

**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 23 AUGUST 2021 COMMENCING AT 5:30 PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	6:14pm	44 minutes
Closed Session	6:16pm	6:22pm	6 minutes
Total			50 minutes

**Present**

Cr A Rockliff (Mayor)  
 Cr A Jarman (Deputy Mayor)  
 Cr J Alexiou  
 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  
 Development Services Manager, K Lunson  
 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. and that the meeting was being live streamed on YouTube. 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**

The following apology was received for the meeting:

Cr Enniss

Leave of Absence

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## **2 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

## **3 PROCEDURAL**

### **3.1 CONFIRMATION OF MINUTES**

#### **21/169 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Perry

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

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 8 / 0

### **3.2 PUBLIC QUESTION TIME**

#### **3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS**

#### **21/170 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Perry

That the responses to questions from Mr Russell, Mr Smith, Mr Janney, Mr Vellacott, Mr Mills and Mr Gardam at the July 2021 Council meeting be noted.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 8 / 0

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### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

#### 21/171 RESOLUTION

MOVED: Cr Laycock  
SECONDED: Cr Perry

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

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

### 3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

#### Mr Trevor Smith, 7 Glen Court Devonport

- Q1.** Your Council workers recently replaced 12 panels of footpaths of various sizes at Tucker Avenue, Devonport. What was the cost to the ratepayers for the carrying out of these works? Could I have a written reply to all of my questions asked tonight please?
- Q2.** Seeing your workforce is in footpath replacement mode, when will you be replacing the broken and dangerous section of footpath at the corner of 211 Best Street Devonport and Glen Court? This section of footpath is protruding more than 40mls above the existing footpath which is well above standards for replacement. It is a safety hazard for ratepayers who walk past this section daily. I will pass a photo on to you of this safety risk for you to take action.
- Q3.** Why have you spent a lot of ratepayers money to build Providore Place when you can't even keep the area clean? It looks like a slum. It is not very inviting for all the tourists that are still coming to this state. The area in question is from Southern Wild Distillery all the way towards the multi storey car park. There are cigarette butts everywhere; discarded drink cans; leaves turning to compost everywhere you look. Will you be cleaning this area up soon and will it be on a weekly or monthly basis? This shouldn't break your budget. Thank you.

#### Response

The Mayor advised the questions will be taken on notice and noted that questions submitted earlier in the day, as per Council policy could have been responded to at the meeting.

#### Mr Douglas Janney, 23 Watkinson Street Devonport

- Q1.** When are the footpath zones on the black bitumen sections in Don Road from Sorell and Lovett Street to Watkinson Street to be defined?

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**Response**

The Mayor advised that this will be taken on notice.

- Q2.** During the weekdays, section of Stewart Street from Fenton Street to Gunn Street, many cars are parked. The same applies in Parker Street from Victoria Parade to Curr Street. When are these sections of the roads going to be marked out with vehicle plots to make better use of the space?

**Response**

The Mayor advised that this will be taken on notice.

**Mr Christopher Mills, 52 Caroline Street East Devonport**

- Q1.** I have had first-hand experience with the Code of Conduct Panel. This experience was absolutely invaluable in knowing how the Panel operates. I found the Panel to be thorough and fair. This Panel is prescribed under the *Local Government Act 1993* to oversee Councillor misconduct. I do appreciate that this is extremely inconvenient for the elected members. The Panel suggested to the present Mayor in their Determination Report of 7 August 2020 that the Mayor may wish to undertake additional training in best practice of chairing Council Meetings. The question is, what exactly was the additional training that your mayorship completed?

**Response**

The Mayor advised that she had responded to the code of conduct and agreed to all of their recommendations and that she had nothing more to add.

- Q2.** To quote briefly from the 'Good Governance Guide for Local Government in Tasmania (2018)': "*A general manager can require councillors to give a confidentiality undertaking, if the general manager considers particular information to be confidential*". Has this General Manager required Councillors (and that includes the Mayor) to give a confidentiality undertaking not to release, what the General Manager believes, is confidential information to Christopher Mills?

**Response**

The Mayor advised that Council had shared everything that they could possibly share with Mr Mills.

- Q3.** I have a great deal of respect for Councillor Laycock's long service to this City. Her Notice of Motion, Planting of Trees Around Our City 27 July 2020, was endorsed unanimously by the Elected Members. This Motion promised so much. In fact the aim was to plant attractive deciduous trees to provide shade in summer, a splash of colour in autumn and sun in winter. The General Manager has now acknowledged that one year later, approximately 50 trees of various species have been planted and, yes, that is one tree a week. This raises the obvious question, does the unanimous endorsement of a Motion by the elected members have any influence at all on this particular Administration?

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**Response**

The Mayor advised that Council had endorsed the motion and will continue to plant trees, and that Mr Mills had already asked this question, which had been answered in writing.

