

**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 NOVEMBER 2022 COMMENCING AT 5:30 PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30pm	6:56pm	1 hour 26 minutes
Closed Session	6:59pm	7:32pm	33 minutes
Total			1 hour 59 minutes

**Present**

Cr A Jarman (Mayor)  
Cr S Sheehan (Deputy Mayor)  
Cr G Ennis  
Cr P Hollister  
Cr S Martin  
Cr A Moore  
Cr L Murphy  
Cr D Viney  
Cr J Wilczynski

**Council Officers:**

General Manager, M Atkins  
Deputy General Manager, J Griffith  
Executive Manager, M Skirving  
Executive Manager, K Lunson  
Executive Coordinator, C Jordan  
Convention and Arts Centre Manager, G Dobson  
Infrastructure Manager, M Williams  
Finance Manager, J Jackson  
Senior Town Planner, C Milnes  
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. 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.

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## 2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor	Item No	Reason	Remaining in Meeting? Yes/No	If remaining, reason/s for decision
Cr L Murphy	4.2	Engaged in Real Estate Industry	Yes	Not known to the proponent nor been engaged by the proponent
Cr S Martin	5.5	Resides in the area of proposed works	No	
Cr G Enniss	5.3	President of club requesting plaque	No	

## 3 PROCEDURAL

### 3.1 CONFIRMATION OF MINUTES

#### 22/241 RESOLUTION

MOVED: Cr Murphy  
SECONDED: Cr Enniss

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

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

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## **3.2 PUBLIC QUESTION TIME**

### **3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS**

#### **22/242 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Murphy

That responses to questions from Mr Vellacott at the October 2022 Council meeting be noted.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

### **3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**

#### **22/243 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Sheehan

That Council in relation to the correspondence received from Phil Murray and Robert Vellacott endorse the responses proposed and authorise their release.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

### **3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

Nil

## **3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

## **3.4 NOTICES OF MOTION**

Nil

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### 3.4.1 MERSEY FERRY SERVICE

#### 22/244 RESOLUTION

MOVED: Cr Martin  
SECONDED: Cr Wilczynski

That Council:

- Support the return of the Trans-Mersey Ferry Service and consider taking ownership of the eastern Mersey Ferry pontoon subject to:
  - Conducting a full inspection and due diligence of the pontoon to understand condition.
  - Receiving an acceptable and sustainable business case provided by proposed operator for review at Council's next workshop.

FOR: Cr Hollister, Cr Martin, Cr Viney and Cr Wilczynski  
AGAINST: Cr Enniss, Cr Jarman, Cr Moore, Cr Murphy and Cr Sheehan

LOST 4 / 5

## 4 PLANNING AUTHORITY MATTERS

### 4.1 PA2022.0168 - 19 NORTH CAROLINE STREET EAST DEVONPORT - RESIDENTIAL (RESPIRE CENTRE)

#### 22/245 RESOLUTION

MOVED: Cr Murphy  
SECONDED: Cr Sheehan

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 PA2022.0168 and grant a Permit to use and develop land identified as 19 North Caroline Street, East Devonport for the following purposes:

- Residential (respite centre)

Subject to the following condition:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as St Michaels East Devonport Respite Centre 211018 by ARTAS Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.

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

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provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

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.

If any food products are supplied, prepared and/or cooked for guests, the business operator must contact the Council prior to the opening of the business to confirm their requirements under the *Food Act 2003*.

Enquiries regarding the condition/notes can be directed to Council's Development Services Department – Ph 6424 0511.

FOR: Cr Ennis, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

## **4.2 PA2022.0177 - 110 DUNCANS ROAD MELROSE - RESIDENTIAL (SINGLE DWELLING AND OUTBUILDING)**

### **22/246 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Viney

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 PA2022.0177 and grant a Permit to use and develop land identified as 110 Duncans Road, Melrose for the following purposes:

- Residential (single dwelling and outbuilding)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Residence and Shed, Project Number 2122-48, Revision 02, dated 01-09-2022 by Steven Penton Building Design and Contract Plans

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for a Shed, Job No. SEL-313213, Rev 1, dated 14 Feb 2022 by Shed Envy, copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. The applicant is 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. This is to include a design report prepared by a suitably qualified person, including a site and soil evaluation in accordance with AS/NZS1547:2012, to demonstrate that the property is capable of supporting an on-site wastewater treatment system.
3. Stormwater is to be discharged in accordance with the National Construction Code.
4. The track to the subject site is to be maintained by the landowner.
5. An Access Licence over the Crown Road Reserve is to be obtained from Parks and Wildlife Service – Property Services.

