



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the paranple centre, 137 Rooke Street, Devonport, on Monday 23 March 2020, commencing at 5:30pm.

The meeting will be open to the public at 5:30pm.

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Matthew Atkins
GENERAL MANAGER

18 March 2020

APRIL 2020

Meeting	Date	Commencement Time
Infrastructure Works and Development Committee	20 April 2020	5:30pm
Council Meeting	17 April 2020	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 23 MARCH 2020 IN THE paranaple centre, 137 ROOKE STREET,
DEVONPORT AT 5:30PM**

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Agenda of an ordinary meeting of the Devonport City Council to be held in the paranapple centre, 137 Rooke Street, Devonport on Monday, 23 March 2020 commencing at 5:30pm.

PRESENT

		Present	Apology
Chair	Cr A Rockliff (Mayor)		
	Cr A Jarman (Deputy Mayor)		
	Cr J Alexiou		
	Cr G Enniss		
	Cr P Hollister		
	Cr L Laycock		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

1.0 APOLOGIES

2.0 DECLARATIONS OF INTEREST

3.0 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 COUNCIL MEETING - 24 FEBRUARY 2020

RECOMMENDATION

That the minutes of the Council meeting held on 24 February 2020 as previously circulated be confirmed.

3.2 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 153/19 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (meeting Procedures) Regulations 2015*.
 2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes and Declarations of Interest.
 3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
 4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
 5. A maximum of 2 questions per person are permitted.
 6. A maximum period of 3 minutes will be allowed per person.
 7. If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.
 8. Questions are to be succinct and not contain lengthy preamble.
 9. Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.
 10. A question by any member of the public and an answer to that question are not to be debated.
 11. Questions without notice and their answers will be recorded in the minutes.
 12. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
 13. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
 14. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.
-

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

Responses to questions raised at prior meetings are attached.

ATTACHMENTS

1. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20202402 - Trevor Smith
2. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20202402 - Tony Butler
3. GMGOV - Letter - Response to Question Without Notice - Council Meeting 20202402 - Rodney Russell
4. GMGOV - Letter - Response to Question Without Notice - GFCS 20201603 - Christopher Mills

RECOMMENDATION

That the responses to questions from Mr Trevor Smith, Mr Tony Butler and Mr Rodney Russell at the 24 February 2020 Council meeting and Mr Christopher Mills at the 16 March Governance Finance and Community Services Committee meeting be noted.

Author:	Matthew Atkins
Position:	General Manager



DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

2 March 2020

Mr Trevor Smith
7 Glen Court
DEVONPORT TAS 7310

Dear Mr Smith

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 24 FEBRUARY 2020

I refer to your question taken on notice at the Council Meeting on Monday, 24 February 2020 and provide the following response:

Question

Last year you had tree contractors cut down a fallen tree, at your reserve, along from the Coles Beach Carpark. This reserve is frequented by locals and tourists that walk this area. The tree was cut up in the month of December, with jagged remains left since then, you even have Council workers mowing around this hazard, this isn't the workers responsibility to report it, just leave it as it's not his problem, which is a good attitude to take! Even the local ratepayers have reported this issue to no avail, too hard to fix, no managers to check standards that the ratepayers pay for, in the Living City.

Response

The stump of the fallen tree has now been removed. Council's parks team usually engages a stump removal contractor for a package of work across the City, rather than for individual trees, to get the best possible price.

Yours sincerely

Matthew Atkins
GENERAL MANAGER

*The City with Spirit*



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2 March 2020

Mr Tony Butler
2 Drew Street
EAST DEVONPORT TAS 7310

Dear Mr Butler,

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 24 FEBRUARY 2020

I refer to your question taken on notice at the Council Meeting on Monday, 24 February 2020 and provide the following response:

Question

Many times I have asked about Bass Street in East Devonport and I am very doubtful if any of you know where it is. If you had been over there and had a look, how long has it been a recycling street? There are people up one end of the street that have spent multiple, multiple thousands of dollars trying to beautify the street and then you have someone that has opened a scrap yard there on the street and he has been told that it's okay.

Response

The condition of Bass Street, East Devonport is monitored by Council, with three documented inspections of the street within the last 12 months.

The area of the laneway that you describe as being 'beautified' lies within the titled area for 3-5 Thomas Street, East Devonport and is therefore private property.

With regard to the residence that has stored items within the laneway, the items are currently stored in a way that is not considered to cause a nuisance at this time. Council will continue to monitor as part of our normal operations.

Yours sincerely

Matthew Atkins
GENERAL MANAGER

*The City with Spirit*



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4 March 2020

Mr Rodney Russell
225 Steele Street
DEVONPORT TAS 7310

Dear Mr Russell

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 24 FEBRUARY 2020

I refer to your questions taken on notice at the Council Meeting on Monday, 24 February 2020 and provide the following response:

Q1.

Now that you have completed the new kerb and channel in Adelaide Street when will you reinstate the small white marks on the kerb, ten metres from the corner with Best or Oldaker Streets, placed to assist Council's Parking Attendants?

Response

The project design shows that yellow 'no stopping' lines are to be installed on the approach to each road hump to ensure adequate sight distance for pedestrians. These lines will be installed in the next two weeks. On the departure from each road hump, road rules prohibit parking 10m from an intersection, so no marking is required.

Q3.

The Queen Mary Rest Park, when will we see its name sign?

Response

At this point in time Council has not made a decision or allocated a budget to install any signage within the Park.

Yours sincerely

Matthew Atkins
GENERAL MANAGER

*The City with Spirit*



DEVONPORT CITY COUNCIL

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PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

18 March 2020

Mr Christopher Mills
52 Caroline Street
EAST DEVONPORT TAS 7310

Dear Mr Mills

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 16 MARCH 2020

I refer to your question taken on notice at the Governance, Finance and Community Services Meeting on Monday 16 March 2020 and provide the following response:

Question

Can Mr Atkins confirm that he is a Designated Public Officer according to the Integrity Commission Act (Tasmania) 2009, section 6(1)(b)?

Response

I confirm that I am not a Designated Public Officer under S6(1)(b) of the *Integrity Commission Act (Tasmania) 2009* (the Act).

S6(1)(b) refers to 'a member of a council'. According to S4 Interpretation, 'member, in relation to a council, means a member of that council elected under the Local Government Act 1993'. Therefore, S6(1)(b) relates to elected members.

I am, however, a Designated Public Officer under s6(1)(c) of the Act, 'the principle officer of a public authority other than a person specified in section 5(2) in relation to the principal officer's office'.

Yours sincerely

Matthew Atkins
GENERAL MANAGER

Enquiry Officer: Jacqui Surtees
Direct Line: 6424 0560

*The City with Spirit*

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

MR RICHARD HAMON

Questions on notice from Mr Richard Hamon received 10 March 2020 are **reproduced as attachment 1**.

Splash Aquatic Centre

Q1 What has it cost Devonport City Council since the handover to make necessary repairs to the facility since the handover?

Response

Since the opening of the Splash indoor aquatic centre in 2013 Council have spent on average approximately \$60,000 per annum on maintenance.

Q2 Has Devonport City Council sought to recover the costs of such repairs from the contractor through their warranty and insurance systems?

Response

Maintenance during the defects liability period was the responsibility of the contractor, however since the end of the defects period general operating maintenance has been a Council expense.

Q3 Is or has the operator of the pool facility sought or seeking compensation for the lost income as a result of the closure of any part of the facility?

Response

No.

MR BOB VELLACOTT

Questions on notice from Mr Bob Vellacott received 13 March 2020 are **reproduced as attachment 2**.

Providore Place

Q1 Was a director's guarantee/bond or equivalent stipulated in the second head Lease agreement?

Response

The head lease for Providore Place was determined by Council in closed session. All information that can be publicly released has been.

Rent Payments

Q2 As at the 24/2/20 were each of the Charlotte Jack restaurant and Southern Wild Distillery paying rent?

Response

The commercial terms in regard to the tenancies in Providore Place remain confidential.

Q3 If the answer to Question2 above as at the 24/2/20 were each of the Charlotte Jack restaurant and southern Wild Distillery paying rent? is still YES – then are they both paying full market value rent?

Response

Refer Q2.

Q4 If the answer to Question 2 above as at the 24/2/20 were each of the CharlotteJack restaurant and Southern Wild Distillery paying rent?" is No then why?; and

Response

Refer Q2.

Q5 If the answer to question 2 above as at the 24/2/20 were each of Charlotte Jack restaurant and Southern Wild Distillery paying rent?" is NO – **then are each of them NOW paying a full market value?**

Response

Refer Q2.

Waterfront Hotel Private Assess Road Subsidisation

Q1 Given the facts that –

- (a) the service road necessary for the hotel will be used almost exclusively, by the hotel, for the conduct of their everyday business.
- (b) it has been said and/or inferred, previously, it will also be used by Council to assess the park (obviously on a very limited basis)

Will Council agree,

(a -because there will be not an access road provided under the elevated walk way on the eastern side of Formby Road, due to alternatives: that a couple of traffic lay bys or similar at strategic points on Formby Road would surely suffice to provide the occasional necessary safe parking for council and other vehicles required to service the park adjacent to the hotel?

Or alternatively (b one of the pedestrian walk ways (promenades) if not already provided for, can easily and cheaper be constructed to facilitate vehicles – protected by removable bollards as regularly happens elsewhere?

Response

Council has previously answered your questions in regard to the access road, stating a different view in regard to the assumptions you make and therefore have nothing further to add.

Q2 By virtue that-

- a) the current plan/title shows the service road for the proposed Waterfront Hotel as being a private road,
- b) Council is to construct and will provide maintenance for the access road, using ratepayers funds,
- c) the said road is a vital and necessary requirement for the hotel so as to comply with all planning requirements,
- d) it will be used, except on very rare occasions, exclusively by the hotel, and
- e) Council continually informs that this is not a form of subsidisation;

Therefore because Council contends that the road in question is not a subsidised road for the hotel – will Council please inform the correct terminology that best describes/ defines the vital access/service road which will be required for the Waterfront Hotel?

Response

Refer Q1.

MR BOB VELLACOTT

Questions on notice from Mr Bob Vellacott received 13 March 2020 are **reproduced as attachment 3.**

Q1 Mayor, In view of the above and for the sake of natural justice, I now respectfully ask again, will you on behalf of Mr. Gardam and myself give notice of motion to at the next meeting scheduled for 23rd March 2020 rescind the motion declaring that we are difficult customers?

Hopefully Councillor Leon Perry who seconded the motion of the 27th August 2018 will, to demonstrate integrity support you, if you see fit to support my request and second the suggested motion.

The motion I suggest should contain the following words or words to the effect *"That Resolution 141/18 as passed at the Devonport City Council Meeting 27th August 2018 meeting that instructed the General Manager to implement the intent of the Dealing with Difficult Customers Policy against Mr. Malcolm Gardam and Mr. Bob Vellacott be forthwith rescinded "*

I believe my request is fair and reasonable and I look forward to a favorable reply and positive outcome.

Response

As previously advised the Mayor does not intend to take any further action on this matter.

MR MALCOLM GARDAM

Questions on notice from Mr Malcolm Gardam received 16 March 2020 are **reproduced as attachment 4.**

Providore Place including questions seeking clarification relating to the February 2020 Ordinary Meeting

Q1. The February 2020 Agenda includes in relation to the Providore Place head lessee that *"....it can be confirmed that the former head lessee has met his obligations in regards to the payment of rates."* and accordingly will Council please clarify each of the following as separate questions:

- a) Noting previous advice relating to the absence of a valuation from the Valuer General will Council please advise whether the "rates" were based on a vacant site or the previous developed site valuation?
- b) Which rate years did the former head lessee actually pay rates for?

Response

Council has nothing further to add in regard to this question.

Q2. In response to a question on notice to the February 2020 meeting in that "What was the date that the Council first invoiced Providore Place (Devonport) Pty Ltd for rent on the food pavilion (Providore Place) whether subsequently paid or not?" the council response was *"Refer answer to Q3a."* Question 3a advised that *"Rent was invoiced for the period from 1 February 2019 until August 2019."* Accordingly, the question is having been previously confirmed that Providore Place rent was supposed to commence on 1st July 2018 why was rent not first invoiced around that time whether subsequently paid or not?

Response

As has been explained on numerous occasions Council determined to defer the commencement of rent until 1 February 2019 and therefore it was not necessary to raise an invoice for the period up until this time.

Q3. Has each tenant (persons/occupants) at Providore Place, other than TasTafe and Redline, now entered written lease agreements with Council at commercial (market) rental amounts?

Response

The commercial terms in regard to the tenancies in Providore Place remain confidential.

Q4. Was/were current independent valuation(s) obtained to determine the appropriate commercial (market) rent for each part of Providore Place now occupied?

Response

Yes, Council has an independent valuation for the market rents in Providore Place.

Q5. Did the current valuation(s), obtained to determine the appropriate commercial (market) rent for each part of Providore Place, if actually procured, include (take into account) the individual fitouts funded by council in each part occupied?

Response

Yes.

Q6. In the January meeting agenda Council responded to the following question ".....with the *"fully commercial based"* replacement head lease since terminated will Council immediately disclose the full value of the *"on-charged outgoings"* if in fact they have not been reimbursed to Council?" with *"No, not all costs have been reimbursed, \$33,895 remains outstanding."* Will Council please confirm if the outstanding \$33,895 has since been reimbursed to Council by Providore Place Devonport Pty Ltd?

Response

No, the stated amount remains outstanding.

Proposed Waterfront Precinct Hotel Development

Q7. Council has previously confirmed in relation to the Lot 1 land sale to Fairbrother, for the waterfront hotel, that *"The sale price as announced in March 2019, was \$1.18M."* Noting that the initial Lot 1 title plan indicated a size of 2,315m² and the current title plan indicates 2,348m² being an additional 33m² equating to a value of \$16,820 based on the initial square metreage sale price of \$509.70/m², has Council just gifted the extra area of land to Fairbrother or is it like the some 630m² of Harris Scarfe site costing \$1709/m² to purchase and sold at \$509/m² at a ratepayer loss of some \$750,000, that Council advised it had no intention of responding to as it did not keep those calculations?

Response

Council sold the hotel site to Fairbrother for the fixed sum of \$1.18M which was consistent with an independent market valuation.

ATTACHMENTS

1. GMGOV - Email - Question on Notice - Council Meeting - 23 March 2020 - Richard Hamon - Splash Aquatic Centre
2. GMGOV - Letter - Bob Vellacott
3. GMGOV - Letter - Questions on notice - Council Meeting - 23 March 2020 - Bob Vellacott - Motion from meeting held 27 August 2018
4. GMGOV - Letter - Questions on Notice - Council Meeting - 23 March 2020 - Mr Malcolm Gardam

RECOMMENDATION

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

Author:	Robyn Woolsey		Endorsed By:	Matthew Atkins
Position:	Executive Assistant Management	General	Position:	General Manager

From: Richard Hamon <relhamon@hotmail.com>
Sent: Thursday, 5 March 2020 12:06 PM
To: Devonport City Council <council@devonport.tas.gov.au>; Fabio Pizzirani <fpizzirani@devonport.tas.gov.au>
Subject: Re: Council issues

Council,

I have raised questions with Fabio Pizzirani in relation to the responsibility on works being made at Splash Devonport. Since the completion of the pool approximately six years ago there have been works made to the pool. It is understood that general maintenance of the pool is required periodically but this does not extend to major repairs if the pool was handed to council in the appropriate condition subject to the warranties applied for any works made in its construction.

As a rate payer of Devonport I am concerned that our monies are being used to repair work that should be the responsibility of the contractors that made it in the first place.

Questions required to be answered.

What has it cost DCC since the handover to make necessary repairs to the facility since the handover?

Has DCC sought to recover the costs of such repairs from the contractor through their warranty and insurance systems?

Is or has the operator of the pool facility sought or seeking compensation for the lost income as a result of the closure of any part of the facility?

Richard

QoN RBV Providore Place 23 March 2020 Head Lease Directors Guarantee Rent and Waterfront Hotel www

ROBERT B. VELLACOTT – Financial Ratepayer
11 COCKER PLACE
DEVONPORT

The Mayor and Councillors
Devonport City Council
Best Street
Devonport

SUBJECT – PROVIDORE PLACE HEAD LEASE DIRECTORS GUARANTEES & PAYMENTS

Ref - Feb 2020 Agenda ITEM 3.2.2 PAGES 19-20

Mayor I refer to my Question 1 on notice(Feb 2020) in regard as to whether or not you or Councillor Perry to protect ratepayers' interests required or stipulated that a director's guarantee, bankers bond or equivalent should be included in the second head lease agreement for Providore Place.

The response was - "All information relating to the Providore Place Head lease that can be publicly released has been previously provided "

Obviously council wants information about this most important protection kept secret and I wonder why. Also one can only come to the conclusion none was sought.

I remind council of your code of conduct included on the schedule of meetings website.

Council meetings are conducted in accordance with a Code of Conduct, to ensure that Council meetings are conducted:

- **with efficiency, impartiality, honesty and integrity;**
- **within the spirit and letter of all relevant laws; and**
- **in the best interest of the community.**

Whilst the above states **council meetings** per sec, I would suggest the same principles would/should apply to all council affairs. Unfortunately it has been proven council has not applied them in many instances whilst dealing with much of the business concerned with the Living City project and in particular that pertaining to Providore Place.

QUESTION 1

Mayor and Councillors by your continuing refusal to release information and covering up the mismanagement of Providore Place **you are obviously implying that, indeed, it is not in the best interest of the community to know the truth of how ratepayer's affairs are being conducted** . I therefore respectfully ask – Mayor will you or Cr Leon Perry because you were both responsible for negotiating the now aborted second head lease give notice to move a motion so that council can resolve at the 23rd March 2020 meeting ,with words to the effect that my fair and reasonable request to know in regard to the, now aborted, second Head Lease Agreement with Providore Place Devonport Pty Ltd - if a director's guarantee, bankers bond or equivalent was provided by the head lessee can be answered with a simple yes or no ?

/ 2

Page 3

And- (b) it has been said and/or inferred , previously ,it will also be used by council to assess the park
(obviously on a very limited basis)

Will Council agree,

(a -because there will be not an access road provided under the elevated walk way on the eastern side of Formby Road, due to alternatives: that a couple of traffic lay bys or similar at strategic points on Formby Road would surely suffice to provide the occasional necessary safe parking for council and other vehicles required to service the park adjacent to the hotel?

Or alternatively (b one of the pedestrian walk ways (promenades) if not already provided for , can easily and cheaper be constructed to facilitate vehicles – protected by removable bollards as regularly happens elsewhere ?

Question 2

By virtue that-

a) the current plan/ title shows the service road for the proposed Waterfront Hotel as being a private road,

b) council is to construct and will provide maintenance for the access road, using ratepayers funds,

c) the said road is a vital and necessary requirement for the hotel so as to comply with all planning requirements ,

d) it will be used ,except on very rare occasions ,exclusively by the hotel, and

e) Council continually informs that this is not a form of subsidisation;

Therefore because Council contends that the road in question is not a subsidised road for the hotel –
will Council please inform the correct terminology that best describes /defines the vital access /service road which will be required for the Waterfront Hotel?

Please include all of the above and your responses to my questions and comments in the DCC Agenda for the 23rd March 2020 and the minutes of that meeting.

R. B. Vellacott

BOB. VELLACOTT - 13th March 2020

GoN RBV Difficult Customers req. to rescind motion for 23 March 2020 and

Page 1 Of 2

ROBERT B. VELLACOTT - RATEPAYER
11 COCKER PLACE DEVONPORT 7310

TO THE MAYOR AND COUNCILLORS
DEVONPORT CITY COUNCIL
ROOKE STREET DEVONPORT 7310.

QUESTIONS ON NOTICE FOR DCC MEETING 23rd March 2020

SUBJECT – REQUEST TO RESCIND THE MOTION DEALING WITH DIFFICULT CUSTOMERS AS PERTAINING TO MR MALCOLM GARDAM AND BOB VELLACOTT.

Mayor Rockliff,

I preface the following by saying; the Deputy Mayor Jarman and the newly elected Councillors are not subject to my comments in the preamble.

Preamble -

You may recall when you were the Acting Mayor - That:-

At the 27th August 2018 DCC meeting, because of the constant questioning by Mr. Malcolm Gardam and myself which was causing embarrassment to Council: aldermen then present namely Charlie Emmerton, Leon Perry and Grant Goodwin, quite contrary to your accepted code of practice, were permitted to berate and denigrate M.Gardam and myself, culminating in a scurrilously connived “gag” motion to be moved. Of note- at that meeting no proper right of reply or defense was afforded to either Mr. Gardam or me.

The confirmed minutes of that meeting held on the 27th August 2018 record -

Alderman Charlie Emmerton moved - seconded by Acting Deputy Mayor Leon Perry

“That Council in relation to the correspondence received from Mr Malcolm Gardam and Mr Bob Vellacott endorse the responses proposed and authorise their release; and furthermore, in noting the numerous questions and responses provided over an extended period to both Mr Gardam and Mr Vellacott and considering their concerns will never be able to be fully satisfied and that the extent of their requests for information has become unreasonable, that Council instruct the General Manager to implement the intent of the Dealing with Difficult Customers Policy and advise them accordingly”.

Carried

For the motion - Acting Mayor A. Rockliff, Acting Deputy Mayor, L .Perry, Aldermen G. Goodwin, C Emmerton & L Laycock:

Against – Aldermen - A Jarman & T Milne (I thank them for that)
(Absent - Ald. J Matthews)

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I contend Mayor we now have been completely vindicated by the findings of the Auditor General as stated in his report of September 2019, and by, among other things, the most embarrassing revelations in the Council's 2019 Annual Report and the press about council's lack of business acumen in the matter of dealing with the original and second head lease agreements with Providore Place Devonport Pty Ltd.

I am sure you will agree the extra information about Council's failings that has been brought to the public's notice, particularly since my first attempt of the 22nd July 2019 to have the motion rescinded, now prove beyond doubt that Mr. Gardam and I, were well justified in asking the questions about council's actions, that you and the majority of the former Aldermen in fact knew, at that time, was not in accord with good practice, and we were entitled to ask, and yet Council falsely made out the questions being asked were unreasonable.

I refer you again to correspondence I received from the, now former, Minister for Planning and Local Government - Hon. Peter Gutwein, who in part said and I quote -

"Strategic decisions to invest in major projects, such as Devonport Living City Project, are for councils to decide and should be made through a formal and informed decision making process. Councils are accountable for their decisions and are responsible for answering questions asked by the community."

Q1.

Mayor, In view of the above and for the sake of natural justice , I now respectfully ask again, will you on behalf of Mr. Gardam and myself give notice of motion to at the next meeting scheduled for 23rd March 2020 rescind the motion declaring that we are difficult customers ?

Hopefully Councillor Leon Perry who seconded the motion of the 27th August 2018 will, to demonstrate integrity support you, if you see fit to support my request and second the suggested motion

The motion I suggest should contain the following words or words to the effect *"That Resolution 141/18 as passed at the Devonport City Council Meeting 27th August 2018 meeting that instructed the General Manager to implement the intent of the Dealing with Difficult Customers Policy against Mr. Malcolm Gardam and Mr. Bob Vellacott be forthwith rescinded "*

I believe my request is fair and reasonable and I look forward to a favorable reply and positive outcome.

Please include in the 23rd March Agenda all of the above and your response in the minutes of that meeting.

R.B. Vellacott. 12th March 2020

> "Democracy dies in darkness" <

14th March 2020

Devonport City Council
137 Rooke Street
DEVONPORT TAS 7310

Malcolm Gardam
4 Beaumont Drive
MIANDETTA TAS 7310
(Mobile No: 0417 355 813)

ATTENTION: MR. MATTHEW ATKINS – GENERAL MANAGER (MAYOR & COUNCILLORS)

RE: LIVING CITY – GOVERNANCE AND OPERATIONAL QUESTIONS ON NOTICE (Ref. File 32161)

Dear Sir,

The following are submitted as questions on notice for the next Ordinary Meeting of Council scheduled for Monday 23rd March 2020.

Providore Place including questions seeking clarification relating to the February 2020 Ordinary Meeting

- Q1.** The February 2020 Agenda includes in relation to the Providore Place head lessee that *"....it can be confirmed that the former head lessee has met his obligations in regards to the payment of rates."* and accordingly will Council please clarify each of the following as separate questions:
- a) Noting previous advice relating to the absence of a valuation from the Valuer General will Council please advise whether the "rates" were based on a vacant site or the previous developed site valuation?
 - b) Which rate years did the former head lessee actually pay rates for?
- Q2.** In response to a question on notice to the February 2020 meeting in that "What was the date that the Council first invoiced Providore Place (Devonport) Pty Ltd for rent on the food pavilion (Providore Place) whether subsequently paid or not?" the council response was *"Refer answer to Q3a."* Question 3a advised that *"Rent was invoiced for the period from 1 February 2019 until August 2019."* Accordingly, the question is having been previously confirmed that Providore Place rent was supposed to commence on 1st July 2018 why was rent not first invoiced around that time whether subsequently paid or not?
- Q3.** Has each tenant (persons/occupants) at Providore Place, other than TasTafe and Redline, now entered written lease agreements with Council at commercial (market) rental amounts?
- Q4.** Was/were current independent valuation(s) obtained to determine the appropriate commercial (market) rent for each part of Providore Place now occupied?

- Q5. Did the current valuation(s), obtained to determine the appropriate commercial (market) rent for each part of Providore Place, if actually procured, include (take into account) the individual fitouts funded by council in each part occupied?
- Q6. In the January meeting agenda Council responded to the following question ".....with the *"fully commercial based"* replacement head lease since terminated will Council immediately disclose the full value of the "on-charged outgoings" if in fact they have not been reimbursed to Council?" with *"No, not all costs have been reimbursed, \$33,895 remains outstanding."* Will Council please confirm if the outstanding \$33,895 has since been reimbursed to Council by Providore Place Devonport Pty Ltd?

Proposed Waterfront Precinct Hotel Development

- Q7. Council has previously confirmed in relation to the Lot 1 land sale to Fairbrother, for the waterfront hotel, that *"The sale price as announced in March 2019, was \$1.18M."* Noting that the initial Lot 1 title plan indicated a size of 2,315m² and the current title plan indicates 2,348m² being an additional 33m² equating to a value of \$16,820 based on the initial square metreage sale price of \$509.70/m², has Council just gifted the extra area of land to Fairbrother or is it like the some 630m² of Harris Scarfe site costing \$1709/m² to purchase and sold at \$509/m² at a ratepayer loss of some \$750,000, that council advised it had no intention of responding to as it did not keep those calculations?

Please acknowledge receipt and ensure inclusion in full in the March meeting Agenda.

Yours sincerely,



Malcolm Gardam

CC: Mayor & Councillors

3.2.3 Question without notice from the public

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 LGAT MOTION - NOTICE OF MOTION - CR S MILBOURNE

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor S Milbourne.

ATTACHMENTS

Nil

MOTION

"That the Local Government Association of Tasmania lobbies the Federal Government to move the National Day of Celebration known as Australia Day to a more inclusive date that represents our multicultural society."

SUPPORT

If we are serious about improving the relationship between our indigenous and non-indigenous cultures, we must respect the date of our national celebration and choose a day that celebrates all our society.

Every Australia Day we celebrate together, as one nation. We have many cultures who collaboratively celebrate our freedom, our democracy and our beautiful country. We celebrate our diversity and our indigenous culture however the current date that has been chosen causes trauma for our indigenous community.

Our indigenous community has suffered generational trauma from, what now much of society can agree is inexcusable, government sanctions. There have been hundreds of soldier led massacres during our colonial times (including the 1824-1831 Black War in Tasmania), government removal of children (stolen generation), stolen wages, sexual abuse, forceful removal from land, forced labour and rapid change to what was deemed society acceptable standards of living enforced on Indigenous groups. As a nation we have made some inroads to reconciliation but until we can truly have real discussions regarding the trauma inflicted by the government on this part of our society we will be stunted towards reconciliation.

This trauma has led to hopelessness and cultural dissociation which, in turn leads to anti-social behaviour (high alcohol consumption, petrol sniffing, violence, sexual abuse). Australia has an overrepresentation of indigenous people in our penal system. Our indigenous population continues to be the most incarcerated culture per capita in the world with 12.5% of Aboriginal and Torres Strait Islander people in Australian jails. (Australian Law Reform Commission; 9/1/2018). 70% of Australians accept that Aboriginal people were subject to mass killings, incarceration and forced removal from land (The Guardian, Mar 4, 2019), yet we cannot agree to do something as simple as change the date to show lament for these atrocities.

Our history is confronting, challenging, provoking. It is glossed over in our education system and hypocritically selective when discussed in society. We can continue to ignore this problem or bring it to light; to educate those in our society who are unaware of our actual history which enables them to form a well-rounded view for moving forward. To take ownership of our brief history we need to know the truth of how we came to be who we are now, in 2020. To continue to keep the change the date conversation open we need to

show leadership within government; to educate our constituents and enable them to make informed decisions and be culturally minded in their decisions regarding celebrating our national day.

Further reading

<https://www.creativespirits.info/aboriginalculture/health/aboriginal-sexual-abuse>

<https://www.theguardian.com/australia-news/2019/mar/04/the-killing-times-the-massacres-of-aboriginal-people-australia-must-confront>

https://en.wikipedia.org/wiki/Indigenous_Australians_and_crime

<https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/executive-summary-15/disproportionate-incarceration-rate/>

<https://www.australiangeographic.com.au/news/2018/07/digital-map-records-250-indigenous-massacres-more-predicted/>

<https://ethics.org.au/australia-day-change-the-date-change-the-nation/>

[Colonial frontier massacres in Central and Eastern Australia, 1788–1930: Introduction". University of Newcastle \(Australia\). Retrieved 3 January 2020.](#)

OFFICER'S COMMENTS

If the motion was supported by Council a motion by the Devonport City Council would be tabled at the general meeting of LGAT which is currently scheduled for 23 July 2020.

3.4.2 TRAFFIC CONTROLS - SPREYTON PRIMARY SCHOOL - NOTICE OF MOTION - CR A JARMAN

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor A Jarman.

ATTACHMENTS

Nil

MOTION

"That Council investigate, in conjunction with the State Government, ways to improve traffic congestion around the Spreyton Primary School on Spreyton Main Road during school drop off."

SUPPORT

The road is constantly congested at school time during the morning and the main issue is the right hand turn into the school car park from the South and as there is also parking for the shop on the left hand side, traffic builds up and causes issues over the school crossing and beyond.

Build-up of traffic is very frustrating for the drivers in the morning let alone being a considerable danger to children being dropped off on the left-hand side and having to cross over at the school crossing during this extremely busy time.

There are a few different options including stopping the right hand turn into the car park, develop a third slip lane to allow cars to not be in the way of through traffic, or alternatively, enforcing all school drop offs to only be at the back of the school, off Bay Drive.

I would like Council to become involved in this discussion with the State Government as this is a State Growth Road.

OFFICER'S COMMENTS

This issue is listed as an action in Council's 2019-2020 Annual Plan. Staff are nearly at the point of concluding their investigations and are looking at applying for external funding under the vulnerable road users program which closes at the end of this month. Consultation has been undertaken with Spreyton Primary School and Department of State Growth in the process. Based on these actions Council may wish to consider an alternative motion such as:

"That Council note consultation has been undertaken with the State Government, in regard to improving traffic congestion and safety around the Spreyton Primary School on Spreyton Main Road and endorse a submission to the vulnerable road users grant program for funding to implement improvements."

3.4.3 BANNING OF SINGLE USE PLASTICS - DEVONPORT REGION - NOTICE OF MOTION - CR A JARMAN

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor A Jarman.

ATTACHMENTS

Nil

MOTION

"That Council have a Workshop on the possibility of banning all single use plastic in the Devonport region with a by-law developed."

SUPPORT

A by-law has been approved at Hobart City Council and I believe we should follow suit, however an investigation and report, would be the first step, to be then workshopped at Devonport City Council before making a decision.

The time has come for us to not let the businesses dictate when they will stop the use of single use plastic. We need to lead from a Council perspective and not wait for the State Government to take a stance. I encourage all other councils to consider this as a way forward for Tasmania.

Major supermarkets have made changes to their waste re plastic bag use but not within the products that are covered in plastic. Some retailers are still using plastic bags in their stores whilst others have already changed to paper or cardboard. There needs to be a major change and this is an ideal situation that requires leadership from a council level.

OFFICER'S COMMENTS

A workshop session would need to consider issues such as enforcement and compliance, impact on local businesses, possibilities for regional collaboration and the extent of community engagement and consultation.

4.0 PLANNING AUTHORITY MATTERS

The Mayor will now announce that Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for the consideration of Agenda Item 4.1.

Council is required by Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015* to deal with items as a Planning Authority under the LUPA 1993 in a sequential manner.

The following item is to be dealt with at the meeting of Council in its capacity as a Planning Authority.

