

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 20 DECEMBER 2021 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:32pm	1 hour 2 minutes
Closed Session	6:36pm	6:56pm	20 minutes
Total			1 hour 22 minutes

Present

Cr A Rockliff (Mayor)
Cr A Jarman (Deputy Mayor)
Cr J Alexiou
Cr G Enniss
Cr P Hollister
Cr L Laycock
Cr S Millbourne
Cr L Murphy
Cr L Perry

Council Officers:

General Manager, M Atkins
Executive Manager City Growth, M Skirling
Governance Officer, C Jordan
Community Services Manager, K Hampton
Land Use Planning Coordinator, A Mountney
Convention & Arts Centre Director, G Dobson

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.

A minute's silence was observed prior to the commencement of the Council Meeting for attendees to pay their respects to those impacted by the Hillcrest Primary School tragedy of Thursday 16 December 2021.

1 APOLOGIES

There were no apologies received.

2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor	Item No	Reason	Remain in Meeting? Yes/No	If remaining, reason/s for decision
Cr S Milbourne	3.2.2	Some of the questions pertained to Cr Milbourne's husband's business	No	N/A
Cr S Milbourne	5.8	Cr Milbourne's daughter is a member of the Spreyton Joey Scouts	Yes	Cr Milbourne had an alternative proposal
Cr A Jarman	5.3	Cr Jarman's family farm is situated on Lillico Strait where the Coastal Pathway will pass	No	N/A

Councillor Perry made a statement of apology to Mr Robert Vellacott, in respect of a question he asked of him at the 2021 Annual General Meeting.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

21/262 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That the minutes of the Council meeting held on 22 November 2021 as previously circulated be confirmed.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

21/263 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

That the responses to questions from Mr Smith, Mr Janney and Mr Gardam at the November 2021 Council meeting be noted.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

Cr Milbourne left the meeting at 05:36 pm.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

21/264 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Murphy, Cr
Perry and Cr Rockliff
AGAINST: Nil

CARRIED 8 / 0

Cr Milbourne returned to the meeting at 05:37 pm.

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Nil

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

3.4.1 BEAUTIFICATION OF DON ROAD ROUNDABOUT

21/265 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Perry

That this Council works closely with the Division of Roads through Department of State Growth for the beautification of the land on both the eastern and western sides of the Don roundabout and looks at ideas to make the roundabout itself a more welcoming entrance to our city.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

3.5 ADDITIONAL ITEMS

21/266 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Jarman

That Council by absolute majority agree to consider the following additional agenda item:

5.9 Hillcrest Community Public Fund

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

4 PLANNING AUTHORITY MATTERS

4.1 PA2021.0068 - 39A NORTH FENTON STREET & 34 OLDAKER STREET, DEVONPORT - 11 LOT SUBDIVISION

21/267 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

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 PA2021.0068 and grant a Permit to develop land identified as 39a North Fenton Street, Devonport and 34 Oldaker Street, Devonport for the following purposes:

- 11 lot subdivision

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans referenced as project no. 20-067 by 6ty^o copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to submit a street name option for consideration and approval prior to the Final Plan being sealed. Any names proposed must be in accordance with Nomenclature Board's Rules for Placenames in Tasmania and is recommended to be from Council's adopted list.
3. The developer is to cover all costs associated with the transfer of road title and public open space title to Council. The transfer documentation is to be provided as part of the Final Plan documentation.
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 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;

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- g. Subsoil drains;
 - h. Pipeline cover in accordance with Tasmanian Standard Drawings;
 - i. All driveway crossovers to be Type KCS as per Tasmanian Standard Drawing TSD-R14-v3 and Tasmanian Subdivisional Guidelines; and
 - j. Each proposed lot is to be adequately serviced to permit future development in accordance with the relevant authorities.
5. The developer must, prior to commencement of works on site, submit construction issue drawings to Council's Infrastructure and Works Department for approval and endorsement. Fees associated with this assessment will be in accordance with Council's current fee structure and all civil works associated with the subdivision will be subject to scheduled inspections by Council Officers.
 6. The developer is to provide CCTV camera footage and condition report to WSA05-2013 v 3.1 standard, for all stormwater mains to be handed over to Council, for approval by the City Engineer.
 7. Erosion and sediment control measures are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground, to the satisfaction of the Planning Authority.
 8. 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.
 9. The developer is to provide (as cons) drawings in an electronic format at the completion off the works, detailing final road alignments, stormwater assets, invert levels and finished surface levels.
 10. 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.
 11. 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.

Ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's "Soil & Water Management on Large (greater than 250m² of ground disturbance) Building & Construction Sites" recommendations.

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:

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- a) Transport of materials, goods or commodities to or from the land; or
 - b) The 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 such waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

During construction 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 conditions 4-10 the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

In regard to condition 11 the developer should contact TasWater – Ph 136992 with any enquiries.

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

4.2 AM2021.03 - 215-221 TARLETON STREET EAST DEVONPORT - REZONE FROM GENERAL RESIDENTIAL TO LOCAL BUSINESS ZONE

21/268 RESOLUTION

MOVED: Cr Perry

SECONDED: Cr Murphy

That the Planning Authority:

- agree to certify amendment AM2021.03 to rezone land being CT21185/3 forming part of 215-221 Tarleton Street, East Devonport and a portion of CT158438/1 – Subdivision Road from the General Residential Zone to the Local Business Zone – as set out in **Attachment 1**; and
- place amendment AM2021.03 on public exhibition for a period of 28 days in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993*.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

5 REPORTS

5.1 TENDER REPORT CONTRACT CP0219 PEDESTRIAN BRIDGE FIGURE OF EIGHT CREEK

21/269 RESOLUTION

MOVED: Cr Milbourne

SECONDED: Cr Jarman

That Council, in relation to Contract CP0219 Pedestrian Bridge Figure of Eight Creek, and subject to confirmation of funding from the Local Roads and Community Infrastructure Phase 3 Grant:

- a) award the contract to Buildrite Construction for the tendered sum of \$446,951 (ex GST);
- b) note project design, management and administration costs for the project are estimated at \$12,981 (ex GST); and
- c) note a construction contingency of \$55,868 (ex GST) is included;

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

5.2 DEVONPORT SPORTS INFRASTRUCTURE MASTER PLAN 2035

21/270 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Milbourne

That Council:

1. note the feedback received during the 30-day public consultation period on the Devonport Sports Infrastructure Master Plan;
2. endorse the Devonport Sports Infrastructure Master Plan 2035 as presented by the Sports Infrastructure Master Plan Working Group; and
3. commence operational and precinct planning and analysis in accordance with the implementation plan and priorities contained in the Master Plan, and in consultation with current and future user groups.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

Cr Jarman left the meeting at 05:57 pm.

5.3 COASTAL PATHWAY - UPDATE

21/271 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That Council:

1. Note that the total Council contribution required for the construction of the two sections of Coastal Pathway in the Devonport municipality is forecast to be \$2,241,255.
2. Allocate \$441,255 for the completion of the Don to Leith Section of the Coastal Pathway in its 2022-23 capital works program.
3. Advise Cradle Coast Authority that Council has sufficient funds to proceed with the execution of a contract for the construction of the Don to Leith section of the Coastal Pathway.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 8 / 0

Cr Jarman returned to the meeting at 06:00 pm.

5.4 STREET TRADING POLICY

21/272 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Alexiou

That Council adopt the Street Trading Policy to be effective immediately and changes to Street Trading Licenses areas to be effective from 1 July 2022.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

5.5 STRATEGIC ASSET MANAGEMENT PLAN

21/273 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Perry

That Council adopt the Long-term Strategic Asset Management Plan 2021-2031 included as an attachment to this report.

FOR: Cr Alexiou, Cr Ennis, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

5.6 50+ YEAR RATE PAYER PARKING CONCESSION

21/274 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Jarman

That Council:

1. provide a parking concession to residential ratepayers who have been paying rates for 50 or more years for a trial period of 12 months, from 1 January 2022; and
2. note the requirement of ratepayers to demonstrate eligibility.