**Mr Rodney Russell, 225 Steele Street Devonport**

**Q1.** Could you tell me if Surrey Street is on the "to do" list to get a footpath? If so, could you tell me approximately a date to be constructed, as I believe Surrey Street should get a footpath before the Woodrising Avenue footpath petition succeeds in persuading you.

**Response**

The Mayor advised that she believed that question has been answered. The General Manager also advised that he recalled Council had previously provided an answer around the Surrey Street footpath, but that Council would write in response again.

**Q2.** Don Congregational Cemetery sign has a QR Code. Would it be possible for the Spreyton Lawn Cemetery and the Lawrence Drive Cemetery to also have a QR Code, as neither have one that I have noticed.

**Response**

The Mayor advised that she would take that under advisement and respond in writing.

**Q3.** Would you consider putting paper towel dispensers in the public toilets as a back up to the power dryers?

**Response**

The Mayor advised that a response will be provided in writing.

**Mr Malcolm Gardam, 4 Beaumont Drive Miandetta**

**Q1.** My question relates to the "wombat crossings/speed humps" located in Archer, Harold, and Smith Streets at the intersections with Forbes Street. Albeit, the costs of these works, including replacement of existing footpaths and crossovers, was taxpayer funded; however, will Council advise why the wombat crossings, at an estimated cost of over \$30,000, have been deemed necessary at these specific locations, and why a simple major stop sign as installed on the intersection of Turton and Hiller Streets could not have sufficed, if traffic speeds and sight distances were the issue, which it appears not to be? Why have we chosen to put wombat/speed humps at the intersection of just those 3 streets? And I notice that the footpaths delineated with paint on the tops of them now.

**Response**

The Mayor advised that a response will be provided in writing.

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- Q2.** Further to the replacement of existing footpaths and crossovers in Forbes Street, at a cost of some \$230,000, and similar replacements in upper Stewart Street, does Council appreciate the ratepayer bewilderment at Council decision making when approving such projects along with around \$85,000 on a footpath from the Maritime Museum/Café to the Bluff Road parkland pathway all while an invalid in Appledore Street, long-term residents in Surrey Street and now along with residents in Woodrising Road have waited decades for their first continuous footpath which have all been requested as needed to improve pedestrian safety?

**Response**

The Mayor advised that this would be taken as comment.

- Q3.** At the July 2021 meeting I asked if Council had received costs to a Code of Conduct complaint, upheld against Councillor Hollister in October 2019, to which Council advised \$0, in other words no costs received to date. Accordingly, does Council know why the Local Government Division has not sought reimbursement of costs for an upheld code of conduct complaint from almost two years ago?

**Response**

The Mayor responded that she did not know why reimbursement had not been sought.

**Mr Bob Vellacott, 11 Cocker Place Devonport**

- Q1.** Mayor, I refer to this evening's Agenda, pages 7 and 8. This was about Councillor Peter Hollister's questionable, contemptuous and disrespectful comments that he made about the Code of Conduct Panel during the debate about their Code of Conduct Determination Report – Nevin V Rockliff, Laycock and Perry; his words being, as per the audio of the meeting, were clearly: *"The process is flawed it's not much different than a kangaroo court."*

My question on notice to you was in part, noted was your failure at the meeting to call Councillor Hollister to order and/or require him to retract his offensive remark about the legally constituted local government panel and I ask will you do so at the August 23<sup>rd</sup> Council meeting, that is tonight?

The Response in writing to my question, which was specifically directed to you, was from the General Manager, Mr Matthew Atkins. He wrote – Response "No", and I take that, that is in regard to retracting the offensive remark. Individual councillors, within reason, are entitled to express their opinions during discussion. Councillor Hollister's comments are not dissimilar to the views expressed by other elected members across the state through the media and other forums. It is apparent from the response given that you believe in free speech, which is most commendable, and you have no qualms in permitting councillors to use derogatory words in expressing their feelings about legally constituted Local Government panels.

My Question then Mayor - Do you think it reasonable that I should compare or say, because of your and the General Manager's constant cover up and refusal to reveal the cost of legal expenses pertaining to the mismanagement of Providore Place initial

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head lease, other leases and matters associated with Sothern Wild Distillery tenancy, that your transparency and accountability is any less than the iron curtain around the Kremlin in Moscow? That is my question Mayor.

**Response**

The Mayor advised that this would be taken as comment from Mr Vellacott.

**Q2.** Mayor, noting that you have informed that you/councillors have been kept up to date of all costs to sort out the mismanagement at Providore Place, and seeing as you still refuse to answer to reveal the cost of the actual legal advice as per Question 1 above. what will be the consequence if a councillor provides, to a ratepayer, the amount sought? Is there anything wrong with a councillor telling me those or a ratepayer those amounts?