- 4.1 PA2020.0017 Residential (Single Dwelling and Outbuilding) - 146 Paloona Road, Paloona

4.1 PA2020.0017 RESIDENTIAL (SINGLE DWELLING AND OUTBUILDING) - 146 PALOONA ROAD, PALOONA

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding Planning Application PA2020.0017.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant:	Mr G Handbury and Ms G Heffernan
Owner:	Ms F Johnston and Ms G Rundle
Proposal:	Residential (single dwelling and outbuilding)
Existing Use:	Resource Development
Zoning:	Rural Resource
Decision Due:	27/03/2020

SITE DESCRIPTION

The subject site is an elevated 24.55ha parcel of land with a narrow access frontage to Paloona Road to the east and Ahernes Road to the south-west where the proposed vehicular access to the site is preferred. The location of the site, shaded red, relative to the settlements of Melrose and Paloona is marked on Diagram 1 below.

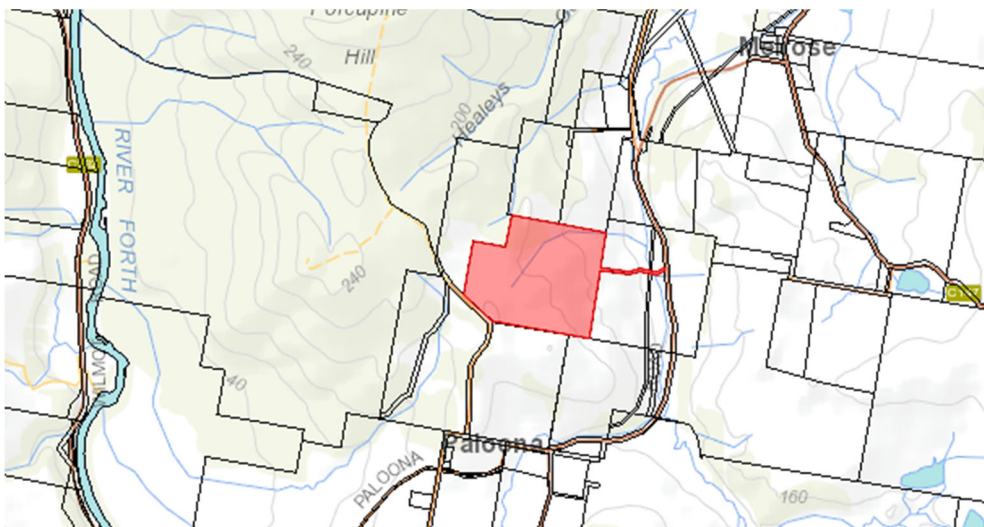


Diagram 1 – Location Plan, Map source: the LIST, Topographic detail

The applicant engaged the services of a planning consultant to prepare the supplementary report for this planning application and much of the following text is reproduced to avoid duplication.

¹The land is characterised as occupying the north eastern slopes of the southeast Porcupine Hill ridgeline and drains generally to the northeast. The site is not in a proclaimed irrigation district under Part 9 Water Management Act 1999.

The Land Capability Survey Tasmania, Forth Map, 1:100000 by KE Noble 1992 reveals that the site is composed of an area of class 3 land to the west of the site, within the upper slopes and comprising an area of about 7.72ha. The balance of the site being class 4 & 5. Diagram 2 below depicts the land capability map detail with the subject site outlined in blue.

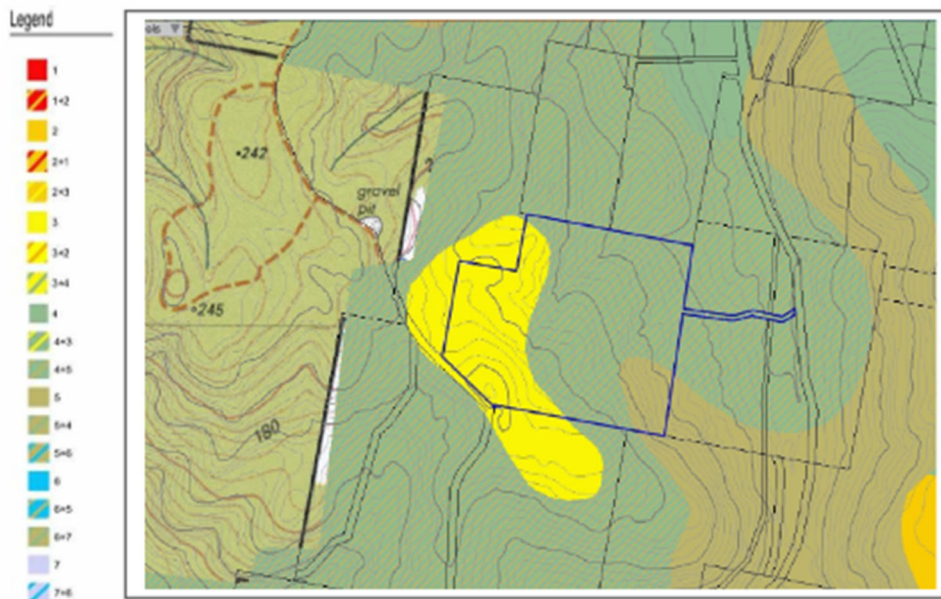


Diagram 2 – Map source, Land Capability layer, the LIST

It is submitted that the site has been used and managed for agricultural use for over 100 years with grazing being the form of past agricultural activity. The surrounding land uses are also characterised by grazing to the east and south with lifestyle properties to the west and north.

APPLICATION DETAILS

The applicant is applying for a planning permit for a residential use (single dwelling and outbuilding) on the site.

The application documentation is appended as Attachment 1.

Ancillary to this it is also proposed to conduct a veterinary service for large animals when those animals require veterinary care and monitoring. This onsite facility will include holding pens, cattle crush and horse stocks to ensure restraint and safe handling for necessary treatments and observation.

It is expected that up to ten animals per month will require onsite care for a period ranging from a night to a week. Associated with this is primary production in the form of sustainable grazing and pasture management allowing space for care and recovery of the large animals subject to veterinary care.

¹Ian Newman 4Planning Pty Ltd, 6 February 2020

The dwelling and the associated shed are proposed to be constructed within a 60m x 40m building envelope that is situated 276m from the eastern boundary, 100m from the southern boundary, 334m from the northern boundary and 241m to the western boundary. The distance to the Ahernes Road frontage is 160m.

The building form is single storey of approximately 280m² and has an east west orientation parallel to the building envelope. A 7m x 10m proprietary brand steel shed also sits within the building envelope.

Diagram 3 below is reproduced from the application documents to provide an indicative position relative to the same orientation as the previous diagrams.

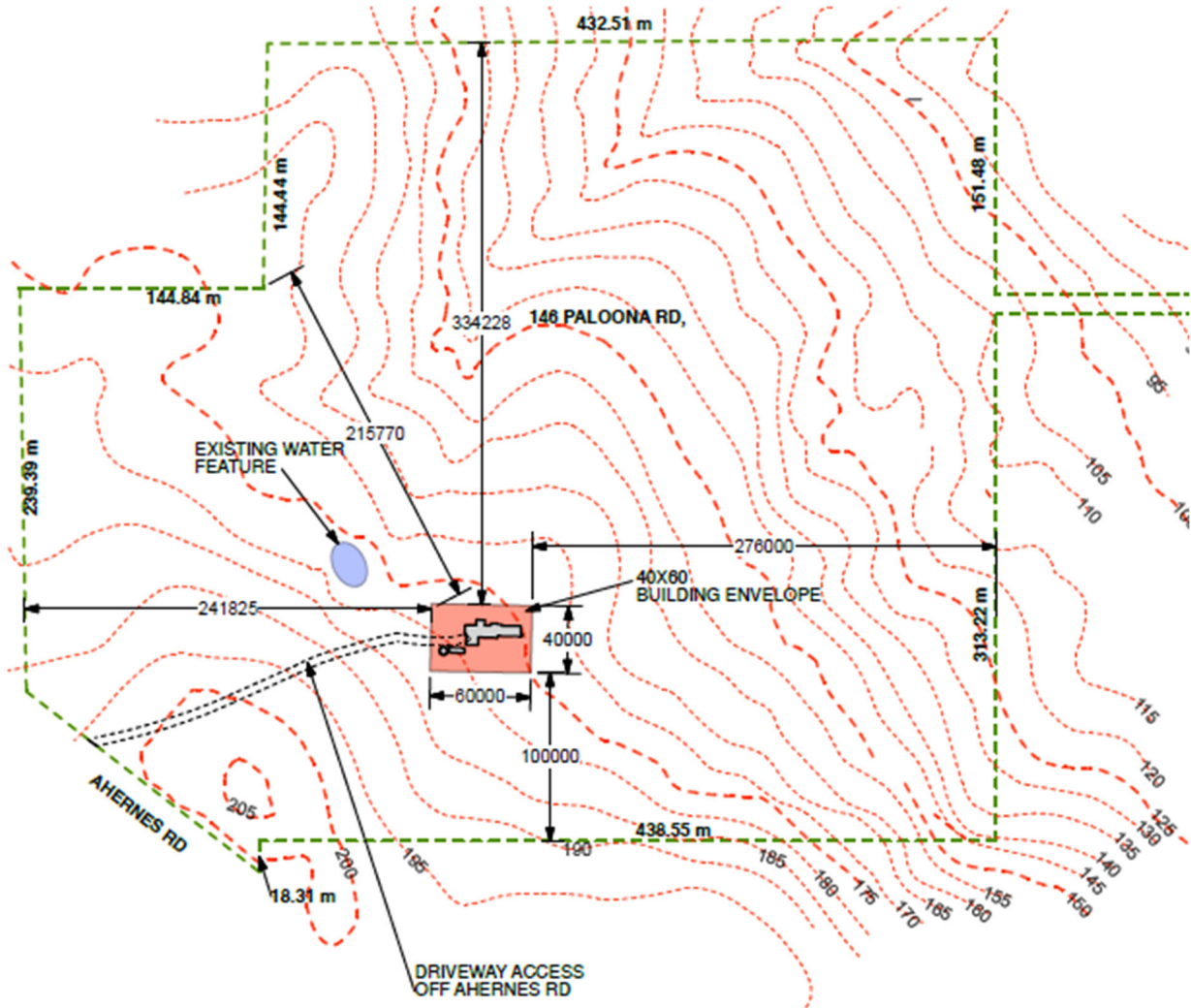


Diagram 3 – Site Plan, Warren French Architects 30 January 2020

PLANNING ISSUES

The land is zoned Rural Resource under the *Devonport Interim Planning Scheme 2013* (the Scheme).

The proposal is for a Residential use in the form of a single dwelling and outbuilding. Within the Rural Resource zone this is a discretionary use and relies upon the Performance Criteria under clauses 26.3.3 P1 (the use) & 26.4.3 P1 (development standard, pertaining to the setbacks of the proposal to agricultural land).

The purpose of the Rural Resource zone is:

- (1) To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries including opportunities for resource processing; and*
- (2) To provide for other use or development that does not constrain or conflict with resource development uses.*

The applicant has submitted that the development does not alter the capacity to provide for sustainable use or development as the land is to remain and be used for agriculture with veterinary services for large animals to be provided from the site. The land through its steep slopes, poor soils and poor water access is not well disposed to agriculture and is isolated from land in other primary production.

In regard to 26.3.3 P1(a) of the Scheme it is further submitted that the proposed residential use does not hinder, constrain or restrict the attainment of the Local Area Objectives. The proposed residential use being established requires reasonable isolation and an appropriate land area for the provision of a veterinary service for large animals. This is ancillary to the residential use and will provide a service to the rural and agricultural activity of the district.

This service is dependent upon access to the naturally occurring resource of the site in terms of space, land and water and does not cause a permanent loss of air, land and water resources from primary production use. Similarly, the residential use does not remove land from primary industry and does not constrain or restrict primary industry on adjacent lands any more than the existing primary industry activity conducted on the site.

The proposal requires adequate land area to sustain good pasture and space for the care and recovery of large animals and is closely aligned to agricultural use of the land. The proposal does not convert agricultural land to non-agricultural use at the detriment of agriculture as it will result in provision of an agricultural veterinary service. A sustainable intensity of agriculture will be undertaken on the land in conjunction with the residential use. The proposal is an example of the innovative diversity of primary industry service sector that occurs on a range of lot sizes and at different levels of intensity.

In regard to 26.3.3 P1(b) of the Scheme it is submitted that the proposed residential use will not alter the capacity to achieve the Desired Future Character Statements of the Rural Resource zone as it will be the base from which an agricultural service will be provided. The residential use and agricultural service will not alter the dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape influenced in temporal nature by character, scale, frequency, and intensity of external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.

In regard to the merit of satisfying 26.3.3 P1(c) the applicant submits that an assessment of the site's land capability indicates it is composed of a considerable area (approx 7.72ha) of class 3 land on the upper western slopes that is part of a 16.5ha area that extends to the west and south of the site. The class 3 land area's agricultural potential is also compromised by the proximity to existing residential development on adjacent properties.

The balance of the site is marginal and a land management problem for any large scale intense agricultural pursuit due to severe erosion risk (this is visually apparent from Paloona Road) and poorer drainage. Forestry plantation could be an alternative option to grazing on the steeper slopes however the existing adjoining residential uses could be a factor that limits this possibility.

¹It is considered that unless an agricultural activity is established as part of an adjoining property (an option that has not been taken up by any of the neighbours) the land is more suited to lifestyle agricultural pursuits.

In summary it is agreed with the applicant that the land by virtue of its steep slopes, poor soils and poor water availability has limited agriculture potential and is isolated for other large scale primary production purposes by existing residential uses in the area. The land has appropriate separation from the adjacent residential use for the intended low intensity sustainable grazing activity to be undertaken ancillary to the residential use.

The remaining discretionary component under clause 26.4.3 of the Scheme is based upon the location of the residential development and its potential to unreasonably interfere or otherwise constrain agricultural land nearby. The compliant setback between a sensitive land use (residential) and land used for agriculture is 200m. In this application the setback to the southern boundary (270 Palooka Road) is 100m.

The applicant has submitted and it is agreed that the new development minimises:

- permanent loss of land for existing and potential primary industry use.
- the removal of land from primary industry use as the proposal incorporates primary industry for grazing to ensure adequate land area remains to sustain good pasture and space for the care and recovery of large animals.
- the conversion of agricultural land because the proposal will provide an agricultural service and maintenance of grazing land.

Also, the land is not within a proclaimed irrigation district under Part 9 of the *Water Management Act 1999* and clearly would not benefit from the application of broadscale irrigation development due to the topography of the land and the hazard risk of further landslide.

Although no discretion applies it is thought prudent to validate the location of the proposed dwelling in respect of the Hazard Management Code of the Scheme. The provisions of this code exempts development if it is located in an area of no or low landslide hazard risk. The proposal demonstrates this to be exempt. Diagram 4 provides some explanation of the underlying geotechnical site condition.

A site observation also verifies that the building envelope is outside the class 3 agricultural land which by virtue of its coverage also provides more separation than required to the nearby house in other ownership which will form the basis of some commentary to the representation received from that land owner.

COMMUNITY ENGAGEMENT

On 14/02/2020, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 22/02/2020;
- (b) Making a copy of the proposal available in Council Offices from the 21/02/2020;
- (c) Notifying adjoining property owners by mail on 20/02/2020; and
- (d) Erecting a Site Notice for display from the 21/02/2020.

The period for representations to be received by Council closed on 10/03/2020.

¹Ian Newman 4Planning Pty Ltd, 6 February 2020

REPRESENTATIONS

Two representations were received within the prescribed 14 day public exhibition period required by the *Land Use Planning and Approvals Act 1993*.

These are appended as Attachment 2.

DISCUSSION

Both the representations received are from adjacent property owners, one to the north-west at 100 Ahernes Road and one to the south at 270 Paloona Road.

The matters of concern to the latter is that the proposed building envelope for the house and shed is lying in the middle of some of the best ground available on the subject land. It is suggested by the representor that reducing the setback to his property from 100m to 50m has their support and will ensure that the other neighbour at 100 Ahernes Road would maintain the existing visual and acoustic amenity being enjoyed.

Comments: The applicant has submitted that the house is clear of the land identified as class 3 agricultural land. The map from this land capability classification system is reproduced as Diagram 2. Diagram 4 below is a complied drawing of the land capability, landslide risk and proposed building envelope for the house and shed.

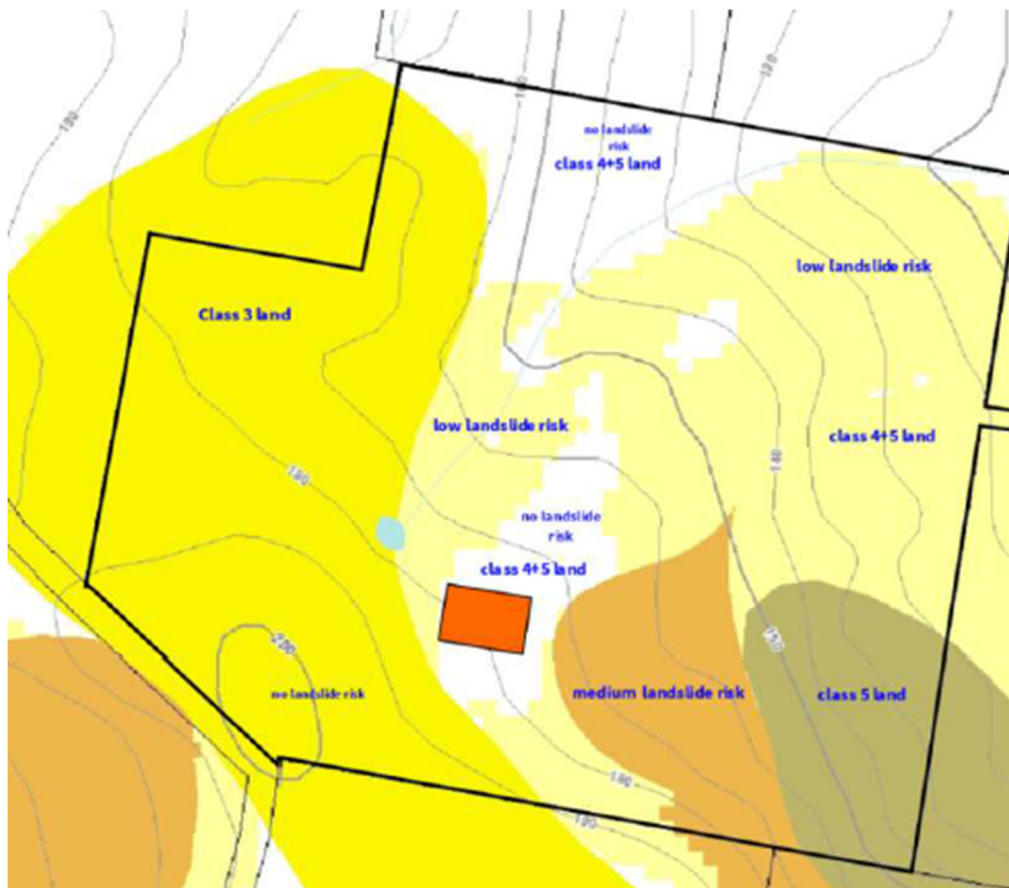


Diagram 4 – Compilation drawing, 4Planning Pty Ltd, 6 February 2020

Any consideration of supporting a relocation of the building envelope further to the south and closer to the boundary is too substantial to consider under this application. There is some inconsistency in understanding why this proposal from the owners of 270 Paloona Road in support of improving visual amenity for another land owner at Ahernes Road would allow the building envelope to actually encroach onto the better class ground when it is

has been submitted previously that the proposed house site 'lies right in the middle of the best ground available on the property'.

The owners of 100 Ahernes Road have submitted a detailed and technical representation to the proposal. With respect there are some issues identified that are not entirely matters that the planning authority need to consider. However to give due deference, a precis of the matters submitted are summarised below.

- The application creates a substantial and direct negative impact upon our property, privacy and lifestyle.
- There is significant loss of prime agricultural land.
- The proposed house position is primarily located for the views. The property has a defined residential site that has been ignored that allows the best and most valuable grazing land on the property to remain.
- The proposed house is within eyesight and earshot that will create sleep and lifestyle disruption.
- The house should be moved 50m to the south and 10m to the east to mitigate the concerns. This will conceal the proposal from view, suppress noise and light from the activity and minimise siteworks.
- An alternative access into the property will have less impact on the valuable agricultural land. This will lessen any tree removal near the roadway and allow for a less restrictive access, remove the need to construct a driveway over valuable agricultural land and prevent vehicle headlights from hindering nearby residents.
- Verification of the building site confirmed that the impact of the proposed house is both unacceptable and unnecessary because an alternative site 50m further south and 10m further east doesn't compromise the existing view or remove usable agricultural land.
- This is also supported by the landslide risk mapping.
- The objectives of the Resource Management Planning System require fair orderly and sustainable use and development of land. This should be used to consider the potential intrusions and losses to our lifestyle and property value.
- The applicants did not discuss their plans prior to lodging the application. If so, this may have resulted in the house being sited 50m closer to the south to allow the topography to prove a natural visual buffer.

Comments

It is quite evident that the applicants are passionate in their pursuit of a planning outcome that results in a favourable outcome to all participants.

The site has been visited on two occasions and the contents of the representation analysed to discover whether any planning merit does exist that needs to be considered by the planning authority.

With respect to the content of the representations there is some difficulty in concluding that the proposal to be determined is defeated by the objectives of the identified zone use and development standards of the Scheme.

In regards to the Use Standard for Residential the objectives state:

Residential use that is not required as a part of other use –

- (a) *minimises the permanent and unnecessary loss of land with potential for resource development or an extractive industry; and*
- (b) *minimises likelihood to interfere with or constrain the existing or potential use of land for resource development or an extractive industry.*

The property is 24.55ha in area and the building envelope is less than 1% of that area. It is submitted that this is deemed to be minimal and allows the Performance Criteria to be demonstrated.

For information purposes only some recent versions of planning schemes gave weight to dwellings being clustered together to lessen any fettering of agricultural land rather than the alternative of being scattered within the rural landscape.

The distance from the proposed house site is 360m measured from the house at 100 Ahernes Road. There are other areas within the site available for consideration and these are on flatter land closer to nearby homes. However, the applicants appear to have carefully considered and balanced the proposed siting and separation perspective, the land capability and land slope and stability while respecting and attempting to maintain the view and privacy concerns.

Diagram 4 indicates that the house site is clear of the mapped prime agricultural land and medium landslide risk areas. It also confirmed by survey information undertaken by the representor that the proposed shed within the envelope to the south of the proposed dwelling will not be visible.

It is reasonable to conclude that the discretion under the Use Standard of the Rural Resource zone is satisfied.

The other discretion is in relation to a development standard that as an Acceptable Solution requires a setback of 200m between a new development for a sensitive use (this includes residential) and agricultural land.

Diagram 3 indicates both the compliant setbacks and the discretion that is conferred to varying the offset to 100m from the southern boundary shared with 270 Paloona Road. Both representors, but more interestingly the owner of 270 Paloona Road would be satisfied with a lesser distance again (50m) than the proposed setback of 100m. This although not likely, for topographical reasons, has potential to fetter the agricultural use conducted.

Although merit may exist in other situations a relocation of the building site further south as recommended by the representors would also place it in within the class 3 prime agricultural land identified in Diagram 4.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless legal costs are incurred due to an Appeal to the Resource Management and Planning Appeal Tribunal.

RISK IMPLICATIONS

Due diligence has been exercised in the preparation of this report and no associated risks are predicted.

CONCLUSION

In the determination of an application for a permit the planning authority must take into consideration any representation received pursuant to and in conformity with S.57 of the *Land Use Planning and Approvals Act 1993*.

However, in the exercise of discretion the planning authority can only consider the matter relevant to the discretion. In this application specifically whether the Use Standard for a dwelling has not been properly demonstrated or the Development Standard for the setback variation has not been demonstrated.

The primary focus of the representations has been preservation of existing views. There is no disputing that this is an attribute that is evident to both the subject site and 100 Ahernes Road.

Determination of a planning application cannot use the perceived loss of a view as a reason for refusal.

Although the application is primarily for residential, the veterinary aspects are deemed to be ancillary due to the 24/7 care required which wouldn't necessarily occur if a dwelling didn't exist and the veterinary use was treated as a standalone activity.

ATTACHMENTS

1. Application - PA2020.0017 - 146 Paloona Road
2. Representations - R & G Louth and B & J Reeves - PA2020.0017 - 146 Paloona Road

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2020.0017 and grant a Permit to use and develop land identified as 146 Paloona Road, Paloona for the following purposes:

- Residential (single dwelling and outbuilding)

Subject to the following conditions:

1. The use and development is to be sited generally in accordance with the submitted plans referenced as Proposed Dwelling for G & G Handbury at 146 Paloona Road, Paloona by Warren French Architect dated January 2020 copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS 1547:2012 On site domestic-wastewater management, clear of any defined building area.
3. The developer is to 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.

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.

Any new driveway is to be constructed generally in accordance with IPWEA Tasmanian Standard Drawing TSD-R03-v1 and TSD-R04-v1. Any existing roadside drainage is to be taken into consideration as part of the developer's design.

For line of sight considerations, the location of any proposed new driveway is to generally comply with IPWEA Standard Drawing TSD-RF01-v1.

In regard to condition 2 the developer will need to submit a Plumbing Permit Application, along with supporting documentation as required under Schedule 2 of the Director's Determination - Director's Specified List v1.2 (*Building Act 2016*), for an on-site wastewater disposal system as part of the Building and Plumbing application process.

The rural address for this property will need to be verified and assigned to Ahernes Road upon final location of the access into the property being established.

Author:	Shane Warren	Endorsed By:	Kylie Lunson
Position:	Planning Coordinator	Position:	Development Services Manager

Office use
Application no. _____
Date received: _____
Fee: _____
Permitted/Discretionary

Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

Application for Planning Permit

Use or Development Site

Street Address: **146 PALOONA ROAD, PALOONA**

Certificate of Title Reference No.:

Vol 198311 - folio 1 (PID 6386178)**Applicant's Details**

Full Name/Company Name:

Guy Handbury &
Genevieve Heffernan.

Postal Address:

8 Collins Street, Evandale
TAS 7212

Telephone:

0415373346

Email:

guy.handbury@gmail.com

Owner's Details (if more than one owner, all names must be provided)

Full Name/Company Name:

Frances Maree Johnston and Geraldine Mary Rundle
as personal representatives of Olive Mary Rundle.

Postal Address:

c/o Roberts Real estate
48 Main St, Sheffield TAS 7306

Telephone:

Email:

ASN: 42 611 446 016
PO Box 604
137 Rooke Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au
council@devonport.tas.gov.au

Sufficient information must be provided to enable assessment against the requirements of the planning scheme.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?:

Residential - single dwelling

see accompanying supporting document and attachments

Description of how the use will operate:

see accompanying supporting document and attachments

Use Class (Office use only):

Residential

Applications may be lodged by email to Council - council@devonport.tas.gov.au
The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

Application fee	
Completed Council application form	✓
Copy of certificate of title, including title plan and schedule of easements	✓
A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:	✓
• The existing and proposed use(s) on the site	
• The boundaries and dimensions of the site	
• Typography including contours showing AHD levels and major site features	
• Natural drainage lines, watercourses and wetlands on or adjacent to the site	
• Soil type	
• Vegetation types and distribution, and trees and vegetation to be removed	
• The location and capacity of any existing services or easements on the site or connected to the site	
• Existing pedestrian and vehicle access to the site	
• The location of existing adjoining properties, adjacent buildings and their uses	
• Any natural hazards that may affect use or development on the site	
• Proposed roads, driveways, car parking areas and footpaths within the site	
• Any proposed open space, communal space, or facilities on the site	
• Main utility service connection points and easements	
• Proposed subdivision lot boundaries, where applicable	
• Details of any proposed fencing	
Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:	✓
• Setbacks of buildings to property (title) boundaries	
• The internal layout of each building on the site	
• The private open space for each dwelling	
• External storage spaces	
• Car parking space location and layout	
• Elevations of every building to be erected	
• The relationship of the elevations to natural ground level, showing any proposed cut or fill	
• Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites	
• Materials and colours to be used on roofs and external walls	
A plan of the proposed landscaping including:	
• Planting concept	
• Paving materials and drainage treatments and lighting for vehicle areas and footpaths	
• Plantings proposed for screening from adjacent sites or public spaces	
Details of any signage proposed	

Value of use and/or development

\$ 450 000

Notification of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993)

If land is not in applicant's ownership

I, Guy Handbury & Genevieve Heffernan declare that the owner/s of the land has/have been notified of my intention to make this application.

Applicant's signature: Guy Handbury Date: 10.02.2020

If the application involves land owned or administered by the Devonport City Council

Devonport City Council consents to the making of this permit application.

General Manager's signature: _____ Date: _____

If the application involves land owned or administered by the Crown

Crown consent must be included with the application.

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (s.57 of LUPAA)

I understand that all documentation included with a discretionary application will be made available for inspection by the public.

Applicant's signature: Guy Handbury Date: 10.02.2020

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options



Pay by Direct Deposit – BSB: 067-402 Account No. 000 000 13 – Please quote your application number.



Pay in Person at Service Tasmania – Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.



Pay by Phone – Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.



Pay by Post – Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 198311	FOLIO 1
EDITION 2	DATE OF ISSUE 15-Jun-2017

SEARCH DATE : 06-Feb-2020

SEARCH TIME : 03.02 PM

DESCRIPTION OF LAND

Parish of BARRINGTON, Land District of DEVON

Lot 1 on Plan 198311

Derivation : Lots 6752 & 9779 Gtd. to D. Jeffrey & Part of Lot
30770 Gtd. to R.H. Jeffrey.

Prior CT 2464/82

SCHEDULE 1

M632600 FRANCES MAREE JOHNSTON and GERALDINE MARY RUNDLE as
personal representatives of Olive Mary Rundle
Registered 15-Jun-2017 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

BURDENING EASEMENT: full and free licence from time to time
and at all times hereafter for The Devonport City
Council (herein called "the Council") to enter upon
the land marked A.B.C. on Plan No. 198311 and lay
down pipes and convey water in the said pipes and to
dig search for and examine the said pipes and do all
necessary cleansing and repairs thereto the Council
making full compensation for any damage they may do
to the crops of the owner or tenant for the time
being of the said land within described.

UNREGISTERED DEALINGS AND NOTATIONS

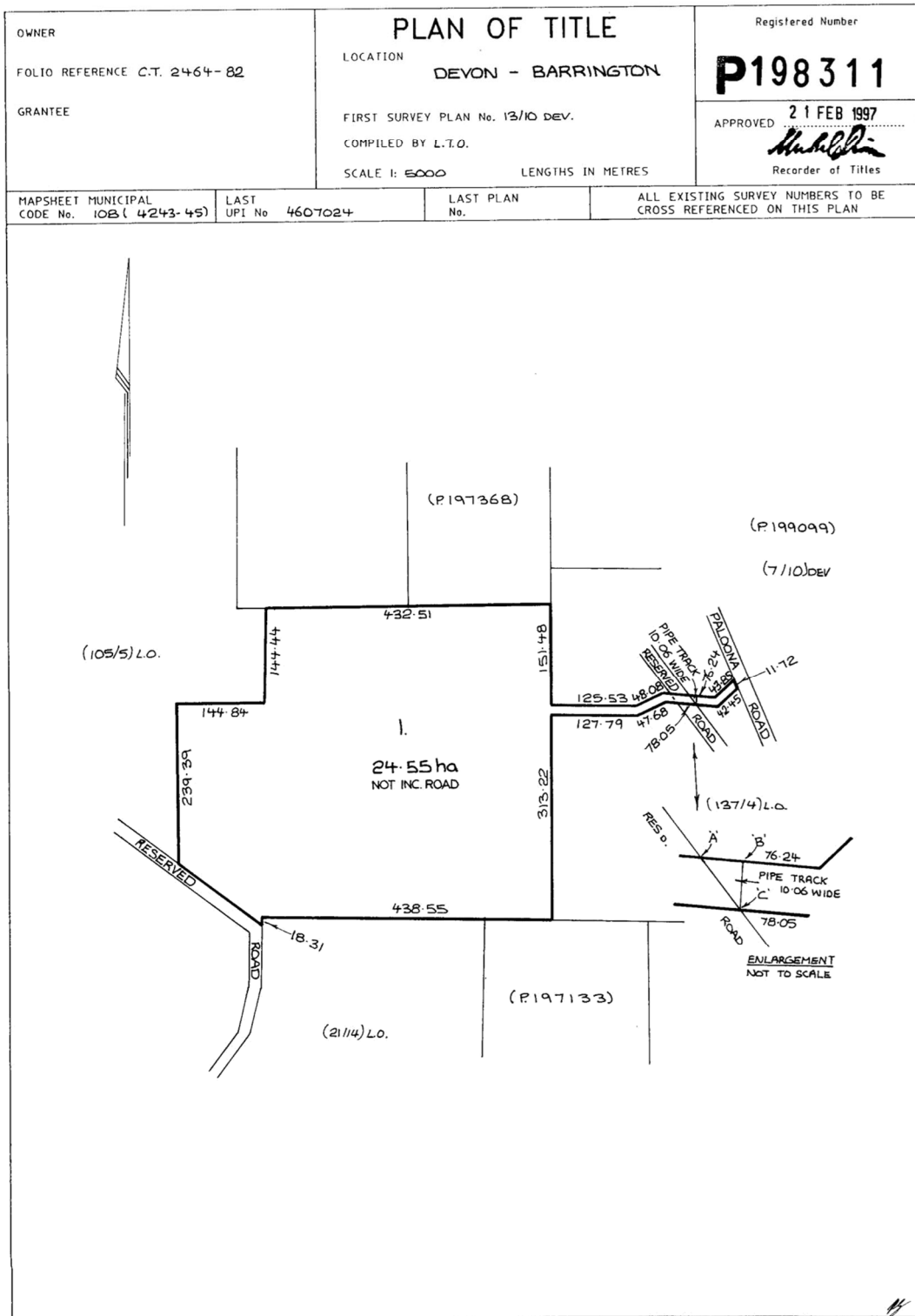
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



To whom it may concern,

My husband and I have conditionally purchased 60 acres at 146 Paloona Rd, Paloona (pending planning). We plan to use the land for primary production and improve the land so we can increase its productivity and stock it at a healthy level. Currently it is overstocked at 16 cattle and 15 sheep (not including calves and lambs) and the land is struggling for it. There is rocky out crops and many weeds over growing on the south end of the property. We plan to clean it up, fertilise where appropriate, resew the entire property and stock it accordingly.

