

**MINUTES OF THE OPEN SESSION OF THE DEVONPORT CITY COUNCIL
HELD ON MONDAY, 27 APRIL 2020 VIA VIDEO CONFERENCE AT 4:00PM**

Meeting	From	To	Time Occupied
Open Session	4:00pm	5:18pm	1 hour 18 minutes
Closed Session	5:18pm	5:28pm	10 minutes
Total			1 hour 28 minutes

PRESENT: Cr A Rockliff (Mayor)
Cr A Jarman (Deputy Mayor)
Cr J Alexiou
Cr G Ennis (from 4:08pm)
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
Community Services Manager, K Hampton
Development Services Manager, K Lunson
Convention & Art Centre Director, G Dobson
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 video 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

The following Declarations of Interest were advised:

Cr Hollister	5.9	Expression of Interest to Sell or Gift the Julie Burgess to a Suitable Operator, or to enter into a Partnership Agreement with a Suitable Operator
Cr Perry	5.4	Tender Report Contract CP0186 Girdlestone Park Ground Lighting

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 23 MARCH 2020**64/20 RESOLUTION**

MOVED: Cr Laycock
 SECONDED: Cr Milbourne

That the minutes of the Council meeting held on 23 March 2020 as circulated be confirmed.

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

CARRIED UNANIMOUSLY

3.2 PUBLIC QUESTION TIME**3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS****65/20 RESOLUTION**

MOVED: Cr Murphy
 SECONDED: Cr Hollister

That the responses to questions from Mr Doug Janney, Mr Bob Vellacott and Mr Rodney Russell at the 23 March 2020 Council meeting be noted.

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

CARRIED UNANIMOUSLY

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**66/20 RESOLUTION**

MOVED: Cr Hollister
 SECONDED: Cr Perry

That Council in relation to the correspondence received from Mr Malcolm Gardam, Mr Bob Vellacott and Mr Aaron De La Toore obo Australian Services Union endorse the responses proposed and authorise their release.

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

CARRIED UNANIMOUSLY

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

CHRISTOPHER MILLS – 52 CAROLINE STREET, EAST DEVONPORT

I think its been noticed that over the past five months I have been asking questions – or attempting to ask questions about how my home has been put at increased risk of landslip due to Council's actions. In turn I have noticed that this Administration has been reluctant to recognize that the Council land (54 Caroline Street) immediately west of my home is a Landslip Zone.

The evidence is that, this current Administration has continually chosen to avoid naming this land as a landslip zone, preferring instead to call it a "Council Reserve" or "Caroline Street. Tree Removal" or "Existing Trees on 54 Caroline Street" or "Tree Removals – 54 Caroline Street and has even been officially designated as "A Park".

Q1 Can this Administration confirm that the land in question is a Landslip Zone?

Response

The Mayor responded that this question has been asked and answered previously, both at Council meetings and from Council staff and there really isn't anything else to add.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Q1. In response to my Question 2 on notice at Page 9 of the current Agenda Council advised the following:

"The Intellectual property associated with the name "Providore Place" was owned by the former Head Lessee whilst they were operating the facility. Ownership of the name has since transferred to Council." accordingly, my follow-up question is did Council have to pay for the naming rights and if so what was the price to secure ownership?

Response

The Mayor responded that, no Council did not pay for intellectual property.

Q2. I refer to Question 4(c) submitted as a question on notice as recorded on Page 10 of the current Agenda:

Despite my having also provided detailed background information to ensure the question was put in proper context, Council's Response as per the Agenda is "This question is noted as your opinion." accordingly, I resubmit a question in that "why has Council continued to offer up rent write-offs, whether in name or nature, all at the ratepayers' expense, when it was represented to ratepayers that the securing, retention and management of tenants was the responsibility of Providore Place Devonport Pty Ltd (PPD P/L), the head lessee, and not Council, and that the head lease signed in 2016 had "...removed the council's exposure to financial risk."?

(Comment – the total of known rent waivers and potential write-offs, covering a period of some 22 months from Practical Completion in November 2017, and benefiting only the former head lessee and predominantly two tenants, stands at \$376,228 and deserves a better explanation than "This question is noted as your opinion." or "due to delays with fit outs for tenancies" as offered to the Auditor General)

Response

The Mayor responded that, while I appreciate that Mr Gardam may not agree with the decisions Council has made in regard to Providore Place, these decisions have been made on information available at the time and what was considered to be in the best interest of the community.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Q1 Now that Fairbrother Pty Ltd has taken possession of the Best street site and has commenced building work for the proposed hotel will Council inform, has the final payment for purchase been made and when does Council expect to receive rate revenue for the property?

Response

The General Manager advised that settlement for the sale of the land is due to be completed late this financial year. Provided the settlement proceeds as planned the responsibility for rates, next financial year, would rest with the new owner.

Q2 I refer to my Question on Notice asked at the Council meeting on 27 April 2020 ITEM 3.2.2 which was in regard to the Closed session meeting about PPD Pty Ltd Debt (Providore Place Devonport Pty Ltd) recovery status and I asked

"before the closed session meeting of the 23rd March 2020, was each Councillor privy to all details and information necessary to make an informed decision in as much to legal advice, correspondence if any, and recommendations from senior staff?"

The Response was - In the preparation of any report to Council, staff include all the advice and information considered necessary for informed decision making.

I appreciate that fact however my question specifically asked - was each Councillor privy to all the details and information necessary.

In other words – the question now is –

Did each and every one of the Councillors receive the information before the closed session that would be necessary to make an informed decision about PPD Pty Ltd Debt?

