

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 22 MAY 2023 COMMENCING AT 5.30 PM

Meeting	From	To	Time Occupied
Open Session	5:30 pm	6.49 pm	1 hour 17 minutes
Closed Session	6.52 pm	6.59 pm	8 minutes
Total			1 hour 25 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 J Wilczynski

Council Officers:

General Manager, M Atkins
 Deputy General Manager, J Griffith
 Executive Manager, K Lunson
 Executive Manager, M Skirving
 Community Services Manager, K Hampton
 Finance Manager, J Jackson
 Infrastructure Manager, J Bellchambers
 Executive Coordinator, C Jordan
 Governance Officer, C Delphin
 Senior Town Planner, C Milnes

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

An apology for the meeting was received by Councillor Viney.

2 DECLARATIONS OF INTEREST

The following Declaration of Interest was advised:

Councillor	Item No	Reason	Remaining in Meeting? Yes/No	If remaining, reason/s for decision
Cr A Moore	3.4.1	Son plays for the youth competition	Yes	No benefit to outcome of any decision made

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

23/95 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

That the minutes of the Council meeting held on 24 April 2023 as previously circulated be confirmed.

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

AGAINST: Nil

CARRIED 8 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

Nil

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

23/96 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Murphy

That Council in relation to the correspondence received from Ms Denise Pretty and Mr Bob Vellacott endorse the responses proposed and authorise their release.

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

CARRIED 8 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Brian Jones, 22 George Street, Devonport

Q1. I don't know if it is a suggestion question or whatever, it's to do with the utilisation of the walking cycle tracks which are eventually joining Port Sorell right through to Wynyard I guess in the long run. Has any thought been given to the actual utilisation of these tracks as far as people cycling etcetera, and rather than have to ride the whole length in between Devonport and Ulverstone and back again, has any thought been given to having the public transport fitted with some form of bike rack or whatever so people can break up their journeys into daily trips or 4 trips or half hour trips? I know in Queensland or in Brisbane at least, and I've got a feeling in Adelaide they have bike racks on the fronts of the buses – you wouldn't need a trailer - something carrying say half a dozen with the new form of bike racks you just wack them up on the back type of thing. That was the suggestion to fully utilise, because there's not a lot going into them and when I do a little bit of cycling I wouldn't commit myself to ride from here to Ulverstone, but if you could do a partial trip and then make another partial trip the following week. It's good tourism thing too as well as it motivates people along the coast, and I think walking is probably the same issue. I think the buses travel roughly the length of the proposal - not sure how the buses relate to the traffic itself, but it's something maybe to look into as far as the future plan.

Response

The Mayor responded by thanking Mr Jones for his suggestion, and that she would be happy to discuss this further with him and also with relevant parties.

Denise Pretty, 41 Bluff Road Devonport

Q1. My question is in relation to protecting the wildlife up there and stop the hooning on the reserve as to putting bollards and boulders in to prevent that happening, but we need an immediate action – some other issue to resolve it because these animals are being mowed down every night and I thought perhaps Council could lock the gates – sunset is at 5.02pm but it's pitch black at 5.30pm. – The gates are open in the morning supposedly at 7.30 am, but in actual fact they are open at 5am in the morning so some of the deaths are actually occurring between 5 am and when the

gates should be open. They are meant to close at 9.30 at night but in actual fact are quite often open at well after 9.30 at night and still haven't been locked and I have been going up there every night and actually spend 3 ½ to 4 hours to catch the people doing what they are doing up there.

The Mayor sought clarification as to whether Ms Pretty had called the police?

Ms Pretty responded that yes she had, and it's been a waste of time, excuse the expression, unless you can provide video footage or photographs and actual witness it you can't do that up there – it's pitch black up in the reserve. A flash photograph goes for about the length of a person's arm and then it's completely lost in the dark and you can't video it at all because all you can see is black and if it's not the black what you can see you are completely blinded by LED lights, huge driving lights, light bars and the animals are startled and dazzled by the light, they don't know what is happening and they are just mowed over.