I am also a large animal veterinarian. I plan to build facilities on the property (stock yards, cattle crush, horse stocks and holding pens) to facilitate safe restraint, handling and holding for necessary surgeries, treatments and observations of sick animals, and bovine and equine reproduction. The veterinary activity potentially dealing with up to 10 animals a month as the veterinary work will mostly be farm site visits.

Currently there is a local black hole for large animal vets and I plan to help fill this role.

As we both work full time, to facilitate this plan we will need to live on site. To provide 24 hour care of sick and breeding animals I will need to be on hand to facilitate veterinary services when required. For these reasons we propose the following building proposal at 146 Paloona Rd, Paloona.

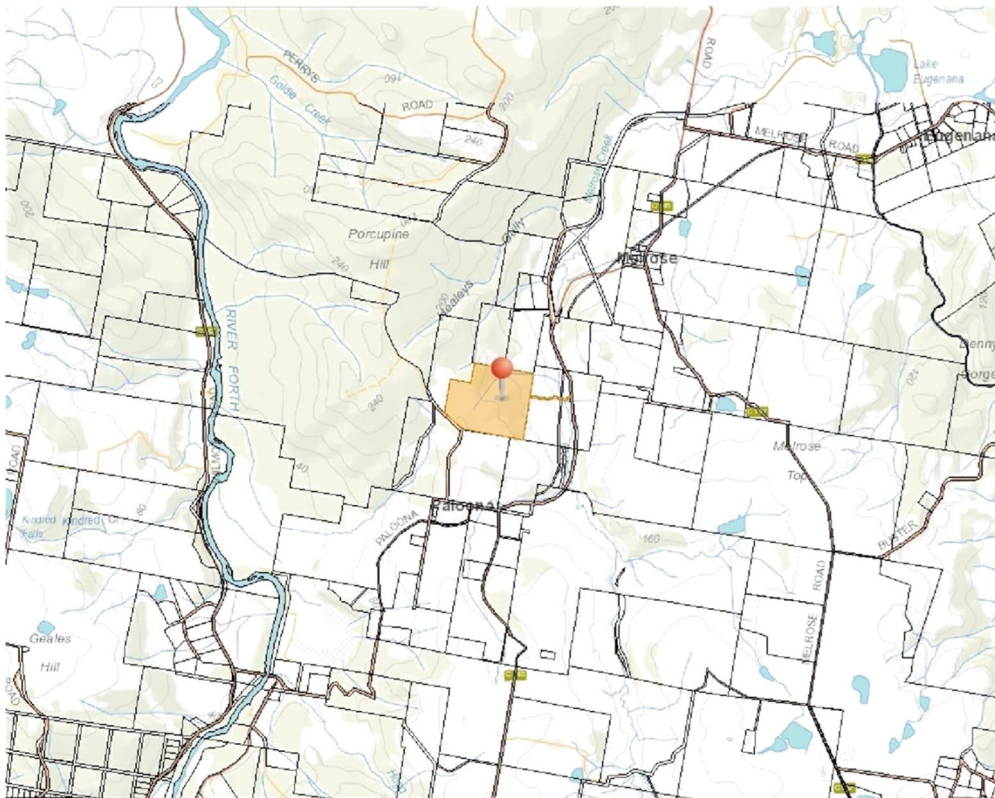
Kind regards,

Genevieve Heffernan (BSc, DVM) and Guy Handbury (BSc)



Supporting Documentation
146 PALOONA ROAD, PALOONA
development application

SUPPORTING DOCUMENTATION
146 PALOONA ROAD, PALOONA
FOR
ESTABLISHING A RESIDENTIAL USE
(SINGLE DWELLING)
RELIANT ON
PERFORMANCE CRITERIA
ON LAND
ZONED RURAL RESOURCE



FEBRUARY 2019



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ATTACHMENTS

- Attachment 1 – Land Title Plans
- Attachment 2 – Proposed dwelling Plan by Warren French Architect
- Attachment 3 – Applicants statement of intentions
- Attachment 4 – Site and Soil Assessment Report and Residential Wastewater Disposal
(land application) Design by Donal S. Anderson - Consulting Engineer

1.0 Purpose for documentation

This documentation supports an application by the purchasers of the land known as 146 Paloona Road, Paloona for approval to establish a residential use in the form of a single dwelling.



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2.0 The Site

2.1 Location

The site is located west side of Paloona Road on the elevated slopes, having a 14.4m wide access strip 200m long. The site also has a 179.8m frontage to Ahernes Rd being located on the northeast side of the road.

2.2 Site Description and Area

146 Paloona Road, Paloona described in CT Vol 198311 - folio 1 (PID 6386178) has an area of approximately 24.55ha. The lot is owned by Frances Maree Johnston and Geraldine Mary Rundle as personal representatives of Olive Mary Rundle.

A conditional contract to purchase has been entered into by Genevieve Heffernan and Guy Handbury subject to approval for a dwelling.

The certificate of title indicate the proposed building envelope is unaffected by any easements, covenants or other restrictions.

See Attachment 1 for site Title document

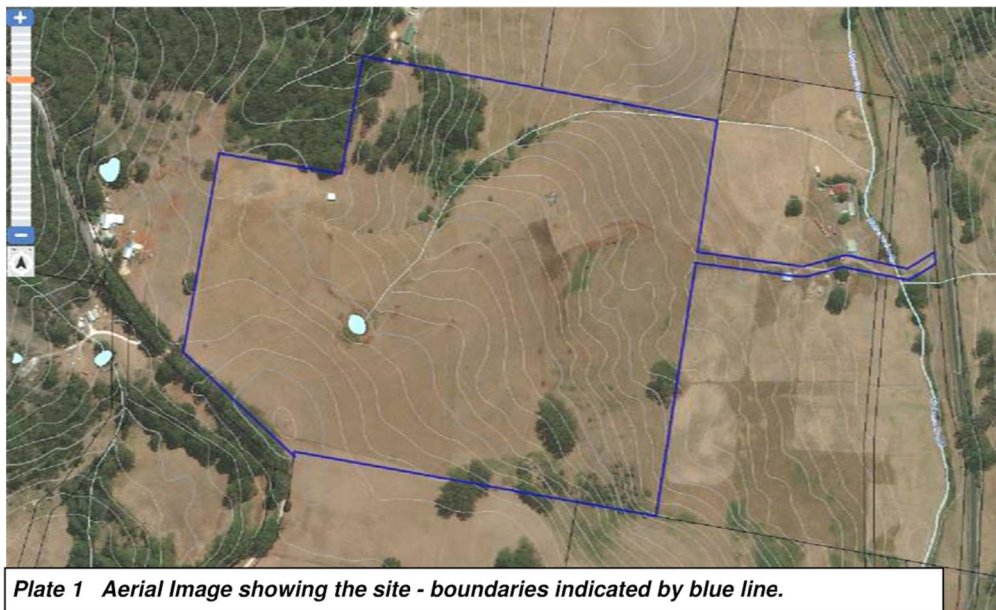


Plate 1 Aerial Image showing the site - boundaries indicated by blue line.

2.3 Site's Physical Attributes

Topography

Elevated between 90m-205m above sea level. The lowest point being at the north east boundary corner and the highest point being a hill top near the south west boundary corner. The land is characterised as occupying the north eastern slopes of the southeast Porcupine Hill ridgeline.

Drainage

There is a minor tributary of Melrose Creek on the site that has a 365m² dam at its headwaters. The Property generally drains to the northeast.



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146 PALLOONA ROAD, PALLOONA
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The site is not in a proclaimed irrigation district under Part 9 Water Management Act 1999.

Land Capability

The Land Capability Survey Tasmania, Forth Map, 1:100,000 by K.E. Noble, Department of Primary Industry, Tasmania 1992 as viewed on the list reveals that the site is composed of a considerable area of Class 3 to the west of the site on the upper slopes. The class 3 land capability area is an isolated area of approx 16.5ha of which approx 7.72ha is within the site. The balance of the site being approx 15.32ha of class 4+5 land with an approx 1.9ha area of *Class 5 at the south east* of the site area on the south side of the road.

Legend

- 1
- 1+2
- 2
- 2+1
- 2+3
- 3
- 3+2
- 3+4
- 4
- 4+3
- 4+5
- 5
- 5+4
- 5+6
- 6
- 6+5
- 6+7
- 7
- 7+6

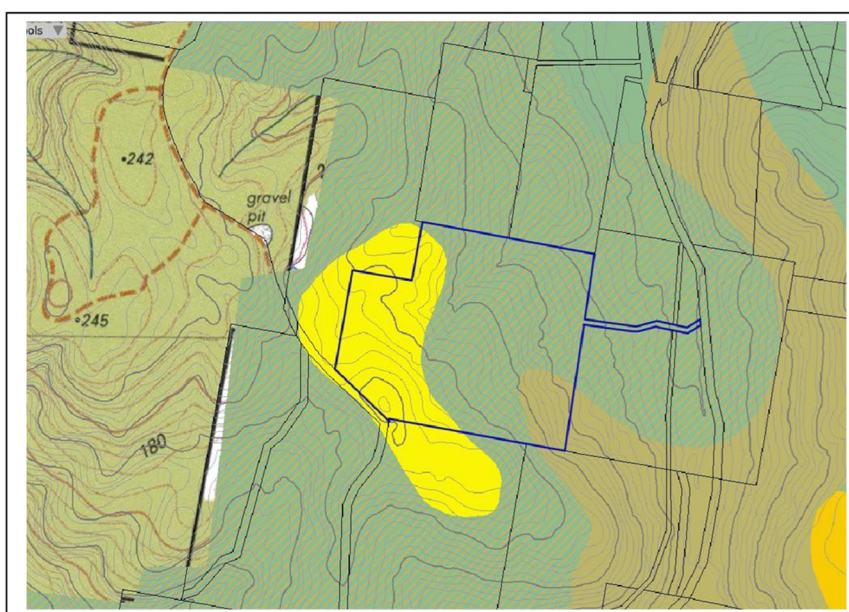


Plate 2 – Land Capability of site and surrounding area (Reproduced from the LIST)

CLASS 3

Land suitable for cropping and intensive grazing. Limitations are such that either cultivation for cropping should be limited to two to five successive crops in a rotation with pasture or equivalent to prevent damage to the soil resource, or the risk of crop failure or yield reduction with average climatic conditions is such that significant losses can be expected 5-7 years out of ten. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use. The range of crops able to be grown is generally more restricted than on Class 1 or 2 land.

CLASS 4+5

Land marginally suitable for cropping because of severe limitations which restrict the range of crops that can be grown, and/or make major conservation treatment and careful management necessary. This land is well suited to intensive grazing.

It is common to find land that is limited by erosion risk, stoniness or imperfectly drained soils in association with areas of more severe erosion risk, greater stoniness or poorer drainage, classified as Class 4+5 land due to the complicated pattern too intricate to separate at scale. Where this happens, and the Class 4 area makes up the majority of the landform unit, the two classes mapped as a complex.



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CLASS 5

Land with slight to moderate limitations to pastoral use. This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

2.4 Land use history

The site has been used and managed for agricultural use for over 100 years. The lands topography has meant grazing has been the form of past agricultural activity. The land has in the past been managed as part of the abutting southern property.

2.5 Current land use and development

The site is developed and utilised for grazing purposes.
The site largely cleared for pastures suitable for grazing with remanent trees scattered over the site. There being recent tree planting on the steeper southeast slopes with considerable grouping of trees north east of the shed.
There is a farm metal clad shed of approx 66m² located near the northwest corner of the property used for hay and machinery storage.

2.6 Surrounding land uses

The surrounding land use is characterised by agricultural grazing activity to the east and south with lifestyle properties to the west and north.
There are on residential properties fronting Ahernes Rd opposite and adjacent to the site being over 70m from the site. There is a dwelling 21m from the boundary near the northwest corner of the property and another dwelling adjacent to the access strip off Paloona Rd. There are 4 titles beyond the site along Ahernes Rd.



Plate 3 – Looking at the Paloona Rd access

2.7 Access

The site has 14.4m frontage to Paloona Rd and a 179.8m frontage to Ahernes Rd which terminates approximately 200m north west of the site boundary to the road. There is an access crossover from each of the roads. The Paloona Rd access is



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146 PALOONA ROAD, PALOONA
development application

the principle access along a 295m access strip. This access crossover is shared with 144 Paloona Rd. The other access being off Ahernes Rd for agricultural purposes is located near the west boundary corner to.



Plate 4 – Looking along the Ahernes Rd frontage

2.8 Infrastructure provision

The site is not connected to any reticulated services provided by TasWater. The site has the Tasnet electricity grid and telecommunication network along Paloona Rd. There is a power line over the property at the NW corner serving the abutting western property. While the site is not currently connected to the electricity or the telecommunication networks there is capacity for connection to the networks.

2.9 Services and facilities provision

The site is 14.3km from the Devonport business centre and 8.2km from Spreyton business centre.

3.0 Planning Controls

3.1 The Planning Instrument

The relevant planning instrument is the Devonport Interim Planning Scheme 2013 as administered by the Devonport City Council, the responsible Planning Authority.

3.2 Existing Zoning

The site is located within the Rural Resource zone under the Devonport Interim Planning Scheme 2013. The surrounding lands also zoned Rural Resource.

26.0 Rural Resource Zone

26.1 Zone Purpose

26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2 To provide for other use or development that does not constrain or



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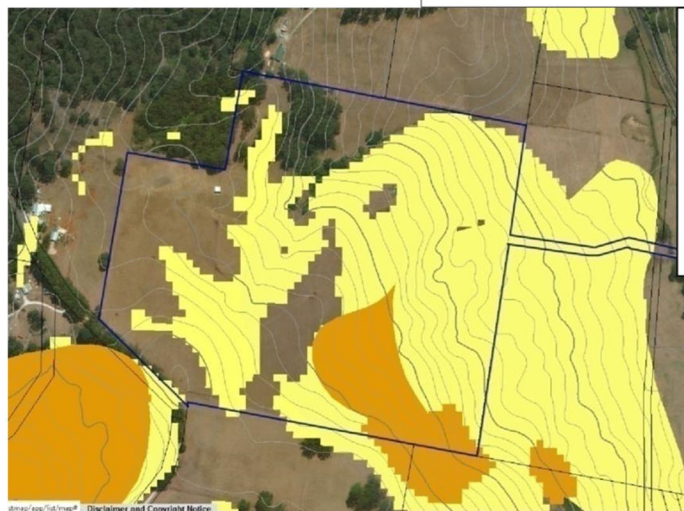


Plate 5
Landslide Hazard Areas
Within the site there are mapped landslide hazard areas indicated on the planning scheme overlay. These mapped landslide hazard areas are of low hazard (yellow) and medium hazard (brown).

4.0 Proposal

The applicant is applying to Devonport City Council, as the Planning Authority, to utilise its discretion and approve a residential use in the form of a single dwelling on the land known as 146 Paloona Road, Palooona.

The proposal is a discretionary use in the Rural Resource zone and is reliant on performance criteria of the development standards. The proposal a discretionary permit application in accordance with the provisions of Section 57 of the Land Use Planning and Approvals Act 1993 and the provisions of the Devonport Interim Planning Scheme 2013.

The proposal has the following features:

Proposed land use

- (a). The residential use inform of single dwelling.
- (b). Ancillary large animal veterinary service provided on occasions when the animals require specific veterinary care and monitoring. The large animal veterinary service will provide a service to the rural and agricultural activity of the region. The on site facilities for the large animal veterinary service include holding pens, cattle crush and horse stocks to facilitate safe restraint, handling and holding for necessary surgeries, treatments and observations of sick animals, and bovine and equine reproduction. The veterinary services provided as required on site due to the 24 hour care required noting that getting the animals to the site will often be an incumbrance on being able to provide veterinary services to large animals on the site. It is expected there will be up to 10 animals per month requiring on site care for a period of time ranging from a night to a week. See Attachment 3
- (c). Primary production in form of grazing at a sustainable healthy intensity. The primary industry grazing activity also ensuring adequate land area to sustain good pasture and space for the care and recovery of large animals. See Attachment 3



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General Development

- 1) The dwelling and shed located within a 60m x 40m building envelope having setback from the boundaries and physical site features no less than:
 - 276m from the east
 - 100m from the south
 - 241.83m from the west
 - 334.23 from the north
 - 40m from the farm dam
 - 160m from the Ahernes Rd frontage
- 2) Water supply from roof catchment and 3 storage tanks. One dedicated for fire fighting purposes.
- 3) Wastewater disposal in accordance with AS/NZS1547:2012 designed by Donal S. Anderson - Consulting Engineer - see Attachment 4
- 4) Upgrading of existing vehicle access crossover to road authority standards and internal driveway to the requirements of the Tasmanian Fire Service and to the requirements in the current edition of Unsealed Roads Manual - Guideline for Good Practice ARRB.

Dwelling

- 5) Single storey with dimensions of:
 - 33.283m length orientated roughly east west;
 - 15.2m wide;
 - Maximum height of 6.727m at the highest point above ground;
- 6) Composed of the following spaces:
 - Ensuite studio being located 5m west of and separate from main dwelling although under the same roof line. Common deck area fills the space between the studio and dwelling dinning/kitchen area. Studio has dimensions of 6m x 4.52m and is reliant on dwelling for laundry and kitchen facilities;
 - Living space composed of kitchen, dinning, lounge and sunroom;
 - 3 bedrooms – one having ensuite;
 - Store, laundry, bathroom and office located off passageway;
 - Two vehicle garage abutting the south wall of the studio.
- 7) A cut depth of maximum 800mm required for an area of 140m² and fill of max 400mm depth for an ore of approximately 150m².

Shed

- 8) 7m x 10m metal clad shed 4.5m maximum height located approximately 5.5m west of the vehicle garage;
- 9) Accessed off the driveway to the north;
- 10) A cut depth of maximum 800mm required for an area of 120m² and fill of max 400mm depth for an area of approximately 130m².

The proposal reliant on the following performance criteria:

26.3.3 P1
26.4.3 P1



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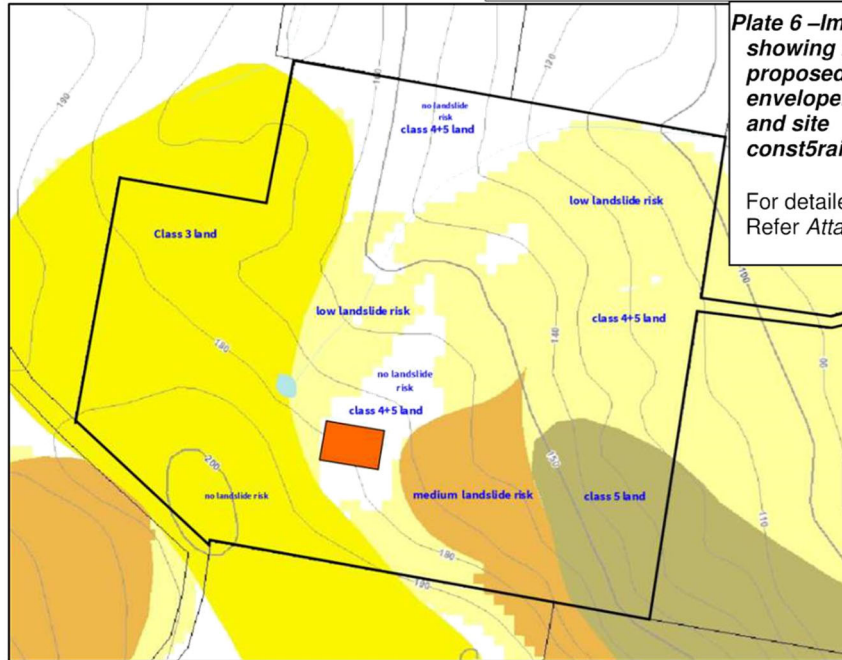
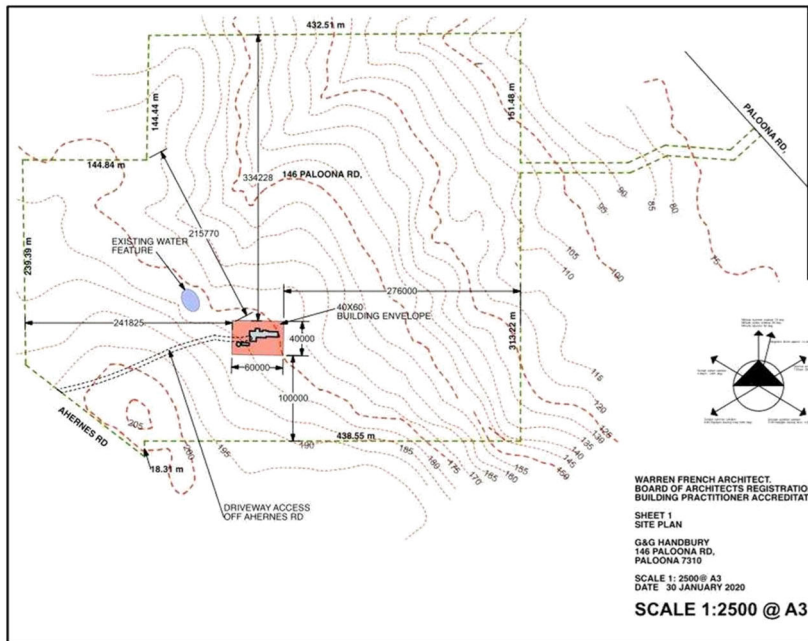


Plate 6 –Image showing location of proposed building envelope. (in red) and site constraints

For detailed plan
Refer Attachment 2



**Plate 7
Site showing
Building Envelope
location**

For detailed building
plans and information
Refer Attachment 2

WARREN FRENCH ARCHITECT.
BOARD OF ARCHITECTS REGISTRATION NO. 678.
BUILDING PRACTITIONER ACCREDITATION NO. CC230W.
SHEET 1
SITE PLAN
GAG HANDBURY
146 PALOONA RD,
PALOONA 7310
SCALE 1: 2500 @ A3
DATE 30 JANUARY 2020
SCALE 1:2500 @ A3

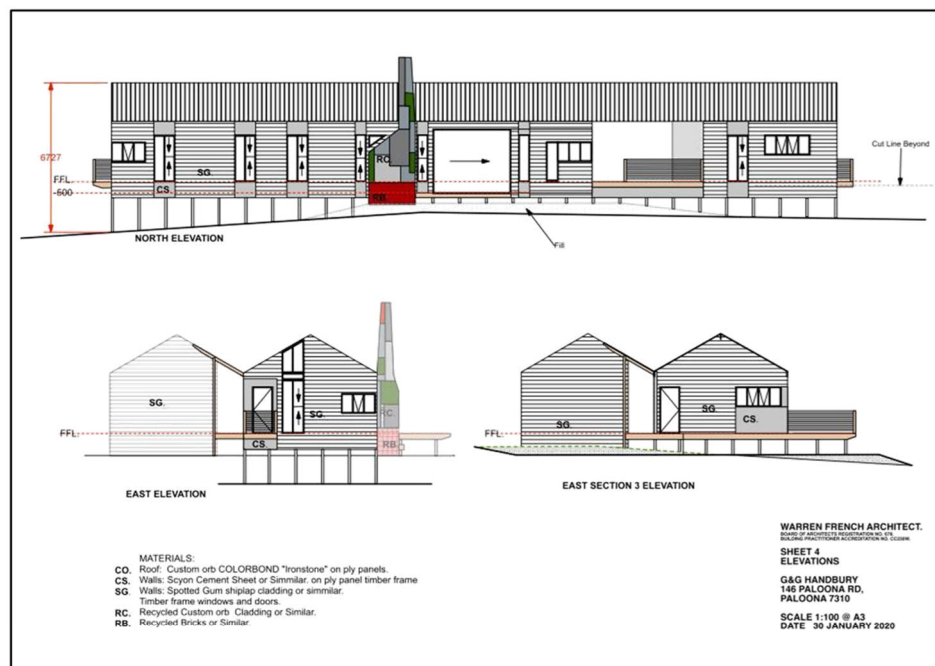
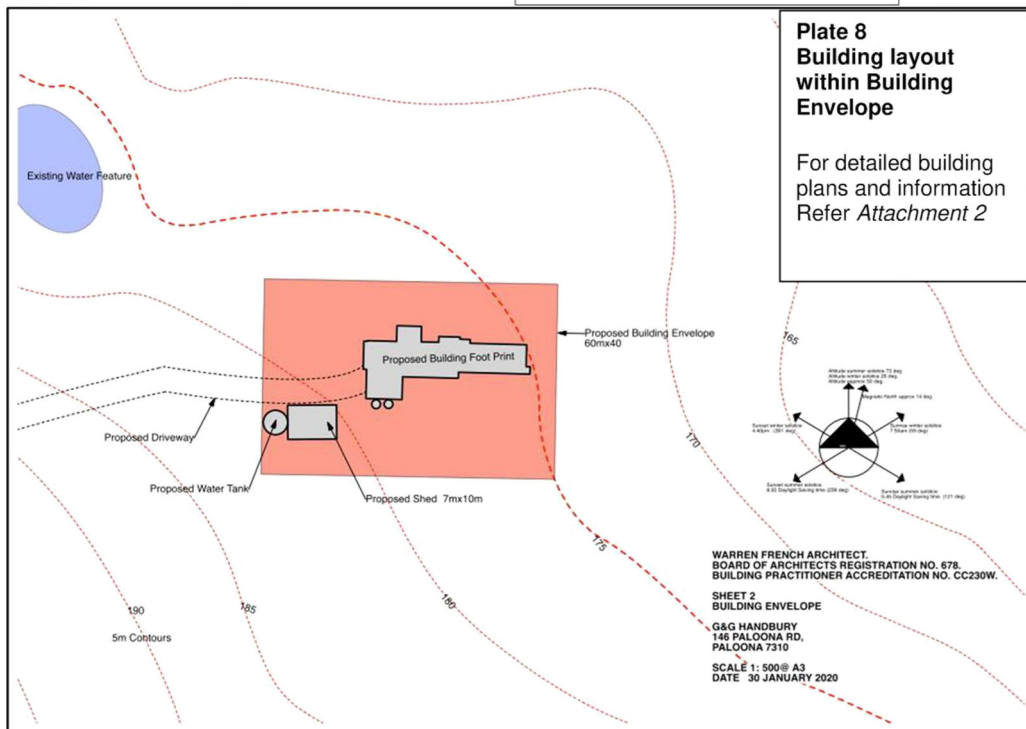


Plate 9 - Dwelling Elevations For detailed building plans see *Attachment 2*



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5.0 Compliance Appraisal

Compliance with relevant provisions of the planning scheme is as follows below. Those provisions and standards of the planning scheme that are not applicable to the proposed residential use are not included.

5.1 Part B - Administration

5.0 General Exemptions

Not applicable for the dwelling.

5.11.1 is applicable for any alterations to the vehicle crossings.

6.0 Limited Exemptions

Not applicable.

8.0 Assessment of an Application for Use or Development

8.2 Categorising Use or Development

The proposal is for a Residential use of the land for self contained living accommodation in the form of a single dwelling.

8.4 Requirement for a Permit

A permit is required as the proposed residential use is a discretionary use class in Rural Resource zone and the proposal is reliant on performance criteria.

8.5 Exempt Use or Development

The residential use does not satisfy the criteria to be exempt from the planning scheme provision due to being a discretionary use class in Rural Resource zone.

8.8 Discretionary Use or Development

The proposed Residential use a discretionary use being a discretionary use class in Rural Resource zone reliant on the below performance criterion.

26.3.3 P1

26.4.3 P1

5.2 Zone Provisions

2 6.0 Rural Resource Zone

2 6 .1 Zone Purpose

26.1.1.1 The proposal does not alter the capacity to provide for the sustainable use or development of resources for agriculture and other primary industries, including opportunities for resource processing as the land is to remain in being used for agriculture with the residential use being a means through which veterinary services are to be provided from the site. Further the land through its steep slopes, poor soils and poor water access, is not well disposed to agriculture and is isolated for other primary production purposes by existing residential in the area..

26.1.1.2 The proposal is consistent as in conjunction with the proposed residential use facilities are to be established for large animal veterinary services where the animal needs 24 hour care or to be monitored. Basically to facilitate safe holding for necessary surgeries, treatments and observations of sick animals, and bovine and equine reproduction. The veterinary services provided is required on site due to the 24 hour care required



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noting that getting the animals to the site will often be an incumbrance on being able to provide veterinary services to large animals on the site. The proposal not altering the current level of conflict with resource development uses that occurs through the existing four houses located on properties adjacent to the site.

26.1.2 Local Area Objectives

The proposed residential use does not hinder, constrain or restrict the attainment of the Local Area objectives. The residential use being established requiring reasonable isolation and appropriate land area for the provision of appropriate area for the large animal veterinary service.

The large animal veterinary service ancillary to the residential use will provide a service to the rural and agricultural activity of the region.

That service (provided as an ancillary activity to the residential use) is dependent upon access to the naturally occurring resource of the site in terms of space, land and water, does not cause a permanent loss of air, land and water resources from primary production use.

The residential use does not remove land from primary industry use and does not constrain or restrict primary industry use on adjacent lands any more than the existing primary industry use does. The proposal requiring adequate land area to sustain good pasture and space for the care and recovery of large animals is closely aligned to agricultural use of the land. The proposal does not convert agricultural land to non agricultural use at the detriment of agriculture as it will result in provision of an agricultural service. A sustainable intensity of agriculture will be undertaken on the land in conjunction with the residential use. The proposal is an example of the innovative diversity of primary industry service sector that occurs on a range of lot sizes and at different levels of intensity.

The Residential use and development is appropriate on rural land as includes ancillary activity that services agriculture and will not result in a permanent loss of land significant for primary industry use or cause constraint or interference to existing and potential use of land for primary industry purposes. This is because of the proposed residential use location in an area where existing residential development having a sphere of influence over a considerable portion of the more cultivatable land of the site and the intention to maintain a sustainable grazing activity along with the large animal veterinary activity as part of the residential use.

26.1.3 Desired Future Character Statements

The proposed residential use will not alter the capacity to achieve the Desired Future Character Statements of the Rural Resource zone as it will be the base from which an agricultural service will be provided from. The residential use and agricultural service will not alter the dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape influenced in temporal nature by character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.

26.2 Use Table

The proposed residential use class is discretionary in the Rural Resource zone. The veterinary service to be offered as a part of the residential use in the form of home occupation rather than being a separate use.



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26.3 Use Standards

26.3.3 Residential use

The proposal is reliant on the performance criteria as it is for a new residential use.

P1 - The Residential use is —

- (a) consistent with local area objectives;
- (b) consistent with any applicable desired future character statement;
- (c) on a site that -

- (i) An assessment of the site's land capability indicates it is composed of a considerable area (approx 7.72ha) of Class 3 on the upper western slopes that is part of a 16.5ha area that extends to the west and south of the site. The class 3 land area's agricultural potential compromised by the existing residential development on adjacent properties having a sphere of influence over a considerable portion of the class 3 land on the site.

The balance of the site being approx 15.32ha of class 4+5 land with an approx 1.9ha area of Class 5 at the south east of the site area on the south side of the road. This land is marginal and a land management problem for any large scale intense agricultural pursuit due to severe erosion risk (visually apparent from Paloona Rd) and poorer drainage. Forestry plantation could be an option for areas of this land more as a grazing complimentary activity on the steeper slopes. The existing adjoining residential is a limitation to intensive forestry plantation.

It is considered that unless an agricultural activity is established as part of an adjoining property (an option that has not been taken up by any of the neighbours) the land is more suited to life style agricultural pursuits.

The land through its steep slopes, poor soils and poor water access, has limited agriculture potential and is isolated for other large scale primary production purposes by existing residential in the area.

The land having appropriate separation from the adjacent residential for the intended low intensity sustainable grazing activity to be undertaken ancillary to the residential use.

The site has limited capacity to provide for the sustainable use or development of resources for intensive agriculture and other primary industries and very limited opportunities for resource processing.

- (ii) Is unduly restricted in potential for primary industry by its size and constraints on site and imposed by adjacent residential use and is not capable of inclusion with any other rural resource land, regardless of ownership, for forestry resource development or extractive industry use.
- (iii) Cannot be redeemed or returned to primary industry use by reason of existing residential use or development on adjoining land.
- (iv) is not within a proclaimed irrigation district under Part 9 Water Management Act 1999 and is not on land that may benefit from the application of broad-scale irrigation development.



