

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 MONDAY 23 MAY 2022 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:07pm	37 minutes
Closed Session	6:09pm	6:15pm	16 minutes
Total			53 minutes

Present

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

Apology

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

22/89 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Jarman

That the minutes of the Council meeting held on 26 April 2022 as previously circulated be confirmed.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, 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

22/90 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Laycock

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

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

AGAINST: Nil

CARRIED 8 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

There were no Questions on Notice from the Public received for the May 2022 meeting.

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Trevor Smith, 7 Glen Court Devonport

Q1. Dear Chairperson,

Before submitting my questions, could I have written replies to my questions, rather than verbal answers?

Earlier this month there was an article in the media.

"Public sessions to provide feedback on the Burnie City Councils 2022/23 draft budget will be occurring over the next 2 weeks, as the Council aims to make the process more transparent".

This year, the Burnie Council are adding another element of transparency by putting the budget out for community consultation, ensuring that the community have direct input into Council's budget and decision-making process.

It is probably too late to start this process this year. If so will you include this great idea for transparency with this Council for next year's budget?

If Burnie has the courage to do it, so can you.

Response

A written response will be provided to Mr Smith as requested.

Q2. Dear Chairperson,

Also, in the media again, this month it said that the Retail Centre DA was lodged for the Complex, at the corner of Friend Street and Stony Rise Road.

Will you be following the same rules that you used to stop pedestrian traffic from abandoning the CBD District, by only allowing large retail complexes to exist, rather than smaller shop spaces at Friend Street Devonport?

This shopping complex is less than 700 metres away from Friend Street Big Box development.

What is the difference when you didn't allow small shops in Friend Street and this Complex you will?

This will be more fragmentation away from the Devonport CBD.

Response

A written response will be provided to Mr Smith as requested.

Q3. Dear Chairperson,

Recently work commenced on 14 one bedroom units and 7 two bedroom units, on the land that was once parkland for the ratepayers of Devonport at Tarleton Street East Devonport.

How much rate revenue will you be receiving from these units when completed?

Response

A written response will be provided to Mr Smith as requested.

Malcolm Gardam, 4 Beaumont Drive, Miandetta

Q1. In relation to what was previously referred to in 2016 as Living City Stage 2 (being a new northern retail precinct) now apparently being resurrected, the General Manager has been reported in The Advocate as saying "...the first area for commercial development includes the old library, Fenton Way, and a small park area. The Council has also looked at straightening up Fenton Way and a small park area". Therefore, the question is, will Council confirm that the "straightening up of Fenton Way" is not linked to making more land available for a viable development of the small park area being offered for sale? It would increase if you straightened up Fenton Way.

Response

The General Manager responded that this was one of the options being discussed by Council.

Q2. Further to question one, will Council confirm if it has completed preliminary estimates as to costs associated with "straightening up Fenton Way" which involves part demolition, if not all, of the old library building prior to making the current announcement?

Response

The Mayor referred Mr Gardam to the response provided in regard to Question One.

Q3. Again further to Question One above, considering that the previously referred to Living City Stage 2 new northern retail precinct included a Big W type discount store, new supermarket and a considerable number of retail outlets, all sounding similar to the recently announced DA submitted for a new 7500 square metre retail centre adjacent to the Homemaker Centre. Has Council taken into account the effect that further duplication will have on Council's retail development aspirations and if achieved then increased market share pressures on existing retailers?

Response

The Mayor referred Mr Gardam to the response provided in Question One.

Bob Vellacott, 11 Cocker Place, Devonport

Q1. Mayor and Councillors,
Without going into too much detail I recently asked, per email, the General Manager if all Councillor's bona fides were still in accord with the requirements of the Local Government Act and therefore eligible to serve?

His reply was "to the best of my knowledge all DCC Councillors currently met eligibility requirements".

To clarify the present situation of eligibility I then asked, per email, will you guarantee that you have, very recently, actually checked the bona fides of each existing Councillor to ensure that they all do indeed, currently meet the requirements of the Local Government Act and thus are all still entitled /eligible to hold office?

I ask this question because the General Manager had no hesitation to set the precedent by guaranteeing in December 2016 that Council/ratepayers would receive \$400,000 per annum for 10 years from Providore Place Devonport Pty Ltd. I contend, surely it is only reasonable to expect that you could give an absolute guaranteed assurance in regard to my above question.

The General Manager's reply was "I refer to my previous answer and have nothing further to add".

Mayor, because it appears the GM will not guarantee that all elected persons serving as Councillors are still qualified, will you make sure at this point in time that they all have been and indeed currently meet the eligibility requirements of the relevant sections of the Local Government Act?

Response

The Mayor responded that Mr Vellacott's question had been asked and answered.

Q2. I refer to the Ombudsman's direction to Council that I believe was received on the 6th April 2022 to provide a copy of the head lease agreement for Providore Place to me as soon as practicable, but no later than 10th May 2022.

