

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 23 DECEMBER 2024 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:43pm	1 hour 13 minutes
Closed Session	6:47pm	7:36pm	49 minutes
Total			2 hours 2 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
Cr D Viney

Council Officers:

General Manager, M Atkins
Deputy General Manager, J Griffith
Executive Manager, K Lunson
Executive Manager, M Skirving
Executive Coordinator, C Jordan
Community Services Manager, K Hampton
Development Services Manager, K Stone
Convention & Arts Centre Manager, 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.

1 APOLOGIES

There were no apologies received.

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 Moore	5.6	Nominated a member for the DEVYAG committee	Yes	My vote does not eliminate anyone else who nominated for this committee
Cr Wilczynski	5.6	Referee for nominee of a committee	Yes	My vote does not eliminate anyone else who nominated for this committee

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

24/235 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

That the minutes of the Council meeting held on 25 November 2024 as previously circulated be confirmed.

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

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

24/236 RESOLUTION

MOVED: Cr Viney

SECONDED: Cr Murphy

That the responses to questions from Ms Janet Woollacott and Ms Susanne Dobrowski at the November Council meeting be 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

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

24/237 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Murphy

That Council in relation to the correspondence received from Mr Robert (Bob) Vellacott, Mr Malcolm Gardam and Ms Petra Wilden, endorse the responses proposed and authorise their release.

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

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Douglas Janney, 23 Watkinson Street Devonport

The intersection at Fenton and Best Streets is raised.

Q1 What is the purpose?

The Mayor responded that it is to slow the traffic down.

The General Manager confirmed that this is correct, and referred Mr Janney to a report that was tabled at the November Council meeting which explained the rationale behind the design changes in the CBD – to improve the safety of the road network within the CBD area. There are a number of initiatives, one of which is raised intersections.

Q2 Are other intersections going to be changed to the same?

The General Manager again referred Mr Janney to the report that was tabled at the last Council meeting that details a number of intersections that are proposed to be raised.

Mr Malcolm Gardam, 4 Beaumont Drive Miandetta

Q1 With reference to my questions on notice and the General Manager's response on pages 6 and 7 of tonight's Agenda, I refute the response given as it is not totally correct; in fact, despite previous requests of a similar nature, the GM has never answered these basic questions and instead has given responses that have skirted around doing so. Accordingly through you Mayor, I asked the GM if there were never any delay claims for extensions of time or delay costs claims submitted by the Waterfront Parkland redevelopment contractor associated with delays caused by the hotel builder (whether approved or not), then why will the GM not unambiguously just state no to the three simple questions asked?

The Mayor responded that these were the responses provided by the General Manager, and that she was satisfied with those responses.

Mr Gardam responded that he did not believe this to be totally correct, and that the answers have never been directly answered, and that he had a lot of questions with answers, but none where the response has been no.

The Mayor sought clarification that this matter was from 2016. Mr Gardam confirmed and advised that takes three years to go through the Ombudsman's office.

The Mayor stated that it is almost 2025, and that Mr Gardam was asking questions relating to 2016. Mr Gardam confirmed that this is correct, because he does not believe he has received answers.

The General Manager responded that it has been explained to Mr Gardam that there are two separate processes – one is the public question time process and the other is the right to information process, which is outlined in legislation. It was stated that in relation to these contractual matters, Mr Gardam had pursued this information through the RTI process, and that Council has provided all the information that he has sought and reconfirmed this a number of times. The General Manager confirmed that Mr Gardam had been provided with all the information that Council has.

Q2 On the 18th of October, I wrote to all Councillors to making them individually aware as to adverse findings by the Ombudsman in relation to Case Reference R2208-006 dated September 2024, as available on the Ombudsman's website, highlighting the findings and requesting councillors acquaint themselves with those findings. At the time I only received 4 acknowledgements of receipt. On the 12th of November, about a month later, I forwarded a follow up letter seeking a response to the following 4 basic questions:

1. Have you read my letter dated 18 October 2024?
2. Have you read the Ombudsman's decision dated 18 September?
3. Have you ever read the reference document the Good governance guide for local government in Tasmania? That's a good document.

If you have read these documents, do you fully understand what the Ombudsman's decision means?