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- (v) does not constrain or interfere with existing or potential resource development or extractive industry use of land as outlined in 26.1.1.2 and 26.1.2 above.
The land to the south is used for agriculture in form of grazing and periodic fodder production. The 110m separation distance between this activity and the proposed dwelling is more than adequate given the lands topography and low intensity of agricultural activity.
- (d) The proposed residential use is not likely to impose an immediate or contribute to a cumulative requirement for public provision or improvement in reticulated or alternate arrangements for utilities, road access, or community services.

26.4 Development Standards

26.4.1 Suitability of a site or lot on a plan of subdivision for use or development

- A1 - The acceptable solution is complied with as the site has an area greater than 1ha and 2,400m² building area is less than 1% of the site area. The proposed setback from all boundaries is greater than 100m. The building area is clear of any applicable setback from a zone boundary; any registered easement or right-of-way and any restriction imposed by a utility. The dwelling and shed locations not on an access strip and is accessible from the frontage to Paloona Rd and to Ahernes Rd.
- A2 The acceptable solution is complied with as the site has 14.4m frontage to Paloona Rd and a 179.8m frontage to Ahernes Rd which terminates approximately 200m north west of the site boundary to the road. There is an access crossover from each of the roads. The Paloona Rd access is along a 295m access strip. This access crossover is shared with 144 Paloona Rd. 144 Paloona Rd having right of access over the strip
The Ahernes Rd access is to be the principle access for the dwelling.
The existing informal agricultural access crossover off Ahernes Rd is to be upgraded to meet the road authority standards as set out in Tasmanian Councils' Subdivision Standard Drawing No. SD-1009 (Rural Roads- Typical Standard Access).
- A3 – The acceptable solution is complied with as the proposal is for water supply by means of 3 storage tanks providing a minimum of 20,000 litres rechargeable from roof collection and when necessary supplemented from the on site storage dam. The proposal is only for a single dwelling with an equivalent population of not more than 10 people per day
- A4 – The acceptable solution is complied with as the site is Capable of draining and disposing of sewage for the proposed single dwelling of 4 bedrooms for an equivalent population of 6 people in accordance with AS/NZS1547:2012 (On-site domestic-wastewater management) clear of the defined building area and access strip. Attachment 4
- A5 – The acceptable solution is complied with as stormwater is to be discharged on site to the farm dam to the west of the dwelling. The site has an area over 5000m² with the discharge area is clear of the defined building area and area required for the disposal of sewage. The stormwater discharge area not within any access strip and the site has more than 50% impervious surface.



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26.4.2 Location and configuration of development

- A1 - The acceptable solution is satisfied as all boundary setback distances are greater than 100m.
- A2 – The acceptable solution is satisfied as the proposed buildings have a height less than 7m.
- A3 1 The acceptable solution is satisfied as the proposed buildings are below the canopy level of adjacent forest to the west and north, over 15m below the ridgeline to the west and south and over 35m from a water body or water Course. The buildings to be clad in materials reflective of a utilitarian rural structure sited and managed in a prominent location for operational efficiency. The external cladding materials being of low light reflectance value.

26.4.3 Location of new sensitive use development

- A1 The acceptable solution is not complied with in respect to separation from agricultural land to the south where the distance is 110m. All other separation distances are either not applicable or complied with.
- P1 The performance criteria is satisfied -:
- (a) The proposed residential use does not cause permanent loss of land for existing and potential primary industry use for the reasons outlined in 26.1.1.2 and 26.1.2 above.
The ancillary large animal veterinary service use requiring reasonable isolation and land area for the provision of appropriate space for the large animal care.

The residential use does not remove land from primary industry use as the proposal incorporates primary industry in for of grazing to ensure adequate land area to sustain good pasture and space for the care and recovery of large animals. The proposal does not convert agricultural land to non agricultural use at the detriment of agriculture as it will result in provision of an agricultural service and maintenance of grazing land. The Residential use and ancillary activity is appropriate on rural land as it includes activity that services agriculture.
 - (b) as outlined in 26.1.1.2 and 26.1.2 above.
 - (c) not being in proclaimed irrigation district under Part 9 Water Management Act 1999 and not being land that may benefit from the application of broad-scale irrigation development due to the lands topography and hazard risk of landslide; and
 - (d) not being in the vicinity of a major road a railway or a utility.

26.4.4 Subdivision

Not applicable. The proposal does not involve subdivision



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5.3 Relevant Part E Code Standards

The relevant code standards of the Scheme have been analysed. Those codes and code standards that are not applicable to the proposed development have not been included.

E1 Bush fire Prone Areas Code

Not Applicable as the proposed development is not for subdivision of land or and does not involve a vulnerable use or hazardous use.

The site access length is 210 metres and is to be constructed for all-weather conditions capable of load capacity over 20 tonnes being 4m wide with passing bay centrally located. A turning circle with a radius over 10 metres to be located at the shed.

The shed roof water to drain to a 10,000 litre water storage tank for static fire fighting water supply.

E3 Clearing and Conversion of Vegetation Code

E3.2 - The code is not applicable as the dwelling location has been previously cleared and utilised for agricultural grazing pasture purposes. There is no native vegetation on the dwelling site.

E4 Change in Ground Level Code

E4.4 Development exempt from this Code

The change in ground level is required for the dwelling and the shed to be located on site. The cut and fill area exceeds 200m² and therefore is not exempt.

E4.6 Development Standards

E4.6.1 Change in existing ground level or natural ground level

- A1 The change in ground level is required for the dwelling and the shed to be located on site. The acceptable solution is satisfied as the cut and fill will -
- (a). not be on land within the Environmental Living zone or the Environmental Management zone;
 - (b). be required to provide a construction site for buildings and structures;
 - (c). not result in a modification of surface stormwater water flow increase onto adjacent land, pooling of water on the site or on adjacent land and will not alter the nature or Capacity of discharge from the land;
 - (d). not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;
 - (e). manage disposal of intersected ground water;
 - (f). not compromise the quality of receiving waters as the distance from a water course and employed measures to minimise erosion and release of sediments and other contaminants during site preparation, construction and rehabilitation will be in accordance with Soil and Water Management on Building and Construction Sites 2009;
 - (g). Not require a retaining or support; and
 - (h). not encroach upon or expose, disturb, or reduce Cover over an underground utility.



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E6 Hazard Management Code

E6.2 Application of the Code

E6.2.1 This Code applies for use or development on land in an area exposed to risk from —

The code does apply as the location of the dwelling is exposed to risk from landslide.

The on site landslide hazard mapped areas indicated on the planning scheme overlay are of low to medium hazard. The dwelling to be located where the risk from landslide is mapped as low or non existent.

E6.2.2 A permit is required for use or development if this Clause applies.

E6.4 Use or Development Exempt from this Code

E6.4.3 Use is exempt under this Code if —

The proposed residential use of the site is exempt from the code as pursuant to (b) the dwelling envelope is to be located in an area of no or low landslide hazard risk. The dwelling and shed to be located outside mapped landslide hazard areas on the site.

E6.4.4 Development is exempt under this Code if -

The proposed dwelling development is exempt from the code as the dwelling is to be located in an area of no or low landslide hazard risk. The dwelling and shed to be located outside mapped low risk landslide hazard areas on the site and over 35m from the closest mapped medium landslide hazard area.

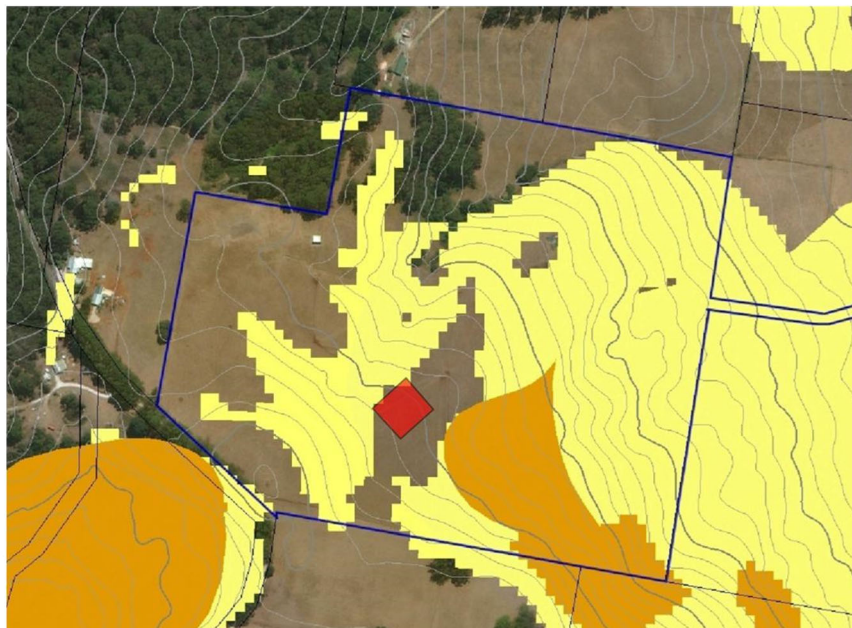


Plate 10 –Image showing proximity of proposed dwelling (in red) to the low landslide risk hazard band



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E9 Traffic Generating Use and Parking Code

E9.5.1 Provision for parking

A1 - The acceptable solution is satisfied as there is space for over 3 vehicle parking spaces on site. The on site parking requirement for a single dwelling is two spaces under Table E9.1.

E9.5.2 Provision for loading and unloading of vehicles

A1 - The acceptable solution is satisfied as Residential use has no Loading Area requirement in Table E9.1.

E9.6 Development Standards

E9.6.1 Road access

A1 - The acceptable solution is satisfied as the site has an existing access crossover to Ahernes Rd that can be upgraded to be suitable for the traffic generated by the single dwelling proposed.
The access is not over other land or land over which there is a right of access.
The proposal does not require any new vehicle access points onto the site.
The existing access crossover is an informal installation requiring upgrading in accordance with Tasmanian Councils' Subdivision Standard Drawing No. SD-1009 (Rural Roads- Typical Standard Access) as acceptable to the Devonport Council road authority.

E9.6.2 Design of vehicle parking and loading areas

A1. The acceptable solution is satisfied as drainage from the driveway and vehicle parking manoeuvring areas is to be discharged onto the adjacent grazing land. The driveway and parking areas constructed to avoid concentrated drainage flows.

A1.2 The acceptable solution is satisfied as the layout of vehicle parking area, loading area, circulation aisle and manoeuvring areas are to be constructed to ensure all parking areas are a minimum 2.9m x 6m parking space area for vehicles generally in accordance with AS/NZS 2890.1 (2004). Each parking space able to be accessed separately from the internal driveway. The internal driveway constructed for all weather use to the requirements of the Tasmanian Fire Service and to the requirements in the current edition of Unsealed Roads Manual - Guideline for Good Practice ARRB with capacity for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space.

A2 - The acceptable solution is satisfied as the internal driveway is to be constructed for all weather use to the requirements of the Tasmanian Fire Service and to the requirements in the current edition of Unsealed Roads Manual - Guideline for Good Practice ARRB as appropriate for the likely type, volume, and frequency of traffic.

E10 Water and Waterways Code

The code is not applicable as the proposed dwelling is over 30m from the dam and water course.



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development application

9.0 Conclusion

This supporting documentation has sought to demonstrate that the proposed residential use (single dwelling) is capable of being established in compliance with the requirements of the Devonport Interim Planning Scheme 2013.

On the basis that this report, and submitted associated documents have demonstrated the ability for establishment of a single dwelling in compliance with the Planning Scheme standards, it is requested that Council support the permit application to allow the residential land use to be established on the land known as 146 Paloona Road, Paloona generally in accordance with the plans submitted. .

Ian Newman 4Planning

6th February 2020

Mobile: 0429 011 753
Ph : 03 6425 6610
Email: inewman@eftel.net.au
39 Hales Street, Wynyard 7325

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**SITE AND SOIL ASSESSMENT REPORT AND RESIDENTIAL
WASTEWATER DISPOSAL (LAND APPLICATION) DESIGN**

Principal: Mr. & Mrs. G. Handbury

Location: No. 146 Paloona Road, Paloona

Date: 10th February 2020

Background

The following Report has been prepared following a request by **Mr. G. Handbury a potential purchaser of a land allotment located at No. 146 Paloona Road, Paloona (C/T 2464/82 PID 6386178)**, to assess the suitability of the land to accept domestic waste-water from the proposed new single residential development at the site.

The assessment has been carried out utilising a physical on-site inspection and a subsequent assessment of the data utilising AS/NZS 1547:2012 On-site Domestic Wastewater Management to confirm the suitability of the site as well as the proposed disposal method and size of the required disposal facility.

The residence will be utilised as a 4-bedroom primary dwelling by the Owners on a permanent basis.

The property does not have access to a community supplied reticulated water supply. The available reduction for reduced water consumption and subsequent disposal for tank water supply has been included in the assessment.

The data collected on site is shown in the attached Table on Page 4 of this report.

Recommended Treatment Regime: The recommended wastewater disposal regime is to install a new 3500l (min) capacity dual purpose septic tank receiving toilet and kitchen sink waste water (black water) as well as the generated household greywater, with the resulting primary treated effluent directed to 4 No. new 0.9 m W * 0.6 m D * 13.2m minimum length absorption trenches (minimum total length to be 52m).

Site Specific Factors affecting the design:

The site is on a large, variable sloping internal, irregular shaped allotment located on the northern side of Paloona Road at Paloona. Although an access strip exists from Paloona Road, the main access will be from Ahernes Road which abuts the south-western boundary of the property.

The allotment is designated "Rural Resource" under the Devonport Interim Planning Scheme 2013. The allotment, with an area of approximately 25 Ha., has variable slopes but the general slope of the land is from the south-west corner to the north-east. The land falls unevenly approximately 110m over approximately 630m. The residence is to be located on a relatively flat portion of the Lot within the upper third of the Lot.

The majority of the allotment is well vegetated with pasture grasses with some trees located near the northern boundary.

"The List" indicates that parts of the property may be subject to possible landslides due to the steepness of parts of the site. This is indicated as Hazard Bands on the Landslide Planning Map. The wastewater disposal area should not be located below the 170m surface contour.

Page 1 of 8 Pages

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Plate P1:- Indicates the proposed disposal area located in relation to the 175m height contour. The disposal area should not be located lower than the 170m height contour.

The disposal and reserve areas are to be located between the 175AHD and 170AHD surface contours as well as no further south than the north face of the residence or further west than 5m beyond the western face of the residence.

The sub-surface conditions indicated the soil was Clay Loam (Soil Category 4 adopted, weakly structured - Table 5.1 of AS/NZS 1547:2012).

The property does not have access to a community operated reticulated water supply and will rely on water from on-site rainwater storage tanks.

The Architect's drawings indicate the residence will contain 3 bedrooms plus a "Studio" which will be utilised as a separate bedroom.

A separate shed is also indicated, but no sanitary or cooking facilities will be provided in this building. Consequently, the design for the on-site wastewater disposal system will be based on a 4-bedroom dwelling.

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ITEM 4.1

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Inspection Date: 10th January, 2020
Weather Conditions: Overcast, approx.. 16°
Assessment by: Don Anderson

ITEM	SITE FACTOR		Comments
1)	Slope	Measured over 20m nom	Approx. 53° (1 in 11)
2)	Shape	Concave, convex, planar etc	Planar
3)	Aspect	Direction slope faces	East to north-east
4)	Exposure	Sun/ wind	Good exposure to sun and frequent winds
5)	Erosion/Mass movement /landslip	Note on site plan	None evident at the site but Hazard Band 1 is noted on parts of the surrounding areas
6)	Boulders /Bed Rock out crops	Note on site plan	Bed rock not visible.
7)	Vegetation	Note type and cover	Pasture grasses
8)	Watercourses	Note on site plan standing and/or flowing water	Hollow to the north-west of the site is partially filled with water and indication of an ephemeral creek discharging to the south-east corner of the allotment.
9)	Soil water Regime	Depth to water table, seasonal water-logging	Water table appears > 1.5m depth, no water-logging evident in vicinity of disposal area
10)	Fill	Note on site plan	No soil fill evident.
11)	Run-on/flooding potential	Note areas on site plan	Unlikely. May need to control run-off from upper pastures and new roadway to direct way from the disposal site .
12)	Channelled (concentrated) runoff	Note on site plan including possible concentration to adjacent properties	Nil
13)	Soil Surface Condition	Cracks, hardness, previous compaction, dampness and seepage areas	Generally consistent, no indication of soil movement.
14)	Salinity	Salt tolerant vegetation, bare ground or salt crystals	None evident
15)	Soil type/ Category	Table 5.1 AS/NZS 1547::2012	Silty clay loam, weakly structured – adopt Category 4
16)	Other relevant site specific factors		Permanent residence. Reticulated water supply is not available

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Design Influences

The design of the system has been based on the following criteria:-

- AAA rated water saving fixtures (i.e. Aerators on taps, low flow shower heads, dual flush toilets) be installed in the residence to reduce the load on the treatment & disposal system.
- A loading of 120 l/person/day for 6 people has been utilised in the design (i.e. 720 l/day).
- Washing powders suitable for septic systems should be utilised
- The disposal area is to be installed to take advantage of the allotment contours to minimise slope.
- Rain water re-use is required.
- Disposal area is to be fenced off to prevent access by grazing animals

Supporting Attachments

- Site Plan Ref S/3392 – Sk W01
- Site Photographs (2 Pages)
- Absorption trench detail
- Loading Certificate



SIGNED

D. S. Anderson

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Building Practitioner Accreditation No CC822J

Principal Engineer

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Photograph W1 – Looking south-east along disposal area.



Photograph W2 – Looking North-west from disposal area towards residence.

Page 6 of 8 pages

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S3392 -01 Site and Soil Assessment and Design Report

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Photograph W3 – Looking north-east.



Photograph W4 – Excavated material from test hole. Note friable consistency with little moisture

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S3392 -01 Site and Soil Assessment and Design Report

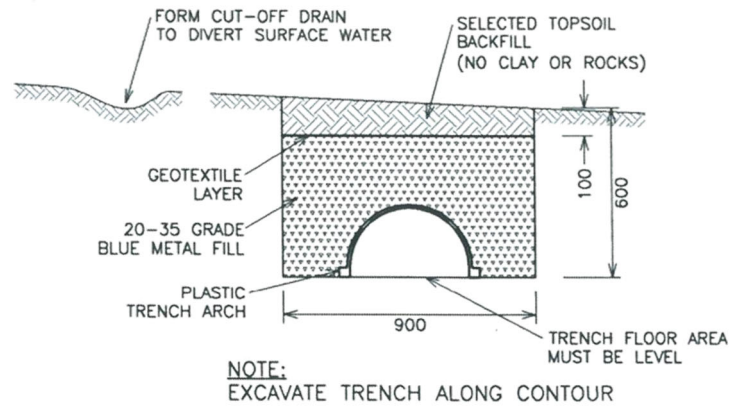
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ABN 50 078 335 231

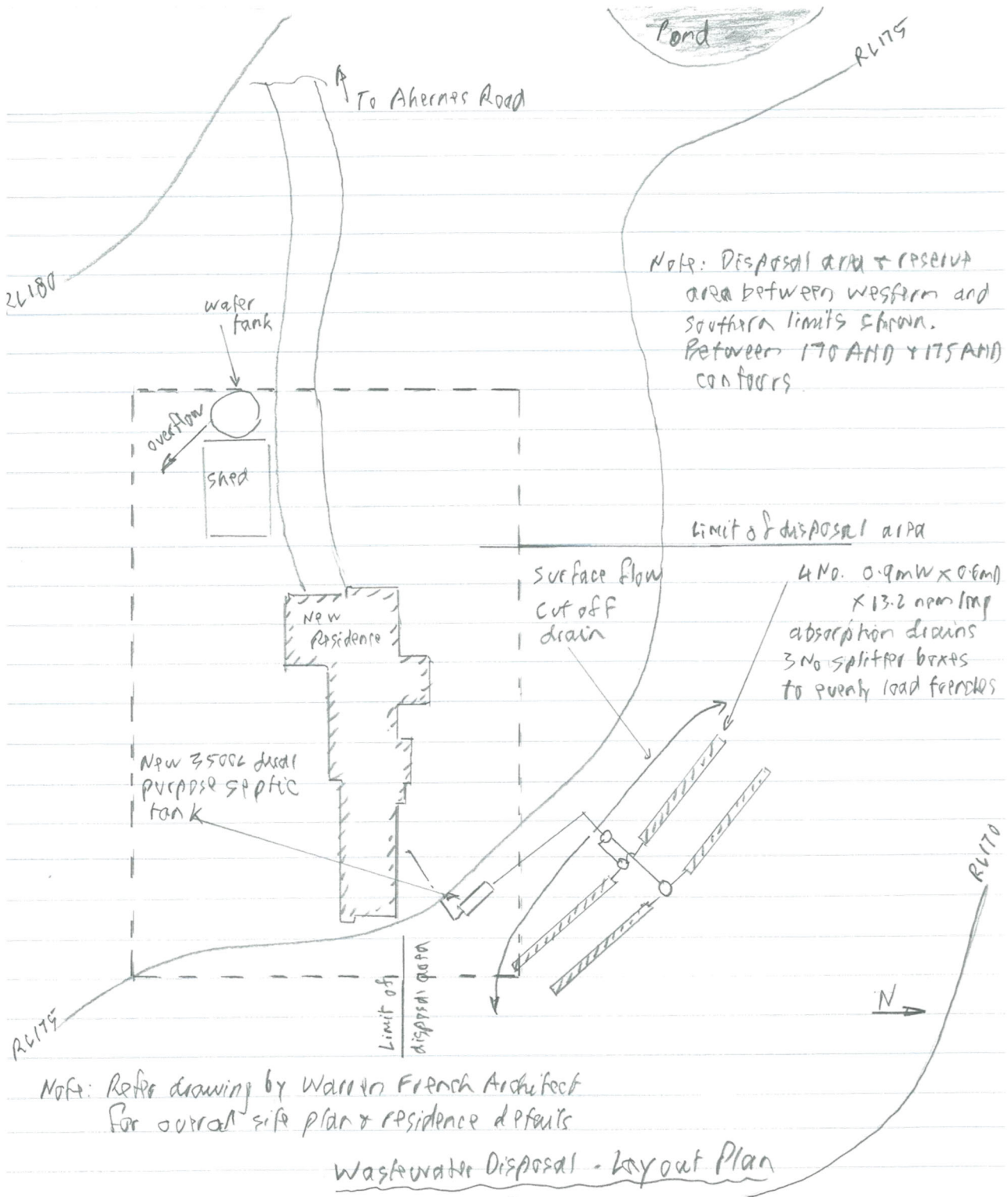
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**ABSORPTION TRENCH DETAIL**

SCALE 1:20



Note: Refer drawing by Warren French Architect
For overall site plan & residence details

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Mr. & Mrs. G. Handbury
New Residence
146 Paloona Road, Paloona

Wastewater Disposal - Layout Plan

07-02-20

S/3392-SKWA1

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Loading Certificate for Absorption Trench Installation
at
No. 146 Paloona Road, Paloona TAS 7310 (PID 6386178)

System capacity:- (medium-long term) – 6 persons / 720 litres/day.

Design criteria summary:

- Minimum Septic Tank Size: – 3500 litre
- Effluent quality: – Primary treatment
- Soil category:- 4
- Land application system:- Absorption trenches (see Appendix L of AS/NZS1547.2012) modified design
- Adopted permeability:- 0.30 m/day
- Adopted LTAR: – 16 l /sq.m./day

Reserve area:- There is adequate land available on this site to provide for use as an alternate land application area in the event of a system failure.

Water efficient fittings etc:- The design assumes use of water efficient fixtures and fittings, e. g. 3L/6L flush toilets, 9L/min (max) showerheads, aerator fittings on taps and the use of clothes washing machines/dishwashers with WELS star ratings of 4.5 stars or above. (refer to <https://apps5a.ris.environment.gov.au/wels-public/search-product-select-load.do>)

Variation from design flows etc:- The system should successfully manage additional peak loadings which may result from occasional social gatherings provided that this does not exceed use by more 15 persons in a 12 hour period or more than three temporarily resident visitors (i. e. up to 8 persons total) for a period not exceeding 7 days. Visitors should be advised of the requirement to minimise time spent in showers, avoid running taps whilst cleaning teeth and other common-sense water conservation measures.

Consequences of changing wastewater characteristics:- The home owner should avoid disposing of wastes which would be additional to those normally disposed in a household sewerage system. In particular, increases in organic loadings as a result of using in-sink waste disposal units are not permitted.

Use of household disinfectants or bactericides in anything more than small amounts and at recommended rates of dilution should also be avoided, as should the disposal of solvents and other chemicals (such as antibiotics/anti-microbial pharmaceuticals) which may kill bacteria and other microorganisms required for effective wastewater treatment.

Selenium containing soaps or shampoos should never be used in this system

Consequences of overloading the system:- Long term use by more than seven residents or equivalent may result in overloading of the system. This would be evident by “surfacing” of the effluent, creation of public and environmental health nuisances, pollution of surface waters, etc. Overloading may result from such uses as residential childcare, home-catering and other home-based businesses.

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S3392 -Trench System Loading Certificate

Consequences of under-loading the system:-Extended periods (i.e. 4 – 6 months) with no use will inhibit microbe production and growth. After extended period of no use, the septic tank should be de-sludged and the activation process re-commenced.

Consequences of lack of operation, maintenance and monitoring attention.

The trench absorption system requires minimal intervention by the home owner. However, it is not a zero-maintenance system.

Consequences of failure to observe basic requirements may include any of the following:-

- Spread of infectious diseases to your family and neighbours.
- Breeding of mosquitoes and attraction of flies and rodents.
- Nuisance and unpleasant odours.
- Pollution of waterways, streams, beaches and shellfish beds.
- Contamination of bores, wells and groundwater.
- Excessive and unsightly weed growth.
- Alteration of local ecology

Other relevant considerations:-

- Ensure that the septic tank is de-sludged by an authorised contractor at least once every four years. Failure to do this at the required frequency may result in carry-over of solids into the absorption trench system, causing failure of the land application area, which may then require expensive reconstruction works.
- Discourage access by visitors or pets to the land application area.
- Livestock should not be allowed on or near the land application area. If such animals are kept, the land application area should be fenced off to prevent system damage and/or soil compaction.
- Do not allow vehicles onto the land application area.
- Keep surface and sub-surface cut-off drains above the land application area open and clear of debris to prevent storm-water flowing into the effluent absorption area.
- Problems may occur with systems which have not been properly maintained and where absorption areas have become blocked or clogged. The warning signs are obvious and include:-
 - Effluent absorption area is wet or soggy with wastewater ponding on the surface of the ground.
 - “Sewage” smells near the land application area.

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S3392 -Trench System Loading Certificate

PROPOSED DWELLING FOR
G. & G. HANDBURY
at
146 PALOONA RD, PALOONA

SHEET 1	SITE PLAN
SHEET 2	BUILDING ENVELOPE
SHEET 3	PLAN & SECTION
SHEET 4	ELEVATIONS
SHEET 5	ELEVATIONS

SUMMARY
Title Reference: CT 2464-82
Building Size:
Class 1 Dwelling 160m²
Deck & Verandah 80m²
Garage 40m²
Design Wind Speed: N3
Soil Classification: To Be Advised
Climate Zone: 7
Bushfire Attack Level (BAL): To Be Advised

WARREN FRENCH

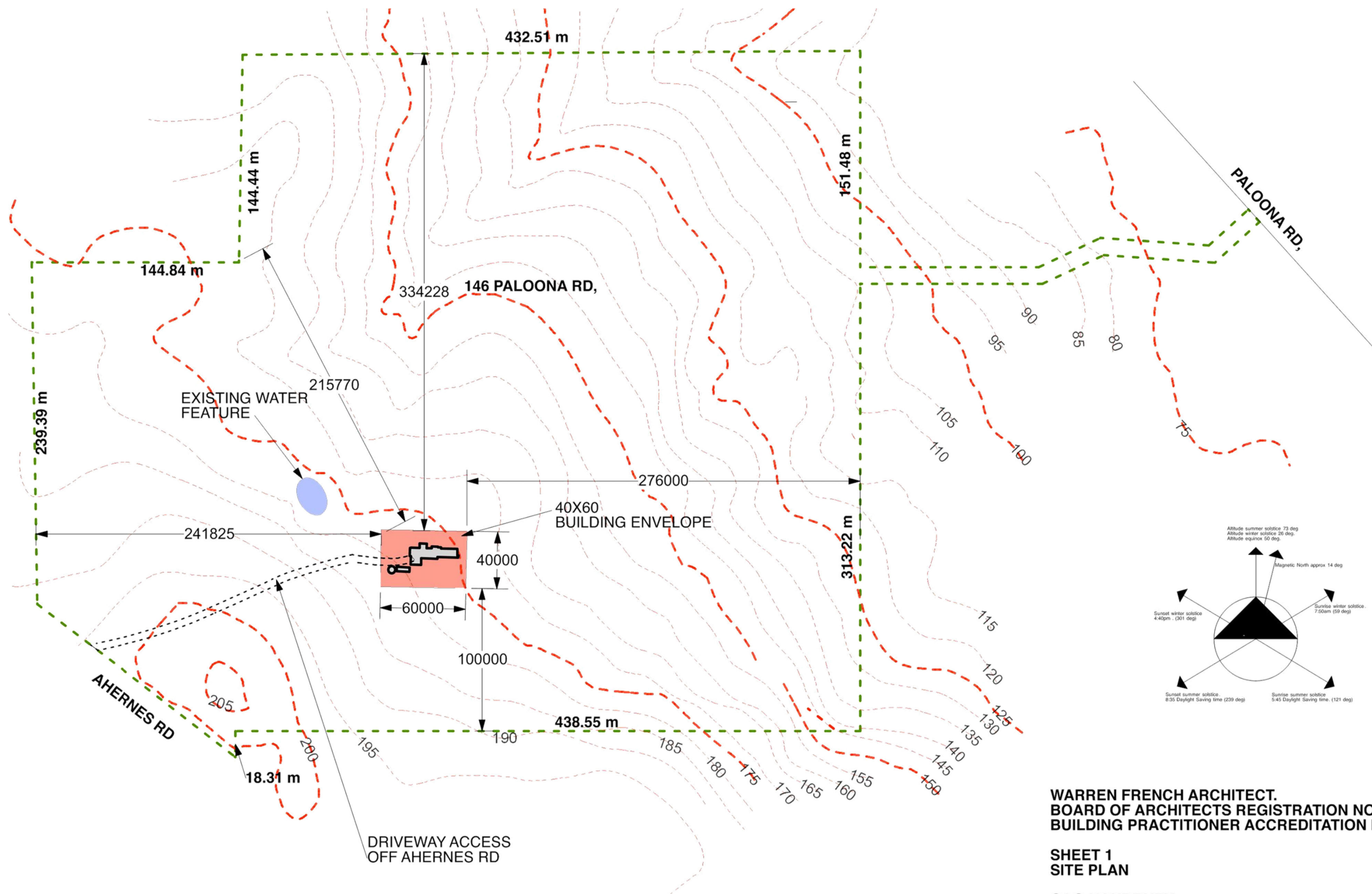
ARCHITECT

55 WILLIAM STREET, WESTBURY, TAS. 7303 ph 0417566964



JANUARY 2020

BUILDING PRACTITIONER ACCREDITATION NO. CC230W.
ARCHITECTS REGISTRATION BOARD NO. 678.



