

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 25 JANUARY 2021 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:35pm	1 hour and 5 minutes
Closed Session	6:40pm	7:25pm	45 minutes
Total			1 hour and 50 minutes

Present

Cr A Rockliff (Mayor)
Cr A Jarman (Deputy Mayor)
Cr J Alexiou
Cr G Enniss
Cr P Hollister
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 Skirling
Executive Co-Ordinator, J Surtees
Convention & Arts Centre Director G Dobson
Executive & Communications Officer, T Creedon
Acting Development Services Manager, K Stone
Land Use Planning Coordinator, A Mountney

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 digital recording of this meeting will be made available to the public on Council's website for a minimum period of six months. The meeting will also be live streamed via YouTube.

1 APOLOGIES

The following apology was received for the meeting.

Councillor Laycock

Apology

2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor Enniss	Item No - 5.4	President of the Devonport Football Club
-------------------	---------------	--

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 CONFIRMATION OF PREVIOUS MINUTES - 21 DECEMBER 2020

21/1 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That the minutes of the Council meeting held on 21 December 2020 as previously circulated be confirmed.

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

AGAINST: nil

CARRIED 8 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

21/2 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Hollister

That the response to the question from Mr Vellacott at the 21 December Council meeting be noted.

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

AGAINST: nil

CARRIED 8 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

21/3 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Hollister

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

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

CARRIED 8 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Douglas Janney - 23 Watkinson Street, Devonport

Q1 Item 6.5. The graphs on page 57 show that 5 of the 6 circular graphs are greater than 15% "Of Track". This would suggest that Council personnel are not working efficiently or there are not enough people for the activities. Which is it?

Response

The General Manager responded that it is not considered a resourcing issue, rather an outcome of how the report is calculated. The software assumes that projects will roll out in equal measure each month, whereas in reality with the normal ebbs and flows of project work we find that it is not consistent across the year. We would expect the timing to align over the next six months and the vast majority of actions will be completed this financial year.

Q2. Item 6.6.1 page 106. The Capital Expenditure graph for the first 6 months shows the Actual expenditure is only some 67.7% of the Budget-Cumulative. Why isn't the Actual a much higher %?

Response

The General Manager responded the Actual Capital Expenditure was inline with forecast expenditure up until November 20. The divergence in the forecast from that point on is mostly due to amendments to the Capital program that were made late last year, which saw an additional million dollars of unplanned funding from the Federal Government. The majority of this extra funding has been allocated to projects that will be delivered across the remainder of the 2021 year and into the first six months of the 21/22 year. The forecast will be reviewed as a result of that now that we are entering into the second half of the financial year, and it will be updated in next month's report. It is worth noting that the graph reports actual expenditure, and does not include project commitments, and as at the date of this report, the total commitments represented is an additional \$3.5M in value.

Mr Rodney Russell – 225 Steele Street, Devonport

Q1 As our Council, what control do you have over the excessive use of the PA systems of some of our public schools and businesses? Some appear to be very loud externally of the building.

Response

The General Manager responded that we do not have any control over those activities unless a venue is creating excessive noise, and then it becomes a noise pollution issue which we can follow up.

Mr Russell – so you require a complaint from me or the public?

Response

The General Manager said if there was a complaint for excessive noise we would investigate the matter.

Mr Russell – date and time it happened?

Response

General Manager - correct, the more information the better.

Q2 Motors car yard on Don Road are parking their cars for sale on the bark landscaping fronting on to Don Road. Is this allowed as part of the Planning Scheme conditions?

Response

The General Manager advised that the question would be taken on notice.

Q3 On the Best Street side of the multi-story car park in the landscaping, is a green installation power box, quite large, with the remnants of two planning notices on it? What is Council's policy on the removal of past planning notices?

Response

The General Manager advised we will follow that up.

Mr Eric Mobbs, President of the Devonport Senior Citizens Club

Q1 Could the Mayor please advise what progress has been made in regards to a motion passed at the November AGM regarding free parking for ratepayers who have paid rates for over fifty years?