Response

The General Manager responded by advising that, as was stated in the written response provide to Ms Pretty, that the Council shared her concern with what is happening, and that Council's advice is for the police to be contacted should Ms Pretty witness this behaviour, and that they may be able to do something. Further, Council are also considering what operational changes it can make that might be able to address the issue, which does include some infrastructure near the boom gate where the cars are getting around, which should be in place soon, if not already, and that further, more permanent options would be considered as part of Council's current budget process.

Q2. Ms Pretty further asked if Council would consider closing the gates earlier and opening them at the correct time?

Response

The General Manager responded that this was one of the operational options that was currently being considered.

Ms Pretty sought clarification on a timeframe for this, to which the General Manager responded that options are being considered on an ongoing basis.

The Mayor further discussed the requirement for Council to consider tourists that visit the Bluff and lighthouse area in respect of the times that the boom gates are opened and closed, and that this needs to be balanced with options to mitigate the activities that Ms Pretty is drawing attention to.

The Mayor thanked Ms Pretty for the information she provided.

Douglas Janney, 23 Watkinson Street Devonport TAS 7310

Item 4.1 of tonight's agenda prompts me to raise the matter of cycling on Don Road at Kerrison's Corner. The road in each direction is a hazard when there is a cyclist and a motor vehicle, and it is potentially hazardous for the cyclist.

Q1. What will the Council do to address this issue of hazard for the cyclist now or when the Agenda Item 4.1 gets approval to proceed?

Response

The General Manager advised that a written response would be provided to Mr Janney.

Edmund Stewart 264 Paloona Road, Paloona

Q1. I am asking a question of the Council and the Councillors on the issue of speed limits on the Paloona Road – has any Council Officers during their investigations of the issue – has anyone travelled the recommended 100km per hour along that stretch of road and during the times of going to work and coming home? I think it is very important that someone is actually done the speed test because it will reveal how dangerous that track of road is compared to the Melrose Road that is now 70km per hour – a lot safer.

Response

The Mayor responded that the matter raised by Mr Stewart would be discussed in agenda item 5.2 of the meeting.

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 REQUEST FOR 2023/24 BUDGET ALLOCATION - DEVONPORT CITY SOCCER CLUB

23/97 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Hollister

That Council as part of its 2023/24 budget deliberations consider a request by the Devonport City Soccer Club for \$1.5 million in funding and the redirection of \$3 million from the Federal sports infrastructure grant to upgrade their facilities.

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

CARRIED 8 / 0

4 PLANNING AUTHORITY MATTERS

4.1 AM2022.05 & PA2022.0134 - REZONE 171 STEELE STREET FROM GENERAL RESIDENTIAL TO COMMERCIAL & CONCURRENT PERMIT FOR VEHICLE FUEL SALES AND SERVICE AT 171 STEELE STREET AND 2-8 DON ROAD, DEVONPORT

23/98 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Hollister

That Council:

- agree to certify amendment AM2022.05 to the Devonport Local Provisions Schedule for the land at 171 Steele Street, Devonport to:
 - rezone 171 Steele Street, Devonport from General Residential to Commercial;
 - 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*;
 - place Amendment AM2022.05 and application PA2022.0134 on public exhibition for 28 days in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
 - approve application PA2022.0134 for Vehicle Fuel Sales and Service with the following conditions:
 1. Unless altered by subsequent conditions, the use and development is to proceed generally in accordance with the submitted plans and documentation referenced as:
 - a. Proposed OTR Service Station, Project ID 2237, Drawing No. DA01-DA07, dated 6/04/2023 by Oramatis Studio;
 - b. Planning RFI response letter dated 8 December, 2022 by Ratio Consultants Pty Ltd;
 - c. Planning Report – Section 40T Submission – 2-8 Don Road and 171 Steele Street, Devonport, reference: 19127PR001, dated December 2022 by Ratio Consultants Pty Ltd;
 - d. Traffic RFI response letter, dated 8 December, 2022 by Ratio Consultants Pty Ltd;
 - e. Landscaping plan, reference 15.047.105.101 dated 13.07.22 by Oxygen Pty Ltd
 - f. Environmental Noise Assessment, Report No. Rp 012 20200693, dated 13 July 2022 by Marshall Day Acoustics;
 - g. Traffic Impact Assessment, 19127T Rep01 F02, dated 3/10/22 by Ratio Consultants Pty Ltd; and
 - h. Environmental Site Assessment, Client Ref: 81320-1 Rev 0, dated 15 July, 2022 by Fyfe Pty Ltd

copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. Hours of operation must be between 7.00am to 9.00pm Monday to Saturday and 8.00am to 9.00pm Sunday and public holidays.
3. Commercial vehicle movements are to take place between 7.00am to 9.00pm Monday to Saturday and 8.00am to 9.00pm Sunday and public holidays.
4. The vacuum is to operate between the hours of 7.00am to 9.00pm Monday to Friday, 9.00am to 9.00pm Saturday and 10.00am to 6.00pm Sundays and Public Holidays.
5. The proposal is to comply with the Noise Mitigation Measures contained at Section 5 of the Marshall Day Acoustics report dated 13 July 2022.
6. The proposal plans are to be amended to show bicycle parking.
7. A right turn slot is required heading west on Don Road due to it being an arterial road with a 60km/h speed limit. The design must be approved to council's specifications prior to any building permits being issued.
8. The proposed retaining wall is to be designed by a suitably qualified engineer.
9. The three lots are to be adhered prior to submission of any building permits.
10. Signage is to be amended to remove references to 24 hour operation.
11. The developer is to ensure illuminated signs do not create the effect of flashing, animation or movement.
12. 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, vapour, steam, overspray from car wash, wastewater or any waste products.
13. All plant and machinery associated with the car wash is to be located, enclosed or otherwise attenuated to ensure noise measured at the boundary does not exceed 5dB(A) above the background noise levels.
14. Potential soil contamination may be present at levels lower than 2.5m below ground level.
 - o Any soil or ground water removed from these depths will need to be cleared by an appropriately qualified person prior to removal off site to an appropriate facility.
 - o Construction at these depths may encounter contaminated groundwater or soil. Care is to be taken and appropriate OH&S precautions taken to minimise risk on and off-site.
15. In regard to food storage/preparation or selling the developer is to engage a Building Surveyor to submit a Form 42 and associated paperwork (including proposed menu type) as part of the Building application process.
16. The developer is to ensure that the food preparation and food storage areas comply with the National Construction Code of Australia Tas H102 and AS4676:2004 Design, Construction and Fit-out of a Food Premises.

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17. Any underground petroleum storage system installed must comply with the requirements specified in the *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020*.
 18. The fuel pumping area is to be bunded and graded to direct wastewater to appropriate interceptor trap/s or pits ensuring all wastewater is contained on site.
 19. The car wash is to be bunded and graded to direct wastewater to sewer.
 20. Full perimeter screening of all mechanical services installed on the roof of the convenience store (packaged air conditioning units, refrigeration condenser units and exhaust cowls etc) is to be installed. The screening is required to extend a minimum of 1 m above the highest point on any given unit. The construction of the screening may vary but must meet a minimum surface density requirement of 12 kg/m². The inside of the screening should be lined the full length with a suitable weatherproof sound absorbing material.
 21. Mechanical services installed on the roof of the convenience store are to be located as far as practical away from the nearest residences.
 22. The driveways are designed so as to minimise the likelihood of any wheel impact noise from irregularities on the driveway itself or from any service opening cover plates etc.
 23. Lighting is to be baffled to prevent spillage onto adjoining properties.
 24. Surface stormwater from all paved areas is to be collected & drained to the private stormwater drainage system.
 25. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events and for a suitable range of storm durations to identify peak discharge flows up to 20-year ARI only. 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 City Engineer prior to any subsequent building permit applications.
 26. Driveways are to be industrial strength concrete as per the Tasmanian Standard Drawing, TSD-R16, for both the crossover and the driveway up to the property boundary.
 27. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point).
 28. The developer is to remove the redundant driveway crossovers and reinstate with kerb and channel and nature strip to Council's specification.
 29. 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.

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 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).

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 29 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 7 and 25-28 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 Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

Council Officer C Milnes left the meeting at 6.13pm.

