

**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 24 APRIL 2023 COMMENCING AT 5:30 PM**

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:51pm	1 hour 21 minutes
Closed Session	6:54pm	6:59pm	5 minutes
Total			1 hour 26 minutes

Present

Cr A Jarman (Mayor)
 Cr S Stacey (Deputy Mayor)
 Cr G Enniss
 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, K Lunson
 Executive Manager, M Skirving
 Finance Manager, J Jackson
 Convention & Arts Centre Manager, G Dobson
 Infrastructure Manager, J Bellchambers
 Executive Coordinator, C Jordan
 Governance Officer, C Delphin
 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

Nil

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	3.2.2	Employed by the company that manages the building	No	
Cr A Moore	4.1	Employee of Devonport Christian School	No	

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

23/74 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Hollister

That the minutes of the Council meeting held on 27 March 2023 as previously circulated be confirmed.

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

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

There were no written responses to questions without notice raised at the March 2023 Council meeting.

Cr Murphy left the meeting at 5:33 pm.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

23/75 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Viney

That Council in relation to the correspondence received from Mr Bob Vellacott 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

Cr Murphy returned to the meeting at 5:34 pm.

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Douglas Janney, 23 Watkinson Street, Devonport

Mr Janney made comment that he found it difficult to view some of the numbers contained within the graphs in the Monthly Operational Report. The General Manager responded by reiterating that the preference is for the graphs to be viewed on the Council website, as these provide real time updates and have been developed primarily for online viewing, however, where possible, Council will also continue to improve the readability of the images in the printed report.

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

Nil

Cr Moore left the meeting at 5:37 pm.

4 PLANNING AUTHORITY MATTERS

4.1 PA2023.0007 - 3-11 JILOA WAY DON - EDUCATIONAL AND OCCASIONAL CARE (ADDITIONAL CLASSROOM BUILDING)

23/76 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Martin

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 PA2023.0007 and grant a Permit to use and develop land identified as 3-11 Jiloa Way, Don for the following purposes:

- Educational and occasional care (additional classroom building and associated outbuilding)

subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
 - a. Project #J007334 revision B dated 22/2/23 by sgroup; and
 - b. Bushfire Assessment Report: Devonport Christian School dated 3 March 2023 by RMCG, including Bushfire Hazard Management Plan and Emergency Management Strategy,copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Stormwater from the development is to be discharged in accordance with the National Construction Code.
3. Any air extraction, pumping, refrigeration systems, compressors or generators associated with the development must be located at least 10m from adjoining General Residential zone properties.

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.

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

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- 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.

In regard to condition 2 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 Ennis, Cr Hollister, Cr Jarman, Cr Martin, Cr Murphy, Cr Sheehan, Cr
Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

Cr Moore returned to the meeting at 5:38 pm.

4.2 AM2023.01 & PA2023.0002 - REZONE PART OF 158 CAROLINE STREET, EAST DEVONPORT (CT 174766/1) FROM RURAL LIVING TO GENERAL RESIDENTIAL

23/77 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Wilczynski

That Council:

