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**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 NOVEMBER 2023 COMMENCING AT 5:30 PM**

<b>Meeting</b>	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Session	5:30 pm	6.17 pm	47 min
Closed Session	6:25 pm	6: 40 pm	15 min
Total			62 min

**Present** Cr A Jarman (Mayor)  
Cr S Sheehan (Deputy Mayor)  
Cr P Hollister  
Cr S Martin  
Cr A Moore  
Cr L Murphy

**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, Jason Bellchambers  
Convention & Arts Centre Manager, Geoff Dobson  
Governance Officer, C Delphin

**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.

The Mayor was not present at the start of the meeting.

The Deputy Mayor assumed the Chair.

## **1 APOLOGIES**

Apologies for the meeting were received from Cr G Enniss, Cr D Viney and Cr Wilczynski.

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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 S Sheehan	5.3 a)	Degree C are currently quoting some mechanical work for me.	Yes	As they are the only conforming tender for this meeting agenda item I will not be leaving the room.
Cr S Martin	3.2.2	Resident of Tugrah Road	yes	
M Atkins	5.2 and 5.4	Brother is a member of the Devonport Football Club	yes	

## 3 PROCEDURAL

### 3.1 CONFIRMATION OF MINUTES

#### 23/225 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Hollister

That the:

- minutes of the Council meeting held on 23 October 2023, as previously circulated be confirmed; and
- unconfirmed minutes of the Annual General Meeting held on 30 October 2023, as previously circulated, be received and noted.

FOR: Cr Hollister, Cr Martin, Cr Moore, Cr Murphy and Cr Sheehan

AGAINST: Nil

CARRIED 5 / 0

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## **3.2 PUBLIC QUESTION TIME**

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

There were no questions received at prior meeting.

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

#### **23/226 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Martin

That Council in relation to the correspondence received from Sarah Kersey; Vicki Ward; Robert Vellacott; Susanne Ward and Petra Wilden, endorse the responses proposed and authorise their release.

FOR: Cr Hollister, Cr Martin, Cr Moore, Cr Murphy and Cr Sheehan

AGAINST: Nil

CARRIED 5 / 0

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

#### **Shane Warren, Unit 2, 134 North Fenton Street, Devonport**

**Q1.** I recently read a Facebook post on this council's Facebook site which says and I quote "we are thrilled to announce that Devonport's new Highball stadium will be located along the eastern side of the Devonport oval. It goes on to say that it will include a minimum of four internal netball/basketball courts, state-of-the-art facilities for players and umpires, a fully equipped canteen, a welcoming reception area and versatile function room and bar. However the Devonport Sport Infrastructure Master Plan 2035 which council adopted on Dec 20, 2021 specifically identified as high priorities the existing Devonport Rec Centre in Forbes Street for improvements and the Maidstone Park Facility at Spreyton for a new multi-use indoor stadium at the existing Devonport Netball Centre. Now note that no such development like this proposed at Devonport Oval on the Master Plan so the question I have Mayor is – Which article is correct and which one should I believe the contents of – the adopted master plan dated December 20, 2021 or the contents of the Council's Facebook site?

The General Manager responded that Council had made a decision to locate the stadium down at the Devonport Oval combining a facility that suits both netball and basketball. Council reports on the subject contains the background information which is available on Council's website.

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**Q2.** Why is this contra to the actual Sports Infrastructure Master Plan which was adopted not even two years ago which specifically identifies the eight recreation areas in Devonport and the specific improvements appraised?

The Executive Manager responded that the original Master Plan work that was done with a Working Group and Sporting Codes in Devonport identified the gaps and priorities for funding around forecast growth in sports and the priorities. In terms of existing facility provision, there were a number and range of projects potentially identified in the Master Plan document. Council has been working with both key user groups associated with the basketball facility and also Devonport Netball which was one of the other high priority codes notified on a co-location project. One of the principles of the Master Plan document was to seek opportunities to co-locate and maximise Council's investment in new facilities and also maximise the utilisation through that process. Working through with the Codes it was identified that the Forbes Street site was not sufficiently sized to accommodate a co-location project and to also accommodate potential future growth and with those Codes working with Council it was determined that the Devonport Oval Precinct was the preferred from four candidate sites that were considered.

The Deputy Mayor offered an opportunity for a further meeting with the Mayor or an appropriate Council staff member.