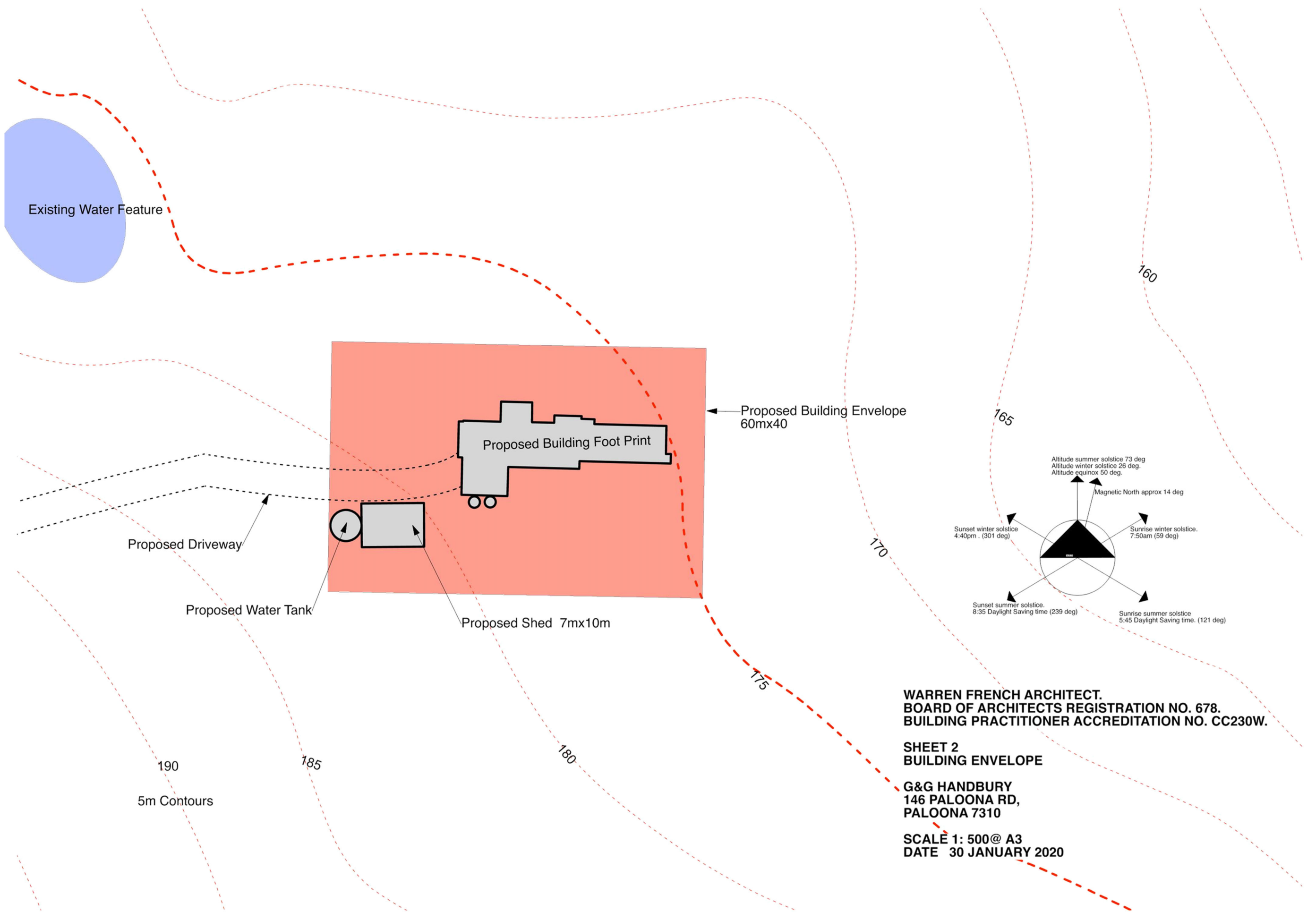
**WARREN FRENCH ARCHITECT.
BOARD OF ARCHITECTS REGISTRATION NO. 678.
BUILDING PRACTITIONER ACCREDITATION NO. CC230W.**

SHEET 1
SITE PLAN

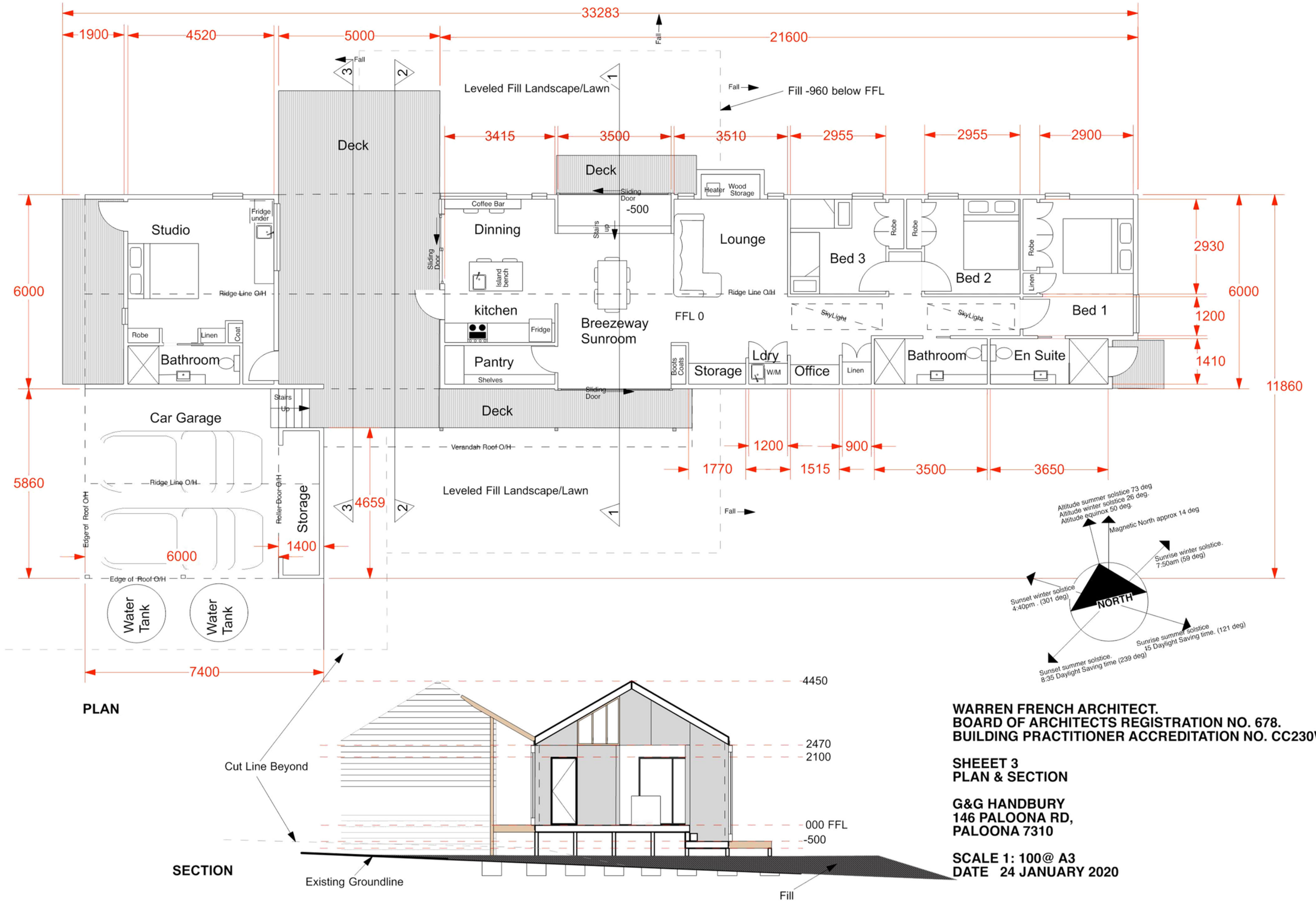
G&G HANDBURY
146 PALOONA RD,
PALOONA 7310

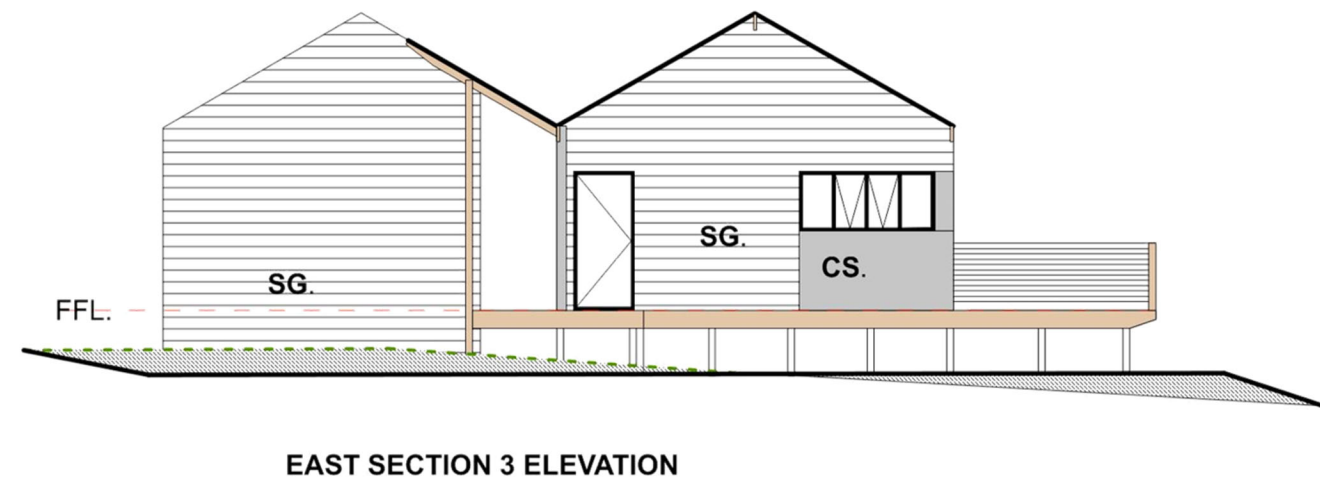
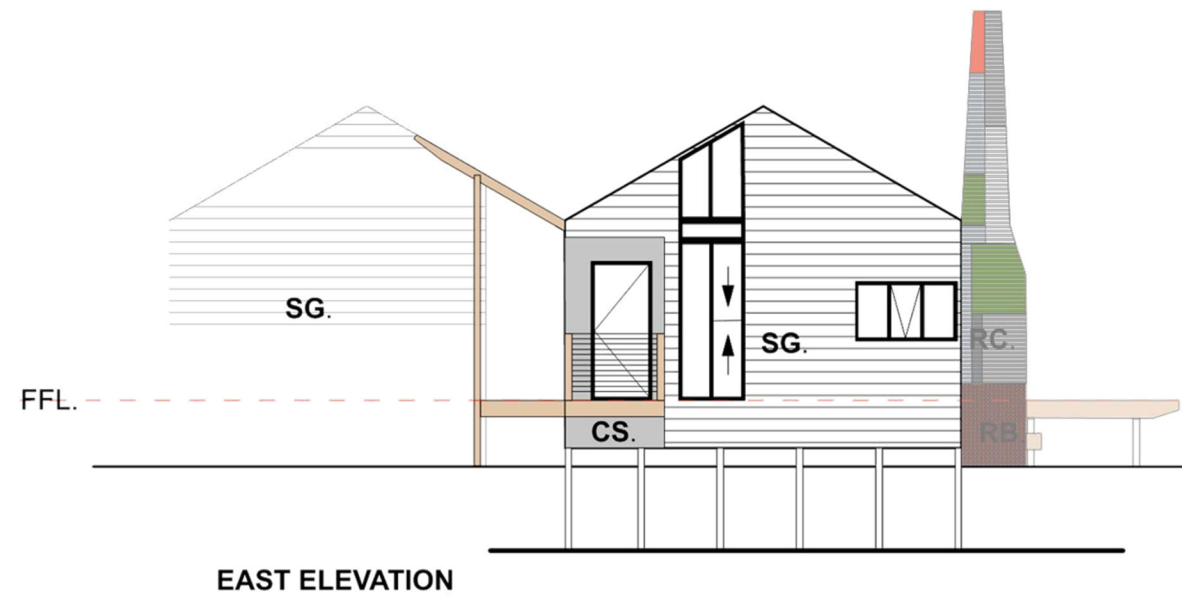
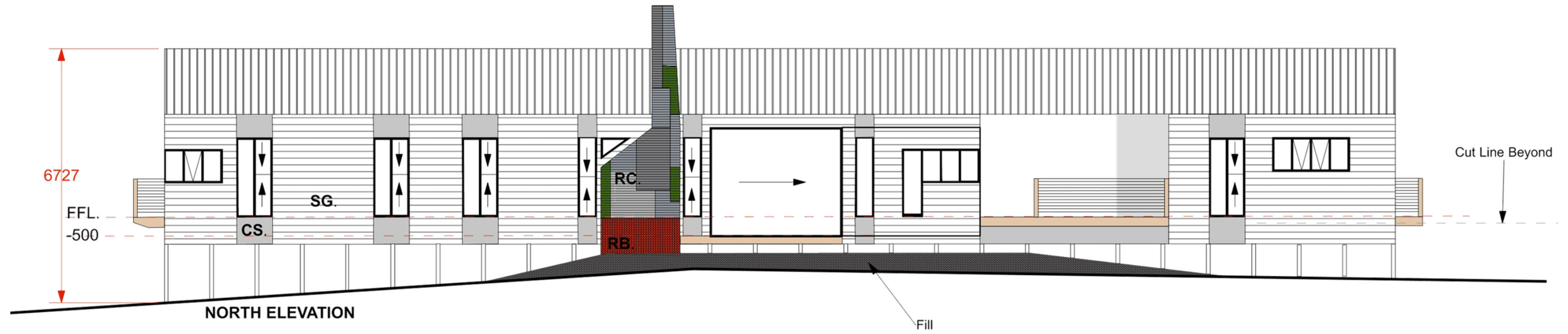
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DATE 30 JANUARY 2020

SCALE 1:2500 @ A3



ITEM 4.1





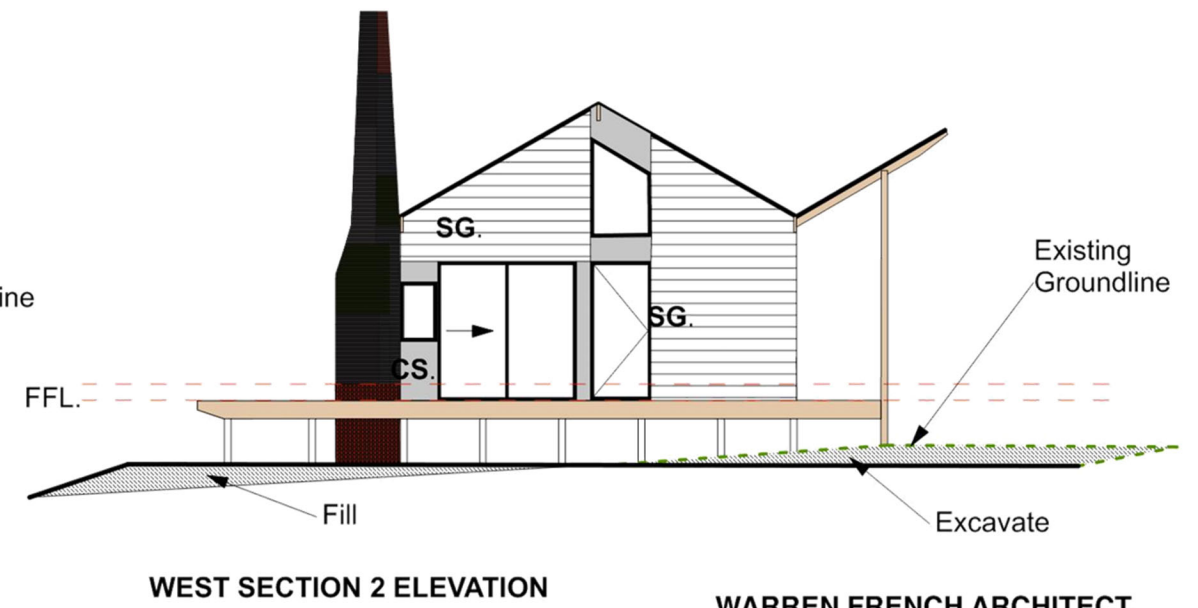
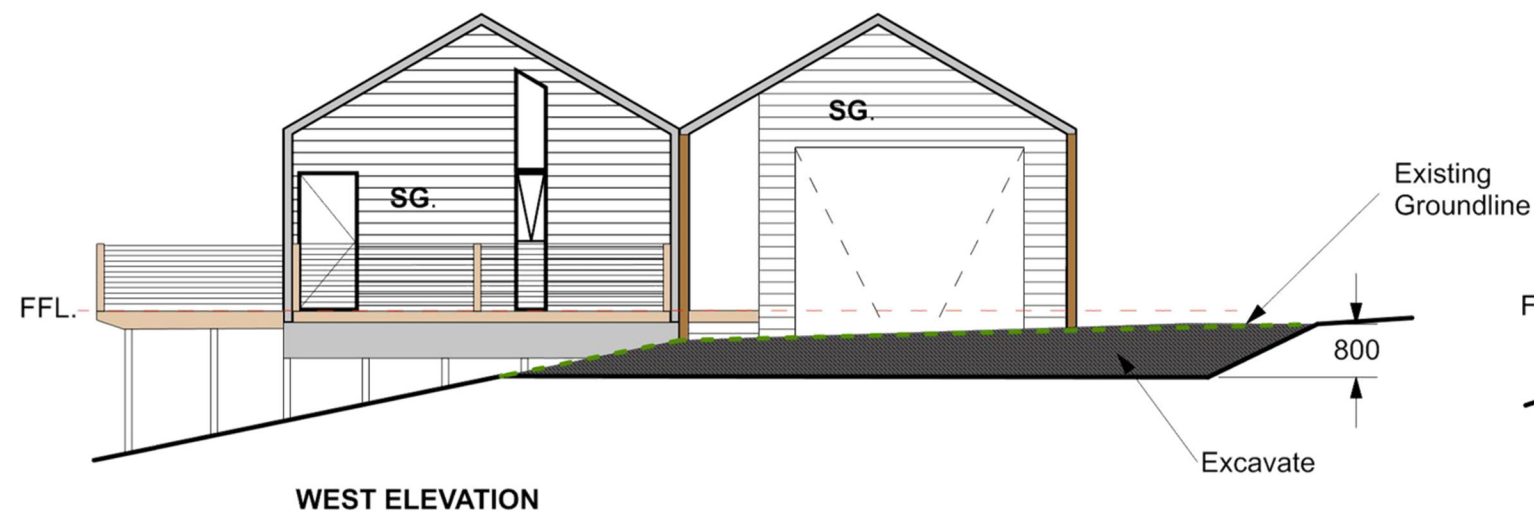
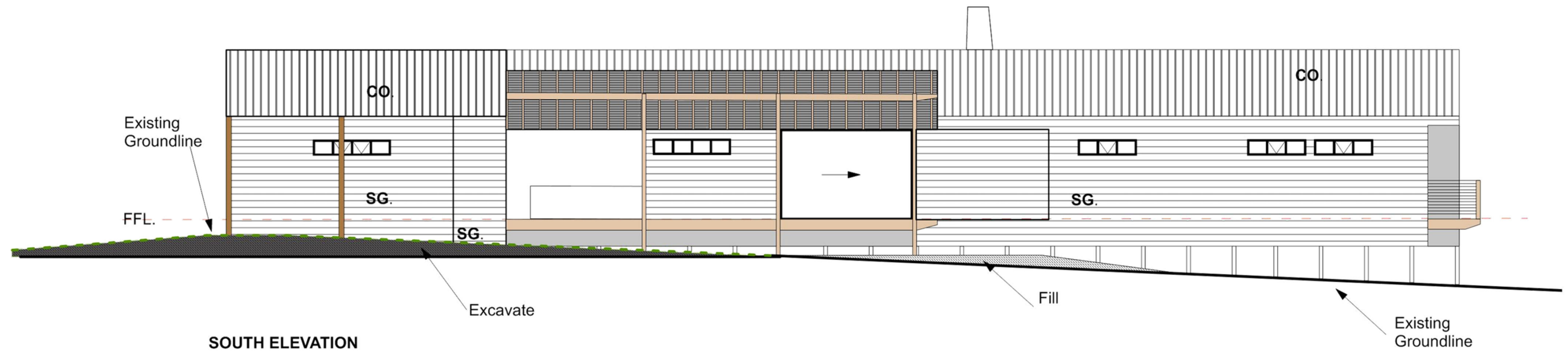
- MATERIALS:**
- CO.** Roof: Custom orb COLORBOND "Ironstone" on ply panels.
- CS.** Walls: Scyon Cement Sheet or Simmilar. on ply panel timber frame
- SG.** Walls: Spotted Gum shiplap cladding or simmilar. Timber frame windows and doors.
- RC.** Recycled Custom orb Cladding or Similar.
- RB.** Recycled Bricks or Similar.

WARREN FRENCH ARCHITECT.
 BOARD OF ARCHITECTS REGISTRATION NO. 678.
 BUILDING PRACTITIONER ACCREDITATION NO. CC230W.

SHEET 4
ELEVATIONS

G&G HANDBURY
 146 PALOONA RD,
 PALOONA 7310

SCALE 1:100 @ A3
DATE 30 JANUARY 2020



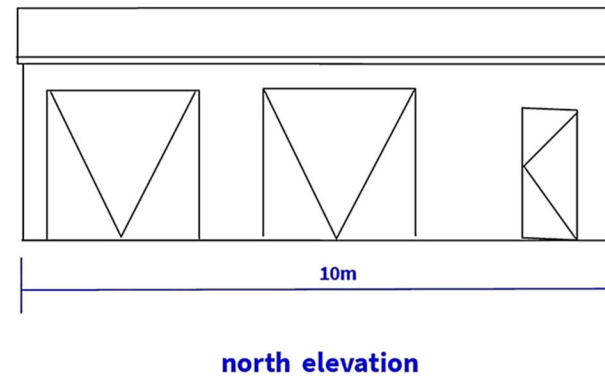
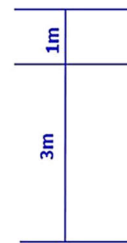
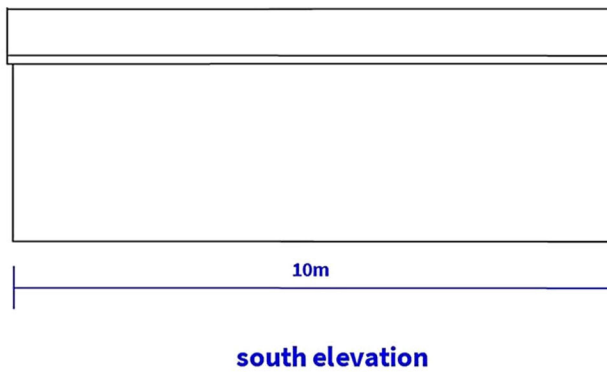
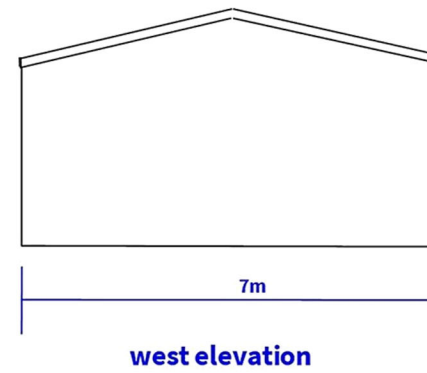
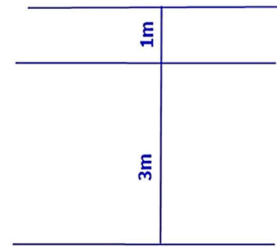
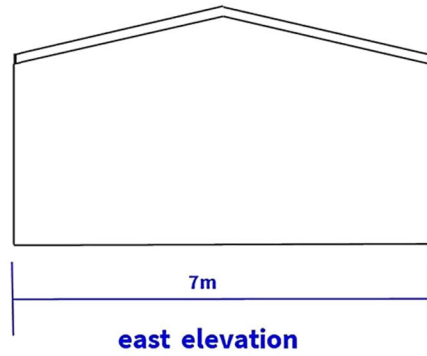
- MATERIALS:**
- CO.** Roof: Custom orb COLORBOND "Ironstone" on ply panels.
 - CS.** Walls: Scyon Cement Sheet or Simmilar. on ply panel timber frame
 - SG.** Walls: Spotted Gum shiplap cladding or simmilar. Timber frame windows and doors.
 - RC.** Recycled Custom orb Cladding or Similar.
 - RB.** Recycled Bricks or Similar.

WARREN FRENCH ARCHITECT.
 BOARD OF ARCHITECTS REGISTRATION NO. 678.
 BUILDING PRACTITIONER ACCREDITATION NO. CC230W.

**SHEET 5
 ELEVATIONS**

**G&G HANDBURY
 146 PALOONA RD,
 PALOONA 7310**

**SCALE 1:100 @ A3
 DATE 30 JANUARY 2020**

Shed by others

7m x 10m Metal Clad Shed

Generic plan of shed as no company has yet been approached for purchase of a shed

Brian and Janice Reeves
270 Paloona Road
Paloona Tas. 7310

9th March 2020

To: The General Manager
Devonport City Council

RESPONSE TO PLANNING APPLICATION No. PA2020.0017

Dear Mr Atkins,

As the owner of property with a large shared boundary to what I believe to be Rundell's property that is now the subject of this planning application, I forward this written response to the application.

I have farmed in this District for over 60 years. I have successfully farmed crops on the very property under application and most years that I worked that land I was successful.

I have had a look at the application and I am a little dismayed at where the house site has been proposed as it lies right in the middle of some of the best ground available on the property. Much of that land is very hilly and cannot be cropped or grazed successfully. In this application the best ground is proposed for a house and shedding.

I have spoken to another adjacent neighbour Mr Ray Louth who has concerns about the proposed house site. I visited the site with him and saw the poles he had erected to mark out the centres of the house sites the applicant and he proposed. I liked the one closer to the fence because it is a good site and I don't like to see good prime land being lost forever.

In regard to the boundary and the set back to the proposed dwelling site as put forward by Mr Louth, I have no objection to the set back being reduced from 100 meters to 50 metres. It's a good place for a house and will enable the house to tuck in nicely in behind our hill and the hill between Mr Louth and the dwelling. Noise carries a long way in these valleys and repositioning the house will help that too. I see no reduction in views for the applicants.

As far as accessing Aherne's Road goes, it is gravel and that is a concern if regular commercial traffic is intended to use it. I would not like to see any major interruption or damage to the road or the wonderful ridge-top treeline that is full of great gum trees.

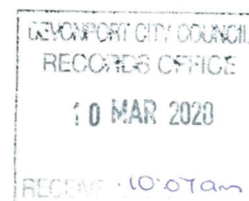
I hope that this response helps in securing an approval for these new-comers. The revised house site has the full support of my wife and I.

Yours Faithfully,

Brian Reeves

Janice Reeves

B & J Reeves *J. L. Reeves*



**RESPONSE TO APPLICATION FOR PLANNING PERMIT FOR RESIDENTIAL DWELLING
146 PALOONA ROAD, PALOONA, TASMANIA - APPLICATION No. PA2020.0017**

Response By R.J & G.L Louth - Adjoining Property Owners

To: The General Manager, Devonport City Council.

Dear Mr Aitkins,

This letter is our formal written response to the recently publicly advertised Application for a Planning Permit (See Header above). We are the owners of the property known as 100 Ahernes Road, Paloona, being an adjacent property to the Planning Permit Applicants with a shared boundary of over 500 metres.

We believe that the Planning Application as proposed creates a number of issues that challenge the zoning requirements for this area in terms of residential approvals and preservation/loss of valuable Rural Resource land to residential lifestyle; but moreso, the Application also creates a substantial and direct negative impact upon our property, our privacy and lifestyle, our plans and also the potential future value of our property.

We seek to change aspects of the application because;

- 1 our property, our privacy and lifestyle, our plans and also the potential future value of our property due to the visual proximity of the proposed residential envelope to our home, and;
- 2 There is significant loss of prime agricultural land in locating a residential envelope in the middle of a open pasture that comprises some of the best cropping and grazing land on the property, and;
- 3 There is significant risk to very old and unique trees, the gravel roadway and the ambience of the Ahernes Rd area if a Residential/Commercial property access is approved by way of an agricultural gate access to Ahernes Road. The main proposed access to the property for residents and a customer base.
- 4 An old but existing residential site already exists with formal access to the property from a bitumen road direct frontage to that residential site, and;
- 5 The application is discretionary because it challenges most of the requirements for Rural Resource Zoning, including the definition of "agricultural" as taken from zoning documentation
- 6 The applicants have gone to great length to present an application that dominates residential positioning so as to gain best use of the available views, we seek the same consideration. .

Our Home and Lifestyle:

Not wanting to discourage new development nor deny a young couple there dream of a fine place to live life and develop a family, the selected site for the proposed residential envelope will negatively impact upon us directly and create a potential to de-value our property into the future.

When we bought our property we were told by Council that the chance of a residential approval on the proposed land zoned Rural Resource would be highly unlikely given the zoning of the land. Further, any application for a residential site on the land would certainly require a first consideration for any original or existing residential envelope and any deviation from that would have to be seriously assessed as to its impact on the land and the reason behind it. We purchased our property with long term potential in mind, believing that we were sufficiently protected by the zoning against any major impact to our property other than general agricultural pursuits.

I am a returned Viet Nam Veteran with PTSD and a heart and lung condition. It was paramount for us to find a truly special property which was isolated and provided a sense of freedom where open space abounds. Where peace of mind has a true chance to be experienced and appreciated. It is the ambience of our property and the feeling of wide-open spaces that provides great benefit to us both and made us buy our dream home. The nearest visual neighbour appears across a vast valley and certainly well beyond clear visual or ear shot. Our house has been designed to take advantage of the full vista on offer. Our main bedroom has a full length balcony with three large sliding doors that open to bring the outside in. My mental health needs have only seen me be hospitalised once for in the near four years we have lived in Paloona and that was very early on after the stress of moving. The peacefulness of our locale and the peace of mind we have attained in living here is invaluable. Prior to living here that was not the case.

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What has changed:

A Planning Application has been lodged that seeks a residential envelope on adjoining Rural Resource land that if successful, will result in a house and outbuildings being constructed well within direct eye sight and ear shot of our home, with residential and commercial access at all hours creating disruption to sleep and lifestyle. In this case, given the expansive acreage available, such close proximity between housing is unacceptable to us and is seen as totally un-necessary.

What can make it workable

Not wanting to deny the applicants their goals we suggest the following;

1. A simple modification to the Planning Application, that involves moving the proposed residential envelope just 50 metres closer to the southern boundary fence parallel to the fenceline, and a further 10 metres to the east. This will mitigate most of our concern regarding the impact to our views across the valley and potential loss of property value due to activity impact.
2. In addition to the shifting of the residential envelope, the shifting of the proposed Ahernes Road property access from through the Agricultural Gate to a more appropriate point along the Ahernes road boundary that will result in the following;
 - a. far less impact to valuable agricultural land by the residential envelope;
 - b. Far less impact to valuable agricultural land by reducing an across paddock driveway to the residential envelope
 - c. far less impact to the valuable and sensitive trees that surround the Ahernes Rd by not making the agricultural gate the main entrance to the property
 - d. Far less potential impact to the sensitive graveled Ahernes Rd which meanders among the roots of the massive gums, especially in the vicinity of the agricultural gate.

[It was not until after the Applicants Application was submitted to Council that we managed to meet them both for the first time. They came to our home. At this meeting we discussed our concerns re the location of the proposed residential envelope and after a site inspection together, an estimated 25metres was discussed as a suitable "on site" alteration to the residential envelope. Since that meeting, we have established that 25 metres will do very little to resolve our issue and after measurements and survey sightings, it has been found that moving the residential envelope 50 meters toward the southern fence and a further 10 meters toward the east would be the minimum site adjustment we could accept. This would enable the hill to obscure the proposed development from view and still provide the applicants the significant views they so keenly seek.

No. 1 Reason for our Response:

Pursuit of an adjustment to the siting of the Residential Envelope and house positioning therein, as proposed in the Planning Application No. PA2020.0017.

AIM No. 1

1. To have the same size Residential Envelope as proposed, moved closer to the southern property boundary by just 50 metres and Easterly by 10m, whilst keeping the residential envelope boundary in the same configuration as proposed, and; to have the main residence's foundation line located on or as close as possible to the south and eastern boundary of the revised residential envelope position.

2.

Benefits in Site Relocation:

- a. the adjacent hillside to the west can act as a natural untouched concealing buffer between our residence and the proposed new residence.
- b. The 6.7m high roofline of the proposed residence will fit neatly behind the existing hillside and will be less visible, possibly only exposing just a small amount (maybe less than 1.0m of the top of a mostly obscured roofline).
- c. Our residence and the proposed residence will not have any direct window to window views as will be the case with the existing proposal;

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Response By R.J & G.L Louth - Adjoining Property Owners

- d. The fact that the proposed residence and out buildings will be nestled behind the hill will also suppress any excessive noise created by the comings and goings of people and traffic, particularly any night activity from veterinary pursuits and also the domestic activities;
- e. By moving the proposed residential envelope just a 50 metres to the south, the set back to the longest side of the Residential envelope will still be 50 metres from the boundary, a distance well outside the minimum set back requirements for the zoning;
- f. In addition, by moving the proposed Residential Envelope just 10 metres toward the south but parallel with the south Boundary, the envelope sits lower into the land and more concealed than the proposed positioned. There still remains a fully protective hillside to the south that prevents any disruption to any activity being undertaken on the adjoining property that shares that closest southern boundary. The applicants proposed residence will not be seen from the existing residence on the property to the south.
- g. Lights at night should not provide any concern to either us or the proposed new owners.
- h. It is believed that the proposed amended building envelope position does not impact on any easements, covenants or other restrictions (See Title)
- i. The prepared engineering in relation to drainage from the residential envelope will remain basically unaffected with the exception of perhaps the need for some 50m of additional underground pipe to reach recommended drainage zones.
- j. Because the proposed house is to be built on stumps/poles the ability to position the house to a level that does not require any need for excavation of the land is increased;
- k. With the use of stumps/poles for foundations it is easier to mitigate by way of foundation depth any concern for the lay of the land that may or may not exist to affect development
- l. The expansive views sought by the prospective buyers is not affected in any way by shifting the residential envelope and house position as desired.

Cons to Site Relocation:

- a. Amendments to the proposed Planning Application will be required
- b. Additional costs will no doubt be incurred to make the amendments required.