To the second letter, I received 2 acknowledgements of receipt and one automatic out of office response, from which of those three, only one respondent to the questions asked. I thank Councillor Murphy for that, and accordingly are going through you mayor, I ask the remaining Councillors what is so difficult in showing common courtesy, by firstly acknowledging receipt of the letter, and secondly respond to four simple questions that needed no research whatsoever to answer.

The Mayor apologised that she had not answered back, but that she did respond.

Mr Gardam stated that the Mayor had responded but did not answer.

Q3 In my letter dated the 18th of October and the 12th of November to each Councillor, I advised that of some 16 items requested within four external RTI reviews of Council's Principal Officer's determinations, the Ombudsman determined to either vary or find that reasons for not disclosing information were not made out by Council in 87.5% of those matters - 75% were not made out, and 12.5% were varied.

The Ombudsman also expressed that Council's approach does not meet the requirements of the Act and he stated I urge Council to be more diligent in future regarding compliance with the Act.

Through you Mayor, I ask if the Principal Officer's interpretations of the RTI Act as repeatedly overturned by the Ombudsman, and by extension interpretations condoned by Councillors, and in the face of repeated adverse findings by the Ombudsman's office, if that is acceptable to Councillors to continue to knowingly send ratepayer RTI requests off to the Ombudsman for final determination knowing that that process takes around another 3 years from the date of requesting an external review leaving ratepayers still seeking answers years after the event?

Is that acceptable to the Councillors?

Following some interaction between the Mayor and Mr Gardam the General Manager clarified that in relation to the letter it was difficult to understand where the 87% came from as Council found the figure to be much different from that, and referred to two reasonings from the Ombudsman that led to the decision for the information to be release, related to the passage of time, and that many of the leases/contracts were no longer in existence and the Ombudsman's view in relation to matters considered in Closed Session, which differs to Council's viewpoint, and legal advice received by Council.

Mr Gardam further stated that the reason why he has been provided with all contracts except the Vos contract, is the Ombudsman's determination that the contracts, despite being considered in Closed Sessions of Council meetings, were not drafted specifically for the closed session, and therefore were released. He further explained that he had not requested the contracts until after their operational period.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

3.4 NOTICES OF MOTION

Nil

4 PLANNING AUTHORITY MATTERS

4.1 LAND USE PLANNING AND APPROVALS ACT 1993 - UPDATED DELEGATIONS

24/238 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

That Council, acting as a Planning Authority, receive and note the report relating to the provision of planning delegations and determine, in accordance with section 6 of the *Land Use Planning and Approvals Act 1993* ("the Act"), that delegations are provided as outlined in the attachment to the:

- Chief Executive Officer (occupying the statutory position of General Manager pursuant to section 61 of the *Local Government Act 1993*)
 - Executive Manager
 - Development Services Manager
 - Land Use Planning Coordinator
 - Senior Planning Officer, Planning Officer and Project Officer
- or any person acting in these positions, with immediate effect.

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 LAND ACQUISITION - 3-9 MERSEY ROAD & PART OF 31-49 MERSEY ROAD SPREYTON - NORTH WEST SUPPORT SCHOOL

24/239 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Hollister

That Council, in relation to the request from Department of Children and Young People:

- (a) provide 'in-principle' support to dispose of public land, for a sale price established by an independent valuation for the purpose of establishing a new North West Support School campus at Spreyton; and
- (b) authorise the General Manager, in accordance with the *Local Government Act 1993* to publicly advertise the Council's intention to dispose of the public land.

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

5.2 FUNDING SUBMISSION FROM DEVONPORT COUNTRY CLUB - BOWLS AUSTRALIA NATIONALS, NOVEMBER 2025

24/240 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Sheehan

Procedural Motion:

That the matter be deferred.

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 CHIEF EXECUTIVE OFFICER TITLE POLICY

24/241 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Enniss

That the draft Chief Executive Officer Title Policy be adopted, and the transitional steps detailed in the Policy be implemented, with a view to the change in title taking effect from 1 January 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

5.4 STANDING DELEGATION - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

24/242 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Hollister

That Council in accordance with section 61B of the *Local Government Act 1993* ("the Act") appoint Mr Jeffrey Griffith, Deputy General Manager, to act in the office of the Chief Executive Officer (and occupying the statutory position of General Manager as defined in the Act) during every absence of the Chief Executive Officer, effective from 1 January 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

