

**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 22 FEBRUARY 2021 COMMENCING AT 5:30 PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	6:16pm	46 minutes
Closed Session	6:18pm	6:22pm	4 minutes
Total			50 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  
 Development Services Manager, K Lunson  
 Convention & Art Centre Director, G Dobson  
 Executive & Communications Officer, T Creedon  
 Planning Officer, C Milnes

**Audio Recording:**

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

**1 APOLOGIES**

There were no apologies received.

**2 DECLARATIONS OF INTEREST**

The following Declarations of Interest were advised:

Councillor Alexiou	Item No 7.1	Neighbouring property owner
Councillor Murphy	Item No. 4.1	Planning report

### **3 PROCEDURAL**

#### **3.1 CONFIRMATION OF MINUTES**

##### **3.1.1 CONFIRMATION OF PREVIOUS MINUTES - 25 JANUARY 2021**

###### **21/24 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Enniss

That the minutes of the Council meeting held on 25 January 2021 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**

###### **21/25 RESOLUTION**

MOVED: Cr Milbourne  
SECONDED: Cr Hollister

That the response to the question from Mr Rodney Russell at the January 2021 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**

###### **21/26 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Laycock

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

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

AGAINST: nil

CARRIED 9 / 0

### 3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

#### **Rodney Russell – 225 Steele Street, Devonport**

**Q1.** On the 26/10/2020 I asked Council who was responsible for the cutting back of the vegetation overgrowing Sorell Street, opposite 111 and 113. I believe you were going to try and establish who was responsible. Have you?

#### **Response**

The Mayor responded the question would be taken on notice.

**Q2.** In tonight's agenda, item 5.1 page 39, table 2, number 2 – project design, management and administration budget \$44,155. Is this a monetary allowance made against the contract to cover the project design, management of the project and the administration of the contract time put in by Devonport City Council staff?

#### **Response**

The General Manager responded that it is. It is made up of two elements, the design work which would already be costed and would've already been incurred, and then there are estimates of what the contract administration element would be. That would make up the \$44,000.

**Mr Russell** – did Holyman Street reconstruction have such an item?

#### **Response**

The General Manager said that's right, all projects have a component of design and contract admin.

**Q3.** The Mayor and General Manager, at each Council meeting, give a report on what they have done in the previous month. Could we have something similar from the Councillors on what they have done, seen or heard over the previous month? Verbally at the meeting would be ok.

#### **Response**

The Mayor responded she would take that under advisement.

#### **Mr Malcolm Gardam – 4 Beaumont Drive, Miandetta**

**Q1.** I refer to my questions on notice and the responses endorsed by the General Manager on page 10 of the current Agenda and now also endorsed by Councillors. Despite the voluminous word count in the responses relating to the Waterfront Parkland contract, it amounts to nothing less than waffle and fails to directly answer even one question asked.

While confirming that delays have been incurred at the start of both the Hotel and Parkland projects, and noting I did not ask when the Council expected or hoped the parklands would be completed for use, the General Manager has not provided the adjusted date for Practical Completion, being the latest date for completion of the

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Waterfront Parkland works, as requested, and accordingly is this because the General Manager doesn't know the date or just refuses to say?

**Response**

The Mayor advised the question would be taken on notice.

**Q2.** Despite the irrelevant advice that council has met its contractual obligation to appoint a Superintendent and that the Waterfront Parkland contractor was aware of the provision for the Hotel contractor's occupation of a major section of that site, clearly being necessary to price the works and to be agreed in terms of area and duration at tender award, the response does not address my question as to unforeseen delays post-tender award on the part of the hotel contractor that delay the parkland works, and accordingly I ask again will the General Manager confirm the existence of a legally binding agreement with the hotel developer and/or Fairbrother for reimbursement of delay costs incurred by Vos resulting from Fairbrother's extended occupation of the area of the new parkland site and thereby protecting ratepayers from having to fund legitimate delay costs from prolongation of the parkland contract period? Do we have a legally binding agreement for reimbursement?

**Response**

The General Manager said that there has been detailed or extensive responses provided to Mr Gardam's questions and we don't have a lot to add. In those responses we note that the complexities in the crossover of the two sites was known in the tender documents for the Waterfront Park and it was also part of the Hotel land sale contract, I think that is mentioned in the answer that's been provided in the agenda. There is nothing further to add.

**Q3.** I earlier questioned changes to the elevated walkway and the General Manager advised those changes as being minor in nature and now advises that the amended "For Construction" drawings cannot be viewed, accordingly will the General Manager simply confirm the date that the amended Elevated Walkway drawings were issued for construction?

**Response**

The General Manager responded that there is nothing further to add other than what is in the response that has already been provided to Mr Gardam.

