

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD IN THE ABERDEEN ROOM, LEVEL 2, PARANAPLE CENTRE, 137 ROOKE STREET,
DEVONPORT ON MONDAY, 25 NOVEMBER 2019 COMMENCING AT 5:30PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:12pm	42 minutes
Closed Session	6:14pm	6:32pm	18 minutes
Total			1 hour

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

Council Officers:

Acting General Manager, M Atkins
Executive Manager Corporate Services, J Griffith
Executive Manager Organisational Development, K Peebles
Executive Officer, J Surtees
Media & Communication Officer, N Tapp

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 audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 28 OCTOBER 2019

236/19 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Milbourne

That the minutes of the Council meeting held on 28 October 2019 as previously circulated be confirmed.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

237/19 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Laycock

That the responses to questions from Mr Doug Janney, Ms Jennie Claire, Mr Malcolm Gardam, Mr Tony Butler and Mr Trevor Smith at the 28 October 2019 Council meeting, be noted.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

238/19 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Alexiou

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

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

3.2.3 QUESTION WITHOUT NOTICE FROM THE PUBLIC

TREVOR SMITH – 7 GLEN COURT, DEVONPORT

Q1 On Monday the 18th of November, I rang the Council's Help Desk number, and I asked if the grass could be cut, at your flood basin land, at 33 Dana Drive, Devonport. I have raised this issue earlier this year, and you said that you were going to rectify this situation as far as speedily cutting the grass. What has happened to the Council's efficiency, since I last raised this issue?

Q2 Why did your garden contactors, use a mulch on the lawn area, between Providore Place and the multi storey carpark, that contains hundreds of stones, the size of marbles. Are you trying to grow stones or grass, one will grow more than the other, I can tell you that now! This is amazing when you have lots of glass on the buildings nearby when mowing the lawn, plus pedestrian traffic frequently using this space as well. How do you intend to rectify this situation, for the ratepayers of Devonport?

Response

The Mayor advised that as requested by Mr Smith the questions would be taken on notice and a response provided in writing.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q1. The Deputy General Manager (now Acting General Manager) was reported as stating in The Advocate on the 13 September 2019 that in relation to the waiving of unpaid rent on Providore Place by the Head Lessee that Council was "...yet to determine its approach to the current \$179,000 in unpaid rent for the period from February to August this year."

The article also stated that "In the meantime council and Providore Place (Devonport) Pty Ltd had struck a new head lease deal for tenancy space in the food pavilion...". In response to a question "Has Providore Place (Devonport) Pty Ltd reimbursed Council for those costs as "on-charged to Providore Place Devonport Pty Ltd." The Acting General Manager's response was "*On-charged outgoings are being reimbursed to Council in accordance with the Deed of Surrender executed between Council and Providore Place.*"

My question is "Is it not true that Council had already "determined its approach" and had actually approved waiving the further \$179,000 of unpaid rent subject to the Head Lessee meeting the undisclosed conditions of the "*Deed of Surrender executed between Council and Providore Place.*"?"

Response

The Mayor responded "no".

Q2. Did Council engage an "*independent legal practitioner*" regarding the nature and effect of the contents of the Living City Project Development Management Agreement (PDMA) with Projects and Infrastructure Holdings Pty Ltd and receive such advice for consideration by all Councillors (Aldermen at the time), prior to entering that agreement?

Response

The Acting General Manager advised, "yes".

GRAEME NEVIN – 135 PERCY STREET, DEVONPORT

Q1 What criteria would Council apply to assess whether to demand payment of the rental arrears paid by Providore Place Devonport Pty Ltd?

Response

The Mayor responded that would be a decision of Council.

Q2 Will Council inform the people of Devonport of its decision, regarding the rental arrears, as well as the reasons for the decision.

Response

The Mayor responded that would be a decision of Council at the time.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 Due to the fact businesses in the Council owned food pavilion building known as Providore Place now competes with existing privately owned like rate paying business who do not enjoy the privileges afforded by Council to Providore Place Devonport Pty Ltd; did Council seek specific advice before waiving the rent and or any other monies owing on Providore Place complies and does not conflict in any way whatsoever with the requirements of the economic regulator, COAG, the National Competition Policy and are you confident that the new head lease arrangement also complies with those regulatory and or any other relevant government body?