**Vicky Ward, 3 Woodland Grove, Tugrah 7310**

Ms Ward referred to four questions tabled in Item 3.2.2 Questions on Notice from the Public and sought further details on one of the questions:

**Q1.** What is the Council going to do to ensure that these waterways are maintained. Now the waterways I am talking about were the waterways that run along Tugrah Road. What steps are being taken to ensure that drainage is repaired on Tugrah Road?

In a recent email to Council I asked about the drainage areas on Tugrah Road near Number 42, replied from Council on the 15 October. I received an email from Justin Wylde on 26 October 2023 and we were able to chat on the 16 November and he said the owner of the property had asked the hotmix people to stack the piles of dirt along the side of the road – they are still there. The drainage area has been cleared right next to the driveway – there are trees cut down left of the drain and the dirt etc that's building up preventing proper water movement along that drain. Justyn did not give me an indication of what solution he was working towards. The Council's response to the other three questions fit the answer, but there is no answer for that question.

What is the Council going to do to fix that drainage and ensure that those things are actually fixed?

The General Manager responded that Council will seek more information and will provide further detail in writing.

Ms Ward added that she is concerned about the houses across the road, about the houses further down the walkway and concerned about the walkway itself because the new walkway you have put in is an awesome idea, but if this drainage is not fixed then it might impact on that as well and that's Council money spent and wasted.

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**Sarah Kersey, 4 Ronald Street, Devonport**

**Q1.** Ms Kersey referred to Questions on Notice she submitted and were subsequently published in the Agenda attachments.

She referred to the General Manager's response which was to say really that was what your plan was according to the Open Spaces Plan, but I would like to ask the Council for more detail on that please?

Who? Where? specifically the area between the Vietnam Memorial and the Bluff you refer to as being the Victoria Parade, however the ecosystem - it's a different section of land across - its Bass Strait rather than the Estuary - surely it doesn't have to have the same treatment as the Victoria Parade and isn't it a perfectly reasonable place to start planting and regenerating some native species so that people, we don't have to go outside the city area to see that all actually the council cares about restoring native species, especially because it doesn't require irrigation and it doesn't require so much mowing and maintenance and surely we've got enough open spaces and mowed grass to maintain for things like car events – if that is the amount of money \$220,000 is being spent on irrigation just for one car show perhaps or whatever else there's plenty of other places - open space along the foreshore. That was my point which I didn't feel like it was being addressed really.

**Q2.** Ms Kersey referred to the second question and the response simply from the Council that they have no immediate plans to increase resources in the NRM area, however service levels and budget allocations are reviewed annually as part of the budget deliberations but you still had \$220,000 to spend on irrigation so I feel like there's something a bit wrong in managing our money thank you?

The General Manager responded expanding on what was provided in the written response in regard to the irrigation, that this is something that Council has been lobbied for quite a few years now. It has been in been in our forward works program and in our 10 year program for 3 or 4 years at least and on that basis council considered it was a priority. It's used for events such as the New Year's Eve event, the Motor Show etc., Council weighed up the feedback that was received and on that basis decided it was a worthwhile project and it has been included in this year's budget and we are proceeding with the works.

**Q3.** Is there any chance of reconsidering this decision that has been made by who, when and what and what community response? Where did you get these community ideas that this is what the community wanted? Where did it all come from and how did it start and is there a chance of changing this plan?

The General Manager responded that Council hold a budget consultation process every year and through that process is where the submissions were received in support of the irrigation project and it was through that process that the Council of the day decided to approve the project.

The Deputy Mayor suggested a good time to consider the issues raised would be early next year when Council begin the budget planning and community discussion process for the following year's budget.

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**Petra Wilden, 17 Forest Heights Drive, Tugrah**

**Q1.** My questions weren't answered at all, probably there were quite a few I guess so I'm happy to have those answered for the next meeting then and if I can meet with some people I'm happy to do that as well but I would like to have them answered as well please. So I can't respond to those, but I would like to respond to Susanne Ward's question about the big gum trees that have been cut down at Don River Railway Station – you mentioned that a report was made of an arborist saying that they were dangerous and I would like to see that report because we looked at the trees when they were cut down and didn't see any rot or anything in there and I just want to also still understand how can that happen? Why weren't you asked or told that they wanted to cut it down or why did the Council not know and all of a sudden all these significant trees, they were of big girth, cut down and the Council didn't even know that happened even though you're the owner of the ground and so I would like to see that report because I'm curious to see what which person would have said because I'm not very happy and I don't really believe that they were a danger.

