

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 MARCH 2021 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:45pm	1 hour & 15 minutes
Closed Session	6:49pm	7:07pm	18 minutes
Total			1 hour & 33 minutes

Present

Cr A Rockliff (Mayor)
Cr A Jarman (Deputy Mayor)
Cr J Alexiou
Cr G Ennis
Cr P Hollister
Cr L Laycock
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 Coordinator, J Surtees
Community Services Manager, K Hampton
Convention and Arts Centre Director, G Dobson
Executive & Communications Officer, T Creedon

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.

1 APOLOGIES

The following apology was received for the meeting.

Cr Milbourne

Apology

2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor Laycock	Item No 6.9	Member of Don Railway Committee
Councillor Rockliff	Item No. 5.3	LGAT - General Management Committee Nominee

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

21/42 RESOLUTION

MOVED: Cr Alexiou
SECONDED: Cr Laycock

That the minutes of the Council meeting held on 22 February 2021 as previously circulated be confirmed.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, 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

21/43 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Perry

That the responses to questions from Mr Rodney Russell, Mr Malcolm Gardam and Mr Christopher Mills at the February 2021 Council meeting be noted.

ATTACHMENTS

1. Response to Question Without Notice - 22 February 2021 - R Russell [**3.2.1.1** - 1 page]
2. Response to Question Without Notice - 22 February 2021 - M Gardam [**3.2.1.2** - 1 page]
3. Response to Question Without Notice - 22 February 2021 - C Mills [**3.2.1.3** - 1 page]

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

CARRIED 8 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

21/44 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Laycock

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

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

CARRIED 8 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Doug Janney – 23 Watkinson Street, Devonport

Comment - Item 6.6 - March Agenda.

The 8 pages of the Consolidated Financial Report should not be an attachment but be included in the Agenda.

Q.1 The graph on page 61 of the attachment for the 12 months to June 2021 shows Forecast CAPEX of \$15.263 m and a Budget of \$29.319m.
What is happening to the difference of \$14.056m?

Response

The General Manager advised that there are a number of projects that are committed in the capital program that won't be completed by 30 June the largest one of those being the Waterfront Project, we've budgeted for the full value of that project and it will continue through into the next financial year. There's a couple of other projects – the East Devonport Gateway Project, which is currently on hold – there is an allocation there; there is the Sound and Light Show and a number of others that won't be progressed at this stage – that money is committed and will be spent in the following financial year.

Jeff Matthews – 12 Ellice Hill Drive Spreyton

Q.1 Item 2.5 – on page 35 of the General Manager's Report – it states "along with the Mayor met with a resident regarding ideas to promote the Mersey Leven Region for tourism and economic development activities. A copy of the ideas have been circulated to councillors for consideration".

The question that I have is "would the council agree to grant a briefing to discuss the concept that I have identified to determine the future of the idea?". Thankyou.

Response

The Mayor responded that the General Manager and I have planned a briefing and a discussion at the next Workshop, following that we will gauge councillors support, and then if necessary, or if that is the requirement, or if it is the wish of the Council, then we will invite you along.

Rodney Russell – 225 Steele Street Devonport

Q.1 Page 79 of the Agenda Number 8 Closed Session Item number 5.3 Lease Agreement Tenancy 3 and 6 – 13-17 Oldaker Street. Is that the address of Providore Place?

Mayor – Yes it is

Mr Russell – so my question is, in future could the name of the property as well as the address be noted so that we can know what's going on?

Response

The Mayor said that she would take that under advisement.

Q.2 Holyman Street reconstruction. Devonport City Council paid for and was responsible for the design of the footpath with the power poles in the middle. Question – why then did Council pay for and did the work to widen the footpath around one pole when this could have been designed by council and then constructed by the original contractor?

Response

The Mayor advised that the question would be taken notice.

Q.3 At the next Council meeting could you have included in the agenda the information so far obtained by Council from the crack monitors placed on retaining wall in Stewart Street?

Response

The Mayor advised that this will be brought to Council at a time when that report is completed.

Malcolm Gardam – 4 Beaumont Drive, Miandetta

Q.1 In the February 2021 Agenda Council advised that "there were delays at the start of both the Parkland and Hotel project" and in the March 2021 Agenda in relation to any delays flowing from one project to the other "Neither party is being delayed by the other and Council has not to date received any claims for associated time extensions or delay costs" accordingly, having freely advised of the above, will Council now confirm if Council, in its capacity as Principal under the contract, has in any way to date delayed Vos Constructions, the Waterfront Parkland contractor?