Those costs could have been totally avoided had the Applicants first consulted adjoining neighbours (Us) to talk out any potential issues before pushing through with a high profile and expensive application that they probably believed would successfully be able to be quickly pushed through Council. There has been a lot of potential buyers for this property and all have sought us out first. None have been prepared to risk a high cost residential application on Rural Resource Land

Sadly the applicants in this case, spent a lot of money and lodged with Council without even considering our concerns. Our aims could have been included in the plans and we would have not have had any complaints with the application.

AIM No. 2

To create a Residential/ Commercial Access point at the South Western corner of the Applicants property boundary along Ahernes Rd. This will be in addition to the existing property Agricultural Access gate sited midway along the Ahernes Road boundary to the property; if that access gate is not removed.

Benefits of Creating a Fit for Purpose Ahernes Road Access Gate.

- a. A purpose built residential access to the property from Ahernes Road will mean property traffic (both Residential and Commercial) will not have to enter a heavily treed area of Ahernes Road and negotiate a narrow tight right hand turn amidst huge Gum trees to enter by the small existing agricultural property gate as proposed.
- b. Commercial Access involving large vehicles and trailers will be easier given the new access gate will provide a more straight and direct access to the property from the roadway

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- c. The proposed new entry point that we propose will also mean less traffic in the sensitive narrow tree'd section of Aherne's Road, an area that has been purposely formed by Council to accommodate the huge gum trees and flow the roadway around their root systems.
- d. Positioning a new Aherne's Rd access point at the south western corner of the property will also greatly reduce the required driveway distance between the property entry point and the residence and associated outbuildings used for commercial purposes.
- e. Positioning a new Aherne's Rd access point at the south western corner of the property will avoid displacing valuable agricultural land by avoiding the creation of an "across the property / over the hill" thru paddock access driveway.
- f. By adopting our road access recommendations along with our proposed site adjustment to the residential envelope, there will be no the need to put a visible scar across the landscape and some 500 square meters of valuable pasture will be preserved for agricultural use, land that would otherwise be lost due to the creation of an access road to the residential envelope.
- g. Positioning a new Aherne's Rd access point at the south western corner of the property will also reduce the impact of residential and commercial traffic interference to existing residences in Aherne's Road;
 - a. The headlights of Residential and Commercial traffic entering at night will not hinder nearby residents
 - b. Noise and disruption to animals on the adjacent properties should not be an issue.

Failing this:

Should our Aims/ Recommendations not be considered suitable or worthy by Council, We would require that the applicants develop their residence in the vicinity of the Old Homestead and conduct their Commercial activities within the vicinity of that residence, so that the bitumen roadfront from Paloona Road takes all residential and commercial traffic away from Aherne's Rd and Aherne's Road remains as is, an "Agricultural access only" to the property. The valuable pastures of the property would then be left undisturbed for future agricultural purposes and or concerns would be mitigated.

SUPPORTING INFORMATION

To determine the full extent of any visual issues with the proposed residential development site, We contacted the Farmer / Caretaker of the property Mr Mike Rundell and attained permission to go onto the property and take measurements to determine exactly where the proposed development was going to be and to what extent it would/may impact upon us. Permission was given to access the property for that purpose.

To assist me in establishing an accurate site inspection I engaged the services of a retired surveyor and draftsman.

1. Firstly I returned to the site of the proposed residential envelope and measured the area to accurately locate the residential envelope position and size. I used the pegs that had been placed by the applicants and re-stood them in the ground after the cows had knocked them over. Using the marks on the ground and measurements from the southern fenceline I duplicated what was shown to us by the applicants when we walked the proposed site with them during the week earlier.
2. Secondly, being satisfied I had established the full size and position of the residential envelope as per the planning application, I then check measured the distance of the residential envelope from the southern boundary fence to ensure we were accurate to the 100 metres of set back provided in the applicants proposal.

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3. I then located the centre of the residential envelope and positioned a 6.7metre orange pole (the proposed residence height) over a fencing stake driven into the ground at that central position. The pole comprised of two lengths of orange conduit, the bottom length being 75mm diameter and the top length being just 50mm in diameter.

This gave me a clear and accurate indication of the proposed residential height as it was visible from our kitchen window and our house verandah. The pole was clearly visible from its base to the very top which was 6.7 metres above the ground and at a maximum of just 75mm in diameter at its base and 50mm diameter at its top. With this being as visible as it was, to imagine the view of the end of a house with a width of 10.5 Metres (including Verandah) and a height of 6.7metres, the impact upon our position was huge..

It is a situation in a Rural area that is both unacceptable and unnecessary.

Fig: 1. Photo across the valley from inside the Kitchen window to the erected 75/50mm orange pole erected at the centre of the proposed residential envelope.



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Fig:2 A photo from inside the main bedroom across the valley to the 75/50mm pole.

The pole is clearly visible to the naked eye and a residence in its place would create substantial silhouette against the landscape central to our views.

Note: In addition to a house being built, an unsightly access road would be developed across the open land from the right of view and over the hill to the residential envelope.



Fig: 3 Photo Visual taken from our house balcony looking across our property to the Applicants proposed Residential development site (See our boundary fence in foreground). The black line indicates the rough direction that an access roadway would take as proposed and it ends at the centre of the proposed residential envelope where you can see the 6.7m orange conduit pole indicating the height of the house.

Fig 3: Note:

The full height of the pole is visible almost from its base to its top at 6.7m. This indicates that the full extent of the end of the house would be clearly visible from our balcony, as would an angled view of the length off the house. That is full breadth and height and skewed length views.

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Having established that YES, the proposed residential dwelling will intrude upon our views across the valley and potentially reduce our property value, I sought the assistance of my surveyor friend to establish some accurate measurements to ensure that what was clearly visible was not in fact a deception.

4. The surveyor and I took measurements along the ridge top of the hill that sits between the proposed site and our property. Measurements included altitude above sea level and distance along the ridge top. To determine the ridgetop we used CB radios and called line of site positions from our balcony to determine that we were clearly locating the edge of the ridge top.
5. From this we then identified the heights at the centre of the proposed residential envelope at the base of the 6.7meter long conduit pole (The height of the proposed residence). In addition we took the height measurement above sea level at that point to cross check against other ridge measurements and topographic information provided on the maps in the application .
6. It was clearly evident that if the proposed plan was to go ahead as proposed, we would actually have a full window to window line of sight between our two properties and the full extent of the proposed residential development would be highlighted central to our views across the valley.

What we did next.

In order to find a solution so as to support this application, I decided to look at the same image as if the residential envelope had been moved to the southern boundary fenceline by 50 metres. I peg measured another identical residential envelope 50 metres closer to the southern boundary fenceline, that ran parallel to the original residential envelope. We again mounted a 6.7 meter orange conduit pole to a fence stake in the centre of that site and checked the view from our balcony and kitchen window. Again height above sea level was checked from the base of the pole in the centre of the site where the pole was positioned

1. The second pole on the revised site could only just be seen by about a metre above the measured ridge top and; from this we believe only a very small portion of the proposed house would be visible. Far less than what was evident from the Applicants proposed site.
2. In an effort to conceal the house behind the ridge completely, we looked at the lay of the land and came to the belief that if the revised residential envelope were to be positioned just 10 meters to the east and still be 50 metres from the boundary, then the house may not be visible at all. This is due to the site having a slightly lower East / West perspective than the applicants proposed site.
3. In good faith, we tried all we could to facilitate a win/win outcome to the Applicants application and our own wish to avoid intrusion upon our valued views. The view from the Applicants proposed site is not compromised at all by moving the residential envelope 50 metres to the south and 10 metres to the East and; the resulting view from our house and our kitchen window is not compromised and less usable agricultural land is taken up by development.

This creates a win/win all round.

Survey Data to establish accurate measurements of Visible Heights.

In an attempt to provide scientific evidence to what was physically visible using the Orange Poles, my friend and I surveyed the visible hill ridgeline and proposed residential envelopes provided by the applicants proposal and measured against the recorded heights of our house balcony and kitchen window. (See Attached Drawings)

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Fig: 4

A view from directly behind the orange pole to our house showing "Line of Sight" to our house balcony and Kitchen window which are key features of our home.



It was clear from our findings that the erection of a house on the applicants proposed residential envelope would be quite a large and clearly visible structure that would create an almost window to window visibility situation with unrestricted noise travel across the short distance between the proposed house and our long established house.

NOTE: As can be seen - The Applicants proposed residential envelope is clearly located in such a position to displace a large amount of prime agricultural land.

Hazard Management: Response to E:6 of the Application.

The Louths propose a shift of the Residential Envelope by 50m to the South and 10m to the East. Plate 10: of the Applicants application clearly shows that stable ground also extends to the southerly boundary and therefore includes the area of the Louths proposed site for the residential envelope.

This surely means that the Louth's proposed site can also be considered part of the "no or low" landslide risk band, and; the Louths proposed site should be afforded the same consideration as the Applicants proposed siting for the residential envelope.

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Fig: 4 A photo from across the southern boundary fenceline to the property and distant views.

Note: 2 Orange Poles centred in the photo which are also centred in both, the proposed and the revised residential envelopes. **There is clearly no compromise to the applicant's views to Devonport and the sea**

Proof for Council Perusal

It was intended to leave the orange poles in situ on the sites until Council had a chance to review the findings and respond to our complaint against the evident intrusion upon our property, and also for Council to physically view and consider our proposed alternative site for the applicants residential envelope.

At 1230 on Wednesday 4th of March, Ms Gerry Rundell knocked on our front door and complained about the two orange poles we had positioned on the property. Ms Rundell, who I believe is a co owner of the property in question seemed a little irate, she told me that I had "over stepped the mark" by placing poles on the property. I explained that Mike Rundell had given permission for me to go onto the property to measure and determine the extent of any visual issues we may or may not have with the Applicants application. Ms Rundell stated she was not happy about it, her sisters would be most upset and if she had her way she would not be selling the property, but the sisters would be really upset about the poles because they want the sale to proceed. I explained that the poles were part of the measuring to determine the extent of any impact the proposed development it would have on us. I told her that we have a proposed alternative option that involves relocating the house site some 50 meters from where it is proposed and that I would like Council to see what has been marked out. I asked if I could to leave the poles on the property in situ until this review period is over. Unfortunately she was adamant she wanted the poles removed. I told her very well, I will take a few photos and have the poles removed that afternoon.

By 1.30 pm that same day I collected the poles and removed the poles from the property. I have not returned to the property since.

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1. By her actions, Ms Rundell has denied us the opportunity of provide full visual disclosure to Council, to physically walk the site with Council and explain our response to the planning application as presented. To have the poles in place and to have been able to physically identify an alternative site that would hopefully be helpful and acceptable to both Council and Applicants would have been great. Unfortunately now we can only rely on photos.
2. I do not want to believe there is anything sinister in Ms Rundells actions, however the Rundell property has been on the market for a long time and; with a substantial sum being the purchase price and a signed sale contract for purchase of the land being dependent on a successful planning approval to build a house on 'rural resource' land. I can only imagine that anything that might challenge or bring the application into question might be feared and fiercely fought against. Tensions might be very high with fears of anything that might threaten or challenge the development application meaning a potential loss of substantial income from the sale of the land. A total rejection of the Planning Application would not be well received Im sure.

We also understand there are three sisters who own this property that's under offer, with Michael Rundell being the farmer/manager who is still running stock on the property and through whom we have dealt with for all property matters in the 4 years we have lived here. I have often assisted Michael on the property with stock feed and fencing issues and have never been denied any access for any reason. We have also been offered the opportunity to shoot on the property from time to time. We have no desire to threaten the success of this Application because relationships are important to us and most valuable in a rural area. Rather, we want to see a win/win for all concerned, where we can all live together in harmony when the formalities are over. We believe our response to this Planning Application can go a long way to achieving just that.

Land Use History: Response to 2.4

The property has a history of being managed for Agricultural Use as stated, however what was not stated in the application is that the property did have residents living on the property in a multi bedroom residence for many years. The residential site for their dwelling is still evident at the top of the established primary road access into the property from the bitumen sealed Paloona Road. Sadly the remains of the old homestead have fallen into disrepair and remnants can still be clearly seen where it fell to the ground over time.



Fig: 5
Remnants of the old 4 room homestead in situ just above the bitumen road access to the property.

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Nonetheless, the property has a defined residential site that has a history of residents living onsite, thus leaving the best and most valuable grazing land available on the property, untouched and available for any agricultural purposes allowed in the zoning.

Applicants Rationale for Siting of the Proposed Residential Envelope:

Having fully read the Application and having visited the site of the proposed residential envelope, we are more than satisfied that the chosen location has been selected primarily for reasons other than anything association with an agricultural focus or purpose.

We base our opinion on the following;

- The agricultural diversity of the land and the grazing potential is as minimum at best, and is stated as such in the Planning Application.
- The proposed site ignores the existing old homestead site that has a closer proximity to the sealed main road access of Paloona Road and the passing electrical services;
- The proposed site is located much higher on the property than the old homestead site and is in such a position so as to take fullest advantage of expansive valley views to Devonport and the open sea;

That if approved and once there is a residence located on the property within the envelope where sought, the property value will increase almost immediately to a value that will far exceed most other land values in this area – possibly even double the current purchase price of the land or more. This would not be gleaned by agricultural value but more so because of the views and , the fact a residential permit has been issued. After that the land use can change to lifestyle only overnight.

Without a residence the agricultural value of this land is minimal; as is evidenced by the fact that the property has been up for sale for a number of years without being sold. It has not been taken up by any of the local farmers because they have told us the land is priced far too dear for what it is. The current applicants are from interstate and will certainly have a cash windfall if their proposal is approved.

Given the diversity of the property and the fact that a significant amount of the land is in steep terrain that greatly reduces the potential for most agricultural pursuits, the price per acre appears to be far beyond what local farmers value it at or are willing to pay for such land.

- We believe the excessive price per acre as set and sought by the owners (over \$4500.00 / acre) is based on the potential to take advantage of the expansive views to the North and is not related in any financial terms to any agricultural purpose on the land because of the quality of the land overall.
- We believe that another reason for the property not selling over such a long time, is because of the Rural Resource Zoning. It is generally accepted in the community that residential developments are not allowed on available agricultural land. On speaking with the intended buyers, one is an Ambulance Officer by profession and the other is a Veterinary Surgeon. They both have expressed to us a desire to take full advantage of the views from the property for their personal lifestyle goals and future investment needs, which includes raising a family at some stage. Again a primary focus on lifestyle, secondary comes the running of a few cows and the development of a potential veterinary pursuit that at this stage will compete with nearby Veterinary Services that already have a crush and housing facilities for large animals.
- The offering of a 24 hour medical / nursing service for large animals is something other vets can and possibly already offer, once again it is a potential commercial pursuit in support of agricultural practices that is not associated with this land in question.

As far as the veterinary pursuit goes, agriculturally veterinary services are normally an ancillary support service to the farmers on the land and are normally commercial entities located in commercial areas.

**RESPONSE TO APPLICATION FOR PLANNING PERMIT FOR RESIDENTIAL DWELLING
146 PALOONA ROAD, PALOONA, TASMANIA - APPLICATION No. PA2020.0017**

Response By R.J & G.L Louth - Adjoining Property Owners

This application may provide something new and as long as the proximity of the residential envelope does not impact us, as it does in the proposed application, then we really don't have a complaint regarding the land use proposed.

Pro's for Applicants Proposed Site Selection:

- The ability take best advantage of the views available on the property for lifestyle and increase investment potential into the future

Cons for the Applicants Proposed Site Selection:

- The need to create a Residential /Commercial access off Ahernes Road that will cater for the proposed residential and business interest; when already there exists direct access to a sealed road from the old residential site on the property
- The risk to prime trees along the Ahernes Rd boundary to the proposed property access and the associated risk to the aesthetics of the area due to the creation of a commercial access point
- The reduction in limited prime agricultural land to accommodate an "on property / over the hill" roadway from the existing Ahernes Rd agricultural gate entry point to the proposed residential envelope ;

The Applicants Application

We were not aware of the Applicants existence prior to the week-end before the lodgement of their Application. What we do know is though, it is evident that a great deal of money has been spent to gain an approval through Council for the selected site of the residential envelope.

The Application looks very professional and for all its worth, it is clear that no regard was taken to consider any impact upon our views or privacy across the small valley we look over or any other financial impact the application may inflict upon us.

By siting the residential envelope where it is proposed while there is still an **existing old homestead site (Not mentioned in the Application)** that is positioned almost directly adjacent to an established property access point that identifies the as the property road address and frontage to a bitumenised road and electrical services, the truth of this application must be that the Applicants do not want to use the existing old homestead site. In reality, the Applicants have chosen to substitute some of the best agricultural land available on the property to attain a residential envelope on what might be considered as one of the best views to Devonport and the sea that the district has to offer.

We believe our approach to this application has come down to a battle for the preservation of our valued views and private lifestyle against a proposal that creates a valued view and lifestyle for the applicants at our expense. This is a situation that was totally avoidable. The saddest part about all of this is that this all could have been avoided had we been consulted and considered before the Application was prepared.

Consideration similar to what we now seek could have been easily incorporated into the planning stages of this application and we would have had no objection to the proposed development other than concern over the proposed access point and the wear and tear to Ahernes Road by commercial access to the property.

Non Conforming Application - Discretionary Application and Discretionary Decision By Council.

It is clear that the Application lodged by the applicants is at best, primarily focused on the valuable views from the land and not on any significant agricultural pursuits or preservation of prime agricultural land on the property.

The fact that the applicants say they also want to graze cattle or sheep is highly questionable, given they are prepared to forego some of the best of what little prime grazing land the property offers, to site a house and an across paddock access roadway slap bang in the middle of some of the best area for grazing.

**RESPONSE TO APPLICATION FOR PLANNING PERMIT FOR RESIDENTIAL DWELLING
146 PALOONA ROAD, PALOONA, TASMANIA - APPLICATION No. PA2020.0017**

Response By R.J & G.L Louth - Adjoining Property Owners

What is Fair and Reasonable

We (The Louth's) have tried very hard to support this application while battling hard to preserve our own views and privacy. We believe we have come up with a way to accommodate the wishes of all parties so that the best outcome in terms of views and privacy are mutual.

It is claimed that the Statutory Objectives of the Resource Management and Planning System of Tasmania have been significant in a number of Supreme Court cases over the years. While all of these Statutory Objectives outline direction for decision making and are relevant considerations, Statutory Objective (b) is the one that perhaps holds the most significant relevance to our response in this case.

Resource Management and Planning System of Tasmania Statutory Objective states:

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

Question 1. Is it not fair and reasonable in considering this Discretionary Application submitted by the applicants, to also use the same discretion to consider equally the potential intrusions and losses to our lifestyle and property value if the Applicants proposal is approved as lodged.

This truly is a test against the manner in which we interact with the air, land and water on and around our property - Vs – the manner to which the Applicants plan to do the same.

Neither us nor the applicants should be overly disadvantaged by their proposed development, however because our development is all but completed and has been for many years, it is only right that new Development as far as possible, be required to fit in with the least amount of loss possible to either side.

Transparency

It is sad, that the Applicants in this case did not seek to discuss any of their plans with us before lodging with Council, especially given we are the closest boundary neighbour to their proposed residential dwelling and a 50 metre adjustment to plan is so minimal given the land size and amount of money being spent to push the application through. Had we spoken before hand, perhaps the extra 50 metres to enable the hill to create the buffered privacy required for the benefit of us both would have been considered and included in the application.

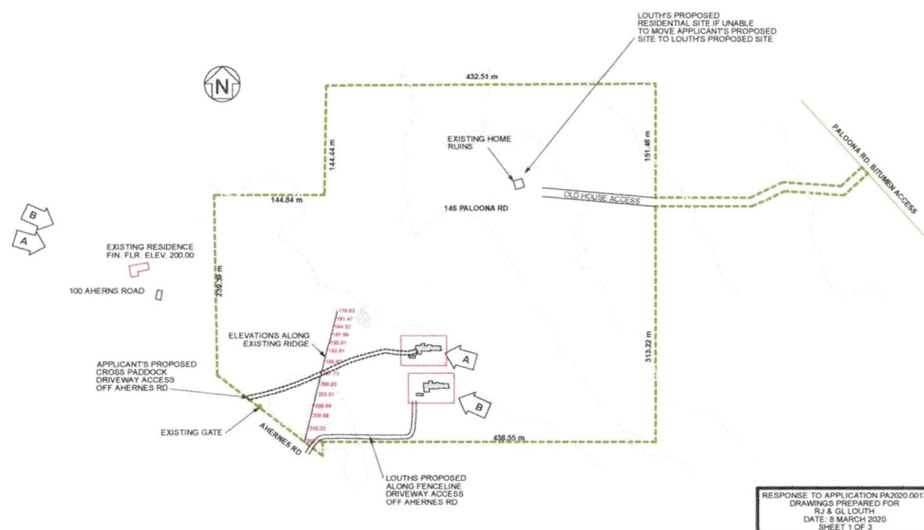
Having said that, the applicants have gone to great length to gain residential approval and having spoken to them at length and walked the site with them, their goal for peace, serenity and the wide open space is similar to our own. If an amendment is approved the benefits are mutual with no loss to the applicants view.

The Applicants and I spoke of the option of putting an access gate in the top south corner of the Ahernes road boundary and we also stepped out with a tape measure the proposed 50 metre amendment to the siting of the residential envelope. Both applicants, Guy and Genevive agreed the site adjustment would not impair their views at all and it would create a shorter access between gate and residence if the site could be moved and the new road access created. Their greatest fear seemed to be that Council may not approve a site adjustment toward the boundary of 50 metres despite leaving a 50m set back from the boundary. They seemed very confident their proposed plans would be approved by Council as is

Collectively, we and the Applicants believe there was no real impact on anyone else and were agreed such changes would create a win/win all round, including the preservation of valuable agricultural land not lost to a residential envelope and cross property roadway.

Response By R.J & G.L Louth - Adjoining Property Owners

In addition, the site of the old homestead is also positioned in situ opposite the existing property entrance from the bitumenised Paloona Road. This site is our preferred site for the Applicant's development should our proposed residential envelope shift to the south not be approved.

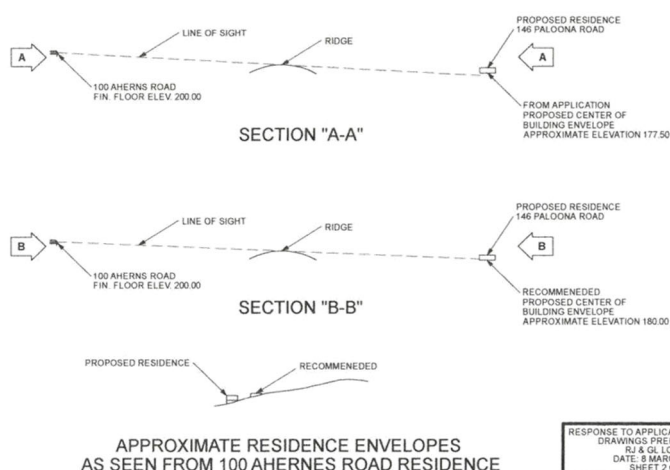


**RESPONSE TO APPLICATION FOR PLANNING PERMIT FOR RESIDENTIAL DWELLING
146 PALOONA ROAD, PALOONA, TASMANIA - APPLICATION No. PA2020.0017**

Response By R.J & G.L Louth - Adjoining Property Owners

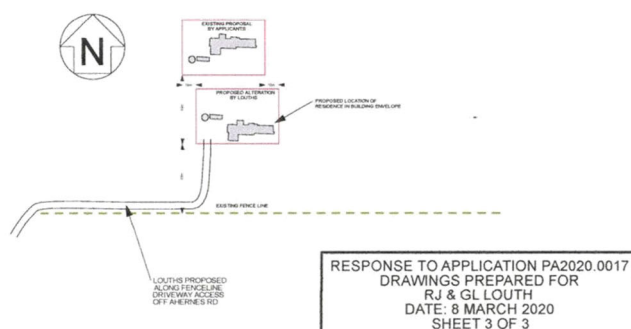
Sheet 2

A sectional view of the lines of sight between our home and the proposed



Sheet 3

This is an overview of our recommendation for the revised residential envelope development. Note that the height difference is the ground height of the centre of the residential envelope less the ridge height as measured by survey. Survey measurements are very close to existing height overlay provided in documents attached to the applicant's application.



In the case of Sheet 3, if the proposed house is positioned as close as possible to the 50m set back and to the Eastern end of the recommended envelope, the ridge top will conceal the whole house from view and buffer any associated noise emanating from the development area or vice versa.

**RESPONSE TO APPLICATION FOR PLANNING PERMIT FOR RESIDENTIAL DWELLING
146 PALOONA ROAD, PALOONA, TASMANIA - APPLICATION No. PA2020.0017**

Response By R.J & G.L Louth - Adjoining Property Owners

With a house height of 6.7m at the centre of the revised envelope, and a ridge height at Section B-B of 190.91m, the proposed dwelling will sit below the ridge top by some 3.0 metres. The chimney height that has not been included in the applicant's plans may still be visible.

If the proposed dwelling is positioned into the south eastern corner of the recommended residential envelope, that complete buffer by the ridgeline between our two dwellings will almost certainly be increased and ensure that the privacy and views of both parties remains intact. Without a chimney height, it is assumed the chimney will most likely be hidden if the house is located into the south east corner of the residential envelope. At the very least the chimney might only just be visible from our home.

Note:

Sheet 3 also identifies our proposed pathway of the on property driveway to the revised residence site from the recommended Property Access Gate at the South Western corner of the property from Ahernes Road.

It is clear that an along the fenceline roadway from the entry gate to the recommended residential development site will save a significant amount of prime agricultural land from being displaced, which is exactly what will happen if the applicants proposal was to succeed as proposed.

Conclusion:

This whole exercise has challenged my wife and I greatly and we are sure it will not be over till a positive outcome results. Healthwise we have found our special place in this world and we are only too willing to share it with the Applicant's who really, are just starting out. This may be part of the reason they didn't discuss their plans with us prior to lodging their Application.

We have been as transparent, reasonable and as fair as we can be in this response to the Applicant's Application. Our goal from the outset has always been for a win/win between us and the applicants and vendors, and of course Council. This written response has been strongly geared toward protecting all that Rural Resource Zones Land means while enabling and encouraging new development to be introduced without significant threat to the status quo in the area. We hope that all parties concerned will understand our response and the reason behind our aims. We love Paloona and the reason behind why we live here, those same reasons need to be imparted to the newcomers, so they too can appreciate and live in peace in the area we now call home.

We now hand it over to the powers to be in Council and trust that our response will be well received and seen for what it is, and; for the importance that it represents in terms of seeking a fair and reasonable result.

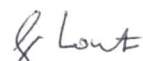
It goes without saying, Council or any of their representatives are most welcome to come to our home at any time if they wish, to clarify or sight for themselves anything that has been stated in this our response.

We hopefully look forward to a positive response from Council; that creates that win/win situation for all.

Yours Faithfully;



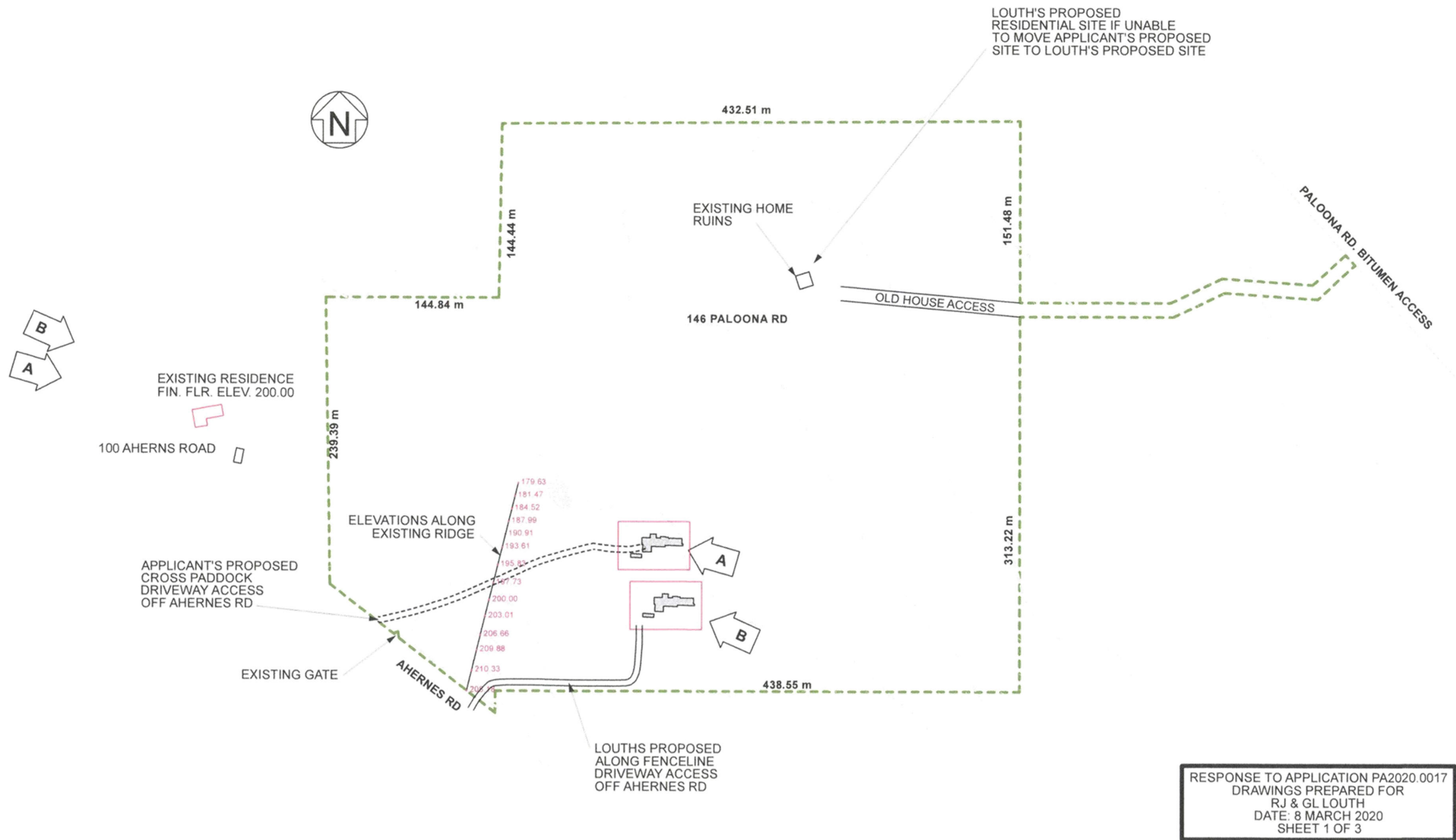
Ray Louth
8th March 202

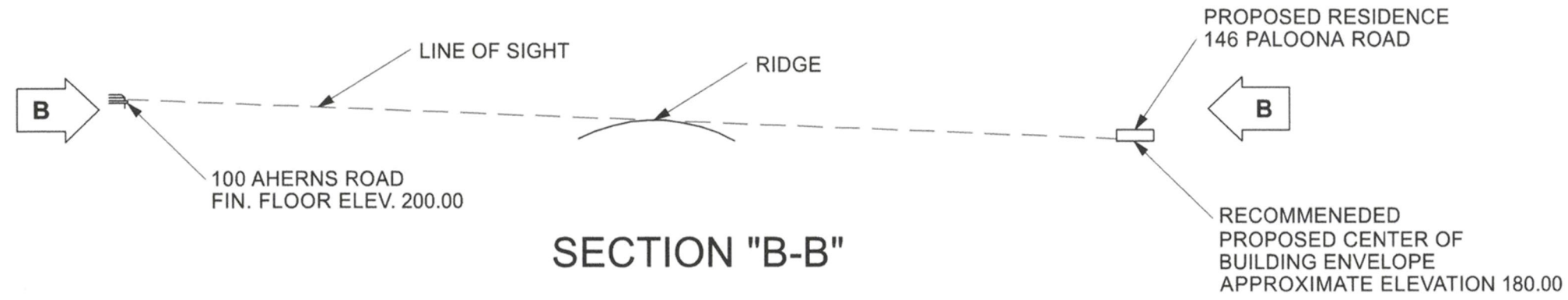
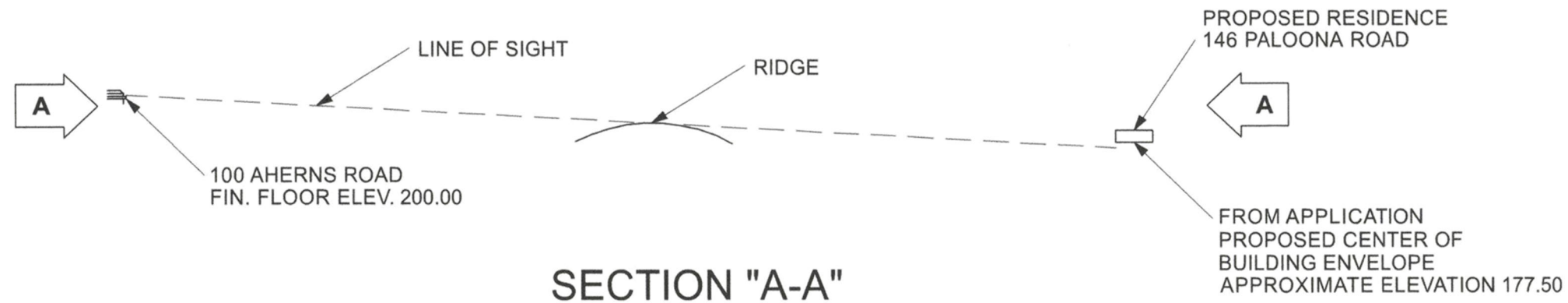