**Mr Bob Vellacott – 11 Cocker Place, Devonport.**

**Q1.** Mayor, I refer to the response as per the Devonport City Council Ordinary meeting Agenda for this evening's meeting in regard to how much has been expended on legal advice to sort out the problems pertaining to the initial head lease and other leases or matters in regard to the Southern Wild Distillery tenancy. There still seems to be confusion about the secret, presumed significant amount it has cost ratepayers to sort out the mismanagement. To clarify once and for all may I ask the General Manager, can you state categorically that you have not, during the many secret meetings about the problems at Providore Place, made the Mayor or any of the other councillors aware, even approximately, how much it has cost ratepayers?

**Response**

The Mayor responded that the question has been asked and answered several times.

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**Q2.** Mayor, am I led to believe, whilst in Closed Session deliberations, that you and no other Councillors have not asked for, or requested what the legal costs have been?

**Response**

The Mayor responded that items in Closed Session are not up for debate.

**Q3.** Mayor, could the General Manager advise that, should a ratepayer ask any councillor if they knew how much exactly or approximately what was expended in regard do this issue and if the councillor gave an honest answer would they be in breach of the Council's Code of Conduct and the Local Government Act, simply by saying yes or no?

**Response**

The Mayor responded yes they would.

**Christopher Mills - 52 Caroline Street, East Devonport**

**Q1.** The Certificate of Title of the land next to my home is held by Statewide Nominees Proprietary Ltd. If I request a copy of the legal documentation authorising Devonport Council to enter with the purpose of maintaining this land, would the General Manager be in a position to release a copy of that document or any other relevant documents?

**Response**

The Mayor responded the question would be taken on notice.

**Q2.** I must thank your Mayorship for your suggestion at the last meeting (25 Jan) that an alternative way to seek answers from the current management was to use the RTI Act. However, my request for information, using the RTI Act was denied by the General Manager by invoking 11 clauses, yes 11 clauses of Section 33 of the Act. This justified the refusal to disclose any information as my request was quote, 'contrary to the public interest to disclose the information'. Given that the General Manager has advised the Mayor, Councillors and relevant staff not to answer any question from Christopher Mills and that my RTI Application for information was refused, your Mayorship respectfully, this not a comment nor an opinion, nor a commentary, but a question and the question is, could the Mayor now suggest another alternative way for me to obtain information?

**Response**

The Mayor responded, Mr Mills you do have the right of appeal to the Ombudsman regarding the General Manager's decision, you do have that right under the RTI Act.

**Q3.** At the meeting of 25 January, I asked a direct question of Mr Atkins, the minutes will show this as my question 1, to which Mr Atkins chose to remain silent. However, the Mayor did respond for Mr Atkins, her response was that the question had been asked and answered. Respectfully, the previous minutes show that the Mayor's response was not quite correct, depending of course on the Mayor's definition of what constitutes an answer. I submit that reasonable persons would expect a clear answer to a simple question. A clear answer would be a yes or no, would it not? The question is, does Mr Atkins hold a qualification recognized and approved by the State of Tasmania as an Arborist, yes or no?

**Response**

The General Manager responded that he doesn't have a qualification as an arborist.

### 3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

### 3.4 NOTICES OF MOTION

Nil

## 4 PLANNING AUTHORITY MATTERS

### 4.1 AM2020.01 & PA2020.0143 - COMBINED AMENDMENT - REZONE FROM THE RECREATION ZONE & ENVIRONMENTAL MANAGEMENT ZONE TO A PARTICULAR PURPOSE ZONE AND APPLICATION FOR VISITOR ACCOMMODATION - 17 DEVONPORT ROAD AND CROWN LEASE AREA (DPIPWE REF: 076344)

Cr Murphy left the meeting at 05:50 pm.

#### 21/27 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Perry

That Council:

- agree to certify amendment AM2020.01 to rezone land being 17 Devonport Road (CT42522/4) and the adjacent leased Crown Land area (DPIPWE Ref: 076344) from the Recreation Zone and Environmental Management Zone respectively to the Particular Purpose Zone – Waterfront Complex - as set out in Attachment 1; and
- place Amendment AM2020.01 and application PA2020.0143 on public exhibition for a 4 week period in accordance with Sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- approve application PA2020.0143 for a change of use to Visitor Accommodation with the following conditions:
  1. The Use is to proceed generally in accordance with the submitted plans referenced as Change of Use from Restaurant to Motel Accommodation, Job No. 0402-19, Drg No. 01-04, Amendment A, dated 13-10-2020 and Drg 05, dated 21/4/2020 by Tas Laughlin, copies of which are attached and endorsed as documents forming part of this Planning Permit.
  2. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

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.

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

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*.

If the accommodation service will provide food to/prepare food for guests, the operator must contact Council to confirm their requirements under the *Food Act 2003*.

In regard to condition 2 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

Enquiries regarding other conditions or notes can be directed to Council's Development Services Department – Ph 6424 0511.