Response

The General Manager responded, Yes, it has previously been acknowledged that there were delays at the start of the project whilst the value management process was being undertaken however since that time there has been no material delays to the project as a result of Council's actions.

Mr Gardam – Just clarification if I may? They were principal caused delays or mutually accepted delays?

General Manager – Feel free to call them what you like, but there was the value management process that took some time to work through and both contractor and Council were aware of what we were working towards and that was accepted and we acknowledge that.

Q.2 With reference to the March responses to my questions on notice, I note that Jacqui Surtees is recorded as the "Author" and Matthew Atkins the "Endorser" with the recommendation that Councillors "endorse the responses proposed and authorise their release"; with that in mind, and noting that I do not believe or expect that Ms Surtees actually authored the responses without being provided the basis of those responses, I ask as to which of the General Manager or Councillors does that leave primarily accountable for any responses should they be proven to be false or misleading?

Response

The Mayor said that her view is that the General Manager is responsible. The General Manager confirmed that he is responsible for content of information that is provided in the agenda.

Q.3 At the October 2020 ordinary meeting, in response to a question without notice regarding changes to the Elevated Walkway, the General Manager responded that that there had been "...the normal design clarifications and modifications that get made from time to time" and "there's been some pad footings changes and some tweaks to the design, but nothing that would change the overall appearance of the walkway."; accordingly, and having denied access for me to personally view the amended drawings, will the General Manager confirm that the amendments remain minor as previously stated and the timeframe for reissuing of those amended walkway drawings for construction could not constitute a Principal caused delay to Vos Constructions?

Response

The General Manager responded that there is no change to what I have previously stated, there has been no material change to the appearance or functionality of the walkway.

Mr Gardam – The question was could that have been a delay to Vos in issuing those drawings?

Mayor – I think that Mr Atkins has answered that. There has been no change so the answer would be no.

Mr Gardam – Clarification As soon as the change was flagged October 2020 that means that Vos had the revised drawings before Christmas. It was October 2020 so they would have had the revised drawings before Christmas.

Mayor – And your point is?

Mr Gardam – Well did they? I got an answer but it's just that nothing's changed. I asked about delays in issuing the revised drawings.

General Manager – I'm not sure there is anything further to add, we've clarified question one was around delay costs and question three was around changes to design of walkway and there has been no material changes to the functionality or appearance of the walkway.

Mr Gardam – the question was, were the revised drawings, did they constitute a delay in reissuing the revised drawings – that was the question – I haven't got an answer.

General Manager – I refer you Mr Gardam to the questions on notice in the agenda which talked about the same topic.

Bob Vellacott – 11 Cocker Place, Devonport

Q.1 Noting the propensity of whisky and gin distilleries to have fires and explosions as evidenced February 2021 in Perth Tasmania and the huge ethanol fire at Prestons NSW Friday March 19th 2021 I ask on behalf of many concerned citizens, please inform how many litres, held in bulk, of ethanol that Council has given written permission to Southern Wild Distillery to store on site in its Providore Place tenancy (5) in accordance with -Section 7.10 of the Council's supposed standard commercial lease agreement and/or what was specified as per the notification of a Manifest Quantity of Flammable Liquid submitted to the Department of Justice - Work Safe Tasmania? So just in very brief, how many litres held in bulk, was on the agreement for that lease?

Response

The General Manager advised that the question would be taken on notice – I do refer to Mr Vellacott's question that was provided in the agenda around Workcover Tasmania who are the responsible body for those matters but we will take it on notice.

Q. 2 Given ethanol is a flammable liquid and has a flashpoint of 16.6 degrees centigrade (less than average room temperature) and can be ignited by static electricity, and noting that other distilleries have substantial space between the distillery and any ancillary restaurant and bar area; did Council take the very close proximity of the stored flammable liquid and public areas including Drysdale TasTAFE Cooking School, situated directly above, into consideration when granting the assumed approvals to Southern Wild Distillery?"

Response

The Mayor advised the question would be taken on notice.

Q.3 What was the reason for the internal structural changes recently made in tenancy 5 Providore Place and if council was responsible for the cost what was the amount? Was Council responsible for those changes in construction?

