

MINUTES OF THE OPEN SESSION OF THE ORDINARY COUNCIL MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY 26 APRIL 2021 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:15pm	45 mins
Closed Session	6:16pm	6:40pm	24 mins
Total			1 hour 9 mins

Present

Cr A Rockliff (Mayor)
Cr J Alexiou
Cr G Ennis
Cr P Hollister
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 Officer, J Surtees
Development Services Manager, Kylie 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. The meeting will also be live streamed on Council's YouTube channel.

1 APOLOGIES

The following apology was received for the meeting.

Cr Laycock	Apology
Cr Jarman	Apology

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 CONFIRMATION OF MINUTES - 22 MARCH 2021

21/68 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Enniss

That the minutes of the Council meeting held on 22 March 2021 as previously circulated be confirmed.

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

CARRIED 7 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

21/69 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Milbourne

That the responses to questions from Mr Christopher Mills, Mr Rodney Russell and Mr Bob Vellacott at the March 2021 Council meeting be noted.

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

CARRIED 7 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

21/70 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Alexiou

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

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

CARRIED 7 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Rodney Russell – 225 Steele Street Devonport

Q1 - Queen Mary Rest Park – Would it be possible for Council to ask the neighbour to remove the fence from the park and place it on their own property?

Response

The Mayor responded that Council would take that under advisement.

Q2 – The Tasmanian Electoral Commission early voting station in the Gallery – are they paying a reasonable user fee?

Response

The Mayor responded that the TEC are paying a commercial hire fee.

Q3 - Holyman Street construction – thank you for response to my question. When the original design was done it should have been noticed that the poles would be in the footpath. Why then was it also not noticed by Council supervisors when the works started on the construction of the footpath?

Response

The Mayor responded that the question will be taken on notice and that she believes a response to that question had already been provided to Mr Russell, but the General Manager has agreed to check and respond in writing.

Bob Vellacott, 11 Cocker Place Devonport

Q1 – I ask the General Manager why he now refuses to give a guarantee or direct assurance that Providore Place is indeed a safe place for all to work and visit? Now it appears he has taken a cavalier attitude in saying words to the effect that he considers it is not necessary to make it his business to know the manifest quantum of ethanol stored or utilised in Providore Place. Why does he refuse to give a direct guarantee or an insurance about the quantity?

Response

The Mayor responded that it is the responsibility of Workplace Standards to make those guarantees.

Q2 – Mayor and Councillors, seeing as you do not have a clue about the manifest quantum of ethanol stored at Providore Place and also bearing in mind the propensity for fires and explosions in distilleries storing and utilising ethanol, and the recent problems in Tasmania, interstate and internationally, where the industrial property insurers, Global FM research, found that it is not just the storage of spirits that is a hazard, but also the distilling process it's selling, which requires heat and produces ethanol vapour and elements when combined produce fires and explosions. Also where liquor is made in small places with few staff,

experts worry that the production and storage of spirits may be occurring with less than optimal regards to safety standards. This may be taking place in a public space like the hall etcetera, but now has it not only visitors, but a significant quantity of liquids that can burn and release because they are combustible. That risk in itself places the onus on all relevant authorities to approach and regulate these occupancies. I ask again, now that each of you have been made fully aware of potential risk, are you well satisfied that Providore Place, especially the Tafe Cooking School and surrounds are a safe place for all concerned? And that you understand your duty of care and related level of liability should any member of the public be injured in any distillery associated accident?

Response

The General Manager responded by referring Mr Vellacott to the question that he provided on notice and on Council's written response, and noted that Council had nothing further to add.

Q3 – Will the General Manager confirm if he has not conferred with Council's insurance company underwriters in regard to the unknown amount of ethanol stored and/or utilised in Providore Place. Have you conferred with your insurance company and explained the situation there?

Response

The Mayor responded that there was nothing further to add to previous answers.

Christopher Mills – 52 Caroline Street East Devonport

The endorser of the Biennial Review of Council's Public Land Register (Agenda Item 5.1 22 March) was the General Manager. 15 new parcels of land were added to the list of Public Land. Significant by its absence was the land at 54 Caroline Street. The General Manager has claimed that this is a public open space (source Council Meeting 28 September 2020). In fact, the General Manager spent in excess of \$9,000 of ratepayer's money in 2019/20 on this land, to landscape it and beautify it for the benefit of certain members of the public.

I have obtained evidence that this land at 54 Caroline Streets is in fact privately owned and that is the reason it remains absent from the Public Land Register.

Q1 – Did the Owner/the Title Holder of the land at 54 Caroline Street give this current Administration consent to enter in order to cut down 9 trees?

Response

The General Manager responded that Council have written to Mr Mills on numerous occasions regarding ownership and permissions and various similar items, regarding accessing that land and that Council has nothing further to add.

Q2 – Given that property on private land is private property, did this Administration seek the consent of the Owner/Title Holder of the above land to take away 9 large tree trunks and gift them to a third party?

