

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 28 FEBRUARY 2022 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:07pm	37 minutes
Closed Session	6:10pm	6:21pm	11 minutes
Total			48 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 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 Coordinator, J Surtees
 Development Services Manager, K Lunson
 Convention & Arts Centre Director, G Dobson
 Planning Officer, E Pieniak

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 Declaration of Interest was advised:

Councillor	Item No	Reason	Remain in meeting? Yes/No	If remaining, reason/s for decision
Cr Murphy	4.1	Known to the developer	Yes	No commercial dealings with the developer

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

22/27 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

That the minutes of the Council meeting held on 24 January 2022, as previously circulated, be confirmed.

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

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

22/28 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Laycock

That the responses to questions from Mr Janney and Mr Smith at the January 2022 Council meeting be 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

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

22/29 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Milbourne

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

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

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Douglas Janney, 23 Watkinson St Devonport

Q1. When is the Council going to remove the cycle tracks on Wright Street and at Tasport's expense?

Response

The Mayor advised that the question would be taken on notice.

Q2. Should there be an item in an agenda and all the councillors have a declaration of interest, how would that item be handled?

Response

The Mayor advised that there is a process under the *Local Government Act*.

The General Manager further elaborated that there is a section in the *Act* that outlines how Council is to handle that situation should it arise. Initially the meeting is adjourned, and then permission sought from the Local Government Minister, to consider the item.

Rodney Russell, 225 Steele Street Devonport

Q1. I see where yourself Madam Mayor and another person were photographed standing beside newly erected garbage bins in front of our very elegant regional gallery and town hall theatre. Question, could you have put the garbage bins beside the bus shelters on the other side of the road where all the garbage appears to be collecting?

Response

The Mayor advised that it would have been considered, but that staff would have investigated the location very carefully for the best places to place the bins, and that she understands that there are more bins to be put in place.

Q2. I see that you are to do an upgrade on the William Street Middle Road roundabout. Question, have you in your planning been able to improve upon the present two pedestrian crossing layout, which at times can cause a bottleneck?

Response

The Executive Manager, City Growth advised that the pedestrian crossings that are utilised as part of the school crossing arrangement are included and incorporated in the scope of works, and therefore will be retained. He further advised that there is not going to be a crossing installed directly on the southern side of the roundabout and confirmed that the two crossings will be retained as is.

Q3. Splash, 25 meter indoor pool has had a tile failure. Question, is the repair covered by any warranty when originally constructed or will the repair be covered by Council's insurance?

Response

The General Manager advised that the repairs will be at Council's expense, and that should they trigger an insurance claim and be over the excess, then Council will explore that option. He does not believe this to be the case, and therefore it will just be a maintenance item.

Trevor Smith, 7 Glen Court Devonport

Mr Smith requested written replies to his questions, rather than verbal answers, to which, the Mayor agreed to this request.

Q1. It has been stated in the Media, at the end of January 2022.

Councils around Tasmania were strongly encouraged by the Premier to ban the use of Jumping Castles and Orb Balls. Wynyard Council has made the decision to ban Jumping Castles and Orb Balls on Council Property. Both Launceston and Glenorchy Councils, which are larger in size than Devonport, have also made the same decision.

Why has the Devonport Council been lagging behind, to make a decision on this issue?

Surely the Ratepayers of Devonport are entitled to know your decision immediately, after this tragedy happened in December 2021?

Response

The General Manager advised that Council have made a decision that if any requests are made for zorb balls or jumping castles on Council land, that Council would not be approving their use at this point, whilst the investigation into Hillcrest is continuing. Council did not make a big deal of this through the media but confirmed that the position of Council is that we would not be allowing those items to be used on council land.

The Mayor advised that Mr Smith's question will be responded to in writing as requested.

Q2. With regard to your reply to my question, from last month's agenda, about the footpath crossover points, at the front of Energy Point at 142 Don Road and at the front of Taxi Combined at 143 Don Road.

Your reply was very non transparent to the Ratepayers of Devonport. Your Engineers are paid at least over \$100,000 a year. Your workforce would have followed the Engineers instructions, to put it where it is.

Why couldn't it have been located at least 10-20 metres further up the road. How many other blunders like this have happened? Can it be moved up further?

Response

The Mayor advised that a response would be provided in writing as per Mr Smith's request.

Q3. I sent 4 questions, for Questions on notice on the 9-2-2022, to be replied to, in the Agenda for tonight's meeting on 28-2-2022.

Did you receive my e-mail and if yes, why have they not been answered in the Agenda for tonight's ordinary meeting?

The questions were all different from what I have asked before the Council.

Response

The Mayor indicated that that the email must not have been received as the questions would have been included in the Agenda if it had been received.

Mr Smith advised that he would send the email again.

Bob Vellacott, 11 Cocker Place Devonport

Q1. Mayor I refer to page 6 of this evening's Agenda about my questions on notice requesting basic details in regard to any court actions being taken against or by council and the given response.

