

<b>Council Meeting – 22 June 2020</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	7:09pm	1 hour 39 minutes
Closed Session	7:10pm	7:14pm	4 minutes
Total			1 hour 43 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 Manager City Growth, M Skirving  
 Executive Officer, J Surtees  
 Convention & Arts Director, G Dobson  
 Development Services Manager, K Lunson  
 Community Services Manager, K Hampton  
 Media and Communication Officer, N Tapp (virtually)

**Audio Recording:**

All persons in attendance were advised that the meeting was live streamed and that it is Council policy to record Council meetings, in accordance with Council's Digital Recording Policy. The digital recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**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 22 JUNE 2020 COMMENCING AT 5:30PM**

## **1 APOLOGIES**

There were no apologies received.

## **2 DECLARATIONS OF INTEREST**

The following Declarations of Interest were advised:

Councillor	Item No	Reason
Cr Milbourne	3.2.2	Questions on Notice from the Public

## **3 PROCEDURAL**

### **3.1 CONFIRMATION OF MINUTES**

#### **3.1.1 CONFIRMATION OF MINUTES - 25 MAY 2020**

##### **20/1 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Laycock

That the minutes of the Council meeting held on 25 May 2020 as previously circulated be confirmed.

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

AGAINST: nil

Carried 9 / 0

### **3.2 PUBLIC QUESTION TIME**

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

##### **20/2 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Hollister

That the responses to questions from Mr Malcolm Gardam at the 25 May 2020 Council meeting be noted.

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

AGAINST: nil

Carried 9 / 0

#### **3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**

Cr Milbourne having declared an interest in the following left the meeting at 5:33 pm.

**20/3 RESOLUTION**

MOVED: Cr Perry  
 SECONDED: Cr Laycock

That Council in relation to the correspondence received from Mr Christopher Mills, Mr Malcolm Gardam, Mr Bob Vellacott and Mr Graeme Nevin endorse the responses proposed and authorise their release.

FOR: Cr Ennis, Cr Hollister, Cr Laycock, Cr Perry, Cr Rockliff  
 AGAINST: Cr Alexiou, Cr Jarman, Cr Murphy

Carried 5 / 3

**3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

Cr Milbourne returned to the meeting at 05:39 pm.

Questions provided by email and read by the Mayor.

**CHRISTOPHER MILLS – 52 CAROLINE STREET, EAST DEVONPORT****Q1 Staff Code of Conduct**

On 4 December 2019, I asked about the 'Staff Code of Conduct'. This resulted in the Mayor confirming on 28 January that there would be a Workshop to consider making this Staff Code of Conduct available to the public.

I made a request to attend this Workshop, but my request was refused by the Mayor.

Assuming that this Workshop had actually taken place, I requested the General Manager by letter on 14 April (for ongoing confidential reasons) to view the Staff Code of Conduct. To date there has been no response from Mr Atkins whatsoever, please may I have a response now?

**Response**

The General Manager responded that this matter was the topic of a workshop with Councillors held on 1 June and is part of item 5.13 on tonight's agenda.

**Q2** The new park at 54 Caroline Street is 0.1581 hectares of steep slope. It has remained an undisturbed hazardous landslip zone with trees stabilising the slope since 1970.

The Elected Members voted unanimously on 24 February for the Disability Inclusion Plan 2020-2025 people with disabilities and their carers will not easily be able to make their way along 50 metres of rough grass track to enter the new park.

Will this Administration now formally identify and promote the appropriate recreation routes/pathways to this park?

**Response**

The General Manager advised that Council does not currently have any plans to promote or further develop the land at 54 Caroline Street at this point in time.

**MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA**

**Q1** With reference to draft responses in the current agenda to my questions on notice Q1 & 2 (Ref. page 8) and Q1 & 2 (Ref. page 9) – full questions included pages 14 & 17; I consider the responses evasive at best if not false and misleading as **none of the questions have ever been specifically answered** demonstrating a lack of accountability. As Council would be aware, the Auditor-General in his report does not comment on specifics relating to Council decision making associated with my questions other than his statement "A review of governance activities undertaken by DCC prior to entering into the Providore Place head lease, found **DCC had not met**

**good governance principles relating to transparency, equity, participation and inclusion and effective and efficient decision making.**" Accordingly, I ask the simple question; in approving the signing of the initial head lease agreement with Providore Place Devonport Pty Ltd did Councillors do so with the full understanding that the "head lease" was **"a non-traditional co-operative shared arrangement"** (in other words a shared risk) as disclosed by the Mayor in September 2019 **OR** an agreement that would **"remove the council's exposure to financial risk"** as represented to the community by the then Deputy General Manager in December 2016?

### Response

The Mayor stated as previously advised Council does not intend to continually revisit matters relating to the Providore Place Head Lease and has nothing further to add.

**Q2.** Since Harris Scarfe went into receivership late in 2019, does Council now have a signed lease agreement with Harris Scarfe (its receivers or new owners if sold) covering its tenancy in Council owned premises at 17 Fenton Way, Devonport, and if so what is the Term of the lease in months or years?

### Response

The General Manager advised that due to the impacts of COVID-19, Council has a short-term agreement in place with the new owners of Harris Scarfe, which expires on 30 July this year. Negotiations will shortly resume with the aim of finalising a long-term lease for the property.

**Q3.** With reference to Item 5.13 "Openness and Transparency" on Page 217 of the current agenda I firstly commend the General Manager and Councillors for what appears to be a genuine effort to improve transparency of Council matters and in turn public accountability. However, with respect, I do point out that the statement on Page 218 in that *"A desire to see property transactions and leases considered in open session and that disclosure of contract and lease information being a condition of doing business with Council."* while essentially accurate does not spell out the full intent as to disclosures, or the subsequent implications. The suggestion is that Council cease accepting, or insisting on, confidentiality clauses in contracts with third parties and in particular private enterprises benefiting from public funding or concessions. This in no way undermines Council's ability to withhold information subject to Section 15 of the Local Government (Meeting Procedures) Regulations, being matters addressed in Closed Meetings. Accordingly, as this suggestion has failed to make the list of recommendations on Page 220, as listed for discussion tonight, I ask will Councillors include an Item 7 in that Council "Actively desist from accepting, or insisting on, confidentiality clauses in agreements that contractually remove Council's ability to make disclosures at its sole discretion."

### Response

The Mayor advised that given this matter is on tonight's agenda, there is nothing else to add at this point.

### **DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT**

Page 254 of the agenda suggests that the Council will not spend more than 58% of the Capital Budget excluding the Living City component in 2019.

One definition of a budget: is an itemized allotment of funds for a given period.

The total budget for 2021 is \$25.81m of which some \$10.25m is Living City.

**Q1** What has the Council done or is doing to be able to spend a greater part of the 2021 planned Capital budget (excluding the Living City component) within the financial year (given period)?

## Response

The Executive Manager City Growth responded that:

Council manage a diverse program of capital works projects, based on a 5 year program of forecast activities, and annually make a financial allocation towards the program as projects progress through various stages of planning, assessment, consideration and delivery preparation.

We don't believe that total Capex expenditure in any given year, measured against the overall program budget for that year, is necessarily a strong performance indicator for a number of reasons, being:

- In many instances it is anticipated that project expenditure will occur across several financial years. Where this represents a material or significant value, funding is spread across multiple budget years, but for smaller projects contributions are allocated in one budget year.
- Grant funded projects often require Council's contribution to be confirmed (in full) prior to commencement.
- Project funding includes appropriate contingency allocations to manage financial risk. Non-expenditure of these allocations is a positive outcome and enables Council to re-allocate these funds to additional work or other beneficial community outcomes.

We believe we have sound project management and planning practices in place, and we provide clear and transparent reporting and communications to the community on a regular basis.