Response

The Acting General Manager advised that there is a very similar question in the agenda which was provided on notice by another member of the public and it is the same answer. The necessary advice was provided to Council in accordance with all the statutory requirements. I don't think there is any need to assess the lease against all those different bodies that you refer to. I'm not saying that we need to ignore those bodies, but what I am saying is that we provided the advice necessary for Council in making the decision and we are confident, that it was provided, in accordance with the Act.

Q2 Can Council categorically confirm that the developer/builder now has the finance to proceed and is still on target to start excavation for construction in December 2019 of the proposed Waterfront Hotel as per the Fairbrother Report in the October 2019 Agenda?

Response

The Mayor responded, that was the most recent information available to give you, as far as we know, they are on track.

JENNIE CLAIRE – 57 GUNN STREET, DEVONPORT

Q1 My question tonight relates to the cost of the Waterfront Park and before I being, I would like to point out that at the last Council meeting I didn't say that the Living City debt was \$51 million. When I said that figure, I said it was the current debt of the Council which was correct.

But back to the park. The cost for the construction of the park is to be \$17 million with \$10 million from the Federal grant and \$7 million of Council money and I believe the \$17 million price tag includes \$2 million for the Oldaker Street stormwater upgrade.

Response

The Acting General Manager advised that the park project is \$15 million. There are two other projects which Council had on their books in the vicinity. One being the Northern Rooke Street redevelopment which was \$1 million and also the Oldaker Street catchment upgrade which was another \$1 million. So for efficiencies those two projects have been combined with the parkland project and were tendered as one.

Jennie Claire

What is not included in the figure for construction of the park is the cost of the land. This cost involved the purchase of Coles and Harris Scarfe and the two automotive businesses and was offset by the sale of land for the hotel to Fairbrother.

Mayor, can you tell us the cost of the Waterfront Park when the purchase of the land is included?

Response

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

Q2 On the subject of the cost benefit analysis for the Waterfront Park I have been given the following information by Council staff, "The various stages of the LIVING CITY project are intertwined and the benefits of the various stages should not be considered in isolation from the whole project."

So, the justification for the expenditure of a considerable amount of money on the park cannot be considered in isolation from the other aspects of LIVING CITY.

This means that the CBA (cost benefit analysis) being used for the Park presumably is the same one that was used for the underperforming Stage 1, the postponed indefinitely original Stage 2 and the not yet confirmed new Stage 2.

So, my question tonight is, "Given that the CBA for the LIVING CITY Project has given the green light to aspects of the project which have not lived up to the original expectations, why does our Council feel confident in using this CBA to justify the expenditure of a staggering amount of money, which is likely to be somewhere over \$20 million and possibly \$24.3 million on the Waterfront Park?"

Response

The Mayor advised that she would take that as a comment, but we will respond in writing.

CHRISTOPHER MILLS – 52 CAROLINE STREET, EAST DEVONPORT

Q1 Although there is available on line a Customer Service Charter and also a Code of Conduct for Councillors are Councillors aware that there is a Code of Conduct for Staff which is for internal use only and access to it is denied to ratepayers?

Q2 If I wish to make a complaint that a Staff member has breached the Staff Code of Conduct, what is the appropriate way for me to view the Staff Code of Conduct in order to make such a complaint?

Response

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

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q3 In response to a question on Page 15 of the current Agenda asking "What is the Valuer-General's valuation of the food pavilion as used for levying rates?" the Acting General Manager responded "*The Valuer-General has not provided a valuation for the property.*" My question is with the first "sneak peak" in the Food Pavilion occurring on the 17th December 2017 and first tenancies opening in October 2018, why is there still no property valuation as at November 2019 and does this mean rates as payable by the Head Lessee have not been levied to date?

