

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 NOVEMBER 2021 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:47pm	1 hour 17 minutes
Closed Session	6:53pm	7:53pm	1 hour
Total			2 hours 17 minutes

Present

Cr A Rockliff (Mayor)
Cr A Jarman (Deputy Mayor)
Cr J Alexiou
Cr G Enniss
Cr P Hollister
Cr L Laycock
Cr S Millbourne
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 Coordinator, J Surtees
Convention & Arts Centre Director, G Dobson
Development Services Manager, K Lunson
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. and that the meeting was being live streamed on YouTube. 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	Item No	Reason	Remain in Meeting? Yes/No	If remaining, reason/s for decision
Cr J Alexiou	4.1	Owens property close to development	No	N/A
Cr L Murphy	4.1	Employed in the real estate industry	Yes	Has had no dealings with the proponent.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

21/237 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Laycock

That the minutes of the Council meeting held on 25 October 2021 as previously circulated be confirmed and the unconfirmed minutes of the Annual General Meeting held on 8 November 2021, as attached, be noted.

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

CARRIED 9 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

21/238 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Millbourne

That the responses to questions from Mr Janney and Mr Smith at the October 25 Council meeting, and the response to the question from Mr Gardam at the Annual General Meeting on 8 November 2021, be noted.

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

CARRIED 9 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

Nil

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Trevor Smith – 7 Glen Court, Devonport

Mr Smith requested written replies to all his questions, rather than verbal answers.

- Q1.** Could you provide me a list from your database where there are footpaths in Devonport municipality that have no other footpaths on one side of the street, and have been waiting from eight years and past 46 years to have the footpaths constructed, where there are gaps in footpaths on one side of the street that need constructing.
- Q2.** You recently as of October 2021 advertised for the paranable art centre solar installation project. What is the cost of this project to the ratepayers of Devonport. Why wasn't it included in the initial construction phase when the renovations were taking place?
- Q3.** When are you going to upgrade the faded zebra markings, as well as the line markings for the vehicles at the Fourways car park?

Douglas Janney – 23 Watkinson Street, Devonport

- Q1.** The reseal of part of Don Road last weekend has three manhole covers on the south lane, two of which have big depressions. The sequence of work does not agree with State Growth standards which I understand the Council follows. The Standard states, where specified in clause 407.24(d), all manhole and valve covers shall be raised or lowered to the new surface level prior to asphalt work commencing. When are the two depressions going to be removed by raising the manhole covers?

Response

The Mayor responded the question would be taken on notice.

- Q2.** The lighting at the intersection of Devonport and Stony Rise roads at Spreyton is not up to the standard of the lighting at the roundabout at Watkinson and Steele Streets. When will the lighting be improved at this intersection?

Response

The Mayor responded the question would be taken on notice.

- Q3.** Where declarations of interest result in there not being a quorum of councillors, what is the procedure?

Response

The General Manager advised that under the meeting regs, if there is not a quorum of councillors then the item can't be considered and needs to be deferred to a later date. The requirements are different for an Annual General Meeting.

Mr Janney: If a particular item comes up, and the declarations of interest does not allow a quorum, so how can you defer it, because the next time it comes up you'll have the same problem?

General Manager: Not necessarily, if a councillor was absent and then was able to attend when the matter was relisted, that may result in there being a quorum. But it is clear in the meeting regs how we are to deal with quorums.

Malcolm Gardam – 4 Beaumont Drive, Miandetta

Q1. My question is directed to you Mayor Rockliff – At the 2021 AGM you determined from the Chair that no speakers for the motion that Council take such action necessary for a sale of Providore Place, could provide history on Council's past management of this facility and I quote your statements from the Chair when I attempted to do so "Mr Gardam I won't allow it the motion is for the future of Providore Place it's not related to the past." and in response to my query "so you are going to gag me?" you said "I am" and also stated "The motion is about the future of Providore Place and it's not about the past. You may speak about the motion."; accordingly, and considering you were almost picking what I could and could not say line by line, will you now advise precisely on what grounds and authority you determined the past was not relevant to my efforts to convince those in attendance to vote for the motion to take such action necessary for a sale of Providore Place?

Response

The Mayor responded the question would be taken on notice.

Q2. Considering you have taken my Question 1 on notice when on the night of the AGM you quickly acted so as to prevent any comments relating to Council's embarrassing past management performance in relation to Providore Place, will you at least explain here and now why you need to take that question on notice when you should already know your reasons as Chairperson for gagging that aspect of debate on the night?

Response

The Mayor responded that she did not say that she didn't know the reasons, she said she would take it on notice.

Q3. At the October ordinary meeting Cr Perry stated that "rent income" of \$1.1 million exceeded loan interest by \$200,000; accordingly will Council advise as to whether the rent income of \$1.1 million as stated by Cr Perry is "gross rent" or "net rent" after all operational costs have been accounted for?

Response

The Mayor responded the question would be taken on notice.