We would welcome and consider any specific suggestions on how we may improve this into the future.

## **BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

I refer Page 9 of the Agenda in regard to my questions on notice about Providore Place unpaid rents and the responses.

My question is a follow up to the above and pertains in particular to question 2(a) and (b) and the response authorised by General Manager Matthew Atkins.

- a) *Who on Council (ie which senior staff and Councillors) were privy to the intolerable situation that had developed and continued to occur?*
- b) *when were those who should have known about the non payments informed?*

**The GMs response was** - *In response to questions 1 and 2, Council debt collection was managed by Council for Providore Place as it would be for any debtor and is subject to review as part of the annual financial audit process. Your inference that debt accumulated to an "intolerable situation" without adequate understanding or controls is wrong and misleading. As has been publicly explained, Council acted appropriately and within its options to resolve issues with the former head leasee of Providore Place.*

## **New Questions**

- Q1** a) to clarify - Mayor I consider the response most petulant, all the more so because of the now proven misleading information previously told to ratepayers that the Providore Place head lease was based on sound normal commercial terms, or words to that effect supposedly drafted in accordance with lease conditions taken from a standard Term Sheet which had been prepared by a legal practitioner. The point I was trying to make were the large amounts being monitored on a monthly basis by the Aldermen.

Is it therefore correct to say senior staff who knew of the unfolding of problem ie that a significant amount of debt had accumulated, did in fact kept all Aldermen well informed before the annual financial audit process?

and

- b) what was the accumulated amount of unpaid rent before it was brought to the attention of the Aldermen?

**Response**

The Mayor responded that Councillors were aware of the status in regard to rent payment by the Head Leasee and the effective payment throughout that process.

- Q2** This question refers to the sale of land to Fragrance Devonport Pty Ltd. I was informed by the General Manager that finalisation of the sale was before the end of the financial year (2020).

As of this date the 22<sup>nd</sup> June 2020 has Council received final payment for the hotel site?

**Response**

The Mayor advised that the settlement date is 29 June.

**JENNIE CLAIRE – 57 GUNN STREET, DEVONPORT**

- Q1** In an email dated June 11, 2020 which was in reference to the land that has recently been cleared in Friend St., adjacent to the Homemaker Centre by Best St. Developments, the General Manager stated that "In regard to this development, vegetation clearing and the impact on endangered species are matters outside of Council's jurisdiction and were not part of the assessment process. "I have been informed that these matters should be part of the Council's assessment process. Could Council explain how it is possible that our Council does not take environmental assessments into account when making decisions on planning applications?"

**Response**

The General Manager advised that:

The Devonport Interim Planning Scheme does have requirements in regard to the assessment of vegetation clearing and threatened species which is outlined in the vegetation code of the scheme.

The application to which you refer did not trigger any requirements under this code.

However, having said that I can confirm that the area that has recently been cleared on site extends beyond the area approved under the permit and Council, together with the Forest Practices Authority are pursuing that matter separately.

- Q2** In an email dated Friday 18 June 2020 Mr Atkins stated that the DA for 76 house lots and 2 commercial lots at Friend St was approved under delegation and not at a Council Meeting. What is the reason such a big development, which involved the clearing of native bush which may be habitat for endangered species, was dealt with by delegated authority and NOT at a Council Meeting? Further can Council provide to the community the full guidelines which are used to determine which development applications may be delegated. One of the guidelines is that a development must go to Council if there were no representations about it. Can Council confirm that there were no representations about the Friend St development?

**Response**

The General Manager clarified the current delegations that the Council operate under and have done for some time is that if there is a representation it gets referred to the Planning

Authority Committee. The application was for a 27 lot subdivision, not 76 lots. The current delegations that are provided by Council to the General Manager, the most recent ones can be found in the Governance, Finance and Community Services agenda that went to Council on 20 January this year and that is available on the website.