Response

The Acting General Manager responded, I guess we share Mr Gardam's frustration at times, that supplementary rate notices do take some time to come through from the Valuer General's office and it is not uncommon to take twelve months or more. That's not just Providore Place, obviously the bigger the building and the more

complex, it can take longer, but it is not unusual for Council to wait that period of time for rate supplementaries to come through.

GRAEME NEVIN – 135 PERCY STREET, DEVONPORT

Q3 Can you advise when Council is likely to consider the rental arrears owed by Providore Place Devonport Pty Ltd?

Response

The Mayor responded "it is my understanding that at this point we plan to do it next month".

JENNIE CLAIRE – 57 GUNN STREET, DEVONPORT

Q3 On the Rooke Street side of the Waterfront Park there is on the plan a Sculpture Park which includes trees and between that and the street there are a row of bus shelters. It is indicated that the buses will be parked in the street beside the bus shelters. This places these features opposite the four eateries currently on the other side of Rooke Street. It has also been mentioned that with the intended use of this area for Redline buses one or possibly two bigger 32 seat bus shelters would be built. It has also been said that hotel buses will use this area.

Currently the eateries there enjoy a partial view of the river and with the demolition of the two automotive businesses it would be thought that this view would be opened up further. However, when you consider the number of potential impediments to the view as listed above it is not so clear that the changes will result in an improvement.

Mayor, can you give us an indication of what the view will be like from the eateries at the northern end of Rooke Street after the Waterfront Park is completed, possibly an artist's impression or something that will show us what it will actually look like?

Response

The Acting General Manager advised that the only artist's impressions we have got are the ones on the website.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q3 I understand some of the many functions touted so as to receive Commonwealth funding for the food pavilion was that it would have a seven day a week locally grown fresh produce market and a kitchen come film studio to encourage tourists in particular arriving on the Spirit of Tasmania to visit and stay in Devonport. Has Council been informed as to how many TV programs have been filmed in the kitchen studio situated in Providore Place since its opening?

Response

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

3.3 QUESTIONS FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

Nil

4.0 PLANNING AUTHORITY MATTERS

There were no items to consider as a Planning Authority.

5.0 REPORTS**5.1 TENDER REPORT CONTRACT 1336 WASTE TRANSFER****239/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Enniss

That Council in relation to contract 1336 Waste Transport - Spreyton Waste Transfer Station to Dulverton Regional Waste Management Authority landfill facility:

1. award the contract based on the tendered schedule of rates to Veolia Environmental Services;
2. note based on current waste volumes the total contract value will be in the order of \$232,000 pa (ex GST);
3. note the contract period is initially for three years; and
4. note that the tender allows for a further two, one-year contract extensions.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

5.2 TENDER REPORT CONTRACT CT0264 VICTORIA STREET RENEWAL**240/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Milbourne

That Council, in relation to Contract CT0264 Victoria Street Renewal:

- a) award the contract to Civilscape Contracting Tasmania for the tendered sum of \$236,873 (ex GST);
- b) note project management costs are estimated at \$23,000 (ex GST);
- c) CCTV costs for the project are \$1,348 (ex GST); and
- d) note a contingency allowance of \$35,531 (ex GST).

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

5.3 TENDER REPORT CONTRACT CT0265 HOLYMAN STREET RENEWAL**RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Alexiou

That Council, in relation to Contract CT0265, Holyman Street Renewal:

- a) award the contract to Hardings Hotmix for the sum of \$368,846 (ex GST);
- b) project management costs for the project are estimated at \$17,000 (ex GST);
- c) note costs associated with utility services, and tree management are estimated to be \$7,945 (ex GST); and
- d) note a contingency allowance of \$55,313 (ex GST).

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

5.4 TENDER REPORT CONTRACT CT0267 FENTON & STEWART STREET ROUNDABOUT**241/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Alexiou

That Council, in relation to Contract CT0267 Fenton and Stewart Street Roundabout:

- a) award the contract to Hardings Hotmix for the tendered sum of \$295,665 (ex GST);
- b) note design and project management costs for the project are estimated at \$34,900 (ex GST);
- c) note costs associated with utility services and tree management are estimated to be \$23,348(ex GST); and
- d) note a contingency allowance of \$59,133 (ex GST).

