

**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 24 MAY 2021 COMMENCING AT 5:30 PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	6:21pm	51 minutes
Closed Session	6:24pm	6:35pm	11 minutes
Total			1 hour 2 minutes

**Present**

Cr A Rockliff (Mayor)  
Cr A Jarman (Deputy Mayor)  
Cr J Alexiou  
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 Coordinator, J Surtees  
Community Services Manager, K Hampton  
Convention & Arts Centre Director, G Dobson

**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 apologies were received for the meeting.

Cr Laycock	Apology
Cr Ennis	Late Apology

## **2 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

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### **3 PROCEDURAL**

#### **3.1 CONFIRMATION OF MINUTES**

##### **3.1.1 CONFIRMATION OF PREVIOUS MINUTES**

###### **21/88 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Murphy

That the minutes of the Council meeting held on 26 April 2021, as previously circulated be confirmed.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, 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**

###### **21/89 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Jarman

That the response to the question from Mr Rodney Russell at the April 2021 Council meeting, be noted.

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

AGAINST: nil

CARRIED 7 / 0

##### **3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**

###### **21/90 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Murphy

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

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

CARRIED 7 / 0

### 3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

#### **Doug Janney – 23 Watkinson Street Devonport**

**Q1** - How come there is a zebra crossing on the public main footpath at the hockey grounds at the Bluff?

**Mayor:** I'm not clear on exactly where you mean Mr Janney?

**Mr Janney:** Just to the east of the hockey ground there is a parking area – at the drive in, the footpath, has a zebra crossing on it. How come?

#### **Response**

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

**Q2** - Why not zebra crossings on the footpaths of other places with a similar configuration – eg. Multi-story car park, Edward Street car park?

#### **Response**

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

**Q3** - Where a footpath is blocked off due to the property owner doing some renovations, is rent paid to the Council for the use of the footpath that is denied to the pedestrians?

#### **Response**

The General Manager responded there is no rent or fee payable in those situations but we do require the developer or resident to get a road reserve permit.

#### **Trevor Smith – 7 Glen Court Devonport**

**Q1** - What category are the new footpaths under construction from Friend Street to 162 Stony Rise Road, Devonport in regards to walkability and meeting walkability? Are there any other classifications that you have given to this new section of footpath? Would you please fully explain to me the criteria that you use to make your decisions on walkability? Do you use pedestrian traffic flows, people riding push bikes, or people pushing prams along this road to make your decisions?

#### **Response**

The General Manager responded the footpaths that are currently being constructed along Stony Rise Road are actually being undertaken by the Department of State Growth.

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

**Q1** - Item 5.1 of today's agenda – Tender to Spray Weeds given to Steeds Weeds. Does this also include the spraying of weeds in the Lawrence Drive Cemetery and around the boundary fence of the adjoining Council Depot for example?

#### **Response**

The Executive Manager City Growth advised that particular contract has a schedule of services and also has the ability for Council to call in services under an agreed schedule of

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rates for particular pieces of work. Some of the routine cemetery spraying would be included in that contract and we also have the capacity to call in additional services if we need them.

**Mr Russell:** Does this also include the boundary fence at the Council Depot?

**The Executive Manager City Growth** indicated that it does.

**Q2** - Item 5.3 Devonport Community Volunteer Sustainability Strategy. Under a heading Community Engagement are Red Cross, Gran's Van, Salvation Army, Mersey Community Care, Libraries Tasmania, Hospice Care, Don River Railway. What I do not see is a heading Devonport City Council. Question, how are the Devonport City Council's own volunteers, those with the Gallery and Maritime Museum for example, represented?

**Response**

The Community Services Manager advised that the managers of those facilities were engaged during the consultation process.

**Q3** - On the 15/4, I wrote to both the Mayor and General Manager about my garden beside a newly replaced section of footpath. I see that you passed this letter on to the Works Supervisor, Peter Tuson, who responded with a reply in writing. Question, have you both seen a copy of his reply to me, and would this also be the same Works Supervisor who would have been responsible for the supervising of the reconstruction of the Holyman Street footpath?

