr Gardam for his comments.

**Peter Stegmann - 118 River Road, East Devonport.**

**Q1.** Currently Council have a number of staff working from home, how many staff are working from home currently?

**Response**

The Mayor advised that some staff are currently doing both, so it varies from day to day.

**Mr Stegmann** – I rang the Planning Department on Friday, and someone said all the staff are working from home, and someone would get back to me. I had to ring again this morning and tell her that it was getting rather urgent because I had a time frame to get a submission in, and I was pleased that they did get back, but I was just wondering when staff are coming back into the office again, because I would have thought that would have been appropriate and it would be easier to work with the staff in the office rather than being remotely operating, especially with planning when you've got to discuss things. Have you got a time frame when they are coming back?

**Response**

The General Manager advised there is not a direct connection between, staff whether they're working at home or based in the office down below, and any impact on the response times.

**Mr Stegmann** – I was told that I could wait for three days, that they try to respond within three days. When I ring up Ulverstone for a similar thing, I get directly on to someone and get an answer immediately.

**Mayor** – thank you, your comment is noted.

**Bob Vellacott - 11 Cocker Place, Devonport.**

**Q1.** Will Council review the decree that the Devonport City Council Annual General Meeting motions from the floor will not be accepted and that notice of any motion must be given by a certain date. I believe this is in breach of the long standing basic democratic right and a convention that has allowed electors who have attended Annual General Meetings to move relevant, lawful motions.

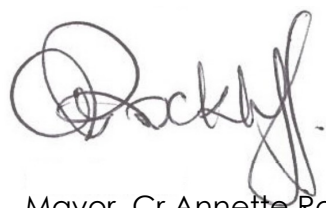
**Response**

The Mayor advised that question would be taken on notice.

**9 CLOSURE**

The Mayor declared the meeting closed at 7:29pm

Confirmed at the 2021 Annual General Meeting, Monday 8 November 2021

A handwritten signature in dark ink, appearing to read 'Annette Rockliff', with a stylized flourish at the end.

Mayor, Cr Annette Rockliff,  
Chair