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

5.5 DISABILITY INCLUSION PLAN 2020-2025 - DRAFT**242/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Hollister

That Council receive and note the report relating to the draft Disability Inclusion Plan and the release of the Strategy for a 60-day public consultation period be endorsed.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

5.6 TASTE THE HARVEST - FINANCIAL SUPPORT

243/19 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Ennis

That Council confirm its support for the Taste the Harvest Festival in accordance with its current Partnership Agreement with the following amendments:

- Location changed from Roundhouse Park to Providore Place/Market Square;
- Delete reference to Council underwriting the event; and
- Approve the use of the ground level of the multi-storey car park in the event of inclement weather.

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

244/19 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Ennis

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

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

6.2 MAYOR'S MONTHLY REPORT**245/19 RESOLUTION**

MOVED: Cr Hollister
 SECONDED: Cr Milbourne

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

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

6.3 GENERAL MANAGER'S REPORT - NOVEMBER 2019**246/19 RESOLUTION**

MOVED: Cr Jarman
 SECONDED: Cr Milbourne

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

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

7.0 SECTION 23 COMMITTEES**7.1 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 18 NOVEMBER 2019****247/19 RESOLUTION**

MOVED: Cr Milbourne
 SECONDED: Cr Alexiou

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 18 November 2019 be received and the recommendations contained therein be adopted.

GFC 64/19 Annual Plan Progress Report to 31 October 2019

GFC 65/19 Health & Safety Policy

GFC 66/19 Elected Members Expenditure Report September and October 2019

GFC 67/19 Finance Report to 31 October 2019

GFC 68/19 Minutes of Council's Special Interest Groups and Advisory boards

GFC 69/19 Arts and Convention Report - September and October 2019

GFC 70/19 Governance and Finance Report - September and October 2019

GFC 71/19 Community Services Report - September and October 2019

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

EFFECTIVE DECISIONS OF THE GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE CONFIRMED BY COUNCIL

GFC 64/19 Annual Plan Progress Report to 31 October 2019

That the 2019/20 Annual Plan Progress Report for the period ended 31 October 2019 be received and noted.

GFC 65/19 Health & Safety Policy

That the Health & Safety Policy be adopted with immediate effect.

GFC 66/19 Elected Members Expenditure Report September and October 2019

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

GFC 67/19 Finance Report to 31 October 2019

That the Finance Report as of 31 October 2019 be received and noted.

GFC 68/19 Minutes of Council's Special Interest Groups and Advisory boards

That the minutes of the Devonport Maritime and Heritage Special Interest Group, paranable arts centre Special Advisory Committee and East Devonport Special Interest Group be received and noted.

GFC 69/19 Arts and Convention Report - September and October 2019

That the Arts and Convention report be received and noted.

GFC 70/19 Governance and Finance Report - September and October 2019

That the Governance and Finance report be received and noted.

GFC 71/19 Community Services Report - September and October 2019

That the Community Services report be received and noted.

8.0 CLOSED SESSION

248/19 RESOLUTION

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* the following items be dealt with in Closed Session:

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Confirmation of Closed Minutes – Council Meeting – 28 October 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Unconfirmed Minutes – Joint Authorities	15(2)(g)
8.4	Closed Session – Governance, Finance & Community Services Committee Meeting – 18 November 2019	15(2)(f)
8.5	Providore Place Head Lease	15(2)(i)

	For	Against		For	Against
Cr Rockliff	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	
Cr Jarman	✓				

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 6:12pm to reconvene in Closed Session at 6:14pm.

The Council moved out Closed Session at 6:32pm.

Council resumed in open session at 6:32pm.

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
8.1	Confirmation of Closed Minutes – Council Meeting – 28 October 2019	Confirmed
8.2	Application for Leave of Absence	Nil
8.3	Unconfirmed Minutes – Joint Authorities	Received and Noted
8.4	Closed Session – Governance, Finance & Community Services Committee Meeting – 18 November 2019	Confirmed
8.5	Providore Place Head Lease	Information noted.

CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:32pm.

Confirmed

Chairman