Gill Louth.
08th March 2020

Attachments:

1. A3 Survey Sheet 1
2. A3 Survey Sheet 2
3. A3 Survey Sheet 3
4. Copy of Response to Planning Application by B & J Reeves



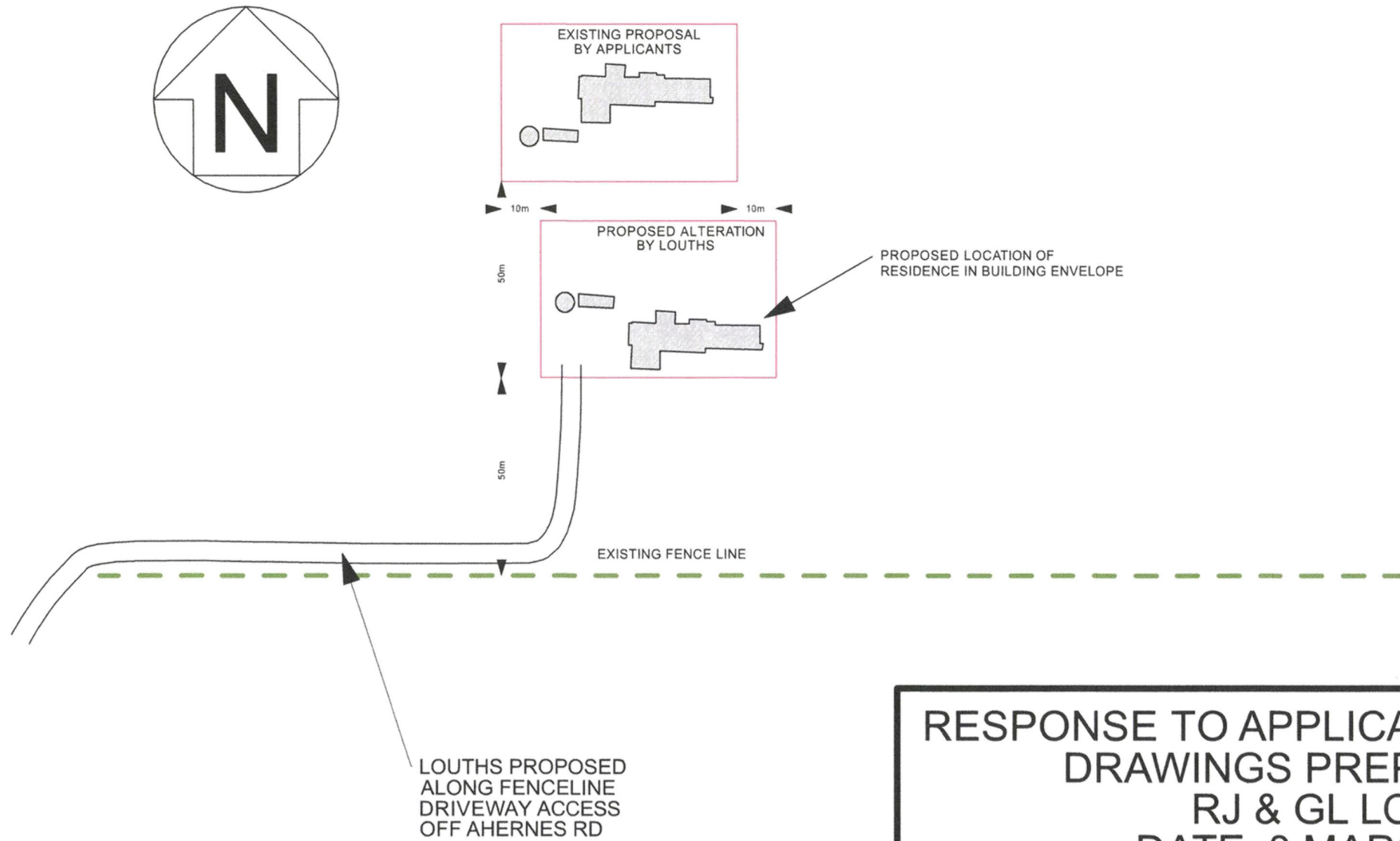


PROPOSED RESIDENCE

RECOMMENDED

APPROXIMATE RESIDENCE ENVELOPES
AS SEEN FROM 100 AHERNS ROAD RESIDENCE

RESPONSE TO APPLICATION PA2020.0017
DRAWINGS PREPARED FOR
RJ & GL LOUTH
DATE: 8 MARCH 2020
SHEET 2 OF 3



RESPONSE TO APPLICATION PA2020.0017
DRAWINGS PREPARED FOR
RJ & GL LOUTH
DATE: 8 MARCH 2020
SHEET 3 OF 3

Brian and Janice Reeves
270 Paloona Road
Paloona Tas. 7310

9th March 2020

To: The General Manager
Devonport City Council

RESPONSE TO PLANNING APPLICATION No. PA2020.0017

Dear Mr Atkins,

As the owner of property with a large shared boundary to what I believe to be Rundell's property that is now the subject of this planning application, I forward this written response to the application.

I have farmed in this District for over 60 years. I have successfully farmed crops on the very property under application and most years that I worked that land I was successful.

I have had a look at the application and I am a little dismayed at where the house site has been proposed as it lies right in the middle of some of the best ground available on the property. Much of that land is very hilly and cannot be cropped or grazed successfully. In this application the best ground is proposed for a house and shedding.

I have spoken to another adjacent neighbour Mr Ray Louth who has concerns about the proposed house site. I visited the site with him and saw the poles he had erected to mark out the centres of the house sites the applicant and he proposed. I liked the one closer to the fence because it is a good site and I don't like to see good prime land being lost forever.

In regard to the boundary and the set back to the proposed dwelling site as put forward by Mr Louth, I have no objection to the set back being reduced from 100 meters to 50 metres. It's a good place for a house and will enable the house to tuck in nicely in behind our hill and the hill between Mr Louth and the dwelling. Noise carries a long way in these valleys and repositioning the house will help that too. I see no reduction in views for the applicants.

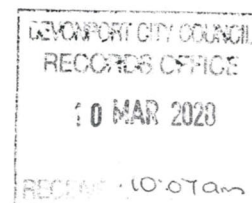
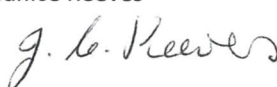
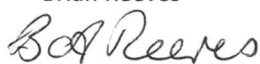
As far as accessing Aherne's Road goes, it is gravel and that is a concern if regular commercial traffic is intended to use it. I would not like to see any major interruption or damage to the road or the wonderful ridge-top treeline that is full of great gum trees.

I hope that this response helps in securing an approval for these new-comers. The revised house site has the full support of my wife and I.

Yours Faithfully,

Brian Reeves

Janice Reeves



5.0 REPORTS

5.1 APPOINTMENT OF MUNICIPAL EMERGENCY MANAGEMENT ROLES

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.4.1 Support the community in emergency management response and recovery

SUMMARY

This report is required to submit a nomination to the Minister in accordance with the *Emergency Management Act 2006* for appointment of the Deputy Coordinator and to appoint a Municipal Recovery Coordinator for the Devonport Municipal area.

BACKGROUND

The Devonport Council supports Emergency Management through participation in the Mersey Leven Emergency Management Committee made up of the Central Coast, Latrobe, Kentish and Devonport Councils. It also participates in the North West Regional Emergency Management Committee made up of all nine Councils in the Cradle Coast region. Both committees have a number of agencies represented including but not limited to, Tasmania Police, Fire and Ambulance, Tasmanian Health, Tas Networks etc.

STATUTORY REQUIREMENTS

Sections 23, 24G and 24H of the *Emergency Management Act 2006* applies as follows:

23. *Municipal Emergency Management Coordinators and Deputies*

- (1) *The Minister is to appoint a Municipal Emergency Management Coordinator and a Deputy Municipal Emergency Management Coordinator for each municipal area.*
- (2) *The Minister is to appoint as Municipal Emergency Management Coordinator, or Deputy Municipal Emergency Management Coordinator, for a municipal area a person nominated by the council in that municipal area.*
- (3) *Each Municipal Coordinator and Deputy Municipal Coordinator may hold that office in conjunction with any other appointment, position or office.*
- (4) *Each Municipal Coordinator and Deputy Municipal Coordinator holds office for the period, and on the terms and conditions, specified in his or her instrument of appointment.*
- (5) *A Deputy Municipal Coordinator for a municipal area may act in the office of Municipal Coordinator if –*
 - (a) *the Municipal Coordinator is absent from Tasmania or from duty as Municipal Coordinator; or*
 - (b) *the Municipal Coordinator is otherwise unable to perform the functions of the office of Municipal Emergency Management Coordinator; or*
 - (c) *the Municipal Coordinator has died, resigned or been removed from office and a new Municipal Coordinator has not been appointed.*

- (6) While the Deputy Municipal Coordinator is acting in the office of Municipal Emergency Management Coordinator, he or she is taken to be the Municipal Coordinator.
- (7) The Minister, by written notice provided to a council, may require the council to nominate persons for the positions of Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator by providing that nomination to the Minister within the time specified in the notice.
- (8) A council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.
- (9) On receipt of the nomination, the State Controller is to provide the nomination, together with his or her recommendations, to the Minister.
- (10) If a council fails to comply with a notice provided under subsection (7), the Minister may appoint a person he or she considers suitable to be Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator for the municipal area.
- (11) If a council fails to nominate a Municipal Coordinator or Deputy Municipal Coordinator, the Minister may appoint a person he or she considers suitable to be Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator for the municipal area governed by that council.

24G. Municipal Recovery Coordinator

- (1) In this section –
general manager has the same meaning as in the Local Government Act 1993.
- (2) A general manager of a council may appoint a Municipal Recovery Coordinator for the municipal area governed by the council.
- (3) A Municipal Recovery Coordinator may hold that office in conjunction with any other appointment, position or office.
- (4) A Municipal Recovery Coordinator holds office for the period, and on the terms and conditions, specified in his or her instrument of appointment.
- (5) If no Municipal Recovery Coordinator is appointed under this section, the Municipal Coordinator for the municipal area is to perform the functions and exercise the powers of a Municipal Recovery Coordinator as specified in section 24H.

24H. Functions and powers of Municipal Recovery Coordinator

- (1) A Municipal Recovery Coordinator has the following functions, for the purposes of the planning, review and implementation of recovery processes, in respect of the municipal area for which he or she is the Municipal Recovery Coordinator:
 - (a) prior to, during or subsequent to the occurrence of an emergency within the municipal area, to ensure that –

- (i) *arrangements are in place to implement recovery processes, including the establishment and coordination of evacuation centres and recovery centres; and*
 - (ii) *his or her instructions and decisions and the instructions and decisions of the Municipal Committee, Municipal Chairperson and Regional Controller are transmitted to, and adequately carried out by, persons to whom they are directed or relate;*
 - (b) *to advise the Regional Controller of any powers or declarations under this Act that are to be used, or made, for the purposes of recovery within the municipal area;*
 - (c) *to request resources of another municipal area if the Municipal Recovery Coordinator considers that those resources are necessary to implement recovery processes within the municipal area;*
 - (d) *to assist a recovery committee established under section 24E within the municipal area or a combined area;*
 - (e) *to assist and advise the Municipal Chairperson, the Municipal Committee or the relevant council on all matters with respect to recovery within the municipal area or a combined area;*
 - (f) *other functions in respect of recovery imposed on the Municipal Recovery Coordinator by the Municipal Committee or the Municipal Coordinator;*
 - (g) *other functions imposed on the Municipal Recovery Coordinator by this or any other Act;*
 - (h) *other functions imposed on the Municipal Recovery Coordinator by a Municipal Emergency Management Plan;*
 - (i) *prescribed functions.*
- (2) *A Municipal Recovery Coordinator has the following powers:*
- (a) *prescribed powers;*
 - (b) *the power to do all things necessary or convenient to perform his or her functions.*
- (3) *If a Municipal Recovery Coordinator of a municipal area performs a function under subsection (1)(a), he or she is to notify the Municipal Coordinator for the municipal area of the performance of that function as soon as possible after he or she performs the function.*

DISCUSSION

In accordance with Section 23 of the *Emergency Management Act 2006* Council is required to submit a nomination to fulfil the role of Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator for the Devonport Municipal area. The nomination will be forwarded to the State Controller, State Emergency Services (SES), upon which he or she must then provide the nominations and recommendations to the Minister.

The role of Municipal Coordinator has been held by Karen Stone since early 2015 and during that time Matthew Atkins has held the role of Deputy Municipal Coordinator. Following the appointment of Matthew Atkins as Council's General Manager, it is necessary for Council to consider a new appointment for the role of Deputy Municipal Coordinator.

A review of the *Emergency Management Act 2006* in late 2018 included a new Municipal Recovery Coordinator role. Although this role is not appointed by the Minister, it is considered good practise for Council to formalise an appointment to that role.

COMMUNITY ENGAGEMENT

No community consultation has been undertaken as a result of this report.

FINANCIAL IMPLICATIONS

An annual allocation for Emergency Management is included as part of the Annual Plan and Estimates of Council.

RISK IMPLICATIONS

- Contractual/Legal
As described in *subsection (10) & (11) of Section 23 of the Emergency Management Act 2006*, if Council fails to nominate persons to fill the roles of Municipal and Deputy Municipal Coordinator the Minister may appoint someone, he or she considers suitable.

As described in *subsection (5) of Section 24G of the Emergency Management Act 2006*, if Council fails to appoint a person to fill the role of Municipal Recovery Coordinator the position defaults to the Municipal Coordinator.

CONCLUSION

The Risk and Compliance Coordinator (Karen Stone) is to continue as the Municipal Coordinator until the end of the current tenure in October 2021.

As a result of the appointment of Matthew Atkins as Council's General Manager, it is necessary for Council to consider a new appointment for the role of Deputy Municipal Coordinator. In accordance with *Section 23 of the Emergency Management Act 2006*, the Development Services Manager (Kylie Lunson) be nominated as Deputy Municipal Coordinator for the Devonport Municipal area until October 2021.

As a result of changes to the *Emergency Management Act 2006*, it is proposed in accordance with *Section 24G*, the Community Services Manager (Karen Hampton) be appointed as Municipal Recovery Coordinator.

ATTACHMENTS

Nil

RECOMMENDATION

That Council:

1. in accordance with *Section 23 of the Emergency Management Act 2006*, nominate the Development Services Manager (Kylie Lunson) to the position of Deputy Municipal Coordinator for the Devonport City Council area until October 2021;
2. in accordance with *Section 24G of the Emergency Management Act 2006*, appoint the Community Services Manager (Karen Hampton) to the position of Municipal Recovery Coordinator for the Devonport City Council area;

Report to Council meeting on 23 March 2020

3. note the Risk and Compliance Coordinator (Karen Stone) will continue in the position of Municipal Coordinator for the Devonport City Council area until October 2021; and
4. advise the State Controller, State Emergency Services of Council's Emergency Management nominations.

Author:	Kylie Lunson	Endorsed By:	Matthew Atkins
Position:	Development Services Manager	Position:	General Manager

5.2 FINANCIAL ASSISTANCE SCHEME - ROUND TWO 2019/2020

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.7.3 Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes

SUMMARY

This report presents the outcomes of the Community Financial Assistance Working Group deliberations and seeks endorsement of the Group's recommendations in relation to submissions for Round Two of the 2019/20 grant program.

BACKGROUND

Through the provision of its Financial Assistance Scheme, the Council supports projects, programs and activities developed for the benefit of Devonport's residents and visitors. Five areas of assistance are available, namely:

- Major Grants/In-Kind Grants – provide \$3,000 - \$25,000 support for community development, community events, community facilities, cultural development, cultural heritage, festivals and events, economic development, sport recreation and healthy living.
- Minor Grants – provide up to \$3,000 to organisations to deliver programs that enhance community development, community events, community facilities, cultural development, cultural heritage, festivals and events, economic development, sport recreation and healthy living.
- Rate Remissions - provide rate support for social, cultural, environmental, sport and recreational initiatives and events held that attract locals and visitors creating commercial benefits for the City.
- Donations - provide assistance to groups, organisations or individuals within the City who are not eligible for sponsorship under any other Financial Assistance Program.
- Individual Development Grants – provide support for individuals, groups or teams who are performing, competing or presenting at national or international competitions, conferences or events.

The Community Financial Assistance Working Group members are:

- Mayor Rockliff;
- Councillor Hollister;
- Councillor Murphy;
- Karen Hampton – Community Services Manager; and
- Geoff Dobson – Convention and Art Centre Director.

STATUTORY REQUIREMENTS

Section 77 of the *Local Government Act 1993* outlines Council's requirements in regard to grants and benefits:

- (1) *A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.*

(1A) A benefit provided under subsection (1) may include –

- (a) in-kind assistance; and
- (b) fully or partially reduced fees, rates, or charges; and
- (c) remission of rates or charges under Part 9.

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.

The details of awarded grants will be reported in Council's 2019/2020 Annual Report.

DISCUSSION

The Working Group members are appointed by Council to assess the applications against the relevant guidelines for the following grants/donations:

- Major Grants;
- Minor Grants;
- Rate Remissions;
- In Kind Assistance Grants;
- Donations; and
- Individual Development Grants.

Applications for Donations, In Kind Assistance Only Grants and Individual Development Grants are open throughout the 2019/2020 financial year and are generally assessed and approved if appropriate, by the Financial Assistance Working Group the first week of each month.

Major Grants

Nine applications were received for the Major Grants funding. The successful applications recommended by the Working Group to receive support, subject to any conditions as outlined, are listed below. A separate table details the unsuccessful applications.

SUCCESSFUL applications:

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
Devonport City Soccer Club	Upgrade facilities for women's World cup bid for seating	\$22,120	\$11,000	\$7,700
Spreyton Cricket Club	Spreyton Cricket Club nets replacement (matting)	\$21,570	\$10,500	*\$10,500 *subject to Capital request being approved and matching funds being successfully sourced
Van Diemen Light Railway Society (t/a Don River Railway)	Don River toilet upgrade	\$24,447.29	\$12,223.65	\$12,223.65
Devonport Cricket Club	Pavilion and bar floor upgrade	\$13,598.26	\$7,500	\$6,800
Devonport Little Athletics	Shed extension	\$69,112	\$24,000	*\$24,000 *subject to matching funds being successfully sourced
East Devonport Football Club	Function room oven	\$3,901.57	\$3,550	\$2,000

Report to Council meeting on 23 March 2020

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
Spreyton Cricket & Community Club	Solar panel placement	\$50,000	\$5,000	\$5,000 *subject to matching funds being successfully sourced
Total				\$68,223.65

UNSUCCESSFUL applications:

Organisation	Project description	Total value of project	Amount requested	Not approved for funding
Mersey Pony Club	Addition of verandah on existing canteen/clubrooms	\$7,095	\$7,095	Nil
Meercroft Care Inc	Leisure and lifestyle cafe	\$58,735	\$13,500	Nil

Minor Grants

Four applications were received for the Minor Grants funding. The following initiatives are recommended to receive support, subject to any conditions as outlined. A separate table shows those unsuccessful with their applications.

SUCCESSFUL applications:

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
Soroptimist International of Devonport	Commemorative seat at the Devonport Cemetery in Lawrence Drive	\$3,500	\$3,000	\$1,750
North West Film Society	Devonport Jazz community film	\$3,894.04	\$3,000	*\$2,250 *subject to movie being screened at paranapple convention centre on a Tuesday/ Wednesday in the lead up to Devonport Jazz
Total				\$4,000

UNSUCCESSFUL applications:

Organisation	Project description	Total value of project	Amount requested	Not approved for funding
Cancer Council Tasmania	Navigating grief and bereavement after cancer	\$3,245.60	\$1,425.20	Nil
Working it Out Inc	Making inclusion stick – Devonport	\$5,260.01	\$2,960.01	Nil

COMMUNITY ENGAGEMENT

Details of the Financial Assistance Scheme, including the application process are available on Council's website.

A media release was issued, and Council's social media was used to advise of the opening of the Financial Assistance Scheme. Links to the website page were emailed to:

- Past and present Special Interest Group Members;

Report to Council meeting on 23 March 2020

- Strategic Special Committee Members;
- Individuals and Organisations who had registered (via the Council website) to receive information on Council's Financial Assistance Scheme;
- 2014-2019 grant recipients;
- Organisations that had hired Council equipment (2014–2019); and
- Organisations who had previously received Parking Passes.

FINANCIAL IMPLICATIONS

The approved grants will be funded through 2019/2020 Community Financial Assistance budget allocation.

The 2019/2020 Financial Assistance Major Grants allocation is \$75,000 with Round One expenditure amounting to \$56,843, leaving a balance of \$18,157 for Round Two. The total proposed Round Two expenditure is \$68,223.65, however, the amounts of \$10,500.00 for the Spreyton Cricket Club, \$24,000.00 for Devonport Little Athletics and \$5,000.00 for the Spreyton Cricket & Community Club, are conditional upon the Clubs sourcing external funds to complete the project. To enable all approved major grants to be paid, a distribution will be required from the minor grant allocation of \$50,066.65.

The 2019/2020 Financial Assistance Minor Grants allocation is \$65,000 with the Round One expenditure totalling \$2,010. The proposed Round Two expenditure is \$4,000, leaving a total of \$8,923.35 remaining after re-distribution of \$50,066.65 to Major Grants (if approved).

The Working Group noted that with just over three months until the end of the financial year for recipients to apply for and source matching funds, that any amounts subject to this condition be carried forward to the 2020/2021 budget if not acquitted prior to 30 June.

RISK IMPLICATIONS

There is a risk that organisations that have applied and have been unsuccessful may be critical of Council's decision in relation to the allocation of the funds.

There is a risk that organisations that have been successful may be unable to deliver agreed outcomes.

CONCLUSION

The 2019/2020 Financial Assistance Working Group recommends that Council approve the Round Two Major and Minor Grants to the value of \$72,223.65.

A copy of the applications can be made available upon request prior to the Council meeting should any Councillors wish to view them.

ATTACHMENTS

Nil

RECOMMENDATION

That the report regarding Round 2 of the Financial Assistance Scheme be received and noted, and Council:

That the report regarding the Financial Assistance Scheme be received and noted, and Council:

- a) approve the Major and Minor Grants for Round Two of the 2019/2020 Community Financial Assistance budget allocations as follows:

Major Grants

Devonport City Soccer Club	\$7,700
Spreyton Cricket Club	\$10,500
Van Diemen Light Railway Society (t/a Don River Railway)	\$12,223.65
Devonport Cricket Club	\$6,800
Devonport Little Athletics	\$24,000
East Devonport Football Club	\$2,000
Spreyton Cricket & Community Club	\$5,000

Minor Grants

Soroptimist International of Devonport	\$1,750
North West Film Society	\$2,250

Author:	Karen Hampton	Endorsed By:	Jeffrey Griffith
Position:	Community Services Manager	Position:	Deputy General Manager

5.3 WELCOMING CITIES

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.1 Promote open communication and cooperation whilst representing Council at a regional, state and national level

SUMMARY

This report is provided to present a request from Cradle Coast Authority for its Member Councils to join Welcoming Cities.

BACKGROUND

A letter has been received from Daryl Connelly, Chief Executive Officer, Cradle Coast Authority (CCA) seeking Council's consideration of the recommendation from the CCA Representatives that Member Councils agree to join Welcoming Cities. A copy of the CCA briefing note relating to this request is attached. Welcoming Cities is an initiative of Welcoming Australia. Further information regarding it can be found at www.welcomingcities.org.au

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

Welcoming Cities is a national network of cities, shires, towns and municipalities who are committed to an Australia where everyone can belong and participate in social, cultural, economic and civic life. Welcoming Cities was established to assist Councils to play a role in creating welcoming communities as leaders within their communities.

Cradle Coast Authority's briefing note outlines the benefits to Council and benefits to the community should Council determine to become members. Council will be committing to:

- Join, and participate in, a network of cities and communities that are committed to becoming more welcoming and inclusive;
- Identify at least one key staff contact that will liaise directly with the Welcoming Cities team;
- Communicate regularly with the Welcoming Cities team, through at least three Conference calls each year and an annual in-person meeting, to progress planning and share and learn from practices of other welcoming cities and communities.

COMMUNITY ENGAGEMENT

There has been no community engagement as a result of this report.

FINANCIAL IMPLICATIONS

Should Council determine to become a member of Welcoming Cities, there is the option of joining as either a 'Free' or 'Premium' member. A Free Member will not have any impact on the budget, however should Council determine to join as a Premium Member, the cost would be \$1,000 however should all Member Councils sign up for premium membership in the future, Welcoming Cities has agreed to a 50% discount.

Council will have one key staff contact who would need to engage with Cradle Coast Authority and Welcoming Cities if Council determines to become a member, however such time and resources is covered under Council's operational budget.

RISK IMPLICATIONS

There are no risk implications which relate to this report.

CONCLUSION

Council should consider whether to join Welcoming Cities in accordance with the request from Cradle Coast Authority. If it agrees to become a member, signing up as a "Free" member would enable Council to trial being a member at no cost, other than staff resources which are included in the operational budget.

ATTACHMENTS

1. Welcoming Cities - Cradle Coast Authority Briefing Note

RECOMMENDATION

OPTION 1

That Council advise the Cradle Coast Authority that it agrees to become a "Free" member of Welcome Cities.

Or

OPTION 2

That Council advise the Cradle Coast Authority that it does not wish to become a member of Welcoming Cities.

Author:	Karen Hampton	Endorsed By:	Jeffrey Griffith
Position:	Community Services Manager	Position:	Deputy General Manager



5 March 2020

Mayor Annette Rockliff
Devonport City Council
Via email: ARockliff@devonport.tas.gov.au

Cc: Matthew Atkins

Dear Mayor Rockliff,

Re: Welcoming Cities.

At their recent meeting, the CCA Representatives resolved to recommend that all Member Councils agree to join Welcoming Cities.

The background to this decision is outlined in the enclosed Briefing Note, which formed part of the agenda for that meeting.

Should Council agree to join Welcoming Cities, please have the General Manager and nominated key contact complete and sign the enclosed form and return by email to swright@cradlecoast.com. CCA will collate the forms and liaise with Welcoming Cities on behalf of Member Councils.

Please don't hesitate to contact me if you have any questions.

Yours sincerely,

Daryl Connolly ^{MBus}
Chief Executive Officer

CRADLE COAST AUTHORITY ABN 55 279 164 790
1-3 Spring Street | PO Box 338, Burnie Tasmania 7320
P: (03) 6433 8400 | F: (03) 6431 7014
E: admin@cradlecoast.com | www.cradlecoast.com



FOR DISCUSSION

20 February 2020

AGENDA ITEM

AGENDA SUBJECT Welcoming Cities

MANAGEMENT RECOMMENDATION

That prior to the next Representatives' Meeting, all Member Councils commit to joining and participating in the Welcoming Cities network, a network of cities and communities that are committed to becoming more welcoming and inclusive.

At this stage, we recommend that Councils sign up for the free option, committing to the pursuit of the Welcoming Cities ideals and nominating a staff member as a liaison. We propose that CCA works with each liaison person as a group to explore opportunities for collective/regional work and to consider whether premium membership and accreditation is worthwhile.

BACKGROUND

Sebastian Geers, Manager – Welcoming Cities, from Welcoming Australia, spoke about Welcoming Cities at the last Representatives' Meeting in November 2019.

Sebastian was invited to speak because of the relevance of the Welcoming Cities initiative to the population attraction and retention objectives of the Regional Futures Plan.

Welcoming Cities is increasingly working with regional councils to address the stagnating or declining population and the challenge of attracting and/or retaining newcomers. Welcoming Cities has a growing number of regional members and has produced a range of publications including *Steps to Settlement Success*, in partnership with the Regional Australia Institute and *Welcoming Regions: An Evidence-Based Approach to Migration in Regional Queensland* in partnership with Monash University and the Queensland Government.

WHAT IS WELCOMING CITIES?

Welcoming Cities is a national network of cities, shires, towns and municipalities who are committed to an Australia where everyone can belong and participate in social, cultural, economic and civic life. Welcoming Cities was established in recognition that local councils understand the complexity and diversity of their communities and can play an important role in creating welcoming communities as brokers and leaders within their community.

Welcoming Cities is a Founding Partner of [Welcoming International](#) – a growing network of more than 250 municipalities across the world.

Welcoming Cities is an initiative of [Welcoming Australia](#), supported by the [Scanlon Foundation](#).

WHY BECOME A MEMBER OF WELCOMING CITIES?

Welcoming Cities recognises that, of all tiers of government, local councils are best placed to understand the complexity and diversity of their communities. However, they often engage in this work with limited resources and support. Members of Welcoming Cities have unprecedented access to a community of like-minded Local Governments and community stakeholders through:

1. **Knowledge Sharing** - supporting local governments and communities to learn from each other and access resources, research, policies, and case studies.
2. **Partnership Development** - brokering meaningful multi-sector partnerships that foster a sense of belonging and participation for all members of the community.
3. **Standard and Accreditation** - developing and accrediting The Welcoming Cities Standard to benchmark policy and practice in cultural diversity and inclusion.
4. **Celebrating Success** - showcasing leading practice through a National Award focused on responses by local government and communities to welcoming efforts.

BENEFITS TO COUNCIL

- Complement, showcase and enhance the Council's commitment and leadership in cultural diversity
- Provide Councils with access to best practice evidence and examples of programs and approaches that foster inclusive communities
- Provide media and publicity opportunities for Councils

BENEFITS TO COMMUNITY

- When people feel welcome, they are more likely to participate in community life; and
- People's sense of belonging and connectedness is improved through greater insight and understanding of different cultures living within their community.

HOW TO JOIN

To be recognised as a member, a Council must return a Commitment Form available to download from the Welcoming Cities website, signed by the Council's Mayor or CEO. This form highlights the commitment of the Council to:

- Join, and participate in, a network of cities and communities that are committed to becoming more welcoming and inclusive.
- Identify at least one key staff contact that will liaise directly with the Welcoming Cities team.
- Communicate regularly with the Welcoming Cities team, through at least three conference calls each year and an annual in-person meeting, to progress planning and share and learn from practices of other welcoming cities and communities.

Once the commitment form is returned and processed, members are part of the network and can begin to access a range of benefits.

HOW DOES THE STANDARD WORK?

The Welcoming Cities Standard (The Standard) is a central element of the Welcoming Cities network. The Standard establishes the framework for local councils to:

- benchmark their cultural diversity and inclusion policies and practices across the organisation.
- identify where and how further efforts could be directed; and,
- assess progress over time.

The Standard applies to all local councils in Australia. This includes cities, shires, towns, or municipalities. Councils can access and progress through the Standard according to their capacity

and resources. We describe these levels (from lowest to highest) as *Committed*, *Established*, *Advanced*, *Excelling*, and *Mentoring*.

The Standard allows Council to benchmark current activity against six categories:

- Leadership
- Social and Cultural Inclusion
- Economic Development
- Learning and Skills Development
- Civic Development
- Places and Spaces

The extent to which local councils measure their activity against the Standard will be based on their understanding of their community's needs. It is noted that local councils are already addressing elements of the Standard. The Standard validates existing efforts and recognises the connections to fostering cultural diversity and inclusion.

Whilst accreditation can bolster the organisations' on-going capacity and systems; it is possible to be an active member of the network without undergoing the accreditation process. That is, member councils are able to remain as a 'Committed' member and participate in the network (access to resources and practice) without going through the formal accreditation process.

COST

Council can either join as a "Free" or "Premium" member.

Premium members pay an annual subscription which includes additional benefits such as access to higher levels of accreditation, opportunities to present to peers and industry leaders at the annual Welcoming Cities Symposium and a suite of resources and support materials.

The premium fee for Councils with a population of up to 50,000 people is \$1,000 p.a. If all CCA Member Councils agree to sign up for premium membership at some point in the future, Welcoming Cities has agreed to a 50% discount.

	Free	Premium
Council is formally recognised and promoted as a member of the network	✓	✓
Access to the Welcoming Cities Network	✓	✓
Free access to members group and knowledge sharing platform on Apolitical.co	✓	✓
Access to library of leading cultural diversity and inclusion research, policies, plans and research	✓	✓
Suite of images and promotional materials for social media	✓	✓
Invitation to face-to-face meetings of state based members	✓	✓
Discounted tickets to the annual Welcoming Cities Symposium	✓	✓
Access to the Established accreditation level*	✓	✓
Access to the Advanced, Excelling and Mentoring accreditation levels*	—	✓
Support to develop and promote case studies that support the council's work	—	✓
Media and publicity opportunities	—	✓
Opportunity to present and be profiled at the annual Welcoming Cities Symposium	—	✓
Consultancy support including advice, referrals, workshops and other services as needed.	—	✓

PREPARED BY: Daryl Connelly, Chief Executive Officer.