**Response**

The Mayor responded that she would not accept the question because it relates to a staff member, and asked Mr Russell to put the question in writing to the General Manager and Council will respond in writing.

**Christopher Mills – 52 Caroline Street East Devonport**

**Q1** - May I say that the following question does comply with the Public Question Time Policy. The question concerns Council activities. This question does not cast aspersions on any particular staff. I have respected the rights and privacy of individuals by not identifying any person. The reason this question is being raised is that significant new evidence from a State Government source has come to light and therefore this question could not have been asked before. I would appreciate if the Minute Taker could record this question, including the above, in its entirety. Thank you. The question then is, this month I have received confirmation from the Land Titles Office Hobart that the land at 54 Caroline Street is private land and that this administration has no legal right to remove property from it. Did this General Manager authorise the gifting of private property from this land (with a value of some \$1000) by a Council employee in November 2019 to the developer of Merseyview Court? That is the question.

**Response**

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

**Q2** - With all respect, this question concerns your Mayorship. You are doing a wonderful job as Mayor, but at the last Council meeting on 26 April, the video records you twice interrupting me saying that I had 3 minutes. I regard this as bullying as the Public Question Time Policy, at Item 6 allows for a maximum time of 5 minutes.

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**Mayor:** I will interrupt you by making a public apology to you Mr Mills around that, I re-read our policy again this afternoon and realised I had made a mistake, when we changed it to 3 questions we extended the time, so I will publicly apologise to you for that.

**Mr Mills:** Thank you. Your Mayorship then incorrectly claimed that my Question 2 quote "had been asked & answered before". The video at 13 minutes 45 clearly records my protest that was it is a completely different question. I may just continue a bit more. Your Mayorship then further declined to answer my Question 3 but undertook to do so by letter. I duly handed in a letter to you dated 29 April requesting the information you had offered to provide. There has been no response from you whatsoever. I suggest this shows a lack of respect. The question is then, has there been and is there now, an understanding between yourself and the General Manager to avoid answering any questions that I may raise at Public Question Time? That is the question.

### **Response**

The Mayor responded that given the history of the number of questions that have been responded to from you, I think that question should be answered No. We have certainly answered many questions from you, many times over and if you get new questions we'll continue to give you answers.

**Q3** - Who holds the current position of Parks and Reserves Coordinator?

### **Response**

The Mayor advised that the question would be answered in writing.

### **Malcolm Gardam – 4 Beaumont Drive**

**Q1** - The Annual Report 2019/20 indicates the total council borrowings were reduced by around \$1.8 million during the financial year. With reference to the council response to the current Agenda question 1 on notice from Mr Bob Vellacott in that "*Total Council debt as at 30 April is \$48,513,342.*" being a further reduction of about \$1.5 million, or 3% of the loan value, plus loan interest of about another one and a quarter million dollars, albeit Council had stated in 2016 "*The project model is based on Stage 1 generating sufficient new revenue to fund interest on the borrowings.*" I now ask does council believe this is an acceptable level of annual reduction in loan principal to pay down the debt in a timely manner to avoid inevitable future interest rate rises and when asset sales run out?

### **Response**

The Mayor responded that question would be taken as comment.

**Q2** - I might just preface this question by saying if Council actually answered questions first up then probably 75% of all the questions asked by the ratepayers wouldn't need to be asked. The second part of Mr Vellacott's question was "*How much of that debt is attributed to the overall Living City Project?*" to which council responded "*\$31,683,342 relates to the construction of Stage 1 of the LIVING CITY Masterplan.*" which was not what the question asked.

**Mayor:** Then Mr Gardam I would request that Mr Vellacott will require more information if he wants it. Thankyou.

**Mr Gardam:** Well, I now ask, I repeat the question in that how much of the total debt of \$48.5 million is attributed to the overall (total) Living City Project?