**Response**

The Mayor responded that if the ratepayer can find it in our public documents then that's absolutely fine. The General Manager advised that this question has been asked number of times and the information that has been provided is all that Council is willing to put forward on the matter.

**Q3.** How can it be that those legal expenses pertaining to Providore Place be confidential when the total amount expended on legal advice and services provided to Council for the years 2019/20 and 2018/19 has been given? I contend for the General Manager to say that the detail for the Head Leases etc for Providore Place is not captured on his computer, or it is not capable of telling him, is a load of cods wallop.

**Response**

The Mayor advised that this would be taken as comment.

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

Nil

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### **3.4 NOTICES OF MOTION**

#### **3.4.1 NOTICE OF MOTION - STORAGE SPACES FOR COMMUNITY SERVICE CLUBS**

##### **21/172 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Jarman

That this Council workshop the merits of identifying and providing defined outdoor storage space(s) for community service clubs with a history of undertaking projects that benefit our city, to house their equipment, tools and general works assets.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

### **4 PLANNING AUTHORITY MATTERS**

Nil

### **5 REPORTS**

#### **5.1 COUNCIL POLICIES - BIENNIAL REVIEW**

##### **21/173 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Milbourne

That Council adopt the revised Council policies as attached to this report with immediate effect.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

#### **5.2 CORPORATE CLIMATE CHANGE ADAPTATION PLAN - YEAR THREE STATUS**

##### **21/174 RESOLUTION**



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MOVED: Cr Jarman  
SECONDED: Cr Murphy

That Council receive and note the report on the status of actions listed in the Corporate Climate Change Adaptation Plan 2018-2023.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **5.3 REVIEW OF SPECIAL INTEREST AND WORKING GROUPS**

### **21/175 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Perry

That Council:

- Discontinue the parnaple arts centre Special Advisory Committee and form two separate committees by calling for nominations of the Devonport Regional Gallery Advisory Committee and Public Art Committee;
- Disband the Maritime and Heritage Special Interest Group and review as part of annual plan actions to examine Devonport's tourism requirements;
- Develop Terms of Reference for the Access and Inclusion Working Group for consideration by Council at its September meeting;
- Change the East Devonport Special Interest Group to East Devonport Working Group;
- Disband the Liveable Communities Special Interest Group and the Active City Special Interest Groups; and
- Call for expressions of interest for Devonport Food and Wine Working Group.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **6 INFORMATION**

### **6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING**

#### **21/176 RESOLUTION**

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MOVED: Cr Laycock  
SECONDED: Cr Jarman

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

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **6.2 MAYOR'S MONTHLY REPORT**

### **21/177 RESOLUTION**

MOVED: Cr Milbourne  
SECONDED: Cr Murphy

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

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

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

### **21/178 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Laycock

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

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **6.4 CODE OF CONDUCT DETERMINATION REPORT - MILLS V JARMAN**

### **21/179 RESOLUTION**

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MOVED: Cr Murphy  
SECONDED: Cr Milbourne

That Council notes the Code of Conduct Panel Determination Report made on 30 July 2021, in relation to a complaint by Mr Chris Mills against Councillor Alison Jarman.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **6.5 INFRASTRUCTURE AND WORKS REPORT**

### **21/180 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Murphy

That Council receive and note the Infrastructure and Works report.

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **6.6 DEVELOPMENT AND HEALTH SERVICES REPORT**

### **21/181 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Milbourne

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

FOR: Cr Alexiou, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff  
AGAINST: Nil

CARRIED 8 / 0

## **7 SECTION 23 COMMITTEES**

Nil

## 8 CLOSED SESSION

### 21/182 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Jarman

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 – 26 July 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential attachments	15(2)(g)
5.1	Unconfirmed Minutes – Joint Authorities	15(2)(g)

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

AGAINST: Nil

CARRIED 8 / 0

**The Mayor adjourned the meeting at 6:14pm to reconvene in Closed Session at 6:16pm.  
The Council moved out Closed Session at 6:22pm.**

**Council resumed in open session at 6:22pm.**

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

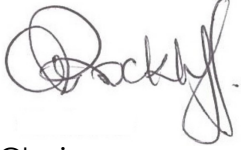
Item No	Matter	Outcome
3.1	Confirmation of Closed Minutes – Council Meeting – 26 July 2021	Confirmed
3.2	Application for Leave of Absence	Approved
4.1	Confidential attachments	Noted
5.1	Unconfirmed Minutes – Joint Authorities	Noted

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## 9 CLOSURE

**There being no further business on the agenda the Mayor declared the meeting closed at 6:22pm.**

Confirmed - 27 September 2021 - Min Ref 21/188

A handwritten signature in black ink, appearing to read 'D. Kelly', written over a faint rectangular stamp.

Chairperson