In regard to the particular development at Friend Street/Stony Rise there was one representation to that DA and that related to traffic matters.

**Q3** In an email dated June 19, 2020 Mr Atkins stated in reference to the normal guidelines that "There has been some exceptions during the State of Emergency period, to ensure applications are processed within required timeframes." Can the Council provide a full list of development applications that were exempt from the usual guidelines during the State of Emergency and the outcomes of those applications? Was the Friend St. development one of the applications which was exempt from the normal guidelines?

**Response**

At the March meeting Council provided additional delegation to the General Manger, to ensure continuity of business during the COVID pandemic. This included the ability to approve planning applications which otherwise would have gone to the Planning Authority Committee. There have been six applications which were considered under this delegation, all six were approved and include:

- The Stony Rise Road/Friend Street application to which Ms Claire refers;
- outbuilding at 8 Anna Place;
- two units at 111A Gunn Street;
- demolition of a shed at 193 Sheffield Road;
- an additional dwelling at 3 Cedar Court; and
- demolition of clubrooms and facilities at 39A North Fenton Street.

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

### **3.4 NOTICES OF MOTION**

## **4 PLANNING AUTHORITY MATTERS**

## **5 REPORTS**

### **5.1 CRADLE COAST WASTE MANAGEMENT GROUP 2020/21 ANNUAL PLAN & BUDGET**

#### **20/4 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Enniss

That it be recommended to Council that the Cradle Coast Waste Management Group 2020/21 Annual Plan & Budget be received and noted.

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

Carried 9 / 0

## **5.2 CEMETERY STRATEGY 2011-2030 - YEAR NINE STATUS**

### **20/5 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Hollister

That Council receive the report of the Infrastructure and Works Manager and note the status of actions listed in the Devonport City Council Cemetery Strategy.

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

Carried 9 / 0

## **5.3 RETAINING WALL MAINTENANCE POLICY**

### **20/6 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Murphy

That Council receive and note the report from the Development Services Manager and adopt the Retaining Wall Maintenance Policy with immediate effect.

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

Carried 9 / 0

## **5.4 TENDER REPORT CONTRACT CT0277-01 SUPPLY, DELIVERY & PLACEMENT OF HOTMIX ASPHALT**

### **20/7 RESOLUTION**

MOVED: Cr Laycock  
SECONDED: Cr Alexiou

That Council:

- a) note that the capital and operational allocations in the draft budgets are required to undertake work under Contract CT0277-01 as well as other contracts and orders.
- b) award Contract CT0277-01 – Supply, Delivery and Placement of Hotmix Asphalt Sealing Service to Hardings Hotmix, noting that additional projects may be added to the scope of work up to the total budget allocations on a priority basis; and
- c) note that design and project management costs for the contract will be incurred.

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

Carried 9 / 0



---

## **5.5 TENDER REPORT CONTRACT CT0277-02 SUPPLY, DELIVERY & PLACEMENT OF SPRAYED BITUMINOUS SURFACING**

### **20/8 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Alexiou

That Council:

- a) note that the capital and operational allocations in the draft budgets are required to undertake work under Contract CT0277-02 as well as other contracts and orders.
- b) award Contract Contract CT0277-02 – Supply, Delivery and Placement of Bituminous Surfacing to Hardings Hotmix Pty Ltd, noting that additional projects may be added to the scope of work on a priority basis up to the total budget allocations; and
- c) note that design and project management costs for the contract will be incurred.
- d) note the estimated cost of \$40,000 to be incurred outside Contract CT0277-02 on Mersey Main Road.

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

Carried 9 / 0

## **5.6 TENDER REPORT - CB0097 MEERCROFT PARK FACILITIES UPGRADE**

### **20/9 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Perry

That Council in relation to contract CB0097 Meercroft Park Pavilion:

- a) award the contract to Mead Con Pty Ltd for the tendered sum of \$1,172,478 (ex GST);
- b) note design, project management & contract administration for the project are estimated at \$141,000 (ex GST); and
- c) note provisional sum and contingency allowances are included as detailed in the report.