Response

The Mayor responded that we have a range of parking issues, including that, to discuss at our next workshop which is the 8th February.

Mr Christopher Mills – 52 Caroline Street, East Devonport

Q1 Council Meeting 27 July 2020 question, "Is Mr Atkins a qualified Geotechnical Engineer?" Answer, "No, I am not a Geotechnical Engineer". Council Meeting 21 December question, "Is Mr Atkins a qualified Arborist?" Answer, "The Council has staff with the necessary qualifications and experience to undertake the work they have done on that piece of land next to Mr Mills' property. Mr Atkins, could you please be good enough to answer my question from the last meeting, the question is are you a qualified Arborist or are you not?"

Response

The Mayor said the question has been asked and answered.

Q2 Throughout 2020 two full time employees, in council speak that is FTE, have staffed the Customer Service desk. I have found them to be most polite and helpful. The question is, how many times in 2020 did the Executive Manager, People & Finance personally supervise (or assist) these two FTE staff at their work station to deal with customer enquiries, distribute letters and answer the phone etc?

Response

The General Manager said that public question time is provided to ask questions around Council activities, my advice would be that this question is getting into personnel matters.

Mr Mills – With considerable respect your Mayorship, is that a yes or no?

Response

The Mayor said the question wasn't a yes or no question.

Q3 Is Gary Corcoran, the Parks and Reserves Coordinator, currently employed in any capacity by Devonport Council?

Response

The Mayor said that is a question around personnel, not around Council activities.

Mr Mills – Could your Mayorship suggest how I can seek answers to these questions by another route?

Response

The Mayor responded that a Right to Information application would be the method to use.

Mr Bob Vellacott – 11 Cocker Place, Devonport

Q1 I refer to items 5.4 and 6.4 in the agenda for tonight specifically about the awarding of a construction contract as well as the Councillors' detailed expenditure for November and December 2020. I must say Council is to be commended for such openness and transparency in regard to these and I could give other examples about this. However, what a pity in regard to my simple question on notice for tonight (refer page 8, item 3.2.2 Legal Costs) that the General Manager could not give a precise answer to it. I now ask, is it not an indictment of Council's expensive computer software that the General Manager could not easily and extensively slice and dice the required amount of ratepayers' funds that has been expended on legal fees pertaining specifically to Providore Place from the computer accounting system? And is not imperative that this important information should be readily available for councillors when making decisions about Providore Place and should be included so ratepayers will know what the Living City project has really cost?

Response

The Mayor said that she would take that as commentary.

Q2 Would it be not unreasonable Mayor to ask, were you or any other councillor, made aware of the amount by the General Manager when you are trying to sort out the ongoing problems at Providore Place. And I would have thought it would be part of your homework to find out on behalf of ratepayers just what, to use Councillor Perry's

words, a "considerable amount" of ratepayers' funds for this embarrassing affair has swallowed up and will continue to do so?

Response

The Mayor said that she would take that as commentary.

Q3 Do any of you know, or have any idea how much has been expended on the legal advice to sort out the problems pertaining to the initial lease and other leases or matters in regard to the Southern Wild Distillery tenancy which I note is listed as tenancy 5 in the closed session agenda for tonight, and I wonder what that is all about it?

Response

The Mayor said that again she was taking that as commentary, but the response is yes we have been kept up to date with costs right through the process.

Mr Malcolm Gardam – 4 Beaumont Drive, Miandetta

Q1 With reference to the several entries of "\$370 – LGAT Conference" will Council please advise as to precisely what deliverables this amount provided for in relation to a one day conference that equated to about five and a half hours of actual meeting and conference time? In other words, just what does \$370 a head get one at a one day LGAT Conference?

Response

The Mayor responded that the agenda for that conference is on the LGAT website.