The actual question asked was "As of this date 21st February 2022 please provide any basic details that are permitted to be given in regard to all, if any, court actions that are being taken against or by council?"

And the response authored by the General Manager was "Legal matters (if any) in which Council are involved are not for public disclosure".

Mayor, if as the General Manager informs "Legal matters (if any) in which Council are involved are not for public disclosure" then will you now please explain why Council issued a media release about a legal matter and why the information given by Council that contained details in regard to CharlotteJack Pty Ltd alleged non payment of utility supply charges, which was published under the heading "UGLY LEGAL STOUSH" in The Advocate 24th November 2021; also why Council confirmed they had received a letter from Mr Milbourne's solicitor seeking damages from council due to the failure of CharlotteJack Pty Ltd?

On the one hand I have been told you can't disclose and then in the paper...

Response

The Mayor advised that this was a decision of council.

Mr Vellacott then sought clarification that this means the full council has to give permission.

The Mayor reiterated that the question had been answered.

Mr Vellacott asked how "we get that information?".

The General Manager further responded that the answer to Mr Vellacott's question is quite clear, and that any Council legal matters are not for public disclosure unless the Council decides otherwise.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

Nil

4 PLANNING AUTHORITY MATTERS

4.1 AM2021.02 - 86A GUNN STREET DEVONPORT - REZONE RECREATION ZONE TO THE GENERAL RESIDENTIAL ZONE AND INSERT THE DEVONPORT SHOWGROUNDS REDEVELOPMENT SPECIFIC AREA PLAN

22/30 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Hollister

That the Planning Authority:

- agree to certify amendment AM2021.02 to rezone land being CT52055/1 being 86A Gunn Street, Devonport from the Recreation Zone to the General Residential Zone and insert the Devonport Showgrounds Redevelopment Specific Area Plan – as set out in **Attachment 1**; and
- place amendment AM2021.02 on public exhibition for a period of 28 days in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993*.

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

Emma Pieniak left the meeting at 5:52pm.

5 REPORTS

5.1 APPOINTMENT OF MUNICIPAL EMERGENCY MANAGEMENT ROLES

22/31 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Jarman

That Council:

1. in accordance with *Section 23 of the Emergency Management Act 2006*, nominate the Risk and Compliance Coordinator (Karen Stone) to the position of Municipal Emergency Management for the Devonport City Council area until March 2026;
2. in accordance with *Section 23 of the Emergency Management Act 2006*, nominate the Development Services Manager (Kylie Lunson) to the position of Deputy Municipal Emergency Management Coordinator for the Devonport City Council area until March 2026;
3. in accordance with *Section 24G of the Emergency Management Act 2006*, appoint the Acting Community Services Manager (Carol Bryant) to the position of Municipal Recovery Coordinator for the Devonport City Council area for twelve months; and
4. advise the Regional Emergency Management Planner – North West, State Emergency Services of Council's Emergency Management nominations.

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 CONTRACT FOR THE SUPPLY OF ELECTRICITY TO UNMETERED STREET LIGHTING

22/32 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

That Council accept the tender submission for the Supply of Electricity for Unmetered Street Lighting from Aurora Energy Pty Ltd, and authorise the General Manager to finalise the contractual agreement on this basis.

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 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

22/33 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

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 and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.2 MAYOR'S MONTHLY REPORT

22/34 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Jarman

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 and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.3 GENERAL MANAGER'S REPORT

22/35 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Milbourne

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 INFRASTRUCTURE AND WORKS REPORT

22/36 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

That Council receive and note the Infrastructure and Works report and endorse the following allocation of external grant funding to projects within the capital works program:

- a) \$59,000 for the Aquatic Centre accessibility project in the 2021/22 program;
- b) \$220,000 for the Tugrah Road bike riding facilities project in the 2021/22 program; and
- c) Pre-commit \$100,000 for the Highfield Park public toilet project in the 2022/23 program.

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

6.5 DEVELOPMENT AND HEALTH SERVICES REPORT

22/37 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Alexiou

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

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

6.6 SIGNAGE STRATEGY 2017-2022 YEAR FIVE STATUS

22/38 RESOLUTION

MOVED: Cr Jarman

SECONDED: Cr Murphy

That Council note the status of actions listed in the Signage Strategy 2017-2022 and that a review of the Strategy is underway.

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

7 SECTION 23 COMMITTEES

8 CLOSED SESSION

22/39 RESOLUTION

MOVED: Cr Alexiou

SECONDED: Cr Murphy

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 – 24 January 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Waterfront Park Event	15(2)(b)

FOR: Cr Alexiou, Cr Ennis, 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 6.07pm to reconvene in Closed Session at 6.10pm.
The Council moved out Closed Session at 6.21pm.**

Council resumed in open session at 6.21pm.

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 – 24 January 2022	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	Waterfront Park Event	Mayor to make announcement when appropriate

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6.21pm.

Confirmed 28 March 2022 - Min 22/45 refers

A handwritten signature in black ink, appearing to read 'Dackhoff', written over a horizontal line.

Chairperson