Response

The Mayor responded that the question has been answered.

Q3 – It is understood that the Elected Council is responsible for all matters relating to the General Manager's employment, what is the Elected Members protocol for terminating the employment of the General Manager?

Response

The Mayor responded that that is a process for Council.
Mr Mills asked where he could find that process?

The Mayor responded by advising Mr Mills that he was free to put that question to her in writing and would be happy to respond in writing.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

4 PLANNING AUTHORITY MATTERS

4.1 LAND USE PLANNING AND APPROVALS ACT 1993 - UPDATED DELEGATIONS

21/71 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

That Council, acting as a Planning Authority, receive and note the report relating to the provision of planning delegations and determine, in accordance with section 6 of the *Land Use Planning and Approvals Act 1993* ("the Act"), that delegations are provided as outlined in the attachment to the:

- General Manager
- Deputy General Manager and Development Services Manager
- Land Use Planning Coordinator
- Senior Planning Officer, Planning Officer and Project Officer

or any person acting in these positions, with immediate effect.

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

CARRIED 7 / 0

5 REPORTS

5.1 DON CONGREGATIONAL CEMETERY MASTER PLAN 2022-2032

21/72 RESOLUTION

MOVED: Cr Milbourne

SECONDED: Cr Hollister

That Council receive and note the report relating to the draft Don Congregational Cemetery Master Plan 2022-2032 and release the Master Plan for a 30-day public consultation period.

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

AGAINST: nil

CARRIED 7 / 0

5.2 TENDER REPORT CONTRACT 1340 PCS & SERVICES

21/73 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Enniss

That Council, in relation to Contract 1340 PCs & Services:

- a) award the contract to Intuit Technologies for the sum of \$294,690 (ex GST) for a 3-year lease term; and
- b) note that decommissioning of current fleet and installation of new fleet for the project are estimated to cost \$24,000 and are included in the total.

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

AGAINST: nil

CARRIED 7 / 0

5.3 PUBLIC INTEREST DISCLOSURES ACT 2002 - MODEL PROCEDURES - UPDATED

21/74 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Perry

That Council adopt the attached Public Interest Model Procedures dated 30 March 2021, and the Council Whistleblower Policy, with immediate effect.

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

CARRIED 7 / 0

5.4 BIKE RIDING STRATEGY 2015-2020 - YEAR 5 STATUS UPDATE

21/75 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Perry

That Council note the status of actions listed in the Bike Riding Strategy 2015-2020 and note that the Strategy is due to be reviewed and a new action plan developed later in 2021.

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

CARRIED 7 / 0

5.5 WASTE STRATEGY 2018-2023 - YEAR 3 STATUS UPDATE

21/76 RESOLUTION

MOVED: Cr Alexiou
SECONDED: Cr Hollister

That Council note the status of actions listed in the Waste Strategy 2018-2023.

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

CARRIED 7 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

21/77 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 Milbourne, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 7 / 0

6.2 MAYOR'S MONTHLY REPORT - APRIL 2021

21/78 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Alexiou

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

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

CARRIED 7 / 0

6.3 GENERAL MANAGER'S REPORT - APRIL 2021

21/79 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

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

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

CARRIED 7 / 0

6.4 DEVELOPMENT AND HEALTH SERVICES REPORT

21/80 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Milbourne

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

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

CARRIED 7 / 0

6.5 INFRASTRUCTURE AND WORKS REPORT

21/81 RESOLUTION

MOVED: Cr Alexiou
SECONDED: Cr Murphy

That Council:

- a) receive and note the Infrastructure and Works report, and
- b) approve the addition of 6 new projects, as detailed in the report to the 2020/21 capital works program and the associated external funding of \$882,650.

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

CARRIED 7 / 0

6.6 UNCONFIRMED MINUTES - DEVONPORT CITY COUNCIL AUDIT PANEL

21/82 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Perry

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 22 March 2021.

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

CARRIED 7 / 0

7 SECTION 23 COMMITTEES

7.1 NO PLANNING AUTHORITY COMMITTEE MEETINGS

Nil

8 CLOSED SESSION

21/83 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Murphy

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) Regulations 2015 Reference
3.1	Confirmation of Closed Minutes – Council Meeting – 22 March 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments - April 2021	15(2)(g)
5.1	Lease Agreement Tenancy 4 Providore Place - 13-17 Oldaker Street Devonport	15(2)(b) & 15(2)(g)

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

AGAINST: nil

CARRIED 7 / 0

**The Mayor adjourned the meeting at 6:15pm to reconvene in Closed Session at 06:16 pm.
The Council moved out Closed Session at 6:40pm.**

Council resumed in open session at 6:40pm.


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 – 22 March 2021	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments - April 2021	Noted
5.1	Lease Agreement Tenancy 4 Providore Place - 13-17 Oldaker Street Devonport	Approved

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:40PM.

Confirmed 24 May 2021 (min 21/88 refers)

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

Chairperson