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

Carried 9 / 0

## 5.7 RATES AND CHARGES POLICY

### 20/10 RESOLUTION

MOVED: Cr Perry  
SECONDED: Cr Milbourne

That Council adopt the Rates and Charges Policy with immediate effect.

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

AGAINST: nil

Carried 9 / 0

## 5.8 ANNUAL PLAN AND BUDGET ESTIMATES

### 20/11 RESOLUTION

MOVED: Cr Perry  
SECONDED: Cr Enniss

#### A. ANNUAL PLAN

That in accordance with Section 71 of the *Local Government Act 1993* (as amended) Council adopts the Annual Plan for the financial year ending 30 June 2021 and instructs the General Manager to:

- (a) make a copy of it available for public inspection at the Council's Offices and on the website; and
- (b) provide a copy of it to the Director of Local Government and to the Director of Public Health.

#### B. ANNUAL ESTIMATES (REVENUE AND EXPENDITURE)

That:

- (a) in accordance with Section 82 of the *Local Government Act 1993* the Council by absolute majority adopts the estimates of revenue and expenditure (excluding estimated capital works) for the 2020/21 financial year as detailed in the Annual Plan;
- (b) in accordance with section 82(6) of the *Act* the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$75,000 to any individual estimate item (including capital works) as he deems necessary during the 2020/21 financial year provided that the total of the Estimates remains unaltered.

#### C. RATES AND CHARGES 2020/21

That Council makes the following General Rate, Service Rates and Service Charges under the provisions of the *Local Government Act 1993*, and the *Fire Services Act 1979* for the financial year 1 July 2020 to 30 June 2021 in respect to land in the municipal area which is separately valued under the *Valuation of Land Act 2001*.

##### Definitions and Interpretations

Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act 1993* have the same meaning as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meaning set out below:

**'Act'** means the *Local Government Act 1993*;

**'AAV'** means the assessed annual value as determined by the Valuer-General under the *Valuation of Land Act 2001*;

**'land'** means a parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*;

**'land used for primary production'** means all land used or predominantly used for primary production and includes all land coded 'L' in the valuation list;

**'land used for residential purposes'** means all land used or predominately used for residential purposes and includes all land coded 'R' in the valuation list;

**'municipal area'** means the municipal area of Devonport;

**'non-used land'** means all land coded 'V' in the valuation list;

**'supplementary valuation'** means a supplementary valuation made under the *Valuation of Lands Act 2001*.

**'tenancy'** means a portion of land which the Valuer-General has determined is capable of separate occupation and so has separately determined the AAV of that portion, pursuant to Section 11(3)(c) of the *Valuation of Land Act 2001*; and

**'valuation list'** means, in respect of the financial year, the valuation list, supplementary valuation list or particulars provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*.

#### **1. RATES RESOLUTION- PART 1 (A)**

Pursuant Sections 90 and 91 of the *Local Government Act 1993* the Council makes a General Rate ("the General Rate") in respect of all rateable land (except land which is exempt pursuant to Section 87 of the *Local Government Act 1993*) consisting of two components being:

- (a) 11.0935 cents in the dollar of assessed annual value (the AAV component);
- (b) A fixed charge of \$300 on all land or tenancy.

#### **2. RATES RESOLUTION – PART 1(B)**

Pursuant to Section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for primary production to 7.0320 cents in the dollar of assessed annual value of such rateable land.

#### **3. RATES RESOLUTION – PART 1(C)**

Pursuant to Section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for residential purposes to 7.0320 cents in the dollar of assessed annual value of such rateable land.