### **Response**

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

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**Q3** - Council previously advised at the time some \$10 million related to Living City property purchase loans including for 20-26 Best Street (to explain former Harris Scarfe site loan of \$4.4 million - required for parkland with around 630m<sup>2</sup> of that site sold to the hotel developer for about three quarters of a million dollars less than the purchase price) and 17 Fenton Way (the current Harris Scarfe site loan of \$5 million - utilised as temporary council offices to facilitate Stage 1 construction) will Council confirm that the residual loan amounts for all Living City property purchases are included when stating an overall (total) Living City residual loan amount?

**Response**

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

**Bob Vellacott – 11 Cocker Place Devonport**

**Q1** - Mayor & Councillors, I refer to my questions at the March & April 2021 Council meetings about safety at Providore Place and your and the General Manager's responses which indicated that it was of no business of Council in regard to what amounts of flammable liquids and products were stored on the premises, and including other safety issues raised by me. The attitude appeared to take into no account the amount of persons within the premises and the surrounds be they few or in a hundred or so at times, mostly all encouraged by Council and your agents to congregate there.

On the 3rd of May 2021 I received correspondence from the most reliable source and I have it to hand, among other things, it contained the following information, that I quote, *"inspectors have visited the site and are working with the business owner to ensure compliance"*, I must say, this is myself now that was the quote, I must say working with the owner to ensure compliance sounds like to me likely that this has previously been less than compliant considering the considerable changes that have been made and may be still being made. Incidentally in response to a question asked on the 27th of July 2021...

**Mayor:** Excuse me, Mr Vellacott, would you clarify that date for me please?

**Mr Vellacott:** In response to a question asked on the 27th of July 2021 sorry July 2020, about ethanol storage at Providore Place, the General Manager's response was, I can confirm the items stored within the Food Pavilion no longer contain any hazardous material and Council is comfortable with the storage arrangements that exist in Providore Place and the potential hazards are being managed appropriately. Mayor and General Manager, I now ask on behalf of many concerned ratepayers and citizens, were you aware when I expressed concerns and asked questions about it at the March and April 2021 Ordinary Meeting that inspectors were or had been on site at Providore Place working with the business owner to ensure compliance were you aware of the inspectors?

**Response**

The General Manager advised we'll reply to Mr Vellacott in writing. Just to clarify, some of Mr Vellacott's summary of what he believed I said, is incorrect. I don't believe I said that we're not concerned about it. I outlined the process that's been followed and clarified the applicable regulations and controls. We will reply to Mr Vellacott in writing.

**Q2** – Do you now know if all the fitting out, the fixtures storage and manufacturing process complies with all recognised best practice standards for safety within that building now?

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**Response**

The Mayor responded that relates to the first question, and we'll take that as part of that.

**Q3** - Mayor and Councillors, I refer to my follow-up question on notice in this evening's Agenda in regard to the predicted income for Providore Place and the General Manager's response which you all have now just endorsed. My question if I may is to the General Manager. General Manager, I assert that you have again given an answer to my question, to put it simply, you appear to be saying that the dashboard produced by consultants P&i, incidentally at great cost of ratepayers, that projected Council would receive annual rent of some \$400,000 for the Food Pavilion, and which was used by Council to obtain government funding, was more or less just a stab in the dark. Therefore, because you told us, General Manager, and to justify the construction, the head lease would guarantee \$400,000 per annum income. I ask at this date, what percentage of your guaranteed rental of \$400,000 per annum was achieved?

**Response**

The Mayor responded that the question has been asked and answered.

### **3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

### **3.4 NOTICES OF MOTION**

#### **3.4.1 FOURWAYS WILLIAM STREET - SPEED HUMPS**

##### **21/91 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Alexiou

That Council seek advice from an independent qualified traffic engineer on the possibility of placing at least one large speed hump in William Street, between Oldaker and Best Streets, within the Fourways shopping district.