Robert Vellacott – 11 Cocker Place, Devonport

Q1. During the 2021 Annual General Meeting whilst my notice of motion about Council providing free parking vouchers for rate payers who had paid rates for more than 50 years was being dealt with, Cr Leon Perry asked me, "Mr Vellacott, do you stand to derive a benefit tonight if this motion is successful?" And then Mayor, you said, "Cr Perry I call you to order." Cr Perry then asked directly to me, "You don't have to declare an interest?" Mayor, I now ask you what was the reason you called Cr Perry to order?

Response

The Mayor responded that she did not feel that it was an appropriate question to ask.

Q2. Mayor, for the record, would it be in order or appropriate for me to answer Cr Perry's question?

Response

The Mayor said if Mr Vellacott would like to answer that question she would allow him the room.

Mr Vellacott: My answer is an emphatic 'no', I do not have to declare an interest.

Q3. Mayor, did you call Cr Perry to order because he was in breach of Council's Code of Conduct Policy part 7(1) a, b and c?

Response

The Mayor said she did not call him to order because of that, she simply said she didn't think that question was appropriate.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

Nil

4 PLANNING AUTHORITY MATTERS

4.1 PA2021.0132 - 103 WINSPEARS ROAD EAST DEVONPORT - RESIDENTIAL (SINGLE DWELLING AND SECONDARY RESIDENCE) AND SPORTS AND RECREATION (ALTERATIONS TO EQUESTRIAN FACILITY)

Cr Alexiou left the meeting at 05:44 pm.

21/239 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Perry

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 PA2021.0132 and grant a Permit to use and develop land identified as

103 Winspears Road, East Devonport for the following purposes:

- Residential (single dwelling and secondary residence) and Sports and Recreation (alterations to equestrian facility)

Subject to the following conditions:

-
1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
 - 6-Bedroom Dwelling & Ancillary Unit - Job No. 0821-19 (DRG No. 01, 02, 03, 10, 11 & 12), dated 24/08/21 by Tas Laughlin; and
 - Proposed residential development and addition to equestrian facility by Veris, dated September 2021.
 2. The development is to be undertaken in accordance with the best practice guidelines stipulated within the *Wetlands and Waterway Works Manual* by DPIPWE.
 3. Car parking is to be in accordance with AS2890 – *Parking facilities, Parts 1-6*.
 4. The allocated carparking for the development is to be developed with a surface that is usable in all weather conditions and a surface that will mitigate sediment runoff, dust generation and abrasion.
 5. Car parking for the equestrian facility is to be delineated and clearly identified prior to the use commencing.

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.

Further planning approval is required if the equestrian centre use intensifies from its approved intention. For example, an intensification would be considered the holding of competitions or an athlete training centre. This is in accordance with clause 6.4.2 of the *Tasmanian Panning Scheme – Devonport 2020*.

Further planning approval is required if the residence use is to be considered for visitor accommodation in the future.

A copy of the *Wetlands and Waterway Works Manual* by DPIPWE can be found here - [Wetlands and Waterways Works Manual | Department of Primary Industries, Parks, Water and Environment, Tasmania \(dpiuwe.tas.gov.au\)](https://www.dpipwe.tas.gov.au/Wetlands-and-Waterways-Works-Manual).

Any change to the driveway location or construction is to be approved by the relevant Council officer.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Permitted hours of demolition/construction work are Monday to Friday from 7am - 6pm, Saturday from 9am - 6pm and Sunday and statutory holidays from 10am - 6pm.

The amenity of the area must not be detrimentally affected by the use or development through the:

- a) Transport of materials, goods or commodities to or from the land; or the
- b) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

No burning of any waste materials (including cleared vegetation) is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

The developer is to ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's "Soil & Water Management on Large (greater than 250m²

of ground disturbance)/Standard (less than 250m² of ground disturbance) Building & Construction Sites" recommendations.

The site is suitable for an Aerated Wastewater Treatment System and the effluent is to be disposed of by subsurface irrigation into the approved wastewater disposal area.

The applicant will need to submit a Plumbing Permit Application, along with supporting documentation as required under Schedule 2 of the Director's Determination - Director's Specified List v1.2 (Building Act 2016), for an on-site wastewater disposal system as part of the Building and Plumbing application process.

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

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

CARRIED 7 / 1

Cr Alexiou returned to the meeting at 05:54 pm.

Kylie Lunson and Alex Mountney left the meeting at 05:54pm

5 REPORTS

5.1 ENDORSEMENT OF MEMBERSHIP - COUNCIL COMMITTEES

21/240 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Laycock

That Council appoint:

1. Samara McIlroy, Vivienne Breheney, Josephine Kelly, Luke Viney, Jennifer Frost, Marilyn Raw, David mangenner Gough, and Cr John Alexiou and Cr Peter Hollister, to the Devonport Regional Gallery Advisory Committee; and
2. Vivienne Breheney, Jennifer Frost, Tracey Carter, Kate Von Rock, Marilyn Raw, and Cr Leigh Murphy and Cr Alison Jarman to the Public Art Committee.