Mr Gardam – I know it is, so what do you get for the money? Do you get your morning and afternoon teas which are sponsored? Do you get your dinner which I take it was sponsored? I'd just like to know what LGAT's charge was for at \$370 a head. Is it venue hire? It must go towards something, or is it a way of funding LGAT?

Response

The Mayor said we have an allowance that we have in our budget every year for conferences and professional development, last year we used almost none of the professional development allowance, it's part of us continuing to improve as councillors and I take exception to your question.

Mr Gardam – I'm not questioning it Mayor, I've been to national conferences, chaired them, sat in the chair and took the questions from the floor I know what goes on, I'm just asking what you get for \$370, so you're telling me it's CPD, continuing professional development for councillors, is that what you get out of it?

Response

The Mayor responded, exactly.

Q2 Will Council please advise precisely what the amount "\$502 – Travel and meal reimbursement" against Cr Lynn Laycock relates to? Was it in relation to the LGAT one day conference and include providing transport and payment of meals for other councillors? I wouldn't have thought it would be a one off but there was only one in there for travel and meal allowance so was it a consolidated reimbursement for other councillors to go down there, car sharing etc and meals?

Response

The Mayor said it was a mileage claim for Ms Laycock in accordance with Council policy.

Q3 Did any council staff also attend the LAGT Conference referred to on page 54 of the current agenda and if so, who were they?

Response

The Mayor responded that the General Manager attended.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

Nil

4 PLANNING AUTHORITY MATTERS

4.1 PA2020.0212 - 64 FLEETWOOD DRIVE SPREYTON - RESIDENTIAL (OUTBUILDING)

21/4 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Jarman

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme - Devonport* and Section 57 of the *Land Use Planning and Approvals Act 1993*, refuse application PA2020.0212 for a Residential (outbuilding) at 64 Fleetwood Drive, Spreyton on the following grounds:

- The scale, bulk and proportion of the outbuilding will be visually dominant when viewed from 66 Fleetwood Drive, Spreyton. The performance criteria cannot be satisfied for 8.4.2 P3 (a) (iv); and
- The outbuilding is not consistent with the established building form of other outbuildings within the site's locality. The performance criteria cannot be satisfied for 8.4.2 P3 (b).

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

CARRIED 8 / 0

4.2 PA2020.0220 - 16 BEACHROCK VIEW EAST DEVONPORT - RESIDENTIAL (SINGLE DWELLING)

21/5 RESOLUTION

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2020.0220 and grant a Permit to use and develop land identified as 16 Beachrock View, East Devonport for the following purposes:

- Residential (single dwelling - including construction of retaining wall)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Dwelling by Ricky Reeves – Thylacine Design, dated 16.9.2020, a copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to ensure the retaining wall structure is wholly located within the property boundaries of 16 Beachrock View.
3. The developer is to provide certification details from a suitably qualified engineer for any retaining wall structure over 1m in height as part of the applicable building permit process.
4. The developer must direct any stormwater collected from this work into the existing property stormwater pipe in accordance with the National Construction Code.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

The developer is encouraged to liaise with all affected neighbouring properties regarding the condition and the potential replacement of common fence lines.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

The owner must, at their expense, repair any Council services (i.e pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

In regard to condition 4 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

All other queries regarding this permit can be directed to Council's Development Services Department – Ph 6424 0511.

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

CARRIED 8 / 0

Alex Mountney left the meeting at 5:59pm

5 REPORTS

5.1 PUBLIC LIGHTING STRATEGY 2021-26

21/6 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Perry

That Council adopt the Public Lighting Strategy 2021-26.

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

CARRIED 8 / 0

5.2 PROPOSAL TO RENAME PART OF DAVID STREET, EAST DEVONPORT

21/7 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Alexiou

That Council not proceed with the proposed street name change at this time, and notify the requestor of this outcome.

