
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 27 FEBRUARY 2023 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6.43pm	1 hour 13 minutes
Closed Session	6.46pm	6.56pm	10 minutes
Total			1 hour 23 minutes

Present

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

Council Officers:

General Manager, M Atkins
Deputy General Manager, J Griffith
Executive Manager, K Lunson
Executive Manager, M Skirving
Executive Coordinator, C Jordan
Convention & Arts Centre Manager, G Dobson
Finance Manager, J Jackson
Senior Town Planner, C Milnes (remote)

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

The following apology was received for the meeting.

Cr L Murphy

Leave

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 S Sheehan	4.2	The Applicant	No	
Cr A Moore	5.5	Employee of Devonport Christian School who are seeking leasing agreement	No	
Cr A Jarman	5.1	Subject of the report	No	

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

23/32 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Enniss

That the minutes of the Council meeting held on 23 January 2023 as previously circulated be confirmed.

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

AGAINST: Nil

CARRIED 8 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

23/33 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Wilczynski

That the responses to questions from Mr Mills at the January 2023 Council meeting be noted.

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

AGAINST: Nil

CARRIED 8 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

23/34 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Martin

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

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

CARRIED 8 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Douglas Janney, 23 Watkinson St Devonport TAS 7310

Q1. Red pavers in the mall – eyes up Councillors. Under the shop awnings cigarette butts in the grooves. Council needs to do better in cleaning the mall and remove the cigarette butts.

Question is When will the removal of the cigarette butts occur.

Response

The Mayor responded that she is aware of this issue and that discussions with local businesses are currently being sought in relation to this problem and an update will be provided.

Q2. Pages 87 – 89 of the agenda – when will the council publish the agenda that is readable - look at the graphs?

Response

The Mayor advised that this question would be taken on notice and a response provided.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time of compilation of the agenda, no questions had been received from Councillors.

3.4 NOTICES OF MOTION

3.4.1 ANNUAL AUSTRALIA DAY CITIZENSHIP AND AWARDS CEREMONY

23/35 RESOLUTION

MOVED: Cr Martin

SECONDED: Cr Enniss

That Council:

1. conduct its annual Australia Day Citizenship and Awards Ceremony other than on Australia Day and in line with options permitted by the federal government – 3 days either side of Australia Day;
2. conduct a workshop to explore and discuss options and opportunities.

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

AGAINST: Nil

CARRIED 8 / 0

4 PLANNING AUTHORITY MATTERS

4.1 PA2022.0217 - 104 OLDAKER STREET, DEVONPORT - RESIDENTIAL (MULTIPLE DWELLINGS)

23/36 RESOLUTION

MOVED: Cr Wilczynski

SECONDED: Cr Moore

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 PA2022.0217 and grant a Permit to use and develop land identified as 104 Oldaker Street, Devonport for the following purposes:

- Residential (multiple dwellings)

Subject to the following conditions:

Planning Condition

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Unit Development – Issue Date 09/01/23 (Revision A) by n + b. A copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to erect privacy screening in front of the southern windows of bedroom 1 of the proposed dwelling. The screening is to be developed in

accordance with 8.4.6 A3 – *Privacy for dwellings*. In lieu of screening, Council will also accept these windows to be opaque. This detail is to be provided as part of any subsequent building permit application.

Infrastructure & Works Conditions

3. The new driveway works are to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09 V3
4. The developer is to remove the redundant driveway crossover and reinstate with kerb and channel and nature strip to Council's specification.
5. The developer is responsible to provide line marking for the new parking bay and remove the old-line markings at the location of the new proposed driveway along Oldaker Street to the satisfaction of Council's City Engineer.
6. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 20 -year Average Recurrence Interval (ARI), and for a suitable range of storm durations to identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the Council's City Engineer prior to lodgement of any subsequent building permit applications.

TasWater Condition

7. 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.

With respect to future street addressing allocation, the following is to apply:

- The existing dwelling will become 1A Lindsay Place; and
- The proposed residence will become 104 Oldaker Street.

The visitor parking space and its associated turning area is to be identified within the common land on any Strata Plan submitted to Council for approval.

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.

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 7 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 3-6 the developer 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 Ennis, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Sheehan, Cr Viney
and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

4.2 PA2022.0212 - 2 CHALMERS LANE, DEVONPORT - RESIDENTIAL (SINGLE DWELLING)

Cr Sheehan left the meeting at 5:48 pm.

23/37 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Wilczynski

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 PA2022.0212 and grant a Permit to use and develop land identified as 2 Chalmers Lane, Devonport for the following purposes:

- Residential (single dwelling)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Stack House, Project No. 22115, Drawing No. DA-01 to DA-35, dated 6/12/2022 by fitzpatrick + partners architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The surface water from the driveway and or any paved areas is to be collected and drained to the private stormwater drainage system.
3. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
4. All stormwater collected from this work is to be directed into the existing property stormwater pipe in accordance with the National Construction Code.