#### **4. RATES RESOLUTION – PART 2**

4.1 Pursuant to Section 94 of the *Local Government Act 1993*, the Council makes the following service rates and service charges for land within the municipal area (including land which is otherwise exempt from rates pursuant to Section 87, but excluding land owned by the Crown to which Council does not supply any of the following services) for the period 1 July 2020 to 30 June 2021:

- 
- (a) a waste management service charge of \$270 upon all land or tenancy to which Council supplies or makes available a kerbside collection service
- 4.2 Pursuant to Section 107 of the Act the Council, by absolute majority declares that the service charge for waste management is varied by reference to the use or predominant use of land as follows:
- (a) for all land which is predominately used for any purpose other than residential or primary production to which Council supplies and makes available a kerbside collection service the service charge is varied to \$810, subject to 4.3 below; and
  - (b) for all land which is non-used land the service charge is varied to {resolution}.00
- 4.3 Pursuant to Section 88A of the Act the Council by absolute majority determines:
- (a) that the maximum percentage increase of the varied service charge for waste management (as previously made and varied by 4.1 and 4.2 above) is capped at 25% above the amount which was payable in respect of the waste management rate charged in the 2019/20 financial year and;
  - (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2019 to 30 June 2020.

## **5. RATES RESOLUTION – PART 3**

Pursuant to Section 93A of the *Local Government Act 1993* and the provisions of the *Fire Service Act 1979* (as amended), the Council makes the following rates for land within the municipal area for the period 1 July 2020 to 30 June 2021:

- (a) a Devonport Urban Fire District Rate of 1.3854 cents in the dollar of assessed annual value, subject to a minimum amount of \$41 in respect of all rateable land within the Devonport Urban Fire District.
- (b) a Forth/Leith Fire District Rate of 0.4378 cents in the dollar of assessed annual value, subject to a minimum amount of \$41 in respect of all rateable land within Forth/Leith Fire District.
- (c) a General Land Fire Rate of 0.3545 cents in the dollar of assessed annual value, subject to a minimum amount of \$41 in respect of all rateable land within the municipal area, which is not within the Devonport Urban Fire District, or the Forth/Leith Fire District.

## **6. SEPARATE LAND**

In relation to all rates and charges for the 2020/21 year, as previously made, for the purpose of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

## **7. ADJUSTED VALUES**

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the *Local Government Act 1993*.

**8. PAYMENT OF RATES AND CHARGES**

Pursuant to Section 124 of the *Local Government Act 1993* the rates for 2020/21 shall be payable in four instalments, the dates by which the rates are due to be paid are:

First Instalment	31 August 2020
Second Instalment	31 October 2020
Third Instalment	28 February 2021
Fourth Instalment	30 April 2021

Where a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

**Penalties**

Pursuant to Section 128 of the *Local Government Act 1993* if any rate or instalment is not paid on or before the date it falls due, a penalty of 5% of the unpaid instalment or part thereof, shall be applied except:

- (a) where the ratepayer has adhered to an approved payment arrangement plan and the total rates are paid in full by 30 April 2021; and
- (b) where the ratepayer has authorised an approved bank direct debit payment arrangement.

**Supplementary Rates**

- (a) Pursuant with Sections 89A, 92 and 109N of the *Local Government Act 1993* if a supplementary valuation is made of any land prior to 30 June 2021, the General Manager may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and
- (b) If a rates notice is issued by the General Manager under sub-clause (a), the amount shown as payable on that notice is due to be paid within 30 days of the date on which that notice is issued.

**D. CAPITAL WORKS PROGRAM**

That Council pursuant, to Section 82 of the *Local Government Act 1993* adopts the Capital Works Program for the 2020/21 financial year as detailed in the Annual Plan.

**E. FEES AND CHARGES**

That in accordance with Section 205 of the *Local Government Act 1993* Council adopts the Fees and Charges Schedule for the 2020/21 financial year as detailed in the Annual Plan.

