

MINUTES OF THE OPEN SESSION OF THE ORDINARY COUNCIL MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre, 137 ROOKE STREET, DEVONPORT ON TUESDAY 26 APRIL 2022 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:20pm	50 minutes
Closed Session	6.22pm	6.51pm	29 minutes
Total			1 hour 19 minutes

Present

Cr A Rockliff (Mayor)
Cr A Jarman (Deputy Mayor)
Cr J Alexiou
Cr G Ennis
Cr P Hollister
Cr L Laycock
Cr S Milbourne
Cr L Murphy
Cr L Perry

Council Officers:

General Manager, M Atkins
Deputy General Manager, J Griffith
Executive Manager People & Finance, K Peebles
Executive Coordinator, J Surtees
Infrastructure & Works Manager, M Williams

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

There were no apologies received.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

22/66 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Millbourne

That the minutes of the Council meeting held on 28 March 2022 as previously circulated be confirmed.

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

CARRIED 9 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

22/67 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Hollister

That the responses to questions from Mr Janney, Mr Russell and Mr Smith at the March 2022 Council meeting be noted.

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

CARRIED 9 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

22/68 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Alexiou

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

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

CARRIED 9 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Rodney Russell, 225 Steele Street, Devonport

Q1. Does Devonport City Council at the moment, have a written policy on the release of balloons at functions within the municipality considering their effect on the environment?

Response

The General Manager advised that there is no specific policy, and that the matter is picked up more broadly through actions within Council's Waste Strategy..

Q2. Devonport City Council have recently have on-street parking bays marked on the road pavement in Fenton Street between Stewart and Newton on the west side, the lengths of which varied from 5.2 meters to 6.4 meters.

Question – why such a difference? Is there not a standard length?

Response

The General Manager responded that the length relates to the available space between existing driveways and corners. The spaces are made as large as possible, but ensuring a minimum size. There is a range, so that if they can be made slightly larger they will be.

Mr Russell further asked for the dimensions of the smallest and largest size range, which the General Manager advised would be taken on notice with a response to be provided to Mr Russell in writing.

Q3. Devonport City Council Nature Strip Policy – you have an 800mm no plant or structure zone to allow for car door opening. Vegetation in Sorell Street opposite 113 and 115 encroach over the kerb and a Council rubbish bin in the 4 Ways is 370mm from the kerb. Will you be able to do something about these, as neither fit the policy at the moment? Not quite the rubbish bin, but its just an example.

Response

The Infrastructure & Works Manager advised that the Policy is not intended to apply retrospectively, which is written in the draft policy. Those specific examples if they were to create an issue, we would look to address that issue.

Trevor Smith, 7 Glen Court Devonport

Q1. You recently filled in one or two potholes at the Cinema Carpark behind the CBD shopping precinct. Why are there still more remaining holes at this carpark that have been ignored?

Also, when will you be remarking the faded directional markings, for traffic guidance in and around the Cinema Carpark? This remarking is well overdue and will benefit the ratepayers of Devonport and tourists who use this area daily. This is a safety issue.

Response

A response will be provided to Mr Smith as requested.

Q2. Could you please tell me when you are going to renew the white road paint, from the intersection of Don Road/Watkinson Street to the Roundabout at Forth Road and Stony Rise Road?

These line markings are virtually non-existent and are a safety hazard when driving along this section of road at night time.

Response

A response will be provided to Mr Smith as requested.

Douglas Janney, 23 Watkinson Street, Devonport

Q1. In what year will all current urban streets have a continuous footpath along one side?

Response

The General Manager responded that the question will be taken on notice.

Q2. Item 5.3 in the Agenda reminds me to ask the following question – What is the name of the well-known person buried at the Don Congregational Cemetery?

Response

The Mayor responded that there are several well known people buried at the Don Congregational Cemetery, and asked if there was one in particular Mr Janney was referring to? The Mayor advised that Mrs Weindorfer along with some leading Devonport established businessmen are also buried there.

Malcolm Gardam, 4 Beaumont Drive, Miandetta

Q1. Will Council confirm the name of the legal entity that Devonport City Council signed the Memorandum of Understanding (or Memorandum of Agreement) with, for the sale of the land for the parkland hotel in Best Street and the date it was signed?

Response

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

- Q2.** Will Council confirm the name or names of the legal entity or entities that Devonport City Council signed the land sale agreement with for the sale of the land for the parkland hotel in Best Street and the date it was signed?

Response

The Mayor advised that the question will be taken on notice and a response provided in writing.

- Q3.** Considering that Council has been the owner of the former library building in Fenton Way for some time and supposedly receiving a commercial rent return from a secured tenant, will Council advise if it has any immediate plans to pressure clean the roof and fascias and paint the fascias to improve the current shabby look of the premises which dates back to the previous ownership by the State Government?

Response

The Mayor advised that the question (or opinion) would be taken on notice and a response provided in writing.

Bob Vellacott, 11 Cocker Place, Devonport

- Q1.** From time to time there is much confusion and or misinterpretation of the requirements of the Local Government Act as to who is eligible to be elected as a councillor and what are the obligations of a person whose situation changes whilst holding office.

Mayor will you ask the General Manager if he could clarify or give his interpretation regarding this? When looking up the Local Government Act you have to go parts there, and I know around town people are thinking of standing who want just a clear definition.

Response

The Mayor responded that the definition is that the person is a ratepayer in the City or on the electoral roll, and further clarified that they do not have to reside in the City so long as they pay rates in the City. The General Manager reiterated that the Act is quite clear on what the requirements are.