I received the information, per post, on the 9th of May, some four weeks later.

After receiving the information, I thanked the General Manager, per email, for same and said I noted it was within the time frame. I then respectfully asked him will he give good reason what prohibited him from providing the Head Lease when I originally requested it, considering the inordinate timeframe of some 3 years and 6 months it took to finally resolve my request? And I also asked why he was unable to provide the information far earlier than the 9th May 2022, being some 4 weeks post the Ombudsman's notification to Council?

The General Manager's reply was "The information was provided within the directed timeframe". Indeed an amazing reply because I had stated in my email I was aware of that - he simply did not answer my request.

So because the GM would or could not answer the question, I now respectfully ask you Mayor why it was not practicable for Council to provide me with the information far earlier than when it was finally made available to me, that is some 4 weeks after Council received the Ombudsman notification to do so?

Response

The Mayor advised that the General Manager required the Council's permission to release that information. The decision had to be made at a Council meeting, and the information was released following the meeting.

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 REOPEN SPECIAL INTEREST GROUP NOMINATIONS PUBLIC ART COMMITTEE

22/91 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Enniss

That Council amend the Terms of Reference for the Public Art Committee to include an ex-officio member from RANT Arts, and to increase community membership to eight and reopen nominations to fill additional community positions.

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

AGAINST: Nil

CARRIED 8 / 0

5.2 DISPOSAL OF PORTION OF PUBLIC LAND - MERSEY BLUFF

22/92 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Perry

That Council, by absolute majority:

1. determine its intention to transfer 800m² of public land contained in CT248784/1 to the Crown;
2. condition the transfer on all associated costs being borne by the transferee (or their parties);
3. authorise the General Manager to commence the public land disposal process with a view to transferring the public land to the Crown in accordance with s178 of the *Local Government Act 1993*; and
4. relinquish its head lease with the Crown for the area of 2970m² that holds the other part of the Tiagarra building, which Council currently sub leases to Tiagarra.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, 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

22/93 RESOLUTION

MOVED: Cr Laycock

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

AGAINST: Nil

CARRIED 8 / 0

6.2 MAYOR'S MONTHLY REPORT

22/94 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Alexiou

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

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

AGAINST: Nil

CARRIED 8 / 0

6.3 GENERAL MANAGER'S REPORT

22/95 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Perry

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

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

AGAINST: Nil

CARRIED 8 / 0

6.4 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT MARCH AND APRIL 2022

22/96 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Hollister

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

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

AGAINST: Nil

CARRIED 8 / 0

6.5 COMMUNITY SERVICES REPORT MARCH AND APRIL 2022

22/97 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

That Council receive and note the Community Services report.

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

AGAINST: Nil

CARRIED 8 / 0

6.6 CONVENTION AND ARTS REPORT - MARCH AND APRIL 2022

22/98 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Alexiou

That Council receive and note the Convention and Arts report.

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

AGAINST: Nil

CARRIED 8 / 0

6.7 UNCONFIRMED MINUTES DEVONPORT CITY COUNCIL AUDIT PANEL

22/99 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Laycock

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 28 March 2022.

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

CARRIED 8 / 0

6.8 ELECTED MEMBERS EXPENSE REPORT TO 30 APRIL 2022

22/100 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Murphy

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

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

CARRIED 8 / 0

6.9 ANNUAL PLAN PROGRESS REPORT TO 30 APRIL 2022

22/101 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Alexiou

That Council receive and note the 2021/22 Annual Plan Progress Report for the period ended 30 April 2022.

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

CARRIED 8 / 0

7 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING 9 MAY 2022

22/102 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Laycock

That the minutes of the Planning Authority Committee meeting held on 9 May 2022 be received.

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

CARRIED 8 / 0

8 CLOSED SESSION

22/103 RESOLUTION

MOVED: Cr Laycock
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
3.1	Confirmation of Closed Minutes – Council Meeting – 26 April 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments – May 2022	15(2)(g)
5.1	Unconfirmed Minutes – Joint Authorities	15(2)(g)
5.2	Deed of Assignment of Sub Lease – Mrs Jones Restaurant	15(2)(c)

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

CARRIED 8 / 0

**The Mayor adjourned the meeting at 6:07pm to reconvene in Closed Session at 6:09pm.
The Council moved out Closed Session at 6:15pm.**

Council resumed in open session at 6:15pm.

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 April 2022	Confirmed
3.2	Application for Leave of Absence	Approved
4.1	Confidential Attachments	Noted
5.1	Unconfirmed Minutes – Joint Authorities	Noted
5.2	Deed of Assignment of Sub Lease – Mrs Jones	Approved authorisation for General Manager to execute Deed

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:15pm.

Minutes confirmed 27 June 2022 Min 22/110 Refers

Confirmed



Chairperson