Response

The General Manager advised that he was not sure there is a lot else to say. In the preparation of any Council report, staff include all the information and advice that we consider necessary for informed decision making. In regard to the particular item, Mr Vellacott mentions, yes, the information was provided to all Councillors. They received it prior to the meeting as part of their closed session agenda.

Q3 Please inform, as of this date, what is the expected cost of construction for the Waterfront Park Elevated Walkway and the expected dollar value to be entered in the Council's Assets Register?

Response

The General Manager advised that the walkway forms part of the lump sum contract we have with Vos Construction for the Waterfront Park. Once they have completed the project they will provide Council with a breakup of all the elements and the individual costs of each asset. That includes the walkway and we will receive it upon completion and at that point we will take it up in the asset register.

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 CRADLE COUNTRY MARKETING GROUP DISSOLVEMENT**67/20 RESOLUTION**

MOVED: Cr Jarman
 SECONDED: Cr Milbourne

That Council note the dissolution of the Cradle Country Marketing Group and through the 2020/2021 Budget process consider the reallocation of funds to target marketing for Devonport initiatives.

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

CARRIED UNANIMOUSLY

5.2 DEVELOPMENT AND HEALTH SERVICES REPORT**68/20 RESOLUTION**

MOVED: Cr Murphy
 SECONDED: Cr Alexiou

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

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

CARRIED UNANIMOUSLY

5.3 INFRASTRUCTURE AND WORKS REPORT**RESOLUTION**

MOVED: Cr Jarman
 SECONDED: Cr Milbourne

That Council receive and note the Infrastructure and Works report.

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

CARRIED UNANIMOUSLY

Cr Perry having declared an interest in the following item left the meeting at 4:24pm.

5.4 TENDER REPORT CONTRACT CP0186 GIRDLESTONE PARK GROUND LIGHTING**69/20 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Murphy

That Council, in relation to Contract CP0186 Girdlestone Park Ground Lighting

- a) award the contract to Devonport Electrical Services for the tendered sum of \$228,784 (ex GST), plus a further \$18,792 for additional works;
- b) note that the total project expenditure is forecast to be \$274,080 (ex GST) and
- c) note that the balance of the grant fund, estimated to be \$25,920 is to be allocated to upgrades of the existing change rooms.

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

CARRIED UNANIMOUSLY

Cr Perry returned to the meeting at 4:29pm.

5.5 UNCONFIRMED MINUTES - AUDIT PANEL - 30 MARCH 2020**70/20 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Enniss

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 30 March 2020.

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

CARRIED UNANIMOUSLY

5.6 STREET TRADING BY-LAW**71/20 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Laycock

That Council:

- a) in accordance with section 156 of the *Local Government Act 1993* determine, by absolute majority its intent to make a Street Trading By-Law; and
- b) authorise the General Manager to forward the draft Regulatory Impact Statement to the Director of Local Government for consideration.

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

CARRIED UNANIMOUSLY

5.7 ADOPTION OF FINANCIAL HARDSHIP ASSISTANCE POLICY**72/20 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Jarman

That Council adopt the Financial Hardship Assistance Policy with immediate effect.

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

CARRIED UNANIMOUSLY

5.8 IMPACTS OF COVID-19**73/20 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Perry

That Council receive and note the report outlining an update on the impacts of the COVID-19 pandemic; and

1. endorse the financial support measures implemented to date by the COVID-19 Response Committee;
2. adopt as the basis for Councils 2020/21 budget:
 - a) A 0% general rate increase to all property categories; and
 - b) No increase to any fees or charges.

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

CARRIED UNANIMOUSLY

Cr Hollister having declared an interest in the following item left the meeting at 4:48pm.

5.9 EXPRESSION OF INTEREST TO SELL OR GIFT THE JULIE BURGESS TO A SUITABLE OPERATOR, OR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH A SUITABLE OPERATOR

74/20 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Murphy

That Council:

1. note the submissions received from the Julie Burgess EOI process;
2. select the Julie Burgess Working Committee, as its Preferred Proponent; and
3. offer to negotiate with the Preferred Proponent for a period of up to six months to establish an Agreement for the transfer of the vessel on the following basis:
 - a) Council to provide five-years of financial assistance, of \$50,000pa in the first year, and \$40,000pa thereafter;
 - b) Council undertake Capital Works for the provisions of a concrete base, suitable for a 20ft shipping container in Reg Hope park, with power provided to site;
 - c) Council provide a licence to use the existing pontoon at Reg Hope Park for an initial period of five years;
 - d) the Committee demonstrate suitable evidence, including a detailed business plan to address the deficiencies in their submission as outlined in this report; and
 - e) the necessary transfer deed is drafted to mitigate future risk to Council.

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

CARRIED

Cr Hollister returned to the meeting at 5:10pm.

6.0 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

There were no Workshops or Briefing Sessions held since the last Council meeting.

6.2 MAYOR'S MONTHLY REPORT

75/20 RESOLUTION

MOVED: Cr Laycock
 SECONDED: Cr Jarman

That the Mayor's monthly report be received and 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

6.3 GENERAL MANAGER'S REPORT - APRIL 2020**76/20 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Milbourne

That the report of the General Manager be received and 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

7.0 SECTION 23 COMMITTEES

Nil

8.0 CLOSED SESSION**77/20 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Hollister

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	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)

	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 5:18pm to reconvene in Closed Session at 5:18pm.

The Council moved out Closed Session at 5:28pm.

Council resumed in open session at 5:28pm.

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 -	Confirmed
8.2	Application for Leave of Absence	Not Applicable

CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 5:28pm.

Confirmed

Chairperson