The Mayor directed Mr Vellacott to the Local Government Division if he required further clarification on the Act and in regard to future candidates standing at the next elections, that information sessions would be held which would provide information on eligibility to stand.

- Q2.** I refer to the response given by the General Manager in regard to my question on notice for tonight's meeting about legal costs required to avoid releasing or disclosing information about Providore Place as required by the Ombudsman; in part response was "legal advice was sought in considering the Ombudsman's determination, for which an invoice is yet to be received, but estimated to be in the order of \$1000".

Given all the facts about the problems, time and effort to sort this out and the loss of rental, would you agree that the irony is, all of this would have been avoided if legal advice was, as it should have been, sought in the first instance before signing

the original head lease agreement, and that those who have tried to avoid transparency and openness should now be responsible for the legal costs and not theratepayerrs?

Response

The Mayor advised that this would be taken as comment, and that it would not be accepted as a question.

Q3. I refer to my question on notice about the unsuitable gravel pathways and open areas situated in the Waterfront Park.

The General Manager's Response "The materials used are common in contemporary landscape projects throughout the country and are considered fit for purpose."

Given the fact that the surface is a soggy mire after rain and wheel ruts and other impressions are now evident, or they were, do you Mayor and councillors who have made the effort to see the finished firsthand the unsatisfactory selection of the surface. Do you agree with the General Manager's assertion that "it is considered fit for purpose? But more importantly, does the paths and areas comply with Australian Standards for persons with mobility issues?

Response

The General Manager reiterated the information that had been previously provided in response to Mr Vellacott and confirmed that the paths do meet the relevant Standards.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

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

3.4 NOTICES OF MOTION

Nil

4 PLANNING AUTHORITY MATTERS

Nil

5 REPORTS

5.1 WASTE STRATEGY 2018-2023 - YEAR 4 STATUS UPDATE

22/69 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Jarman

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

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

AGAINST: Nil

CARRIED 9 / 0

5.2 NATURE STRIP POLICY

22/70 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Jarman

That Council endorse the Nature Strip Policy for a public consultation period of 30 days.

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

AGAINST: Nil

CARRIED 9 / 0

5.3 RENAMING OF DON RESERVE HALL

22/71 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Jarman

That Council:

1. rescind resolution 6620/07 (Recognition of Civic Service Award, meeting of 4 June 2007) and assess any decisions relating to the recognition of civic service against Clause 5 of its Commemorative Seat Policy and:

2. in accordance with Clause 5 of its Commemorative Seat Policy re-name the Don Hall Reserve to the John Luck Reserve.

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

CARRIED 9 / 0

5.4 ADDENDUM TO INSTRUMENT OF DELEGATION FOR GENERAL MANAGER - LEGISLATIVE UPDATES

22/72 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

That Council pursuant to section 22(1) of the *Local Government Act 1993*, authorise the delegation of the updated functions and powers contained in the Addendum to the Instrument of Delegation for the General Manager and in accordance with section 64 of the Act, authorise the General Manager to delegate these additional functions and power to Council employees, where required.

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

CARRIED 9 / 0

5.5 TEN DAYS ON THE ISLAND PARTNERSHIP PROPOSAL

22/73 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Perry

That Council note the partnership proposal from Ten Days on the Island and consider a request for \$25,000 in financial support towards the 2023 festival as part of the 2022/23 budget deliberations.

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

CARRIED 9 / 0

5.6 LOCAL GOVERNMENT REVIEW

22/74 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

That Council endorse the attached submission to phase one of the Tasmanian Government's Future of Local Government Review and make a copy of the submission publicly available on its website.

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

CARRIED 9 / 0

5.7 DRAFT GREATER DEVONPORT RESIDENTIAL GROWTH STRATEGY 2021-2041 - RELEASE FOR CONSULTATION

22/75 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Perry

That Council receive and note the report relating to the draft *Greater Devonport Residential Growth Strategy 2021-2041* and endorse the release of the draft strategy for a period of public and key stakeholder consultation.

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

AGAINST: Nil

CARRIED 9 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

22/76 RESOLUTION

MOVED: Cr Murphy

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 Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

6.2 MAYOR'S MONTHLY REPORT

22/77 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Murphy

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

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

CARRIED 9 / 0

6.3 GENERAL MANAGER'S REPORT

22/78 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Alexiou

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

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

CARRIED 9 / 0

6.4 INFRASTRUCTURE AND WORKS REPORT

22/79 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Murphy

That Council receive and note the Infrastructure and Works report and approve the addition of \$25,000 of external funding to the Capital Works Program for the project at the East Devonport Recreation Centre.

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

CARRIED 9 / 0

6.5 DEVELOPMENT AND HEALTH SERVICES REPORT

22/80 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Alexiou

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

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

CARRIED 9 / 0

7 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING 11 APRIL 2022

22/81 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Perry

That the minutes of the Planning Authority Committee meeting held on 11 April 2022 be received.

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

CARRIED 9 / 0

8 CLOSED SESSION

22/82 RESOLUTION

MOVED: Cr Milbourne
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 – 28 March 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)

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

CARRIED 9 / 0

**The Mayor adjourned the meeting at 6:20pm to reconvene in Closed Session at 6:27pm.
The Council moved out Closed Session at 6:51pm.**

Council resumed in open session at 6:51pm.

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

Item No	Matter	Outcome
3.1	Confirmation of Closed Minutes – Council Meeting – 28 March 2022	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	Request for information	Information be released

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:51pm.

Confirmed 23 May 2022 Min 22/89



Chairperson