COMMITMENT TO PARTICIPATE IN THE WELCOMING CITIES NETWORK

Local Councils

“Welcoming is not just the right thing to do, it’s the smart thing to do.”

We recognise that cities and municipalities that proactively foster an environment of belonging and participation for receiving communities, as well as new and emerging communities, increase their social cohesion and economic capability and resilience.

We therefore resolve to participate as a member for the Welcoming Cities Network and commit to taking the following steps toward creating an environment that unlocks the full potential of all members of the community.

- **Join and participate in a network of cities and communities** that are committed to becoming more welcoming and inclusive
- **Identify at least one key staff contact** for the project that will liaise directly with the Welcoming Cities team.
- **Communicate regularly with the Welcoming Cities team** through at least three conference calls each year and an annual in-person meeting, to progress planning and share and learn from practices of other welcoming cities and communities.

We understand that the Welcoming Cities network involved a number of key elements:

Knowledge sharing. Supporting local councils and communities to learn from each other and access resources, research, policies and case studies.

Partnership development. Brokering meaningful multi-sector partnerships that foster a sense of belonging and participation for all members of the community.

Celebrating success. Showcasing leading practice through case studies and a national award that encourages welcoming efforts.

Standard and Accreditation. Setting the National Standard for cultural diversity and inclusion policy and practice in Local Government.

Local councils participate as members of the Welcoming Cities network, while community organisations, businesses and other agencies are involved as supporters. Both members and supporters can access key elements of the network.

The intent and commitment to participate as a member of the Welcoming Cities network is made by the following parties:

Council: _____

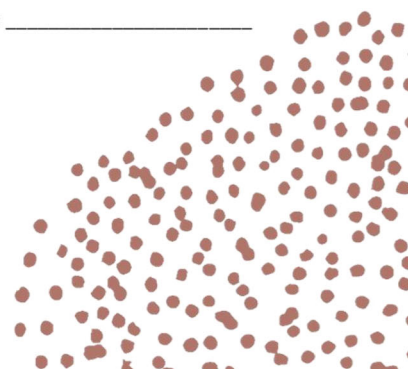
Council Representative: _____

Signature: _____

Council Executive: _____

Signature: _____

Date: ____ / ____ / ____



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

Council is required by Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* to include in the Agenda the date and purpose of any Council Workshop held since the last meeting.

Date	Description	Purpose
2/3/2020	Hotel Update by Fairbrother	Provision of update on LIVING CITY Hotel development
	Drought Funding	Discussion on expenditure of funding
	Dulverton Waste Management	Provision of update and discussion of proposed Dulverton Organics Transformation project.
	Mandylights	Presentation of draft concept ideas for the Devonport Sound and Light Show
	Traffic/Signage Matters	Provision of update on traffic and signage matters
	LGAT AGM Motion	Consideration of proposed motion.
16/3/2020	Julie Burgess Expressions of Interest	Consideration of Expressions of Interest

RECOMMENDATION

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

Author: Position:	Robyn Woolsey Executive Assistant Management	General	Endorsed By: Position:	Matthew Atkins General Manager
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6.2 MAYOR'S MONTHLY REPORT

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

SUMMARY

This report details meetings and functions attended by the Mayor.

BACKGROUND

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions between 20 February and 18 March 2020:

- Council meeting, Various Council Committees, Special Interest Group and Working Group meetings and workshops as required
- Meetings with Staff members and Councillors as requested
- Met with residents as requested
- Media as requested: Met with 7AD
- With the Deputy Mayor and General Manager attended Cradle Coast Authority Reps meeting
- Welcomed audience to Fire Relief Concert
- Officially opened the National SAPS Junior Soccer Carnival
- Chaired meeting of the NW Suicide Prevention Trial Site Working Group (x2)
- Welcomed participants to Churchill Fellowship Information Session
- Attended Dulverton Regional Waste Management Reps meeting
- Attended Cradle Coast Board meeting
- Attended Reception and events related to visit of HMAS Stuart
- Presented medallions at Devonport Triathlon
- Met with the board of Fairbrother Pty Ltd
- Attended Regatta Committee dinner
- Met with CEO of the Multicultural Council of Tasmania
- Attended presentation of Leadership pins at Devonport High School
- Guest speaker at The Living Room, Devonport Library
- International Women's Day events:
 - Lunch and Market at East Devonport Recreation Centre
 - Zonta function
 - Event at Care Forward
 - Forum (DCC event)
 - Soroptimists function
 - Diamonds of Devonport
- Chaired Tasmanian Women's Council meeting
- Attended Presidents' Breakfast

Report to Council meeting on 23 March 2020

- Met with Beacon Foundation
- Attended Mersey District Scout Association Annual General Meeting

ATTACHMENTS

Nil

RECOMMENDATION

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

6.3 GENERAL MANAGER'S REPORT - MARCH 2020

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 20 February and 18 March 2020. It also provides information on matters that may be of interest to Councillors and the community.

BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the Act.

DISCUSSION

1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. A briefing was held with Brian Walker (Retail Doctor Group) in regard to consultation work he is undertaking with local retailers.
- 1.4. Met with the General Manager of Latrobe and Kentish Councils to discuss potential collaboration between our organisations.
- 1.5. Met with representatives from Costas in regard to seasonal worker accommodation.
- 1.6. Met with David Meldrum from Tas Fire Service in regard to a number of local matters.
- 1.7. Provided a tour of the Waterfront Park site for a reporter from the local newspaper.
- 1.8. Interviews have been undertaken for the position of Executive Manager – City Growth with an appointment imminent.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Met with Indie School CEO and Principal at their new location to gain an understanding of the services they offer and discuss plans for an official opening.
- 2.2. A briefing was held with staff to provide input to assist Taswater develop a North West water strategy.

Report to Council meeting on 23 March 2020

- 2.3. Met with representatives of the Don River Railway in regard to the potential for train trips into the Waterfront Park precinct.
- 2.4. Met with a number of community members in regard to complaints relating to dogs and planning matters.
- 2.5. Attended the Community reception aboard the HMAS Stuart.
- 2.6. Along with the Mayor met with the board and executive staff of Fairbrother Pty Ltd for an update on their hotel development along with a more general briefing on the industry and the future outlook.
- 2.7. Met with representatives of Fairbrother Pty Ltd in regard to the Waterfront Hotel.
- 2.8. Attended the Diamonds of Devonport event.
- 2.9. Met with the movers and seconders of motions raised at last year's AGM in regard to openness and transparency.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended Cradle Coast Authority Representatives meeting.
- 3.2. Met with SES Regional Co-ordinator to discuss the MOU between the Mersey-Leven Councils and the SES.
- 3.3. Attended Dulverton Waste Management Authority Representatives meeting.
- 3.4. Attended LG Professionals North West Branch meeting with guest speaker Gerald Monson presenting on the Latrobe/Kentish shared services agreement.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Nil

5. OTHER

- 5.1. Significant Council resources are being allocated to prepare and respond to the impact of the coronavirus. At the time of writing this report the pandemic was starting to disrupt service delivery and negatively impact on Council's financial position. All decisions are being made with the health and safety of staff, councillors, volunteers and the community as the number one priority followed by the continuity of essential service delivery.
- 5.2. Council was advised by the Town Planning Commission on 17 March 2020 that the 60-day public exhibition of the draft Devonport Local Provisions schedule will commence on Monday 23 March 2020 and conclude on Monday 25 May 2020.

COMMUNITY ENGAGEMENT

The information included above details any issues relating to community engagement.

FINANCIAL IMPLICATIONS

Any financial or budgetary implications related to matters discussed in this report will be separately reported to Council.

There is not expected to be any impact on the Councils' operating budget as a result of this recommendation.

RISK IMPLICATIONS

Any specific risk implications will be outlined in the commentary above. Any specific issue that may result in any form of risk to Council is likely to be subject of a separate report to Council.

CONCLUSION

This report is provided for information purposes only and to allow Council to be updated on matters of interest.

ATTACHMENTS

1. Current and Previous Minute Resolutions Update - March 2020
2. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential March 2020

RECOMMENDATION

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

Author:	Matthew Atkins
Position:	General Manager

Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
Resolution Title:	Disability Inclusion Plan
Date:	24 February 2020
Minute No.:	23/20
Status:	Completed
Responsible Officer:	Executive Officer Community Services
Officers Comments:	Plan adopted
Resolution Title:	Tender – Design and Project Management – State Vehicle Entry Point Project
Date:	24 February 2020
Minute No.:	24/20
Status:	Completed
Responsible Officer:	Project Officer
Officers Comments:	Contract awarded
Resolution Title:	Devon Netball Association – Proposed Multi-Function Facility
Date:	24 February 2020
Minute No.:	25/20
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Devon Netball Association advised of Council's decision by letter dated 27 February 2020
Resolution Title:	Australian Citizenship Ceremonies Code – Requirement for Councils to Adopt a Dress Code
Date:	24 February 2020
Minute No.:	26/20
Status:	Completed
Responsible Officer:	Community Services Manager
Officers Comments:	Dress Code on Council's website and copy provided to Federal Government
Resolution Title:	Standing Delegation – Acting General Manager
Date:	24 February 2020
Minute No.:	27/20
Status:	Completed
Responsible Officer:	Executive Manager People & Finance
Officers Comments:	Approved

Resolution Title:	Woodrising – Infrastructure Review (IWC 4/20 – Infrastructure Works and Development Committee – 10 February 2020)
Date:	24 February 2020
Minute No.:	31/20
Status:	Completed
Responsible Officer:	Infrastructure & Works Manager
Officers Comments:	No action required

Previous Resolutions Still Being Actioned	
Resolution Title:	Rotunda and Interpretive Sign – Joshua Slocum Park – Notice of Motion – Cr Lynn Laycock
Date:	28 January 2020
Minute No.:	05/20
Status:	In progress
Responsible Officer:	General Manager
Officers Comments:	Workshop to be scheduled.
Resolution Title:	Unconfirmed Minutes – Annual General Meeting – 9 December 2019
Date:	16 December 2019
Minute No.:	259/19
Status:	Ongoing
Responsible Officer:	General Manager
Officers Comments:	Workshop scheduled for April.

6.4 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING - 20 FEBRUARY 2020

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.3 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure that balances the needs of industry, business, community, government and the environment

SUMMARY

To provide Council with the unconfirmed minutes of the Cradle Coast Authority Representative's meeting which was held 20 February 2020.

BACKGROUND

As a member of the Cradle Coast Authority, Council is provided with a copy of the minutes.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report. Under the Authority's Rules, minutes of Representatives meetings can be considered by Council in open session.

DISCUSSION

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 20 February 2020 are attached for consideration.

From the minutes it is noted:

- The CEO spoke to the Quarterly Progress Report. Representatives raised the issue of erosion, the CEO to write to the State Government seeking a copy of its recent coastal erosion report. An update was provided on the Cradle Coast Master Plan and advice that the shelter at Dove Lake did not go to appeal, but that the Cableway is taking longer than anticipated.
- The North West Museum and Art Gallery will be a multi-stage project and ongoing operating costs have been considered.
- It was recommended that all Member Councils agree to join Welcoming Cities.
- Relatively minor changes relating to wording in the Draft Strategic Plan were suggested with the Strategic Plan to be presented to the Representatives for formal endorsement in May.
- There was round table discussion on the Coastal Pathway with all Councils providing a brief update.
- There was discussion on regional priorities in relation to the 2022 Election, with climate change, coastal erosion, waste needs, focus on highways, roadside maintenance, Quoiba sale yards being raised. There was good in-principle support for the North West Museum and Art Gallery being promoted as regional election priority.
- Representatives endorsed the Share Service Strategy. CCA will begin working with the General Managers, focusing on the year one action plan.
- A secret ballot was held for the position of CCA Representatives' Nominee and the Representatives endorsed a selection panel recommendation for the position of Other Local Government Nominee. Mayor Steve Kons from Burnie City Council is

recommended for appointment as the CCA Representatives Nominee and Ms Jackie Harvey from Central Coast Council recommended for appointment as the Other Local Government Nominee.

COMMUNITY ENGAGEMENT

There was no community engagement as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONCLUSION

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 20 February 2020 are presented.

ATTACHMENTS

1. Unconfirmed Minutes - Cradle Coast Authority - Representatives Meeting - 20 February 2020

RECOMMENDATION

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 20 February 2020 be received and noted.

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Matthew Atkins General Manager
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REPRESENTATIVES MEETING

20 February 2020

UNCONFIRMED MINUTES

Meeting held 10:00am, Thursday 20 February 2020
Cradle Coast Authority, Function Room

1. WELCOME / APOLOGIES

1.1. Welcome and Apologies

Chief Representative and meeting Chair, Mayor Jan Bonde, opened the meeting at 10:05am, welcoming attendees.

Attendees and apologies are noted at Attachment 1.

2. STANDING ITEMS

2.1. Declarations

A Jarman noted she does not have a declaration to make at agenda item 3.4.

2.2. Governance

2.2.1. Confirmation of Previous Minutes

Resolution:

The Representatives accept the minutes of the meeting held 28 November 2019.

Moved: D Quilliam / Seconded: A Jarman / Carried

2.2.2. Actions Register

Resolution:

The Representatives accept the Actions Register.

2.3. Quarterly Progress Report

The CEO spoke to the Quarterly Progress Report. Going forward the CEO will include acronyms for projects as footnotes. The Representatives raised the issue of erosion and following a discussion, the NRM Chair, P Voller said he will keep Representatives up to date with the NRM Strategy Review progress, particularly in relation to erosion. The CEO will write to the State Government and ask

for a copy of its recent coastal erosion report. The CEO said that if the NRM Strategy isn't completed in 6 months' time, the erosion component in the CCA Strategic Plan can be reworked to highlight CCA's intentions in this space. The CEO is to work with the NRM team to bring some ideas to the next Representatives meeting around possible collective action, this may include a motion to put forward at the LGAT conference.

Regional Economic Development Steering Group (REDSG) Chair, S Vertigan provided a brief update on the REDSG. She said the group met this week and commenced assessing the first lot of projects through the Regional Investment Framework (RIF).

NRM Committee Chair, P Voller advised the Representatives of the recent role delineation. The CEO will now be responsible for the direction, management and advocacy of the NRM team. The NRM Committee are looking forward to working alongside the CEO. He said that this was a very significant show of faith in the CCA, by the NRM Committee.

G Monson provided an update on the Cradle Coast Master Plan. The visitor centre is now open and the shelter at Dove Lake did not go to appeal. He said the Cableway is taking longer than anticipated, ongoing costs are an issue and the charging system needs to be reviewed. He said there are four major developments either in the pipeline or that have been approved.

Resolution:

Moved: S Kons / Seconded: D Quilliam / Carried

2.4. Quarterly Financial Report

C Smith spoke to the Quarterly Financial Report. She said the major variations on page 50 are due to grant funding and a reduction in employee expenses. Representatives indicated that they are very happy with the way that financial information is now being presented.

Resolution

Moved: S Ayton / Seconded: M Atkins / Carried

3. FOR DISCUSSION

3.1. North West Museum and Art Gallery

R Greene said this will be a multi-stage project, and the ongoing operating costs have been considered. Refer to the attached presentation, which can be distributed within Councils, however, users should note that the information is very preliminary and subject to change.

3.2. Welcoming Cities

The CEO spoke to the briefing note provided.

Resolution:

The Representatives recommended that all Member Councils agree to join Welcoming Cities.

The CEO will send a letter to each Council which will then be presented at council workshops for endorsement.

Moved: D Quilliam / Seconded: A Jarman / Carried

3.3. Draft Strategic Plan

The Representatives suggested relatively minor changes relating to wording in the Draft Strategic Plan. The CEO pointed out that the Futures Plan, Shared Services Strategy and NRM Strategy provide more operational detail, and that the Strategic Plan will be reflected in the annual plan and budget. The Strategic Plan will be presented to the Representatives for formal endorsement in May.

3.4. Coastal Pathway

Central Coast Council

S Ayton said there are 6 gaps of around 9.2km in total and planning is underway. There will be a discussion on resourcing in the near future. S Ayton said West of Robertsons Road needs to be looked at, particularly in relation to traffic calming options.

Latrobe Council

P Freshney said Council is looking at extending the pathway to Hawley and East Devonport, however, they will not be ready for the 2022 election. He said not to lose focus on the corridor readily available, the Bass Highway.

Waratah Wynyard

S Crawford said the next Coastal Erosion Working Group meeting is scheduled for March and a revised design will be considered then, with the intent to start building December / November 2020.

Devonport City Council

No gaps within the Coastal Pathway framework to be addressed as part of 2022 election lobbying.

Burnie City Council

A Wardlaw said that they don't have the internal capacity to meet the deadlines and they are currently in discussions with CCA about that.

Circular Head Council

D Quilliam said Circular Head Council have no intention to construct Coastal Pathway in the foreseeable future, but agreed with the CEO that there may be some opportunities for Circular Head to benefit from Coastal Pathway messaging.

The CEO agreed to ensure that Circular Head Council is involved in future Coastal Pathway discussions but did reiterate that Representatives recently agreed not to form a working group per se.

3.5. Other 2022 Election Priorities

The Representatives discussed regional priorities.

S Ayton said climate change, coastal erosion and waste needs to be looked at in terms of an election commitment.

A Jarman said there needs to be a focus on highways, coastal erosion and the Quoiba sale yards. A Jarman said also to advocate for the maintenance of roadsides.

There was good in-principle support for the North West Museum and Art Gallery being promoted as a regional election priority.

The CEO said the Regional Investment Framework (RIF) process will involve the Board reviewing and endorsing the list, and CCA will then lobby for the projects. The purpose of the RIF is to advocate, lobby and present a list of regional projects backed by local government, industry and the university. CCA can also put projects through the process and the CEO said that staff were going to ensure Don River Railway is aware of the RIF.

3.6. Chairman's report restaffing

The CEO and S Wright left the meeting at 11:40am.

The Chairman spoke to Representatives about the Board's decision to reappoint the CEO, which was warmly received.

The CEO and S Wright re-entered the meeting at 12:00pm.

The Chairman and Chief Representative thanked and congratulated the CEO.

4. FOR DECISION

4.1. Shared Services Strategy

C Smith spoke to the draft Shared Services Strategy noting the minor changes in the action plan on pages 76 onwards. She said that she and the CEO had spoken to the Minister for the local government about it, and he seemed supportive. The CEO and Chairman advised that the former Premier, Will Hodgman, seemed supportive also.

Resolution:

The Representatives endorsed the Shared Service Strategy.

Moved: T Wilson / Seconded: R Walsh / Carried

CCA will begin working with the General Managers, focusing on the year one action plan.

G Monson said that Latrobe and Kentish Councils will help out where they can, but will be putting limited resources into the Shared Services Strategy at this stage.

4.2. RTO Board Nominations

A secret ballot was held for the position of CCA Representatives' Nominee and the Representatives endorsed a selection panel recommendation for the position of Other Local Government Nominee.

Resolution:

1. That the Representatives recommend two people to the Regional Tourism Organisation (RTO) board for appointment as Local Government Nominees, subject to the following conditions:
 - Neither position formally represents either CCA or Councils collectively.
 - Both positions are expected to bring local government experience and a local government perspective to the role.
 - The CCA Representatives Nominee position is required to keep Councils abreast of RTO matters.
 - Based solely on convenience and until further notice, quarterly CCA Representatives' Meetings are the appropriate forum for keeping Councils abreast of RTO matters, and as such, the person filling the CCA Representatives Nominee role is expected to report on RTO matters, in-person at each of these meetings.
 - Communication and any other activity between CCA and the RTO can only be instigated by the Chairs and CEOs of the two organisations.
2. That Mayor Steve Kons is recommended for appointment as the CCA Representatives Nominee and that Ms Jackie Harvey from Central Coast Council is recommended for appointment as the Other Local Government Nominee.

Moved: P Freshney / Seconded: R Walsh / Carried

5. GENERAL BUSINESS

D Quilliam said Circular Head is suffering from a shortage of GP's and Ochre Health will be stepping in. D Midson said West Coast have had excellent interactions with Ochre Health.

6. MEETING CLOSED

The meeting closed at 12:50pm and the next meeting is scheduled for 14 May 2020.

Attachment 1: Attendees and Apologies**Representatives**

Alison Jarman	Deputy Mayor, Devonport City Council
Councillor Alwayn Boyd	Burnie City Council
David Midson	General Manager, West Coast Council (via video conference)
Don Thwaites	Deputy Mayor, Kentish Council
Gerald Monson	General Manager, Latrobe Council
Matthew Atkins	General Manager, Devonport City Council
Mayor Daryl Quilliam	Circular Head Council
Mayor Jan Bonde	Mayor Central Coast Council (Chief Representative)
Mayor Peter Freshney	Latrobe Council (Deputy Chief Representative)
Mayor Robby Walsh	Waratah-Wynyard Council
Mayor Steve Kons	Burnie City Council
Mayor Tim Wilson	Kentish Council
Sandra Ayton	General Manager, Central Coast Council
Scott Riley	General Manager, Circular Head Council
Shane Crawford	General Manager, Waratah-Wynyard Council

Cradle Coast Authority

Andrew Wardlaw	Director
Claire Smith	Director Strategic Services
Daryl Connelly	Chief Executive Officer
Kathy Schaefer	Director
Malcolm Wells	Director
Mayor Annette Rockliff	Director
Peter Voller	NRM Chair
Sid Sidebottom	Chairperson
Sophie Wright	Executive Assistant

Apologies

Giovanna Simpson	Deputy Mayor, Burnie City Council
Greg Alomes	General Manager, King Island Council
Mayor Julie Arnolds	Mayor, King Island Council
Mayor Phil Vickers	Director
Shane Pitt	Deputy Mayor, West Coast Council

7.0 SECTION 23 COMMITTEES**7.1 PLANNING AUTHORITY COMMITTEE MEETING - 16 MARCH 2020****RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

SUMMARY

The purpose of this report is to receive the minutes and note the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 16 March 2020.

ATTACHMENTS

1. Minutes - Planning Authority Committee - 16 March 2020

RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 16 March 2020 be received and the recommendations contained therein be noted.

PAC 06/20 Planning Applications approved under Delegated Authority 1 January 2020 - 29 February 2020

PAC 07/20 PA2020.0009 2 Lot Subdivision - 21 McCall Terrace Stony Rise

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Matthew Atkins General Manager
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**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY
COUNCIL HELD IN THE ABERDEEN ROOM, paranapple centre, 137 ROOKE STREET, DEVONPORT
ON MONDAY, 16 MARCH 2020 COMMENCING AT 5:15PM**

PRESENT: Cr A Rockliff (Mayor) in the Chair
Cr J Alexiou
Cr P Hollister
Cr S Milbourne
Cr L Murphy
Cr L Perry

Councillors in Attendance:

Cr G Enniss
Cr A Jarman
Cr L Laycock

Council Officers:

General Manager, M Atkins
Development Services Manager, K Lunson

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. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 JANUARY 2020 - 29 FEBRUARY 2020

PAC 06/20 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Murphy

That the list of delegated approvals be received.

	For	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

4.0 DEVELOPMENT REPORTS**4.1 PA2020.0009 2 LOT SUBDIVISION - 21 MCCALL TERRACE STONY RISE****PAC 07/20 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Murphy

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2020.0009 and grant a Permit to develop land identified as 21 McCall Terrace, Stony Rise for the following purposes:

- 2 lot subdivision

Subject to the following conditions:

1. The development is to proceed generally in accordance with the submitted plans referenced as Proposal Plan, DWG no 19697-PP-01 by Vision Surveys, a copy of which is attached and endorsed as a document forming part of this Planning Permit.
2. The existing Part 5 Agreement registered on CT 145993/54 is to be registered on the new titles, upon creation.
3. The developer is to comply with the conditions contained 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. Appended to the report as Attachment 2.
4. The developer is to provide each lot with a concrete vehicular access, from the existing road through to the property boundary, and generally in accordance current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines.
5. Any proposed new driveway is to be constructed generally in accordance with Tasmanian Standard Drawing TSD-R09v1.
6. The developer is to provide each lot with a stormwater service connection generally in accordance with the Tasmanian Subdivision Guidelines and Tasmanian Standard Drawings.
7. Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

Note: The following is provided for information purposes.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

During the 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*.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

In regard to condition 3 the developer should contact TasWater – Ph 136992 with any enquiries.

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In regard to conditions 4-7 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	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

With no further business on the agenda the Chairperson declared the meeting closed at 5:18pm.

Confirmed

Chairperson

7.2 GOVERNANCE, FINANCE & COMMUNITY SERVICES COMMITTEE MEETING - 16 MARCH 2020

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Governance, Finance & Community Services Committee meeting held on Monday, 16 March 2020.

ATTACHMENTS

1. OPEN Minutes - Governance Finance & Community Services Committees - 16 March 2020

RECOMMENDATION

That the minutes of the Governance, Finance & Community Services Committee meeting held on Monday, 16 March 2020 be received and the recommendations contained therein be adopted.

GFC 10/20	Budget Consultation 2020/21
GFC 11/20	Annual Plan Progress Report to 29 February 2020
GFC 12/20	Elected Members Expenditure Report January and February 2020
GFC 13/20	Finance Report to 29 February 2020
GFC 14/20	Adjustment to Capital Budget
GFC 15/20	Debt Facility Review
GFC 16/20	Minutes of Council's Special Interest Groups and Advisory boards
GFC 17/20	Community Services Report - January and February 2020
GFC 18/20	Arts and Convention Report - January and February 2020
GFC 19/20	Governance and Finance Report - January and February 2020

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Matthew Atkins General Manager
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**MINUTES OF A GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING OF
THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, PARANAPLE CENTRE,
137 ROOKE STREET, DEVONPORT ON MONDAY, 16 MARCH 2020 COMMENCING AT 5:30PM****PRESENT:** Cr A Jarman (Chairman)

Cr J Alexiou
Cr G Ennis
Cr L Laycock
Cr S Milbourne
Cr A Rockliff

Councillors in Attendance:

Cr P Hollister
Cr L Murphy
Cr L Perry

Council Officers:

General Manager, M Atkins
Deputy General Manager, J Griffith
Executive Manager People & Finance, K Peebles
Community Services Manager, K Hampton
Convention and Arts Centre Director, G Dobson
Finance Manager, J Jackson

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. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

There were no apologies received.

2.0 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3.0 PROCEDURAL**3.1 PUBLIC QUESTION TIME****RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT**

Q1 Is Devonport City Council still giving Housing Tasmania a discount on the payment of its rates?

Response

The General Manager advised that the question would be taken on notice and a response provided in writing.

Q2 What precautions is Devonport City Council taking against the COVID-19 virus for any multiple people events/functions under its control? Eg Council meetings, Town Hall Functions or even Julie Burgess trips.

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Response

The Chairperson advised that we have certainly got measures underway.

The General Manager said certainly it was a moving situation and we have got a team working through the impacts on the organisation. We are taking advice from the Director of Public Health and the Department of Health and being guided by them in regards to restrictions and measures that we should put in place.

CHRISTOPHER MILLS – 52 CAROLINE STREET, EAST DEVONPORT

The Australian (Government) Building Codes Board "Handbook of Landslide Hazards" defines a Geotechnical Practitioner as:

"A professional Geotechnical engineer, or engineering geologist with chartered status in a recognized national professional institution and relevant training, experience and core competencies in landslide risk assessment and management."

This then is the definition of a Geotechnical Engineer.

Q1 How many appropriately qualified and experienced Geotechnical Engineers does this Council have on the staff that are professionally capable to conduct a landslide risk assessment?

Response

The General Manager advised that Council doesn't have any qualified Geotechnical Engineers on staff.

Christopher Mills

With respect, are you sure about that?

General Manager

Yes, through the Chair, any geotechnical assessments we get done, we outsource, we don't have anyone with those qualifications. Certainly we have Engineers on staff, but we don't have an Engineer with specific geotechnical qualifications.

Q2 Can Mr Atkins confirm that he is a Designated Public Officer according to the Integrity Commission Act (Tasmania) 2009 Section 6(1)(b).

Response

The General Manager advised that a response will be provided in writing.

RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT

Q3 Queen Mary Rest Park. There is a vehicle parked on the property and beside it is a 200 litre drum, which appears to be overflowing a black oil which has run right down to the park boundary, but appears not to have run onto the park as yet. Would you care to keep a watch on it?

Response

The Chairperson advised that we certainly will.

3.2 QUESTIONS FROM COUNCILLORS

Nil

3.3 NOTICES OF MOTION

Nil

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4.0 GOVERNANCE REPORTS**4.1 BUDGET CONSULTATION 2020/21****GFC 10/20 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Enniss

That it be recommended to Council, that it receive and note the Budget Consultation 2020/21 report and refer submissions to its budget considerations.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

4.2 ANNUAL PLAN PROGRESS REPORT TO 29 FEBRUARY 2020**GFC 11/20 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Milbourne

That it be recommended to Council that the 2019/20 Annual Plan Progress Report for the period ended 29 February 2020 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

4.3 ELECTED MEMBERS EXPENDITURE REPORT JANUARY AND FEBRUARY 2020**GFC 12/20 RESOLUTION**

MOVED: Cr Alexiou

SECONDED: Cr Laycock

That it be recommended to Council that the bi-monthly report advising of Councillor allowances and expenses be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

5.0 FINANCE REPORTS

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5.1 FINANCE REPORT TO 29 FEBRUARY 2020**GFC 13/20 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Enniss

That it be recommended to Council that the Finance Report as at 29 February 2020 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

5.2 ADJUSTMENT TO CAPITAL BUDGET**GFC 14/20 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Milbourne

That it be recommended to Council that the report relating to the adjustment to the 2019/20 capital budget be received and that Council in accordance with Section 82(4) of the *Local Government Act 1993* by absolute majority:

1. amend the 2019/20 estimates to adjust the capital expenditure as listed in this report to the value of \$3,730,172;
2. note this amendment results in a revised capital expenditure budget for 2019/20 of \$28,151,776; and
3. note the external capital funding for the 2019/20 estimates will increase by \$3,730,172.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

5.3 DEBT FACILITY REVIEW**GFC 15/20 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that it receive and note the report regarding its debt financing and authorise the General Manager to:

1. accept an offer from the Australia and New Zealand Banking Group Limited (ANZ) to refinance Council's existing debt of approximately \$50,618,000;
2. solely execute the necessary loan and security documentation with ANZ, including authorising opening and closing accounts and amending signatories on accounts; and

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3. determine and modify, as required, the mix of variable and fixed components of the total borrowings, based on anticipated business needs.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

6.0 COMMUNITY SERVICES REPORTS**6.1 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS****GFC 16/20 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Enniss

That it be recommended to Council that the minutes of the Devonport Maritime and Heritage Special Interest Group, paranaple arts centre Special Advisory Committee and East Devonport Special Interest Group be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.0 INFORMATION REPORTS**7.1 COMMUNITY SERVICES REPORT - JANUARY AND FEBRUARY 2020****GFC 17/20 RESOLUTION**

MOVED: Cr Alexiou

SECONDED: Cr Laycock

That it be recommended to Council that the Community Services report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.2 ARTS AND CONVENTION REPORT - JANUARY AND FEBRUARY 2020**GFC 18/20 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

That it be recommended to Council that the Arts and Convention report be received and noted.

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	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

7.3 GOVERNANCE AND FINANCE REPORT - JANUARY AND FEBRUARY 2020**GFC 19/20 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that the Governance and Finance report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

8.0 CLOSED SESSION**GFC 20/20 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* the following items be dealt with in Closed Session:

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
8.1	Shared Audit Panel – Appointment of Independent Member	15(2)(g)

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

The Chairman adjourned the meeting at 5:49pm to reconvene in Closed Session at 5:00pm.

The Council moved out Closed Session at 5:52pm.

Council resumed in open session at 5:52pm.

CLOSURE

There being no further business on the agenda the closed session was declared closed at 5:52pm.

Minutes of Governance, Finance & Community Service Committee meeting held 16 March 2020

8.0 CLOSED SESSION

RECOMMENDATION

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
8.1	Confirmed of Closed Minutes – Council Meeting – 24 February 2020	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Unconfirmed Minutes – Joint Authorities	15(2)(g)
8.4	Closed Session – Governance Finance & Community Services Committee Meeting – 16 March 2020	15(2)(f)
8.5	Request for Commemorative Seat – Walk/Cycle Path – Don River Railway	15(2)(a)
8.6	17 Fenton Way – Variation to Lease	15(2)(c)
8.7	PPD Pty Ltd Debt Recovery Status	15(2)(i)
8.8	Consideration for the Future of the Pavilion in Market Square	15(2)(b),(i)

OUT OF CLOSED SESSION

RECOMMENDATION

That Council:

- (a) having met and dealt with its business formally move out of Closed Session; and
- (b) resolves to report that it has determined the following:

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 24 February 2020	
8.2	Application for Leave of Absence	
8.3	Unconfirmed Minutes - Joint Authorities	
8.4	Closed Session - Governance, Finance & Community Services Committee Meeting - 16 March 2020	
8.5	Request for Commemorative Seat - Walk/Cycle Path - Don Riverway Railway	
8.6	17 Fenton Way - Variation to Lease	
8.7	PPD Pty Ltd Debt Recovery Status	
8.8	Consideration for the Future of the Pavilion in Market Square	

9.0 CLOSURE

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