

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 TUESDAY 28 JANUARY 2025 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6.39pm	69 mins
Closed Session	6.43pm	6.59pm	16 mins
Total			85 mins

Present

- Cr A Jarman (Mayor)
- Cr G Ennis
- Cr P Hollister
- Cr S Martin
- Cr A Moore
- Cr L Murphy
- Cr D Viney
- Cr J Wilczynski

Council Officers:

- Chief Executive Officer, M Atkins
- Deputy General Manager, J Griffith
- Creative Director, G Dobson
- Community Services Manager, K Hampton
- Development Services Manager, K Stone
- Finance Manager, N Maggs
- Land Use Planning Coordinator, A Mountney
- 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.

1 APOLOGIES

An apology was received from Cr S Sheehan.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

25/1 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

That the minutes of the Council meeting held on 23 December 2024, as previously circulated be confirmed.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, 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

There were no Questions raised at the prior meeting.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

There were no Questions on Notice received from the public.

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Douglas Janney, 23 Watkinson Street, Devonport, TAS, 7310

Q1 Why wasn't the Australia Day Awards and Citizenship Ceremony held on Australia Day?

The Mayor responded that Council had decided to run their events outside of the actual day itself therefore people can enjoy Australia Day.

Mr. Janney responded that Australia Day is a specific day and Anzac Day is a specific day so what are you going to do on Anzac Day – have it before or after or on the day, to

which the Mayor responded that the RSL run this event with Council support and they always have it on the day.

Q2 The intersection at Fenton and Best Streets is raised up for traffic calming, instead of more, why not fix up the depressions large and small in the various streets?

The Mayor sought further clarification on what Mr. Janney meant by the depressions and he explained that there are big ones as you come along the waterfront before you get to the lights and there are two huge ones and a lot of others around the town that needs attention.

The CEO responded to Mr. Janney noting his comments and advised that the current service level that addresses these and other things is considered satisfactory with Council addressing issues as required. He added that often those depressions are a result of Tas Water, Telstra or other utility providers that have placed their assets on the road which can result in an uneven surface.

Q3 What consideration has council given to replacement vehicles being electric powered?

Executive Manager Jeff Griffith responded the Council commenced investing in electric vehicles about two years ago and it is currently adding on to that fleet as vehicles come up for renewal. He said that one of the annual plan actions Council has adopted this year is the development of the Zero Emissions Fleet Implementation and Adoption Strategy so going forward Council will continue to make those investments not only in the fleet vehicles but plant and equipment that is used at the depot.

Malcolm Gardam, 4 Beaumont Drive, Miandetta, TAS, 7310

Mr. Gardam made the following statements and asked that they be included in the Minutes:

“With reference to my questions 1 and 3 without notice and the Mayor and General Manager's responses on pages 3 & 4 of the Minutes of the December 2024 meeting I wish to clarify the following matters for the record.

In relation to Q1, and this is very important to correct, my agreement with the Mayor's comment that the questions related to matters in 2016 as minuted was a misunderstanding on my part as none of the questions asked related to 2016 and Q1 was actually in relation to the Waterfront Parkland Redevelopment contract commenced around October 2019 with the last variation claim agreed around the time the last defects liability period expired in April 2024. I had unsuccessfully attempted to extract answers to similar questions regarding possible delay and delay cost claims during the course of that contract. Not being successful led to RTI requests being submitted on the 27th February 2024 and 6th August 2024. It now resides with the Ombudsman for external review of the General Manager's statement that all documentation has been provided along with his determination that the head contract document between Council and Vos Constructions and Joinery P/L not be released. Clearly, Q1 without notice related to a contract only fully finalised in early 2024 and I apologise for not picking up on that and making this clear at the last meeting; accordingly, will you Mayor include this statement in tonight's meeting minutes to correct an error, not of Council's making, in the minutes of the December 2024 meeting and if not clarified now will remain a very misleading record?

In relation to the General Manager's response to Q3, which was actually a question directed to Councillors did indirectly relate to contracts signed between June 2016 and August 2019, as contained within an RTI request dated 22nd May 2022, with all documents

since instructed to be released in full by the Ombudsman in September 2024 with that decision being the subject matter of Questions 2 and 3; the General Manager stated and I quote ".....referred to two reasonings from the Ombudsman that led to the decision for the information to be released, related to the passage of time, and that many of the leases/contracts were no longer in existence....." The GM's statement needs to be put in proper context as on my reviewing of the Ombudsman's Decision R2208-006, dated 18th September 2024, while this was mentioned the Ombudsman did not state it as being a primary reason for directing documents to be released in full.