FOR: Cr Alexiou, Cr Ennis, Cr Hollister, Cr Jarman, Cr Murphy and Cr Perry
AGAINST: Cr Laycock, Cr Milbourne and Cr Rockliff

CARRIED 6 / 3

5.7 ACCESS AND INCLUSION WORKING GROUP

21/275 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Laycock

That Council appoint the following persons to the Access and Inclusion Working Group:

- Four (4) Devonport residents with disability or their immediate carer/support person -
- Megan Krawczyk
 - Naomi Ralph
 - Tammy Milne
 - Donna Russell and/or Craig Russell

Four (4) members of recognised advocacy organisations representing Devonport residents:

- Jodi Prentice – Visibility
- Stacey Jackson - Down Syndrome Tasmania
- Penelope Rainbow - NW Therapy Services
- Andrew Moore – AP Horizon

Council representatives:

Mayor Annette Rockliff and Cr Alison Jarman

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

5.8 SPREYTON SCOUTS ASSOCIATION - REQUEST FOR LAND

21/276 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Perry

That Council provide in principle support to the provision of land to the 1st Spreyton Scout Group at Maidstone Park subject to:

1. the construction of a Scouts Hall and associated infrastructure costs be borne by the Scout Group, including any investigations regarding suitability of land;
2. Council's approval of the proposed building design prior to lodgement for statutory approvals; and
3. Council's support lapsing in three years should funding not be sourced by the 1st Spreyton Scout Group.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Millbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

5.9 HILLCREST COMMUNITY PUBLIC FUND

21/277 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Murphy

That Council make a donation of \$30,000 to the Hillcrest Community Public Fund.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

21/278 RESOLUTION

MOVED: Cr Perry
SECONDED: Cr Murphy

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.2 MAYOR'S MONTHLY REPORT

21/279 RESOLUTION

MOVED: Cr Milbourne
SECONDED: Cr Murphy

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.3 GENERAL MANAGER'S REPORT - DECEMBER 2021

21/280 RESOLUTION

MOVED: Cr Jarman
SECONDED: Cr Murphy

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

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.4 INFRASTRUCTURE AND WORKS REPORT

21/281 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Alexiou

That Council receive and note the Infrastructure and Works report and endorse the following allocation of external grant funding to projects within the 2021-22 capital works program:

- a) \$8,455 for the Waste Transfer Station fence project;
- b) \$70,000 for the Little Athletics shed project;
- c) \$25,857 for the Maidstone Park netting project.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

6.5 DEVELOPMENT AND HEALTH SERVICES REPORT

21/282 RESOLUTION

MOVED: Cr Alexiou
SECONDED: Cr Murphy

That Council receive and note the Development and Health Services Report.

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr
Murphy, Cr Perry and Cr Rockliff
AGAINST: Nil

CARRIED 9 / 0

7 SECTION 23 COMMITTEES

8 CLOSED SESSION

21/283 RESOLUTION

MOVED: Cr Laycock

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 – 29 November 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Unconfirmed Minutes - Joint Authorities	15(2)(g)
5.2	Australia Day Awards 2022	15(2)(g)

FOR: Cr Alexiou, Cr Enniss, Cr Hollister, Cr Jarman, Cr Laycock, Cr Milbourne, Cr Murphy, Cr Perry and Cr Rockliff

AGAINST: Nil

CARRIED 9 / 0

The Mayor adjourned the meeting at 6:32pm to reconvene in Closed Session at 6:36pm.

The Council moved out Closed Session at 6:56pm and 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 – 22 November 2021	Confirmed
3.2	Application for Leave of Absence	Approved
4.1	Confidential Attachments	Noted
5.1	Unconfirmed Minutes – Joint Authorities	Noted
5.2	Australia Day Awards 2022	Determined award recipients

9 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:56pm.

Minutes confirmed 24 January 2022 min 22/1 refers

Confirmed

A handwritten signature in black ink, appearing to read 'D. Kelly', written over a faint horizontal line.

Chairperson