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

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

Nil

### **3.4 NOTICES OF MOTION**

Nil

## **4 PLANNING AUTHORITY MATTERS**

## **5 REPORTS**

### **5.1 TENDER REPORT SUPPLY & DELIVERY ROAD MAINTENANCE TRUCK**

#### **23/227 RESOLUTION**

MOVED: Cr Moore  
SECONDED: Cr Murphy

That Council in relation to Supply & Delivery Road Maintenance Truck award the contract to Flocon Engineering for the tendered sum of \$386,975. (ex. GST).

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

CARRIED 5 / 0

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## **5.2 TENDER REPORT CONTRACT CE0020 DEVONPORT OVAL LED SCOREBOARD**

### **23/228 RESOLUTION**

MOVED: Cr Hollister  
SECONDED: Cr Murphy

That Council in relation to Contract CE0020 Devonport Oval LED Scoreboard:

1. award the contract to Round Table Studio for the tendered sum of \$276,874 (ex GST);
2. note a construction contingency of \$5,000 (ex GST);
3. note project management and administration costs of \$5,537 (ex GST); and
4. note the additional expenditure of up to \$65,411 (ex GST) will be funded from unspent funds on project CC0019 – IT Infrastructure.

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

CARRIED 5 / 0

## **5.3 SOUND AND LIGHT SHOW TENDER REPORT**

### **23/229 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Moore

That Council in relation to TENDER - CP0198 Sound and Light Show Construction and TENDER CP0249-02 Sound and Light Show Equipment:

- a. award the contract CP0198 to Degree C for the tendered sum of \$668,700 (ex GST): and
- b. award the contract CP0249-02 to Round Table Studio for the tendered sum of \$1,160,985 (ex GST).

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

CARRIED 5 / 0

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## **5.4 TENDER REPORT - DEVONPORT STADIUM SUB-CONSULTANTS**

### **23/230 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Hollister

That Council in relation to Tender CB0129 Devonport Stadium Consultants:

1. Award the contract for Structural & Civil Engineering sub-consultant services to *Creo Consultants Pty Ltd* for the tendered sum of \$396,000.00 (ex GST); and
2. Award the contract for Electrical, Fire, Mechanical & Hydraulic Engineering services to *COVA Thinking Pty Ltd* for the tendered sum of \$212,800 (ex GST).

### **PROCEDURAL MOTION**

MOVED: Cr Murphy  
SECONDED: Cr Martin

That the matter be deferred.

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

CARRIED 5 / 0

## **6 INFORMATION**

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

#### **23/231 RESOLUTION**

MOVED: Cr Murphy  
SECONDED: Cr Martin

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

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

CARRIED 5 / 0



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## **6.2 CRADLE COAST WASTE MANAGEMENT GROUP (CCWMG) 2022/23 ANNUAL REPORT**

### **23/232 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Murphy

That Council receive this report and note the ongoing work of the Cradle Coast Waste Management Group.

FOR: Cr Hollister, Cr Martin, Cr Moore, Cr Murphy and Cr Sheehan

AGAINST: Nil

CARRIED 5 / 0

The Mayor joined the meeting at 6.14 pm.

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

### **23/233 RESOLUTION**

MOVED: Cr Moore

SECONDED: Cr Murphy

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

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

AGAINST: Nil

CARRIED 6 / 0

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

The Deputy Mayor vacated the Chair and the Mayor resumed the Chair at 6.17pm.

### **23/234 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Murphy

That the report of the General Manager be received, and Council approve the attached submission in response to State Government consultation on Development Assessment Panels.

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

AGAINST: Nil

CARRIED 6 / 0

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## 6.5 MONTHLY OPERATIONAL REPORT - OCTOBER 2023

### 23/235 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Martin

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

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

AGAINST: Nil

CARRIED 6 / 0

## 7 CLOSED SESSION

### 23/236 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 – 23 October 2023	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Lease Agreement Tenancy 1 17 Oldaker Street Devonport	15(2)(f)

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

AGAINST: Nil

CARRIED 6 / 0

**The Mayor adjourned the meeting at 6.17 pm to reconvene in Closed Session at 6.25pm.**

**The Council moved out of Closed Session at 6.40pm.**

**Council resumed in open session at 6.40pm.**

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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 October 2023	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	Lease Agreement Tenancy 1 17 Oldaker Street Devonport	General Manager authorised to execute a lease agreement with preferred tenant

## 8 CLOSURE

**There being no further business on the agenda the Mayor declared the meeting closed at 6.40pm.**

Confirmed : MIN Refers 23/241



Chairperson