In fact the Ombudsman went to great lengths to explain why Council's interpretations of the Act, an Act described by the Ombudsman as having an "overarching pro-disclosure focus" was rejected by him. Will you Mayor include this statement in tonight's meeting minutes to put into context the General Manager' statement (which I do not believe was made with the intent to mislead) as recorded in the minutes of the December 2024 meeting and if not clarified now will remain a very misleading record?"

The Mayor responded confirming Mr. Gardam's statements will be included in the minutes.

Preamble

Firstly I ask that Councillors consider this – A Right to Information Request, submitted by me to Council on 22nd May 2022, including the release of the Memorandum of Agreement between Council and Fairbrother P/L, for the sale of Council owned land and a two year exclusivity arrangement with Fairbrother to facilitate the waterfront hotel development, and the head contract between Fairbrother and Council for Stage 1 of Living City was rejected. According to the Ombudsman, in his decision of the 18th September 2024, the MOU expired almost three years earlier in October 2019 and records since released as directed by the Ombudsman show that the Stage 1 contract including Defects Liability Period had expired in August 2019 again almost three years earlier than the date of the RTI for the release of those documents which was rejected by the General Manager in July 2022.

Q1 Will you Mayor or the General Manager, as the nominated RTI Principal Officer, advise in general terms just how long does Council expect such documents be kept secret from the public?

The CEO responded that all RTI requests are assessed in accordance with the legislation and he is aware of the ten year statutory timeframe.

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

4 PLANNING AUTHORITY MATTERS

4.1 PA2024.0135 - 11 FENTON STREET DEVONPORT - BUSINESS & PROFESSIONAL SERVICES AND RESIDENTIAL (MIXED MULTIPLE STOREY BUILDING) & DEMOLITION

25/2 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Hollister

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 PA2024.0135 and grant a Permit to use and develop land identified as 11 Fenton Street, Devonport for the following purposes:

- Business & Professional Services and Residential (mixed multiple storey building) & Demolition

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as project name: 11 FENTON STREET DEVONPORT Revision 02 and 03 dated 30/10/2024 and 25/11/2024 by Morrison & Breytenbach Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. 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 storm events up to and including 100 year ARI. All design calculations are to be submitted for approval by the City Engineer prior to lodgement of any subsequent applications made under the *Building Act 2016*.
3. Subject to the above, and as part of any subsequent plumbing permit application, the proposed development is to have a suitably sized stormwater connection generally in accordance with the Tasmanian Standard Drawings. The size and location of the proposed stormwater connection is to be designed by a suitably qualified hydraulic engineer.
4. A new driveway is to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09-v3.
5. The proposed light vehicle parking and circulation is to comply with AS/NZS 2890.1:2004 Parking Facilities Part 1 - Off-street car parking. In addition, the requirements of AS/NZS 2890.6:2022 - Parking facilities - Off-street parking for people with disabilities are to be met.
6. The developer is to remove any redundant driveway crossovers and reinstate with kerb and channel and nature strip to Council's specification.

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7. Any change to the crossover location or construction is to be approved by the relevant Council officer.
 8. Stormwater services are to be disconnected and temporarily capped for re-use. Any capped service is to be inspected by a Council officer.
 9. The developer is to be responsible for making good and/or cleaning any footpaths, road surfaces or other element damaged or soiled as a result of the project.
 10. 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.
 11. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.
 12. 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 point.
 13. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
 14. 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.
 15. Hours of operation within the commercial tenancy (Business & Professional Services) must be:
 - (a) 7.00am to 9.00pm Monday to Saturday; and
 - (b) 8.00am to 9.00pm Sunday and public holidays
 16. The private waste collection point shall be within the crossover area on Newton Street, unless otherwise approved by Council's Infrastructure Manager.

Note: The following is provided for information purposes.

This permit includes planning consent for the demolition of existing buildings onsite.

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 are: Monday to Friday Between 7am - 6pm, Saturday between 9am - 6pm and Sunday and statutory holidays 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
- (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.

The developer is to ensure that all stormwater run-off is managed in accordance with the

recommendations contained in the document, Erosion and Sediment Control - https://www.derwentestuary.org.au/assets/Best_practice_erosion_and_sediment_control_book.pdf

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).

Consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended the proponent contact TasNetworks Early Engagement team at their earliest convenience via: early.engagement@tasnetworks.com.au

Addressing for the development per AS4819:2011 standard shall be:

Gound Floor:

Commercial Tenancy – G01/11 Fenton St

1st Floor through 5th Floor, numbering from west to east:

101/11 Fenton St

102/11 Fenton St

103/11 Fenton St

104/11 Fenton St

105/11 Fenton St

106/11 Fenton St

201/11 Fenton St

...

506/11 Fenton St

In regard to condition 14 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-13 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 Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

5 REPORTS

5.1 MODEL DISPUTE RESOLUTION POLICY

25/3 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Martin

That Council adopt the draft Model Dispute Resolution Policy with immediate effect.

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

AGAINST: Nil

CARRIED 8 / 0

5.2 CHANGES TO FEES AND CHARGES - 2024/25 FINANCIAL YEAR

25/4 RESOLUTION

MOVED: Cr Moore

SECONDED: Cr Enniss

That Council amend the 2024/2025 Fees and Charges Schedule to change the casual hire rate for sports grounds, as set out below and noting the implementation of a 3-hour maximum cap for hirers:

Byard Park, Devonport		
All ovals	Per hour	\$116.50
John Carey Oval (A Grade Oval)	Per hour	\$ 58.25
Middle Oval (Smaller oval for training)	Per hour	\$ 58.25
Eastern Oval (B Grade Oval)	Per hour	\$ 58.25
Meercroft Park, Devonport		
All fields	Per hour	\$116.50
Eastern Field	Per hour	\$ 58.25
Western Field	Per hour	\$ 58.25
Don Recreation Ground, Don		
All ovals	Per hour	\$116.50
Main Oval (A grade Oval – oval use only)	Per hour	\$ 58.25
Second Oval (B Grade oval – oval use only)	Per hour	\$ 58.25
Maidstone Park		
All Ovals	Per hour	\$116.50
Main Oval	Per hour	\$ 58.25
Oval Two	Per hour	\$ 58.25

Eugene Street Playing Fields, Devonport		
Playing Field only	Per hour	\$ 58.25

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

AGAINST: Nil

CARRIED 8 / 0

5.3 MERSEY LEVEN MUNICIPAL EMERGENCY MANAGEMENT PLAN - ISSUE 5

25/5 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Martin

That Council note and endorse the Mersey Leven Municipal Emergency Management Plan 2024 Issue 5.

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

AGAINST: Nil

CARRIED 8 / 0

5.4 FINANCIAL MANAGEMENT STRATEGY 2024-2033

25/6 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Hollister

That Council adopt the Financial Management Strategy 2025-2034.

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

AGAINST: Nil

CARRIED 8 / 0

6 INFORMATION

6.1 MAYOR'S MONTHLY REPORT

25/7 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

That the Mayor's Monthly Report be received and noted.

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

AGAINST: Nil

CARRIED 8 / 0

6.2 CEO'S REPORT

25/8 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

That the Chief Executive Officer's Report be received and noted.

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

AGAINST: Nil

CARRIED 8 / 0

6.3 MONTHLY OPERATIONAL REPORT - DECEMBER 2024

25/9 RESOLUTION

MOVED: Cr Viney

SECONDED: Cr Hollister

That Council receive and note the Monthly Operational Report for the period ending 31 December 2024.

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

AGAINST: Nil

CARRIED 8 / 0

6.4 AUDIT PANEL

25/10 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Martin

That Council

1. receive and note the unconfirmed minutes of the Audit Panel meeting held on 25 November 2024; and
2. approve an increase to sitting fees for external members in line with Hobart cpi index for 12-month period to December 2024.

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

AGAINST: Nil

CARRIED 8 / 0

7 CLOSED SESSION

25/11 RESOLUTION

MOVED: Cr Viney

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 December 2024	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	6-10 Steele Street, Devonport	15(2)(f)

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

AGAINST: Nil

CARRIED 8 / 0

**The Mayor adjourned the meeting at 6.39pm to reconvene in Closed Session at 6.43pm.
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 – 23 December 2024	Confirmed
3.2	Application for Leave of Absence	Nil
4.1	Confidential Attachments	Noted
5.1	6-10 Steele Sreet, Devonport	Proceed as outlined in the report.

8 CLOSURE

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

Confirmed : Minutes confirmed 24 February 2025 - MIN Refers 25/17



Chairperson - Mayor Alison Jarman