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5. The contractor is to ensure the proposed access shall not cause any undue disturbance to neighbouring properties nor the regular vehicular movement of traffic within the road reserve during the demolition process.
 6. A traffic management plan for site deliveries is to be implemented to manage congestion in Chalmers Lane. The plan is to be endorsed by Council's Infrastructure and Works Department prior to the commencement of work.
 7. The developer is to manage any asbestos found during demolition in accordance with the *How to Safely Remove Asbestos Code of Practice* issued by Safe Work Australia (October 2018).

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*.

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.

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

The developer is to be responsible for making good and/or cleaning any footpaths, road surfaces or other element damaged or soiled because of the project.

In regard to conditions 2-6 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 Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 7 / 0

Cr Sheehan returned to the meeting at 5:56 pm.

Council Officer C Milnes left the meeting at 5:56pm.

5 REPORTS

Cr Jarman left the meeting at 5:56 pm.
Deputy Mayor, Cr Sheehan took the Chair.

5.1 ATTENDANCE BY COUNCILLORS AT CONFERENCES

23/38 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Moore

That Council, authorise the Mayor, Cr Alison Jarman to attend the Asia Pacific Cities Summit and Mayor's Forum in accordance with the '*Councillor Allowances, Expenses and Provision of Facilities Policy*'.

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

CARRIED 7 / 0

Cr Jarman returned to the meeting at 6:01 pm.
Deputy Mayor, Cr Sheehan vacated the Chair.

5.2 CHANGE OF ADMISSION FEES BASS STRAIT MARITIME CENTRE

23/39 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Viney

That Council amend the 2022/23 Fees and Charges Schedule to reflect the age of Child Admission at the Bass Strait Maritime Centre to be 4-16 years; and provide the General Manager with discretion to amend admission fees at the Bass Strait Maritime Centre for short-term, promotional activities deemed beneficial to the Centre's operations.

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

CARRIED 8 / 0

5.3 DRAFT PARKING BY-LAW NO.1 OF 2023

23/40 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Hollister

That Council:

- a) in accordance with section 156 of the *Local Government Act 1993*, determine by absolute majority, its intent to make a Parking By-Law; and
- b) authorise the General Manager to forward the draft Regulatory Impact Statement to the Director of Local Government for consideration.

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

CARRIED 8 / 0

5.4 LOCAL GOVERNMENT REFORM OPTIONS PAPER SUBMISSION

23/41 RESOLUTION

MOVED: Cr Sheehan
SECONDED: Cr Wilczynski

That Council endorse the attached submission in response to the Options Paper released as part of the Tasmanian Government's Future of Local Government Review.

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

CARRIED 8 / 0

5.5 DEVONPORT CHRISTIAN SCHOOL AGREEMENT

Cr Moore left the meeting at 6:14 pm.

23/42 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Viney

That Council enter into an agreement with the Devonport Christian School for the purpose of permitting the Devonport Christian School to use the Don Recreation Ground northern oval during school hours on school days for a term of five years with an option of a further five years.

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

CARRIED 7 / 0

Cr Moore returned to the meeting at 6:15 pm.

5.6 HEALTH AND WELLBEING STRATEGY

23/43 RESOLUTION

MOVED: Cr Enniss
SECONDED: Cr Sheehan

That Council note the draft 'Living Well: Devonport's health and well-being strategy 2023-2033' and release the plan for a 30-day public consultation period.

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

CARRIED 8 / 0

5.7 WASTE STRATEGY 2023-2028

23/44 RESOLUTION

MOVED: Cr Sheehan
SECONDED: Cr Martin

That Council receive and note the report relating to the draft Waste Strategy 2023-2028 and release the Strategy for a 30-day public consultation period.

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

CARRIED 8 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

23/45 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Moore

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 Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

6.2 MAYOR'S MONTHLY REPORT

23/46 RESOLUTION

MOVED: Cr Wilczynski

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 Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

6.3 GENERAL MANAGER'S REPORT

23/47 RESOLUTION

MOVED: Cr Martin

SECONDED: Cr Hollister

That the report of the General Manager be received.

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

AGAINST: Nil

CARRIED 8 / 0

Council Officer G Dobson left the meeting at 6.39pm.

6.4 MONTHLY OPERATIONAL REPORT

23/48 RESOLUTION

MOVED: Cr Sheehan

SECONDED: Cr Martin

That Council:

1. note the change in the reporting of operational and performance information to a monthly format; and

-
2. receive and note the Monthly Operational Report for the period ending 31 January 2023.

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

AGAINST: Nil

CARRIED 8 / 0

7 CLOSED SESSION

23/49 RESOLUTION

MOVED: Cr Martin

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 – 23 January 2023	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Independent Audit Panel Members	15(2)(g)
5.2	Caveator's Consent – 108 Tarleton Street East Devonport	15(2)(f)

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

AGAINST: Nil

CARRIED 8 / 0

The Mayor adjourned the meeting at 6.43pm to reconvene in Closed Session at 6.46pm.

The Council moved out Closed Session at 6.56pm.

Council resumed in open session at 6.56pm.

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 – 23 January 2023	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Nil
5.1	Independent Audit Panel Members	Appointments endorsed
5.2	Caveator's Consent - 108 Tarleton Street East Devonport	Report noted and authorisation provided to General Manager

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6.56pm.

Confirmed - Minutes confirmed 27 March 2023 - MIN Refers 23/54



Chairperson - Mayor Alison Jarman