- agree to certify amendment AM2023.01 to the Devonport Local Provisions Schedule for the land at 158 Caroline Street, East Devonport (CT 174766/1) to:
 - a. rezone part of 158 Caroline Street, East Devonport (CT 174766/1) from Rural Living to General Residential;
 - b. advise the Tasmanian Planning Commission that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*;
 - c. place Amendment AM2023.01 and application PA2023.0002 on public exhibition for 28 days in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
 - d. approve application PA2023.0002 for a 32 lot subdivision with the following conditions:
 - 1. Unless altered by subsequent conditions, the subdivision is to proceed generally in accordance with the submitted plans and documentation:
 - a. Subdivision plans referenced as Job No. 48254, Sheets 01 & 02, Revision 07 dated 21/11/2022 by PDA Surveyors;
 - b. Bushfire Hazard Management Plan SRL22/34S, by Scott Livingston of Livingston Natural Resource Services, dated 28/6/ 2022; and
- copies of which are attached and endorsed as documents forming part of this Planning Permit.
- 2. A future road connection is to be provided to the land to the east of the subdivision. Amended plans showing the connection are to be approved by Council prior to acceptance of any final plan.
 - 3. Street trees are to be provided, as such a landscape plan showing the location and species of trees to be planted within the nature strip must be submitted in accordance with the Tasmanian Subdivisional Guidelines and approved by the Executive Manager as documents forming part of this Planning Permit. Planting within nature strip areas is to be completed to the Planning Authority's satisfaction before acceptance of any final plan.
 - 4. The developer is to submit detailed design drawings prepared by a suitably qualified engineer detailing road and stormwater design compliance with current Tasmanian Standard Drawings (TSD-v3), version 3, and Tasmanian Subdivisional Guidelines. These are to demonstrate:
 - a. Stormwater discharge from the subdivision is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and

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- for a suitable range of storm durations, to adequately identify peak discharge, for the piped and overland flows. All design calculations and drawings are to be submitted for approval by the City Engineer prior to commencing construction on site;
- b. How the proposed road formation, pavement and associated features as well as the proposed reserve width is maintained throughout the development and conforms with the Tasmanian Subdivisional Guidelines
 - c. How each lot is provided with a concrete vehicular access from the proposed new road in accordance with current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines;
 - d. Appropriate road longitudinal and cross-sectional grades;
 - e. Appropriate intersection design, line marking and signage;
 - f. Appropriate footpath alignments and grades including ramps and the connectivity from the development to existing;
 - g. Subsoil drains;
 - h. Pipeline cover in accordance with Tasmanian Standard Drawings;
 - i. All kerb and driveway crossovers to be Type KC as per Tasmanian Standard Drawing TSD-R14-v3 and Tasmanian Subdivisional Guidelines; and
 - j. New driveways are to be constructed as per the Tasmanian Standard Drawing, TSD-R09-V3, for the crossover and the driveway up to the property boundary.
5. Erosion and sediment control measures are to be implemented and maintained during development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground, to the satisfaction of the City Engineer.
 6. The developer is to acknowledge that at satisfactory completion of the works, all infrastructure intended to become a council asset will be placed on a minimum 6 month defect liability period and that there will be a bond charged to govern this period in accordance with Council's Subdivision Maintenance Bond Policy.
 7. The subdivider is to provide 2 sets of drawings (As cons) in an electronic format one in coordinated .dwg format and one in .pdf at the completion off the works, detailing final road alignments, stormwater assets, invert levels and finished surface levels.
 8. In accordance with the Tasmanian Subdivision Guidelines the developer is to appoint a supervising engineer to arrange for joint audit inspections and to certify the works at practical completion.
 9. The developer must ensure the construction management plan includes owner notification and alternative access arrangements where necessary for the existing properties which have legal access over the subject site.
 10. The developer is to ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's recommendations "*Soil & Water Management on Large Building & Construction Sites*" (refer to notes).
 11. The developer must transfer the road lot to council after the sealing of the final plan. The developer is to cover all costs associated with the transfer of the road title to council.
 12. A public open space contribution of 5% of the unimproved value of the land is to be provided to Council prior to sealing the initial final plan. The value of the land is to be

determined by a registered valuer or based upon the current Valuer General's assessment.

13. 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.

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.

In regard to condition 10, large building and construction sites are those with greater than 250m² of ground disturbance – refer to the following link:

https://epa.tas.gov.au/Documents/Soil_and%20Water_Management_Fact%20Sheet_1.pdf

In regard to condition 13 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 4-10 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

5 REPORTS

5.1 URBAN ART FREE WALL

23/78 RESOLUTION

MOVED: Cr Wilczynski

SECONDED: Cr Moore

That Council endorse the use of the western wall of Market Square pavilion as a free urban art wall in the Devonport CBD following the guidelines of the Devonport City Council Public Art Strategy 2022 – 2025.