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*.

In regard to condition 3 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

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## 5 REPORTS

### 5.1 MEETING ARRANGEMENTS

#### 22/247 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

That Council receive and note the meeting arrangements report and determine that:

- (a) ordinary meetings of Council will usually be held on the fourth Monday of each month;
- (b) the usual commencement time of ordinary meetings will be 5:30pm, unless otherwise notified;
- (c) Council authorises the General Manager, in consultation with the Mayor, to alter the ordinary meeting night/time or to convene Special Meetings from time to time when considered necessary; and
- (d) a monthly workshop will usually be scheduled on the 2<sup>nd</sup> Monday of each month starting at 5.30pm.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

Council Officer C Milnes left the meeting at 5:54pm

## 5.2 APPOINTMENT TO COMMITTEES, BODIES, AUTHORITIES, PANELS AND WORKING GROUPS

### 22/248 RESOLUTION

MOVED: Cr Enniss

SECONDED: Cr Sheehan

That Council appoints the following representatives:

<b>Committee/ Organisation</b>	<b>Council Representatives</b>
Local Government Association of Tasmania	Mayor Jarman Deputy Mayor Sheehan - proxy
TasWater	Mayor Jarman Deputy Mayor Sheehan - proxy
Cradle Coast Authority	Mayor Jarman General Manager
Dulverton Regional Waste Management Authority	Mayor Jarman General Manager
Planning Authority Committee (s23)	Mayor Jarman Deputy Mayor Sheehan Cr Murphy Cr Enniss Cr Hollister Cr Viney
Mersey-Leven Emergency Management Committee	Mayor Jarman Deputy Mayor Sheehan - proxy
Audit Panel	Cr Murphy Cr Hollister
Maidstone Park Management Controlling Authority	Cr Martin Cr Enniss Cr Viney - proxy
Tasmanian Arboretum Board of Management	Cr Wilczynski
Cement Australia Community Liaison Committee	Cr Hollister Cr Murphy - proxy
Financial Assistance Working Group	Cr Murphy Cr Martin Cr Hollister
Dame Enid Lyons Trust Fund	Mayor Jarman Deputy Mayor Sheehan Cr Wilczynski
GM's Performance Review Committee	Mayor Jarman Deputy Mayor Sheehan Cr Hollister Cr Murphy Cr Enniss



Devonport Regional Gallery Advisory Committee	Cr Moore Cr Hollister
East Devonport Working Group	Mayor Jarman Cr Wilczynski Cr Hollister - proxy
Public Art Committee	Cr Viney Cr Moore
Access & Inclusion Working Group	Mayor Jarman Cr Martin
Devonport Volunteering Working Group	Cr Martin Cr Wilczynski

FOR: Cr Ennis, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

### **5.3 REQUEST FOR COMMEMORATIVE PLAQUE/SIGNAGE - DEVONPORT OVAL**

Cr Ennis left the meeting at 5:58 pm.

#### **22/249 RESOLUTION**

MOVED: Cr Martin

SECONDED: Cr Murphy

That Council receive and note the request from the Board of the Devonport Football Club for the placement of a commemorative plaque/signage in the vicinity of the northern end of the Eric Webster Stand, at the Devonport Oval, in commemoration of long-time club supporters, the late Craig and Darren Steven, and:

Advise the Devonport Football Club Board that the request to place commemorative signage or plaque at the Devonport Oval is approved.

FOR: Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

Cr Ennis returned to the meeting at 6:00 pm.

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## **5.4 UNCONFIRMED MINUTES - ANNUAL GENERAL MEETING - 24 OCTOBER 2022**

### **22/250 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Hollister

That Council:

1. note the unconfirmed minutes from Council's 2022 Annual General Meeting (AGM);
2. note a motion was passed at the meeting regarding the continuation of providing concession parking to ratepayers who have paid residential rates for 50 years or more; and
3. agree to the continuation of the parking concession beyond the 12-month trial period on the basis it is subject to review annually as part of budget deliberations.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

## **5.5 TENDER REPORT CONTRACT CT0310 TUGRAH RD TRAFFIC MANAGEMENT**

Cr Martin left the meeting at 6:02 pm.

### **22/251 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Enniss

That Council in relation to Contract CT0310 Tugrah Road Traffic Management:

- a) award the Contract to Hardings Hotmix for the tendered sum of \$405,452 (ex GST);
- b) note project design, management and administration costs are estimated at \$50,000 (ex GST);
- c) note utility services and associated costs are estimated at \$8,000 (ex GST); and
- d) note a construction contingency of \$81,090 (ex GST) is included.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 8 / 0

Cr Martin returned to the meeting at 6:03 pm.