Response

The Executive Manager City Growth advised that Council hasn't been responsible for any of the costs associated with the changes.. There has been some changes to some of the storage racking which is actually tenant fit out, not the responsibility of Council.

Chris Mills – 52 Caroline Street, East Devonport

Q.1 This Council's Staff Code of Conduct policy states that any allegations that a Staff Member has breached the Devonport Council Staff Code of Conduct are to be investigated by the General Manager. I am assuming that a member of the Public can make an allegation? If it is the General Manager who has breached the Staff Code of Conduct then it would not be appropriate for the General Manager to investigate himself, for that would be a conflict of interest as well as being tainted with perceived bias. In such a case, who would be the transparently independent investigator?

Response

The Mayor advised the question would be taken on notice.

Q.2 The Mayor has on two occasions, 25 Jan & 24 Feb this year, advised me to use the RTI Act to seek answers. Can the General Manager confirm that as the Principal RTI Officer of Devonport Council, he has effectively blocked any RTI Requests that I may have under the RTI Act TAS 2009 by applying Sections 33 & 35 and threatening to apply section 20 of that Act?

Response

The Mayor advised the question would be taken on notice.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

3.4.1 COLLABORATION WITH UTAS/CAPITOL

21/45 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Enniss

That Council, in collaboration with UTAS/CAPITOL*, actively work towards establishing Devonport as the leading municipality in the Cradle Coast Region for developing and implementing age targeted health improvement activities, with the goal of measurably being the healthiest municipality in the region within 10 years.

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

AGAINST: nil

CARRIED 8 / 0

4 PLANNING AUTHORITY MATTERS

Nil

5 REPORTS

5.1 PUBLIC LAND REGISTER - BIENNIAL REVIEW

21/46 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Perry

That Council

- a) update its Public Land Register following its biennial review to include:
- 2 Marine Street East Devonport;

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- 56A Percy Street Devonport;
 - Pardoe Esplanade East Devonport;
 - 46 Laphorne Close Don;
 - Lot 101 Forth Road Don;
 - 39 Clayton Drive Spreyton;
 - 44 Lawrence Drive (part of);
 - 29-31 Stony Rise Road Quoiba;
 - Hiller Street Devonport
 - 2 Morris Avenue Devonport;
 - 13 Racecourse Road Spreyton;
 - 14 Illaroo Avenue East Devonport;
 - 673 Melrose Road Melrose;
 - 8 Victoria Parade Devonport; and
 - 145-151 Rooke Street Devonport;
- b) amend the following existing property entry:
- Devonport Soccer Club (incorporating Centennial Park and Hiller Flora Reserve) – amend name of Centennial Park to Bicentennial Park; and
- c) make an updated copy of the Register publicly available on Council's website and at the Council Offices.

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

AGAINST: nil

CARRIED 8 / 0

5.2 2021-22 BUDGET CONSULTATION

21/47 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Hollister

That Council receive and note the Budget Consultation 2021/22 report and refer submissions to its budget deliberations.

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

AGAINST: nil

CARRIED 8 / 0

5.3 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - NOMINATION FOR GENERAL MANAGEMENT COMMITTEE

Cr Rockliff left the meeting at 06:09 pm and Cr Jarman took the Chair

21/48 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Murphy

That Council nominate Mayor Annette Rockliff for the Local Government Association of Tasmania (LGAT) General Management Committee.

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

CARRIED 7 / 0

Cr Rockliff returned to the meeting at 06:10 pm.

5.4 COMMUNITY HOUSING DEVELOPMENT - 108 TARLETON STREET EAST DEVONPORT

21/49 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Perry
That Council:

1. note the update from Possability regarding their partnership with Community Housing Limited for the proposed development at 108 Tarleton Street, East Devonport;
2. approve the transfer of Certificate of Title – 178619/1 to Housing Choices Tasmania Ltd upon completion of the development works, at the transferee's expense, and in all other respects in accordance with the Memorandum of Understanding between Council and Optia Pty Ltd; and
3. authorise the General Manager to provide written confirmation of the proposed transfer to Housing Choices Tasmania Ltd to satisfy the funding requirements associated with the development.