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 5.47pm.

5.2 MURAL COLLABORATION WITH VIBRANCE

23/79 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Moore

That Council accept the invitation to collaborate with Vibrance to commission a large urban artwork in the paranapple precinct, to be located on the northern lift-shaft to the multi-level car park in Market Square.

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

5.3 TENDER REPORT CONTRACT CB0120 THEATRE SEATING REPLACEMENT

23/80 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Murphy

That Council in relation to Contract CB0120 paraple arts centre Theatre Seating Replacement award the contract to Hadley Australia Pty Ltd for the revised tendered sum of \$293,653 (ex GST) and note:

- a. project design, management and administration costs for the project are estimated at \$6,000 (ex GST);
- b. the removal and disposal of original seating is estimated at \$12,000;
- c. a construction contingency of \$4000 (ex GST) is included for the project; and
- d. to maximise the opportunity for other internal theatre maintenance whilst the seats are removed will require a further budget allocation in the 2023/24 financial year.

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

5.4 MERSEY RIVER EASTERN PONTOON ACQUISITION

23/81 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Wilczynski

That Council receive and note the report on the condition and refurbishment costs associated with the Eastern Ferry Pontoon and continue to work with key stakeholders to prove up costs for further consideration as part of the 2023/24 budget deliberations, prior to any decision to accept ownership.

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

CARRIED 7 / 2

5.5 CULTURAL COLLECTIONS STORAGE

23/82 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That Council receive and note:

1. the report in relation to the storage of cultural assets owned by Council;
2. that the Annexe facility is not suitable for the safe, long-term storage of items within Council's collection; and
3. a project to undertake an extension to the existing collection storage facility at Lawrence Drive will be presented for Council's consideration as part of the 2023/24 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

5.6 HEALTH AND WELLBEING STRATEGY

23/83 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Hollister

That Council:

1. note the feedback received during the 30-day public consultation period on the Living Well: Devonport's health and well-being strategy 2023-2033;
2. endorse the Living Well: Devonport's health and well-being strategy 2023-2033 as presented by the Strategy Reference Group; and,
3. provide administration and facilitation support to the Strategy Reference Group to guide strategy implementation.

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 BLUFF BEACH OCEAN POOL

23/84 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Murphy

That Council receive and note this report in relation to the feasibility of Ocean Pool at Bluff Beach and resolve to not progress with any further development of the concept at this time due to the high design, construction and operational cost.

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

CARRIED 6 / 3

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

23/85 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

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

6.2 MAYOR'S MONTHLY REPORT

23/86 RESOLUTION

MOVED: Cr Wilczynski
SECONDED: Cr Sheehan

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

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

6.3 GENERAL MANAGER'S REPORT - APRIL 2023

23/87 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Hollister

That the report of the General Manager be received and Council endorse submissions, as attached, in response to the following State Government consultation processes:

1. Discussion Paper – merit-based recruitment;
2. Discussion Paper – Councillor misconduct;
3. North-West Support School Relocation.

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

6.4 MONTHLY OPERATIONAL REPORT - MARCH 2023

23/88 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Murphy

That Council receive and note the Monthly Operational Report for the period ending 31 March 2023.

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

6.5 UNCONFIRMED MINUTES DEVONPORT CITY COUNCIL AUDIT PANEL

23/89 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 27 March 2023.

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

23/90 RESOLUTION

MOVED: Cr Martin

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 – 27 March 2023	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	2022 Audit Panel Evaluation Report	15(2)(g)

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 6.51pm to reconvene in Closed Session at 6.54pm.

The Council moved out Closed Session at 6.59pm.

Council resumed in open session at 6.59pm.

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 – 27 March 2023	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	Audit Panel Evaluation Report	Noted

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6.59pm.

Confirmed - Minutes Confirmed 22 May 2023 - MIN Refers 23/95



Chairperson - Mayor Alison Jarman