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## 5.6 DEVONPORT E-SCOOTER TRIAL

### 22/252 RESOLUTION

MOVED: Cr Murphy  
SECONDED: Cr Moore

That Council accept the Expression of Interest submission from *Beam Mobility Australia Pty Ltd* to undertake a 12-month trial of micro-mobility services in accordance with Council's defined operating parameters for the trial.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

## 5.7 NAMING OF PUBLIC OPEN SPACE

### 22/253 RESOLUTION

MOVED: Cr Martin  
SECONDED: Cr Viney

That the naming of the public open space adjoining the Novotel Hotel, adjacent to Mussel Rock Point and Roundhouse Park be referred to a Council Workshop for further review.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Viney and Cr Wilczynski  
AGAINST: Cr Murphy and Cr Sheehan

CARRIED 7 / 2

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## **6 INFORMATION**

### **6.1 CERTIFICATE OF ELECTION - 2022 LOCAL GOVERNMENT ELECTIONS**

#### **22/254 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Viney

That Council note:

1. The outcome of the 2022 Local Government Election for Devonport City Council as advised in the attached Certificate of Election; and
2. That all elected Councillors have complied with the requirement of section 321 of the *Local Government Act 1993* and completed their Declaration of Office.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

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

#### **22/255 RESOLUTION**

MOVED: Cr Viney

SECONDED: Cr Enniss

That the report advising of Workshop Sessions held since the last Council meeting be received and the information noted.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

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## **6.3 MAYOR'S MONTHLY REPORT**

### **22/256 RESOLUTION**

MOVED: Cr Moore  
SECONDED: Cr Sheehan

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

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

## **6.4 GENERAL MANAGER'S REPORT**

### **22/257 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Hollister

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

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

## **6.5 ELECTED MEMBERS EXPENSE REPORT TO 31 OCTOBER 2022**

### **22/258 RESOLUTION**

MOVED: Cr Viney  
SECONDED: Cr Murphy

That the bi-monthly report advising of Councillor allowances and expenses be received and noted.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

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## **6.6 UNCONFIRMED MINUTES DEVONPORT CITY COUNCIL AUDIT PANEL**

### **22/259 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Sheehan

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 17 October 2022, and in relation to the Audit Panel for the next four-year term determine to:

1. cease the shared panel arrangement with Central Coast Council as recommended by the Panel Chair; and
2. retain two independent members and advertise for suitable candidates.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

## **6.7 COMMUNITY SERVICES REPORT - SEPTEMBER AND OCTOBER 2022**

### **22/260 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Murphy

That Council receive and note the Community Services report.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski  
AGAINST: Nil

CARRIED 9 / 0

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## **6.8 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - SEPTEMBER AND OCTOBER 2022**

### **22/261 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Enniss

That Council receive and note the General Management, People and Finance and Corporate Services report.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

## **6.9 CONVENTION AND ARTS REPORT - SEPTEMBER AND OCTOBER 2022**

### **22/262 RESOLUTION**

MOVED: Cr Moore

SECONDED: Cr Murphy

That Council receive and note the Convention and Arts report.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

## **7 SECTION 23 COMMITTEES**

Nil

## 8 CLOSED SESSION

### 22/263 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

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 – 24 October 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential attachments	15(2)(g)
5.1	Lease Agreement paranaple centre Café Tenancy	15(2)(g) & 15(2)(b)
5.2	Sale of 12A Stony Rise Road Quoiba – DCC to Fairbrother Pty Ltd	15(2)(f)

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

**The Mayor adjourned the meeting at 6:56pm to reconvene in Closed Session at 6:59pm.  
The Council moved out Closed Session at 7:32pm.**

**Council resumed in open session at 7:32pm.**

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 October 2022	Confirmed
3.2	Application for Leave of Absence	Approved
4.1	Confidential Attachments	Noted
5.1	Lease Agreement paranaple centre Café Tenancy	Authorise Mayor to make an announcement on preferred tenant
5.2	Sale of 12A Stony Rise Road Quoiba – DCC to Fairbrother Pty Ltd	Execute contract and authorise Mayor to release appropriate details relating to sale



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## 9 CLOSURE

**There being no further business on the agenda the Mayor declared the meeting closed at 7:32pm.**

Minutes confirmed 19 December 2022 Min 22/270 Refers

Confirmed



Chairperson