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

CARRIED 9 / 0

5.2 50+ YEAR RATEPAYER PARKING CONCESSION

21/241 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Alexiou

That Council:

1. note the three motions passed at Council's Annual General Meeting relating to the inclusion of ratepayers of 50+ years into the parking concessions currently offered to aged, disability and service pensioners; and
2. having considered the motions and reconsidered the advice previously provided do not make any changes to the current arrangements.

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

LOST 2 / 7

21/242 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Jarman

That Council:

1. note the three motions passed at Council's Annual General Meeting relating to the inclusion of ratepayers of 50+ years into the parking concessions currently offered to aged, disability and service pensioners;
2. convene a workshop to discuss consideration being given to a 12-month trial period for the concession sought;
3. noting the inability to verify 50 years of paying rates, that any policy developed for this concession requires the applicant to demonstrate eligibility; and
4. a further report on the matter be presented to Council following the workshop

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

CARRIED 7 / 2

5.3 PEDESTRIAN STRATEGY 2016-2021 - YEAR 5 STATUS UPDATE

Cr Jarman moved an amended motion:

That Council:

1. note the status of actions listed in the Pedestrian Strategy 2016-2021 and that a review of the Strategy is underway; and
2. having considered the motion passed at Council's 2021 Annual General Meeting regarding footpath funding:
 - a. continue to consider future funding and project prioritisation via the established principles contained in the Pedestrian Strategy; and
 - b. consider any additional footpath funding within established frameworks, as part of annual budget deliberations.
 - c. in particular, in the areas where residents have paid rates for forty or more years, also prioritising the streets where the residents and/or public have constantly requested, that footpaths be provided.

The motion lapsed for want of a seconder.

The Mayor then put the original motion.

21/243 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Laycock

That Council:

1. note the status of actions listed in the Pedestrian Strategy 2016-2021 and that a review of the Strategy is underway; and
2. having considered the motion passed at Council's 2021 Annual General Meeting regarding footpath funding:
 - a. continue to consider future funding and project prioritisation via the established principles contained in the Pedestrian Strategy; and
 - b. consider any additional footpath funding within established frameworks, as part of annual budget deliberations.

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

CARRIED 7 / 2

5.4 DEVONPORT GENERAL CEMETERY MASTER PLAN 2021-31 YEAR ONE UPDATE

21/244 RESOLUTION

MOVED: Cr Millbourne
SECONDED: Cr Alexiou

That Council receive the report of the Infrastructure and Works Manager and note the status of actions listed in the Devonport General Cemetery Master Plan 2021-31.

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

CARRIED 9 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

21/245 RESOLUTION

MOVED: Cr Murphy
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 and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.2 MAYOR'S MONTHLY REPORT

21/246 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Millbourne

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 and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.3 GENERAL MANAGER'S REPORT - NOVEMBER 2021

21/247 RESOLUTION

MOVED: Cr Laycock
SECONDED: Cr Perry

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 and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

6.4 ELECTED MEMBERS EXPENSE REPORT TO 31 OCTOBER 2021

21/248 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 Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

6.5 ANNUAL PLAN PROGRESS REPORT TO 31 OCTOBER 2021

21/249 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Hollister

That Council receive and note the 2021/22 Annual Plan Progress Report for the period ended 31 October 2021.

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

AGAINST: Nil

CARRIED 9 / 0

6.6 COMMUNITY SERVICES REPORT SEPTEMBER AND OCTOBER 2021

21/250 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

That Council receive and note the Community Services report.

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

CARRIED 9 / 0

6.7 CONVENTION AND ARTS REPORT - SEPTEMBER AND OCTOBER 2021

21/251 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Murphy

That Council receive and note the Convention and Arts report.

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

CARRIED 9 / 0

6.8 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - SEPTEMBER AND OCTOBER 2021

21/252 RESOLUTION

MOVED: Cr Murphy
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 Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

7 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING 2 NOVEMBER 2021

21/253 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Milbourne

That the minutes of the Planning Authority Committee meeting held on 2 November 2021 be received.

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

CARRIED 9 / 0

8 CLOSED SESSION

21/254 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	Confirmation of Closed Minutes – Council Meeting – 25 October 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Unconfirmed Minutes - Joint Authorities	15(2)(g)
5.2	Unsolicited Development Proposal	15(2)(b)
5.3	Days Building Painting Assistance	15(2)(g)
5.4	Collection of Sundry Debtor	15(2)(i)

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

CARRIED 9 / 0

The Mayor adjourned the meeting at 6:47pm to reconvene in Closed Session at 6:53pm.

The Council moved out Closed Session at 7:53pm and resumed in open session at 7:53pm.

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 October 2021	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	Unconfirmed Minutes – Joint Authorities	Noted
5.2	Unsolicited Development Proposal	Proceed to next stage
5.3	Days Building Painting Assistance	Not supported
5.4	Collection of Sundry Debtor	Resolved to pursue and media statement approved for release.

9 CLOSURE

There being no further business on the agenda the Chair declared the meeting closed at 7:53pm.

Confirmed 20 December 2021, Min 21/262 Refers

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

Chairperson