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

Carried 9 / 0

**5.9 ADDENDUM TO THE FINANCIAL HARDSHIP ASSISTANCE POLICY****20/12 RESOLUTION**

MOVED: Cr Hollister  
 SECONDED: Cr Murphy

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

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

Carried 9 / 0

## **5.10 TASMANIAN CANINE DEFENCE LEAGUE - DOG POUND AGREEMENT**

### **20/13 RESOLUTION**

MOVED: Cr Jarman  
SECONDED: Cr Murphy

That Council endorse the partnership agreement between Council and the Tasmanian Canine Defence League for execution.

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

Carried 9 / 0

## **5.11 SPORTS INFRASTRUCTURE MASTER PLAN WORKING GROUP TERMS OF REFERENCE**

### **20/14 RESOLUTION**

MOVED: Cr Millbourne  
SECONDED: Cr Enniss

That Council note the report relating to the Sports Infrastructure Master Plan Working Group, and:

1. Endorse the Sports Infrastructure Master Plan Working Group Terms of Reference; and
2. Seek Expressions of Interest for membership of the Sports Infrastructure Master Plan Working Group.

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

Carried 9 / 0

## **5.12 STREET TRADING BY-LAW NO.1 OF 2020**

### **20/15 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Perry

That Council authorise the affixing of its Common Seal to the Street Trading By-Law No1 of 2020 and its subsequent certification by the General Manager and a legal practitioner.

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

Carried 9 / 0

---

## **5.13 OPENNESS AND TRANSPARENCY**

### **20/16 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Laycock

That the matter be deferred.

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

Carried 9 / 0

## **6 INFORMATION**

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

#### **20/17 RESOLUTION**

MOVED: Cr Laycock  
SECONDED: Cr Perry

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, Cr Rockliff  
AGAINST: nil

Carried 9 / 0

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

#### **20/18 RESOLUTION**

MOVED: Cr Hollister  
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 Millbourne, Cr  
Murphy, Cr Perry, Cr Rockliff  
AGAINST: nil

Carried 9 / 0

### **6.3 GENERAL MANAGER'S REPORT - JUNE 2020**

#### **20/19 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Laycock

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

FOR: Cr Alexiou, Cr Ennis, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry, Cr Rockliff  
 AGAINST: nil

Carried 9 / 0

## 6.4 DEVELOPMENT AND HEALTH SERVICES REPORT

### 20/20 RESOLUTION

MOVED: Cr Hollister  
 SECONDED: Cr Alexiou

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

FOR: Cr Alexiou, Cr Ennis, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry, Cr Rockliff  
 AGAINST: nil

CARRIED 9 / 0

## 6.5 INFRASTRUCTURE AND WORKS REPORT

### 20/21 RESOLUTION

MOVED: Cr Jarman  
 SECONDED: Cr Laycock

That Council receive and note the Infrastructure and Works report.

FOR: Cr Alexiou, Cr Ennis, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry, Cr Rockliff  
 AGAINST: nil

Carried 9 / 0

## 7 SECTION 23 COMMITTEES

## 8 CLOSED SESSION

### 20/22 RESOLUTION

MOVED: Cr Murphy  
 SECONDED: Cr Laycock

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
3.1.1	Confirmation of Closed Minutes – Council Meeting – 25 May 2020	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
5.1	Attachment – Confidential Current and Previous Resolutions Update – June 2020	15(2)(g)

FOR: Cr Alexiou, Cr Ennis, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry, Cr Rockliff  
 AGAINST: nil

Carried 9 / 0



---

The Mayor adjourned the meeting at 07:09 pm to reconvene in Closed Session at 7:10pm.

### **OUT OF CLOSED SESSION**

<b>Item No</b>	<b>Matter</b>	<b>Outcome</b>
3.1.1	Confirmation of Closed Minutes – Council Meeting – 25 May 2020	Confirmed
3.2	Application for Leave of Absence	N/A
5.1	Attachment - Confidential Current and Previous Resolutions Update – June 2020	Noted

## **9 CLOSURE**

The Mayor declared the meeting closed at 7:14pm.

Confirmed

Chairperson