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

CARRIED 8 / 0

5.3 'COLD CLIMATE CLASSIC' TOUCH FOOTBALL SPONSORSHIP PROPOSAL

21/8 RESOLUTION

MOVED: Cr Perry
 SECONDED: Cr Murphy

That Council receive and note the report relating to the proposed 'Cold Climate Classic' National Touch Football event and

1. enter into a three-year Sponsorship Agreement with Touch Football Tas as follows:
 - a. Year 1 – \$20,000
 - b. Year 2 – \$25,000
 - c. Year 3 – \$30,000
2. conditioning the year's 2 and 3 funding to be subject to achieving agreed participation targets; and
3. provide maximum in-kind support of up to \$5,000 per annum.

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

CARRIED 8 / 0

5.4 TENDER REPORT CONTRACT CB0098 DEVONPORT FOOTBALL CLUB CHANGEROOMS REDEVELOPMENT

Cr Enniss left the meeting at 6:12pm

21/9 RESOLUTION

MOVED: Cr Hollister
 SECONDED: Cr Jarman

That in relation to contract CB0098 Devonport Football Club Change Rooms Reconstruction, Council:

- a) Appoint Oliver Kelly Group Pty Ltd as the preferred tenderer;
- b) Authorise the General Manager to finalise negotiations with the preferred tenderer in relation to additional cost savings, and execute a construction contract up to a maximum of the tendered sum of \$835,899.57 (ex GST) ; and
- c) Note the allocated project management and contingency costs of \$107,000 (ex GST)

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

CARRIED 7 / 0

Cr Enniss returned to the meeting at 06:21 pm.

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Nil

6.2 MAYOR'S MONTHLY REPORT

21/10 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

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

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

AGAINST: nil

CARRIED 8 / 0

6.3 GENERAL MANAGER'S REPORT - JANUARY 2021

21/11 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Murphy

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

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

AGAINST: nil

CARRIED 8 / 0

6.4 ELECTED MEMBERS EXPENSE REPORT TO 31 DECEMBER 2020

21/12 RESOLUTION

MOVED: Cr Perry

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 Milbourne, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 8 / 0

6.5 ANNUAL PLAN PROGRESS REPORT TO 31 DECEMBER 2020

21/13 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Alexiou

That Council receive and note the 2020/21 Annual Plan Progress Report for the period ended 31 December 2020.

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

CARRIED 8 / 0

6.6 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - NOVEMBER AND DECEMBER 2020

21/14 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Milbourne

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 Milbourne, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 8 / 0

6.7 COMMUNITY SERVICES REPORT - NOVEMBER AND DECEMBER 2020

21/15 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Perry

That Council receive and note the Community Services report.

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

CARRIED 8 / 0

6.8 CONVENTION AND ARTS REPORT - NOVEMBER AND DECEMBER 2020

21/16 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Alexiou

That Council receive and note the Convention and Arts report.

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

CARRIED 8 / 0

6.9 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS

21/17 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Perry

That Council receive and note the minutes of the Devonport Maritime and Heritage Special Interest Group, East Devonport Special Interest Group and the paranaple arts centre Special Advisory Committee.

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

CARRIED 8 / 0

7 SECTION 23 COMMITTEES

Nil

8 CLOSED SESSION

21/18 RESOLUTION

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

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 – 21 December 2020	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Unconfirmed Minutes of Joint Authorities	15(2)(g)
5.2	Lease Agreement – Tenancy 5 – 13-17 Oldaker Street Devonport	15(2)(b)

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

AGAINST: nil

CARRIED 8 / 0

The Mayor adjourned the meeting at 6:35pm to reconvene in Closed Session at 6:40pm.

The Council moved out Closed Session at 7:25pm and resumed in open session at 7:25pm.


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 – 21 December 2020	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	Unconfirmed Minutes of Joint Authorities	Noted
5.2	Lease Agreement – Tenancy 5 – 13-17 Oldaker Street Devonport	General Manager authorised to execute lease agreement

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 7:25pm.

Confirmed

A handwritten signature in black ink, appearing to read 'Dackly', written over a faint rectangular line.

Chairperson