5 REPORTS

5.1 PUBLIC LAND REGISTER - BIENNIAL REVIEW

23/99 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Moore

That Council:

a) update its Public Land Register following its biennial review to include:

- 6A Woodland Grove Tugrah;
- Lot 100 Coles Beach Road Devonport;
- 135 Greenwood Lane Tugrah;
- Haines Park – 74 Rooke Street Devonport.

b) amend the following existing property entry:

-
- 10A Langslow Drive – amend name to W J Turner Reserve;
 - Don Memorial Hall Reserve – amend name to John Luck Park;

c) Remove 108 Tarleton Street, East Devonport;

d) make an updated copy of the Register publicly available on Council's website and at the Council Offices.

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

AGAINST: Nil

CARRIED 8 / 0

5.2 PETITION - SPEED LIMITS - PALOONA ROAD

23/100 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That Council:

1. Receive and note the petition dated 11 April 2023 in respect of "hazardous road speeds" on Paloona Road;
2. Provide the petitioner with a copy of this report; and
3. Endorse the recommendations as detailed in this report to not support a speed limit reduction, however install additional signage and guideposts.

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

AGAINST: Nil

CARRIED 8 / 0

5.3 RE-APPOINTMENT OF MUNICIPAL RECOVERY COORDINATOR

23/101 RESOLUTION

MOVED: Cr Martin

SECONDED: Cr Wilczynski

That Council:

1. Note the appointment of the Community Services Manager, Karen Hampton, to the position of Municipal Recovery Coordinator for the Devonport City Council area until March 2026; and
2. Advise the Regional Emergency Management Planner – North-West, State Emergency Services, of Council's Emergency Management nomination.

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

CARRIED 8 / 0

5.4 DISABILITY INCLUSION PLAN 2020-2025 YEAR THREE STATUS

23/102 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Murphy

That Council receive this progress report and note the status of actions listed in the Disability Inclusion Plan 2020-2025.

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

CARRIED 8 / 0

5.5 ROAD NETWORK STRATEGY 2023-2028

23/103 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Enniss

That Council adopt the Road Network Strategy 2023-2028.

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

CARRIED 8 / 0

5.6 FOOD ORGANICS GARDEN ORGANICS (FOGO) & WASTE COLLECTION

23/104 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Murphy

That Council:

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1. advise Dulverton Waste Management Authority of Devonport's participation in the regional FOGO kerbside collection contract to commence as soon as the processing facility is operational; and
 2. provide in-principle support to transition to a fortnightly MSW (waste) kerbside collection to be implemented once FOGO is introduced.

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

CARRIED 8 / 0

5.7 WASTE STRATEGY 2023-2028

23/105 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Wilczynski

That Council adopt the Waste Strategy 2023-2028.

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

CARRIED 8 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

23/106 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 and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

6.2 MAYOR'S MONTHLY REPORT

23/107 RESOLUTION

MOVED: Cr Wilczynski

SECONDED: Cr Enniss

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 and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

6.3 GENERAL MANAGER'S REPORT

23/108 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Moore

That the report of the General Manager be received.

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

AGAINST: Nil

CARRIED 8 / 0

6.4 MONTHLY OPERATIONAL REPORT - APRIL 2023

23/109 RESOLUTION

MOVED: Cr Sheehan

SECONDED: Cr Hollister

That Council receive and note the Monthly Operational Report for the period ending 30 April 2023.

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

AGAINST: Nil

CARRIED 8 / 0

7 SECTION 23 COMMITTEES

Nil

8 CLOSED SESSION

23/110 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 – 24 April 2023	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments - Nil	N/A
5.1	Local Government Association of Tasmania – Election of President & GMC Member 2023	15(2)(g)

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

CARRIED 8 / 0

The Mayor adjourned the meeting at 6.49pm to reconvene in Closed Session at 6.52pm.

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 April 2023	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments - Nil	N/A
5.1	Local Government Association of Tasmania – Election of President & GMC Member 2023	Nominees selected

Council moved out of Closed Session at 6.59pm and resumed in Open Session at 6.59pm.

9 CLOSURE

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

Confirmed - Minutes Confirmed 27 June 2023 - MIN Refers 23/115

A handwritten signature in black ink, appearing to read 'Alison Jarman', with a stylized flourish at the end.

Chairperson - Mayor Alison Jarman