5.5 TENDER REPORT CONTRACT 1361 WASTE TRANSFER

24/243 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That Council, in relation to Contract "1361 Waste Transfer" award the 3-year contract to Veolia Environmental Services for the tendered schedule of rates as follows:

Item	Description	Unit	Rate \$
1	Monthly Hire / rental & maintenance on 40 cubic metre bin	bin	\$105.00
2	Monthly Hire / rental & maintenance on 12 cubic metre capacity "hazard" bin	bin	\$60.00
3	Collect 40 cubic metre bin from the Spreyton WTS. Cart bin to the DRWMA facility, dispose of waste and return bin to Spreyton WTS.	bin	\$151.50
4	Collect 12 cubic metre "Hazard" bin from the Spreyton WTS. Cart bin to the DRWMA facility, dispose of waste and return bin to Spreyton WTS.	bin	\$151.50
5	If required - Extra cost over Items 3.0 and 4.0 for collection and cartage of bins outside normal working hours- : Saturdays (hours 6am to 12pm):	bin	\$191.00

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 ENDORSEMENT OF MEMBERSHIP - COUNCIL COMMITTEES

24/244 RESOLUTION

MOVED: Cr Martin

SECONDED: Cr Moore

That Council appoint:

1. Belinda Donovan, Andrew Moore, Renee Pardoe, Naomi Ralph, Gaye Smith, Leanne Wease and Claire Williams to the Access and Inclusion Working Group.
2. Judy Buckley, Phoenix Hall and Julie Walker to the Bass Strait Maritime Centre Cultural Heritage Advisory Committee as well as Cr Hollister and Cr Martin with Cr Murphy and Cr Wilczynski as proxies.
3. Vivienne Breheney, Sarah Brooke, Jennifer Frost, Dave mangenner Gough, Jane Haley OAM and Marilyn Raw to the Devonport Regional Gallery Advisory Committee.

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4. Atticus Pacey, Chelsea Farnsworth, Emma Cross, Emmi Bruce, Eva Snell, Jingjie Zheng, Mackenzy Phillips, Miles Maibala and Shyanna Marsh to the Devonport Youth Advisory Group.
 5. John Alexiou, Tracey Carter, Sarah de Jersey, Kate Larcombe, Hazy Levi, Eve Marcus, Stephen McGrath, Katrina O'Malley and Frances Wilson to the East Devonport Working Group.

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 CHANGES TO FEES & CHARGES - 2024/25FY

24/245 RESOLUTION

MOVED: Cr Viney

SECONDED: Cr Sheehan

That Council amend the 2024/25 Fees and Charges Schedule to reflect burial rights separately due to changes in GST as per GSTD 2024/2.

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 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

24/246 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 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 CRADLE COAST WASTE MANAGEMENT GROUP 2023/24 ANNUAL REPORT

24/247 RESOLUTION

MOVED: Cr Martin
SECONDED: Cr Murphy

That the CCWMG 2023/24 Annual Report be received by Council.

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

6.3 COUNCILLOR ATTENDANCE AT CONFERENCE REPORT - CR G ENNISS

24/248 RESOLUTION

MOVED: Cr Enniss
SECONDED: Cr Wilczynski

That the report from Cr Gerard Enniss relating to his attendance at the 25th National Street Tree Symposium on 12 13th September 2024 in Adelaide, be received and 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

6.4 MAYOR'S MONTHLY REPORT

24/249 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Murphy

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, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 9 / 0

6.5 GENERAL MANAGER'S REPORT

24/250 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Enniss

That the General Manager's Report be received and 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

6.6 MONTHLY OPERATIONAL REPORT - NOVEMBER 2024

24/251 RESOLUTION

MOVED: Cr Viney

SECONDED: Cr Enniss

That Council receive and note the Monthly Operational Report for the period ending 30 November 2024.

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 CLOSED SESSION

24/252 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

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 – 25 November 2024	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Australia Day Awards	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 6:43pm to reconvene in Closed Session at 6:47pm. The Council moved out Closed Session at 7:36pm.

Council resumed in open session at 7:36pm.

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 – 25 November 2024	Confirmed
3.2	Application for Leave of Absence	Approved
4.1	Confidential Attachments	Noted
5.1	Australia Day Awards 2025	Recipients determined

8 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 7:36pm.

Confirmed: Minutes confirmed 28 January 2025 - MIN Refers 25/1



Chairperson - Mayor Alison Jarman