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

CARRIED 8 / 0

Cr Murphy returned to the meeting at 05:53 pm.  
C Milnes left the meeting at 5:53pm

## 5 REPORTS

### 5.1 TENDER REPORT CONTRACT CS0096 OLDAKER EAST CATCHMENT UPGRADE

#### 21/28 RESOLUTION

MOVED: Cr Laycock  
SECONDED: Cr Perry

That Council in relation to Contract CS0096 Oldaker East Catchment Upgrade:

- a) award the contract to CBB Contracting Pty Ltd for the tendered sum of \$269,027 (ex GST);
- b) note project design, management and administration costs for the project are estimated at \$44,155 (ex GST);
- c) note utility and other costs for the project are \$34,803 (ex GST); and
- d) note a construction contingency of \$40,355 (ex GST) is included.

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

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AGAINST: nil

CARRIED 9 / 0

## **5.2 50+ YEAR RATE PAYER PARKING CONCESSION**

### **21/29 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Milbourne

That Council does not include ratepayers of 50 or more years into the parking concession, which is offered to aged, disability and service pensioners.

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

CARRIED 7 / 2

## **5.3 PLANNING AUTHORITY COMMITTEE POLICY**

### **21/30 RESOLUTION**

MOVED: Cr Perry  
SECONDED: Cr Jarman

That Council adopt the attached draft Planning Authority Committee Policy, and amend the policy to note the Mayor is the Chair, and to replace the superseded Council Committees Policy dated 22 July 2019.

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

CARRIED 9 / 0

## **5.4 SIGNAGE STRATEGY 2017-2022 YEAR FOUR STATUS**

### **21/31 RESOLUTION**

MOVED: Cr Alexiou  
SECONDED: Cr Jarman

That Council note the status of actions listed in the Signage Strategy 2017-2022.

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

CARRIED 9 / 0



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## **6 INFORMATION**

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

#### **21/32 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Alexiou

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 Milbourne, Cr Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 9 / 0

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

#### **21/33 RESOLUTION**

MOVED: Cr Alexiou

SECONDED: Cr Milbourne

That the Mayor's monthly report be received and 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

### **6.3 GENERAL MANAGER'S REPORT - FEBRUARY 2021**

#### **21/34 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Alexiou

That the report of the General Manager be received and 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

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## 6.4 DEVELOPMENT AND HEALTH SERVICES REPORT

### 21/35 RESOLUTION

MOVED: Cr Perry  
SECONDED: Cr Hollister

That Council receive and note the Development and Health Services 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

## 6.5 INFRASTRUCTURE AND WORKS REPORT

### 21/36 RESOLUTION

MOVED: Cr Perry  
SECONDED: Cr Alexiou

That Council:

1. receive and note the Infrastructure and Works report; and
2. adopt the following fees for Road Closure applications:
  - a) \$200 +GST for a closure of 2 roads or less
  - b) \$280 +GST for a closure of 3 roads or more

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

CARRIED 9 / 0

## 7 SECTION 23 COMMITTEES

### 7.1 PLANNING AUTHORITY COMMITTEE MEETING - 8 FEBRUARY 2021

Cr Alexiou left the meeting at 06:14 pm.

### 21/37 RESOLUTION

MOVED: Cr Perry  
SECONDED: Cr Milbourne

That the minutes of the Planning Authority Committee meeting held on Monday 8 February 2021 be received, and the recommendations contained therein be noted.

PAC21/1 Planning Applications Approved Under Delegated Authority

PAC21/2 PA2020-0210 – 94 Winspears Road East Devonport – Subdivision – Excision of Existing Dwelling

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

AGAINST: Cr Jarman

CARRIED 7 / 1

Cr Alexiou returned to the meeting at 06:16 pm.

## 8 CLOSED SESSION

### 21/38 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Milbourne

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	Confirmation of Closed Minutes – Council Meeting – 25 January 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments - February 2021	15(2)(g)

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

AGAINST: nil

CARRIED 9 / 0

**The Mayor adjourned the meeting at 06:16 pm to reconvene in Closed Session at 06:18 pm.**

**Council moved out of Closed Session at 6:22pm and resumed in Open Session at 6:22pm**

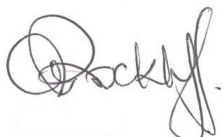
The Closed Session of Council, having met and dealt with its business, resolved to report that it had determined the following:

Item No	Matter	Outcome
3.1	Confirmation of Closed Minutes – Council Meeting – 25 January 2021	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments – February 2021	Noted

## 9 CLOSURE

**There being no further business on the agenda the Mayor declared the meeting closed at 6:22pm.**

Confirmed

A handwritten signature in black ink, appearing to read "Dackhoff", written over a faint circular stamp.

Chairperson