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

AGAINST: nil

CARRIED 7 / 0

## **4 PLANNING AUTHORITY MATTERS**

Nil

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## **5 REPORTS**

### **5.1 TENDER REPORT CONTRACT 1341 WEED CONTROL**

#### **21/92 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Hollister

That Council in relation to Contract 1341 for Weed Control:

- a) award the contract to Steeds Weeds Solutions for the tendered sum of \$124,395 (ex GST); and
- b) note the contract conditions allow for two, one-year extensions based on a consumer price index adjustment and subject to satisfactory performance by the contractor.

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

AGAINST: nil

CARRIED 7 / 0

### **5.2 COMMON SEAL - CHANGE OF INSTRUMENT USED**

#### **21/93 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Jarman

That Council approve the change of the instrument used for its Common Seal from the current embossed Seal to a rubber, ink-based stamp Seal.

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

AGAINST: nil

CARRIED 7 / 0



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## **5.3 DEVONPORT COMMUNITY VOLUNTEER SUSTAINABILITY STRATEGY**

### **21/94 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Milbourne

That Council adopt the 'Devonport Community Volunteer Sustainability Strategy'.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, 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**

#### **21/95 RESOLUTION**

MOVED: Cr Milbourne  
SECONDED: Cr Murphy

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

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

CARRIED 7 / 0

### **6.2 MAYOR'S MONTHLY REPORT - MAY 2021**

#### **21/96 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Alexiou

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

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

CARRIED 7 / 0

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## **6.3 GENERAL MANAGER'S REPORT - MAY 2021**

### **21/97 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Alexiou

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

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

CARRIED 7 / 0

## **6.4 COMMUNITY SERVICES REPORT MARCH AND APRIL 2021**

### **21/98 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Alexiou

That Council receive and note the Community Services report.

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

CARRIED 7 / 0

## **6.5 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - MARCH AND APRIL 2021**

### **21/99 RESOLUTION**

MOVED: Cr Milbourne  
SECONDED: Cr Perry

That Council receive and note the General Management, People and Finance and Corporate Services report.

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

CARRIED 7 / 0

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## **6.6 CONVENTION AND ARTS REPORT - MARCH AND APRIL 2021**

### **21/100 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Alexiou

That Council receive and note the Convention and Arts report.

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

CARRIED 7 / 0

## **6.7 ANNUAL PLAN PROGRESS REPORT TO 30 APRIL 2021**

### **21/101 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Milbourne

That Council receive and note the 2020/21 Annual Plan Progress Report for the period ended 30 April 2021.

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

CARRIED 7 / 0

## **6.8 ELECTED MEMBERS EXPENSE REPORT TO 30 APRIL 2021**

### **21/102 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Alexiou

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

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

CARRIED 7 / 0

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## 6.9 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING - 25 MARCH 2021

### 21/103 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Alexiou

That Council receive and note the unconfirmed minutes of the Cradle Coast Authority Representative's meeting, held on 25 March 2021.

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

AGAINST: nil

CARRIED 7 / 0

## 7 SECTION 23 COMMITTEES

Nil

## 8 CLOSED SESSION

### 21/104 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) 2015 Reference Regulations
3.1	Confirmation of Closed Minutes – Council Meeting – 26 April 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential attachments	15(2)(g)
5.1	LGAT – Election of President & GMC Member 2021	15(2)(g)
5.2	Unconfirmed Minutes – Joint Authorities	15(2)(g)

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

AGAINST: nil

CARRIED 7 / 0

**The Mayor adjourned the meeting at 6:21pm to reconvene in Closed Session at 6:24pm.  
The Council moved out of Closed Session at 6:35pm.**

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**Council resumed in open session at 6:35pm.**

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

<b>Item No</b>	<b>Matter</b>	<b>Outcome</b>
3.1	Confirmation of Closed Minutes – Council Meeting – 26 April 2021	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	LGAT – Election of President & GMC Member 2021	Agreed on voting order
5.2	Unconfirmed Minutes – Joint Authorities	Noted

## **9 CLOSURE**

**There being no further business on the agenda the Mayor declared the meeting closed at 6:35pm.**

Confirmed 28 June 2021 (Min 21/111 refs)



Chairperson