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

CARRIED 8 / 0

5.5 NOVELTY TRAIN EXPERIENCE

21/50 RESOLUTION

MOVED: Cr Enniss
SECONDED: Cr Hollister

That Council undertake an expression of interest process to seek an independent operator to provide a novelty train tourist experience that connects the Waterfront Park to the Bluff precinct.

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

CARRIED 8 / 0

Cr Rockliff left the meeting at 6:17 pm - Cr Jarman took the chair.

Cr Rockliff returned to the meeting 6:18 pm and resumed the chair.

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

21/51 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Jarman

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 Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 8 / 0

6.2 MAYOR'S MONTHLY REPORT

21/52 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 Laycock, Cr Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 8 / 0

6.3 GENERAL MANAGER'S REPORT - MARCH 2021

21/53 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 Murphy, Cr Perry, Cr Rockliff
AGAINST: nil

CARRIED 8 / 0

6.4 COMMUNITY SERVICES REPORT - JANUARY AND FEBRUARY 2021

21/54 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

That Council receive and note the Community Services report.

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

CARRIED 8 / 0

6.5 CONVENTION AND ARTS REPORT - JANUARY AND FEBRUARY 2021

21/55 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Alexiou

That Council receive and note the Convention and Arts report.

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

CARRIED 8 / 0

6.6 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - JANUARY AND FEBRUARY 2021

21/56 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Perry

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 Laycock, Cr Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 8 / 0

6.7 ANNUAL PLAN PROGRESS REPORT TO 28 FEBRUARY 2021

21/57 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Murphy

That Council receive and note the 2020/21 Annual Plan Progress Report for the period ended 28 February 2021.

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

AGAINST: nil

CARRIED 8 / 0

6.8 ELECTED MEMBERS EXPENSE REPORT TO 28 FEBRUARY 2021

21/58 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Alexiou

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 Laycock, Cr Murphy, Cr Perry, Cr Rockliff

AGAINST: nil

CARRIED 8 / 0

6.9 FINANCIAL ASSISTANCE SCHEME ROUND TWO 2020 2021

Cr Laycock left the meeting at 06:42 pm.

21/59 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Alexiou

That Council receive and note the Financial Assistance Scheme report and approve the Major and Minor Grants for Round Two of the 2020/2021 Community Financial Assistance program as follows:

Major Grants

Devonport Country Club	\$7,500.00
East Devonport Tennis Club	\$15,000.00
Van Diemen Light Railway Society	\$15,000.00
Devonport City Soccer Club Inc	\$10,789.00
Mersey Rowing Club	\$15,000.00
Spreyton Cricket & Community Club	\$2,747.25

Minor Grants

Devonport Tennis Club	\$2,000.00
Spreyton Football Club	\$2,700.00
Devonport Surf Lifesaving Club Inc	\$1,236.36

COVID-19 Impact Grants

Spreyton Cricket Club	\$2,500.00
Devonport Country Club	\$2,500.00

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

AGAINST: nil

CARRIED 7 / 0

Cr Laycock returned to the meeting at 06:45 pm.

7 SECTION 23 COMMITTEES

Nil

8 CLOSED SESSION

21/60 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Jarman

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 – February 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments – March 2021	15(2)(g)
5.1	Unconfirmed Minutes – Joint Authorities	15(2)(g)
5.2	Unconfirmed Minutes – Special Audit Panel Meeting 24 February 2021	15(2)(b) & 15(2)(c)
5.3	Lease Agreement – Tenancy 3 & 6, 13-17 Oldaker Street Devonport	15(2)(b) & 15(2)(g)
5.4	Refinancing of Council Debt	15(2)(b)

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

AGAINST: nil

CARRIED 8 / 0

The Mayor adjourned the meeting at 06:45 pm to reconvene in Closed Session at 6:49pm.

Council moved out of Closed Session at 7:07pm to resumed in Open Session at 7:07pm.

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 – 22 February 2021	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments – March 2021	Noted
5.1	Unconfirmed Minutes – Joint Authorities	Noted
5.2	Unconfirmed Minutes – Special Audit Panel Meeting 24 February 2021	Noted
5.3	Lease Agreement – Tenancy 3 & 6, 13-17 Oldaker Street Devonport	Lease terms approved
5.4	Refinancing of Council Debt	Approved

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 7:07pm.

Confirmed



Chairperson

At the Council Meeting, 26 April 2021 Min 21/68 Refers